

BILL ANALYSIS

Senate Research Center
88R3626 AJZ-F

S.B. 385
By: Hall
Criminal Justice
3/24/2023
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, law enforcement may remove from the road a vehicle used in the commission of the offense of street/drag racing and require it to be taken to the nearest licensed vehicle storage facility if there was property damage or an individual suffered bodily injury. If nobody was injured or no property was damaged, a peace officer is not authorized to order the removal of the vehicle from the road, though street racing is a dangerous behavior that puts surrounding drivers at risk. Such reckless behavior should immediately be removed from the road at the time of the commission of the offense.

This Bill:

- Amends the Transportation Code to enable a motor vehicle used in the commission of the offense of street/drag racing to be removed from the road.
- As the statute currently reads, the vehicle in question may be impounded if the offense committed results in property damage or personal injury. This bill expands the authority of a peace officer to impound a vehicle, in Subsection (i), to include violations of the prohibitions in Section 545.420(a). Thus, a peace officer shall require that the vehicle be removed from the road if one is caught drag racing, racing, or the like, on a highway, even if that offense does not result in property damage or bodily harm.
- Consistent with Subsection (i), the vehicle in question shall be taken to the nearest licensed vehicle storage facility unless the vehicle is seized as evidence.

Additional Information:

- A first-time offense for street racing remains a Class B misdemeanor if the person was not intoxicated nor in possession of an open container, but the vehicle used would immediately be removed from the roadway.

As proposed, S.B. 385 amends current law relating to the impoundment of a vehicle used in the commission of the offense of racing on a highway.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 545.420(i), Transportation Code, as follows:

(i) Requires a peace officer to require a vehicle used in the commission of an offense under Subsection (a) (relating to the prohibition of certain vehicle activities) 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. Provides that the owner of a vehicle, rather than 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, notwithstanding Article 18.23 (Expenses for Motor Vehicle Towed and Stored for Certain Purposes), Code of Criminal Procedure. Deletes existing text providing that this subsection applies only to a motor vehicle used in the commission of an offense under

Section 545.420 (Racing on Highway) that results in an accident with property damage or personal injury.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2023.