

DRIVER'S LICENSE VIOLATIONS IN TEXAS

A Review of Transportation Code,
Chapter 521



TEXAS



DEPARTMENT OF PUBLIC SAFETY DRIVER LICENSE

Thomas A. Davis, Jr. DIRECTOR

CLASS: C **DL: 08007965**
DOB: 05-08- [REDACTED] **HT: 5-05**
EXPIRES: 05-08-11 **EYES: BRN**
REST: A **SEX: F**
END:

WRIGHT, LOIS CAVENAGH
3417 D WILLOWRUN DRIVE
AUSTIN TX 78704

Lois Cavenagh Wright

06250063629



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

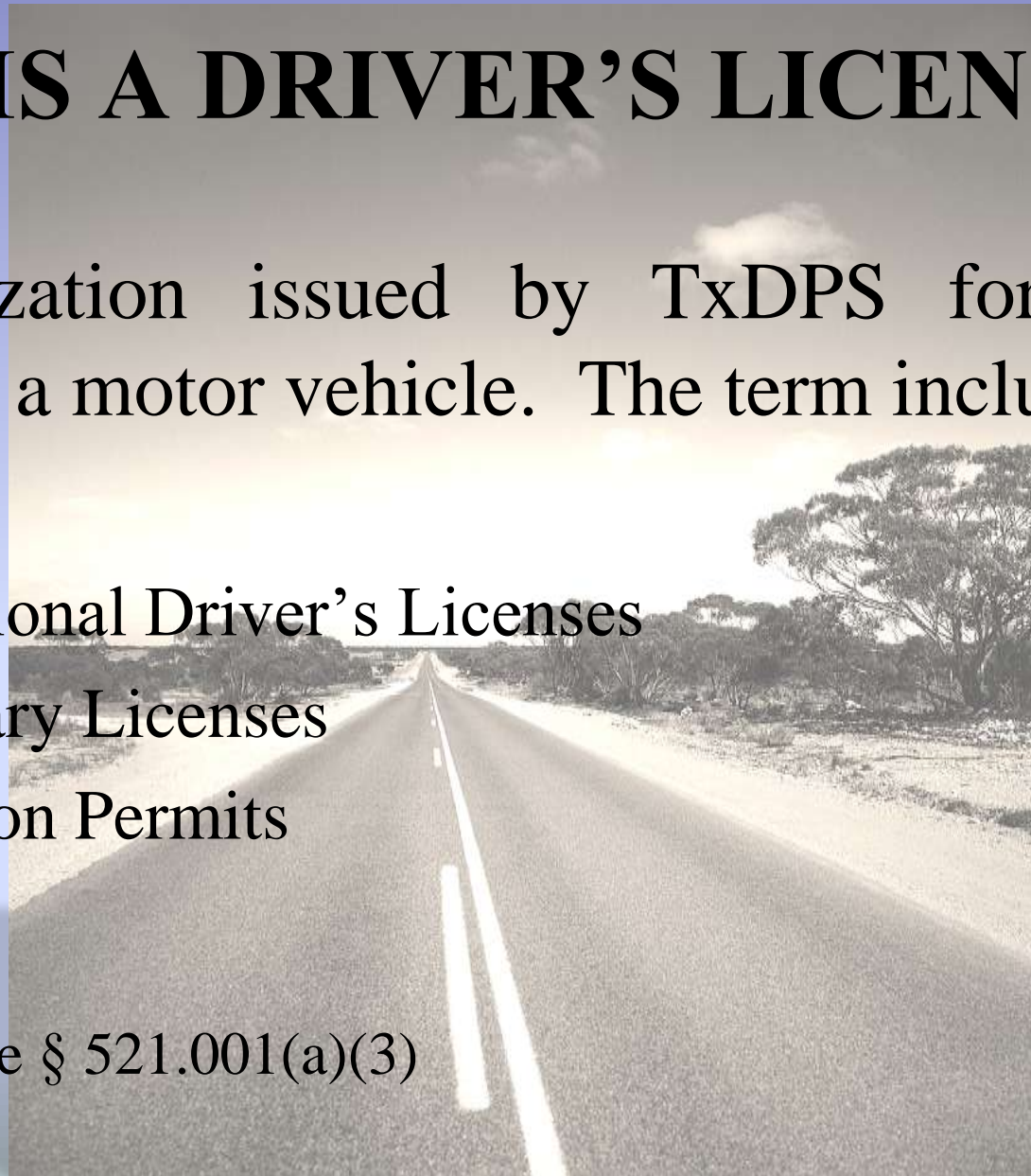


WHAT IS A DRIVER'S LICENSE?

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?

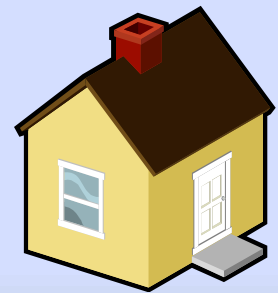
Default Rule: Anyone who operates a motor vehicle on a highway in Texas must have a Texas Driver's License.

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

Situation #1: Tex. Trans. Code § 521.030(b).

- 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.

Situation #2: Tex. Trans. Code § 521.030(a).

- 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

Situation #1: Tex. Trans. Code § 521.030(a).

- 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.

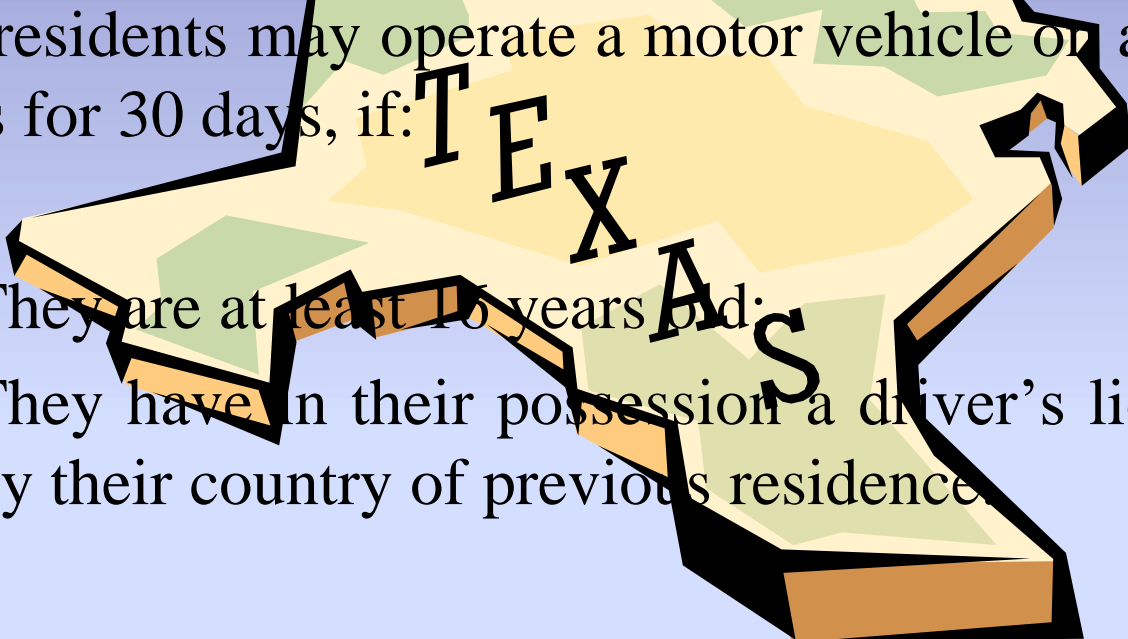


Situation #2: 37 T.A.C. § 15.91.

- 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

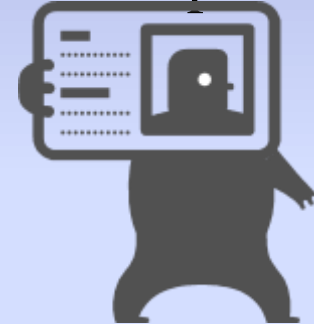
- 
- New residents may operate a motor vehicle on a highway in Texas for 30 days, if:
 - 1) They are at least 16 years old;
 - 2) They have in their possession a driver's license issued by their country of previous residence.
 - After that, they must have a Texas driver's license.

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 is 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



DRIVER'S LICENSE VIOLATIONS

What Can Be Charged?

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



DRIVER'S LICENSE VIOLATIONS

What Can Be Charged?

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

DRIVER'S LICENSE VIOLATIONS

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.