

AN ACT

relating to the civil and criminal consequences of racing a motor vehicle on a public highway or street and of being a spectator at an illegal motor vehicle racing event; providing penalties.

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

SECTION 1. Section 545.420, Transportation Code, is amended by amending Subsection (a) and adding Subsections (d)-(h) to read as follows:

(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.

(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,

1 as defined by Section 49.01, Penal Code; or

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

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

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

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

15 SECTION 2. Subchapter O, Chapter 521, Transportation Code,
16 is amended by adding Section 521.350 to read as follows:

17 Sec. 521.350. SUSPENSION FOR OFFENSE RELATING TO RACING OF
18 MOTOR VEHICLE ON PUBLIC HIGHWAY OR STREET. (a) A license is
19 automatically suspended on conviction of an offense under Section
20 545.420(a).

21 (b) A suspension under this section is for one year, except
22 as provided by this section.

23 (c) A person whose license is suspended under Subsection (a)
24 remains eligible to receive an occupational license under
25 Subchapter L, except that an occupational license issued to a
26 person younger than 18 years of age whose license is suspended under
27 this section may permit the operation of a motor vehicle only for

1 transportation to and from an educational facility in which the
2 person is enrolled and the place where the person resides.

3 (d) A person whose license is suspended under Subsection (a)
4 shall be required by the court in which the person was convicted to
5 perform at least 10 hours of community service as ordered by the
6 court. If the person is a resident of this state without a driver's
7 license to operate a motor vehicle, the court shall issue an order
8 prohibiting the department from issuing the person a driver's
9 license before the person completes the community service.
10 Community service required under this subsection is in addition to
11 any community service required of the person as a condition of
12 community supervision under Section 16, Article 42.12, Code of
13 Criminal Procedure.

14 (e) If a person who is required to perform community service
15 under Subsection (d) completes that community service before the
16 end of the person's license suspension, the person may apply to the
17 department for reinstatement of the person's license or the
18 issuance of a new license. The application must include proof
19 satisfactory to the department that the person has performed the
20 community service.

21 (f) If a person whose license is suspended under this
22 section is subsequently convicted of an offense under Section
23 521.457(a) during the period of license suspension, in addition to
24 the penalties provided by Section 521.457, the department shall
25 revoke the person's license until the first anniversary of the date
26 of conviction and may not reinstate the person's license or issue
27 the person a new license before that date.

1 SECTION 3. (a) This Act takes effect September 1, 2003.

2 (b) The changes in law made by this Act apply only to an
3 offense committed on or after September 1, 2003.

4 (c) An offense committed before September 1, 2003, is
5 covered by the law in effect when the offense was committed, and the
6 former law is continued in effect for that purpose. For purposes of
7 this section, an offense was committed before September 1, 2003, if
8 any element of the offense was committed before that date.

David Newkum

President of the Senate

Jim Caddick

Speaker of the House

I certify that H.B. No. 1326 was passed by the House on May 1, 2003, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 1326 on May 30, 2003, by a non-record vote.

Robert Harvey

Chief Clerk of the House

I certify that H.B. No. 1326 was passed by the Senate, with amendments, on May 28, 2003, by the following vote: Yeas 31, Nays 0.

Letsy Saw

Secretary of the Senate

APPROVED: 20 JUN '03

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:30 PM O'CLOCK

JUN 20 2003
Ann Shea
Secretary of State