

By: Williams

S.B. No. 582

A BILL TO BE ENTITLED

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AN ACT

relating to the consolidation of certain offenses relating to the driving of a motor vehicle while a driver's license or privilege to operate a vehicle is invalid.

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

SECTION 1. Subsections (a), (b), and (f), Section 521.457, Transportation Code, are amended to read as follows:

(a) A person commits an offense if the person operates a motor vehicle on a highway:

(1) after the person's driver's license has been canceled under this chapter if the person does not have a license that was subsequently issued under this chapter;

(2) during a period that the person's driver's license or privilege is suspended or revoked under any law of this state ~~+~~

- ~~[(A) this chapter,~~
- ~~[(B) Chapter 524,~~
- ~~[(C) Chapter 724,~~
- ~~[(D) Section 106.071, Alcoholic Beverage Code,~~
- ~~or~~
- ~~[(E) Article 42.12, Code of Criminal Procedure];~~

(3) while the person's driver's license is expired if the license expired during a period of suspension ~~[imposed under:~~

- ~~[(A) this chapter,~~
- ~~[(B) Chapter 524,~~

1                   ~~[(C) Chapter 724,~~

2                   ~~[(D) Section 106.071, Alcoholic Beverage Code,~~

3 ~~or~~

4                   ~~[(E) Article 42.12, Code of Criminal Procedure];~~

5 or

6                   (4) after renewal of the person's driver's license has  
7 been denied under any law of this state ~~[Chapter 706]~~, if the person  
8 does not have a driver's license subsequently issued under this  
9 chapter.

10                  (b) A person commits an offense if the person is the subject  
11 of an order issued under any law of this state ~~[chapter or Chapter~~  
12 ~~724]~~ that prohibits the person from obtaining a driver's license  
13 and the person operates a motor vehicle on a highway.

14                  (f) If it is shown on the trial of an offense under this  
15 section that the person has previously been convicted of an offense  
16 under this section or an offense under Section 601.371(a), as that  
17 law existed before September 1, 2003, the offense is a Class A  
18 misdemeanor.

19                  SECTION 2.       Section 601.371, Transportation Code, is  
20 amended to read as follows:

21                  Sec. 601.371. OPERATION OF MOTOR VEHICLE IN VIOLATION OF  
22 SUSPENSION; OFFENSE.   (a) ~~[A person commits an offense if the~~  
23 ~~person operates a motor vehicle on a highway.~~

24                         ~~[(1) during a period that a suspension of the person's~~  
25 ~~driver's license or nonresident's operating privilege is in effect~~  
26 ~~under this chapter, or~~

27                         ~~[(2) while the person's driver's license is expired,~~

1 ~~if the license expired during a period of suspension imposed under~~  
2 ~~this chapter.~~

3       ~~[(b)]~~ A person commits an offense if the person, during a  
4 period that a suspension of the person's vehicle registration is in  
5 effect under this chapter, knowingly permits a motor vehicle owned  
6 by the person to be operated on a highway.

7       (b) ~~[(c)]~~ It is an affirmative defense to prosecution under  
8 this section that the person had not received notice of a suspension  
9 order concerning the person's ~~[driver's license, nonresident's~~  
10 ~~operating privilege, or]~~ vehicle registration. For purposes of  
11 this subsection, notice is presumed to be received if the notice was  
12 mailed in accordance with this chapter to the last known address of  
13 the person as shown by department records.

14       (c) ~~[(d)]~~ Except as provided by Subsection (d) ~~[(e)]~~, an  
15 offense under this section is a misdemeanor punishable by:

16               (1) a fine of not less than \$100 or more than \$500; and

17               (2) confinement in county jail for a term of not less  
18 than 72 hours or more than six months.

19       (d) ~~[(e)]~~ If it is shown on the trial of an offense under  
20 this section that the person has previously been convicted of an  
21 offense under this section ~~[or under Section 521.457]~~, the offense  
22 is punishable as a Class A misdemeanor.

23       (e) ~~[(f)]~~ In this section, a conviction for an offense that  
24 involves operation of a motor vehicle after August 31, 1987, is a  
25 final conviction, whether the sentence for the conviction is  
26 imposed or probated.

27       SECTION 3. (a) The change in law made by this Act applies

1 only to an offense committed on or after the effective date of this  
2 Act. For purposes of this section, an offense was committed before  
3 the effective date of this Act if any element of the offense  
4 occurred before that date.

5 (b) An offense committed before the effective date of this  
6 Act is covered by the law in effect when the offense was committed,  
7 and the former law is continued in effect for that purpose.

8 SECTION 4. This Act takes effect September 1, 2003.