

CHAPTER 445

H.B. No. 119

AN ACT

relating to criminal and administrative sanctions for the offense of fleeing or attempting to elude a peace officer.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 22(b), Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes), is amended to read as follows:

(b) Except for the twelfth (12th) listed ground, for which the Department has authority to revoke a license, the authority to suspend the license of any driver as authorized in this Section is granted the Department upon determining after proper hearing as hereinbefore set out that the licensee:

(1) has committed an offense for which automatic suspension of license is made upon conviction;

- (2) has been responsible as a driver for any accident resulting in death;
- (3) is an habitual reckless or negligent driver of a motor vehicle;
- (4) is an habitual violator of the traffic law.

The term "habitual violator" as used herein, shall mean any person with four (4) or more convictions arising out of different transactions in a consecutive period of twelve (12) months, or seven (7) or more convictions arising out of different transactions within a period of twenty-four (24) months, such convictions being for moving violations of the traffic laws of this state or its political subdivisions other than a violation of:

(A) Section 3 or 5, Chapter 42, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929[~~, as amended~~] (Article 6701d-11, Vernon's Texas Civil Statutes);

(B) Chapter 293, Acts of the 53rd Legislature, Regular Session, 1953[~~, as amended~~] (Article 6701d-12, Vernon's Texas Civil Statutes);

(C) Chapter 608, Acts of the 65th Legislature, Regular Session, 1977 (Article 6701d-12a, Vernon's Texas Civil Statutes);

(D) Chapter 73, Acts of the 54th Legislature, Regular Session, 1955[~~, as amended~~] (Article 6701d-13, Vernon's Texas Civil Statutes);

(E) Chapter 212, Acts of the 56th Legislature, Regular Session, 1959 (Article 6701d-14, Vernon's Texas Civil Statutes);

(F) Chapter 93, Acts of the 58th Legislature, Regular Session, 1963 (Article 6701d-15, Vernon's Texas Civil Statutes);

(G) Chapter 8, Acts of the 62nd Legislature, Regular Session, 1971 (Article 6701d-17, Vernon's Texas Civil Statutes); or

(H) Section 107C, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes);

- (5) is incapable to drive a motor vehicle;
- (6) has permitted an unlawful or fraudulent use of such license;
- (7) has committed an offense in another state, which if committed in this State would be grounds for suspension or revocation;
- (8) has failed or refused to submit a report of any accident in which he was involved as provided in Article IV, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes);
- (9) has been responsible as a driver for any accident resulting in serious personal injury or serious property damage;
- (10) is the holder of a provisional license under Section 11A of this Act and has been convicted of two (2) or more moving violations committed within a period of twelve (12) months;
- (11) has not complied with the terms of a citation issued by a jurisdiction that is a member of the Nonresident Violator Compact of 1977 for a violation to which the compact applies; [or]
- (12) has a warrant of arrest outstanding, for failure to appear or pay a fine on a complaint, that is issued by a political subdivision that has contracted with the Department under Article 6687c, Revised Statutes; or
- (13) has committed an offense under Section 186, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes).

SECTION 2. Section 186(b), Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

(b) *An offense under this section is a Class B misdemeanor* [~~Every person convicted of fleeing or attempting to elude a police officer shall be punished by imprisonment for not less than thirty (30) days nor more than six (6) months or by a fine of not less than One Hundred Dollars (\$100) nor more than Five Hundred Dollars (\$500), or by both such fine and imprisonment.~~].

SECTION 3. This Act takes effect September 1, 1987, and applies to an offense under Section 186, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes), that is committed on or after that date. An offense committed before the effective date of this Act is punishable under the law in existence at the time the offense was committed and the former law is continued in effect for that purpose. For purposes of this section an offense is committed before the effective date of this Act if any element of the offense occurs before that date.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on April 6, 1987, by a non-record vote. Passed by the Senate on May 21, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 17, 1987.

Effective Sept. 1, 1987.