

Significant Legal Changes to the *Texas Drivers Handbook (2008 edition)*

The changes included on this handout are only significant changes to the law as stated in the 2008 edition of the *Texas Drivers Handbook* and summarized by TMCEC staff attorneys. 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 12: 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 24: 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 25: 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.

Pages 26-28: Watch for significant changes to take effect in 2011.

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.

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 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.

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

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.

Pages 5-6: 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.

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.

Chapter 15: Special Requirements for Commercial Motor Vehicle

Page 36: 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).

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