

BILL ANALYSIS

C.S.H.B. 370
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Law Enforcement
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, Article 45.0511 of the Code of Criminal Procedure requires a defendant charged with a speeding offense or other specified traffic offense to have a valid Texas driver's license or permit, among other requirements, in order to complete a driving safety course or a course under the motorcycle operator training and safety program in lieu of paying certain traffic fines. C.S.H.B. 370 provides military personnel serving on active duty, who have not completed a driving safety course in another state within the preceding 12 months, the same rights and considerations as Texas residents, by allowing them the option of taking a driver safety course in lieu of paying a fine.

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. 370 amends Article 45.0511 of the Code of Criminal Procedure by adding a provision to allow a defendant without a valid Texas driver's license who is charged with an offense under this section to take a driver safety course if the defendant is a member of the United States military forces, serving on active duty, and has not completed a driver safety course or motorcycle operator-training course in another state in the previous 12 months.

The bill further amends Article 45.0511 of the Code of Criminal Procedure by requiring the court to allow a defendant who elects to take a driver safety course under this Article, does not have a valid Texas driver's license, and is a member of the United States military forces serving on active duty, 90 days to present to the court an affidavit stating that the defendant has not taken a driver safety course in the previous 12 months in another state.

The bill also makes conforming and non-substantive changes.

EFFECTIVE DATE

September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 370 differs from H.B. 370 by adding the word "or" to clarify that the new provisions are an alternative to the law currently in effect, which remains substantively unchanged. C.S.H.B. also makes formatting and conforming changes from the original bill.