

By: Martinez Fischer

H.B. No. 1326

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the civil and criminal consequences of racing a motor
3 vehicle on a public highway or street and of being a spectator at an
4 illegal motor vehicle racing event; providing penalties.

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

6 SECTION 1. Section 545.420, Transportation Code, is amended
7 by adding Subsections (c)-(h) to read as follows:

8 (c) A person who knowingly attends as a spectator a race,
9 competition, contest, test, or exhibition described by Subsection
10 (a) commits an offense. An offense under this subsection is a Class
11 C misdemeanor.

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

14 (e) An offense under Subsection (a) is a Class A misdemeanor
15 if it is shown on the trial of the offense that:

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

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

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

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

23 (f) An offense under Subsection (a) is a state jail felony
24 if it is shown on the trial of the offense that the person has

1 previously been convicted two times of an offense under that
2 subsection.

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

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

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

12 Sec. 521.350. SUSPENSION FOR OFFENSE RELATING TO RACING OF
13 MOTOR VEHICLE ON PUBLIC HIGHWAY OR STREET. (a) A license is
14 automatically suspended on conviction of an offense under Section
15 545.420(a).

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

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

25 (d) A person whose license is suspended under Subsection (a)
26 shall be required by the court in which the person was convicted to
27 successfully complete, before the first anniversary of the date of

1 conviction, an educational program, approved by the Texas Education
2 Agency under rules adopted by that agency and the department, that
3 is designed to educate persons on the dangers of motor vehicle
4 racing on public highways and streets. If the person is a resident
5 of this state without a driver's license to operate a motor vehicle,
6 the court shall issue an order prohibiting the department from
7 issuing the person a driver's license before the person
8 successfully completes such an educational program.

9 (e) The Texas Education Agency and department shall jointly
10 adopt rules for the qualification and approval of providers of
11 educational programs under Subsection (d). The Texas Education
12 Agency shall publish the jointly adopted rules. To be approved, an
13 educational program must include a minimum of 100 hours of formal
14 classroom instruction and focus on the dangers of speeding and of
15 aggressive driving.

16 (f) If a person required to attend an educational program
17 completes the program before the end of the person's license
18 suspension, the person may apply to the department for
19 reinstatement of the person's license or the issuance of a new
20 license. The application must include proof satisfactory to the
21 department that the person has successfully completed the program.

22 (g) If a person whose license is suspended under this
23 section is subsequently convicted of an offense under Section
24 521.457(a) during the period of license suspension, in addition to
25 the penalties provided by Section 521.457, the department shall
26 revoke the person's license until the first anniversary of the date
27 of conviction and may not reinstate the person's license or issue

1 the person a new license before that date.

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

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

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