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Sec. 49.04. DRIVING WHILE INTOXICATED.

- (a) A person commits an offense if the person is intoxicated while operating a motor vehicle in a public place.
- (b) Except as provided by Subsections Subsection (c) and (d) and Section 49.09, an offense under this section is a Class B misdemeanor, with a minimum term of confinement of 72 hours.
- (c) If it is shown on the trial of an offense under this section that at the time of the offense the person operating the motor vehicle had an open container of alcohol in the person's immediate possession, the offense is a Class B misdemeanor, with a minimum term of confinement of six days.
- (d) If it is shown on the trial of an offense under this section that an analysis of a specimen of the person's blood, breath, or urine showed an alcohol concentration level of 0.15 or more at the time the analysis was performed, the offense is a Class A misdemeanor.

Sec 49.09. Enhanced Offenses and Penalties

- (b-4) An offense under Section 49.07 is a felony of the second degree if it is shown on the trial of the offense that the person caused serious bodily injury to another in the nature of a traumatic brain injury that results in a persistent vegetative state.¹

¹ H.B. 1199, 82nd Leg amended 49.04 and 49.09. Applies to an offense committed on or after 9-1-11

Transportation Code: Chapters 521, 708, 724

§ 521.241. Definitions

In this subchapter:

- (1) "Essential need" means a need of a person for the operation of a motor vehicle:
 - (A) in the performance of an occupation or trade or for transportation to and from the place at which the person practices the person's occupation or trade;
 - (B) for transportation to and from an educational facility in which the person is enrolled; or
 - (C) in the performance of essential household duties.
- (2) "Ignition interlock device" means a device that uses a deep-lung breath analysis mechanism to make impractical the operation of a motor vehicle if ethyl alcohol is detected in the breath of the operator of the vehicle.

§ 521.242. Petition

- (a) A person whose license has been suspended for a cause other than a physical or mental disability or impairment or a conviction under Section 49.04, Penal Code, may apply for an occupational license by filing a verified petition with the clerk of the county court or district court with jurisdiction in the county in which:
 - (1) the person resides; or
 - (2) the offense occurred for which the license was suspended.
- (b) A person may apply for an occupational license by filing a verified petition only with the clerk of the county court or district court in which the person was convicted if:
 - (1) the person's license has been automatically suspended or canceled under this chapter for a conviction of an offense under the laws of this state; and
 - (2) the person has not been issued, in the 10 years preceding the date of the filing of the petition, more than one occupational license after a conviction under the laws of this state.
- (c) A petition filed under this section must set forth in detail the person's essential need.
- (d) A petition filed under Subsection (b) must state that the petitioner was convicted in that court for an offense under the laws of this state.
- (e) The clerk of the court shall file the petition as in any other civil matter.

Transportation Code: Chapters 521, 708, 724

- (f) A court may not grant an occupational license for the operation of a commercial motor vehicle to which Chapter 522 applies.

§ 521.243. Notice to State; Presentation of Evidence

- (a) The clerk of the court shall send by certified mail to the attorney representing the state a copy of the petition and notice of the hearing if the petitioner's license was suspended following a conviction for:
 - (1) an offense under Section 19.05, 49.04, 49.07, or 49.08, Penal Code; or
 - (2) an offense to which Section 521.342 applies.
- (b) A person who receives a copy of a petition under Subsection (a) may attend the hearing and may present evidence at the hearing against granting the petition.

§ 521.244. Hearing; Order; Determination of Essential Need

- (a) The judge who hears the petition shall sign an order finding whether an essential need exists.
- (b) In determining whether an essential need exists, the judge shall consider:
 - (1) the petitioner's driving record; and
 - (2) any evidence presented by a person under Section 521.243(b).
- (c) If the judge finds that there is an essential need, the judge also, as part of the order, shall:
 - (1) determine the actual need of the petitioner to operate a motor vehicle; and
 - (2) require the petitioner to provide evidence of financial responsibility in accordance with Chapter 601.
- (d) Except as provided by Section 521.243(b), the hearing on the petition may be ex parte.

§ 521.245. Required Counseling

- (a) If the petitioner's license has been suspended under Chapter 524 or 724, the court shall require the petitioner to attend a program approved by the court that is designed to provide counseling and rehabilitation services to persons for alcohol dependence. This requirement shall be stated in the order granting the occupational license.
- (b) The program required under Subsection (a) may not be the program provided by Section 521.344 or by Section 13, Article 42.12, Code of Criminal Procedure.

Transportation Code: Chapters 521, 708, 724

- (c) The court may require the person to report periodically to the court to verify that the person is attending the required program.
- (d) On finding that the person is not attending the program as required, the court may revoke the order granting the occupational license. The court shall send a certified copy of the order revoking the license to the department.
- (e) On receipt of the copy under Subsection (d), the department shall suspend the person's occupational license for:
 - (1) 60 days, if the original driver's license suspension was under Chapter 524; or
 - (2) 120 days, if the original driver's license suspension was under Chapter 724.
- (f) A suspension under Subsection (e):
 - (1) takes effect on the date on which the court signs the order revoking the occupational license; and
 - (2) is cumulative of the original suspension.
- (g) A person is not eligible for an occupational license during a period of suspension under Subsection (e).

§ 521.246. Ignition Interlock Device Requirement

- (a) If the person's license has been suspended after a conviction under Section 49.04, 49.07, or 49.08, Penal Code, the judge, before signing an order, shall determine from the criminal history record information maintained by the department whether the person has any previous conviction under those laws.
- (b) As part of the order the judge may restrict the person to the operation of a motor vehicle equipped with an ignition interlock device if the judge determines that the person's license has been suspended following a conviction under Section 49.04, 49.07, or 49.08, Penal Code. As part of the order, the judge shall restrict the person to the operation of a motor vehicle equipped with an ignition interlock device if the judge determines that:
 - (1) the person has two or more convictions under any combination of Section 49.04, 49.07, or 49.08, Penal Code; or
 - (2) the person's license has been suspended after a conviction under Section 49.04, Penal Code, for which the person has been punished under Section 49.09, Penal Code.

Transportation Code: Chapters 521, 708, 724

- (c) The person shall obtain the ignition interlock device at the person's own expense unless the court finds that to do so is not in the best interest of justice and enters that finding in the record. If the court determines that the person is unable to pay for the device, the court may impose a reasonable payment schedule for a term not to exceed twice the period of the court's order.
- (d) The court shall order the ignition interlock device to remain installed for at least half of the period of supervision.
- (e) A person to whom this section applies may operate a motor vehicle without the installation of an approved ignition interlock device if:
 - (1) the person is required to operate a motor vehicle in the course and scope of the person's employment;
 - (2) the vehicle is owned by the person's employer;
 - (3) the employer is not owned or controlled by the person whose driving privilege is restricted;
 - (4) the employer is notified of the driving privilege restriction; and
 - (5) proof of that notification is with the vehicle.
- (f) A previous conviction may not be used for purposes of restricting a person to the operation of a motor vehicle equipped with an interlock ignition device under this section if:
 - (1) the previous conviction was a final conviction under Section 49.04, 49.07, or 49.08, Penal Code, and was for an offense committed more than 10 years before the instant offense for which the person was convicted; and
 - (2) the person has not been convicted of an offense under Section 49.04, 49.07, or 49.08 of that code committed within 10 years before the date on which the instant offense for which the person was convicted.

§ 521.2461. Testing for Alcohol or Controlled Substances.

The court granting an occupational license under this subchapter may require as a condition of the license that the person submit to periodic testing for alcohol or controlled substances, to be conducted by an entity specified by the court, if the person's license has been suspended under Chapter 524 or 724 or as a result of the person's conviction of an offense involving the operation of a motor vehicle while intoxicated.¹

¹ S.B. 953 added § 521.2461. *Applies only to a person whose license is suspended as a result of an offense that is committed or conduct that occurs on or after the effective date of this Act.*

Transportation Code: Chapters 521, 708, 724

§ 521.2462. Supervision of Person Issued Occupational Driver's License.

- (a) The court granting an occupational license under this subchapter may order the person receiving the license to:
 - (1) submit to supervision by the local community supervision and corrections department to verify compliance with the conditions specified by the order granting the license, including the conditions specified in accordance with Section 521.248; and
 - (2) pay a monthly administrative fee under Section 76.015, Government Code.
- (b) The court may order the supervision to continue until the end of the period of suspension of the person's driver's license, including any extensions of that period.
- (c) The court for good cause may modify or terminate supervision before the end of the period of license suspension.²

§ 521.2465. Restricted License

- (a) On receipt of notice that a person has been restricted to the use of a motor vehicle equipped with an ignition interlock device, the department shall notify that person that the person's driver's license expires on the 30th day after the date of the notice. On application by the person and payment of a fee of \$ 10, the department shall issue a special restricted license that authorizes the person to operate only a motor vehicle equipped with an ignition interlock device.
- (b) On receipt of a copy of a court order removing the restriction, the department shall issue the person a driver's license without the restriction.

§ 521.247. Approval of Ignition Interlock Devices by Department

- (a) The department shall adopt rules for the approval of ignition interlock devices used under this subchapter.
- (b) The department by rule shall establish general standards for the calibration and maintenance of the devices. The manufacturer or an authorized representative of the manufacturer is responsible for calibrating and maintaining the device.
- (c) If the department approves a device, the department shall notify the manufacturer of that approval in writing. Written notice from the department to a manufacturer is admissible in a

² S.B. 953 added § 521.2462. *Applies only to a person whose license is suspended as a result of an offense that is committed or conduct that occurs on or after the effective date of this Act.*

Transportation Code: Chapters 521, 708, 724

civil or criminal proceeding in this state. The manufacturer shall reimburse the department for any cost incurred by the department in approving the device.

- (d) The department is not liable in a civil or criminal proceeding that arises from the use of an approved device.

§ 521.2475. Ignition Interlock Device Evaluation

- (a) On January 1 of each year, the department shall issue an evaluation of each ignition interlock device approved under Section 521.247 using guidelines established by the National Highway Traffic Safety Administration, including:
 - (1) whether the device provides accurate detection of alveolar air;
 - (2) the moving retest abilities of the device;
 - (3) the use of tamper-proof blood alcohol content level software by the device;
 - (4) the anti-circumvention design of the device;
 - (5) the recalibration requirements of the device; and
 - (6) the breath action required by the operator.
- (b) The department shall assess the cost of preparing the evaluation equally against each manufacturer of an approved device

§ 521.2476. Minimum Standards for Vendors of Ignition Interlock Devices

- (a) The department by rule shall establish:
 - (1) minimum standards for vendors of ignition interlock devices who conduct business in this state; and
 - (2) procedures to ensure compliance with those standards, including procedures for the inspection of a vendor's facilities.
- (b) The minimum standards shall require each vendor to:
 - (1) be authorized by the department to do business in this state;
 - (2) install a device only if the device is approved under Section 521.247;
 - (3) obtain liability insurance providing coverage for damages arising out of the operation or use of devices in amounts and under the terms specified by the department;

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- (4) install the device and activate any anti-circumvention feature of the device within a reasonable time after the vendor receives notice that installation is ordered by a court;
 - (5) install and inspect the device in accordance with any applicable court order;
 - (6) repair or replace a device not later than 48 hours after receiving notice of a complaint regarding the operation of the device;
 - (7) submit a written report of any violation of a court order to that court and to the person's supervising officer, if any, not later than 48 hours after the vendor discovers the violation;
 - (8) maintain a record of each action taken by the vendor with respect to each device installed by the vendor, including each action taken as a result of an attempt to circumvent the device, until at least the fifth anniversary after the date of installation;
 - (9) make a copy of the record available for inspection by or send a copy of the record to any court, supervising officer, or the department on request; and
 - (10) annually provide to the department a written report of each service and ignition interlock device feature made available by the vendor.
- (c) The department may revoke the department's authorization for a vendor to do business in this state if the vendor or an officer or employee of the vendor violates:
- (1) any law of this state that applies to the vendor; or
 - (2) any rule adopted by the department under this section or another law that applies to the vendor.
- (d) A vendor shall reimburse the department for the reasonable cost of conducting each inspection of the vendor's facilities under this section.
- (e) In this section, "offense relating to the operating of a motor vehicle while intoxicated" has the meaning assigned by Section 49.09, Penal Code.

§ 521.248. Order Requirements

- (a) An order granting an occupational license must specify:
- (1) the hours of the day and days of the week during which the person may operate a motor vehicle;

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- (2) the reasons for which the person may operate a motor vehicle; [and]
 - (3) areas or routes of travel permitted;
 - (4) that the person is restricted to the operation of a motor vehicle equipped with an ignition interlock device, if applicable; and
 - (5) that the person must submit to periodic testing for alcohol or controlled substances, if applicable.³
- (b) The person may not operate a motor vehicle for more than four hours in any 24-hour period, except that on a showing of necessity the court may allow the person to drive for any period determined by the court that does not exceed 12 hours in any 24-hour period.
- (c) An order granting an occupational license remains valid until the end of the period of suspension of the person's regular driver's license.

§ 521.249. Notice to Department; Issuance of Occupational License

- (a) The court shall send a certified copy of the petition and the court order setting out the judge's findings and restrictions to the department. The person may use a copy of the order as a restricted license until the 31st day after the date on which the order takes effect.
- (b) On receipt of the copy under this section and after compliance with Chapter 601, the department shall issue an occupational license to the person. The license must refer on its face to the court order.

§ 521.250. Court Order in Operator's Possession

A person who is issued an occupational license shall have in the person's possession a certified copy of the court order granting the license while operating a motor vehicle. The person shall allow a peace officer to examine the order on request.

§ 521.251. Effective Date of Occupational License

- (a) If a person's license is suspended under Chapter 524 or 724 and the person has not had a prior suspension arising from an alcohol-related or drug-related enforcement contact in the five years preceding the date of the person's arrest, an order under this subchapter granting the person an

³ S.B. 953 amended §521.248 subsection (a). *Applies only to a person whose license is suspended as a result of an offense that is committed or conduct that occurs on or after the effective date of this Act.*

Transportation Code: Chapters 521, 708, 724

occupational license takes effect immediately. However, the court shall order the person to comply with the counseling and rehabilitation program required under Section 521.245.

- (b) If the person's driver's license has been suspended as a result of an alcohol-related or drug-related enforcement contact during the five years preceding the date of the person's arrest, the order may not take effect before the 91st day after the effective date of the suspension.
- (c) If the person's driver's license has been suspended as a result of a conviction under Section 49.04, 49.07, or 49.08, Penal Code, during the five years preceding the date of the person's arrest, the order may not take effect before the 181st day after the effective date of the suspension.
- (d) Notwithstanding any other provision in this section, if the person's driver's license has been suspended as a result of a second or subsequent conviction under Section 49.04, 49.07, or 49.08, Penal Code, committed within five years of the date on which the most recent preceding offense was committed, an order granting the person an occupational license may not take effect before the first anniversary of the effective date of the suspension.
- (e) For the purposes of this section, "alcohol-related or drug-related enforcement contact" has the meaning assigned by Section 524.001.

§ 521.252. License Revocation

- (a) The court that signs an order granting an occupational license may issue at any time an order revoking the license for good cause.
- (b) The court shall send a certified copy of the order to the department.

§ 521.253. Criminal Penalty

- (a) A person who holds an occupational license commits an offense if the person:
 - (1) operates a motor vehicle in violation of a restriction imposed on the license; or
 - (2) fails to have in the person's possession a certified copy of the court order as required under Section 521.250.
- (b) An offense under this section is a Class B misdemeanor.
- (c) On conviction of an offense under this section, the occupational license and the order granting that license are revoked.

Transportation Code: Chapters 521, 708, 724

Subchapter M. License Expiration, Renewal, and Number Change

§ 521.271. License Expiration

- (a) Each original driver's license, ~~and~~ provisional license, instruction permit, **or occupational driver's** license issued to an applicant who is a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States expires as follows:
- (1) except as provided by Section 521.2711, a driver's license expires on the first birthday of the license holder occurring after the sixth anniversary of the date of the application;
 - (2) a provisional license expires on the 18th birthday of the license holder;
 - (3) an instruction permit expires on the 18th birthday of the license holder;
 - (4) **an occupational driver's license expires on the first anniversary of the court order granting the license;** and
 - (5) unless an earlier date is otherwise provided, a driver's license issued to a person whose residence or domicile is a correctional facility or a parole facility expires on the first birthday of the license holder occurring after the first anniversary of the date of issuance.

(a-1) Repealed

(a-2) Each original driver's license issued to an applicant who is not a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States expires on:

- (1) the earlier of:
 - (A) the first birthday of the license holder occurring after the sixth anniversary of the date of the application; or
 - (B) the expiration date of the license holder's lawful presence in the United States as determined by the appropriate United States agency in compliance with federal law;
- (2) the first anniversary of the date of issuance, if there is no definite expiration date for the applicant's authorized stay in the United States.

(a-3) Each original provisional license or instruction permit issued to an applicant who is not a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States expires on the earliest of:

- (1) the 18th birthday of the license holder;

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- (2) the first birthday of the license holder occurring after the date of the application; or
 - (3) the expiration of the license holder's lawful presence in the United States as determined by the United States agency responsible for citizenship and immigration in compliance with federal law.
- (a-4) Each original occupational driver's license issued to an applicant who is not a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States expires on the earlier of:
- (1) the first anniversary of the date of issuance; or
 - (2) the expiration of the license holder's lawful presence in the United States as determined by the appropriate United States agency in compliance with federal law.
- (b) Except as provided by Section 521.2711, a driver's license that is renewed expires on the earlier of:
- (1) the sixth anniversary of the expiration date before renewal if the applicant is a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States;
 - (1-a) for an applicant not described by Subdivision (1):
 - (A) the earlier of:
 - (i) the sixth anniversary of the expiration date before renewal; or
 - (ii) the expiration date of the applicant's authorized stay in the United States; or
 - (B) the first anniversary of the date of issuance, if there is no definite expiration date for the applicant's authorized stay in the United States; or
 - (2) for a renewal driver's license issued to a person whose residence or domicile is a correctional facility or a parole facility, the first birthday of the license holder occurring after the first anniversary of the date of issuance unless an earlier date is otherwise provided.⁴

⁴ S.B. 1 amended § 521.271 subsections (a) and (b) and added subsections (a-2), (a-3), and (a-4)

Transportation Code: Chapters 521, 708, 724

CHAPTER 708

SUBCHAPTER A. GENERAL PROVISIONS

§ 708.001. DEFINITIONS.

In this chapter, "department" and "license" have the meanings assigned by Section 521.001.

§ 708.002. RULES.

The department shall adopt and enforce rules to implement and enforce this chapter.

§ 708.003. FINAL CONVICTIONS.

For purposes of this chapter, a conviction for an offense to which this chapter applies is a final conviction, regardless of whether the sentence is probated.

SUBCHAPTER B. DRIVER'S LICENSE POINTS SURCHARGESec.

§ 708.051. NONAPPLICABILITY.

This subchapter does not apply to: (1) an offense committed before September 1, 2003; or (2) an offense covered by Subchapter C.

§ 708.052. ASSIGNMENT OF POINTS FOR CERTAIN CONVICTIONS.

- (a) The driver's license of a person accumulates a point under this subchapter as of the date the department records a conviction of the person under Section 521.042 or other applicable law.
- (b) For each conviction arising out of a separate transaction, the department shall assign points to a person's license as follows:
 - (1) two points for a moving violation of the traffic law of this state or another state that is not described by Subdivision (2); and
 - (2) three points for a moving violation of the traffic law of this state, another state, or a political subdivision of this or another state that resulted in an accident.
- (c) The department by rule shall designate the offenses that constitute a moving violation of the traffic law under this section.
- (d) Notwithstanding Subsection (b), the department may not assign points to a person's driver's license if the offense of which the person was convicted is the offense of speeding and the person was at the time of the offense driving less than 10 percent faster than the posted speed

Transportation Code: Chapters 521, 708, 724

limit. This subsection does not apply to an offense committed in a school crossing zone as defined by Section 541.302.

- (e) Notwithstanding Subsection (b), the department may not assign points to a person's license if the offense committed by the person was adjudicated under Article 45.051 or 45.0511, Code of Criminal Procedure.
- (f) For the purposes of this section, an offense under Section 545.412 is a moving violation of a traffic law.

§ 708.053. ANNUAL SURCHARGE FOR POINTS.

Each year, the department shall assess a surcharge on the license of a person who has accumulated six or more points under this subchapter during the preceding 36-month period.

§ 708.054. AMOUNT OF POINTS SURCHARGE.

The amount of a surcharge under this chapter is \$100 for the first six points and \$25 for each additional point.

§ 708.055. NOTICE OF ASSIGNMENT OF FIFTH POINT.

The department shall notify the holder of a driver's license of the assignment of a fifth point on that license by first class mail sent to the person's most recent address as shown on the records of the department.

§ 708.056. DEDUCTION OF POINTS.

The department by rule shall establish a procedure to provide for the deduction of one point accumulated by a person under this subchapter to account for each year that the person has not accumulated points under this subchapter.⁵

§ SUBCHAPTER C. SURCHARGES FOR CERTAIN CONVICTIONS AND LICENSE SUSPENSIONS

§ 708.101. NONAPPLICABILITY.

This subchapter does not apply to an offense committed before September 1, 2003.

⁵ Added by Acts 2009, 81st Leg., R.S., Ch. 1146, Sec. 15.06, eff. September 1, 2011. Applies only to a surcharge that is assessed under Chapter 708, Transportation Code, on or after the effective date of this article.

Transportation Code: Chapters 521, 708, 724

§ 708.102. SURCHARGE FOR CONVICTION OF CERTAIN INTOXICATED DRIVER OFFENSES.

- (a) In this section, "offense relating to the operating of a motor vehicle while intoxicated" has the meaning assigned by Section 49.09, Penal Code.
- (b) Each year the department shall assess a surcharge on the license of each person who during the preceding 36-month period has been finally convicted of an offense relating to the operating of a motor vehicle while intoxicated.
- (c) The amount of a surcharge under this section is \$1,000 per year, except that the amount of the surcharge is:
 - (1) \$1,500 per year for a second or subsequent conviction within a 36-month period; and
 - (2) \$2,000 for a first or subsequent conviction if it is shown on the trial of the offense that an analysis of a specimen of the person's blood, breath, or urine showed an alcohol concentration level of 0.16 or more at the time the analysis was performed.
- (d) A surcharge under this section for the same conviction may not be assessed in more than three years.

§ 708.103. SURCHARGE FOR CONVICTION OF DRIVING WHILE LICENSE INVALID OR WITHOUT FINANCIAL RESPONSIBILITY.

- (a) Each year the department shall assess a surcharge on the license of each person who during the preceding 36-month period has been convicted of an offense under Section 521.457, 601.191, or 601.371.
- (b) The amount of a surcharge under this section is \$250 per year.

§ 708.104. SURCHARGE FOR CONVICTION OF DRIVING WITHOUT VALID LICENSE

- (a) Each year the department shall assess a surcharge on the license of a person who during the preceding 36-month period has been convicted of an offense under Section 521.021.
- (b) The amount of a surcharge under this section is \$100 per year.
- (c) A surcharge under this section for the same conviction may not be assessed in more than three years.

Transportation Code: Chapters 521, 708, 724

§ 708.105. NOTICE OF POTENTIAL SURCHARGE.

- (a) A citation issued for an offense under a traffic law of this state or a political subdivision of this state must include, in type larger than any other type on the citation, the following statement:

"A conviction of an offense under a traffic law of this state or a political subdivision of this state may result in the assessment on your driver's license of a surcharge under the Driver Responsibility Program."

- (b) The warning required by Subsection (a) is in addition to any other warning required by law.

§ 708.106. DEFERRAL OF SURCHARGES FOR DEPLOYED MILITARY PERSONNEL.

The department by rule shall establish a deferral program for surcharges assessed under Section 708.103 or 708.104 against a person who is a member of the United States armed forces on active duty deployed outside of the continental United States. The program must:

- (1) toll the 36-month period while the person is deployed; and
- (2) defer assessment of surcharges against the person until the date the person is no longer deployed for an offense committed:
 - (A) before the person was deployed; or
 - (B) while the person is deployed.⁷

SUBCHAPTER D. COLLECTION OF SURCHARGES

§ 708.151. NOTICE OF SURCHARGE.

- (a) The department shall send notices as required by Subsection (b) to the holder of a driver's license when a surcharge is assessed on that license. Each notice must:
- (1) be sent by first class mail to the person's most recent address as shown on the records of the department or to the person's most recent forwarding address on record with the United States Postal Service if it is different;
 - (2) specify the date by which the surcharge must be paid;

⁷ H.B. 2851 amended 708.106 effective 9-1-11

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- (3) state the total dollar amount of the surcharge that must be paid, the number of monthly payments required under an installment payment plan, and the minimum monthly payment required for a person to enter and maintain an installment payment plan with the department; and
- (4) state the consequences of a failure to pay the surcharge.
- (b) The department shall send a first notice not later than the fifth day after the date the surcharge is assessed.
- (c) If on or before the 45th day after the date the first notice was sent the person fails to pay the amount of the surcharge or fails to enter into an installment payment agreement with the department, the department shall send a second notice. If on or before the 60th day after the date the second notice was sent the person fails to pay the amount of the surcharge or fails to enter into an installment payment agreement with the department, the department shall send a third notice that advises the person that the person's driving privileges are suspended.⁸

§ 708.152. FAILURE TO PAY SURCHARGE.

- (a) If on the 60th day after the date the department sends a second notice under Section 708.151 the person fails to pay the amount of a surcharge on the person's license or fails to enter into an installment payment agreement with the department, the license of the person is automatically suspended. A person's license may not be suspended under this section before the 105th day after the date the surcharge was assessed by the department.
- (b) A license suspended under this section remains suspended until the person pays the amount of the surcharge and any related costs.⁹

§ 708.153. INSTALLMENT PAYMENT OF SURCHARGE.

- (a) The department by rule shall provide for the payment of a surcharge in installments.
- (b) A rule under this section:

⁸ Added by Acts 81st Leg., R.S., Ch. 1146, Sec. 15.01, eff. September 1, 2011. Applies only to a surcharge that is assessed under Chapter 708, Transportation Code, on or after the effective date of this article.

⁹ 81st Leg., R.S., Ch. 1146, Sec. 15.02, eff. September 1, 2011. Applies only to a surcharge that is assessed under Chapter 708, Transportation Code, on or after the effective date of this article.

Transportation Code: Chapters 521, 708, 724

- (1) may not require a person to:
 - (A) pay surcharges that total \$500 or more over a period of less than 36 consecutive months;
 - (B) pay surcharges that total more than \$250 but not more than \$499 over a period of less than 24 consecutive months; or
 - (C) pay surcharges that total \$249 or less over a period of less than 12 consecutive months; and
- (2) may provide that if the person fails to make any required monthly installment payment, the department may reestablish the installment plan on receipt of a payment in the amount equal to at least a required monthly installment payment.¹⁰

§ 708.154. CREDIT CARD PAYMENT OF SURCHARGE.

- (a) The department by rule may authorize the payment of a surcharge by use of a credit card. The rules shall require the person to pay all costs incurred by the department in connection with the acceptance of the credit card.
- (b) If a surcharge or a related cost is paid by credit card and the amount is subsequently reversed by the issuer of the credit card, the license of the person is automatically suspended.
- (c) A license suspended under this section remains suspended until the person pays the amount of the surcharge and any related costs.

§ 708.155. CONTRACTS FOR COLLECTION OF SURCHARGES.

- (a) The department may enter into a contract with a private attorney or a public or private vendor for the provision of services for the collection of surcharges receivable and related costs under this chapter.
- (b) To provide for alternative or additional collection methods for surcharges receivable, the department may amend a contract entered into under Subsection (a) and enter into additional contracts under Subsection (a).

¹⁰ 81st Leg., R.S., Ch. 1146, Sec. 15.03, eff. September 1, 2011. Applies only to a surcharge that is assessed under Chapter 708, Transportation Code, on or after the effective date of this article.

Transportation Code: Chapters 521, 708, 724

- (c) The total amount of compensation under a contract entered into under this section may not exceed 30 percent of the amount of the surcharges and related costs collected.

§ 708.156. REMITTANCE OF SURCHARGES COLLECTED TO COMPTROLLER.

Each surcharge collected by the department under this chapter shall be remitted to the comptroller as required by Section 780.002, Health and Safety Code.

§ 708.157. AMNESTY AND INCENTIVES.

- (a) The department by rule shall establish a periodic amnesty program for holders of a driver's license on which a surcharge has been assessed for certain offenses, as determined by the department.
- (b) The department by rule shall¹¹ offer a holder of a driver's license on which a surcharge has been assessed an incentive for compliance with the law and efforts at rehabilitation, including a reduction of a surcharge or a decrease in the length of an installment plan.
- (c) The department by rule shall establish an indigency program for holders of a driver's license on which a surcharge has been assessed for certain offenses, as determined by the department.¹²

§ 708.158. INDIGENT STATUS AND REDUCTION OF SURCHARGES.

- (a) The department shall waive all surcharges assessed under this chapter for a person who is indigent. For the purposes of this section, a person is considered to be indigent if the person provides the evidence described by Subsection (b) to the court.
- (b) A person must provide information to the court in which the person is convicted of the offense that is the basis for the surcharge to establish that the person is indigent. The following documentation may be used as proof:
- (1) a copy of the person's most recent federal income tax return that shows that the person's income or the person's household income does not exceed 125 percent of the applicable income level established by the federal poverty guidelines;

¹¹ H.B. 588 82nd Leg. amended 708.157(b). effective 9-1-11

¹² 81st Leg., R.S., Ch. 1146, Sec. 15.05, eff. September 1, 2011. Applies only to a surcharge assessed under Chapter 708, Transportation Code, on or after the effective date of this article.

Transportation Code: Chapters 521, 708, 724

- (2) a copy of the person's most recent statement of wages that shows that the person's income or the person's household income does not exceed 125 percent of the applicable income level established by the federal poverty guidelines; or
- (3) documentation from a federal agency, state agency, or school district that indicates that the person or, if the person is a dependent as defined by Section 152, Internal Revenue Code of 1986, the taxpayer claiming the person as a dependent, receives assistance from:
 - (A) the food stamp program or the financial assistance program established under Chapter 31, Human Resources Code;
 - (B) the federal special supplemental nutrition program for women, infants, and children authorized by 42 U.S.C. Section 1786;
 - (C) the medical assistance program under Chapter 32, Human Resources Code;
 - (D) the child health plan program under Chapter 62, Health and Safety Code; or
 - (E) the national free or reduced-price lunch program established under 42 U.S.C. Section 1751 et seq.¹³

§ 708.159. ADVANCE PAYMENT OF SURCHARGES.

- (a) The department shall offer an option for a single up-front payment to a person who is assessed an annual surcharge under this chapter to allow the person to pay in advance the total amount that will be owed for the 36-month period for which the surcharge will be assessed.
- (b) Notice under Section 708.151 of an initial surcharge imposed under this chapter must notify the driver's license holder of:
 - (1) the total amount the person will owe for the 36-month period for which the surcharge will be assessed; and
 - (2) the availability of the advance payment option under this section.
- (c) If a person makes a single up-front payment under this section in the amount specified in the notice under Subsection (b)(1) and the person is not, in the 36-month period for which the

¹³ *Added by Acts 2009, 81st Leg., R.S., Ch. 1146, Sec. 15.04, eff. September 1, 2011. Applies only to a surcharge that is assessed under Chapter 708, Transportation Code, on or after the effective date of this article.*

Transportation Code: Chapters 521, 708, 724

person made the up-front payment, subsequently convicted of an offense requiring a surcharge or an increase in the amount due to the department, the department is not required to:

- (1) take any further action under Section 708.053, 708.102, 708.103, or 708.104, as applicable; or
- (2) annually notify the person of the assessment of the surcharge under Section 708.151.¹⁴

CHAPTER 724. IMPLIED CONSENT

SUBCHAPTER B. TAKING AND ANALYSIS OF SPECIMEN

§ 724.015. INFORMATION PROVIDED BY OFFICER BEFORE REQUESTING SPECIMEN.

Before requesting a person to submit to the taking of a specimen, the officer shall inform the person orally and in writing that:

- (1) if the person refuses to submit to the taking of the specimen, that refusal may be admissible in a subsequent prosecution;
- (2) if the person refuses to submit to the taking of the specimen, the person's license to operate a motor vehicle will be automatically suspended, whether or not the person is subsequently prosecuted as a result of the arrest, for not less than 180 days;
- (3) if the person refuses to submit to the taking of a specimen, the officer may apply for a warrant authorizing a specimen to be taken from the person;
- (4) if the person is 21 years of age or older and submits to the taking of a specimen designated by the officer and an analysis of the specimen shows the person had an alcohol concentration of a level specified by Chapter 49, Penal Code, the person's license to operate a motor vehicle will be automatically suspended for not less than 90 days, whether or not the person is subsequently prosecuted as a result of the arrest;
- (5) if the person is younger than 21 years of age and has any detectable amount of alcohol in the person's system, the person's license to operate a motor vehicle will be automatically suspended for not less than 60 days even if the person submits to the taking of the specimen,

¹⁴ H.B. 588 82nd Leg amended 708.159. *Applies to any total surcharge amounts owed by a person for a 36-month period under Chapter 708, Transportation Code, regardless of whether the initial annual surcharge was assessed before, on, or after September 1, 2011*

Transportation Code: Chapters 521, 708, 724

but that if the person submits to the taking of the specimen and an analysis of the specimen shows that the person had an alcohol concentration less than the level specified by Chapter 49, Penal Code, the person may be subject to criminal penalties less severe than those provided under that chapter;

- (6) if the officer determines that the person is a resident without a license to operate a motor vehicle in this state, the department will deny to the person the issuance of a license, whether or not the person is subsequently prosecuted as a result of the arrest, under the same conditions and for the same periods that would have applied to a revocation of the person's driver's license if the person had held a driver's license issued by this state; and
- (7) the person has a right to a hearing on the suspension or denial if, not later than the 15th day after the date on which the person receives the notice of suspension or denial or on which the person is considered to have received the notice by mail as provided by law, the department receives, at its headquarters in Austin, a written demand, including a facsimile transmission, or a request in another form prescribed by the department for the hearing.

§ 521.276. to 521.290 [Reserved for expansion]

**GOVERNMENT CODE: CHAPTER 76. COMMUNITY SUPERVISION AND CORRECTIONS
DEPARTMENTS**

Sec. 76.011. OPERATION OF CERTAIN PRETRIAL SERVICES AND PROGRAMS.

- (a) The department may operate programs for:
- (1) the supervision and rehabilitation of persons in pretrial intervention programs;
 - (2) the supervision of persons released on bail under:
 - (A) Chapter 11, Code of Criminal Procedure;
 - (B) Chapter 17, Code of Criminal Procedure;
 - (C) Article 44.04, Code of Criminal Procedure; or
 - (D) any other law;
 - (3) the supervision of a person subject to, or the verification of compliance with, a court order issued under:
 - (A) Article 17.441, Code of Criminal Procedure, requiring a person to install a deep-lung breath analysis mechanism on each vehicle owned or operated by the person;
 - (B) Chapter 469, Health and Safety Code, issuing an occupational driver's license;
 - (C) Section 49.09(h), Penal Code, requiring a person to install a deep-lung breath analysis mechanism on each vehicle owned or operated by the person; or
 - (D) Subchapter L, Chapter 521, Transportation Code, granting a person an occupational driver's license; and
 - (4) the supervision of a person not otherwise described by Subdivision (1), (2), or (3), if a court orders the person to submit to the supervision of, or to receive services from, the department.
- (b) Except as otherwise provided by this subsection, programs operated by the department under Subsection (a) ~~Programs~~ may include reasonable conditions related to the purpose of the program, including testing for controlled substances. If this subsection conflicts with a more specific provision of another law, the other law prevails.
- (c) A person in a pretrial intervention program operated by the department under Subsection (a) may be supervised for a period not to exceed two years.
- (d) ~~(b)~~ The department may use money deposited in the special fund of the county treasury for the department under Article 103.004(d) ~~103.004(b)~~, Code of Criminal Procedure, only for the same purposes for which state aid may be used under this chapter.

**GOVERNMENT CODE: CHAPTER 76. COMMUNITY SUPERVISION AND CORRECTIONS
DEPARTMENTS**

Sec. 76.015. ADMINISTRATIVE FEE.

(a) A department may collect money from an individual as ordered by a court served by the department regardless of whether the individual is under the department's supervision.(b) A department that collects money under this section shall promptly transfer the money collected to the appropriate county or state officer.(c) A department may assess a reasonable administrative fee of not less than \$25 and not more than ~~\$40~~ \$60 per month on an individual who participates in a department program or receives department services and who is not paying a monthly fee under Section 19, Article 42.12, Code of Criminal Procedure.¹

¹ S.B. 880 amended 76.011, and 76.015. Subsection (c), Section 76.015, Government Code, as amended by this Act, applies to a person who participates in a program operated by, or receives services from, a community supervision and corrections department in any month the first day of which occurs on or after the effective date of this Act, regardless of when the person first participated in a program operated by, or received services from, a community supervision and corrections department.

DRIVER'S LICENSE SUSPENSION CHART

ALCOHOLIC BEVERAGE CODE OFFENSES	AUTOMATIC LICENSE SUSPENSION PERIOD			EFFECTIVE DATE OF SUSPENSION
	1st Offense	2nd Offense °	3rd Offense	
ADULT: FURNISHING ALCOHOL, OR PURCHASING ALCOHOL FOR A MINOR 106.06 AB	180 days Judge Orders DPS to Suspend	1 yr Judge Orders DPS to Suspend	n/a	Begins after date of final conviction. §521.351(c)
MINOR: ATTEMPT TO PURCHASE ALCOHOL BY MINOR 106.025	30 days Judge Orders DPS to Suspend	60 days Judge Orders DPS to Suspend	90 days Judge Orders DPS to Suspend	Upon Receipt By DPS of Court Order 106.071(d)(2). DPS Notifies Minor 521.345(b)
CONSUMPTION OF ALCOHOL BY MINOR 106.04	as above	as above	as above	
Misrepresentation of Age by Minor 106.07	as above	as above	as above	
Possession of Alcohol by Minor 106.05 AB	as above	as above	as above	
Purchase of Alcohol by a Minor 106.02 AB	as above	as above	as above	
Failure to Complete Alcohol Awareness Course 115(d)(1) AB, 54.042(c) FC	1 dy – 6 months Judge Orders DPS to Suspend			Upon Receipt By DPS of Court Order 106.115(d)(1) AB DPS To Notice Defendant 521.345(b)

△ <21 means a person younger than 21 years of age on date of offense

DRIVER'S LICENSE SUSPENSION CHART

INTOXICATION OFFENSES	GRADE	AUTOMATIC SUSPENSION (J) Suspension Period Set By Judge (DPS) Judge Orders DPS To Suspend Per Statute			COMMUNITY SUPERVISION	
		>5 yrs after date last offense committed	Committed w/in 5 yrs of date on which last offense was committed	EFFECTIVE DATE of SUSPENSION	EDUCATION PGM	IGNITION INTERLOCK
DWI 49.04 DWI w/Child Passenger 49.045	1st (true 1st)	90 dys – 1 yr 521.344(a)(2)(A)	n/a	Date of Conviction—30 th Day After 521.344(a)(1)	Stays suspension if Δ timely completes pgm or if judge waives or extends completion date Art. 42.12 §13(h),(i)	Discretionary unless: Δ BAC .15 or more 42.12§13(i) Δ<21 on date of offense 42.12§13(n)(2)
BWI 1st 49.05 FWI 1st 49.06	1st (true 1st)	90 days – 1 yr (J) 521.344(a)(2)(A)	n/a	✓	✓	✓
DWI 49.04	2nd or more punished as 1st	90 dys – yr	1 yr – 2 yrs 42.12§13(k)	✓	Judge may waive but must suspend for 90 – 365 days 42.12§13(k)	Discretionary unless: Δ BAC .15 or more 42.12§13(i) Δ has 1 or more prior convictions Δ<21 on date of offense 42.12§13(n)(2)
DWI 49.09(a) 49.09(b)	2nd or more punished as 2nd Subsequent (Felony)	180 days–2 yrs (J) 521.344(a)(2)(B)	1 yr – 2 yrs 42.12§13(k)	✓	Judge may waive but must suspend for 180 days–2 yrs 42.12§13(k)	*
DWI (r-Under 21) 49.04, 49.09(a) OR (b)	Any	1 yr 521.342(b) 90 dys if probated	1 yr 521.342(b) 90 dys if probated	✓	Required 521.342(b)	Mandatory 42.12§13(n)(2)

DRIVER'S LICENSE SUSPENSION CHART

INTOXICATION OFFENSES	GRADE	AUTOMATIC SUSPENSION (J) Suspension Period Set By Judge (JD) Judge Orders DPS To Suspend Per Statute			COMMUNITY SUPERVISION	
		>5 yrs after date last offense committed	Committed w/in 5 yrs of date on which last offense was committed	EFFECTIVE DATE of SUSPENSION	ALCOHOL EDUCATION PGM	IGNITION INTERLOCK
INTOXICATION ASSAULT w/ Motor Vehicle (ADULT) 49.07 PC	1st	90 days – 1 yr (J) 521.344(a)(2)(A)	1 year 521.344(a)(2)(A)	Date of Conviction—30 th Day After 521.344(a)(1)	Stays suspension if Δ timely completes pgm or if judge waives or extends completion date Art. 42.12 §13(h),(i)	Mandatory for at least 50% of probation term 42.12§13(i)
INTOXICATION ASSAULT w/ Motor Vehicle (Minor) 49.07 PC		1 yr 521.342(b) 90 days if probated	n/a	✓	Does not stay suspension unless judge requires Δ to install interlock 521.342(b)	Mandatory to have shorter suspension and get credit for alc educ pgm. 42.12§13(n)(2) 521.342(b)
INTOXICATION MANSLAUGHTER (Adult) 49.08 PC	1st or 2nd	180 days – 2 yrs (J) 521.344(b)(2)	*Committed w/in 10 yrs of date of last offense 1 yr – 2 yrs (J) 521.344(b2)	✓	Stays suspension if Δ timely completes pgm or if judge waives or extends completion date Art. 42.12 §13(k)	Mandatory for at least 50% of probation term 42.12§13(i)
INTOXICATION MANSLAUGHTER Minor 49.08 PC		1 yr 521.342(b) 90 dys if probated	n/a	✓	Does not stay suspension unless judge requires Δ to install interlock 521.342(b)	Mandatory for term of probation 42.12§13(n)(2)

DRIVER'S LICENSE SUSPENSION CHART
HEALTH & SAFETY CODE
PENAL CODE
TRANSPORTATION CODE

GENERAL OFFENSES	GRADE	LICENSE ACTION (J) =By Judge (DPS) =Automatically By DPS on Notification by Court	EFFECTIVE DATE OF SUSPENSION
Controlled Substance Act Crimes Including Marihuana, Any Drug Offense Any Felony Under Ch 481 H&S that is not a drug offense. Adult 521.372	any	180 days after date of final conviction (A) 521.372(c) Suspension continues indefinitely until Δ completes Drug Course. (DPS) 521.374(b)	On Final Conviction 521.372(c)
Controlled Substances Crimes Minor [< 21on date of offense] 521.342(a)(3) – (5)	any	180 days after date of final conviction (A) 521.372(c) Suspension continues indefinitely until Δ completes Drug Course. (DPS) 521.374(b)	On Conviction 521.342(a)
Dangerous Drug & Volatile Chemical offense under either Chapter 483, or 485 H&S involving possession, delivery, transportation, manufacture or use Misdemeanor under 481 not listed in Subchapter P 521.342(a)(4), (5)		1 year (DPS) 521.343	On Conviction 521.342(a)
Criminally Negligent Homicide With Motor Vehicle 19.05 PC		1 year (DPS) 521.341(1), >1 – 18 months 521.343 TC	On Final Conviction 521.343 TC
Driver's License Fraud Generally: Adult 521.341(7),(8) 521.451, 453 TC		90 days–1 year (J) Or, if not set by Judge, 1 year (DPS) 521.346	On Final Conviction
Driver's License Fraud by Under 21 Year Old Representing Self to be 21 or More 521.453(a) TC		90 days–1 year (J) Or, if not set by Judge, 1 year (DPS) 521.346	On Final Conviction
GENERAL	GRADE	LICENSE ACTION	EFFECTIVE DATE OF

DRIVER'S LICENSE SUSPENSION CHART

OFFENSES		(J) =By Judge (DPS) =Automatically By DPS on Notification by Court	SUSPENSION
Driving While License Invalid or Suspended for Conduct Listed in 521.292(a)(1)	1st	90 days (DPS) 521.292, 293	40 th day after DPS considers ▲ received notice under 521.297(a)
Driving While License Invalid or Suspended for Conduct Listed in 521.292(a)(1)	2nd	Lesser of original period of suspension or 1 year, to be served consecutively with original. (DPS) 521.292, 293	40 th day after DPS considers ▲ received notice under 521.297(a)
Evading Arrest With Motor Vehicle 38.04	1st	1 year (DPS) 521.341(2), 521.343(a)	On Final Conviction 521.342(2)
	>1	18 months (DPS)	On Final Conviction
Fictitious License Plates, Safety, or Inspection Sticker 502.409(a)(4) or 548.603(a)(1)		180 days(DPS) 521.343(b)	11 th day after DPS renders order. 521.311
Graffiti 28.08 PC		1 year {J orders DPS to suspend} 521.320	On Final Conviction including deferred adjudication and c/s 521.320(c), (f)
Habitual Violator		90 days – 1 year (DPS) 521.292. 293	40 th day after DPS considers ▲ received notice under 521.297(a)
Human Trafficking – Juvenile		1 year 54.042(c) FC , 521.345 TC	
Manslaughter by Recklessly Using Motor Vehicle 19.04 PC	1st	1 year DPS 521.341(8), 521.343(a)	On Final Conviction
	2nd	18 months (DPS)	On Final Conviction

DRIVER'S LICENSE SUSPENSION CHART

GENERAL OFFENSES	GRADE	LICENSE ACTION (J) =By Judge (DPS) =Automatically By DPS on Notification by Court	EFFECTIVE DATE OF SUSPENSION
Motor Vehicle Felonies		1 year 521.341(5)	On Final Conviction
Out-of-State Convictions Under Driver's License Compact 521.306		Same as Texas Offense	11 th day after DPS renders order. 521.311
Racing 545.420(a) TC		1 year (DPS) 521.350(b) If Δ under 18, Restricted ODL to and from school, 521.350(c)	On Final Conviction
Registered Sex Offender Failing to Apply for Driver's License 521.348(a)		REVOKED DPS 521.348(a)(2)	Day after annual renewal date. 521.348(a)(2)
Tampering with Government Record (License Plate or Registration or Safety Sticker Under Chaps 502 or 548) 37.10 Pc		1 year Revocation (J) No Suspension if Judge Grants Def'd Adj.	On Final Conviction. Judge may require Δ to surrender license(s). 521.347(a)
Theft of Motor Fuel..... 31.03 PC	1st	180 days (DPS) 521.349(c)	On Final Conviction 521.349(a)
	2nd	1 year suspension and 1 year denial from date Def seeks reinstatement (DPS)	On Final Conviction

DRIVER'S LICENSE SUSPENSION CHART

INTERLOCK	5 YR MANDATORY
49.09(h) PC	RULE
n/a on true 1st offense	
INTERLOCK 5 YR RULE (49.09(h) Penal Code	
<ul style="list-style-type: none">• Applies only to person convicted of a 2nd or subsequent DWI.• Court shall enter order:<ul style="list-style-type: none">• requiring Defendant to have IID installed on each motor vehicle owned, or operated by Defendant; and• for one year beginning on the date the Defendant's suspension under §521.344 ends	

DRIVER'S LICENSE SUSPENSION CHART

40th day after receipt of notice if no request for hearing. 524.021

BREATH / BLOOD TEST FAILURE- ADULT	LICENSE ACTION BY DPS 521.311	INELIGIBLE FOR ODL
1st Contact—	90 days suspension 524.022(a)(1) Court shall credit to automatic suspension 524.023(b) 521.344(c)	Immediately subject to compliance with counseling and rehab 521.245, 521.251(a)
2nd contact but no prior conviction w/in 5 years of date of prior contact	1 yr suspension 524.022(a)(2)	91st day after suspension subject to compliance with counseling and rehab 521.245, 521.251(b)
2nd contact or more if w/in more than 5 yrs but less than 10 yrs from date of prior contact	1 yr suspension 524.022(a)(2) Court shall NOT credit to automatic suspension 524.023(b)	Immediately subject to compliance with counseling and rehab 521.245, 521.251(a)

BREATH/BLOOD DETECTABLE AMOUNT-MINOR	LICENSE ACTION BY DPS 521.311	INELIGIBLE FOR ODL
1ST	60 days 524.022(b)(1), Court shall credit to automatic suspension 524.023(b) 521.344(c)	1st 30 days of suspension 524.022(d)(1)
2nd¹	120 days consecutive w/automatic 524.022(b)(2), Court shall NOT credit to automatic suspension 524.023(b), 521.344(c)(1)	1st 90 days of suspension 524.022(d)(2)
3rd²	180 days consecutive w/automatic 524.022(b)(3), Court shall NOT credit to automatic suspension 524.023(b) 521.344(c)(1)	Entire period of suspension 524.022(d)(3)

)

¹ A previous conviction includes an adjudication under Title 3 Family Code that minor engaged in conduct under Section 106.041, Alcoholic Beverage Code, or Section 49.04, 49.045, or 49.06, Penal Code, or an offense under Section 49.07 or 49.08, Penal Code, involving the operation of a motor vehicle or a watercraft

² *Id.*

DRIVER'S LICENSE SUSPENSION CHART

REFUSAL ADULT AND MINOR	LICENSE ACTION BY DPS 521.311	INELIGIBLE FOR ODL
1st Contact ADULT / MINOR	180 days suspension 724.035(a)(1) Court shall credit toward automatic suspension 521.344(c)	Immediately subject to compliance w/IID and Counseling 521.251(a)
2nd contact w/in 5 years of date of prior contact	2 yr suspension 724.035(b) Court shall NOT credit toward automatic suspension 521.344(c)(1)	91st day after suspension 521.251(b)
2nd contact or more after conviction under 49.04 w/in 5 years of date of prior conviction	2 yr suspension 724.035(b) Court shall NOT credit toward automatic suspension 521.344(c)(1)	181st day after suspension 521.251(c)
2nd or additional contact w/in 5 years of date of prior conviction under 49.09(a) or (b)	2 yr suspension 724.035(b) Court shall NOT credit toward automatic suspension 521.344(c)(1)	1st anniversary of the suspension 521.251(d)
2nd contact or more if w/in more than 5 yrs but less than 10 yrs from date of prior contact	2 yr suspension 724.035(b) Court shall NOT credit toward automatic suspension 521.344(c)(1)	91st day after suspension 521.251(b)