

BILL ANALYSIS

H.B. 1034
By: Driver
Law Enforcement
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Code of Federal Regulations issued a new rule on July 31, 2002 that prohibits states “not only from masking convictions, but also from using diversion programs or any other disposition that would defer the listing of a guilty verdict on a driving record of those who hold commercial drivers licenses. This rule was issued to interpret existing federal law, the Motor Carrier Safety Improvement Act of 1999, that prohibits the masking of convictions.

Additionally, according to the National Conference of State Legislatures, Texas ranks number one in the number of large trucks involved in crashes and the number of fatal accidents and fatalities in these accidents.

House Bill 1034 amends the Code of Criminal Procedure so that those who hold a commercial driver’s license (CDL) cannot receive deferred adjudication for offenses committed in a commercial vehicle or a personal vehicle in order to avoid a conviction for a traffic violation. House Bill 1034 is designed to bring state statutory language in line with the federal regulations and reduce the number of crashes and fatalities involving commercial trucks in Texas.

RULEMAKING AUTHORITY

It is the committee’s opinion that this bill does not expressly grant any additional rulemaking authority to any state officer, department, agency or institution.

ANALYSIS

House Bill 1034 amends the Code of Criminal Procedure by adding Article 45.0512. This new article would prohibit people who commit offenses in a commercial motor vehicle and people who commit offenses in a non-commercial vehicle but hold a commercial drivers license from receiving deferred adjudication for traffic violations. The bill makes a clarifying change to Art.45.0511(a) so that all language regarding offenses committed in a commercial vehicle or by someone who holds a commercial driver’s license are included in the new article. (Art. 45.0512)

EFFECTIVE DATE

This Act takes effect September 1, 2003.