

**SUBJECT:** Criminal consequences of driving without a valid license and insurance

**COMMITTEE:** Transportation — favorable, without amendment

**VOTE:** 6 ayes — Pickett, Phillips, Callegari, Harper-Brown, T. Smith, W. Smith  
0 nays  
5 absent — Y. Davis, Dunnam, Guillen, McClendon, Merritt

**WITNESSES:** For — Jon Eric Nelson; Adam Simmons; Karen Simmons; Christina Vella; (*Registered, but did not testify:* John Chancellor, Texas Police Chiefs Association; Marc Chavez, Lubbock County District Attorney's Office; Katrina Daniels, Bexar County District Attorney's Office; James Jones, Houston Police Department; Kevin Petroff, Harris County District Attorney's Office; Gary Tittle, on behalf of Dallas Police Chief David Kunkle)  
  
Against — Samuel England, American Civil Liberties Union of Texas  
  
On — (*Registered, but did not testify:* Shannon Edmonds, Texas District and County Attorneys Association)

**BACKGROUND:** Under Transportation Code, sec. 521.457 a person commits the offense of driving while license invalid if the person operates a motor vehicle on a highway:

- after the person's driver's license has been canceled or renewal denied and a license was not subsequently issued;
- while the person's license or privilege is suspended or revoked;
- while the person's license is expired, if the license expired during a period of suspension; or
- if the person is the subject of an order under any state law that prohibits the person from obtaining a license.

An offense is a class C misdemeanor (maximum fine of \$500). An offense is a class B misdemeanor (up to 180 days in jail and/or a maximum fine of \$2,000) if the person has previously been convicted of:

- driving while license invalid;
- knowingly permitting a motor vehicle owned by the person to be operated while a suspension of the vehicle registration is in effect; or
- if the person's license has previously been suspended as the result of an offense involving the operation of a motor vehicle while intoxicated.

Under Transportation Code, sec. 601.191, a person commits an offense if the person operates a vehicle without establishing financial responsibility through liability insurance, surety bond, self insurance through the Department of Public Safety, a deposit of cash or securities with the Comptroller, or cash or cashier's check with county judge in the county in which the vehicle is registered.

In 2008, Dallas Morning News editor Eric Nelson was seriously injured, along with two other individuals, when an uninsured driver with a suspended license crashed into a crowd of pedestrians. The driver faced only misdemeanor penalties.

**DIGEST:**

HB 2012 would amend Transportation Code, sec. 521.457 to add that an offense of driving while license invalid would be a class B misdemeanor if it was shown at trial that, at the time of the offense, the person was operating a vehicle without establishing financial responsibility.

An offense would be a third-degree felony (two to 10 years in prison and an optional fine of up to \$10,000) if it was shown at trial that at the time of the offense the person was operating a vehicle without establishing financial responsibility and caused or was at fault in a motor vehicle accident that resulted in serious bodily injury to or the death of another person.

The bill would take effect September 1, 2009, and would apply only to offenses committed on or after this date. It would be known as Eric's Law.

**SUPPORTERS  
SAY:**

By enhancing the punishments for driving without a valid license and without financial responsibility, HB 2012 would deter drivers from engaging in this behavior. This bill would send the message that such irresponsible actions have consequences.

HB 2012 would punish appropriately drivers who commit these offenses. Under current law, drivers who behave recklessly by driving without a license or insurance are charged only with misdemeanors, even when they cause accidents that result in serious, devastating injuries.

**OPPONENTS  
SAY:**

Providing a penalty enhancement for this offense would not be an effective deterrent. The cost of incarcerating offenders would be an additional financial burden on the state and counties and would divert resources away from other important priorities.