

By: González of El Paso

H.B. No. 3291

A BILL TO BE ENTITLED

AN ACT

relating to the criminal penalty for reckless driving and to the limitation on the authority to arrest a person for certain traffic offenses punishable by fine only.

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

SECTION 1. Section 543.004(a), Transportation Code, is amended to read as follows:

(a) An officer shall issue a written notice to appear if:

(1) the offense charged is:

(A) speeding;

(B) the use of a wireless communication device under Section 545.4251; ~~or~~

(C) a violation of the open container law, Section 49.031, Penal Code;

(D) a violation of signaling requirements under Section 545.104, 545.105, 545.106, or 545.107; or

(E) reckless driving under Section 545.401, if the offense is punishable by a fine only; and

(2) the person makes a written promise to appear in court as provided by Section 543.005.

SECTION 2. Section 545.401, Transportation Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) Except as provided by Subsection (b-1), an offense under

1 this section is a misdemeanor punishable by a fine not to exceed
2 \$200.

3 (b-1) If an [An] offense under this section resulted in
4 bodily injury or property damage, the offense is a misdemeanor
5 punishable by:

- 6 (1) a fine not to exceed \$200;
- 7 (2) confinement in county jail for not more than 30
8 days; or
- 9 (3) both the fine and the confinement.

10 SECTION 3. The change in law made by this Act applies only
11 to an offense committed on or after the effective date of this Act.
12 An offense committed before the effective date of this Act is
13 governed by the law in effect on the date the offense was committed,
14 and the former law is continued in effect for that purpose. For
15 purposes of this section, an offense was committed before the
16 effective date of this Act if any element of the offense occurred
17 before that date.

18 SECTION 4. This Act takes effect September 1, 2021.