

1-1 By: Martinez Fischer, et al. H.B. No. 1326  
1-2 (Senate Sponsor - Whitmire)  
1-3 (In the Senate - Received from the House May 2, 2003;  
1-4 May 6, 2003, read first time and referred to Committee on Criminal  
1-5 Justice; May 24, 2003, reported favorably, as amended, by the  
1-6 following vote: Yeas 4, Nays 0; May 24, 2003, sent to printer.)

1-7 COMMITTEE AMENDMENT NO. 1 By: Whitmire

1-8 Amend H.B. No. 1326 as follows:  
1-9 (1) On Page 1, delete lines 28-32.  
1-10 (2) On Page 2, line 10, delete "100" and insert "10".

1-11 A BILL TO BE ENTITLED  
1-12 AN ACT

1-13 relating to the civil and criminal consequences of racing a motor  
1-14 vehicle on a public highway or street and of being a spectator at an  
1-15 illegal motor vehicle racing event; providing penalties.

1-16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-17 SECTION 1. Section 545.420, Transportation Code, is amended  
1-18 by amending Subsection (a) and adding Subsections (c)-(h) to read  
1-19 as follows:

- 1-20 (a) A person may not participate in any manner in:  
1-21 (1) a race;  
1-22 (2) a vehicle speed competition or contest;  
1-23 (3) a drag race or acceleration contest;  
1-24 (4) a test of physical endurance of the operator of a  
1-25 vehicle; or  
1-26 (5) in connection with a drag race, an exhibition of  
1-27 vehicle speed or acceleration or to make a vehicle speed record.

1-28 (c) A person commits an offense if, after traveling to a  
1-29 location with the intent of being a spectator, the person attends as  
1-30 a spectator a race, competition, contest, test, or exhibition  
1-31 prohibited by Subsection (a). An offense under this subsection is a  
1-32 Class C misdemeanor.

1-33 (d) Except as provided by Subsections (e)-(h), an offense  
1-34 under Subsection (a) is a Class B misdemeanor.

1-35 (e) An offense under Subsection (a) is a Class A misdemeanor  
1-36 if it is shown on the trial of the offense that:

1-37 (1) the person has previously been convicted one time  
1-38 of an offense under that subsection; or

1-39 (2) the person, at the time of the offense:

1-40 (A) was operating the vehicle while intoxicated,  
1-41 as defined by Section 49.01, Penal Code; or

1-42 (B) was in possession of an open container, as  
1-43 defined by Section 49.031, Penal Code.

1-44 (f) An offense under Subsection (a) is a state jail felony  
1-45 if it is shown on the trial of the offense that the person has  
1-46 previously been convicted two times of an offense under that  
1-47 subsection.

1-48 (g) An offense under Subsection (a) is a felony of the third  
1-49 degree if it is shown on the trial of the offense that as a result of  
1-50 the offense, an individual suffered bodily injury.

1-51 (h) An offense under Subsection (a) is a felony of the  
1-52 second degree if it is shown on the trial of the offense that as a  
1-53 result of the offense, an individual suffered serious bodily injury  
1-54 or death.

1-55 SECTION 2. Subchapter O, Chapter 521, Transportation Code,  
1-56 is amended by adding Section 521.350 to read as follows:

1-57 Sec. 521.350. SUSPENSION FOR OFFENSE RELATING TO RACING OF  
1-58 MOTOR VEHICLE ON PUBLIC HIGHWAY OR STREET. (a) A license is  
1-59 automatically suspended on conviction of an offense under Section  
1-60 545.420(a).

1-61 (b) A suspension under this section is for one year, except  
1-62 as provided by this section.

