By:  Hall S.B. No. 1766

A BILL TO BE ENTITLED

AN ACT

relating to the impoundment of certain motor vehicles involved in the commission of the offense of racing on a highway.

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

SECTION 1.  Subchapter I, Chapter 545, Transportation Code,

is amended to read as follows:

Sec. 545.420.  RACING ON HIGHWAY. (a) A person may not participate in any manner in:

(1)  a race;

(2)  a vehicle speed competition or contest;

(3)  a drag race or acceleration contest;

(4)  a test of physical endurance of the operator of a vehicle; or

(5)  in connection with a drag race, an exhibition of vehicle speed or acceleration or to make a vehicle speed record.

(b)  In this section:

(1)  "Drag race" means the operation of:

(A)  two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other; or

(B)  one or more vehicles over a common selected course, from the same place to the same place, for the purpose of comparing the relative speeds or power of acceleration of the vehicle or vehicles in a specified distance or time.

(2)  "Race" means the use of one or more vehicles in an attempt to:

(A)  outgain or outdistance another vehicle or prevent another vehicle from passing;

(B)  arrive at a given destination ahead of another vehicle or vehicles; or

(C)  test the physical stamina or endurance of an operator over a long-distance driving route.

(c)  [Blank]

(d)  Except as provided by Subsections (e)-(h), an offense under Subsection (a) is a Class B misdemeanor.

(e)  An offense under Subsection (a) is a Class A misdemeanor if it is shown on the trial of the offense that:

(1)  the person has previously been convicted one time of an offense under that subsection; or

(2)  the person, at the time of the offense:

(A)  was operating the vehicle while intoxicated, as defined by Section 49.01, Penal Code; or

(B)  was in possession of an open container, as defined by Section 49.031, Penal Code.

(f)  An offense under Subsection (a) is a state jail felony if it is shown on the trial of the offense that the person has previously been convicted two times of an offense under that subsection.

(g)  An offense under Subsection (a) is a felony of the third degree if it is shown on the trial of the offense that as a result of the offense, an individual suffered bodily injury.

(h)  An offense under Subsection (a) is a felony of the second degree if it is shown on the trial of the offense that as a result of the offense, an individual suffered serious bodily injury or death.

(i)  This subsection applies only to a motor vehicle used in the commission of an offense under ~~this~~ sections (f), (g) or (h) or which the owner, driver or passenger has:

(A)  used the vehicle in a prior street race or reckless driving exhibition;

(B)  used the motor vehicle in a street race or reckless driving exhibition which resulted in property damage or bodily injury to another;

(C)  a previous misdemeanor conviction for fleeing or attempting to elude a police officer pursuant to Texas Transportation Code 545.421;

(D)  a previous misdemeanor conviction for reckless driving pursuant to Texas Transportation Code 545.401; or

(E)  a previous misdemeanor or felony conviction for racing on a highway pursuant to Texas Transportation Code 545.420

~~that results in an accident with property damage or personal injury~~.  A peace officer shall require the vehicle to be taken to the nearest licensed vehicle storage facility unless the vehicle is seized as evidence, in which case the vehicle may be taken to a storage facility as designated by the peace officer involved.  Notwithstanding Article 18.23, Code of Criminal Procedure, the owner of a motor vehicle that is removed or stored under this subsection is liable for all removal and storage fees incurred and is not entitled to take possession of the vehicle until those fees are paid or proof the vehicle was illegal obtained and used against the owners knowledge requiring sworn statement and filing of charge in accordance with Penal Code Section 31.07, Unauthorized Use of a Motor Vehicle, in which case the driver will be responsible for all vehicle removal and storage fees.

SECTION 2.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.