

By: Farabee

H.B. No. 369

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

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

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

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

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

(A) outgain or outdistance another vehicle or 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.