

BILL ANALYSIS

Senate Research Center

C.S.S.B. 507
By: Nixon
Jurisprudence
4-8-97
Committee Report (Substituted)

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. Additionally, Section 143(A), Article 6701d, V.T.C.S., was amended by Section 28, Chapter 1009, Acts of the 74th Legislature, 1995, relating to completion of a driving safety course. This bill sets forth the guidelines for completion of a motorcycle operator training course for committing certain traffic offenses and conforms Sections 543.102, 543.103 and 543.104, Transportation Code, to Section 1, Chapter 334, and Section 28, Chapter 1009, 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, C.S.S.B. 507 sets forth the guidelines for completion of a motorcycle operator training course for committing certain traffic offenses. C.S.S.B. 507 conforms sections 543.102, 543.103 and 543.104, Transportation Code, to Section 1, Chapter 334, and Section 28, Chapter 1009, Acts of the 74th Legislature, 1995. C.S.S.B. 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, 543.103 and 543.104, Transportation Code, to conform to Section 1, Chapter 334, and Section 28, Chapter 1009, 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 60, rather than 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 (DPS) 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. Makes conforming and nonsubstantive changes.

Sec. 543.104. PERMISSIVE DEFERRAL. Authorizes the court, on a written motion submitted to the court before the final disposition of the case, to defer proceedings and allow a person 60, rather than 90, days to take a driving safety course approved under the Texas Driver and Traffic Safety Education Act (Article 4413(29c), V.T.C.S.) or, if the offense was committed while operating a motorcycle, a motorcycle operator training course approved by DPS under Chapter 662; and 30 additional days to present, among other items, written evidence that after the alleged violation the person successfully completed the motorcycle operator training course. Makes conforming 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 \$15, 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 highway where the applicable speed limit is 70 miles per hour is a misdemeanor punishable by a fine not to exceed \$400 if it is established that the defendant was driving at a speed greater than 90 miles per hour.

SECTION 4. Amends Chapter 545H, Transportation Code, by adding Section 545.367, as follows:

Sec. 545.367. DRIVING SAFETY COURSE FOR CERTAIN SPEEDING OFFENSES. Requires the court, if it is established that a person convicted of an offense under this subchapter was driving at a speed greater than 90 miles per hour, to order the person, in addition to any penalty imposed, to successfully complete a driving safety course approved under the Texas Driver and Traffic Safety Education Act (Article 4413(29c), V.T.C.S.).

SECTION 5. Amends Section 729.001, Transportation Code, by amending Subsection (c) and by adding Subsection (d), to provide that an offense by a person to which this section applies of speeding on a highway where the applicable speed limit is 70 miles per hour is a misdemeanor punishable by a fine of not more than \$200 if it is established that the defendant was driving at a speed greater than 70 miles per hour but not greater than 90 miles per hour; or \$400 if it is established that the defendant was driving at a speed greater than 90 miles per hour. Makes conforming changes.

SECTION 6. Amends Article 42.111, Code of Criminal Procedure, to authorize the court, if the defendant enters a plea of guilty or nolo contendere, to defer further proceedings without entering an adjudication of guilt in the same manner as provided for the deferral of proceedings in justice court or municipal court under Article 45.54 of this code, including the provisions of that article relating to completion of a driving safety course for an offense involving the operation of a motor vehicle, other than a commercial motor vehicle. Makes standard recodification changes.

SECTION 7. Amends Articles 45.54(1), (2), and (3), Code of Criminal Procedure, to require the justice, during a deferral period, to require the defendant to successfully complete a driving safety course approved under the Texas Driver and Traffic Safety Education Act (Article 4413(29c), V.T.C.S.), rather than one approved under the Central Education Agency, if the offense alleged is an offense of a motor vehicle, as defined by Section 522.003, Transportation Code. Deletes requirements for the deferral period that the defendant has completed an approved driving safety course within the preceding 12 months; or is a first time offender who elects deferred adjudication. Deletes text authorizing the judge, during the deferral period, to require, among other actions, the defendant to successfully complete a Central Education Agency approved driving course under certain conditions. Makes conforming and standard recodification changes.

SECTION 8. Provides that this Act conforms Sections 543.102, 543.103 and 543.104, Transportation Code, to changes in law made by Section 1, Chapter 334, and Section 28, Chapter 1009, Acts of the 74th Legislature, 1995.

SECTION 9. Makes application of this Act prospective.

SECTION 10. Effective date: September 1, 1997.

SECTION 11 Emergency clause.

SUMMARY OF COMMITTEE CHANGES

Revises proposed relating clause.

SECTION 1.

Amends Section 543.103, Transportation Code, to revise changes to Subsections (a) and (b).
Amends Section 543.104, Transportation Code, to set forth conforming changes.

SECTION 2.

Amends Section 143.106(a), Transportation Code, to replace the proposed \$25 limit with a \$15 limit.

SECTION 3.

Amends Chapter 545H, Transportation Code, to revise changes to Section 545.366, Transportation Code.

SECTION 4.

Amends Chapter 545H, Transportation Code, to add Section 545.367.

SECTION 5.

Amends Section 729.001, Transportation Code, to revise changes to Subsection (d).
Previously designated as SECTION 4.

SECTION 6.

Amends Section 42.111, Code of Criminal Procedure, to make conforming and standard recodification changes.

SECTION 7.

Amends Section 45.54, Code of Criminal Procedure, to revise Subsections (1)-(3).

SECTION 8.

Revises proposed session law. Previously designated as SECTION 5.

SECTIONS 9-11.

Previously designated as SECTIONS 6-8.