



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Hon. Homer Garrison, Jr., Director
Department of Public Safety
Austin, Texas

Dear Sir: Attention Of Ralph L. Buell

Opinion No. 0-1275

Re: Does a third conviction entail a suspension of the operator's license for the same period as a second conviction and, if not, for what period?

Your request for an opinion on the above stated question has been received by this Department.

Section 16 of Article 669^{2a}, Vernon's Civil Statutes, commonly referred to as the Texas Drivers' License Law, reads as follows:

"(a) The license of any person shall be automatically suspended or revoked upon final conviction of any of the following offenses:

(1) Negligent homicide resulting from the operation of a motor vehicle.

(2) Driving a motor vehicle while under the influence of intoxicating liquor or narcotic drugs.

(3) Any offense punishable as a felony under the motor vehicle laws of this state.

(4) Upon three convictions of violating any of the provisions of Article 801 of the Penal Code of Texas, or Section 10 of Chapter 42 of the General Laws of the Second Called Session of the Forty-first Legislature of Texas, committed within a period of twelve (12) consecutive months.

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(5) A conviction of a driver of a motor vehicle involved in an accident or collision, upon a charge of failure to stop, render aid, and disclose his identity at the scene of said accident or collision.

(6) Conviction upon two separate charges of aggravated assault upon a person by means of a motor vehicle, as provided by law.

(b) The revocation or suspension above provided shall in the first instance be for a period of six (6) months. In event any license shall be revoked or suspended under the provisions of this Section for a second time, said second revocation or suspension shall be for a period of one additional year.

(c) The revocation or suspension of any license shall be automatically extended upon licensee being convicted of operating a motor vehicle while the license of such person is suspended or revoked; such extended period of revocation or suspension to be for a like period as the original revocation or suspension."

Section 16-B of the above mentioned article reads as follows:

"The Department shall not suspend a license for a period of more than one (1) year, and upon revoking a license shall not in any event grant application for a new license until the expiration of the period for which said license was cancelled."

Article 801 of the Penal Code above mentioned, is commonly referred to as The Law of the Road and Section 10 of Chapter 42 of the General Laws of the Second Called Session of the Forty-first Legislature, also above mentioned, regards the parking or leaving of any vehicle upon the paved or improved or main traveled portion of any highway, outside any incorporated town or city.

The statutes do not specify any period of time

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that a license shall be suspended upon third conviction. However, the statutes do provide that in the event any license shall be revoked or suspended under the provisions of the above mentioned statute for a second time, said second revocation or suspension shall be for a period of one additional year and Section 16-B provides that the department shall not suspend a license for a period of more than one (1) year.

In view of the foregoing statutes you are respectfully advised that it is the opinion of this Department that when a person is convicted for violating any of the provisions of Section 16, supra, for the third time, his license shall be suspended for the same period of time as in the second conviction and in no event for more than one year.

Trusting that the foregoing fully answers your inquiry, we remain

Yours very truly

ATTORNEY GENERAL OF TEXAS

By *Ardell Williams*

Ardell Williams
Assistant

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APPROVED OCT 28, 1939

Gene B. Mann

ATTORNEY GENERAL OF TEXAS