

## **BILL ANALYSIS**

Senate Research Center

H.B. 43  
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Criminal Justice  
5-14-97  
Engrossed

### **DIGEST**

At any given time, about 394,000 driver's licenses in Texas are suspended or revoked. In 1995, 143 drivers with a suspended or revoked license were involved in fatal accidents. Currently, the only penalty for unlicensed drivers is a maximum fine of \$500 and confinement in jail from 72 hours up to six months. This bill will set forth regulations regarding certain punishments as a result of driving while a driver's license is suspended or revoked.

### **PURPOSE**

As proposed, H.B. 43 sets forth regulations regarding certain punishments as a result of driving while a driver's license is suspended or revoked.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 42, Code of Criminal Procedure, by adding Article 42.038, as follows:

Article 42.038. PERSON CONVICTED OF DRIVING WHILE DRIVER'S LICENSE SUSPENDED OR REVOKED: IMPOUNDMENT OF MOTOR VEHICLE. Requires the court, under certain circumstances, to order the impoundment of the motor vehicle being operated by the defendant at the time of the arrest, if at the time of the arrest the defendant was an owner, or was the spouse, child, or parent of an owner, of the vehicle and the defendant, or the defendant's spouse, child, or parent, is an owner of the vehicle on the date of the conviction. Sets forth regulations for the impoundment of the motor vehicle. Sets forth regulations regarding transfer of title of an impounded motor vehicle. Sets forth regulations for release of an impounded motor vehicle. Prohibits a previous conviction from being used under Subsection (a) of this article if the offense was committed more than 10 years before the date that the offense for which the person is being tried was committed.

SECTION 2. Amends Sections 601.371(d) and (e), Transportation Code, to provide that a person commits a Class C misdemeanor if the person commits an offense under this section except as provided by Subsection (e). Provides that a person commits a Class B misdemeanor, rather than Class A misdemeanor, if it is shown on the trial of an offense under this section that the person has previously been convicted of an offense under this section or under Section 521.457. Deletes existing text regarding a fine and confinement in county jail.

SECTION 3. Effective date: September 1, 1997.  
Makes application of this Act prospective.

SECTION 4. Emergency clause.