

BILL ANALYSIS

C.S.H.B. 19
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Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concern has been raised that a person who causes a serious accident and lacks identification could come out of the situation without any repercussions because it may be difficult to locate the person without a record of the person's residential address. Many believe that because these persons do not fear the loss of a driver's license, they fail to appear in court at a proceeding relating to the accident. C.S.H.B. 19 seeks to remedy this problem by making it a Class B misdemeanor if an unlicensed driver causes a serious accident, which may lead to the arrest and fingerprinting of the driver. The bill seeks to create a further deterrent for these unlicensed drivers by providing for the impoundment of certain motor vehicles.

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

C.S.H.B. 19 amends the Transportation Code to make the prohibition against operating a motor vehicle on a highway in Texas without a driver's license as required by state law a misdemeanor offense punishable by fine not to exceed \$200, with certain exceptions for subsequent convictions. The bill enhances the penalty for that offense to a Class B misdemeanor if it is shown on the trial of the offense that the person at the time of the offense was committing another offense under provisions of law relating to the rules of the road that caused property damage, bodily injury, or death.

C.S.H.B. 19 makes provisions of law relating to the impoundment of a motor vehicle not registered in Texas and involved in a motor vehicle accident that results in certain property damage, bodily injury, or death apply also to the owner or operator of a motor vehicle that is involved in such an accident and is operated by a person who fails to hold a driver's license. The bill specifies that the initial determination of compliance with driver's license requirements is made by the law enforcement officer who is conducting an investigation of the accident. The bill specifies that the final determination of compliance is made by the magistrate under provisions of law relating to the failure to provide evidence of financial responsibility who conducts an inquiry on the issues of negligence and liability for bodily injury, death, or property damage sustained in the accident. The bill makes the requirement in that provision of law that a magistrate conduct an inquiry on the issues of negligence and liability for bodily injury, death, or property damage sustained in an accident contingent on the vehicle not being registered in Texas or the magistrate's determination that the vehicle operator is not in compliance with driver's license requirements. The bill requires a submission of certain documents and securities to the Department of Public Safety for the release from impoundment of a motor vehicle involved in an accident resulting in certain property damage, bodily injury, or death, if the vehicle is to be operated in Texas at the time of release, to include evidence of financial responsibility that shows that at the time of release the vehicle will be in compliance with the financial responsibility requirement under state law or is exempt from the requirement.

C.S.H.B. 19 repeals Section 521.021, Transportation Code, prohibiting a person from operating a motor vehicle on a highway in Texas unless the person hold's a driver's licenses issued as required by law, incorporates that prohibition into provisions of law requiring a driver's license to be carried and exhibited on demand, and makes conforming changes.

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 19 differs from the original by repealing the provision of law prohibiting a person from operating a motor vehicle on a highway in Texas unless the person holds a driver's license and incorporating that prohibition into provisions of law requiring certain motor vehicle operators to carry and exhibit a driver's license on demand, whereas the original retains the prohibition repealed by the substitute. The substitute contains provisions not included in the original making conforming changes to reflect the repeal and incorporation of the prohibition.