

**CHAPTER 88**

H.B. No. 1084

AN ACT

relating to the offense of overtaking and passing a school bus; providing a penalty.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 104, Uniform Act Regulating Traffic on Highways (Article 6701d Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 104. OVERTAKING AND PASSING SCHOOL BUS. (a) The driver of a vehicle upon a highway inside or outside of a business or residence district upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children shall stop the vehicle before reaching such school bus when there is in operation on said school bus a visual signal as specified in Section 124 of this Act, and said driver shall not proceed until such school bus resumes motion or is signaled by the school bus driver to proceed or the visual signals are no longer actuated. [A violation of this subsection is punishable by a fine of not less than \$50 nor more than \$200.]

(b) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

(c) An offense under this section is punishable by a fine of not less than \$200 and not more than \$1,000.

(d) On conviction of a person of a second or subsequent offense under this section, the court may order that the person's driver's license be suspended for a period of up to six months beginning on the date of conviction. In this subsection, "driver's license" has the meaning assigned by Section 1, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes).

(e) If a person fails to pay a previously assessed fine or costs on a conviction under this section, or is determined by the court to have insufficient resources or income to pay a fine or costs on a conviction under this section, the court may order the person to perform community service. The court shall set the number of hours of service under this subsection.

SECTION 2. Section 143A(a), Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) When a person is charged with a misdemeanor offense under this Act, other than a violation of Section 39, 40, 51, 104, or 186 or a serious traffic violation as defined in Section 3(26), Texas Commercial Driver's License Act (Article 6687b-2, Revised Statutes), committed while operating a motor vehicle, the defendant shall be advised by the court of his right to successfully complete a driving safety course and the court:

(1) in its discretion may defer proceedings and allow the person 90 days to present a uniform certificate of course completion as evidence that, subsequent to the alleged act, the person has successfully completed a driving safety course approved under the Texas Driver and Traffic Safety Education Act (Article 4413(29c), Vernon's Texas Civil Statutes); or

(2) shall defer proceedings and allow the person 90 days to present a uniform certificate of course completion as written evidence that, subsequent to the alleged act, the person has successfully completed a driving safety course approved under the Texas Driver and Traffic Safety Education Act (Article 4413(29c), Vernon's Texas Civil Statutes), if:

(A) the person enters a plea in person or in writing of No Contest or Guilty and presents to the court an oral request or a written request, in person or by mail postmarked on or before the answer date on the citation, to take a course;

(B) the court enters judgment on the person's plea of No Contest or Guilty at the time the plea is made but defers imposition of the judgment for 90 days;

(C) the person has a valid Texas driver's license or permit;

(D) the person's driving record as maintained by the Texas Department of Public Safety does not indicate successful completion of a driving safety course under this subdivision within the one year immediately preceding the date of the alleged offense;

(E) the person files an affidavit with the court stating that the person is not in the process of taking a course under this subdivision and has not completed a course under this subdivision that is not yet reflected on the person's driving record;

(F) the offense charged is for an offense covered by this section other than speeding 25 miles per hour or more over the posted speed limit at the place where the alleged offense occurred; and

(G) the person provides proof of financial responsibility as required by Section 1A, Texas Motor Vehicle Safety-Responsibility Act (Article 6701h, Vernon's Texas Civil Statutes).

SECTION 3. (a) This Act takes effect September 1, 1993.

(b) The changes in law made by this Act apply only to offenses committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and that law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before the effective date.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on April 1, 1993, by a non-record vote; the House concurred in Senate amendments to H.B. No. 1084 on April 26, 1993, by a non-record vote; passed by the Senate, with amendments, on April 21, 1993, by a viva-voce vote.

Approved May 4, 1993.

Effective Sept. 1, 1993.