

BILL ANALYSIS

H.B. 1326
By: Martinez Fischer
Law Enforcement
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Existing law prohibits racing and the exhibition of speed and provides a misdemeanor penalty with a maximum fine of \$200. It is the opinion of many Texas cities, some of which have attempted to address this problem through education campaigns and enforcement of existing laws, that increasing the penalty for racing will be more effective in decreasing this behavior. House Bill 1326 increases the penalty for racing to a Class B misdemeanor, allows for the citation of spectators, requires driver's license suspensions, and compels a person convicted of racing to complete an educational program to be developed by the Texas Education Agency.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Education Agency and the Texas Department of Public Safety under SECTION 2 (Section 521.350, Transportation Code) of this bill.

ANALYSIS

SECTION 1. House Bill 1326 amends the Transportation Code to include the following penalties for racing:

- Attending a race as a spectator—Class C misdemeanor
- First offense of racing—Class B misdemeanor
- Second offense—Class A misdemeanor
- Third offense—State jail felony
- Offender driving while intoxicated or in possession of an open container at the time of the offense—Class A misdemeanor
- Offense results in bodily injury—Third degree felony
- Offense results in serious bodily injury or death—Second degree felony

SECTION 2. A license is automatically suspended for one year for a person convicted of racing, except that:

- An offender remains eligible to receive an occupational license; an occupational license may only be issued to an offender under 18 years of age to go between school and home.
- An offender who successfully completes the educational program required before the one-year suspension is complete may apply for a reinstatement of the license.
- The department may not issue a license to a person who is a resident of this state and has not yet been issued a license before completion of the educational program.
- If a person is convicted for driving without a valid license during the period of his or her suspension, the department shall revoke that person's license until the first anniversary of the date of the conviction and may not reinstate the license or issue a new license before that date.

A person who is convicted under this section shall be required by the court to complete an educational program before the first anniversary of his or her conviction. The program will be designed to educate the offender on the dangers of racing on public streets and highways and requires approval by the Texas Education Agency (TEA) under rules adopted by that agency and the Department of Public Safety (DPS). The bill provides rulemaking authority to TEA and DPS to jointly adopt rules for qualification and approval of providers of educational programs under this section. The bill requires that a program include at least 100 hours of classroom instruction in order to be approved.

EFFECTIVE DATE

This Act takes effect September 1, 2003.