

By: Driver

H.B. No. 2078

Substitute the following for H.B. No. 2078:

By: Hegar

C.S.H.B. No. 2078

A BILL TO BE ENTITLED

AN ACT

relating to court-ordered driving safety courses; providing a penalty.

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

SECTION 1. Subchapter D, Chapter 12, Penal Code, is amended by adding Section 12.50 to read as follows:

Sec. 12.50. COURT-ORDERED DRIVING SAFETY COURSE. (a) This section applies only to:

(1) an offense under:

(A) Subtitle C, Title 7, Transportation Code, committed in a construction or maintenance work zone, as defined by Section 542.404 of that code, when workers are present;

(B) Section 545.066, Transportation Code;

(C) Section 545.156, Transportation Code;

(D) Section 545.351, Transportation Code, if the defendant is charged with speeding 25 miles per hour or more over the posted speed limit;

(E) Section 545.401, Transportation Code;

(F) Section 545.420, Transportation Code;

(G) Section 545.424, Transportation Code; or

(H) Section 550.022, Transportation Code; or

(2) a traffic offense that is a Class C misdemeanor and classified as a moving violation, if at the time of the offense the defendant is 25 years of age or younger.

1 (b) This subsection applies only to a person who is
2 convicted of an offense described by Subsection (a) and is not
3 sentenced to confinement in jail or to a person who is placed on
4 deferred disposition or granted a deferred adjudication for an
5 offense described by Subsection (a). In addition to any fine,
6 charge, administrative fee, or special expense imposed on the
7 defendant, the judge or justice of the court shall order the
8 defendant to successfully complete a driving safety course and
9 present a uniform certificate of course completion to the court
10 within a reasonable period set by the court.

11 (c) If a person required to take a driving safety course
12 under Subsection (b) fails to furnish evidence of the successful
13 completion of the course within the time required by the court, the
14 court may order the Texas Department of Public Safety to suspend the
15 person's driver's license for a period not to exceed 90 days from
16 the date of the order.

17 (d) If at the conclusion of a deferral period, a person who
18 was required to complete a driving safety course as a condition of
19 deferred adjudication or deferred disposition does not present a
20 uniform certificate of course completion, the judge or justice may
21 impose the fine or other sentence on the person.

22 (e) If a person complies with a court's order under
23 Subsection (b), the court shall report the fact that the person
24 successfully completed a driving safety course and the date of
25 completion to the Texas Department of Public Safety for inclusion
26 in the person's driving record.

27 (f) An insurer delivering or issuing for delivery a motor

1 vehicle insurance policy in this state:

2 (1) is not prohibited from canceling or increasing the
3 premium charged an insured under the policy because the insured
4 completed a driving safety course under this section; and

5 (2) is not required to grant a premium discount to a
6 person who successfully completes a driving safety course under
7 this section.

8 (g) A driver's license suspended under Subsection (c) may
9 not be reinstated or another license issued to the person until the
10 person pays the department the reinstatement fee specified by
11 Section 521.313, Transportation Code.

12 SECTION 2. Section 521.457(a), Transportation Code, is
13 amended to read as follows:

14 (a) A person commits an offense if the person operates a
15 motor vehicle on a highway:

16 (1) after the person's driver's license has been
17 canceled under this chapter if the person does not have a license
18 that was subsequently issued under this chapter;

19 (2) during a period that the person's driver's license
20 or privilege is suspended or revoked under:

- 21 (A) this chapter;
- 22 (B) Chapter 524;
- 23 (C) Chapter 724;
- 24 (D) Section 106.071, Alcoholic Beverage Code;

25 [~~or~~]

26 (E) Article 42.12, Code of Criminal Procedure; or

27 (F) Section 12.50, Penal Code;

1 (3) while the person's driver's license is expired if
2 the license expired during a period of suspension imposed under:

3 (A) this chapter;

4 (B) Chapter 524;

5 (C) Chapter 724;

6 (D) Section 106.071, Alcoholic Beverage Code;

7 [~~or~~]

8 (E) Article 42.12, Code of Criminal Procedure; or

9 (F) Section 12.50, Penal Code; or

10 (4) after renewal of the person's driver's license has
11 been denied under Chapter 706, if the person does not have a
12 driver's license subsequently issued under this chapter.

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

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

16 (c) An offense committed before September 1, 2003, is
17 covered by the law in effect when the offense was committed, and the
18 former law is continued in effect for that purpose. For purposes of
19 this section, an offense was committed before September 1, 2003, if
20 any element of the offense was committed before that date.