

CHAPTER 507

S.B. No. 829

An Act relating to the authority of a political subdivision to contract with certain counties or state agencies to assist in the enforcement of outstanding warrants of arrest for the failure to appear or pay a fine on a complaint involving certain traffic offenses and to such enforcement; providing procedures for refusal, revocation, and reinstatement of registration and driving privileges; adding Article 6687c to Title 116, Revised Statutes; amending Chapter 173, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 6687b, Vernon's Texas Civil Statutes), by amending Subsections (a) and (b) of Section 22 and by adding Section 28A.

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

SECTION 1. Title 116, Revised Statutes, is amended by adding Article 6687c to read as follows:

Article 6687c. CONTRACTS FOR ENFORCEMENT OF CERTAIN WARRANTS

Section 1. DEFINITIONS. *In this article:*

“(1) ‘Political subdivision’ means a home-rule city with a population of not less than 380,000, according to the most recent federal census, and with a council-manager form of government.

“(2) ‘Traffic law’ means a statute or ordinance, a violation of which is a misdemeanor punishable by a fine in an amount that may not exceed \$200, that regulates a driver’s conduct or condition while operating a motor vehicle, or the condition of a motor vehicle while it is being operated, on a street, road, or highway of this state.

Section 2. AUTHORITY TO CONTRACT. *(a) A political subdivision may contract with the county in which the subdivision is located or the State Department of Highways and Public Transportation to provide the county or agency with information necessary for the county, with the consent of the tax assessor-collector, or agency to refuse to register or reregister a motor vehicle owned by a person for whom a warrant of arrest is outstanding for failure to appear or pay a fine on a complaint involving a violation of a traffic law.*

“(b) A political subdivision may contract with the Department of Public Safety to provide the agency with information necessary for the agency to revoke the driver’s license, permit, or privilege of a person for whom a warrant of arrest is outstanding for failure to appear or pay a fine on a complaint involving a violation of a traffic law.

“(c) A contract under this section must be made in accordance with The Interlocal Cooperation Act (Article 4413(32c), Vernon’s Texas Civil Statutes). A contract made under this section is subject to the ability of the parties to provide or pay for the services required under the contract.

Section 3. WARNING ON CITATION. *(a) If a political subdivision has contracted with a county or state agency under this article, a peace officer who is authorized to issue citations in the political subdivision shall issue a written warning to each person to whom the officer issues a citation for a violation of a traffic law in the political subdivision.*

“(b) If a contract is made under Subsection (a) of Section 2 of this article, the warning must state that if the person fails to appear in court, as provided by law, for the prosecution of the offense or to pay a fine for the violation, the person might not be permitted to register or reregister a motor vehicle in this state.

“(c) If a contract is made under Subsection (b) of Section 2 of this article, the warning must state that:

“(1) if the person has a driver’s license or permit and the person fails to appear in court, as provided by law, for the prosecution of the offense or to pay a fine for the violation, the license or permit is subject to revocation; and

“(2) if the person does not have a driver's license but is driving under a privilege authorized by state law, and the person fails to appear in court, as provided by law, for the prosecution of the offense or to pay a fine for the violation:

“(A) the person's privilege to operate a motor vehicle is subject to revocation; and

“(B) the person may become ineligible to be issued a driver's license in this state.

“(d) If a contract is made under both Subsections (a) and (b) of Section 2 of this article, the warning must contain all the information required by Subsections (b) and (c) of this section.

“(e) A written warning issued under this section may be printed on the same instrument as the citation.

“Section 4. REFUSAL OF ANNUAL REGISTRATION. (a) If a political subdivision has contracted under this article with the county in which the subdivision is located or the State Department of Highways and Public Transportation, on receiving the necessary information from the political subdivision, the tax assessor-collector of that county or the department may refuse to register or reregister a motor vehicle that is owned by a person for whom a warrant of arrest issued by that political subdivision is outstanding for failure to appear or pay a fine on a complaint involving a violation of a traffic law.

“(b) A political subdivision shall notify the county or the department regarding a person for whom the tax assessor-collector of that county or the department has refused to register or reregister a motor vehicle on:

“(1) the entry of a judgment against the person and the person's payment to the court of the fine owed for the violation and all court costs imposed by the court;

“(2) the perfection of an appeal of the case for which the warrant of arrest was issued; or

“(3) the dismissal of the charges for which the warrant of arrest was issued.

“(c) After a notice is received under Subsection (b) of this section, the person who is the subject of the notice is entitled to register or reregister a motor vehicle.

“Section 5. REVOCATION OF DRIVER'S LICENSE OR PERMIT. (a) If a political subdivision has contracted under this article with the Department of Public Safety, on receiving the necessary information from the political subdivision, the department may begin proceedings to revoke the driver's license or permit of a person or revoke the driving privilege of and prohibit the obtaining of a driver's license in this state by a person for whom a warrant of arrest issued by that political subdivision is outstanding for failure to appear or pay a fine on a complaint involving a violation of a traffic law.

“(b) A political subdivision shall notify the Department of Public Safety to reinstate a person's driver's license, permit, or driving privilege that was revoked under this section, if the license, permit, or privilege has not expired, on:

“(1) the entry of a judgment against the person and the person's payment to the court of the fine owed for the violation and all court costs imposed by the court;

“(2) the perfection of an appeal of the case for which the warrant of arrest was issued; or

“(3) the dismissal of the charges for which the warrant of arrest was issued.”

SECTION 2. Subsections (a) and (b), Section 22, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 6687b, Vernon's Texas Civil Statutes), are amended to read as follows:

“(a) When under Section 10 of this Act the Director believes the licensee to be incapable of safely operating a motor vehicle or when the Department receives necessary information about a licensee in accordance with a contract made under Section 2, Article 6687c, Revised Statutes, the Director may notify said licensee of such fact and summons him to appear for hearing as provided hereinafter. Such hearing shall be had not less than ten (10) days after notification to the licensee or operator under any of the provisions of this section, and upon charges in writing, a copy of which shall be given to said operator or licensee not less than ten (10) days before said hearing, except as otherwise provided by this subsection. For the purpose of hearing such cases, jurisdiction is vested in the mayor of the city, or judge of the police court, or a Justice of the Peace in the county where the operator or licensee resides. Such officer may receive a fee for hearing such cases if such a fee is approved and set by the County Commissioners Court which has jurisdiction over the residence of the operator or licensee and such fee shall not exceed Five Dollars (\$5.00) per case and shall be paid from the General Revenue Fund of the County. Any fees, not to exceed Five Dollars (\$5.00) per case, which the County Commissioners Court may determine to be owed to such officer for past hearings, or any fees, not to exceed Five Dollars (\$5.00) per case, previously paid such officer for hearing said cases, is hereby authorized. Such court may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relative books and papers. It shall be the duty of the court to set the matter for hearing upon ten (10) days' written notice to the Department. Upon such hearing, the issues to be determined are whether the license shall be suspended or whether the license shall be revoked,

and, in the event of a suspension, the length of time of the suspension, which shall not exceed one (1) year. *In the event of a revocation under the twelfth (12th) ground listed in Subsection (b) of this section, the officer who presides over the hearing shall report to the Department to revoke the person's license until notice is received under Subsection (b), Section 5, Article 6687c, Revised Statutes, to reinstate the person's license. In other cases, the [The] officer who presides at such hearing shall report the finding to the Department which shall have authority to suspend the license for the length of time reported. In [; provided, however, that in] the event of an [such] affirmative finding, the licensee may appeal to the county court of the county wherein the hearing was held, said appeal to be tried de novo. Notice by registered mail to the address shown on the license of the licensee shall constitute service for the purpose of this section. If the hearing is to determine whether a licensee is an habitual violator of the traffic law, and if the registered letter is returned to the Department because the Department has not been notified of the licensee's correct address or because the licensee has refused to accept the registered letter, the Director may give the licensee notice of a pending hearing by publishing notice in a newspaper of general circulation in the County of the licensee's residence, as listed in Department records, at least thirty (30) days before the hearing. The Director shall specify in the notice the place, time, and date of the hearing and shall state in the notice that the Department is entitled to suspend for a period of not more than one (1) year the license of a licensee who is found to be an habitual violator of the traffic law.*

“(b) Except for the twelfth (12th) listed ground, for which the Department has authority to revoke a license, the [The] authority to suspend the license of any driver as authorized in this Section is granted the Department upon determining after proper hearing as hereinbefore set out that the licensee:

“(1) has committed an offense for which automatic suspension of license is made upon conviction;

“(2) has been responsible as a driver for any accident resulting in death;

“(3) is an habitual reckless or negligent driver of a motor vehicle;

“(4) is an habitual violator of the traffic law.

“The term ‘habitual violator’ as used herein, shall mean any person with four (4) or more convictions arising out of different transactions in a consecutive period of twelve (12) months, or seven (7) or more convictions arising out of different transactions within a period of twenty-four (24) months, such convictions being for moving violations of the traffic laws of this state or its political subdivisions other than a violation of:

“(A) Section 3 or 5, Chapter 42, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Article 6701d-11, Vernon's Texas Civil Statutes);

“(B) Chapter 293, Acts of the 53rd Legislature, Regular Session, 1953, as amended (Article 6701d-12, Vernon's Texas Civil Statutes);

“(C) Chapter 608, Acts of the 65th Legislature, Regular Session, 1977 (Article 6701d-12a, Vernon's Texas Civil Statutes);

“(D) Chapter 73, Acts of the 54th Legislature, Regular Session, 1955, as amended (Article 6701d-13, Vernon's Texas Civil Statutes);

“(E) Chapter 212, Acts of the 56th Legislature, Regular Session, 1959 (Article 6701d-14, Vernon's Texas Civil Statutes);

“(F) Chapter 93, Acts of the 58th Legislature, Regular Session, 1963 (Article 6701d-15, Vernon's Texas Civil Statutes); or

“(G) Chapter 8, Acts of the 62nd Legislature, Regular Session, 1971 (Article 6701d-17, Vernon's Texas Civil Statutes).

“(5) is incapable to drive a motor vehicle;

“(6) has permitted an unlawful or fraudulent use of such license;

“(7) has committed an offense in another state, which if committed in this State would be grounds for suspension or revocation;

“(8) has failed or refused to submit a report of any accident in which he was involved as provided in Article IV, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes);

“(9) has been responsible as a driver for any accident resulting in serious personal injury or serious property damage;

“(10) is the holder of a provisional license under Section 11A of this Act and has been convicted of two (2) or more moving violations committed within a period of twelve (12) months;

“(11) has not complied with the terms of a citation issued by a jurisdiction that is a member of the Nonresident Violator Compact of 1977 for a violation to which the compact applies; or

“(12) has a warrant of arrest outstanding, for failure to appear or pay a fine on a complaint, that is issued by a political subdivision that has contracted with the Department under Article 6687c, Revised Statutes.”

SECTION 3. Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes), is amended by adding Section 28A to read as follows:

“Section 28A. REFUSAL TO ISSUE LICENSE. After a hearing in the manner provided by Section 22 of this Act, the Department is authorized to revoke the driving privilege of a person who was issued a warning by a peace officer employed by a state agency or by a political subdivision that has contracted with the Department under Article 6687c, Revised Statutes, and for whom the Department has received the information required by that article. If the Department revokes a driving privilege as provided by this section, the Department shall prohibit the person from obtaining a driver's license. A prohibition expires on notification of the Department by a political subdivision under Subsection (b), Section 5, Article 6687c, Revised Statutes, to reinstate the person's driving privilege.”

SECTION 4. 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, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on May 2, 1985, by the following vote: Yeas 30, Nays 0; passed the House on May 21, 1985, by the following vote: Yeas 143, Nays 0, two present not voting.

Approved: June 12, 1985

Effective: Immediately