

By: Farabee

H.B. No. 369

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the civil and criminal consequences of racing a motor  
3 vehicle on a public highway in this state.

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

5 SECTION 1. Chapter 42, Penal Code, is amended by adding  
6 Section 42.045 to read as follows:

7 Sec. 42.045. RACING ON PUBLIC HIGHWAY. (a) In this  
8 section:

9 (1) "Drag race" means the operation of:

10 (A) two or more motor vehicles from a point  
11 side-by-side at accelerating speeds in a competitive attempt to  
12 outdistance each other; or

13 (B) one or more motor vehicles over a common  
14 selected course, from the same place to the same place, for the  
15 purpose of comparing the relative speeds or power of acceleration  
16 of the vehicle or vehicles in a specified distance or time.

17 (2) "Motor vehicle" has the meaning assigned by  
18 Section 32.34.

19 (3) "Public highway" has the meanings assigned by  
20 Section 49.031.

21 (4) "Race" means the use of one or more motor vehicles  
22 in an attempt to:

23 (A) outgain or outdistance another vehicle or  
24 prevent another vehicle from passing;

1           (B) arrive at a given destination ahead of  
2 another vehicle or vehicles; or

3           (C) test the physical stamina or endurance of an  
4 operator over a long-distance driving route.

5           (b) This section applies only to conduct that occurs on a  
6 public highway in this state.

7           (c) A person may not participate in any manner in:

8                 (1) a race;

9                 (2) a motor vehicle speed competition or contest;

10                (3) a drag race or acceleration contest;

11                (4) a test of physical endurance of the operator of a  
12 vehicle; or

13                (5) in connection with a drag race, an exhibition of  
14 vehicle speed or acceleration or to make a vehicle speed record.

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

17           (e) An offense under Subsection (c) is a Class A misdemeanor  
18 if it is shown on the trial of the offense that the person:

19                (1) has previously been convicted one time of an  
20 offense under that subsection or under Section 545.420(a),  
21 Transportation Code, as that law existed before September 1, 2005;  
22 or

23                (2) at the time of the offense was in violation of  
24 Section 49.031 or 49.04.

25           (f) An offense under Subsection (c) is a state jail felony  
26 if it is shown on the trial of the offense that the person has  
27 previously been convicted two times of an offense under that

1 subsection or under Section 545.420(a), Transportation Code, as  
2 that law existed before September 1, 2005.

3 (g) An offense under Subsection (c) 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 (c) 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. Section 521.350(a), Transportation Code, is  
11 amended to read as follows:

12 (a) A license is automatically suspended on conviction of an  
13 offense under Section 42.045, Penal Code [~~545.420(a)~~].

14 SECTION 3. Section 545.420, Transportation Code, is  
15 repealed.

16 SECTION 4. (a) The changes in law made by this Act apply  
17 only to an offense committed on or after September 1, 2005.

18 (b) An offense committed before September 1, 2005, is  
19 covered by the law in effect when the offense was committed, and the  
20 former law is continued in effect for that purpose. For purposes of  
21 this section, an offense was committed before September 1, 2005, if  
22 any element of the offense was committed before that date.

23 SECTION 5. This Act takes effect September 1, 2005.