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H.B. No. 1326

A BILL TO BE ENTITLED

AN ACT

relating to the civil and criminal consequences of racing a motor vehicle on a public highway or street and of being a spectator at an illegal motor vehicle racing event; providing penalties.

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

SECTION 1. Section 545.420, Transportation Code, is amended by amending Subsection (a) and adding Subsections (c)-(h) to read as follows:

(a) A person may not participate in any manner in:

(1) a race;

(2) a vehicle speed competition or contest;

(3) a drag race or acceleration contest;

(4) a test of physical endurance of the operator of a vehicle; or

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

(c) A person commits an offense if, after traveling to a location with the intent of being a spectator, the person attends as a spectator a race, competition, contest, test, or exhibition prohibited by Subsection (a). An offense under this subsection is a Class C misdemeanor.

(d) Except as provided by Subsections (e)-(h), an offense under Subsection (a) is a Class B misdemeanor.

(e) An offense under Subsection (a) is a Class A misdemeanor

1 if it is shown on the trial of the offense that:

2 (1) the person has previously been convicted one time  
3 of an offense under that subsection; or

4 (2) the person, at the time of the offense:

5 (A) was operating the vehicle while intoxicated,  
6 as defined by Section 49.01, Penal Code; or

7 (B) was in possession of an open container, as  
8 defined by Section 49.031, Penal Code.

9 (f) An offense under Subsection (a) is a state jail felony  
10 if it is shown on the trial of the offense that the person has  
11 previously been convicted two times of an offense under that  
12 subsection.

13 (g) An offense under Subsection (a) is a felony of the third  
14 degree if it is shown on the trial of the offense that as a result of  
15 the offense, an individual suffered bodily injury.

16 (h) An offense under Subsection (a) is a felony of the  
17 second degree if it is shown on the trial of the offense that as a  
18 result of the offense, an individual suffered serious bodily injury  
19 or death.

20 SECTION 2. Subchapter O, Chapter 521, Transportation Code,  
21 is amended by adding Section 521.350 to read as follows:

22 Sec. 521.350. SUSPENSION FOR OFFENSE RELATING TO RACING OF  
23 MOTOR VEHICLE ON PUBLIC HIGHWAY OR STREET. (a) A license is  
24 automatically suspended on conviction of an offense under Section  
25 545.420(a).

26 (b) A suspension under this section is for one year, except  
27 as provided by this section.

1       (c) A person whose license is suspended under Subsection (a)  
2 remains eligible to receive an occupational license under  
3 Subchapter L, except that an occupational license issued to a  
4 person younger than 18 years of age whose license is suspended under  
5 this section may permit the operation of a motor vehicle only for  
6 transportation to and from an educational facility in which the  
7 person is enrolled and the place where the person resides.

8       (d) A person whose license is suspended under Subsection (a)  
9 shall be required by the court in which the person was convicted to  
10 perform at least 100 hours of community service as ordered by the  
11 court. If the person is a resident of this state without a driver's  
12 license to operate a motor vehicle, the court shall issue an order  
13 prohibiting the department from issuing the person a driver's  
14 license before the person completes the community service.  
15 Community service required under this subsection is in addition to  
16 any community service required of the person as a condition of  
17 community supervision under Section 16, Article 42.12, Code of  
18 Criminal Procedure.

19       (e) If a person who is required to perform community service  
20 under Subsection (d) completes that community service before the  
21 end of the person's license suspension, the person may apply to the  
22 department for reinstatement of the person's license or the  
23 issuance of a new license. The application must include proof  
24 satisfactory to the department that the person has performed the  
25 community service.

26       (f) If a person whose license is suspended under this  
27 section is subsequently convicted of an offense under Section

1 521.457(a) during the period of license suspension, in addition to  
2 the penalties provided by Section 521.457, the department shall  
3 revoke the person's license until the first anniversary of the date  
4 of conviction and may not reinstate the person's license or issue  
5 the person a new license before that date.

6 SECTION 3. (a) This Act takes effect September 1, 2003.

7 (b) The changes in law made by this Act apply only to an  
8 offense committed on or after September 1, 2003.

9 (c) An offense committed before September 1, 2003, is  
10 covered by the law in effect when the offense was committed, and the  
11 former law is continued in effect for that purpose. For purposes of  
12 this section, an offense was committed before September 1, 2003, if  
13 any element of the offense was committed before that date.