

CHAPTER 629

S.B. No. 550

An Act relating to suspending or denying a minor's driver's license or permit for conduct that violates certain state laws and to issuance of a provisional license in certain instances; amending Section 54.042, Family Code.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 54.042, Family Code, is amended to read as follows:

"Section 54.042. LICENSE SUSPENSION. (a) ~~A [When a child has been found to have engaged in conduct that violates the laws of this state prohibiting driving while intoxicated, the] juvenile court, in a disposition hearing under Section 54.04 of this code, shall order the Department of Public Safety to suspend a [the] child's driver's license or permit, or if the child does not have a license or permit, to deny the issuance of a license or permit to the child if the court finds that the child has engaged in conduct that violates the laws of this state prohibiting:~~

~~"(1) driving while intoxicated under Article 67011-1, Revised Statutes; or~~

~~"(2) the use, possession, manufacture, or delivery of a controlled substance or marihuana under the Texas Controlled Substances Act (Article 4476-15, Vernon's Texas Civil Statutes).~~

~~"(b) The order shall specify a period of suspension or denial that is:~~

~~"(1) until the child reaches the age of 17 or for a period of [not less than 90 days or more than] 365 days, whichever is longer; or~~

~~"(2) if the court finds that the child has engaged in conduct violating the laws of this state prohibiting driving while intoxicated under Article 67011-1, Revised Statutes, and also determines that the child has previously been found to have engaged in conduct violating the same laws, until the child reaches the age of 19 [at which he may legally purchase alcoholic beverages] or for a period of 365 days, whichever is longer.~~

~~"(c) A child whose driver's license or permit has been suspended or denied pursuant to this section may, if the child is otherwise eligible for, and fulfils the requirements for issuance of, a provisional driver's license or permit under Chapter 173, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 6687b, Vernon's Texas Civil Statutes), apply for and receive an occupational license in accordance with the provisions of Section 23A, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 6687b, Vernon's Texas Civil Statutes). [The court may defer the issuance of an order, described by Subdivision (1) of Subsection (b) of this section if the court orders the child to attend and successfully complete the educational program authorized by Section 6c, Article 42-13, Code of Criminal Procedure, 1965. If at any time the court determines that the child is not making a good faith effort to successfully complete the educational program, it may issue the order for the period specified in Subdivision (1) of Subsection (b).]"~~

SECTION 2. This Act takes effect September 1, 1985, and applies only to findings of a juvenile court based on conduct that occurred on or after that date. Conduct that occurred before the effective date of this Act is covered by the law in effect when the conduct occurred, and the former law is continued in effect for that purpose.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on March 19, 1985, by a viva-voce vote; Senate concurred in House amendment on May 25, 1985, by the following vote: Yeas 24, Nays 2, one present not voting; passed the House, with amendment, on May 23, 1985, by a non-record vote.

Approved: June 14, 1985

Effective: September 1, 1985