

By: Hernandez

H.B. No. 564

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to a defense to prosecution for certain offenses involving  
3 the operation or use of a commercial motor vehicle or other heavy  
4 motor vehicle.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 502.473, Transportation Code, is amended  
7 by adding Subsections (e) and (f) to read as follows:

8 (e) To the extent authorized by federal law, it is a defense  
9 to prosecution for an offense under this section involving the  
10 operation or use of a commercial motor vehicle that at the time of  
11 the offense the defendant:

12 (1) was the operator of the commercial motor vehicle;

13 and

14 (2) was not the owner of the commercial motor vehicle.

15 (f) In this section, "commercial motor vehicle" has the  
16 meaning assigned by Section 548.001.

17 SECTION 2. Section 504.943, Transportation Code, is amended  
18 by adding Subsections (f) and (g) to read as follows:

19 (f) It is a defense to prosecution for an offense under this  
20 section involving the operation or use of a commercial motor  
21 vehicle that at the time of the offense the defendant:

22 (1) was the operator of the commercial motor vehicle;

23 and

24 (2) was not the owner of the commercial motor vehicle.

1        (g) In this section, "commercial motor vehicle" has the  
2 meaning assigned by Section 548.001.

3        SECTION 3. Section 621.501, Transportation Code, is amended  
4 by adding Subsection (c) to read as follows:

5        (c) To the extent authorized by federal law, it is a defense  
6 to prosecution for an offense under this section that at the time of  
7 the offense the defendant:

8                (1) was the operator of the vehicle; and

9                (2) was not the owner of the vehicle.

10        SECTION 4. Section 623.011, Transportation Code, is amended  
11 by adding Subsection (h) to read as follows:

12        (h) To the extent authorized by federal law, it is a defense  
13 to prosecution for an offense under Subsection (f) that at the time  
14 of the offense the defendant:

15                (1) was the operator of the vehicle; and

16                (2) was not the owner of the vehicle.

17        SECTION 5. Section 643.253, Transportation Code, is amended  
18 by adding Subsections (g) and (h) to read as follows:

19        (g) To the extent authorized by federal law, it is a defense  
20 to prosecution for an offense under Subsection (a)(3) involving the  
21 operation or use of a commercial motor vehicle that at the time of  
22 the offense the defendant:

23                (1) was the operator of the commercial motor vehicle;

24 and

25                (2) was not the owner of the commercial motor vehicle.

26        (h) In this section, "commercial motor vehicle" has the  
27 meaning assigned by Section 548.001.

1           SECTION 6. The change in law made by this Act applies only  
2 to an offense committed on or after the effective date of this Act.  
3 An offense committed before the effective date of this Act is  
4 governed by the law in effect on the date the offense was committed,  
5 and the former law is continued in effect for that purpose. For  
6 purposes of this section, an offense was committed before the  
7 effective date of this Act if any element of the offense occurred  
8 before that date.

9           SECTION 7. This Act takes effect September 1, 2017.