

By: Riddle, Murphy, Fletcher, et al.

H.B. No. 19

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution and punishment of a person operating a motor vehicle without a license.

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

SECTION 1. Section 521.025, Transportation Code, is amended to read as follows:

Sec. 521.025. LICENSE REQUIRED; LICENSE TO BE CARRIED AND EXHIBITED ON DEMAND; CRIMINAL PENALTY. (a) A person, other than a person expressly exempted under this chapter, may not operate a motor vehicle on a highway in this state unless the person holds a driver's license issued under this chapter.

(a-1) A person required to hold a license under Subsection (a) [Section 521.021] shall:

(1) have in the person's possession while operating a motor vehicle the class of driver's license appropriate for the type of vehicle operated; and

(2) display the license on the demand of a magistrate, court officer, or peace officer.

(b) A peace officer may stop and detain a person operating a motor vehicle to determine if the person has a driver's license as required by this section.

(c) A person who violates Subsection (a) or (a-1) [this section] commits an offense. An offense under this section [subsection] is a misdemeanor punishable by a fine not to exceed

1 \$200, except that:

2 (1) for a second conviction within one year after the
3 date of the first conviction, the offense is a misdemeanor
4 punishable by a fine of not less than \$25 or more than \$200; ~~and~~

5 (2) for a third or subsequent conviction within one
6 year after the date of the second conviction the offense is a
7 misdemeanor punishable by:

8 (A) a fine of not less than \$25 or more than \$500;

9 (B) confinement in the county jail for not less
10 than 72 hours or more than six months; or

11 (C) both the fine and confinement; and

12 (3) for an offense under Subsection (a), the offense
13 is a Class B misdemeanor if it is shown on the trial of the offense
14 that the person at the time of the offense was committing another
15 offense under Subtitle C, Title 7, that caused property damage,
16 bodily injury, or death.

17 (d) It is a defense to prosecution under Subsection (a-1)
18 ~~[this section]~~ if the person charged produces in court a driver's
19 license:

20 (1) issued to that person;

21 (2) appropriate for the type of vehicle operated; and

22 (3) valid at the time of the arrest for the offense.

23 (e) The judge of each court shall report promptly to the
24 department each conviction obtained in the court under this
25 section.

26 (f) The court may assess a defendant an administrative fee
27 not to exceed \$10 if a charge under Subsection (a-1) ~~[this section]~~

1 is dismissed because of the defense listed under Subsection (d).

2 SECTION 2. The heading to Subchapter J, Chapter 601,
3 Transportation Code, is amended to read as follows:

4 SUBCHAPTER J. IMPOUNDMENT OF CERTAIN MOTOR VEHICLES INVOLVED IN
5 ACCIDENT [~~VEHICLE NOT REGISTERED IN THIS STATE~~]

6 SECTION 3. Section 601.291, Transportation Code, is amended
7 to read as follows:

8 Sec. 601.291. APPLICABILITY OF SUBCHAPTER. (a) This
9 subchapter applies only to the owner or operator of a motor vehicle
10 that [+

11 [~~(1) is not registered in this state; and~~
12 [~~(2)~~] is involved in a motor vehicle accident in this
13 state that results in bodily injury, death, or damage to the
14 property of one person to an apparent extent of at least \$500 and:

15 (1) is not registered in this state; or
16 (2) is operated by a person who fails to hold a license
17 required under Chapter 521.

18 (b) The initial determination of compliance with Chapter
19 521 is made by the law enforcement officer described by Section
20 601.292. The final determination of compliance is made by the
21 magistrate under Section 601.293(b).

22 SECTION 4. Section 601.293(b), Transportation Code, is
23 amended to read as follows:

24 (b) If the vehicle is not registered in this state or if the
25 magistrate determines the operator is not in compliance with the
26 license requirements under Chapter 521, the [The] magistrate shall
27 conduct an inquiry on the issues of negligence and liability for

1 bodily injury, death, or property damage sustained in the accident.

2 SECTION 5. Section 601.296, Transportation Code, is amended
3 by adding Subsection (a-1) to read as follows:

4 (a-1) If the motor vehicle is to be operated in this state at
5 the time of release, the submission under Subsection (a) must also
6 include evidence of financial responsibility under Section 601.053
7 that shows that at the time of release the vehicle will be in
8 compliance with Section 601.051 or is exempt from the requirement
9 of Section 601.051.

10 SECTION 6. Section 708.104(a), Transportation Code, is
11 amended to read as follows:

12 (a) Each year the department shall assess a surcharge on the
13 license of a person who during the preceding 36-month period has
14 been convicted of an offense under Section 521.025(a) [~~521.021~~].

15 SECTION 7. Section 521.021, Transportation Code, is
16 repealed.

17 SECTION 8. The change in law made by this Act applies only
18 to an offense committed on or after the effective date of this Act.
19 An offense committed before the effective date of this Act is
20 covered by the law in effect when the offense was committed, and the
21 former law is continued in effect for that purpose. For the purposes
22 of this section, an offense was committed before the effective date
23 of this Act if any element of the offense was committed before that
24 date.

25 SECTION 9. This Act takes effect September 1, 2011.