DRIVER’S LICENSE VIOLATIONS IN TEXAS

A Review of Transportation Code, Chapter 521
RESTRICTIONS
A With corrective lenses

ENDORSEMENTS
No Endorsements

☐ Directive to physician has been filed at tel #
☐ Emergency contact number
☐ Allergic reaction to drugs

TEXAS ROADSIDE ASSISTANCE 1-800-525-5555
WHAT IS A DRIVER’S LICENSE?

An authorization issued by TxDPS for the operation of a motor vehicle. The term includes:

• Occupational Driver’s Licenses
• Temporary Licenses
• Instruction Permits

Tex. Trans. Code § 521.001(a)(3)
TYPES OF DRIVER’S LICENSES

Class A:
• Vehicles weighing 26,001 lbs. or more;
• Combinations of vehicles weighing 26,001 lbs. or more, if the vehicle being towed weighs more than 10,000 lbs.

Class B:
• Vehicles weighing more than 26,000 lbs;
• A vehicle weighing 26,000 lbs. or more towing a vehicle weighing up to 10,000 lbs. or a farm trailer weighing up to 20,000 lbs;
• Buses with a seating capacity of 24 passengers or more.

Class C:
• Vehicles or combinations of vehicles not requiring a Class A or Class B license;
• Vehicles weighing less than 26,001 lbs. towing a farm trailer weighing up to 20,000 lbs.

Class M:
• Motorcycles or mopeds.
WHO NEEDS A TEXAS DRIVER’S LICENSE?

**Default Rule:** Anyone who operates a motor vehicle on a highway in Texas must have a Texas Driver’s License.

**Exceptions:**

1) Persons serving in the state or U.S. military forces operating a vehicle in the scope of that service;
2) Persons operating on a highway a road machine, farm tractor, or implement of husbandry on a highway unless the vehicle is a commercial motor vehicle;
3) A nonresident on active duty in the armed forces who holds a license issued by his or her state or Canadian province of residence;
4) The spouse or dependent person of #3 above who holds a license issued by his or her state or Canadian province of residence;
5) A nonresident who meets the qualifications of Texas law.
NONRESIDENTS VS. RESIDENTS

- **Resident:** One who actually and physically resides in Texas;

- **Nonresident:** One who is not a resident.

- Whether someone is a resident of Texas is ultimately a fact question.
DRIVERS WITH OUT-OF-STATE DRIVER’S LICENSES – NONRESIDENTS

• At least 16 years old;
• In possession of a Class C or Class M equivalent driver’s license;
• Issued by their state of residence or Canadian province of residence;
• Operating the type of motor vehicle permitted by a Class C or Class M driver’s license.

• At least 18 years old;
• In possession of a Class A or Class B equivalent driver’s license;
• Issued by their state of residence;
• Operating the type of motor vehicle permitted by a Class A or Class B driver’s license;
• If their state recognizes a Texas Class A or Class B driver’s license and exempts Texas residents from obtaining one to drive in their state.
DRIVERS WITH OUT-OF-STATE DRIVER’S LICENSES – TEXAS RESIDENTS

• New residents may operate a motor vehicle on a highway in Texas for 30 days, if:

  1) They are at least 16 years old;
  2) They have in their possession a driver’s license issued by their state of previous residence.

• After that, they must have a Texas driver’s license.

Tex. Trans. Code § 521.029(a)
Drivers With Driver’s Licenses from Other Countries – Nonresidents

- At least 18 years old;
- In possession of a Class A or Class B equivalent driver’s license;
- Issued by their country of residence;
- Operating the type of motor vehicle permitted by a Class A or Class B driver’s license;
- If their country recognizes a Texas Class A or Class B driver’s license and exempts Texas residents from obtaining one to drive in their country.

Situation #2: 37 T.A.C. § 15.91.
- Between 18 and 75 years old;
- Been in the United States no more than 1 year;
- Operating a private vehicle with a registration insignia/oval sign or plaque affixed to the rear of the vehicle;
- Valid driver’s license issued by their home country or an international driving permit issued by an entity authorized by the U.S. State Department to issue them;
- Home country is a treaty country.
Drivers With Driver’s Licenses from Other Countries – Texas Residents

• New residents may operate a motor vehicle on a highway in Texas for 30 days, if:
  1) They are at least 16 years old;
  2) They have in their possession a driver’s license issued by their country of previous residence.

• After that, they must have a Texas driver’s license.

Tex. Trans. Code § 521.029(a)
DRIVER’S LICENSE VIOLATIONS
Driving Without a Driver’s License

• Operating a motor vehicle on a Texas highway;

• Does not have a driver’s license issued to the person – either from Texas or another jurisdiction;

• Required to hold a driver’s license;

• Sometimes called No Valid Driver’s License, but the issue is not the validity of the driver’s license as much as the existence of one.

Tex. Trans. Code § 521.021
DRIVER’S LICENSE VIOLATIONS

Failure to Obtain a Texas Driver’s License within 30 Days

- Operating a motor vehicle on a Texas highway;
- Does not have a Texas driver’s license issued to the person;
- Has a driver’s license from another state or country;
- Has been a resident of Texas for longer than 30 days.

Tex. Trans. Code § 521.029(a)
DRIVER’S LICENSE VIOLATIONS
Driving While License Invalid

- Operating a motor vehicle on a Texas highway;
- Has a Texas driver’s license issued to the person;
- Driver’s license is suspended, revoked, canceled, or otherwise invalid;
- Class C misdemeanor (fine of up to $500);
- If out-of-state driver’s license if invalid, proper charge is Driving Without a Driver’s License.

Tex. Trans. Code § 521.457
DRIVER’S LICENSE VIOLATIONS
Driving with an Expired Texas Driver’s License

• Has a Texas driver’s license issued to the person;
• Operating a motor vehicle on a Texas highway;
• Driver’s license is expired;

Tex. Trans. Code § 521.026
DRIVER’S LICENSE VIOLATIONS
Failure to Display a Texas Driver’s License

• Operating a vehicle on a Texas highway;
• Has a Texas driver’s license issued to the person;
• Cannot show it to an officer on demand;
• Statute applies only to Texas driver’s license holders;
• Other laws require nonresidents to have out-of-state driver’s licenses in their possession.

Tex. Trans. Code § 521.025(a)
DRIVER’S LICENSE VIOLATIONS

Failure to Report Change of Address/Name

- Has a Texas driver’s license or identification card issued to the person;
- Fails to report to TxDPS a change in the person’s name or residence address;
- Within 30 days after the change took effect;
- Applies to both Texas driver’s license and identification card holders.

Tex. Trans. Code § 521.054(a) & (b)
DRIVER’S LICENSE VIOLATIONS
Driving in Violation of Restriction/Endorsement

• Operating a motor vehicle on a Texas highway;
• Has a Texas driver’s license issued to the person;
• TxDPS has imposed a restriction or required an endorsement on the driver’s license;
• Person is operating the vehicle in violation of the restriction or without the endorsement.
• Violation of a restriction in an occupational driver’s license is a Class B misdemeanor.

Tex. Trans. Code § 521.221(c)
DRIVER’S LICENSE VIOLATIONS
What Can Be Charged?

Defendant is stopped for speeding. Defendant cannot produce a driver’s license for the officer:

A) Failure to Display a Driver’s License
B) Driving Without a Driver’s License
C) Failure to Obtain a Texas Driver’s License Within 30 days
D) Driving While License Invalid
E) Insufficient information is provided to answer
Defendant is stopped for disregarding a stop sign. Defendant cannot produce her driver’s license, but gives the officer a Texas driver’s license number. The driver’s license returns as canceled:

A) Driving Without a Driver’s License  
B) Driving While License Invalid  
C) Failure to Report Change of Address/Name  
D) Failure to Display a Texas Driver’s License  
E) A and B  
F) B and D
Defendant is stopped for failure to yield right of way. Defendant cannot produce his driver’s license, but gives the officer a New Mexico driver’s license number. Defendant’s insurance card shows a Texas residence:

A) Driving Without a Driver’s License
B) Failure to Report Change of Address/Name
C) Failure to Obtain Texas Driver’s License Within 30 Days
D) Failure to Display a Texas Driver’s License
E) A & B
F) B & C
DRIVER’S LICENSE VIOLATIONS
What Can Be Charged?

Defendant is stopped for failure to maintain a single lane of traffic. Defendant produces a California driver’s license:

A) Driving Without a Driver’s License
B) Failure to Report Change of Address/Name
C) Failure to Obtain Texas Driver’s License Within 30 Days
D) Failure to Display a Texas Driver’s License
E) None of these is appropriate
F) More than one of these is appropriate
What Can Be Charged?

Defendant is stopped for expired registration. Defendant provides a Texas residence and a Mexican driver’s license. Mexico has a treaty with the United States allowing for reciprocal driving privileges:

A) Nothing
B) Driving Without a Driver’s License
C) Failure to Report Change of Address/Name
D) Failure to Obtain a Texas Driver’s License Within 30 Days
E) Insufficient information is provided to answer
COMPLIANCE DISMISSALS
PROOF OF COMPLIANCE BEFORE THE CITATION

• Requires a motion to dismiss from the prosecutor;
• Standing motions to dismiss & Standing orders of dismissal.
• **Driving Without a Driver’s License:** Dismissal with proof the defendant had a driver’s license at the time of the citation.
• **Failure to Display a Texas Driver’s License:** Dismissal if the defendant presents
  ➢ A driver’s license issued to the defendant;
  ➢ Appropriate for the type of vehicle operated;
  ➢ Valid at the time of the citation;
  ➢ $10 dismissal fee.
COMPLIANCE DISMISSALS
PROOF OF COMPLIANCE AFTER THE CITATION

• Driving with an Expired Driver’s License
  – Proof the driver’s license was renewed
  – 20 working days or before the defendant’s first court appearance, whichever is later;
  – Court may impose fee of up to $20.

• Failure to Report Change of Address/Name
  – Proof the driver’s license was changed
  – 20 working days
  – Court may impose fee of up to $20.

• Driving in Violation of Restriction/Endorsement
  – Proof the restriction or endorsement requirement was removed;
  – Before the defendant’s first court appearance;
  – Court must impose fee of up to $10.