

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 2899
By: Plesa et al. (Hall)
Criminal Justice
5/2/2023
Committee Report (Substituted)

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.

H.B. 2899:

- 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.

Committee Substitute to H.B. 2899:

- Adds a "reckless driving exhibition" to the scope of the bill, such that law enforcement could similarly remove a vehicle from the roadway for the commission of this offense as they could for street racing on a highway.

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.

(Original Author's/Sponsor's Statement of Intent)

C.S.H.B. 2899 amends current law relating to the impoundment of a vehicle used in the commission of the offense of racing on a highway or in the commission of certain criminal conduct involving a reckless driving exhibition.

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 42.03, Penal Code, by adding Subsection (g), as follows:

- (g) Requires a peace officer to require a vehicle used in the commission of an offense punishable under Subsection (d) (relating the punishment for a person operating a motor

vehicle while engaging in a reckless driving exhibition) or (e) (relating to the increased punishment for a person operating a motor vehicle while engaging in a reckless driving exhibition that has been previously convicted of such an offense or that engages in certain other illegal acts while engaging in a reckless driving exhibition) to be taken to the nearest licensed storage facility unless the vehicle is seized as evidence, in which case the vehicle is authorized to be taken to a storage facility as designated by the peace officer involved. Provides that the owner of a vehicle that is removed or stored under this subsection, notwithstanding Article 18.23 (Expenses for Motor Vehicle Towed and Stored for Certain Purposes), Code of Criminal Procedure, 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. 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 prohibiting a person from participating in certain conduct involving racing) to be taken to the nearest licensed vehicle storage facility unless the vehicle is seized as evidence, in which case the vehicle is authorized to be taken to a storage facility as designated by the peace officer involved. 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. Makes nonsubstantive changes.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: upon passage or September 1, 2023.