

BILL ANALYSIS

H.B. 2839
By: Riddle
Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Texas residential and business communities have to tolerate the year-round annoyance of street racing that causes damage to property and claims lives. Illegal street racers and active participants know the dangers of their actions, but continue to create unnecessary harm to themselves and others while knowingly engaging in this criminal act.

Although law enforcement agencies have continued efforts to decrease illegal street racing, the problem still exists because current statutes do not provide the deterrent needed to discourage individuals from participating in illegal racing events.

H.B. 2839 increases the duration of a driver's license suspension resulting from an offense relating to racing a motor vehicle on a public highway or street from one year to two years on conviction of any subsequent offense and increases from 10 to 20 the minimum number of community services hours that a person whose license is suspended for an offense relating to racing a motor vehicle on a public highway or street is required to complete. The bill provides for the impoundment and recovery and conditions for forfeiture to Texas of a motor vehicle involved in the commission of such an offense.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2839 amends the Transportation Code to increase the duration of a driver's license suspension resulting from a subsequent conviction of an offense relating to racing a motor vehicle on a public highway or street from one year to two years. The bill increases from 10 to 20 the minimum number of community service hours that a person whose license is suspended for an offense relating to racing a motor vehicle on a public highway or street is required to complete. The bill requires such a person whose license is suspended to be required by the court in which the person was convicted to complete a driving safety course approved by the Texas Education Agency.

H.B. 2839 authorizes a peace officer to require a vehicle used in the commission of an offense relating to racing a motor vehicle on a highway to be taken to the nearest garage or to a garage designated or maintained by the governmental agency that employs the officer and retained there for a period of time not to exceed 15 days. The bill provides that the owner of a motor vehicle that is removed or stored in such a manner is liable for all removal and storage fees incurred and is not entitled to take possession of the vehicle until those fees are paid.

H.B. 2839 requires a court that enters a judgment of conviction, if it is shown on trial of an offense relating to racing vehicle on a highway that the defendant was operating the motor vehicle at the time the offense was committed and the defendant has previously been convicted

of such an offense, in addition to any other penalty imposed under state law, to order that the motor vehicle operated by the defendant at the time of the offense be forfeited to Texas if the defendant was an owner of the vehicle at the time of the offense and is an owner of the vehicle on the date of the defendant's conviction.

EFFECTIVE DATE

September 1, 2009.