

# CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5/20/09  
Date

Honorable David Dewhurst  
President of the Senate

Honorable Joe Straus  
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on House Bill 2012 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

<u>[Signature]</u> Sen. John Cremona	<u>[Signature]</u> Rep. Carol Keel
<u>[Signature]</u> Sen. Bob Deuell	<u>[Signature]</u> Rep. Susan King
<u>[Signature]</u> Sen. Kirk Watson	<u>[Signature]</u> Rep. De Getto
<u>[Signature]</u> Sen. John Whitmire	<u>[Signature]</u> Rep. Wayne Schae
<u>[Signature]</u> Sen. Terry Williams	<u>[Signature]</u> Rep. Al Kubacki

### Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

# CONFERENCE COMMITTEE REPORT

3<sup>rd</sup> Printing

H.B. No. 2012

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the criminal consequences of operating without a valid  
3 driver's license a motor vehicle for which financial responsibility  
4 is not established.

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

6 SECTION 1. This Act shall be known as Eric's Law.

7 SECTION 2. Section 521.457, Transportation Code, is amended  
8 by amending Subsections (e) and (f) and adding Subsection (f-2) to  
9 read as follows:

10 (e) Except as provided by Subsections (f), ~~[and]~~ (f-1), and  
11 (f-2), an offense under this section is a Class C misdemeanor.

12 (f) An offense under this section is a Class B misdemeanor  
13 if [if] it is shown on the trial of the [an] offense [under this  
14 section] that the person:

15 (1) has previously been convicted of an offense under  
16 this section or an offense under Section 601.371(a), as that law  
17 existed before September 1, 2003; or

18 (2) at the time of the offense, was operating the motor  
19 vehicle in violation of Section 601.191 [ , the offense is a Class B  
20 misdemeanor].

21 (f-2) An offense under this section is a Class A misdemeanor  
22 if it is shown on the trial of the offense that at the time of the  
23 offense the person was operating the motor vehicle in violation of  
24 Section 601.191 and caused or was at fault in a motor vehicle

1 accident that resulted in serious bodily injury to or the death of  
2 another person.

3           SECTION 3. The change in law made by this Act applies only  
4 to an offense committed on or after the effective date of this Act.  
5 An offense committed before the effective date of this Act is  
6 governed by the law in effect when the offense was committed, and  
7 the former law is continued in effect for that purpose. For the  
8 purposes of this section, an offense was committed before the  
9 effective date of this Act if any element of the offense was  
10 committed before that date.

11           SECTION 4. This Act takes effect September 1, 2009.

**House Bill 2012**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

SECTION 1. This Act shall be known as Eric's Law.

Same as House version.

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SECTION 2. Section 521.457, Transportation Code, is amended by amending Subsections (e) and (f) and adding Subsection (f-2) to read as follows:

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SECTION 2. Same as Senate version.

(e) Except as provided by Subsections (f), ~~and~~ (f-1), and (f-2), an offense under this section is a Class C misdemeanor.

(e) Except as provided by Subsections (f), ~~and~~ (f-1), and (f-2), an offense under this section is a Class C misdemeanor.

(f) An offense under this section is a Class B misdemeanor if [If] it is shown on the trial of the [an] offense [under this section] that the person:

(f) An offense under this section is a Class B misdemeanor if [If] it is shown on the trial of the [an] offense [under this section] that the person:

(1) has previously been convicted of an offense under this section or an offense under Section 601.371(a), as that law existed before September 1, 2003; or

(1) has previously been convicted of an offense under this section or an offense under Section 601.371(a), as that law existed before September 1, 2003; or

(2) at the time of the offense, was operating the motor vehicle in violation of Section 601.191 [-the offense is a Class B misdemeanor].

(2) at the time of the offense, was operating the motor vehicle in violation of Section 601.191 [-the offense is a Class B misdemeanor].

(f-2) An offense under this section is a felony of the third degree if it is shown on the trial of the offense that at the time of the offense the person was operating the motor vehicle in violation of Section 601.191 and caused or was at fault in a motor vehicle accident that resulted in serious bodily injury to or the death of another person.

(f-2) An offense under this section is a Class A misdemeanor if it is shown on the trial of the offense that at the time of the offense the person was operating the motor vehicle in violation of Section 601.191 and caused or was at fault in a motor vehicle accident that resulted in serious bodily injury to or the death of another person.

SECTION 3. (a) The Legislative Budget Board shall prepare an annual criminal justice policy impact

No equivalent provision.

Same as Senate version.

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statement for this Act.

(b) The impact statement must include information concerning:

- (1) the number of arrests and resulting criminal dispositions under this Act;
- (2) the fiscal impact of arrests, trials, convictions, and imprisoning or imposing other sanctions on persons in accordance with this Act;
- (3) the race and ethnicity of persons arrested, prosecuted, convicted, and incarcerated under this Act;
- (4) the impact of this Act on existing correctional facilities, as defined by Section 1.07, Penal Code;
- (5) the likelihood that this Act may create a need for additional prison capacity;
- (6) civil action damages assessed and collected, and assets seized and forfeited under this Act; and
- (7) any other matter the Legislative Budget Board determines relevant.

(c) The Legislative Budget Board shall complete the impact statement not later than December 1 each year, beginning December 1, 2010, and make it available to the public on its website.

No equivalent provision.

SECTION \_\_. Section 545.401, Transportation Code, is amended by amending Subsection (b) and adding Subsections (e), (f), (g), and (h) to read as follows:

(b) Except as provided by Subsection (e), an ~~[An]~~ offense under this section is a misdemeanor punishable

Same as House version.

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by:

- (1) a fine not to exceed \$200;
- (2) confinement in county jail for not more than 30 days;
- or
- (3) both the fine and the confinement.

(e) If an offense under this section results in the serious bodily injury or death of an operator or passenger of another motor vehicle, the offense is a Class B misdemeanor.

(f) The court may:

(1) order that the driver's license of a person convicted of an offense under Subsection (e) be suspended for not less than 30 days beginning on the date of conviction; and

(2) require the person to attend and present proof that the person successfully completed a driving safety course approved under Chapter 1001, Education Code, before the person's driver's license may be reinstated.

(g) A judge, acting under Article 42.12, Code of Criminal Procedure, who elects to place a defendant on community supervision under that article may require the defendant to attend and present proof that the defendant successfully completed a driving safety course approved under Chapter 1001, Education Code.

(h) A person who is subject to prosecution under both this section and another section of this or any other code may be prosecuted under either or both sections.

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**Section-by-Section Analysis**

HOUSE VERSION

SECTION 4. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For the purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

SECTION 5. This Act takes effect September 1, 2009.

SENATE VERSION

Same as House version.

Same as House version.

CONFERENCE

SECTION 3. Same as House version.

SECTION 4. Same as House version.

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 30, 2009**

**TO:** Honorable David Dewhurst , Lieutenant Governor, Senate  
Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE:** **HB2012** by Vaught (Relating to the criminal consequences of operating without a valid driver's license a motor vehicle for which financial responsibility is not established.),  
**Conference Committee Report**

**No significant fiscal implication to the State is anticipated.**

The bill would amend Section 521.457 of the Transportation Code to stipulate that a person commits a Class B misdemeanor if a person commits an offense of driving without a valid driver's license and at the time is also operating a motor vehicle without maintaining liability insurance. If at the time a person is driving without a valid driver's license, that person causes or is at fault in a motor vehicle accident that results in serious bodily injury to or the death of another and is driving without maintaining liability insurance, the offense would be a Class A misdemeanor. The punishment for a Class B misdemeanor is a fine not to exceed \$2,000, confinement in jail for a term not to exceed 180 days, or both. The punishment for a Class A misdemeanor is a fine not to exceed \$4,000; confinement in jail for a term not to exceed one year; or both a fine and confinement. It is anticipated that unless the increased offense level applies to a high number of the offenses committed, there would be no significant fiscal impact.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 405 Department of Public Safety

**LBB Staff:** JOB, KJG, MS, DB