

By: Farabee (Senate Sponsor - Madla) H.B. No. 370  
(In the Senate - Received from the House April 25, 2005;  
April 26, 2005, read first time and referred to Committee on  
Transportation and Homeland Security; May 20, 2005, reported  
favorably by the following vote: Yeas 8, Nays 0; May 20, 2005, sent  
to printer.)

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  
answer date on the notice to appear and:

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

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

(4) the defendant:

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

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

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

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

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

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

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

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

not shown on the defendant's driving record within the 12 months preceding the date of the offense; and

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

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

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