



Texas Department of Public Safety

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New traffic, criminal laws set to go into effect September 1

Notable traffic and criminal laws that go into effect on September 1 (unless noted otherwise) include the following:

HB 84, known as Katie's Law, requires drivers 85 years of age and above to pass a vision test to have their driver license renewed. Licenses will be valid for two years instead of six. Drivers age 79 and older are not allowed to renew their driver licenses electronically.

HB 586 prohibits a driver who is issued a speeding ticket and found guilty of driving at a speed of 95 miles per hour or higher from taking a driving safety class to dismiss the ticket.

SB 369 prohibits the use of blurring or reflective matter on a license plate that significantly impairs the readability of the state name and license plate numbers and letters; prohibits the use of material or an apparatus that alters or obscures one-half or more of the state name; and prohibits using material that obscures the license plate number or plate color.

SB 153 makes it an offense for the accompanying licensed passenger of a driver with a learner's permit to sleep, be intoxicated or to engage in any activity that prevents the passenger from observing and responding to the actions of the driver of the vehicle.

SB 112 (effective April 27, 2007) protects the right to bear arms during a declared disaster or emergency by prohibiting law enforcement officers from confiscating firearms during such emergency periods.

HB 8, known as Jessica's Law, imposes a 25-year minimum sentence for sexually violent offenses against children under 14 years of age; eliminates eligibility for parole for certain sex offenders; makes a second conviction of a sexually violent offense against a child under 14 years of age a capital felony; mandates global positioning system (GPS) monitoring for offenders committed under the sexually violent predator statutes; extends the statute of limitations for sexually violent offenses against children under the age of 14 to 20 years past the victims' 18th

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birthday; and clarifies that harboring a sex offender in violation of registration is an offense punishable by up to a third degree felony.

SB 6 increases the penalty for sexually explicit online communication with a minor who is 14 to 16 years old from a state jail felony to a third degree felony and increases the penalty for online sexual solicitation of a minor who is 14 to 16 years old from a third degree felony to a second degree felony.

HB 3849, effective June 15, 2007, creates new vehicle registration requirements for all-terrain vehicles (ATVs) and a penalty if an ATV is driven on public property while the driver and passengers are not wearing required safety apparel.

SB 1315 requires DPS to develop an alert system for missing senior citizens similar to the current Amber Alert Program for abducted children.

HB 323 requires all new buses purchased by a school district on or after September 1, 2010 to be equipped with lap/shoulder seatbelts. All buses contracted for use by a school district on or after September 1, 2011 must be equipped with lap/shoulder seatbelts. (The bill's provisions will not take effect unless the legislature appropriates the necessary funds to school districts to cover the expenses of such changes.)

HB 1815 excludes from unlawful carrying of a weapon a person who is carrying a handgun, illegal knife, or club on the person's own premises or premises under their control or inside of or directly en route to a motor vehicle that is owned by the person or is under their control. The bill makes it an offense to carry a handgun in a motor vehicle that is owned by the person or under the person's control if the handgun is in plain view or the person is engaged in certain criminal activity, is prohibited from possessing a firearm, or is a member of a criminal street gang.

HB 3190 prohibits persons who have committed offenses such as vehicular manslaughter, driving under the influence, and leaving the scene of an accident from operating a school bus for 10 years after the offense; requires school bus operators to wear seat belts if the operator's seat is equipped with such restraints; prohibits the operation of a school bus if the number of persons inside the bus exceeds the manufacturer's design capacity for the vehicle or if the bus' door is open; authorizes a school bus operator to prohibit a passenger from standing or sitting on the floor of a bus or anywhere that is not a seat; requires a school bus evacuation training program and requires a school district to train all of its students and teaching staff in the process of emergency school bus evacuation at least twice a year.

SB 1287 requires certain establishments that sell alcohol to post specific notification regarding the offense of human trafficking in both English and Spanish along with the number to the national human trafficking hotline.

HB 3613 creates a statewide standard for peace officer identification cards, including ID cards for reserve law enforcement officers and honorably retired peace officers.

SB 331 (effective May 14, 2007) increases the maximum length for saddlemount commercial vehicle transporter combinations from 75 to 97 feet.

SB 378, known as the “Castle Doctrine,” removes the requirement that persons attempt to retreat before using deadly force to defend themselves.

HB 2112 prohibits a person from intentionally exhibiting, using or threatening to exhibit or use a firearm while on public or private school property (including in a school parking lot), or while on a school bus being used to transport children to or from school-sponsored activities.

SB 332 authorizes the state to prohibit a motor carrier from operating in intrastate commerce if the U.S. Federal Motor Carrier Safety Administration has prohibited the carrier from operating in interstate commerce because it is deemed unfit or unsafe.

SB 387 redefines “loose material” in Transportation Code Chapter 725 by adding the term “refuse,” which is defined as “trash, rubbish, garbage, or any other discarded material.” It also deletes existing statutory language that exempts a vehicle operated at a speed less than 30 miles an hour from application of this chapter.

SB 545, HB 1638 and **HB 2077** added more than 40 municipal police departments to those police agencies eligible to have DPS train their peace officers to become certified to enforce commercial motor vehicle safety standards.

HB 1766 makes a state jail felony of the theft of wiring or cable that consists of at least 50 percent aluminum, bronze, or copper metals and that has a value of less than \$20,000.

SB 244 authorizes a district or appellate court to seal an affidavit when there is compelling state interest for doing so, such as to prevent destruction of or tampering with evidence in a criminal investigation.

HB 991 (effective May 23, 2007) makes confidential DPS records about who holds a concealed handgun in Texas. Criminal justice agency officials still have to access this information.

SB 9 (effective June 15, 2007) requires a national criminal history background check for all certified public school employees; prevents individuals from employment with a school district if they have been convicted of a Title 5 Penal Code felony offense; or a sex offense when the victim of the crime was a child, a primary school student, or secondary school student; and creates a clearinghouse at DPS for criminal history background information on public school employees so this information can be shared between school districts.

HB 233 provides a concealed handgun license fee waiver for active duty military members and honorably discharged veterans within one year of their discharge from the military service

HB 1241 requires any private security business to maintain criminal histories of its security personnel on file at the business and to make them available for inspection by DPS.

HB 1355, known as Lillian's Law, requires all dog owners to properly secure their dogs on their property. The law provides that a dog owner can be held criminally responsible if the dog causes serious bodily injury or death at a location other than the owner's property in an unprovoked attack during which the owner by criminal negligence failed to secure the dog. It exempts many dog professionals (including peace officers) who deal with dogs on a regular basis from the bill.

HB 1839 requires concealed handgun license (CHL) holders to take a continuing education course to renew their CHL every 10 years instead of every five years.

SB 502 increases the minimum liability coverage amounts for automobile insurance. The first increase applies to motor vehicle liability insurance policies issued or renewed after April 1, 2008. A second, larger increase in motor vehicle liability insurance coverage takes effect on January 1, 2011.

The complete texts of these bills can be found at www.capitol.state.tx.us. Select the enrolled version in the regular legislative session.

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