

By: Miller of Erath

H.B. No. 607

A BILL TO BE ENTITLED

1 AN ACT
2 relating to eligibility of commercial driver's license holders for
3 dismissal of certain charges on completion of a driving safety
4 course.

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

6 SECTION 1. Article 45.051(f), Code of Criminal Procedure,
7 is amended to read as follows:

8 (f) This article does not apply to[+
9 [~~(1)~~] an offense to which Section 542.404,
10 Transportation Code, applies[~~, or~~
11 [~~(2) a violation of a state law or local ordinance~~
12 ~~relating to motor vehicle control, other than a parking violation,~~
13 ~~committed by a person who:~~
14 [~~(A) holds a commercial driver's license, or~~
15 [~~(B) held a commercial driver's license when the~~
16 ~~offense was committed~~].

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

19 (b) The judge shall require the defendant to successfully
20 complete a driving safety course approved by the Texas Education
21 Agency or a course under the motorcycle operator training and
22 safety program approved by the designated state agency under
23 Chapter 662, Transportation Code, if:

24 (1) the defendant elects driving safety course or

1 motorcycle operator training course dismissal under this article;

2 (2) the defendant:

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

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

12 (3) the defendant enters a plea under Article 45.021
13 in person or in writing of no contest or guilty on or before the
14 answer date on the notice to appear and:

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

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

20 (4) the defendant:

21 (A) has a valid Texas driver's license or permit,
22 including a commercial driver's license; or

23 (B) is a member, or the spouse or dependent child
24 of a member, of the United States military forces serving on active
25 duty;

26 (5) the defendant is charged with an offense to which
27 this article applies, other than speeding at a speed of:

1 (A) 95 miles per hour or more; or

2 (B) 25 miles per hour or more over the posted
3 speed limit; and

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

6 SECTION 3. Article 45.0511(s), Code of Criminal Procedure,
7 is repealed.

8 SECTION 4. The change in law made by this Act applies only
9 to an offense committed on or after the effective date of this Act.
10 An offense committed before the effective date of this Act is
11 covered by the law in effect when the offense was committed, and the
12 former law is continued in effect for that purpose. For the purposes
13 of this section, an offense was committed before the effective date
14 of this Act if any element of the offense was committed before that
15 date.

16 SECTION 5. This Act takes effect September 1, 2011.