

BILL ANALYSIS

Senate Research Center
79R10062 JRJ-D

H.B. 370
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Transportation & Homeland Security
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Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, Article 45.0511, Code of Criminal Procedure requires a defendant charged with a speeding offense or other specified traffic offense to have a valid Texas driver's license or permit, among other requirements, in order to complete a driving safety course or a course under the motorcycle operator training and safety program in lieu of paying certain traffic fines. H.B. 370 provides military personnel serving on active duty, who have not completed a driving safety course in another state within the preceding 12 months, the same rights and considerations as Texas residents, by allowing them the option of taking a driver safety course in lieu of paying a fine.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subsections (b) and (c), Article 45.0511, Code of Criminal Procedure, as follows:

(b) Requires the judge to require the defendant to successfully complete a driving safety course approved by the Texas Education Agency or a course under the motorcycle operator training and safety program approved by the designated state agency under Chapter 622 (Motorcycle and Operating and Training Safety), Transportation Code, if the defendant does not have a valid Texas driver's license or permit, is a member of the United States military forces serving on active duty, and has not completed a driving safety course or motorcycle operator training course, as appropriate, in another state within 12 months preceding the date of the offense, and is the defendant is a member of the United States military forces serving on active duty. Makes nonsubstantive changes.

(c) Requires the court to enter judgment on the defendant's plea of no contest or guilty at the time the defendant 90 days to successfully complete the approved driving safety course or motorcycle operator training course and present to the court if the defendant does not have a valid Texas driver's license or permit and is a member of the United States military forces serving on active duty, an affidavit stating that the defendant was not taking a driving safety course or motorcycle operator training course, as appropriate, in another state on the date the request to take the course was made and had not completed such a course within the 12 months preceding the date of the offense. Makes nonsubstantive changes.

SECTION 2. Effective date: September 1, 2005.