

By: Hall

S.B. No. 1766

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the impoundment of certain motor vehicles involved in  
3 the commission of the offense of racing on a highway.

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

5 SECTION 1. Subchapter I, Chapter 545, Transportation Code,  
6 is amended to read as follows:

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

- 9 (1) a race;
- 10 (2) a vehicle speed competition or contest;
- 11 (3) a drag race or acceleration contest;
- 12 (4) a test of physical endurance of the operator of a  
13 vehicle; or
- 14 (5) in connection with a drag race, an exhibition of  
15 vehicle speed or acceleration or to make a vehicle speed record.

16 (b) In this section:

- 17 (1) "Drag race" means the operation of:
- 18 (A) two or more vehicles from a point side by side  
19 at accelerating speeds in a competitive attempt to outdistance each  
20 other; or
- 21 (B) one or more vehicles over a common selected  
22 course, from the same place to the same place, for the purpose of  
23 comparing the relative speeds or power of acceleration of the  
24 vehicle or vehicles in a specified distance or time.

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

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

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

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

9           (c) [Blank]

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

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

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

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

17           (A) was operating the vehicle while intoxicated,  
18 as defined by Section [49.01](#), Penal Code; or

19           (B) was in possession of an open container, as  
20 defined by Section [49.031](#), Penal Code.

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

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

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

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

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

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

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

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

18 (E) a previous misdemeanor or felony conviction  
19 for racing on a highway pursuant to Texas Transportation Code  
20 545.420

21 ~~that results in an accident with property damage or~~  
22 ~~personal injury.~~ A peace officer shall require the vehicle  
23 to be taken to the nearest licensed vehicle storage facility  
24 unless the vehicle is seized as evidence, in which case the  
25 vehicle may be taken to a storage facility as designated by  
26 the peace officer involved. Notwithstanding Article 18.23,  
27 Code of Criminal Procedure, the owner of a motor vehicle that

1 is removed or stored under this subsection is liable for all  
2 removal and storage fees incurred and is not entitled to take  
3 possession of the vehicle until those fees are paid or proof  
4 the vehicle was illegal obtained and used against the owners  
5 knowledge requiring sworn statement and filing of charge in  
6 accordance with Penal Code Section 31.07, Unauthorized Use of  
7 a Motor Vehicle, in which case the driver will be responsible  
8 for all vehicle removal and storage fees.

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