

By: Guillen

H.B. No. 355

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the eligibility of commercial driver's license holders
3 for 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; and

17 (B) was operating a commercial motor vehicle, as
18 defined by Section 522.003, Transportation Code, at the time the
19 offense was committed.

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

22 (b) The judge shall require the defendant to successfully
23 complete a driving safety course approved by the Texas Education
24 Agency or a course under the motorcycle operator training and

1 safety program approved by the designated state agency under
2 Chapter 662, Transportation Code, if:

3 (1) the defendant elects driving safety course or
4 motorcycle operator training course dismissal under this article;

5 (2) the defendant:

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

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

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

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

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

23 (4) the defendant:

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

26 (B) is a member, or the spouse or dependent child
27 of a member, of the United States military forces serving on active

1 duty;

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

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

5 (B) 25 miles per hour or more over the posted
6 speed limit; ~~and~~

7 (6) the defendant provides evidence of financial
8 responsibility as required by Chapter 601, Transportation Code; and

9 (7) the defendant was not operating a commercial motor
10 vehicle, as defined by Section 522.003, Transportation Code, at the
11 time of the alleged offense.

12 SECTION 3. Article 45.0511(s), Code of Criminal Procedure,
13 is repealed.

14 SECTION 4. The change in law made by this Act applies only
15 to an offense committed on or after the effective date of this Act.
16 An offense committed before the effective date of this Act is
17 governed by the law in effect on the date the offense was committed,
18 and the former law is continued in effect for that purpose. For the
19 purposes of this section, an offense was committed before the
20 effective date of this Act if any element of the offense occurred
21 before that date.

22 SECTION 5. This Act takes effect September 1, 2013.