

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 30, 2009**

**TO:** Honorable David Dewhurst , Lieutenant Governor, Senate  
Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: SB328** by Carona (Relating to operating a motor vehicle or a watercraft while intoxicated or under the influence of alcohol. ), **Conference Committee Report**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Alcoholic Beverage Code, Chapter 106 and Transportation Code, Chapter 524 to include the operation of a watercraft while intoxicated or under the influence of alcohol to the driver license suspension statutes related to driving under the influence by a minor. The bill would also amend the Transportation Code to add to the circumstances under which a peace officer would be authorized to take a specimen of a person's breath or blood. Additionally, the bill would amend the Transportation Code and the Code of Criminal Procedure regarding procedures for drawing a blood specimen from a vehicle operator to test for alcohol concentration or other intoxicating substances as those procedures affect law enforcement and certain medical personnel. The bill would amend the Code of Criminal Procedure to increase the reinstatement fee for a license suspended under sections 49.04-49.08, Penal Code from \$50 to \$100. In consultation with the Comptroller of Public Accounts and the Department of Public Safety, it was determined that the fiscal impact associated with changing the reinstatement fee would not be significant. Additionally, this analysis assumes that implementing the provisions of the bill would not pose a significant fiscal impact to the State. The bill would take effect on September 1, 2009.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 304 Comptroller of Public Accounts, 405 Department of Public Safety

**LBB Staff:** JOB, ESi, GG, MWU