

By: Driver

H.B. No. 1034

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority of a judge or justice to defer the
3 proceedings in certain criminal cases involving the operation of a
4 motor vehicle by the holder of a commercial driver's license.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Article 45.0511(a), Code of Criminal Procedure,
7 is amended to read as follows:

8 (a) This article applies only to an alleged offense
9 involving the operation of a motor vehicle [~~other than a commercial~~
10 ~~motor vehicle, as defined by Section 522.003, Transportation Code,~~]
11 and supplements Article 45.051.

12 SECTION 2. Subchapter B, Chapter 45, Code of Criminal
13 Procedure, is amended by adding Article 45.0512 to read as follows:

14 Art. 45.0512. NONAPPLICABILITY OF ARTICLES 45.051 and
15 45.0511 TO CERTAIN OFFENSES. (a) In this article, "commercial
16 motor vehicle" and "commercial driver's license" have the meanings
17 assigned by Section 522.003, Transportation Code.

18 (b) Articles 45.051 and 45.0511 do not apply to:

19 (1) an offense involving the operation of a commercial
20 motor vehicle; or

21 (2) an offense involving the operation of a motor
22 vehicle other than a commercial motor vehicle committed by a person
23 who:

24 (A) held a commercial driver's license at the

1 time of the offense; or

2 (B) holds a commercial driver's license at the
3 time the person:

4 (i) enters a plea of guilty or nolo
5 contendere to the offense; or

6 (ii) is found guilty of the offense.

7 SECTION 3. (a) This Act takes effect September 1, 2003.

8 (b) The change in law made by this Act applies only to an
9 offense committed on or after September 1, 2003.

10 (c) An offense committed before September 1, 2003, is
11 covered by the law in effect when the offense was committed, and the
12 former law is continued in effect for that purpose. For purposes of
13 this section, an offense was committed before September 1, 2003, if
14 any element of the offense was committed before that date.