

1-1 By: Johnson S.B. No. 181
1-2 (In the Senate - Filed November 12, 2020; March 3, 2021,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 April 19, 2021, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 5, Nays 0; April 19, 2021,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11			X	
1-12			X	
1-13	X			
1-14	X			
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 181 By: Miles

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to suspension of a driver's license for persons convicted
1-20 of certain offenses and the educational program required for
1-21 reinstatement of a license following certain convictions;
1-22 authorizing a fine.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 ARTICLE 1. DISCRETIONARY LICENSE SUSPENSION

1-25 SECTION 1.01. Subchapter A, Chapter 102, Code of Criminal
1-26 Procedure, is amended by adding Article 102.0179 to read as
1-27 follows:

1-28 Art. 102.0179. FINE FOR CERTAIN DRUG AND TEXAS CONTROLLED
1-29 SUBSTANCE ACT CONVICTIONS. (a) In this article, "convicted"
1-30 includes an adjudication under juvenile proceedings.

1-31 (b) In addition to any other fees and fines imposed under
1-32 this subchapter, a defendant convicted of an offense described by
1-33 Section 521.372(a), Transportation Code, shall pay a fine of \$100.

1-34 (c) The court shall waive imposition of a fine under this
1-35 article if the defendant's driver's license is suspended under
1-36 Section 521.372, Transportation Code, or under another provision of
1-37 that code as a result of the conviction of:

1-38 (1) an offense described by Section 521.372(a),
1-39 Transportation Code; or

1-40 (2) another offense arising from the same criminal
1-41 episode.

1-42 (d) A fine imposed under this article is due regardless of
1-43 whether the defendant is granted community supervision in the case.
1-44 The court shall collect the fine under this article in the same
1-45 manner as court costs are collected in the case.

1-46 (e) A fine collected under this article shall be deposited
1-47 to the credit of the Texas mobility fund.

1-48 SECTION 1.02. The heading to Subchapter P, Chapter 521,
1-49 Transportation Code, is amended to read as follows:

1-50 SUBCHAPTER P. ~~AUTOMATIC~~ SUSPENSION FOR CERTAIN DRUG OFFENSES

1-51 SECTION 1.03. Section 521.372, Transportation Code, is
1-52 amended to read as follows:

1-53 Sec. 521.372. ~~AUTOMATIC~~ SUSPENSION OR ~~+~~ LICENSE DENIAL.

1-54 (a) Except as provided by Subsection (b-1), a ~~A~~ person's driver's
1-55 license is automatically suspended on final conviction of:

1-56 (1) an offense under the Controlled Substances Act;

1-57 (2) a drug offense; or

1-58 (3) a felony under Chapter 481, Health and Safety
1-59 Code, that is not a drug offense.

1-60 (b) Except as provided by Subsection (b-1), the ~~The~~

2-1 department may not issue a driver's license to a person convicted of
 2-2 an offense specified in Subsection (a) who, on the date of the
 2-3 conviction, did not hold a driver's license.

2-4 (b-1) If a person is convicted of a misdemeanor drug
 2-5 offense, the court may waive the automatic suspension of the
 2-6 person's driver's license or the requirement that the department
 2-7 deny any application for a driver's license submitted by that
 2-8 person, as applicable, unless the court determines that suspending
 2-9 the person's license or denying the person's application for a
 2-10 license, as applicable, is in the interest of public safety. The
 2-11 court must make the determination in writing and include a
 2-12 justification for the determination. This subsection does not
 2-13 apply to a person who has been previously convicted of a drug
 2-14 offense committed in the 36 months before the instant offense was
 2-15 committed.

2-16 (c) Except as provided by Section 521.374(b), the period of
 2-17 suspension under this section is the 90 [180] days after the date of
 2-18 a final conviction, and the period of license denial is the 90 [180]
 2-19 days after the date the person applies to the department for
 2-20 reinstatement or issuance of a driver's license.

2-21 ARTICLE 2. EDUCATIONAL PROGRAMS

2-22 SECTION 2.01. Section 521.374(a), Transportation Code, as
 2-23 amended by Chapters 838 (S.B. 202), 851 (S.B. 1070), and 1004 (H.B.
 2-24 642), Acts of the 84th Legislature, Regular Session, 2015, is
 2-25 reenacted and amended to read as follows:

2-26 (a) A person whose license is suspended under Section
 2-27 521.372 may:

2-28 (1) successfully complete [attend] an in-person or
 2-29 online educational program, approved by the Texas Department of
 2-30 Licensing and Regulation [Department of State Health Services]
 2-31 under rules adopted by the Texas Commission of Licensing and
 2-32 Regulation [executive commissioner of the Health and Human Services
 2-33 Commission] and the department, that is designed to educate persons
 2-34 on the dangers of drug abuse; or

2-35 (2) successfully complete education on the dangers of
 2-36 drug abuse approved by the Department of State Health Services as
 2-37 equivalent to the educational program described by Subdivision (1),
 2-38 while the person is a resident of a facility for the treatment of
 2-39 drug abuse or chemical dependency, including:

2-40 (A) a substance abuse treatment facility or
 2-41 substance abuse felony punishment facility operated by the Texas
 2-42 Department of Criminal Justice under Section 493.009, Government
 2-43 Code;

2-44 (B) a community corrections facility, as defined
 2-45 by Section 509.001, Government Code; or

2-46 (C) a chemical dependency treatment facility
 2-47 licensed under Chapter 464, Health and Safety Code.

2-48 SECTION 2.02. Section 521.374(b), Transportation Code, is
 2-49 amended to read as follows:

2-50 (b) The period of suspension or prohibition under Section
 2-51 521.372(c) continues for an indefinite period until the individual
 2-52 successfully completes the in-person or online educational program
 2-53 under Subsection (a)(1) or is released from the residential
 2-54 treatment facility at which the individual successfully completed
 2-55 equivalent education under Subsection (a)(2), as applicable.

2-56 SECTION 2.03. Section 521.375, Transportation Code, as
 2-57 amended by Chapters 838 (S.B. 202) and 851 (S.B. 1070), Acts of the
 2-58 84th Legislature, Regular Session, 2015, is reenacted and amended
 2-59 to read as follows:

2-60 Sec. 521.375. JOINT ADOPTION OF RULES. (a) The Texas
 2-61 Commission of Licensing and Regulation and the department shall
 2-62 jointly adopt rules for the qualification and approval of providers
 2-63 of in-person and online educational programs under Section
 2-64 521.374(a)(1) [521.374].

2-65 (a-1) The executive commissioner of the Health and Human
 2-66 Services Commission and the department shall jointly adopt rules
 2-67 for the qualification and approval of[+]

2-68 [(-) providers of educational programs under Section
 2-69 521.374(a)(1), and

3-1 [~~2~~] equivalent education provided in a residential
3-2 treatment facility described by Section 521.374(a)(2).

3-3 (b) The Texas Department of Licensing and Regulation shall
3-4 publish the jointly adopted rules under Subsection (a).

3-5 (c) The Department of State Health Services shall publish
3-6 the jointly adopted rules under Subsection (a-1).

3-7 SECTION 2.04. Section 521.376, Transportation Code, as
3-8 amended by Chapters 838 (S.B. 202) and 851 (S.B. 1070), Acts of the
3-9 84th Legislature, Regular Session, 2015, is reenacted and amended
3-10 to read as follows:

3-11 Sec. 521.376. DUTIES OF TEXAS DEPARTMENT OF LICENSING AND
3-12 REGULATION AND DEPARTMENT OF STATE HEALTH SERVICES; APPLICATION AND
3-13 RENEWAL FEES. (a) The Texas Department of Licensing and
3-14 Regulation:

3-15 (1) shall monitor, coordinate, and provide training to
3-16 persons who provide in-person and online educational programs under
3-17 Section 521.374(a)(1) [~~521.374~~];

3-18 (2) shall administer the approval of those in-person
3-19 and online educational programs; and

3-20 (3) may charge a nonrefundable application fee to the
3-21 provider of an in-person or online educational program under
3-22 Section 521.374(a)(1) for:

3-23 (A) initial certification of approval; and

3-24 (B) renewal of the certification.

3-25 (b) The Department of State Health Services:

3-26 (1) shall monitor, coordinate, and provide training
3-27 to[+]

3-28 [~~(A) persons who provide educational programs~~
3-29 ~~under Section 521.374(a)(1); and~~

3-30 [~~(B)~~] residential treatment facilities described
3-31 by Section 521.374(a)(2) providing equivalent education; and

3-32 (2) shall administer the approval of the [~~educational~~
3-33 ~~programs and the~~] equivalent education provided in a residential
3-34 treatment facility[+; and

3-35 [~~(3) may charge a nonrefundable application fee to the~~
3-36 ~~provider of an educational program under Section 521.374(a)(1) for:~~

3-37 [~~(A) initial certification of approval; and~~

3-38 [~~(B) renewal of the certification~~].

3-39 ARTICLE 3. TRANSITION; EFFECTIVE DATE

3-40 SECTION 3.01. Not later than September 1, 2022, the Texas
3-41 Commission of Licensing and Regulation and the Department of Public
3-42 Safety shall adopt rules to implement Sections 521.374, 521.375,
3-43 and 521.376, Transportation Code, as amended by this Act.

3-44 SECTION 3.02. (a) Except as otherwise provided by this
3-45 section, this Act takes effect September 1, 2021.

3-46 (b) Article 1 of this Act takes effect on the 91st day after
3-47 the date the office of the attorney general publishes in the Texas
3-48 Register a finding that:

3-49 (1) the legislature of this state has adopted a
3-50 resolution expressing the legislature's opposition to a law meeting
3-51 the requirements of 23 U.S.C. Section 159 in suspending, revoking,
3-52 or denying the driver's license of a person convicted of a drug
3-53 offense for a period of six months;

3-54 (2) the governor has submitted to the United States
3-55 secretary of transportation:

3-56 (A) a written certification of the governor's
3-57 opposition to the enactment or enforcement of a law required under
3-58 23 U.S.C. Section 159; and

3-59 (B) a written certification that the legislature
3-60 has adopted the resolution described by Subdivision (1) of this
3-61 subsection; and

3-62 (3) the United States secretary of transportation has
3-63 responded to the governor's submission and certified that highway
3-64 funds will not be withheld from this state in response to the
3-65 modification or full or partial repeal of the law required under 23
3-66 U.S.C. Section 159.

3-67 (c) On the 180th day after the date described in Subsection
3-68 (b) of this section, the Department of Public Safety shall
3-69 reinstate any driver's license that:

4-1 (1) was suspended under Section [521.372](#),
4-2 Transportation Code, before the date described by Subsection (b) of
4-3 this section; and

4-4 (2) remains subject to suspension under that section
4-5 on the 180th day after the date described in Subsection (b) of this
4-6 section.

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