

1-1 By: Williams S.B. No. 582
1-2 (In the Senate - Filed February 19, 2003; February 24, 2003,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 April 25, 2003, reported favorably by the following vote: Yeas 6,
1-5 Nays 0; April 25, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the consolidation of certain offenses relating to the
1-9 driving of a motor vehicle while a driver's license or privilege to
1-10 operate a vehicle is invalid.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subsections (a), (b), and (f), Section 521.457,
1-13 Transportation Code, are amended to read as follows:

1-14 (a) A person commits an offense if the person operates a
1-15 motor vehicle on a highway:

1-16 (1) after the person's driver's license has been
1-17 canceled under this chapter if the person does not have a license
1-18 that was subsequently issued under this chapter;

1-19 (2) during a period that the person's driver's license
1-20 or privilege is suspended or revoked under any law of this state ~~[+~~

1-21 ~~[(A) this chapter,~~

1-22 ~~[(B) Chapter 524,~~

1-23 ~~[(C) Chapter 724,~~

1-24 ~~[(D) Section 106.071, Alcoholic Beverage Code,~~

1-25 ~~or~~

1-26 ~~[(E) Article 42.12, Code of Criminal Procedure];~~

1-27 (3) while the person's driver's license is expired if
1-28 the license expired during a period of suspension ~~[imposed under:~~

1-29 ~~[(A) this chapter,~~

1-30 ~~[(B) Chapter 524,~~

1-31 ~~[(C) Chapter 724,~~

1-32 ~~[(D) Section 106.071, Alcoholic Beverage Code,~~

1-33 ~~or~~

1-34 ~~[(E) Article 42.12, Code of Criminal Procedure];~~

1-35 or

1-36 (4) after renewal of the person's driver's license has
1-37 been denied under any law of this state ~~[Chapter 706]~~, if the person
1-38 does not have a driver's license subsequently issued under this
1-39 chapter.

1-40 (b) A person commits an offense if the person is the subject
1-41 of an order issued under any law of this state ~~[chapter or Chapter~~
1-42 ~~724]~~ that prohibits the person from obtaining a driver's license
1-43 and the person operates a motor vehicle on a highway.

1-44 (f) If it is shown on the trial of an offense under this
1-45 section that the person has previously been convicted of an offense
1-46 under this section or an offense under Section 601.371(a), as that
1-47 law existed before September 1, 2003, the offense is a Class A
1-48 misdemeanor.

1-49 SECTION 2. Section 601.371, Transportation Code, is
1-50 amended to read as follows:

1-51 Sec. 601.371. OPERATION OF MOTOR VEHICLE IN VIOLATION OF
1-52 SUSPENSION; OFFENSE. (a) ~~[A person commits an offense if the~~
1-53 ~~person operates a motor vehicle on a highway.~~

1-54 ~~[(1) during a period that a suspension of the person's~~
1-55 ~~driver's license or nonresident's operating privilege is in effect~~
1-56 ~~under this chapter, or~~

1-57 ~~[(2) while the person's driver's license is expired,~~
1-58 ~~if the license expired during a period of suspension imposed under~~
1-59 ~~this chapter.~~

1-60 ~~[(b)]~~ A person commits an offense if the person, during a
1-61 period that a suspension of the person's vehicle registration is in
1-62 effect under this chapter, knowingly permits a motor vehicle owned
1-63 by the person to be operated on a highway.

1-64 (b) ~~[(c)]~~ It is an affirmative defense to prosecution under

2-1 this section that the person had not received notice of a suspension
2-2 order concerning the person's [~~driver's license, nonresident's~~
2-3 ~~operating privilege, or~~] vehicle registration. For purposes of
2-4 this subsection, notice is presumed to be received if the notice was
2-5 mailed in accordance with this chapter to the last known address of
2-6 the person as shown by department records.

2-7 (c) [~~(d)~~] Except as provided by Subsection (d) [~~(e)~~], an
2-8 offense under this section is a misdemeanor punishable by:

- 2-9 (1) a fine of not less than \$100 or more than \$500; and
- 2-10 (2) confinement in county jail for a term of not less
2-11 than 72 hours or more than six months.

2-12 (d) [~~(e)~~] If it is shown on the trial of an offense under
2-13 this section that the person has previously been convicted of an
2-14 offense under this section [~~or under Section 521.457~~], the offense
2-15 is punishable as a Class A misdemeanor.

2-16 (e) [~~(f)~~] In this section, a conviction for an offense that
2-17 involves operation of a motor vehicle after August 31, 1987, is a
2-18 final conviction, whether the sentence for the conviction is
2-19 imposed or probated.

2-20 SECTION 3. (a) The change in law made by this Act applies
2-21 only to an offense committed on or after the effective date of this
2-22 Act. For purposes of this section, an offense was committed before
2-23 the effective date of this Act if any element of the offense
2-24 occurred before that date.

2-25 (b) An offense committed before the effective date of this
2-26 Act is covered by the law in effect when the offense was committed,
2-27 and the former law is continued in effect for that purpose.

2-28 SECTION 4. This Act takes effect September 1, 2003.

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