

## CHAPTER 502

## H.B. No. 273

## AN ACT

relating to certain actions affecting a person's driver's license and to the dismissal of certain misdemeanor charges upon completing a driving safety course.

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

SECTION 1. Section 30, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 30. It shall be unlawful for any person to act as a driver of a motor vehicle who is addicted to the use of alcohol or a controlled substance, or who has been adjudged mentally incompetent and has not been restored to competency by judicial decree or released from a hospital for the mentally incompetent upon a certificate of the superintendent that such person is competent. *A finding that a person is addicted to the use of alcohol or a controlled substance must be based on a determination by the court that the person is psychologically or physiologically dependent on alcohol or a controlled substance.* Any finding by any court of competent jurisdiction that any person holding a driver's license is mentally incompetent or addicted to the use of alcohol or a controlled substance shall carry with it a revocation of the driver's license. It shall be the duty of the clerk of any court in which such findings are made, to certify same to the Department within ten (10) days.

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

Sec. 143A. DISMISSAL OF CERTAIN MISDEMEANOR CHARGES UPON COMPLETING DRIVING SAFETY COURSE. (a) When a person is charged with a misdemeanor offense under this Act, other than a violation of Section 51, committed while operating a motor vehicle, the court:

(1) in its discretion may defer proceedings and allow the person 90 days to present evidence that, subsequent to the alleged act, the person has successfully completed a defensive driver's course approved by the Texas Department of Public Safety or other driving safety course approved by the court; or

(2) shall defer proceedings and allow the person 90 days to present written evidence that, subsequent to the alleged act, the person has successfully completed a defensive driver's course approved by the Texas Department of Public Safety or another driving safety course approved by the court, if:

(A) the person *enters a plea either in person or in writing of no contest or guilty and presents to the court an oral or written request* [~~or written motion~~] to take a course;

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

(C) 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 two years immediately preceding the date of the alleged offense, *and the person is not in the process of taking a course under this subdivision nor has completed a course under this subdivision that is not yet reflected on his driving record.*

(b) When the person complies with the provisions of Subsection (a) of this section and the evidence presented is accepted by the court, the court shall dismiss the charge; *provided, however, that only one offense may be dismissed under one defensive driving course.*

When a charge is dismissed under this section, the charge may not be part of the person's driving record or used for any purpose. *Insurance companies are specifically prohibited from increasing or charging a fee or premium as a result of the defensive driving course or the alleged offense,* but the court shall report the fact that a person has successfully completed a driving safety course and the date of completion to the Texas Department of Public Safety for inclusion in the person's driving record. The court shall note in its report whether the course was taken under the procedure provided by Subdivision (2) of Subsection (a) of this section for the purpose of providing information necessary to determine eligibility to take a subsequent course under that subdivision.

(c) *The court may, at its option, require the person requesting a defensive driving course to pay a fee not to exceed \$10 to cover the expense of administering this Act. Fees collected under this Act by municipal courts shall be deposited in the municipal treasury. Fees collected by other courts shall be deposited in the county treasury of the county where the court is located.*

SECTION 3. Section 1 of this Act takes effect September 1, 1987.

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 May 15, 1987, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 273 on May 31, 1987, by a non-record vote. Passed by the Senate, with amendments, on May 30, 1987, by a viva-voce vote.

Approved June 17, 1987.

Effective Aug. 31, 1987, 90 days after date of adjournment, except § 1 effective Sept. 1, 1987.