

Harris County Sheriff's Office

Community Problem Oriented Policing

Neighborhood Policing Division





What qualifies as reckless driving in Texas?

Reckless driving in Texas is characterized as operating a **motor vehicle with disregard** for the safety of other motorists, pedestrians, passengers, or **property**. This can include, but is not limited to, driving too fast for the road conditions, weaving in and out of traffic, or running red lights.

What is Reckless Driving?

When a driver ignores the safety of others on the road, law enforcement officers may consider that he or she demonstrates reckless, careless, or dangerous driving. A driver shows reckless disregard or negligent behavior that may be considered reckless driving when he or she:

- Operates a motor vehicle at an excessive or dangerous speed
- Places other drivers at danger by running stop signs or red lights
- Fails to yield the right-of-way (intentionally) to other drivers and pedestrians
- Drives under the influence (DUI) or drives while intoxicated (DWI) (Note: it's possible to be charged and convicted of a DUI/DWI as well as reckless driving)
- Races with other motor vehicles
- Evades law enforcement
- Passes over a double yellow line on a two-lane highway
- Texts and drives
- Talks on a mobile device and drives
- Passes a stopped school bus
- Fails to provide electronic or hand signals
- Drives in such a way that he or she fails to maintain reasonable or proper control of the vehicle. (Note: if the driver operates the vehicle with mere negligence—i.e., without “willful” disregard for the consequences of others—he or she can argue against reckless driving)

§545.401 Texas Transportation Code

What is Reckless Driving? In Texas, reckless driving is defined in Transportation Code §545.401

to mean driving a vehicle “in willful or wanton disregard for the safety of persons or property.”

This is a fairly broad definition that could capture a wide range of behaviors, ranging from speeding to driving aggressively to driving while distracted.

What is the difference between reckless and careless driving?

Answer: In general, the difference between reckless and careless is that “reckless” is generally “intentional” or the driver “should know” that the driving behavior could injure or kill someone.



PENALTIES FOR RECKLESS DRIVING IN TEXAS: IS RECKLESS DRIVING A FELONY?

Reckless driving usually is not a felony in Texas. Texas law defines reckless driving as a misdemeanor offense. Reckless driving could become a felony if it involves other conduct, such as racing. You could also face a felony charge when someone is injured or dies.

Penalties for misdemeanor reckless driving include:

- A fine of up to \$200;
- Up to 30 days in county jail; or
- Both a fine and jail time.

Road rage

Road rage is **aggressive or angry behavior exhibited by motorists.**

These behaviors include rude and verbal insults, physical threats or dangerous driving methods targeted at other drivers, pedestrians or cyclists in an effort to intimidate or release frustration. Road rage can lead to altercations, damage to property, assaults and collisions that result in serious physical injuries or even death. Strategies include long horn honks, swerving, tailgating, brake checking and attempting to fight.



What are 3 signs of an aggressive driver?

Speeding endangers everyone on the road, including other drivers, pedestrians, and bicyclists. ...

If you fail to yield the right of way or comply with the Vehicle and Traffic Laws, you may be an aggressive driver. ...

- Weaving. ...
- Failing to Signal. ...
- Blocking Lanes. ...
- Tailgating. ...
- Erratic Horn Honking.

Avoid Actions that Provoke Others

1

Avoid tailgating.

Give other drivers room on the road. Leave at least a two-second cushion between vehicles to provide enough room to stop in an emergency and to give other drivers room to change lanes, if needed. Pick a fixed spot on the side of the road, and when the vehicle in front passes the mark, count for two seconds. If your vehicle passes the same spot before the count of two, increase the distance between the vehicles.

2

Never drive in the passing lane.

The left lane of multi-lane roadways is the passing lane for use when passing another vehicle. After passing a vehicle, move back into a driving lane when both headlights of the passed vehicle are visible in the rearview mirror.

3

Let drivers pass.

Avoid obstructing the flow of traffic even when going the speed limit. Always allow faster traffic to pass. Never challenge an aggressive driver by speeding up, slowing down, or attempting to hold the same position. Avoid causing another driver to change their speed or direction. Never force a driver to use their brakes or turn their steering wheel.

4

Use turn signals appropriately.

Use turn signals when merging, changing lanes, or turning. Check blind spots before merging or switching lanes to ensure other drivers are not cut off.

5

Do not speed.

Speeding increases the chances of a driver losing control of a vehicle. It is a contributing factor in more than one-quarter of all traffic fatalities.⁸

6

Use the horn and headlight high beams responsibly.

Tap the horn only when needed but avoid the long blasts and accompanying hand gestures. On an expressway, two brief flashes of high beams are acceptable to request a slow driver in a passing lane to move. Do not use repeated high beam flashes or use steady high beams to make a slow vehicle move or go faster. When driving at night, dim headlights when approaching head-on traffic.

7

Let drivers merge.

Whether merging or yielding the right of way, drive courteously to avoid a confrontation. When in doubt let the other vehicle go first.

8

Consider others in parking lots.

Park in one spot, not across multiple spaces. Take care not to hit cars with the vehicle's door or with nearby shopping carts.

**When you assess a situation as dangerous,
don't hesitate to call it in.**

Take the high road. If a driver makes an obscene gesture, don't respond in kind — it will only escalate the situation. ...

- **Give them space.** Let angry drivers get well ahead of you, or change lanes.

- **Don't give them a reason to be angry.** ...

- **Report it.**

Aggressive driving is any unsafe behavior performed purposely with ill intent or disregard for safety that puts other drivers or property at risk. It is a moving violation subject to fines or jail time.

Examples of aggressive driving include:

- speeding in heavy traffic;
- tailgating;
- cutting in front of another driver, then slowing down;
- running red lights or stop signs;
- weaving in and out of traffic;
- changing lanes without signaling;
- blocking cars attempting to pass or change lanes; or
- passing a vehicle on the wrong side of the road. Extreme cases of aggressive driving escalate to road rage, which can end in violence. Road rage behaviors (other than shouting or inappropriate gesturing) is a criminal offense.

Examples of road rage include any of the following behaviors:

- cursing or making rude or obscene gestures at other drivers;
- throwing objects at another vehicle;
- ramming or sideswiping a vehicle;
- forcing a driver off the road; or
- physically assaulting a driver

SPEEDING

Texas does not define reckless driving by how many miles per hour over the speed limit you drove.

Instead, speeding may factor into a reckless driving charge, especially if combined with other dangerous activities like weaving in and out of traffic.

Driving at excessive speeds could also lead to a reckless driving charge.

For example, driving 20 miles per hour over the speed limit could land you with a reckless driving charge.

Reckless driving could also mean that you drove too fast for road conditions, even if you drove within the speed limit.

THE DEFINITION OF STREET RACING

First, though, consider Texas's definition of and penalty for street racing. Texas defines the crime of racing on a highway by listing several different ways that street racers compete or show off their vehicle's speed or acceleration, and their ability to endure it. Any of those different ways of street racing is illegal. Texas Penal Code §545.420 states, “A person may not participate in any manner in:

- 1.a race;
- 2.a vehicle speed competition or contest;
- 3.a drag race or acceleration contest;
- 4.a test of physical endurance of the operator of a vehicle; or
- 5.in connection with a drag race, an exhibition of vehicle speed or acceleration or to make a vehicle speed record.

The definition of a race may seem obvious. But in another list, the statute gives it the broadest possible definition.

The statute defines a “race” as “the use of one or more vehicles in an attempt to:

- 1.outgain or outdistance another vehicle or prevent another vehicle from passing;
- 2.arrive at a given destination ahead of another vehicle or vehicles; or
- 3.test the physical stamina or endurance of an operator over a long-distance driving route.

The definition of a drag race may also seem obvious. But once again, in another list, the statute gives it the broadest possible definition. The statute defines a “drag race” as “the operation of:

- 1.two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other; or
- 2.one or more vehicles over a common selected course, from the same place to the same place, for the purpose of comparing the relative speeds or power of acceleration of the vehicle or vehicles in a specified distance or time.

What is Racing on a Highway?

Texas Transportation Code [545.420](#) makes it an offense to race on a highway. This includes racing, drag racing, and testing the endurance of the driver.

The code defines “drag race” as two or more vehicles side by side accelerating in a competitive attempt to outdistance each other, or vehicles going over a specific course to compare speed, power, or acceleration in a specific time or distance. “Race” is defined as the use of one or more vehicles in an attempt to outgain or outdistance another vehicle or prevent another vehicle from passing; arrive at a given destination ahead of another vehicle or vehicles; or test the physical stamina or endurance of an operator over a long-distance driving route.

Racing on a highway replaces state “exhibition of acceleration” offenses although there may be city ordinances for exhibition of acceleration. The Transportation Code no longer makes it illegal to peel out of a parking lot or stopped position, unless it is done so during a drag race.

Racing on a Highway is generally a Class B misdemeanor as long as the person had not been convicted of racing on a highway recently and the offense did not result in serious bodily injury. Racing on a Highway that results in serious bodily injury or death is considered a second-degree felony, punishable by up to 20 years in prison.

Dallas has a street racing problem in the city’s warehouse district.

There is a quarter mile stretch of road notorious for illegal street racing, which police say inhibits the safety of the neighborhood. In early 2017, more than a dozen people were arrested – two on charges of reckless driving. In June of the same year, in the same district, [five more people were arrested](#) on charges

RACING

Racing a vehicle might result in several charges, including one for reckless driving. Racing is ordinarily a Class B misdemeanor. The charge could become a Class A misdemeanor if you have a prior racing conviction, were racing while intoxicated, or had an open container of alcohol in the vehicle.

Racing can also result in a felony charge. Three types of felony charges exist for racing in Texas. These felonies include:

- **State Jail Felony.** If you have two racing convictions, a third offense is a state jail felony. Penalties for state jail felonies include six months to 2 years in state jail.
 - **Third Degree Felony.** Racing becomes a third-degree felony if it results in injury. A third-degree felony comes with a possible prison sentence of 2 to 10 years.
 - **Second Degree Felony.** The offense is a second-degree felony if someone is seriously injured or dies. A second-degree felony conviction is punishable by 2 to 20 years in prison.
- A felony charge may also result in a fine up to \$10,000.

HIT & RUN: FAILURE TO STOP & GIVE INFORMATION, THE OFFENSE

Under the Texas Transportation Code. § 550.022, a driver who damages another vehicle or other property must immediately -- along with any other drivers:

- Stop the vehicle at the scene of the collision or as close as possible so that you do not obstruct more traffic than necessary. If the vehicle is operable and the accident occurred in the main lane, or on a ramp, shoulder, median, or adjacent areas of a highway or freeway, you should move the vehicle to a safer area.
- Remain at the scene to provide the required information in accordance with § 550.023.

According to Tex. Transp. Code § 550.023, any driver involved in an accident in Texas must stop and give the following information to the other driver, vehicle occupant, or any person injured:

- The vehicle operator's name;
- The vehicle operator's address;
- The name of the operator's insurance company;
- The registered number of the vehicle;
- Show the operator's driver's license if requested and available; and/or
- Provide any person injured in the accident assistance, including transporting the person to a hospital or doctor for treatment if apparent the treatment is necessary or if the person requests transportation.

On the other hand, if the driver struck an unattended vehicle or a structure, there are additional statutory instructions regarding how to proceed in order to provide the required information and prevent criminal charges.

THE LAW: TEXTING AND DRIVING

Texting while driving is now illegal in the state of Texas as of September 1, 2017. The law targets drivers who are on their phones reading, writing or playing, basically the law targets any motorist who has a smartphone in hand and is doing something with it. The law does not target motorists who use their smartphones hands-free to play music, call someone, especially emergency personnel, or to operate the GPS for navigation. This law gives law enforcement a reason to stop people and arrest persons for other offenses they discover during the traffic stop.

THE PENALTIES: TEXTING AND DRIVING

Texting and driving is a misdemeanor in Texas, which means a conviction creates a criminal record. Anyone who violates this law could receive a fine between \$25 and \$99, and repeat offenders could receive a fine up to \$200.

If you cause serious injury or death to another person(s) due to texting and driving, you could be fined up to \$4,000 and spend one year in jail unless you are charged with criminally negligent homicide or vehicular manslaughter, both of which involve steeper fines and possibly longer incarceration periods.

5 Ways to Avoid Road Rage

1. Drive predictably and considerately. This means signaling, checking for space when merging, not looking at your cell phone, and other safe driving practices. ...

2. Avoid angry motorists when you see them. Don't speed up to get by someone if you see they're driving aggressively. ...

3. Ignore obscene gestures. Don't fuel road rage fire — don't make eye contact or react in any way that engages an angry driver, like returning their gestures or visibly ...

4. Don't be afraid to report road rage to the authorities. Reporting something could actually save lives. ...

QUESTIONS?