

BILL ANALYSIS

Senate Research Center

H.B. 2012
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Transportation & Homeland Security
5/22/2009
Committee Report (Amended)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, driving without insurance and without a valid driver's license is a Class C misdemeanor. In late 2008, three pedestrians were struck by a car and seriously injured after participating in a half marathon at White Rock Lake in Dallas. One of the injured, Eric Nelson, works as an editor for the *Dallas Morning News* and is the reason why this legislation is known as Eric's Law. Although speed was not a factor, the driver lost control of the car before striking the individuals. After the accident, it was discovered that the driver was driving without a valid insurance card or a valid driver's license.

H.B. 2012 creates two new punishment enhancements: a Class B misdemeanor if a person drives with a suspended license and without insurance; and a third degree felony if the person driving without insurance or a valid driver's license has an accident and someone is seriously injured or dies as a result of that accident.

H.B. 2012 amends current law relating to the criminal consequences of operating without a valid driver's license a motor vehicle for which financial responsibility is not established.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Requires this Act to be known as Eric's Law.

SECTION 2. Amends Section 521.457, Transportation Code, by amending Subsections (e) and (f) and adding Subsection (f-2), as follows:

(e) Provides that except as provided by Subsections (f), (f-1), and (f-2), an offense under this section is a Class C misdemeanor.

(f) Provides that an offense under this section is a Class B misdemeanor if it is shown on the trial of the offense, rather than 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) (relating to an offense of operating a vehicle on a highway during a period that a suspension of the vehicle registration is in effect), as that law existed before September 1, 2003, or at the time of the offense, was operating the motor vehicle in violation of Section 601.191 (Operation of Motor Vehicle in Violation of Motor Vehicle Liability Insurance Requirement; Offense). Makes nonsubstantive changes.

(f-2) Provides that an offense under this section is a felony of the third degree if it is shown on the trial of the offense that at the time of the offense the person was operating the motor vehicle in violation of Section 601.191 and caused or was at fault in a motor vehicle accident that resulted in serious bodily injury to or the death of another person.

SECTION 3. (a) Requires the Legislative Budget Board (LBB) to prepare an annual criminal justice policy impact statement for this Act.

(b) Requires the impact statement to include certain information.

(c) Requires LBB to complete the impact statement not later than December 1 each year, beginning December 1, 2010, and make it available to the public on its website.

SECTION 4. Makes application of the change made by this Act prospective.

SECTION 5. Effective date: September 1, 2009.

SUMMARY OF COMMITTEE CHANGES

Committee Amendment No. 1

Amends SECTION 3 of the bill (page 2, lines 22 through 24), by striking amended Section (c).

Committee Amendment No. 2

Amends SECTION 2 of the bill (page 1, lines 21 and 22), by striking the words "felony of the third degree" and replacing those words with the words "Class A misdemeanor".