

By: Berman

H.B. No. 344

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the civil consequences of a conviction for certain
3 offenses involving driving while a driver's license is invalid or
4 driving without evidence of financial responsibility.

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

6 SECTION 1. Section 601.231, Transportation Code, is amended
7 by amending Subsection (a) and adding Subsection (a-1) to read as
8 follows:

9 (a) If a person is convicted of an offense under Section
10 601.191 and a prior conviction of that person under that section has
11 been reported to the department by a magistrate or the judge or
12 clerk of a court, the department shall suspend the [~~driver's~~
13 ~~license and~~] vehicle registrations of the person unless the person
14 files and maintains evidence of financial responsibility with the
15 department until the second anniversary of the date of the
16 subsequent conviction.

17 (a-1) If a person is convicted of an offense under Section
18 601.191, the department shall suspend the driver's license of the
19 person:

20 (1) for six months if one prior conviction of that
21 person under that section has been reported to the department by a
22 magistrate or the judge or clerk of a court; or

23 (2) for one year if two or more prior convictions of
24 that person under that section have been reported to the department

1 by a magistrate or the judge or clerk of a court.

2 SECTION 2. Section 601.232, Transportation Code, is amended
3 to read as follows:

4 Sec. 601.232. NOTICE OF SUSPENSION. (a) The department
5 shall mail in a timely manner a notice to each person whose driver's
6 license or [~~and~~] vehicle registration is [~~registrations are~~]
7 suspended under Section 601.231.

8 (b) The notice must state that the person's driver's license
9 or [~~and~~] registration is [~~are~~] suspended and that the person may
10 apply for reinstatement of the license or [~~and~~] vehicle
11 registration or issuance of a new license or [~~and~~] registration as
12 provided by Section [~~Sections 601.162 and~~] 601.376.

13 SECTION 3. Section 601.233, Transportation Code, is amended
14 to read as follows:

15 Sec. 601.233. NOTICE OF POTENTIAL SUSPENSION. (a) A
16 citation for an offense under Section 601.191 issued as a result of
17 Section 601.053 must include, in type larger than other type on the
18 citation, the following statement:

19 "A second or subsequent conviction of an offense under the
20 Texas Motor Vehicle Safety Responsibility Act will result in the
21 suspension of your [~~driver's license and~~] motor vehicle
22 registration unless you file and maintain evidence of financial
23 responsibility with the Department of Public Safety for two years
24 from the date of conviction. A second conviction of an offense
25 under that Act will result in the suspension of your driver's
26 license for a period of 30 days. A third or subsequent conviction
27 of an offense under that Act will result in the suspension of your

1 driver's license for a period of not less than one year. The
2 department may waive the requirement to file evidence of financial
3 responsibility if you file satisfactory evidence with the
4 department showing that at the time this citation was issued, the
5 vehicle was covered by a motor vehicle liability insurance policy
6 or that you were otherwise exempt from the requirements to provide
7 evidence of financial responsibility."

8 (b) A judge presiding at a trial at which a person is
9 convicted of a second or subsequent ~~[an]~~ offense under Section
10 601.191 shall notify the person that the Department of Public
11 Safety will suspend the person's driver's license ~~[is subject to~~
12 ~~suspension if the person fails to provide to the department~~
13 ~~evidence of financial responsibility]~~ as provided ~~[required]~~ by
14 Section 601.231(a-1) ~~[601.231]~~.

15 SECTION 4. Section 708.103, Transportation Code, is amended
16 to read as follows:

17 Sec. 708.103. SURCHARGE FOR CONVICTION OF DRIVING WHILE
18 LICENSE INVALID OR WITHOUT FINANCIAL RESPONSIBILITY. (a) Each
19 year the department shall assess a surcharge on the license of each
20 person who:

21 (1) during the preceding 12-month ~~[36-month]~~ period has
22 been convicted of an offense under Section 521.457, 601.191, or
23 601.371;

24 (2) during the preceding 24-month period has been
25 convicted of a second offense under Section 521.457, 601.191, or
26 601.371; or

27 (3) during the preceding 36-month period has been

1 convicted of a third or subsequent offense under Section 521.457,
2 601.191, or 601.371.

3 (b) The amount of a surcharge under Subsection (a)(1) [~~this~~
4 ~~section~~] is \$250 [~~per year~~]. The amount of a surcharge under
5 Subsection (a)(2) or (3) is \$250 per year.

6 SECTION 5. The change in law made by this Act to Section
7 601.231, Transportation Code, applies only to an offense committed
8 on or after the effective date of this Act. An offense committed
9 before the effective date of this Act is covered by the law in
10 effect when the offense was committed, and the former law is
11 continued in effect for that purpose. For purposes of this section,
12 an offense was committed before the effective date of this Act if
13 any element of the offense occurred before that date.

14 SECTION 6. This Act takes effect September 1, 2005.