

CHAPTER 72

S.B. No. 521

AN ACT

relating to the operation of a motor vehicle while consuming an alcoholic beverage.

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

SECTION 1. Article XIII, Uniform Act Regulating Traffic on Highways, as amended (Article 6701d, Vernon's Texas Civil Statutes), is amended by adding Section 107E to read as follows:

*Sec. 107E. CONSUMPTION OF ALCOHOLIC BEVERAGE WHILE DRIVING. (a) In this section, "alcoholic beverage" has the meaning assigned by Subdivision (1), Section 1.04, Alcoholic Beverage Code.*

*(b) A person commits an offense if the person consumes an alcoholic beverage while operating a motor vehicle in a public place, as defined by Section 1.07(a)(29), Penal Code, and is observed doing so by a police officer.*

*(c) An offense under this section is a Class C misdemeanor.*

SECTION 2. Subsection (a), Section 148, Uniform Act Regulating Traffic on Highways, as amended (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) Whenever a person is arrested for any violation of this Act punishable as a misdemeanor, and such person is not immediately taken before a magistrate as hereinbefore required, the arresting officer shall prepare in duplicate written notice to appear in court containing the name and address of such person, the license number of his vehicle, if any, the offense charged, and the time and place when and where such person shall appear in court. Provided, however, that the offense of speeding *and the offense defined in Section 107E* shall be the only offenses [~~offense~~] making mandatory the issuance of a written notice to appear in court, and only then if the arrested person gives his written promise to appear in court, by signing in duplicate the written notice prepared by the arresting officer; and provided further, that it shall not be mandatory for an officer to give a written notice to appear in court to any person arrested for the offense of speeding *or the offense defined in Section 107E* when such person is operating a vehicle licensed in a state or country other than the State of Texas or who is a resident of a state or country other than the State of Texas, except as provided by the Nonresident Violator Compact of 1977.

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 9, 1987, by a viva-voce vote; and that the Senate concurred in House amendments on April 27, 1987, by a viva-voce vote. Passed the House, with amendments, on April 23, 1987, by a non-record vote.

Approved May 7, 1987.

Effective 90 days after date of adjournment.