

By: Rose

H.B. No. 2309

A BILL TO BE ENTITLED

AN ACT

relating to the penalty for failure to yield the right-of-way.

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

SECTION 1. Section 545.153, Transportation Code, is amended by adding Subsection (e) to read as follows:

(e) If it is shown on the trial of an offense under this section that as a result of the commission of the offense:

(1) a collision causing property damage occurred, the offense is a misdemeanor punishable by a fine of not more than \$4,000, confinement in jail for a term not to exceed one year, or both the fine and the confinement; or

(2) a collision causing serious bodily injury or death occurred, the offense is a misdemeanor punishable by a fine of not more than \$4,000 and confinement in jail for a term not to exceed one year.

SECTION 2. Section 708.052(b), Transportation Code, is amended to read as follows:

(b) For each conviction arising out of a separate transaction, the department shall assign points to a person's license as follows:

(1) two points for a moving violation of the traffic law of this state or another state that is not described by Subdivision (2); ~~and~~

(2) three points for a moving violation of the traffic

1 law of this state, another state, or a political subdivision of this
2 or another state that resulted in an accident; and

3 (3) six points for a violation of Section 545.153 that
4 results in a collision causing serious bodily injury or death.

5 SECTION 3. Subchapter C, Chapter 708, Transportation Code,
6 is amended by adding Section 708.106 to read as follows:

7 Sec. 708.106. SURCHARGE FOR CONVICTION OF FAILURE TO YIELD
8 RIGHT-OF-WAY RESULTING IN INJURY OR DEATH. (a) Each year the
9 department shall assess a surcharge on the license of a person who
10 during the preceding 36-month period has been convicted of an
11 offense under Section 545.153 that resulted in a collision causing
12 serious bodily injury or death.

13 (b) The amount of a surcharge under this section is \$500 per
14 year.

15 (c) The surcharge under this section is in lieu of a
16 surcharge under Sections 708.053 and 708.054.

17 SECTION 4. Section 11, Article 42.12, Code of Criminal
18 Procedure, is amended by adding Subsection (n) to read as follows:

19 (n) A judge granting community supervision to a defendant
20 convicted of an offense under Section 545.153, Transportation Code,
21 shall require as a condition of community supervision that the
22 defendant pay the surcharge required by Section 708.106,
23 Transportation Code, if applicable.

24 SECTION 5. (a) The change in law made by this Act applies
25 only to an offense committed on or after the effective date of this
26 Act. For purposes of this section, an offense is committed before
27 the effective date of this Act if any element of the offense occurs

1 before that date.

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

5 SECTION 6. This Act takes effect September 1, 2007.