

By: Riddle

H.B. No. 2839

A BILL TO BE ENTITLED

AN ACT

relating to the civil and criminal consequences of racing a motor vehicle on a highway.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 521.350, Transportation Code, is amended by amending Subsections (b) and (d) and adding Subsection (e-1) to read as follows:

(b) Except as provided by this section, a ~~[A]~~ suspension under this section is:

(1) for one year, on conviction of a first offense; or

(2) for two years, on conviction of any subsequent offense ~~[except as provided by this section]~~.

(d) A person whose license is suspended under Subsection (a) shall be required by the court in which the person was convicted to perform at least 20 ~~[10]~~ hours of community service as ordered by the court. If the person is a resident of this state without a driver's license to operate a motor vehicle, the court shall issue an order prohibiting the department from issuing the person a driver's license before the person completes the community service. Community service required under this subsection is in addition to any community service required of the person as a condition of community supervision under Section 16, Article 42.12, Code of Criminal Procedure.

(e-1) A person whose license is suspended under Subsection

1 (a) shall be required by the court in which the person was convicted
2 to complete a driving safety course approved by the Texas Education
3 Agency under Chapter 1001, Education Code.

4 SECTION 2. Section 545.420, Transportation Code, is amended
5 by amending Subsection (a) and adding Subsections (i) and (j) to
6 read as follows:

7 (a) A person may not participate as a driver, race starter,
8 or in any other capacity ~~[manner]~~ in:

9 (1) a race;
10 (2) a vehicle speed competition or contest;
11 (3) a drag race or acceleration contest;
12 (4) a test of physical endurance of the operator of a
13 vehicle; or

14 (5) in connection with a drag race, an exhibition of
15 vehicle speed or acceleration or to make a vehicle speed record.

16 (i) A peace officer may require a vehicle used in the
17 commission of an offense under this section be taken to the nearest
18 garage or to a garage designated or maintained by the governmental
19 agency that employs the officer and retained there for a period not
20 to exceed 15 days. The owner of a motor vehicle that is removed or
21 stored under this subsection is liable for all removal and storage
22 fees incurred and is not entitled to take possession of the vehicle
23 until those fees are paid.

24 (j) If it is shown on trial of an offense under Subsection
25 (a) that the defendant was operating a motor vehicle at the time the
26 offense was committed and the defendant has previously been
27 convicted of an offense under that subsection, in addition to any

1 penalty imposed under Subsections (d)-(h), a court that enters a
2 judgment of conviction shall order that the motor vehicle operated
3 by the defendant at the time of the offense be forfeited to the
4 state if the defendant:

5 (1) was an owner of the vehicle at the time of the
6 offense; and

7 (2) is an owner of the vehicle on the date of the
8 defendant's conviction.

9 SECTION 3. The change in law made by this Act applies only
10 to an offense committed on or after the effective date of this Act.
11 An offense committed before the effective date of this Act is
12 covered by the law in effect immediately before the effective date
13 of this Act, and the former law is continued in effect for that
14 purpose. For purposes of this section, an offense was committed
15 before the effective date of this Act if any element of the offense
16 was committed before that date.

17 SECTION 4. This Act takes effect September 1, 2009.