



Texas Public Policy  
Foundation

## Support SB 181/ SCR 1 (Johnson) and HB 556/ HCR 4 (White)

### Make Texas the 47<sup>th</sup> State to opt out of the Solomon- Lautenberg Automatic License Suspension Amendment

Every year, thousands of Texans who have been convicted of drug offenses struggle to rebuild their lives. That struggle is made more difficult by Section 521.372 of the Transportation Code, which was passed in response to a federal mandate requiring states to suspend the driver's license of anyone who is convicted of a drug offense – regardless of whether that offense had anything to do with driving.

**These bills and resolutions will allow Texas opt out of the federal mandate and repeal this law, which 46 states have already done. Doing so will help to ensure that people who have been convicted of drug offenses can get back on their feet and provide for themselves and their families.**

### Background

In 1991, the U.S. Congress enacted the Solomon-Lautenberg Amendment, a federal law requiring states to punish people convicted of drug offenses by suspending their licenses for six months.<sup>i</sup> This law penalized states that refused to do so with a reduction in federal highway funding.

In response to the mandate, the Texas Legislature introduced Section 521.372 of the Transportation Code, which automatically suspends the license of any Texan convicted of a drug offense for at least six months. The suspension applies regardless of the nature of the offense or the judge's determination as to whether such a suspension would be appropriate. In order to lift the suspension, the person must:

- Take an approved 15-hour drug course;
- Send in a certificate of completion; and
- Notify DPS that he or she wishes to obtain a license.

Only after the person notifies DPS of this desire does the six-month waiting period to obtain a license begin. **Many people do not understand this complicated process, and therefore lose their licenses indefinitely.**

### Impact

**Over 18,000 Texans have their driver's licenses suspended under Section 521.372.**<sup>ii</sup> Without a license, it can be nearly impossible for people to find and keep gainful employment – which is essential in preventing recidivism. Section 521.372 is therefore a significant obstacle to people with convictions who want to earn an honest living.

Many people convicted of drug offenses are already required to attend some form of counseling or rehabilitation as a condition of their probation. Without the ability to drive, they struggle to get to treatment and as a consequence may return to the habits which led to their initial offense.

### Solution

In order for Texas to be exempt from this federal requirement without penalty, the Legislature must adopt a resolution expressing opposition to the enforcement of a law to suspend driver's licenses for any drug-related offense, and then pass a bill that makes license suspensions discretionary rather than automatic and allows people to take the drug course online.

This resolution and bill will help to ensure that people convicted of drug offenses have the freedom of movement necessary to successfully reintegrate into society, that law enforcement agencies are able to focus on significant crimes, and that judges can exercise appropriate discretion in determining what punishments to impose.

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<sup>i</sup> 23 U.S.C. Sect; 159. Enacted as part of the 1991 Department of Transportation and Related Agencies Appropriations Act (H.R. 5229).

<sup>ii</sup> Public Information Response 20-3527, Tex. Dep't. of Pub. Safety (Jan. 25, 2021).