

By: Naishtat, McClendon

H.B. No. 2897

Substitute the following for H.B. No. 2897:

By: Rodriguez

C.S.H.B. No. 2897

A BILL TO BE ENTITLED

AN ACT

1
2 relating to driving safety courses for individuals younger than 25
3 years of age receiving deferred disposition for certain traffic
4 offenses.

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

6 SECTION 1. Effective January 1, 2012, Article 45.051(b-1),
7 Code of Criminal Procedure, is amended to read as follows:

8 (b-1) If the defendant is younger than 25 years of age and
9 the offense committed by the defendant is a traffic offense
10 classified as a moving violation:

11 (1) Subsection (b)(8) does not apply;

12 (2) during the deferral period, the judge:

13 (A) shall require the defendant to complete a
14 driving safety course approved under Chapter 1001, Education Code;
15 and

16 (B) may require the defendant to complete an
17 additional driving safety course designed for drivers younger than
18 25 years of age and approved under Section 1001.111, Education
19 Code; and

20 (3) if the defendant holds a provisional license,
21 during the deferral period the judge shall require that the
22 defendant be examined by the Department of Public Safety as
23 required by Section 521.161(b)(2), Transportation Code; a
24 defendant is not exempt from the examination regardless of whether

1 the defendant was examined previously.

2 SECTION 2. Subchapter C, Chapter 1001, Education Code, is
3 amended by adding Section 1001.111 to read as follows:

4 Sec. 1001.111. DRIVING SAFETY COURSE FOR DRIVER YOUNGER
5 THAN 25 YEARS OF AGE. (a) The commissioner by rule shall provide
6 minimum standards of curriculum for and designate the educational
7 materials to be used in a driving safety course designed for drivers
8 younger than 25 years of age.

9 (b) A driving safety course designed for drivers younger
10 than 25 years of age must:

11 (1) be a four-hour live, interactive course focusing
12 on issues specific to drivers younger than 25 years of age;

13 (2) include instruction in:

14 (A) alcohol and drug awareness;

15 (B) the traffic laws of this state;

16 (C) the high rate of motor vehicle accidents and
17 fatalities for drivers younger than 25 years of age;

18 (D) the issues commonly associated with motor
19 vehicle accidents involving drivers younger than 25 years of age,
20 including poor decision-making, risk taking, impaired driving,
21 distraction, speed, failure to use a safety belt, driving at night,
22 failure to yield the right-of-way, and using a wireless
23 communication device while operating a vehicle, and the role of
24 peer pressure in those issues;

25 (E) the effect of poor driver decision-making on
26 the family, friends, school, and community of a driver younger than
27 25 years of age; and

1 (F) the importance of taking control of
2 potentially dangerous driving situations both as a driver and as a
3 passenger; and

4 (3) require a written commitment by the student to
5 family and friends that the student will not engage in dangerous
6 driving habits.

7 (c) A course approved for use under this section before
8 January 1, 2012, must comply with the requirements of Subsection
9 (b) and be approved for that purpose by the commissioner not later
10 than January 1, 2012. This subsection expires September 1, 2012.

11 SECTION 3. (a) The Texas Education Agency shall adopt the
12 rules required by Section 1001.111, Education Code, as added by
13 this Act, as soon as practicable after the effective date of this
14 Act.

15 (b) The change in law made by this Act to Article 45.051,
16 Code of Criminal Procedure, applies only to an offense committed on
17 or after January 1, 2012. An offense committed before January 1,
18 2012, is governed by the law in effect on the date the offense was
19 committed, and the former law is continued in effect for that
20 purpose. For purposes of this subsection, an offense was committed
21 before that date if any element of the offense occurred before that
22 date.

23 SECTION 4. Except as otherwise provided by this Act, this
24 Act takes effect September 1, 2011.