

BILL ANALYSIS

C.S.H.B. 2078
By: Driver
Law Enforcement
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, a court is authorized to defer disposition on traffic offenses, and the court is required to allow a person receiving deferred disposition to complete an approved driving safety course or motorcycle operator training course, as appropriate, if the person requests the course. The court is required to dismiss the charge if the person completes the driving safety course. A person is not eligible to have a charge dismissed by taking a course for certain offenses listed in the statute. However, state law does not prohibit a court from granting deferred disposition or deferred adjudication for these offenses. C.S.H.B. 2078 would require a court to order the completion of an approved driving safety course if a person commits certain traffic offenses and is not sentenced to confinement in jail, is placed on deferred disposition, or is granted a deferred adjudication.

RULEMAKING AUTHORITY

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

ANALYSIS

C.S.H.B. 2078 amends Chapter 12 of the Penal Code by adding Section 12.50 entitled "Court-Ordered Driving Safety Course." This section applies only to an offense under statutes pertaining to the following:

- Violation of a state traffic law in a construction or maintenance work zone when workers are present;
- Illegally passing a school bus;
- Failure to yield or stop when an authorized emergency vehicle approaches;
- Speeding 25 miles per hour or more over the speed limit;
- Reckless driving;
- Racing on a highway;
- Violation of the graduated driver's license law; and
- Causing an accident involving damage to a vehicle

The requirements of this bill also apply to a traffic offense that is a class C misdemeanor moving violation committed by a person age 25 or younger.

If a person is convicted of one of the above offenses and is not sentenced to confinement in jail or if a person is granted a deferred disposition or deferred adjudication for one of these offenses, then in addition to any fine, charge, administrative fee, or special expense imposed on the defendant, the judge or justice of the court must order the defendant to complete a driving safety course and present a certificate of completion to the court by a set date. If a person who received deferred adjudication or deferred disposition for an offense covered under Subsection (a) of this bill, and was therefore ordered to complete the course pursuant to Subsection (b), fails to submit a certificate proving the person completed the course by the conclusion of the deferral period, the bill authorizes the court to impose the fine or other sentence

on the person. If a person ordered to take a driver safety course under this subsection fails to submit a certificate proving the person completed the course, the bill authorizes the court to order the Department of Public Safety (DPS) to suspend the person's driver's license for up to 90 days. A license suspended under the provisions of this bill may not be reinstated or another license issued until the person pays a reinstatement fee. The court is required to report the successful completion of a driving safety course to the Department of Public Safety for inclusion in the person's driving record. C.S.H.B. 2078 also provides that an auto insurer is not prohibited from canceling a policy or increasing the premium charged nor is an insurer required to give a premium discount because a person completed a course under this section.

EFFECTIVE DATE

This Act takes effect September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 2078 amends the original by removing causing an accident involving personal injury or death from the list of offenses to which this Act applies. The substitute also deletes from the original bill the provision that, regardless of whether a court dismisses a charge to which this Act applies, the charge would be included in the person's driving record to be used for any purpose. The substitute adds Section 12.50(g), prohibiting a driver's license suspended under the provisions of this bill from being reinstated or another license issued until the person pays a reinstatement fee.