

By: Stucky, Frazier, Lujan, Spiller, Harless,  
et al.

H.B. No. 898

A BILL TO BE ENTITLED

AN ACT

relating to the offense of passing certain vehicles on a highway;  
increasing a criminal penalty.

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

SECTION 1. Section 545.157, Transportation Code, is amended  
by amending Subsection (c) and adding Subsections (d-1) and (d-2)  
to read as follows:

(c) A person who violates [~~violation of~~] this section  
commits an offense. An offense under this section is[+]

~~[(1) a misdemeanor punishable under Section 542.401,~~

~~[(2)] a misdemeanor punishable by a fine of not less  
than \$500 or more than \$1,250, except that the offense is:~~

(1) a misdemeanor punishable by a fine of not less than  
\$1,000 or more than \$2,000 for a second or subsequent offense  
committed within five years of the date on which the most recent  
preceding offense was committed;

(2) a Class A misdemeanor if the offense [~~violation~~  
~~results in property damage, or~~

~~[(3) a Class B misdemeanor if the violation]~~ results  
in serious bodily injury to another; or

(3) a state jail felony for a second or subsequent  
offense punishable under Subdivision (2).

(d-1) If it is shown on the trial of the offense that the  
person has previously been convicted of an offense under this

1 section, on conviction the court may order the person's driver's  
2 license to be suspended for a period not to exceed six months.

3 (d-2) The court may require a defendant who fails to pay a  
4 previously assessed fine or costs under this section, or who is  
5 determined by the court to have insufficient resources or income to  
6 pay a fine or costs under this section, to discharge all or part of  
7 the fine or costs assessed under this section by performing  
8 community service.

9 SECTION 2. The changes in law made by this Act apply only to  
10 an offense committed on or after the effective date of this Act. An  
11 offense committed before the effective date of this Act is governed  
12 by the law in effect on the date the offense was committed, and the  
13 former law is continued in effect for that purpose. For purposes of  
14 this section, an offense was committed before the effective date of  
15 this Act if any element of the offense occurred before that date.

16 SECTION 3. This Act takes effect September 1, 2023.