

By: Heflin

H.B. No. 3751

A BILL TO BE ENTITLED

AN ACT

relating to the penalties for driving while a driver's license is invalid.

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

SECTION 1. Section 521.457(e), Transportation Code, is amended to read as follows:

(e) Except as provided by Subsection (f), ~~an~~ first offense under this section is a Class C misdemeanor punishable by:

(1) a fine of not ~~less~~ more than \$100 ~~or more than \$500; and~~

~~(2) confinement in county jail for a term of not less than 72 hours or more than six months.]~~

(f) If it is shown on the trial of an offense under this section that the person has previously been convicted of an offense under this section ~~[or an offense under Section 601.371(a), as that law existed before September 1, 2003, the offense is a Class A misdemeanor.]~~, the second offense under this section is a Class B misdemeanor punishable by:

(1) a fine of not less than \$100 or more than \$500;

(2) a confinement in county jail for a term of not less than 72 hours; or

(3) both the fine and confinement.

(g) ~~[For purposes of this section, a conviction for an offense that involves operation of a motor vehicle after August 31,~~

1 ~~1987, is a final conviction, regardless of whether the sentence for~~
2 ~~the conviction is probated.]~~ If it is shown on the trial of an
3 offense under this section that the person has twice previously
4 been convicted of an offense under this section, the third or
5 subsequent offense under this section is a Class A misdemeanor
6 punishable by:

7 (1) a fine of not less than \$200 or more than \$500;

8 (2) a confinement in county jail for a term of not
9 less than 72 hours; and

10 (3) both the fine and confinement.

11 SECTION 2. Section 601.371, Transportation Code is amended
12 to read as follows:

13 (c) ~~[Except as provided by Subsection (d), an offense under~~
14 ~~this section is a misdemeanor punishable by:~~

15 ~~(1) a fine of not less than \$100 or more than \$500; and~~

16 ~~(2) confinement in county jail for a term of not less~~
17 ~~than 72 hours or more than six months.]~~

18 A first offense under this section is a Class C
19 misdemeanor punishable by:

20 (1) a fine of not more than \$100.

21 (d) If it is shown on the trial of an offense under this
22 section that the person has been previously convicted of an offense
23 under this section, the second offense ~~[is punishable as a Class A]~~
24 under this section is a Class B misdemeanor punishable by:

25 (1) a fine of not less than \$100 or more than \$500;

26 (2) a confinement in county jail for a term of not less
27 than 72 hours; or

1 (3) both the fine and confinement.

2 (e) ~~[In this section, a conviction for an offense that~~
3 ~~involves operation of a motor vehicle after August 31, 1987, is a~~
4 ~~final conviction, whether the sentence for the conviction is~~
5 ~~imposed or probated.]~~ If it is shown on the trial of an offense
6 under this section that the person has twice previously been
7 convicted of an offense under this section, the third or subsequent
8 offense under this section is a Class A misdemeanor punishable by:

9 (1) a fine of not less than \$200 or more than \$500;

10 (2) a confinement in county jail for a term of less
11 than 72 hours; and

12 (3) both the fine and confinement.

13 SECTION 3. Section 708.103, Transportation Code is amended
14 to read as follows:

15 (a) Each year the department shall assess a surcharge on the
16 license of each person who during the preceding 36-month period has
17 been convicted of ~~[an]~~ second, third or subsequent offense under
18 Section 521.457, ~~[601.191,]~~ or 601.371.

19 (b) Each year the department shall assess a surcharge on the
20 license of each person who during the preceding 36-month period has
21 been convicted of an offense Section 601.191.

22 (c) The amount of a surcharge under this section is \$250 a
23 year.

24 SECTION 4. The changes in law made by the Act apply only to
25 an offense committed on or after the effective date of this Act. An
26 offense committed before the effective date of this Act is covered
27 by the law in effect when the offense was committed, and the former

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1 law is continued in effect for that purpose. For purposes of this
2 section, an offense was committed before the effective date of this
3 Act is any element of the offense was committed before that date.

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