Chapter Four: Traffic Laws and Procedures

Driver’s License

Organ Donation Program

An important program that resulted from Senate Bill 154, passed in 2001 by the 77th Texas Legislature, is the opportunity for Texas drivers to become organ donors. Everyday, all across the country, people are being saved because of organ transplants. Those being saved represent a wide range of people. They are children, teenagers, and adults. They are children, parents, and grandparents. But most important they are your friends, family, and neighbors. These people are getting a second chance at life because other people choose to donate their organs and tissues. This is an important life-saving program and everyone should take some time and give some serious thought to registering to become an organ or tissue donor.

Littering on Our Highways

Littering is not only a crime it’s an insult to Texas. Throwing out cigarette butt, soda can, candy bar wrapper, paper bags, even winning lottery tickets is according to the law “litter.” Throwing litter out of your vehicles a Class C misdemeanor punishable by a fine up to $500. For a repeat offender, the penalty is increased to a Class B misdemeanor punishable by a fine up to $2000 and up to 180 days in jail.

What can I do?

✦ Take personal responsibility for your own garbage.
✦ Keep a litterbag in your vehicle, and use it.
✦ Set an example for your neighbors, friends and children by putting your trash where it belongs.
✦ Cover your load. Unsecured debris in the back of vehicles becomes litter when it blows out.
✦ Become an Adopt-a-Highway volunteer. These volunteers pick up trash on 8,000 miles or about 10% of state-maintained highways.

Little known facts!

✦ Ninety percent of the highways are cleaned by people paid from your state tax dollars.
✦ Cigarette butts take about 25 years to decompose because of the plastic in the filter.
✦ Cigarettes butts are the most common type of litter on our highways.
✦ Twenty-four million dollars are spent every year in Texas to pick up trash off the roadsides. That's one expensive bill for maid service.

The next time you travel the Texas highways remember to bag your trash. Remember “Don’t Mess with Texas.”
Vehicle Registration

A non-resident driver enters the state and establishes residency or accepts employment in the state may operate his or her vehicle for **thirty days**.

Liability Insurance

In an effort to ensure that all Texas drivers act with financial responsible, the Safety Responsibility Act requires all drivers have liability insurance in case of accidents that result in property loss, personal injury, or death.

All owners and/or operators of motor vehicles in Texas must a minimum amount of liability insurance.

- $25,000 against injury or death of one person.
- $50,000 against injury or death of two persons.
- $25,000 against property damage.

1st Conviction—of operating a motor vehicle without sufficient evidence of financial responsibility is a violation of state law and the drive is subject to a fine of not less than $175 and not more than a $350.

2nd and Subsequent Convictions—will result in license and vehicle registration suspensions. In addition, the driver will be fined not less than $350 and not more than a $1,000.

Vehicle Impoundment—second or subsequent conviction also requires the court to order impoundment of the motor vehicle being driven or operated by the person at the time of the offense (provided that the defendant is the owner of the vehicle at the time of the offense and is still the owner of the vehicle on the date of conviction). The vehicle shall be impounded for a period of 180 days. Before the court orders the release of the vehicle, evidence of financial responsibility must be presented to the court.

Vehicle Inspection

The purpose of yearly safety inspection is to protect the public against vehicles that are not in safe working condition. All motor vehicles registered in Texas, including motorcycles, motor scooters, and mopeds must be inspected each year by an official motor vehicle inspection station. Evidence of financial responsibility for the vehicle must be presented at the time of inspection.
Drivers License
Suspensions/Revocations/Cancellations

A. Mandatory Suspensions—convictions of the following offenses can result in the automatic suspension of a driving privilege (see the Commercial Driver's License Handbook for additional information concerning disqualifications. Also, see Suspensions/Revocations for Individuals Under 21 for additional suspension information).

Driving while intoxicated (DWI) by use of alcohol or drugs.
Drug offense.
Intoxication manslaughter.
Intoxication assault.
Failure to stop and render aid.
Causing the death or serious injury of anyone while operating a motor vehicle.
Any offense punishable as a felony under the motor vehicle laws of Texas.
Overtaking and passing a school bus (subsequent conviction).
Displaying or possessing a driver’s license or identification card that is fictitious, cancelled, revoked, suspended, or altered.
Lending a driver’s license or identification card to someone else.
Failing or refusing to surrender upon demand a driver’s license or identification card to the Department of Public Safety that has been suspended, cancelled, or revoked.
Possessing more than one valid driver’s license or identification card.
Providing false information or documents when applying for a driver’s license.
Making, selling, or possessing a document deceptively similar to a driver’s license or identification card issued by the Department of Public Safety.
Graffiti
Procession of fictitious license plate, registration certificate, or safety inspection sticker.
Fraudulent government records.
B. Discretionary Suspension/Revocations—the Department of Public Safety has the authority to suspend or revoke a driver’s license or driving privilege after a hearing if the driver is found guilty of the following (see the Commercial Driver’s License Handbook for additional information concerning disqualifications).

Driving while license suspended.
Causing a serious accident while operating a motor vehicle.
Demonstration of incompetents to drive.
Repeated violations of traffic laws, four or more convictions for moving violations occurring separately within any 12-month period or seven or more within any 24-month period.
Habitual reckless or negligent driving.
Permitting unlawful or fraudulent use of one’s driver’s license.
Violating a driver’s license endorsement requirement.
Two or more convictions for violating a driver’s license restriction.
Failure to comply with the terms of a citation issued by another state that is a member of the Nonresident Violator Compact of 1977.
Failure to complete a DWI education program within 181 days (if completion is a term of probation upon conviction of DWI).
Failure to complete a repeat offender alcohol education program required when convicted of DWI.
Failure to complete a drug education program as required upon conviction of a drug offense.
Failure to provide medical information when requested.
Failure to take or pass an examination when requested.
Fleeing or attempting to flee from a police officer.
Conviction of an offense in another state that is grounds for suspension or revocation in this state.
Failure to stop for a school bus (second conviction).
Violation of a probation order set by a previous hearing.
C. Suspensions/Revocations for Individuals Under 21—convictions or failure to comply with the following offenses will result in the automatic suspension of a driving privilege of persons less than 21 years of age (also see Administrative License Revocation (ALR) for additional suspension information regarding minors).

Alcoholic Beverage Code offenses:
Minor in possession or attempting to purchase alcohol by a minor.
Purchase of alcohol by a minor.
Consumption of alcohol by a minor.
Misrepresentation of age by a minor.
Health and Safety Code violations:
Failure to complete an alcohol or tobacco awareness class when required.
Family Code violations:
Delinquent conduct by a minor or juvenile.
Truancy.

The Department of Public Safety has the authority to suspend/revoke the driver’s license or driving privilege of a minor, after a proper hearing, for the following reasons:

Failure to appear or default in payment of a fine for traffic or a non traffic violation.
Repeated violations of traffic laws,
Two or more convictions for moving violations occurring separately within any 12-month period for a driver who has a provisional driver’s license or one or more convictions for a moving violation if the driver holds a 60-day hardship (minor’s restricted license) license.
D. Administrative License Revocation (ALR)—the Administrative License Revocation (ALR) Law effective January 1, 1995 requires a $100 reinstatement fee for all ALR suspensions.

Chapter 524 of the Transportation Code provides for suspending the license (over 21) for failing a breath or blood test when the blood alcohol content BAC indicates a level of .08 or more.

Chapter 724 of the Transportation Code provides for suspending the driver’s license or driving privilege of any individual who refuses to submit to a breath or blood test.

Chapter 524 of the Transportation Code and Section 106.041 of the Alcoholic Beverage Code provides for suspending the driver’s license or driving privilege of individuals under 21 years of age for any detectable amount of alcohol. Senate Bill 35 as passed by the Texas Legislature became law on September 1, 1997. This law provides that a minor (a person who is under the age of 21) may not drive a motor vehicle with any detectable amount of alcohol (.00) in their system.

This law is commonly referred to as the “zero tolerance law.” This law provides for the suspension of a minor’s driver’s license for any detectable amount of alcohol in the minor’s system or refusal to provide a specimen of the minor’s breath or blood for analysis. See Chapter 10 for more detailed information about the zero tolerance law for minors.
E. Cancellations—the Department of Public Safety is authorized to cancel the license of individuals who do not meet certain qualifications. Failure to meet the following requirements can result in the cancellation of a driver’s license.

Suspension/revocation action from another state.
Parental authorization withdrawn (for individuals under 18 years of age).
Incomplete driver education.
Voluntary surrender of license for medical or insurance purposes.
False statement on driver license application.

F. Court-Ordered Suspension/Revocation/Cancellation—the Department of Public Safety shall, upon receipt of an order from the court, suspend, revoke, or cancel the driver’s license or driving privilege for the following.
Delinquent child support.
Requirement for a deep lung breathe analysis mechanism (interlock device).
Failure to repay any overpayment of food stamps or financial assistance.
Mentally incapacitated.
Chemically dependency.
Evading arrest or detention.

G. Denials—the Department of Public Safety is authorized to deny the issuance of a driver’s license to any person who is ineligible to receive a license in this state. An applicant may be denied a driver’s license for the following reasons.
Suspension/revocation/cancellation/disqualification status in this state, another state, or Canadian Provinces.
Physical or mental incapacity that prevents the safe operation of a motor vehicle.

SPECIAL NOTE: The Department of Public Safety may deny the renewal of a driver’s license of a Texas licensee who fails to appear in court for traffic violations or specified other offenses within the jurisdiction of a justice or municipal court.
H. Driving While License Suspended—the penalties for driving a motor vehicle while your driver’s license or driving privilege is suspended, canceled, denied, or revoked are: a fine of not less than $100.00 or more than $500.00, confinement in jail for a term of not less than 72 hours or more than 6 months, and extension of suspension of driver’s license or driving privilege if convicted of operating a motor vehicle while suspended, canceled, or revoked (the extended period of suspension will be for same period of time as the original suspension). Subsequent convictions are Class A misdemeanor.

I. Sanctions for Non-Driving Alcohol-Related Offenses by Minors—Texas’ “zero tolerance law” also provides penalties for non-driving alcohol-related offenses committed by for minors.

A minor may not purchase or attempt to purchase alcohol beverages.

A minor may not claim to be 21 years of age or older or present documents that indicates that they are 21 years of age or older to a person engaged in the selling or serving of alcoholic beverages.

A minor may not consume or possess an alcoholic beverage.

The penalty upon conviction of one of the above non-driving alcohol-related offenses and for Public Intoxication for a minor is as follows.

1st Non-driving Alcohol-Related Offense by a Minor—is a Class C misdemeanor punishable by a fine of up to $500.00 and 8 to 12 hours of community service. The offense requires mandatory attendance of alcohol awareness course. The minor’s driver’s license is suspended (or his/her privilege denied if not licensed) for 30 days.

2nd Non-driving Alcohol-Related Offense by a Minor—is a Class C misdemeanor, punishable by a fine up to $500.00 and 20 to 40 hours of community service. The minor may be required to attend an alcohol awareness course. The minor’s license is suspended (or his/her driving privilege denied if not licensed) for 60 days.

3rd Non-driving Alcohol-Related Offense by a Minor (10 years of age or older but less than 17)—is a Class C misdemeanor and violates the “Conduct Indicating a Need for Supervision under the Family Code” and is thereby punishable by a fine of up to $500.00 and 20 to 40 hours of community service. The minor’s license is suspended (or his/her privilege denied if not licensed) for 180 days. Minors are not eligible for deferred disposition on the third and subsequent convictions.
3rd Non-driving Alcohol-Related Offense by a Minor (17 years of age or older but less than 21)—is a Class B misdemeanor punishable by a fine of not less than $250.00 nor more than $2,000.00, not less than 40 nor more than 60 hours of community service, and/or confinement in jail not to exceed 180 days. The minor’s driver’s license is suspended (or his/her privilege denied if not licensed) for 180 days. Minors are not eligible for deferred disposition on the third and subsequent convictions.

As of September 1, 1999, a minor convicted of driving while his/her license is suspended because of a non-driving alcohol related offense is subject to the penalties outlined in the section of penal code “Driving While License Suspended” (see Chapter One for Penalties).

J. Other Sanctions for Non-Driving Alcohol-Related Offenses—a person who purchases alcoholic for a minor or who furnishes alcoholic to a minor can be punished by a fine up to $2000.00 and/or confinement in jail for up to 180 days. A person who sells a minor an alcoholic beverage can be punished by a fine up to $4,000.00 and/or confinement in jail for up to one year.