

Significant Legal Changes to the *Texas Drivers Handbook* (2004 edition)

The changes included on this handout are only significant changes to the law as stated in the 2004 edition of the *Texas Drivers Handbook* and summarized by TMCEC staff attorneys. They do not reflect changes made by DPS in the 2008 edition. The 2008 edition is available in hardcopy from DPS or TMCEC (see the order form on page 9 of this handout) and can also be downloaded in PDF version from the DPS website at: www.txdps.state.tx.us under the TX Driver License section, Driver License Forms. It can also be accessed through the DRSR link on the TMCEC website at www.tmcec.com/tmcec/DRSR under Resources or Teaching Materials. The 2008 version is currently undergoing revisions by DPS.

Chapter 1: Your License to Drive

Page 2: New residents who are properly licensed have 90 days (not 30) after entry into the state to secure a Texas driver license.

Page 2: Instruction permits expire on the applicant's 18th birthday (not a year from the next birthday) and cost \$15.00 (not \$5).

Page 3: Phase two of the graduated driver license program restricts the driving privileges of persons under 18 years of age during the 12-month period (not six) following the issuance of a provisional license. Additionally, persons under 18 years of age who obtain their license on or after September 1, 2009 are restricted from using a wireless communication device, including a hands-free device, until they reach age 18, except in case of emergency. Finally, provisional licenses expire on the applicant's 18th birthday (not next birthday) and cost \$15.00 (not \$5).

Page 6: Commercial driver licenses are good for five (not six) years.

Pages 8, 10-11: For a current list of acceptable identification documents, visit the DPS website.

Page 13: If you do not pass the knowledge and driving tests on the date of first application, your incomplete application is retained by DPS for 90 days. After 90 days or three exam failures, you must submit a new application and fee.

Pages 13-14: Examination upon applying for a driver license includes three parts: the Knowledge Test (which is the Rules and Signs test combined), the Vision Test, and the Driving Skills Test. As part of the “Less Tears More Years Act,” all persons under 25 years of age are required to take a driver education course to apply for a driver license. Upon successful completion of the course, the person is not required to take the Knowledge Test. No one under the age of 18 is exempt from the Driving Skills Test (compared to the old law where the driving test was not required for a minor who completed a driver education program).

Page 18: In addition to existing endorsement codes, there is also code “X” signifying a combination of hazardous materials and tank vehicle for CDLs only.

Pages 19-20: DPS no longer sends out invitations to renew licenses by alternate means; rather licensees may check online or by telephone to see if they are eligible to renew by alternate means. In addition to the categories of persons not eligible to renew by alternate means, DPS has added persons subject to sex offender registration requirements and persons who are 79 years of age or older. Out of state Texas licensees may renew by mail, unless the licensee is subject to sex offender registration requirements, is 79 years of age or older, or is a CDL holder.

Page 21: Administrative license revocations require a \$125.00 reinstatement fee.

Pages 21-25: Racing a motor vehicle on a public highway or street also results in mandatory suspension of a driving privilege. Driving or operating watercraft under the influence of alcohol by a minor, failure to complete an alcohol awareness class, or drug offenses also result in automatic suspension of a driving privilege for a person under 21 years of age. After a proper hearing, DPS may also suspend or revoke the license or privilege of a minor upon a court

order under Section 106.115 of the Alcoholic Beverage Code, failure to pay a fine (juvenile contempt) under Article 45.050 of the Code of Criminal Procedure, or a juvenile court order under Section 54.042 of the Family Code. DPS can also cancel a license for failure to give required information in the license application or if the person was not entitled to the license. An applicant can also be denied a license if convicted of acquiring motor vehicle fuel without payment, certain criminal mischief offenses (i.e., graffiti), or purchasing for or furnishing alcohol to a minor.

Page 26: Driving While License Suspended has been replaced with the offense of Driving While License Invalid (DWLI). The offense of driving a motor vehicle while your driver license or privilege is suspended, canceled, denied, or revoked is a Class C misdemeanor, punishable by a fine of up to \$500. However, the offense is a Class B misdemeanor, punishable by a fine of up to \$2,000 and/or confinement in jail for not more than 180 days, if the person has a previous conviction for the same offense, the person was operating the vehicle without insurance at the time of the offense, or the person's license had been suspended because of an offense involving the operating of a motor vehicle while intoxicated. The offense is a Class A misdemeanor, punishable by a fine of up to \$4,000 and/or confinement in jail for not more than 365 days, if the person was operating the vehicle without insurance at the time offense and caused a crash that resulted in serious bodily injury or death of another. The suspension will still automatically be extended.

Page 27: Sanctions for Non-Driving Alcohol-Related Offenses by Minors: For a third non-driving alcohol-related offense by a minor (17 years of age or older but less than 21), there is no community service but the minor may be required to attend an alcohol awareness course. For a third non-driving alcohol-related offense by a child (under 17 years of age), the offense is still handled as a Class C misdemeanor with the same penalties as a second offense or can be transferred to Juvenile Court as delinquent conduct.

Page 27: Purchasing alcohol for or furnishing alcohol to a minor is no longer a Class B misdemeanor, but is a Class A misdemeanor punishable by a fine up to \$4,000 and/or confinement in jail for up to one year.

Pages 27-28: See the 2008 edition for significant changes to the Driver Responsibility Program (and watch for even newer changes to take effect in 2011).

Chapter 2: Vehicle Inspection and Registration

Page 1: Emissions testing is required in the following counties: Dallas, Tarrant, Denton, Collin, El Paso, Ellis, Johnson, Kaufman, Parker, Rockwall, Harris, Fort Bend, Brazoria, Galveston, Montgomery, Travis, and Williamson.

Chapter 3: Safety Responsibility (The Liability Insurance Law)

Effective January 1, 2011, the minimum amount of liability insurance will rise - again – to the following:

- \$30,000 against injury or death of one person
- \$60,000 against injury or death of two persons
- \$25,000 against property damage.

Chapter 4: Right-of-Way

Page 1: If a driver commits any traffic offense of which failure to yield the right-of-way to another vehicle is an element, and the driver causes bodily injury to another, the offense is punishable by a fine of not less than \$500, not more than \$2,000. If the driver causes serious bodily injury to another, the fine is not less than \$1,000, not more than \$4,000.

Page 7: If a person causes serious bodily injury to another when passing a stopped school bus, the offense is punishable as a Class A misdemeanor, with a fine of up to \$4,000 and/or up to a year in jail. If the person causes serious bodily injury to another and has previously been convicted of passing a school bus and causing serious bodily injury, the offense is a state jail felony punishable by not less than 180 days or more than 2 years confinement and possibly a fine up to \$10,000.

Chapter 7: Stopping, Standing, or Parking

Page 2: In addition to where the book lists, a person cannot park or stand a vehicle any place where an official sign prohibits standing. In addition to where the book states, a person cannot park a vehicle where an official sign prohibits parking.

Page 2: Illegally parking in a space reserved for persons with disabilities is a misdemeanor punishable by a fine of not less than \$500, not more than \$750 on a first offense. The fine range increases for subsequent offenses, reaching a fine of \$1,250 for a fifth or subsequent conviction. Subsequent offenses also carry community service as a punishment.

Chapter 8: Speed and Speed Limits

See the 2008 edition for even more information on speed limits.

Chapter 9: Some Special Driving Situations

Page 4: Not only should you avoid using a cell phone while driving, but if you are under 18 years of age and you got your license on or after September 1, 2009, it is illegal to use a cell phone while driving, even if it is a hands-free device, except in case of emergency.

See the 2008 edition for information on rotary traffic island, obeying signs and barricades, and floods. The law requires an operator to drive only to the right of a rotary traffic island. It is a violation to disobey the instructions, signals, warning, or marking or a warning sign, or to drive around a barricade. The offense is punishable by a fine of \$1-\$200, except that the fine doubles in a construction or maintenance work zone when workers are present. If the sign or barricade has been placed on the road because of water, the offense is a Class B misdemeanor, punishable by a fine of up to \$2,000 and/or up to 180 days in jail.

Chapter 10: How Alcohol and Drugs Affect a Person's Ability to Drive

Page 1: It is no longer a crime to consume alcohol while driving, but it is a crime to possess an open container of an alcoholic beverage in a passenger area of a motor vehicle that is located on a public highway, regardless of whether the vehicle is being operated, stopped, or parked. Conviction of this offense is punishable by a fine of up to \$500.

Page 2: In Texas, a person is considered legally intoxicated if they have a blood alcohol concentration of 0.08 or more.

Page 3: Driving Under the Influence of Alcohol by a Minor (DUI) now includes operating watercraft in addition to a motor vehicle. The first offense of DUI by a minor is punishable by a fine of up to \$500, not less than 20 nor more than 40 hours of community service, and attendance at an alcohol awareness class, plus a license suspension. A second offense of DUI by a minor is punishable by a fine of up to \$500, not less than 40 nor more than 60 hours of community service, license suspension, and an alcohol awareness class may be required. A third (or subsequent offense) of DUI by a minor at least 17 years of age but less than 21 is punishable as a Class B misdemeanor, with a fine of not less than \$500 or more than \$2,000 and/or confinement in jail for not more than 180 days, not less than 40 or more than 60 hours of community service, an alcohol awareness class may be required, and a license suspension. A third or subsequent DUI offense by a child (under 17 years of age) is handled as a Class C misdemeanor with the same penalties as a second offense or can be transferred to Juvenile Court as delinquent conduct.

Page 4: The license suspension for a minor who refuses a specimen is 180 days for a first refusal (not 10 days). Disregard the section on "How the Law Works."

Page 5: Sanctions for Non-Driving Alcohol-Related Offenses by Minors: For a third non-driving alcohol-related offense by a minor (17 years of age or older but less than 21), there is no community service but the minor may be required to attend an alcohol awareness course. For a third non-driving alcohol-related offense by a child (under 17 years of age), the offense is still handled as a Class

C misdemeanor with the same penalties as a second offense or can be transferred to Juvenile Court as delinquent conduct.

Page 5: Purchasing alcohol for or furnishing alcohol to a minor is no longer a Class B misdemeanor, but is a Class A misdemeanor punishable by a fine up to \$4,000 and/or confinement in jail for up to one year.

Chapter 14: Additional Safety Tips

Page 1: The driver and ALL adult passengers (at least 17 years of age) in a passenger vehicle are required to use safety belts if occupying a seat in a vehicle that is equipped with a safety belt. Previously, the law only applied to adult passengers seated in the front seat.

The law now requires that children under 8 years of age, unless taller than 4'9" in height, must be secured in an appropriate child passenger safety seat system if occupying a seat in a vehicle that is equipped with a safety belt. Children who are at least 8 and under 17 years of age, or who are under 8 but taller than 4'9" in height, must be secured in a safety belt if occupying a seat in a vehicle that is so equipped.

A driver can receive a citation for not wearing his/her own safety belt and for not having each child under 17 years of age in a safety seat or safety belt, whichever is appropriate. Anyone at least 15 years of age can receive a citation for not being buckled up. There are no exemptions to the safety belt laws, although there are some defenses to prosecution for medical reasons with a physician note, postal workers, newspaper delivery persons, utility company workers, solid waste truck workers, or certain commercial farm vehicle operators.

Pages 7-9: See the 2008 edition for lots more information on Sharing the Road with Motorcycles.

Chapter 15: Special Requirements for Commercial Motor Vehicle

See the 2008 edition for lots of information on Air Brakes.

Page 23: Registration of Vehicles (not just limited to Commercial Motor Vehicles!): Buyer temporary tags (no longer made of cardboard) are recognized for 60 days (not 20).

Page 24: See the 2008 edition for more on the Federal Regulations.

Finally, contact DPS for an updated list of Full-Time Driver License Offices.

**DPS Texas Drivers Handbook (Revised October 2008 edition)
Order Form**

Name: _____

Email Address: _____

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Court/School Address: (mailing address for materials delivery)

City, State, Zip: _____

Court/School Telephone Number: (____) ____ - _____

Quantity: _____

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