

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1005
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Criminal Justice
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Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Driving safety courses are effective in reducing traffic offenses and accidents for those who successfully complete a course. In recent years, with the development of online Internet courses, the driving safety courses have become more accessible and convenient. A young driver who successfully completes the course also has the benefit of having the traffic offense not included on his or her driving record and, in some cases, receiving a discount on car insurance

C.S.S.B. 1005 requires a young driver who commits a traffic offense to take a driving safety course approved by the Texas Education Agency or complete a driver's examination given by the Department of Public Safety. C.S.S.B. 1005 seeks to reduce the number of traffic offenses and accidents involving drivers under the age of 25 by increasing drivers' knowledge of safe driving and creating an awareness of the dangers of driving negligently or under the influence of alcohol or drugs.

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 Article 45.051, Code of Criminal Procedure, by amending Subsections (b) and (d) and adding Subsections (b-1), (b-2), (b-3), and (d-1), as follows:

(b) Authorizes the judge, during the deferral period and at the judge's discretion, to require the defendant to meet certain requirements, including completing a driving safety course approved under Chapter 1001 (Driver and Traffic Safety Education), Education Code, rather than the Texas Driver and Traffic Safety Education Act (Article 4413 (29c), V.T.C.S.), or another course as directed by the judge.

(b-1) Provides that, if the defendant is younger than 25 years of age and the offense committed by the defendant is a traffic offense classified as a moving violation, Subsection (b)(8) does not apply and requires the judge to require the defendant, during the deferral period, to complete a driving safety course and, if the defendant holds a provisional license, an examination by the Department of Public Safety (DPS).

(b-2) Requires a person examined by DPS, as required by Subsection (b-1), to pay a \$10 examination fee.

(b-3) Requires the fee collected under Subsection (b-2) to be deposited to the credit of a special account in the general revenue fund and authorizes the fees to be used only by DPS for the administration of Chapter 521 (Driver's Licenses and Certificates), Transportation Code.

(d) Provides that this subsection does not apply to a defendant required under Subsection (b-1) to complete a driving safety course approved under Chapter 1001, Education Code, or an examination under Section 521.161(b)(2) (relating to a physical driver's examination), Transportation Code.

(d-1) Requires the judge to impose the fine assessed if the defendant was required to complete a driving safety course or an examination under Subsection (b-1) and, by the conclusion of the deferral period, the defendant does not present satisfactory evidence that the course was completed. Provides that the imposition of the fine constitutes a final conviction of the defendant.

SECTION 2. Amends Article 45.0511, Code of Criminal Procedure, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Makes a conforming change.

(a-1) Provides that, if the defendant is younger than 25 years of age, this article applies to certain alleged offenses.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2005.