

BILL ANALYSIS

Senate Research Center

S.B. 507
By: Nixon
Jurisprudence
2-14-97
As Filed

DIGEST

Currently, Section 143A(a), Article 6701d, V.T.C.S. (Uniform Act Regulating Traffic on Highways), was amended by Section 1, Chapter 334, Acts of the 74th Legislature, 1995, to require a court to advise a defendant of his or her rights to successfully complete a motorcycle operator training course for certain misdemeanor offenses. This bill sets forth the guidelines for completion of a motorcycle operator training course for committing certain traffic offenses and conforms Sections 543.102 and 543.103, Transportation Code, to Section 1, Chapter 334, Acts of the 74th Legislature, 1995.

Additionally, the current law allows a person who has been stopped for speeding to take a defensive driving course in lieu of paying a fine. This option is only valid if his or her speed did not equal or exceed 25 miles per hour over the posted speed limit. With the increase in the speed limit from 55 miles per hour to 70 miles per hour, there has been some concern that the current 25 miles per hour cushion is too large. A fine a minor must pay for speeding cannot exceed \$100 and a fine an adult must pay for speeding cannot exceed \$200. This bill would decrease the allowance to 21 miles per hour on 70 miles per hour roadways and raise the maximum fine for speeding on 70 miles per hour highway to \$400.

PURPOSE

As proposed, S.B. 507 sets forth the guidelines for completion of a motorcycle operator training course for committing certain traffic offenses. Conforms sections 543.102 and 543.103, Transportation Code, to Section 1, Chapter 334, Acts of the 74th Legislature, 1995, and includes penalties associated with speeding on a 70 miles per hour section of highway.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 543.102 and 543.103, Transportation Code, to conform to Section 1, Chapter 334, Acts of the 74th Legislature, 1995, as follows:

Sec. 543.102. NOTICE OF RIGHT TO COMPLETE COURSE. Requires the court to advise a person charged with a misdemeanor under this subtitle, committed while operating a motorcycle, of the person's right to successfully complete a motorcycle operator training course. Provides that the right to complete a course does not apply to a person charged with speeding, if the complaint or notice to appear alleges that the person was driving at a speed of more than 90 miles per hour on a 70 mile per hour highway. Makes conforming changes.

Sec. 543.103. MANDATORY DEFERRAL. Requires the court to defer proceedings and allow a person 90 days to take a driving safety course approved under Article 4413(29c), V.T.C.S. (Texas Driver and Traffic Safety Education Act) or, if the offense was committed while operating a motorcycle, a motorcycle operator training course approved by the Department of Public Safety under Chapter 662. Requires the court to defer proceedings and allow a person 30 additional days to present written evidence that after the alleged violation the person successfully completed the motorcycle training course. Sets forth the conditions under which these two provisions apply. Provides that a person can enter a plea by sending

the notice to appear to the court by mail, rather than by certified mail return receipt requested.
Makes conforming and nonsubstantive changes.

SECTION 2. Amends Section 543.106(a), Transportation Code, to authorize the court to require a person requesting a driving safety course to pay a fee set by the court at an amount of not more than \$25, rather than \$10.

SECTION 3. Amends Chapter 545H, Transportation Code, by adding Section 545.366, as follows:

Sec. 545.366. PENALTY FOR SPEEDING ON 70-MILE-PER-HOUR HIGHWAY.
Provides that an offense of speeding on a portion of a highway for which the applicable speed limit is 70 miles per hour is a misdemeanor punishable by a fine not to exceed \$400.

SECTION 4. Amends 729.001, Transportation Code, by amending Subsection (c) and by adding Subsection (d), to make conforming changes.

SECTION 5. Provides that this Act conforms Sections 543.102 and 543.103, Transportation Code, to changes in law made by Section 1, Chapter 334, Acts of the 74th Legislature, 1995, relating to modification of Section 143A(a), Article 6701d, V.T.C.S. (Uniform Act Regulating Traffic on Highways). Provides that to the extent of any conflict, this Act prevails over another Act of the 75th Legislature, Regular Session, 1997, relating to nonsubstantive changes in enacted codes.

SECTION 6. Makes application of this Act prospective.

SECTION 7. Effective date: September 1, 1997.

SECTION 8. Emergency clause.