By:  Hall S.B. No. 385

(In the Senate - Filed January 12, 2023; February 15, 2023, read first time and referred to Committee on Criminal Justice; April 17, 2023, reported favorably by the following vote: Yeas 7, Nays 0; April 17, 2023, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Whitmire        X

Flores          X

Bettencourt     X

Hinojosa        X

Huffman         X

King            X

Miles           X

A BILL TO BE ENTITLED

AN ACT

relating to the impoundment of a vehicle used in the commission of the offense of racing on a highway.

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

SECTION 1.  Section 545.420(i), Transportation Code, is amended to read as follows:

(i)  [~~This subsection applies only to a motor vehicle used in the commission of an offense under this section that results in an accident with property damage or personal injury.~~]  A peace officer shall require a [~~the~~] vehicle used in the commission of an offense under Subsection (a) 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.

SECTION 2.  The changes in law made by this Act apply only to an offense committed on or after the effective date of this Act.  An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose.  For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 3.  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, 2023.

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