

By: Turner of Harris

H.B. No. 1567

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the offense of driving while license invalid.

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

4 SECTION 1. Sections 521.457(d), (e), (f), and (f-1),  
5 Transportation Code, are amended to read as follows:

6 (d) Except as provided by Subsection (c), it is an  
7 affirmative defense to prosecution of an offense, other than an  
8 offense under Section 521.341, that the person did not receive  
9 actual notice of a cancellation, suspension, revocation, or  
10 prohibition order relating to the person's license. For purposes  
11 of this section, actual notice is presumed if the notice was mailed  
12 in accordance with law. A person may rebut the presumption of actual  
13 notice established under this subsection by presenting evidence  
14 that the person to whom the notice was mailed moved to a new  
15 residence address on or before the date the notice was considered  
16 received, unless evidence is presented that the notice was  
17 forwarded to the person's new address.

18 (e) Except as provided by Subsections (f) [~~7~~-(f-1)] and  
19 (f-2), an offense under this section is a Class C misdemeanor.

20 (f) An offense under this section is a Class B misdemeanor  
21 if it is shown on the trial of the offense that [~~the person:~~

22 [~~(1) has previously been convicted of an offense under~~  
23 ~~this section or an offense under Section 601.371(a), as that law~~  
24 ~~existed before September 1, 2003, or~~

1           ~~[(2) at the time of the offense, was operating the~~  
2 ~~motor vehicle in violation of Section 601.191.~~

3           ~~[(f-1) If it is shown on the trial of an offense under this~~  
4 ~~section that]~~ the license of the person has previously been  
5 suspended as the result of an offense involving the operation of a  
6 motor vehicle while intoxicated [~~, the offense is a Class B~~  
7 ~~misdemeanor~~].

8           SECTION 2. The change in law made by this Act applies only  
9 to an offense committed on or after the effective date of this Act.  
10 An offense committed before the effective date of this Act is  
11 governed by the law in effect on the date the offense was committed,  
12 and the former law is continued in effect for that purpose. For  
13 purposes of this section, an offense was committed before the  
14 effective date of this Act if any element of the offense occurred  
15 before that date.

16           SECTION 3. This Act takes effect September 1, 2015.