

By: Farabee

H.B. No. 370

Substitute the following for H.B. No. 370:

By: Frost

C.S.H.B. No. 370

A BILL TO BE ENTITLED

AN ACT

relating to deferred disposition of certain traffic offenses by certain holders of out-of-state driver's licenses.

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

SECTION 1. Subsections (b) and (c), Article 45.0511, Code of Criminal Procedure, are amended to read as follows:

(b) The judge 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) the defendant:

(A) has not completed an approved driving safety course or motorcycle operator training course, as appropriate, within the 12 months preceding the date of the offense; or

(B) does not have a valid Texas driver's license or permit, is a member of the United States military forces serving on active duty, and has not completed a driving safety course or motorcycle operator training course, as appropriate, in another state within the 12 months preceding the date of the offense;

(3) the defendant enters a plea under Article 45.021 in person or in writing of no contest or guilty on or before the

1 answer date on the notice to appear and:

2 (A) presents in person or by counsel to the court  
3 a request to take a course; or

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

7 (4) the defendant:

8 (A) has a valid Texas driver's license or permit;  
9 or

10 (B) is a member of the United States military  
11 forces serving on active duty;

12 (5) the defendant is charged with an offense to which  
13 this article applies, other than speeding 25 miles per hour or more  
14 over the posted speed limit; and

15 (6) the defendant provides evidence of financial  
16 responsibility as required by Chapter 601, Transportation Code.

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

22 (1) a uniform certificate of completion of the driving  
23 safety course or a verification of completion of the motorcycle  
24 operator training course;

25 (2) the defendant's driving record as maintained by  
26 the Department of Public Safety, if any, showing that the defendant  
27 had not completed an approved driving safety course or motorcycle

1 operator training course, as applicable, within the 12 months  
2 preceding the date of the offense; ~~[and]~~

3 (3) an affidavit stating that the defendant was not  
4 taking a driving safety course or motorcycle operator training  
5 course, as applicable, under this article on the date the request to  
6 take the course was made and had not completed such a course that is  
7 not shown on the defendant's driving record within the 12 months  
8 preceding the date of the offense; and

9 (4) if the defendant does not have a valid Texas  
10 driver's license or permit and is a member of the United States  
11 military forces serving on active duty, an affidavit stating that  
12 the defendant was not taking a driving safety course or motorcycle  
13 operator training course, as appropriate, in another state on the  
14 date the request to take the course was made and had not completed  
15 such a course within the 12 months preceding the date of the  
16 offense.

17 SECTION 2. This Act takes effect September 1, 2005.