

BILL ANALYSIS

Senate Research Center
80R20768 DWS-F

H.B. 586
By: Gonzalez Toureilles (Uresti)
Transportation & Homeland Security
5/18/2007
Committee Report (Amended)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law authorizes some defendants charged with certain traffic offenses to take a driving safety course rather than face other penalties. The 79th Legislature, Regular Session, 2005, increased the speed limit to 80 miles per hour in some rural areas. Due to this change and the language of the statute, defendants who are charged with driving at speeds of up to 104 miles per hour are authorized to take such courses. However, driving at such speeds poses a public safety hazard and eliminating this option for offenses involving those high speeds would serve to better deter such offenses.

H.B. 586 prohibits a defendant who is found guilty of driving at a speed higher than 95 miles per hour and issued a speeding ticket from taking a driving safety class to dismiss the ticket.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 45.0511(b), Code of Criminal Procedure, to require the judge to 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 (Motorcycle Operator Training and Safety), Transportation Code, if the defendant is charged with an offense to which this article (Driving Safety Course or Motorcycle Operator Course Dismissal Procedures) applies, other than speeding at a speed of 95 miles per hour or more.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2007.

SUMMARY OF COMMITTEE CHANGES

Committee Amendment No. ___

(1) Amends the introductory language of SECTION 1 of the bill (house engrossment, page 1, lines 5 and 6), to strike "Article 45.0511(b), Code of Criminal Procedure, is amended" and substitute "Articles 45.0511(b) and (c), Code of Criminal Procedure, are amended".

(2) Amends SECTION 1 of the bill, in Subdivision (2)(B), Subsection (b), Article 45.0511, Code of Criminal Procedure (house engrossment, page 1, line 19), to require the judge to 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 (Motorcycle Operator Training and Safety), Transportation Code, if the defendant is the spouse or dependent child of a member of the United States military forces serving on active duty, among other requirements.

(3) Amends SECTION 1 of the bill, in Subdivision (4)(B), Subsection (b), Article 45.0511, Code of Criminal Procedure (house engrossment, page 2, line 10), to require the judge to 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 the defendant is the spouse or dependent child of a member of the United States military forces serving on active duty.

(4) Amends SECTION 1 of the bill (house engrossment, page 2, between lines 18 and 19), by inserting Article 45.0511(c), Code of Criminal Procedure, to require the court to allow a defendant, if the defendant does not have a valid Texas driver's license or permit and is the spouse or dependent of a child of 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 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.