



**THE ATTORNEY GENERAL
OF TEXAS**

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September 3, 1969

Col. Wilson E. Speir, Director
Texas Department of Public Safety
5805 North Lamar
Austin, Texas 78751

Opinion No. M-461

Re: Application of Article 6687b,
Vernon's Civil Statutes, as
amended by Senate Bill 743 of
the 61st Legislature, R. S., 1969,
to suspended driver's licenses
under Sections 22 and 24, of
Article 6687b, Vernon's Civil
Statutes, and Sections 5b, 7, 14
and 17 of Article 6701h, Vernon's
Civil Statutes

Dear Colonel Speir:

In your recent request concerning the above captioned matter, you have asked this office for an answer to the following three questions (which are grouped since they are closely identical):

Questions 1, 2, & 3: Must an individual whose driver's license has been suspended furnish proof of financial responsibility as required by Article 6701h, Vernon's Civil Statutes, in order to obtain an occupational license under the terms of Article 6687b, as amended by Senate Bill 743 of the 61st Legislature, R. S., 1969, where the suspension has occurred under the provisions of:

1. Section 22, Article 6687b, Vernon's Civil Statutes
2. Section 24, Article 6687b, Vernon's Civil Statutes
3. Sections 5b, 7, 14, 17, Article 6701h, Vernon's Civil Statutes

Examination of the various sections of Article 6687b and 6701h cited in your questions reveals that the enumerated sections provide for suspensions of different types. Section 22 involves suspension after hearing, whereas Section 24 governs automatic suspensions upon final conviction of various driving offenses. Sections 5b, 7, 14 and 17 of Article 6701h (known as the Texas Safety Responsibility Law) all involve suspensions having to do with noncompliance with the Article such as failure to provide financial responsibility following an accident.

The answers to all of your questions are affirmative.

Senate Bill 743 amends Article 6687b by adding Section 23A. This section provides for the obtaining of an "occupational" driver's license after a previous license has been suspended. Subsection (a) of Section 23A begins by providing that "any person whose license has been suspended for causes other than physical or mental disability or impairment may file" a petition in district court seeking an "occupational" license in conformity with the section. The subsection also requires that the applicant provide the court with "proof of a valid policy of automobile liability insurance in accordance with the provisions of the Texas Safety Responsibility Law". Subsection (b) of the same section further provides that upon receipt of the court's order by the Department of Public Safety, and after compliance with the provisions of the Texas Safety Responsibility Law, the Department shall issue the license.

In answering your questions affirmatively, it seems clear from the amendment that it was the intent of the Legislature to require all applicants seeking an "occupational license" to comply with the Texas Safety Responsibility Law. This compliance is twofold. Subsection (a) requires proof of compliance in the district court, while Subsection (b) requires compliance as a condition to the issuance of a license by the Department. Any suspended applicant whose suspension was caused by mental or physical disability or impairment, whether in accord with one of the cited sections or not, could not make application under the amended provision, but short of that, all other applicants would be eligible to have their license replaced by a limited "occupational" license and would have to comply with Section 23A.

SUMMARY

An individual whose license has been suspended under the provisions of

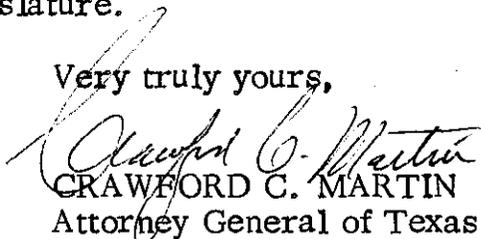
- (1) Section 22, Article 6687b, Vernon's Civil Statutes,
- (2) Section 24, Article 6687b, Vernon's Civil Statutes, or

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(3) Sections 5b, 7, 14, 17, Article 6701h, Vernon's Civil Statutes

must furnish proof of a valid policy of automobile liability insurance in accordance with Article 6701h, Vernon's Civil Statutes and must further comply with Article 6701h, Vernon's Civil Statutes, in order to obtain an occupational license under the terms of Article 6687b, Vernon's Civil Statutes, as amended by Senate Bill 743 of the 61st Legislature.

Very truly yours,


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