

**DWI EDUCATION PROGRAM**  
**Code of Criminal Procedure**  
**Chapter 42A, Articles 42A.403, 42A.405 and 42A.406**  
**Administered by the Texas Department of Licensing and Regulation**  
*(Effective September 1, 2017)*

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**Art. 42A.403. Educational Program for Certain Intoxication Offenders; Waiver of Extension of Time**

- (a) A judge who places on community supervision a defendant convicted of an offense under Sections 49.04-49.08, Penal Code, shall require as a condition of community supervision that the defendant attend and successfully complete, before the 181st day after the date community supervision is granted, an educational program designed to rehabilitate persons who have driven while intoxicated that is jointly approved by:
  - (1) the Texas Department of Licensing and Regulation;
  - (2) the Department of Public Safety;
  - (3) the traffic safety section of the traffic operations division of the Texas Department of Transportation; and
  - (4) the community justice assistance division of the Texas Department of Criminal Justice.
- (b) This article does not apply to a defendant if a jury recommends community supervision for the defendant and also recommends that the defendant's driver's license not be suspended.
- (c) If the defendant by a motion in writing shows good cause, the judge may:
  - (1) waive the educational program requirement; or
  - (2) to enable the defendant to successfully complete the program, grant an extension of time that expires not later than the first anniversary of the beginning date of the defendant's community supervision.
- (d) In determining good cause, the judge may consider but is not limited to:
  - (1) the defendant's school and work schedule;
  - (2) the defendant's health;
  - (3) the distance that the defendant must travel to attend an educational program; and
  - (4) the fact that the defendant resides out of state, does not have a valid driver's license, or does not have access to transportation.
- (d-1) The judge shall waive the educational program requirement if the defendant successfully completes equivalent education at a residential treatment facility under Article 42A.4045.
- (e) The judge shall set out in the judgment, as applicable:
  - (1) the finding of good cause for waiver; or
  - (2) the finding that the defendant has successfully completed equivalent education as provided by Article 42A.4045.

**Art. 42A.405. Rules for and Administration of Educational Programs**

- (a) The Texas Department of Licensing and Regulation shall adopt rules for the educational program under Article 42A.404.
- (b) The Texas Department of Licensing and Regulation shall:

- (1) publish the jointly approved rules for the educational program under Article 42A.403; and
  - (2) monitor, coordinate, and provide training to persons providing the educational programs under this subchapter.
- (c) The Texas Department of Licensing and Regulation is responsible for the administration of the certification of approved educational programs.
- (d) The Texas Department of Licensing and Regulation may charge a nonrefundable application fee for the initial certification of approval or for a renewal of the certification.

**Art. 42A.406. Effect of Educational Program Requirements on Driving Record and License**

- (a) If a defendant is required as a condition of community supervision to attend an educational program under Article 42A.403 or 42A.404, or if the court waives the educational program requirement under Article 42A.403 or the defendant successfully completes equivalent education under Article 42A.4045, the court clerk shall immediately report that fact to the Department of Public Safety, on a form prescribed by the department, for inclusion in the defendant's driving record. If the court grants an extension of time in which the defendant may complete the educational program under Article 42A.403, the court clerk shall immediately report that fact to the Department of Public Safety on a form prescribed by the department. The clerk's report under this subsection must include the beginning date of the defendant's community supervision.
- (b) On the defendant's successful completion of an educational program under Article 42A.403 or 42A.404, the defendant's instructor shall give notice to the Department of Public Safety for inclusion in the defendant's driving record and to the community supervision and corrections department. The community supervision and corrections department shall forward the notice to the court clerk for filing.
- (b-1) Upon release from a residential treatment facility at which the person successfully completed equivalent education under Article 42A.4045, at the request of the court clerk, the director of the residential treatment facility shall give notice to the Department of Public Safety for inclusion in the person's driving record.
- (c) If the Department of Public Safety does not receive notice that a defendant required to complete an educational program has successfully completed the program within the period required by the judge under this subchapter, as shown on department records, the department, as provided by Sections 521.344(e) and (f), Transportation Code, shall:
- (1) revoke the defendant's driver's license; or
  - (2) prohibit the defendant from obtaining a license.
- (d) The Department of Public Safety may not reinstate a license revoked under Subsection (c) as the result of an educational program requirement imposed under Article 42A.403 unless the defendant whose license was revoked applies to the department for reinstatement of the license and pays to the department a reinstatement fee of \$100. The Department of Public Safety shall remit all fees collected under this subsection to the comptroller for deposit in the general revenue fund.