

By: Martinez Fischer

H.B. No. 1399

A BILL TO BE ENTITLED

AN ACT

relating to dismissal of a complaint committed by the holder of a commercial driver's license.

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

SECTION 1. Article 45.051(f), Code of Criminal Procedure, as amended by Chapters 281 and 357, Acts of the 79th Legislature, Regular Session, 2005, is amended to read as follows:

(f) This article does not apply to:

(1) an offense to which Section 542.404 [~~ex~~ ~~729.004(b)~~], Transportation Code, applies; or

(2) a violation of a state law or local ordinance relating to motor vehicle control, other than a parking violation, committed by a person who holds a commercial driver's license [~~(2) a traffic offense committed by a person who:~~

~~[(A) holds a commercial driver's license,~~] or

~~[(B)] held a commercial driver's license when the offense was committed,~~ unless the defendant was not driving a commercial motor vehicle, as defined by Section 522.003, Transportation Code.

SECTION 2. Article 45.0511(s), Code of Criminal Procedure, is amended to read as follows:

(s) This article does not apply to an offense committed by a person who [~~+~~

~~(1)~~] holds a commercial driver's license [~~+~~] or

1 [~~(2)~~] held a commercial driver's license when the
2 offense was committed, unless the defendant was not driving a
3 commercial motor vehicle, as defined by Section 522.003,
4 Transportation Code.

5 SECTION 3. (a) The change in law made by this Act applies
6 only to an offense committed on or after the effective date of this
7 Act. For the purposes of this section, an offense is committed
8 before the effective date of this Act if any element of the offense
9 occurs before that date.

10 (b) An offense committed before the effective date of this
11 Act is governed by the law in effect when the offense was committed,
12 and the former law is continued in effect for that purpose.

13 SECTION 4. This Act takes effect September 1, 2007.