

By: Barrientos

S.B. No. 1904

Substitute the following for S.B. No. 1904:

By: Driver

C.S.S.B. No. 1904

A BILL TO BE ENTITLED

AN ACT

relating to driver's licenses, the operation of certain motor vehicles, including commercial motor vehicles, in this state, and to the disposition of certain Class C misdemeanors.

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

SECTION 1. Subsection (f), Section 472.022, Transportation Code, is amended to read as follows:

(f) Articles 45.051 and 45.0511 [~~Article 45.54~~], Code of Criminal Procedure, do [~~does~~] not apply to an offense under this section committed in a construction or maintenance work zone when workers are present.

SECTION 2. Subchapter C, Chapter 521, Transportation Code, is amended by adding Section 521.0475 to read as follows:

Sec. 521.0475. DISCLOSURE OF ABSTRACT RECORD. (a) Except as provided by Subsection (b) or (c), the department shall provide a certified abstract of a complete driving record of a license holder, for a fee of \$20, to the license holder or a person eligible to receive the information under Sections 730.007(a)(2)(A), (D), and (I).

(b) If an abstract of a complete driving record does not exist for a license holder, the department shall provide a person making a request under Subsection (a) a certified statement to that effect.

(c) If the department provides information under Subsection

1 (a) or (b) through the system described by Section 521.055, the  
2 information may not be marked as certified.

3 SECTION 3. Section 521.052, Transportation Code, is amended  
4 to read as follows:

5 Sec. 521.052. DISCLOSURE OF INDIVIDUAL INFORMATION  
6 PROHIBITED. Except as provided by Sections 521.045, 521.046,  
7 521.0475, 521.049(c), and 521.050~~[, and 601.022]~~, and by Chapter  
8 730, the department may not disclose information from the  
9 department's files that relates to personal information, as that  
10 term is defined by Section 730.003.

11 SECTION 4. Section 521.053, Transportation Code, is amended  
12 by amending Subsection (a) and adding Subsections (c) and (d) to  
13 read as follows:

14 (a) The department may provide to any person the information  
15 specified by Section 521.045, 521.046, 521.0475, or 521.047 ~~[and by~~  
16 ~~Section 601.022]~~, for the fee required by those sections, that  
17 relate to the holder of or applicant for a commercial driver's  
18 license under Chapter 522 if the person is eligible to receive the  
19 information under Chapter 730.

20 (c) The department may provide information under Subsection  
21 (a) through the system described by Section 521.055.

22 (d) The department may provide information maintained under  
23 Section 643.064 that relates to a holder of a commercial driver's  
24 license under Chapter 522 to the holder, the holder's current  
25 employer, or a person acting on behalf of the employer if the  
26 department receives the holder's specific written consent to the  
27 release of information.

SECTION 5. Subsections (b) and (c), Section 521.055, Transportation Code, are amended to read as follows:

(b) The system may provide for the release of driving records described in ~~[the following information]~~:

(1) ~~[the status check described in]~~ Section 521.045; ~~[and]~~

(2) ~~[the three-year driving record under]~~ Section 521.046;

(3) Section 521.047; and

(4) Section 521.0475.

(c) The fee for a driving record ~~[status check]~~ under Subsection (b)(1) is \$2.50. The fee for a ~~[three-year]~~ driving record under Subsection (b)(2) is \$4.50. The fee for a driving record under Subsection (b)(3) is \$5.50. The fee for a driving record under Subsection (b)(4) is \$20.

SECTION 6. Subdivision (25), Section 522.003, Transportation Code, is amended to read as follows:

(25) "Serious traffic violation" means:

(A) a conviction arising from the driving of a ~~[commercial]~~ motor vehicle, other than a parking, vehicle weight, or vehicle defect violation, for:

(i) ~~[(A)]~~ excessive speeding, involving a single charge of driving 15 miles per hour or more above the posted speed limit;

(ii) ~~[(B)]~~ reckless driving, as defined by state or local law;

(iii) ~~[(C)]~~ a violation of a state or local

1 law related to motor vehicle traffic control, including a law  
2 regulating the operation of vehicles on highways, arising in  
3 connection with a fatal accident;

4 (iv) [~~(D)~~] improper or erratic traffic lane  
5 change;

6 (v) [~~(E)~~] following the vehicle ahead too  
7 closely; or

8 (vi) [~~(F)~~—operating] a [~~commercial motor~~  
9 ~~vehicle in~~] violation of Section 522.011; or

10 (B) a violation of Section [~~or~~] 522.015.

11 SECTION 7. Section 522.081, Transportation Code, is amended  
12 to read as follows:

13 Sec. 522.081. DISQUALIFICATION. (a) This subsection  
14 applies [~~only~~] to a violation committed while operating any motor  
15 vehicle, including a commercial motor vehicle. A person who holds a  
16 commercial driver's license is disqualified from driving a  
17 commercial motor vehicle for:

18 (1) 60 days if convicted of:

19 (A) two serious traffic violations that occur  
20 within a three-year period; or

21 (B) one violation of a law that regulates the  
22 operation of a motor vehicle at a railroad grade crossing; or

23 (2) 120 days if convicted of:

24 (A) three serious traffic violations arising  
25 from separate incidents occurring within a three-year period; or

26 (B) two violations of a law that regulates the  
27 operation of a motor vehicle at a railroad grade crossing that occur

1 within a three-year period~~[, or~~

2 ~~[(3) one year if convicted of three violations of a law~~  
3 ~~that regulates the operation of a motor vehicle at a railroad grade~~  
4 ~~crossing that occur within a three-year period]~~.

5 (b) This subsection applies to a violation committed while  
6 operating any motor vehicle, including a commercial motor vehicle,  
7 except as provided by this subsection. A person who holds a  
8 commercial driver's license is disqualified from driving a  
9 commercial motor vehicle for one year:

10 (1) if convicted of three violations of a law that  
11 regulates the operation of a motor vehicle at a railroad grade  
12 crossing that occur within a three-year period;

13 (2) on first conviction of:

14 (A) [(1)] driving a [commercial] motor vehicle  
15 under the influence of alcohol or a controlled substance, including  
16 a violation of Section 49.04 or 49.07, Penal Code;

17 (B) [(2) driving a commercial motor vehicle  
18 while the person's alcohol concentration was 0.04 or more;

19 [(3) intentionally] leaving the scene of an accident  
20 involving a [commercial] motor vehicle driven by the person;

21 (C) [(4)] using a [commercial] motor vehicle in  
22 the commission of a felony, other than a felony described by  
23 Subsection (d)(2);

24 (D) [(5) refusing to submit to a test to  
25 determine the person's alcohol concentration or the presence in the  
26 person's body of a controlled substance or drug while driving a  
27 commercial motor vehicle;

1           ~~[(6)]~~ causing the death of another person through the  
2 negligent or criminal operation of a ~~[commercial]~~ motor vehicle; or

3           (E) ~~[(7)]~~ driving a commercial motor vehicle  
4 while the person's commercial driver's license is revoked,  
5 suspended, or canceled, or while the person is disqualified from  
6 driving a commercial motor vehicle, for an action or conduct that  
7 occurred while operating a commercial motor vehicle;

8           (3) for refusing to submit to a test under Chapter 724  
9 to determine the person's alcohol concentration or the presence in  
10 the person's body of a controlled substance or drug while operating  
11 a motor vehicle in a public place; or

12           (4) if an analysis of the person's blood, breath, or  
13 urine under Chapter 522, 524, or 724 determines that the person:

14           (A) had an alcohol concentration of 0.04 or more,  
15 or that a controlled substance or drug was present in the person's  
16 body, while operating a commercial motor vehicle in a public place;  
17 or

18           (B) had an alcohol concentration of 0.08 or more  
19 while operating a motor vehicle, other than a commercial motor  
20 vehicle, in a public place.

21           (c) A person who holds a commercial driver's license is  
22 disqualified from operating a commercial motor vehicle for three  
23 years if:

24           (1) the person:

25           (A) is convicted of an offense ~~[If a violation]~~  
26 listed in Subsection (b)(2) and the vehicle being operated by the  
27 person was transporting a hazardous material required to be

1 placarded; or

2 (B) refuses to submit to a test under Chapter 724  
3 to determine the person's alcohol concentration or the presence in  
4 the person's body of a controlled substance or drug while operating  
5 a motor vehicle in a public place and the vehicle being operated by  
6 the person was transporting a hazardous material required to be  
7 placarded; or

8 (2) an analysis of the person's blood, breath, or urine  
9 under Chapter 522, 524, or 724 determines that while transporting a  
10 hazardous material required to be placarded the person:

11 (A) while operating a commercial motor vehicle in  
12 a public place had an alcohol concentration of 0.04 or more, or a  
13 controlled substance or drug present in the person's body; or

14 (B) while operating a motor vehicle, other than a  
15 commercial motor vehicle, in a public place had an alcohol  
16 concentration of 0.08 or more ~~[(b) occurred while the person was~~  
17 ~~transporting a hazardous material required to be placarded, the~~  
18 ~~person is disqualified for three years]~~.

19 (d) A person is disqualified from driving a commercial motor  
20 vehicle for life:

21 (1) if the person ~~[+]~~  
22 ~~[(1)]~~ is convicted ~~[of]~~ two or more times ~~[violations]~~  
23 of an offense specified by Subsection (b)(2) ~~[(b)]~~, or a  
24 combination of those offenses, arising from two or more separate  
25 incidents; ~~[or]~~

26 (2) if the person uses a ~~[commercial]~~ motor vehicle in  
27 the commission of a felony involving:

1 (A) the manufacture, distribution, or dispensing  
2 of a controlled substance; or

3 (B) possession with intent to manufacture,  
4 distribute, or dispense a controlled substance; or

5 (3) for any combination of two or more of the  
6 following, arising from two or more separate incidents:

7 (A) a conviction of the person for an offense  
8 described by Subsection (b)(2);

9 (B) a refusal by the person described by  
10 Subsection (b)(3); and

11 (C) an analysis of the person's blood, breath, or  
12 urine described by Subsection (b)(4).

13 (e) A person may not be issued a commercial driver's license  
14 if, in connection with the person's operation of a commercial motor  
15 vehicle, the person commits an offense or engages in conduct that  
16 would disqualify the holder of a commercial driver's license from  
17 operating a commercial motor vehicle, or is determined to have had  
18 an alcohol concentration of 0.04 or more or to have had a controlled  
19 substance or drug present in the person's body. The period of  
20 prohibition under this subsection is equal to the appropriate  
21 period of disqualification required by Subsections (a)-(d).

22 (f) In this section, "felony" means an offense under state  
23 or federal law that is punishable by death or imprisonment for a  
24 term of more than one year.

25 SECTION 8. Section 522.087, Transportation Code, is amended  
26 to read as follows:

27 Sec. 522.087. PROCEDURES APPLICABLE TO DISQUALIFICATION.



1 (a) A person is automatically disqualified under Section  
2 522.081(a)(1)(B), Section 522.081(b)(2) [~~522.081(b)(1), (3), (4),~~  
3 ~~(6), or (7)~~], or Section 522.081(d)(2). An appeal may not be taken  
4 from the disqualification.

5 (b) Disqualifying a person under Section 522.081(a), other  
6 than under Subdivision (1)(B) of that subsection, Section  
7 522.081(b)(1), or Section 522.081(d)(1) or (3) is subject to the  
8 notice and hearing procedures of Sections 521.295-521.303. An  
9 appeal of the disqualification is subject to Section 521.308.

10 SECTION 9. Section 643.052, Transportation Code, is amended  
11 to read as follows:

12 Sec. 643.052. APPLICATION. To register under this  
13 subchapter a motor carrier must submit to the department an  
14 application on a form prescribed by the department. The  
15 application must include:

16 (1) the name of the owner and the principal business  
17 address of the motor carrier;

18 (2) the name and address of the legal agent for service  
19 of process on the carrier in this state, if different;

20 (3) a description of each vehicle requiring  
21 registration the carrier proposes to operate, including the motor  
22 vehicle identification number, make, and unit number;

23 (4) a statement as to whether the carrier proposes to  
24 transport household goods or a hazardous material;

25 (5) a declaration that the applicant has knowledge of  
26 all laws and rules relating to motor carrier safety, including this  
27 chapter, Chapter 644, and Subtitle C; [~~and~~]

1           (6) a certification that the carrier is in compliance  
2 with the drug testing requirements of 49 C.F.R. Part 382, and if the  
3 carrier belongs to a consortium, as defined by 49 C.F.R. Part 382,  
4 the names of the persons operating the consortium; and

5           (7) any other information the department by rule  
6 determines is necessary for the safe operation of a motor carrier  
7 under this chapter.

8           SECTION 10. Section 643.056(a), Transportation Code, is  
9 amended to read as follows:

10          (a) A motor carrier required to register under this  
11 subchapter shall supplement the carrier's application for  
12 registration before:

13           (1) the carrier transports a hazardous material or  
14 household goods if the carrier has not provided notice of the  
15 transportation to the department in the carrier's initial or a  
16 supplemental application for registration;

17           (2) the carrier operates a vehicle requiring  
18 registration that is not described on the carrier's initial or a  
19 supplemental application for registration; or

20           (3) the carrier changes the carrier's principal  
21 business address, legal agent, ownership, consortium, as defined by  
22 49 C.F.R. Part 382, or name.

23           SECTION 11. Subchapter B, Chapter 643, Transportation Code,  
24 is amended by adding Section 643.064 to read as follows:

25           Sec. 643.064. REPORT OF POSITIVE RESULT. (a) A motor  
26 carrier required to register under this chapter shall report to the  
27 Department of Public Safety a valid positive result on a controlled

1 substances test performed as part of the carrier's drug testing  
2 program or consortium, as defined by 49 C.F.R. Part 382, on an  
3 employee of the carrier who holds a commercial driver's license  
4 under Chapter 522.

5 (b) The Department of Public Safety shall maintain the  
6 information provided under this section.

7 (c) Information maintained under this section is  
8 confidential and only subject to release as provided by Section  
9 521.053.

10 SECTION 12. Article 45.051, Code of Criminal Procedure, is  
11 amended to read as follows:

12 Art. 45.051. SUSPENSION OF SENTENCE AND DEFERRAL OF FINAL  
13 DISPOSITION. (a) On a plea of guilty or nolo contendere by a  
14 defendant or on a finding of guilt in a misdemeanor case punishable  
15 by fine only and payment of all court costs, the judge [~~justice~~]  
16 may, at the judge's discretion, defer further proceedings without  
17 entering an adjudication of guilt and place the defendant on  
18 probation for a period not to exceed 180 days. An order of deferral  
19 under this subsection terminates any liability under a bail bond or  
20 an appearance bond given for the charge.

21 (b) During the deferral period, the judge [~~justice~~] may, at  
22 the judge's discretion, require the defendant to:

23 (1) post a bond in the amount of the fine assessed to  
24 secure payment of the fine;

25 (2) pay restitution to the victim of the offense in an  
26 amount not to exceed the fine assessed;

27 (3) submit to professional counseling;

1           (4) submit to diagnostic testing for alcohol or a  
2 controlled substance or drug;

3           (5) submit to a psychosocial assessment;

4           (6) participate in an alcohol or drug abuse treatment  
5 or education program;

6           (7) pay the costs of any diagnostic testing,  
7 psychosocial assessment, or participation in a treatment or  
8 education program either directly or through the court as court  
9 costs; ~~and~~

10           (8) complete a driving safety course approved under  
11 the Texas Driver and Traffic Safety Education Act (Article  
12 4413(29c), Vernon's Texas Civil Statutes) or another course as  
13 directed by the judge;

14           (9) present to the court satisfactory evidence that  
15 the defendant has complied with each requirement imposed by the  
16 judge under this article; and

17           (10) comply with any other reasonable condition.

18           (c) On determining that ~~[At the conclusion of the deferral~~  
19 ~~period, if]~~ the defendant ~~[presents satisfactory evidence that he]~~  
20 has complied with the requirements imposed by the judge under this  
21 article, the judge ~~[justice]~~ shall dismiss the complaint, and it  
22 shall be clearly noted in the docket that the complaint is dismissed  
23 and that there is not a final conviction. ~~[Otherwise, the justice~~  
24 ~~may proceed with an adjudication of guilt. After an adjudication of~~  
25 ~~guilt, the justice may reduce the fine assessed or may then impose~~  
26 ~~the fine assessed, less any portion of the assessed fine that has~~  
27 ~~been paid.]~~ If the complaint is dismissed, a special expense not to

1 exceed the amount of the fine assessed may be imposed. Other than  
2 an offense under Section 545.413, Transportation Code, this  
3 subsection does not apply to an offense involving the operation of a  
4 motor vehicle.

5 (c-1) This subsection applies only to an offense involving  
6 the operation of a motor vehicle, other than an offense under  
7 Section 545.413, Transportation Code. At the conclusion of the  
8 deferral period, if the defendant presents satisfactory evidence  
9 that the defendant has complied with the requirements imposed, the  
10 justice shall proceed with an adjudication of guilt but may not  
11 impose the fine assessed or a reduced fine.

12 (d) If by ~~at~~ the conclusion of the deferral period the  
13 defendant does not present satisfactory evidence that the defendant  
14 complied with the requirements imposed, the judge ~~justice~~ may  
15 impose the fine assessed or impose a lesser fine. The imposition of  
16 the fine or lesser fine constitutes a final conviction of the  
17 defendant.

18 (e) Records relating to a complaint dismissed as provided by  
19 this article may be expunged under Article 55.01 ~~[of this code]~~. If  
20 a complaint is dismissed under this article, there is not a final  
21 conviction and the complaint may not be used against the person for  
22 any purpose.

23 (f) This article does not apply to:

24 (1) an offense to which Section 542.404 or 729.004(b),  
25 Transportation Code, applies; or

26 (2) a traffic offense committed by a person who holds a  
27 commercial driver's license.

SECTION 13. Article 45.0511, Code of Criminal Procedure, is amended to read as follows:

Art. 45.0511. DRIVING SAFETY COURSE OR MOTORCYCLE OPERATOR COURSE DISMISSAL [~~DEFERRED DISPOSITION~~] PROCEDURES [~~APPLICABLE TO TRAFFIC OFFENSES~~]. (a) This article applies only to an alleged offense that:

(1) is within the jurisdiction of a justice court or a municipal court;

(2) involves [~~involving~~] the operation of a motor vehicle; and

(3) is [~~other than a commercial motor vehicle, as~~] defined by:

(A) Section 472.022 [~~522.003~~], Transportation Code; i

(B) Subtitle C, Title 7, Transportation Code; or

(C) Section 729.001(a)(3), Transportation Code [~~7 and supplements Article 45.051~~].

(b) The judge [~~During the deferral period under Article 45.051, the justice:~~

[~~(1)~~] shall require the defendant to successfully complete a driving safety course approved by the Texas Education Agency or a course under the motorcycle operator training and safety program approved by the designated state agency under Chapter 662, Transportation Code, if:

(1) the defendant elects driving safety course or motorcycle operator training course dismissal under this article;

(2) [~~deferred disposition and~~] the defendant has not

1 completed an approved driving safety course or motorcycle operator  
2 training course, as appropriate, within the ~~[preceding]~~ 12 months  
3 preceding the date of the offense; and

4 ~~(3) [(2)] may require the defendant to successfully~~  
5 ~~complete a driving safety course approved by the Texas Education~~  
6 ~~Agency if the defendant has completed an approved driving safety~~  
7 ~~course within the preceding 12 months.~~

8 ~~[(c)] Subsection (b)(1) applies only if:~~

9 ~~[(1)]~~ the defendant ~~[person]~~ enters a plea under  
10 Article 45.021 in person or in writing of no contest or guilty on or  
11 ~~and,~~ before the answer date on the notice to appear and:

12 (A) presents in person or by counsel to the court  
13 a ~~[an oral or written]~~ request to take a course; or

14 (B) sends to the court by certified mail, return  
15 receipt requested, postmarked on or before the answer date on the  
16 notice to appear, a written request to take a course;

17 ~~(4) [(2)] the court enters judgment on the person's~~  
18 ~~plea of no contest or guilty at the time the plea is made but defers~~  
19 ~~imposition of the judgment for 180 days,~~

20 ~~[(3)]~~ the defendant ~~[person]~~ has a valid Texas  
21 driver's license or permit;

22 ~~(5) [(4)]~~ the defendant ~~[person]~~ is charged with an  
23 offense to which this article applies, other than speeding 25 miles  
24 per hour or more over the posted speed limit; and

25 ~~(6) [(5)]~~ the defendant ~~[person]~~ provides evidence of  
26 financial responsibility as required by Chapter 601,  
27 Transportation Code[+]

1           ~~[(6) the defendant's driving record as maintained by~~  
2 ~~the Texas Department of Public Safety shows the defendant has not~~  
3 ~~completed an approved driving safety course or motorcycle operator~~  
4 ~~training course, as appropriate, within the 12 months preceding the~~  
5 ~~date of the offense; and~~

6           ~~[(7) the defendant files an affidavit with the court~~  
7 ~~stating that the person is not taking a course under this section~~  
8 ~~and has not completed a course that is not shown on the person's~~  
9 ~~driving record within the 12 months preceding the date of the~~  
10 ~~offense].~~

11           (c) The court shall enter judgment on the defendant's plea  
12 of no contest or guilty at the time the plea is made, defer  
13 imposition of the judgment, and allow the defendant 90 days to  
14 successfully complete the approved driving safety course or  
15 motorcycle operator training course and present to the court:

16           (1) a uniform certificate of completion of the driving  
17 safety course or a verification of completion of the motorcycle  
18 operator training course;

19           (2) the defendant's driving record as maintained by  
20 the Department of Public Safety showing that the defendant had not  
21 completed an approved driving safety course or motorcycle operator  
22 training course, as applicable, within the 12 months preceding the  
23 date of the offense; and

24           (3) an affidavit stating that the defendant was not  
25 taking a driving safety course or motorcycle operator training  
26 course, as applicable, under this article on the date the request to  
27 take the course was made and had not completed such a course that is



1 not shown on the defendant's driving record within the 12 months  
2 preceding the date of the offense.

3 (d) Notwithstanding Subsections (b)(2) and (3), ~~[Subsection~~  
4 ~~(c)(1), on a written motion submitted to the court]~~ before the final  
5 disposition of the case, the court may grant a request to take a  
6 driving safety course or a motorcycle operator training course  
7 under this article.

8 (e) A request to take a driving safety course or motorcycle  
9 operator training course made at or before the time and at the place  
10 at which a defendant ~~[person]~~ is required to appear in court is an  
11 appearance in compliance with the defendant's ~~[person's]~~ promise to  
12 appear.

13 (f) In addition to court costs and fees authorized or  
14 imposed by a law of this state and applicable to the offense, the  
15 ~~[The]~~ court may:

16 (1) require a defendant ~~[person]~~ requesting a ~~[driving~~  
17 ~~safety]~~ course under Subsection (b) to pay an administrative [a]  
18 fee set by the court to cover the cost of administering this article  
19 at an amount of not more than \$10; or

20 (2) require a defendant requesting a course under  
21 Subsection (d) to pay a fee set by the court at an amount not to  
22 exceed the maximum amount of the fine for the offense committed by  
23 the defendant~~[, including any other fee authorized by statute or~~  
24 ~~municipal ordinance, to cover the cost of administering this~~  
25 ~~article].~~

26 (g) A defendant ~~[person]~~ who requests but does not take a  
27 course is not entitled to a refund of the fee.

1 (h) Fees collected by a municipal court shall be deposited  
2 in the municipal treasury. Fees collected by another court shall be  
3 deposited in the county treasury of the county in which the court is  
4 located.

5 (i) If a defendant [~~person~~] requesting a [~~driving safety~~]  
6 course under this article fails to comply with Subsection (c)  
7 [~~furnish evidence of the successful completion of the course to the~~  
8 ~~court~~], the court shall:

9 (1) notify the defendant [~~person~~] in writing, mailed  
10 to the address on file with the court or appearing on the notice to  
11 appear, of that failure; and

12 (2) require the defendant [~~person~~] to appear at the  
13 time and place stated in the notice to show cause why the evidence  
14 was not timely submitted to the court.

15 (j) If the defendant [~~A person who~~] fails to appear at the  
16 time and place stated in the notice under Subsection (i), or appears  
17 at the time and place stated in the notice but does not show good  
18 cause for the defendant's failure to comply with Subsection (c),  
19 the court shall enter an adjudication of guilt and impose sentence  
20 [~~commits a misdemeanor punishable as provided by Section 543.009,~~  
21 ~~Transportation Code~~].

22 (k) On a defendant's [~~person's~~] showing of good cause for  
23 failure to furnish evidence to the court, the court may allow an  
24 extension of time during which the defendant [~~person~~] may present:

25 (1) a uniform certificate of course completion as  
26 evidence that the defendant [~~person~~] successfully completed the  
27 driving safety course; or

1           (2) a verification of course completion as evidence  
2 that the defendant successfully completed the motorcycle operator  
3 training course.

4           (1) When a defendant [~~person~~] complies with Subsection (c)  
5 [~~(b) and a uniform certificate of course completion is accepted by~~  
6 ~~the court~~], the court shall:

7                 (1) proceed with an adjudication of guilt, but may not  
8 impose the fine assessed or a reduced fine [~~remove the judgment and~~  
9 ~~dismiss the charge~~];

10                (2) report the fact that the defendant [~~person~~]  
11 successfully completed a driving safety course or a motorcycle  
12 operator training course and the date of completion to the Texas  
13 Department of Public Safety for inclusion in the person's driving  
14 record; and

15                (3) state in that [~~this~~] report whether the course was  
16 taken under [~~the procedure provided by~~] this article to provide  
17 information necessary to determine eligibility to take a subsequent  
18 course under Subsection (b).

19           (m) If the defendant is charged with more than one offense,  
20 the defendant may complete a driving safety course in connection  
21 with only one of the charges [~~The court may dismiss only one charge~~  
22 ~~for each completion of a course~~].

23           (n) [~~A charge that is dismissed under this article may not~~  
24 ~~be part of a person's driving record or used for any purpose.~~

25           [~~(o)~~] An insurer delivering or issuing for delivery a motor  
26 vehicle insurance policy in this state may not cancel or increase  
27 the premium charged an insured under the policy because the court

1 proceeded with an adjudication of guilt under Subsection (1)(1) or  
 2 because the insured completed a driving safety course or a  
 3 motorcycle operator training course ~~[or had a charge dismissed]~~  
 4 under this article.

5 (o) ~~[(p)]~~ The court shall advise a defendant ~~[person]~~  
 6 charged with a misdemeanor under Section 472.022, Transportation  
 7 Code, Subtitle C, Title 7, Transportation Code, or Section  
 8 729.001(a)(3), Transportation Code, committed while operating a  
 9 motor vehicle of the defendant's ~~[person's]~~ right under this  
 10 article to successfully complete a driving safety course or, if the  
 11 offense was committed while operating a motorcycle, a motorcycle  
 12 operator training course. The right to complete a course does not  
 13 apply to a defendant ~~[person]~~ charged with:

14 (1) a violation of Section 545.066, ~~[545.401,~~  
 15 ~~545.421,~~] 550.022, or 550.023, Transportation Code; ~~[7]~~ or

16 (2) an offense to which ~~[serious traffic violation as~~  
 17 ~~defined by]~~ Section 542.404 or 729.004(b) ~~[522.003],~~  
 18 Transportation Code, applies.

19 (p) A notice to appear issued for an offense to which this  
 20 article applies must inform a defendant charged with an offense  
 21 under Section 472.022, Transportation Code, an offense under  
 22 Subtitle C, Title 7, Transportation Code, or an offense under  
 23 Section 729.001(a)(3), Transportation Code, committed while  
 24 operating a motor vehicle of the defendant's right to complete a  
 25 driving safety course or, if the offense was committed while  
 26 operating a motorcycle, of the defendant's right to complete a  
 27 motorcycle operator training course. The notice required by this

1 subsection must read substantially as follows:

2 "You may be able to require that this charge be dismissed by  
3 successfully completing a driving safety course or a motorcycle  
4 operator training course. You will lose that right if, on or before  
5 your appearance date, you do not provide the court with notice of  
6 your request to take the course."

7 (q) If the notice required by Subsection (p) is not provided  
8 to the defendant charged with the offense, the defendant may  
9 continue to exercise the defendant's right to take a driving safety  
10 course or a motorcycle operator training course until the notice  
11 required by Subsection (p) is provided to the defendant or there is  
12 a final disposition of the case.

13 (r) This article does not apply to an offense committed by a  
14 person who holds a commercial driver's license.

15 (s) An order of deferral under Subsection (c) terminates any  
16 liability under a bail bond or appearance bond given for the charge.

17 ~~[(q) Nothing in this article shall prevent a court from assessing~~  
18 ~~a special expense for deferred disposition in the same manner as~~  
19 ~~provided by Article 45.051. For a deferred disposition under~~  
20 ~~Subsection (b)(1), the court may only collect a fee of not more than~~  
21 ~~\$10 in addition to any applicable court cost.]~~

22 SECTION 14. The following laws are repealed:

- 23 (1) Section 543.101, Transportation Code;  
24 (2) Section 543.117, Transportation Code; and  
25 (3) Section 601.022, Transportation Code.

26 SECTION 15. (a) Except as provided by Subsection (c) of  
27 this section, this Act takes effect September 1, 2003.

1           (b) Articles 45.051 and 45.0511, Code of Criminal  
2 Procedure, as amended by this Act, apply only to an offense  
3 committed on or after September 1, 2003. An offense committed  
4 before September 1, 2003, is covered by Articles 45.051 and 45.0511  
5 of that code as those laws existed on the date the offense was  
6 committed, and the former law is continued in effect for that  
7 purpose.

8           (c) Sections 6-8 of this Act take effect June 1, 2005.  
9 Sections 522.081 and 522.087, Transportation Code, as amended by  
10 those sections, apply only to conduct that is engaged in or to an  
11 offense that is committed on or after June 1, 2005. Conduct that is  
12 engaged in or an offense committed before June 1, 2005, is governed  
13 by Sections 522.081 and 522.087, Transportation Code, as those  
14 sections existed immediately before that date, and the former law  
15 is continued in effect for that purpose.