

- SUBJECT:** Penalty for failing to move a vehicle following an accident
- COMMITTEE:** Criminal Jurisprudence — favorable, without amendment
- VOTE:** 6 ayes — Keel, Riddle, Pena, Hodge, Raymond, Reyna
0 nays
3 absent — Denny, Escobar, P. Moreno
- WITNESSES:** For — James Jones, Houston Police Department.
Against — none
- BACKGROUND:** The Transportation Code, sec. 550.022(b) requires individuals in an automobile accident on a freeway to move the vehicle, if the vehicle can be normally and safely driven, to a suitable location in order to minimize interference with freeway traffic. A vehicle can be normally and safely driven if it does not require towing and can be operated under its own power and in its usual manner, without additional hazard to the vehicle, other traffic, or the roadway.
- A violation of this provision is a class C misdemeanor if the damage to all vehicles is less than \$200; otherwise, the punishment is a class B misdemeanor.
- A class C misdemeanor is punishable by a maximum fine of \$500. A class B misdemeanor is punishable by a maximum fine of \$2,000 and/or a maximum of 180 days in jail.
- DIGEST:** The bill would make the maximum penalty for failing to move a vehicle a class C misdemeanor, regardless of the amount of the damage involved.
- The bill would take effect on September 1, 2005 and apply to all offenses committed on or after that date.

**SUPPORTERS
SAY:**

The current punishment for the offense of failure to move a vehicle is too harsh. People who are not aware of the law or who are too traumatized after an accident to move their vehicle, can be arrested and taken to jail. Police officers are often reluctant to enforce this law because they realize it is unduly harsh and that it unnecessarily takes up limited police resources. Reducing the punishment would still allow police to fine offenders while saving law enforcement's time and resources for more pressing matters.

**OPPONENTS
SAY:**

Failing to move a vehicle blocking a busy freeway can cause other accidents which may result in serious injury or even death. A class C misdemeanor is not a severe enough punishment given the serious possible consequences of this offense. The current penalty range is more suitable. A larger fine is a more effective deterrent and a more appropriate punishment for this offense. Moreover, a class B misdemeanor does not necessitate jail time.