

1-1 By: Stucky, et al. (Senate Sponsor - Parker) H.B. No. 898  
 1-2 (In the Senate - Received from the House April 26, 2023;  
 1-3 April 26, 2023, read first time and referred to Committee on  
 1-4 Transportation; May 11, 2023, reported favorably by the following  
 1-5 vote: Yeas 8, Nays 0; May 11, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11			X	
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to the offense of passing certain vehicles on a highway;  
 1-20 increasing a criminal penalty.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 545.157, Transportation Code, is amended  
 1-23 by amending Subsection (c) and adding Subsections (d-1) and (d-2)  
 1-24 to read as follows:

1-25 (c) A person who violates ~~[violation of]~~ this section  
 1-26 ~~commits an offense. An offense under this section is~~ [+

1-27 ~~[(1) a misdemeanor punishable under Section 542.401,~~  
 1-28 ~~[(2)] a misdemeanor punishable by a fine of not less~~  
 1-29 ~~than \$500 or more than \$1,250, except that the offense is:~~

1-30 (1) a misdemeanor punishable by a fine of not less than  
 1-31 \$1,000 or more than \$2,000 for a second or subsequent offense  
 1-32 committed within five years of the date on which the most recent  
 1-33 preceding offense was committed;

1-34 (2) a Class A misdemeanor if the offense ~~[violation~~  
 1-35 ~~results in property damage, or~~

1-36 ~~[(3) a Class B misdemeanor if the violation]~~ results  
 1-37 in bodily injury to another; or

1-38 (3) a state jail felony for a second or subsequent  
 1-39 offense punishable under Subdivision (2).

1-40 (d-1) If it is shown on the trial of the offense that the  
 1-41 person has previously been convicted of an offense under this  
 1-42 section, on conviction the court may order the person's driver's  
 1-43 license to be suspended for a period not to exceed six months.

1-44 (d-2) The court may require a defendant who fails to pay a  
 1-45 previously assessed fine or costs under this section, or who is  
 1-46 determined by the court to have insufficient resources or income to  
 1-47 pay a fine or costs under this section, to discharge all or part of  
 1-48 the fine or costs assessed under this section by performing  
 1-49 community service.

1-50 SECTION 2. The changes in law made by this Act apply only to  
 1-51 an offense committed on or after the effective date of this Act. An  
 1-52 offense committed before the effective date of this Act is governed  
 1-53 by the law in effect on the date the offense was committed, and the  
 1-54 former law is continued in effect for that purpose. For purposes of  
 1-55 this section, an offense was committed before the effective date of  
 1-56 this Act if any element of the offense occurred before that date.

1-57 SECTION 3. This Act takes effect September 1, 2023.

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