

1-1 By: Gonzalez Toureilles (Senate Sponsor - Uresti) H.B. No. 586  
1-2 (In the Senate - Received from the House May 14, 2007;  
1-3 May 15, 2007, read first time and referred to Committee on  
1-4 Transportation and Homeland Security; May 18, 2007, reported  
1-5 favorably, as amended, by the following vote: Yeas 5, Nays 0;  
1-6 May 18, 2007, sent to printer.)

1-7 COMMITTEE AMENDMENT NO. 1 By: Watson

1-8 Amend H.B. No. 586 as follows:

1-9 (1) In the introductory language of SECTION 1 of the bill  
1-10 (House engrossment page 1, lines 57 and 58), strike "Article  
1-11 45.0511(b), Code of Criminal Procedure, is amended" and substitute  
1-12 "Articles 45.0511(b) and (c), Code of Criminal Procedure, are  
1-13 amended".

1-14 (2) In SECTION 1 of the bill, in Subdivision (2)(B),  
1-15 Subsection (b), Article 45.0511, Code of Criminal Procedure (House  
1-16 engrossment page 2, line 9), between "member" and "of", insert ", or  
1-17 the spouse or dependent child of a member,".

1-18 (3) In SECTION 1 of the bill, in Subdivision (4)(B),  
1-19 Subsection (b), Article 45.0511, Code of Criminal Procedure, (House  
1-20 engrossment page 2, line 24), between "member" and "of", insert ", or  
1-21 the spouse or dependent child of a member,".

1-22 (4) At the end of SECTION 1 of the bill (House engrossment  
1-23 page 2, between lines 32 and 33), insert the following:

1-24 (c) The court shall enter judgment on the defendant's plea  
1-25 of no contest or guilty at the time the plea is made, defer  
1-26 imposition of the judgment, and allow the defendant 90 days to  
1-27 successfully complete the approved driving safety course or  
1-28 motorcycle operator training course and present to the court:

1-29 (1) a uniform certificate of completion of the driving  
1-30 safety course or a verification of completion of the motorcycle  
1-31 operator training course;

1-32 (2) unless the judge proceeds under Subsection (c-1),  
1-33 the defendant's driving record as maintained by the Department of  
1-34 Public Safety, if any, showing that the defendant had not completed  
1-35 an approved driving safety course or motorcycle operator training  
1-36 course, as applicable, within the 12 months preceding the date of  
1-37 the offense;

1-38 (3) an affidavit stating that the defendant was not  
1-39 taking a driving safety course or motorcycle operator training  
1-40 course, as applicable, under this article on the date the request to  
1-41 take the course was made and had not completed such a course that is  
1-42 not shown on the defendant's driving record within the 12 months  
1-43 preceding the date of the offense; and

1-44 (4) if the defendant does not have a valid Texas  
1-45 driver's license or permit and is a member, or the spouse or  
1-46 dependent child of a member, of the United States military forces  
1-47 serving on active duty, an affidavit stating that the defendant was  
1-48 not taking a driving safety course or motorcycle operator training  
1-49 course, as appropriate, in another state on the date the request to  
1-50 take the course was made and had not completed such a course within  
1-51 the 12 months preceding the date of the offense.

1-52 A BILL TO BE ENTITLED  
1-53 AN ACT

1-54 relating to eligibility for dismissal of certain speeding charges  
1-55 on completion of a driving safety course.

1-56 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-57 SECTION 1. Article 45.0511(b), Code of Criminal Procedure,  
1-58 is amended to read as follows:

1-59 (b) The judge shall require the defendant to successfully  
1-60 complete a driving safety course approved by the Texas Education  
1-61 Agency or a course under the motorcycle operator training and  
1-62 safety program approved by the designated state agency under

2-1 Chapter 662, Transportation Code, if:  
2-2 (1) the defendant elects driving safety course or  
2-3 motorcycle operator training course dismissal under this article;  
2-4 (2) the defendant:  
2-5 (A) has not completed an approved driving safety  
2-6 course or motorcycle operator training course, as appropriate,  
2-7 within the 12 months preceding the date of the offense; or  
2-8 (B) does not have a valid Texas driver's license  
2-9 or permit, is a member of the United States military forces serving  
2-10 on active duty, and has not completed a driving safety course or  
2-11 motorcycle operator training course, as appropriate, in another  
2-12 state within the 12 months preceding the date of the offense;  
2-13 (3) the defendant enters a plea under Article 45.021  
2-14 in person or in writing of no contest or guilty on or before the  
2-15 answer date on the notice to appear and:  
2-16 (A) presents in person or by counsel to the court  
2-17 a request to take a course; or  
2-18 (B) sends to the court by certified mail, return  
2-19 receipt requested, postmarked on or before the answer date on the  
2-20 notice to appear, a written request to take a course;  
2-21 (4) the defendant:  
2-22 (A) has a valid Texas driver's license or permit;  
2-23 or  
2-24 (B) is a member of the United States military  
2-25 forces serving on active duty;  
2-26 (5) the defendant is charged with an offense to which  
2-27 this article applies, other than speeding at a speed of:  
2-28 (A) 95 miles per hour or more; or  
2-29 (B) 25 miles per hour or more over the posted  
2-30 speed limit; and  
2-31 (6) the defendant provides evidence of financial  
2-32 responsibility as required by Chapter 601, Transportation Code.  
2-33 SECTION 2. (a) The change in law made by this Act applies  
2-34 only to an offense committed on or after the effective date of this  
2-35 Act. For the purposes of this section, an offense is committed  
2-36 before the effective date of this Act if any element of the offense  
2-37 occurs before that date.  
2-38 (b) An offense committed before the effective date of this  
2-39 Act is governed by the law in effect when the offense was committed,  
2-40 and the former law is continued in effect for that purpose.  
2-41 SECTION 3. This Act takes effect September 1, 2007.

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