

Amend CSHB 3588 by adding the following appropriately numbered articles and renumbering subsequent articles accordingly:

ARTICLE ____ . DRIVER RESPONSIBILITY

SECTION ____ .01. Subtitle I, Title 7, Transportation Code, is amended by adding Chapter 708 to read as follows:

CHAPTER 708. DRIVER RESPONSIBILITY PROGRAM

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 708.001. DEFINITIONS. In this chapter, "department" and "license" have the meanings assigned by Section 521.001.

Sec. 708.002. RULES. The department shall adopt and enforce rules to implement and enforce this chapter.

Sec. 708.003. FINAL CONVICTIONS. For purposes of this chapter, a conviction for an offense to which this chapter applies is a final conviction, regardless of whether the sentence is probated.

[Sections 708.004-708.050 reserved for expansion]

SUBCHAPTER B. DRIVER'S LICENSE POINTS SURCHARGE

Sec. 708.051. NONAPPLICABILITY. This subchapter does not apply to:

(1) a conviction that became final before September 1, 2003; or

(2) an offense covered by Subchapter C.

Sec. 708.052. ASSIGNMENT OF POINTS FOR CERTAIN CONVICTIONS. (a) The driver's license of a person accumulates a point under this subchapter as of the date the department records a conviction of the person under Section 521.042 or other applicable law.

(b) For each conviction arising out of a separate transaction, the department shall assign points to a person's license as follows:

(1) two points for a moving violation of the traffic law of this state or another state that is not described by Subdivision (2); and

(2) three points for a moving violation of the traffic law of this state, another state, or a political subdivision of this or another state that resulted in an accident.

(c) The department by rule shall designate the offenses that

constitute a moving violation of the traffic law under this section.

(d) Notwithstanding Subsection (b), the department may not assign points to a person's driver's license if the offense of which the person was convicted is the offense of speeding and the person was at the time of the offense driving less than 10 percent faster than the posted speed limit. This subsection does not apply to an offense committed in a school crossing zone as defined by Section 541.302.

(e) Notwithstanding Subsection (b), the department may not assign points to a person's license if the offense committed by the person was adjudicated under Article 45.051(c-1) or 45.0511(1)(1), Code of Criminal Procedure.

Sec. 708.053. ANNUAL SURCHARGE FOR POINTS. Each year, the department shall assess a surcharge on the license of a person who has accumulated six or more points under this subchapter during the preceding 36-month period.

Sec. 708.054. AMOUNT OF POINTS SURCHARGE. The amount of a surcharge under this chapter is \$100 for the first six points and \$25 for each additional point.

Sec. 708.055. NOTICE OF ASSIGNMENT OF FIFTH POINT. The department shall notify the holder of a driver's license of the assignment of a fifth point on that license by first class mail sent to the person's most recent address as shown on the records of the department.

[Sections 708.056-708.100 reserved for expansion]

SUBCHAPTER C. SURCHARGES FOR CERTAIN CONVICTIONS
AND LICENSE SUSPENSIONS

Sec. 708.101. NONAPPLICABILITY. This subchapter does not apply to a conviction that became final before September 1, 2003.

Sec. 708.102. SURCHARGE FOR CONVICTION OF CERTAIN INTOXICATED DRIVER OFFENSES. (a) In this section, "offense relating to the operating of a motor vehicle while intoxicated" has the meaning assigned by Section 49.09, Penal Code.

(b) Each year the department shall assess a surcharge on the license of each person who during the preceding 36-month period has been finally convicted of an offense relating to the operating of a

motor vehicle while intoxicated.

(c) The amount of a surcharge under this section is \$1,000 per year, except that the amount of the surcharge is:

(1) \$1,500 per year for a second or subsequent conviction within a 36-month period; and

(2) \$2,000 for a first or any subsequent conviction if it is shown on the trial of the offense that an analysis of a specimen of the person's blood, breath, or urine showed an alcohol concentration level of 0.16 or more at the time the analysis was performed.

(d) A surcharge under this section for the same conviction may not be assessed in more than three years.

Sec. 708.103. SURCHARGE FOR CONVICTION OF DRIVING WHILE LICENSE INVALID OR WITHOUT FINANCIAL RESPONSIBILITY. (a) Each year the department shall assess a surcharge on the license of each person who during the preceding 36-month period has been convicted of an offense under Section 521.457, 601.191, or 601.371.

(b) The amount of a surcharge under this section is \$250 per year.

Sec. 708.104. SURCHARGE FOR CONVICTION OF DRIVING WITHOUT VALID LICENSE. (a) Each year the department shall assess a surcharge on the license of a person who during the preceding 36-month period has been convicted of an offense under Section 521.021.

(b) The amount of a surcharge under this section is \$100 per year.

(c) A surcharge under this section for the same conviction may not be assessed in more than three years.

[Sections 708.105-708.150 reserved for expansion]

SUBCHAPTER D. COLLECTION OF SURCHARGES

Sec. 708.151. NOTICE OF SURCHARGE. The department shall notify the holder of a driver's license of the assessment of a surcharge on that license by first class mail sent to the person's most recent address as shown on the records of the department. The notice must specify the date by which the surcharge must be paid and state the consequences of a failure to pay the surcharge.

Sec. 708.152. FAILURE TO PAY SURCHARGE. (a) If before the

30th day after the date the department sends a notice under Section 708.151 the person fails to pay the amount of a surcharge on the person's license or fails to enter into an installment payment agreement with the department, the license of the person is automatically suspended.

(b) A license suspended under this section remains suspended until the person pays the amount of the surcharge and any related costs.

Sec. 708.153. INSTALLMENT PAYMENT OF SURCHARGE. (a) The department by rule shall provide for the payment of a surcharge in installments.

(b) A rule under this section:

(1) may not permit a person to pay a surcharge:

(A) of less than \$2,300 over a period of more than 12 consecutive months; or

(B) of \$2,300 or more over a period of more than 24 consecutive months; and

(2) may provide that if the person fails to make a required installment payment, the department may declare the amount of the unpaid surcharge immediately due and payable.

Sec. 708.154. CREDIT CARD PAYMENT OF SURCHARGE. (a) The department by rule may authorize the payment of a surcharge by use of a credit card. The rules shall require the person to pay all costs incurred by the department in connection with the acceptance of the credit card.

(b) If a surcharge or a related cost is paid by credit card and the amount is subsequently reversed by the issuer of the credit card, the license of the person is automatically suspended.

(c) A license suspended under this section remains suspended until the person pays the amount of the surcharge and any related costs.

Sec. 708.155. CONTRACTS FOR COLLECTION OF SURCHARGES. The department may enter into a contract with a private attorney or a public or private vendor for the provision of services for the collection of surcharges receivable under this chapter.

Sec. 708.156. REMITTANCE OF SURCHARGES COLLECTED TO COMPTROLLER. Each surcharge collected by the department under

this chapter shall be remitted to the comptroller as required by Section 780.002, Health and Safety Code.

SECTION _____.02. Subtitle B, Title 9, Health and Safety Code, is amended by adding Chapter 780 to read as follows:

CHAPTER 780. TRAUMA FACILITIES AND
EMERGENCY MEDICAL SERVICES

Sec. 780.001. DEFINITIONS. In this chapter:

(1) "Account" means the designated trauma facility and emergency medical services account established under Section 780.003.

(2) "Commissioner" means the commissioner of public health.

(3) "Department" means the Texas Department of Health.

Sec. 780.002. DEPOSITS TO ACCOUNT. (a) On the first Monday of each month, the Department of Public Safety shall remit the surcharges collected during the previous month under the driver responsibility program operated by that department under Chapter 708, Transportation Code, to the comptroller.

(b) The comptroller shall deposit 49.5 percent of the money received under Subsection (a) to the credit of the account established under this chapter and 49.5 percent of the money to the general revenue fund. The remaining one percent of the amount of the surcharges shall be deposited to the general revenue fund and may be appropriated only to the Department of Public Safety for administration of the driver responsibility program operated by that department under Chapter 708, Transportation Code.

(c) Notwithstanding Subsection (b), in any state fiscal year the comptroller shall deposit 49.5 percent of the surcharges collected under Chapter 708, Transportation Code, to the credit of the general revenue fund only until the total amount of the surcharges deposited to the credit of the general revenue fund under Subsection (b), and the court costs deposited to the credit of that fund under Section 542.4031(g)(1), Transportation Code, equals \$250 million for that year. If in any state fiscal year the amount received by the comptroller under those laws exceeds \$250 million, the comptroller shall deposit 49.5 percent of the additional amount received under Subsection (a) to the account

established under this chapter and 49.5 percent of the additional amount to the credit of the Texas mobility fund.

Sec. 780.003. ACCOUNT. (a) The designated trauma facility and emergency medical services account is created as an account in the state treasury. Money in the account may be appropriated only to the department for the purposes described by Section 780.004.

(b) The account is composed of money deposited to the credit of the account under Section 780.002, and the earnings of the account.

(c) Sections 403.095 and 404.071, Government Code, do not apply to the account.

Sec. 780.004. PAYMENTS FROM THE ACCOUNT. (a) The commissioner, with advice and counsel from the chairpersons of the trauma service area regional advisory councils, shall use money appropriated from the account established under this chapter to fund designated trauma facilities, county and regional emergency medical services, and trauma care systems in accordance with this section.

(b) The commissioner shall maintain a reserve of \$500,000 of money appropriated from the account for extraordinary emergencies.

(c) In any fiscal year, the commissioner shall use at least 96 percent of the money appropriated from the account, after any amount necessary to maintain the reserve established by Subsection (b) is deducted, to fund a portion of the uncompensated trauma care provided at facilities designated as state trauma facilities by the department or an undesignated facility in active pursuit of designation. Funds may be disbursed under this subsection based on a proportionate share of uncompensated trauma care provided in the state and may be used to fund innovative projects to enhance the delivery of patient care in the overall emergency medical services and trauma care system.

(d) In any fiscal year, the commissioner shall use not more than two percent of the money appropriated from the account, after any amount necessary to maintain the reserve established by Subsection (b) is deducted, to fund, in connection with an effort to provide coordination with the appropriate trauma service area, the cost of supplies, operational expenses, education and training,

equipment, vehicles, and communications systems for local emergency medical services. The money shall be distributed on behalf of eligible recipients in each county to the trauma service area regional advisory council for that county. To receive a distribution under this subsection, the regional advisory council must be incorporated as an entity that is exempt from federal income tax under Section 501(a), Internal Revenue Code of 1986, and its subsequent amendments, by being listed as an exempt organization under Section 501(c)(3) of the code. The share of the money allocated to the eligible recipients in a county's geographic area shall be based on the relative geographic size and population of the county and on the relative number of emergency or trauma care runs performed by eligible recipients in the county. Money that is not disbursed by a regional advisory council to eligible recipients for approved functions by the end of the fiscal year in which the funds were disbursed shall be returned to the department to be used in accordance with Subsection (c).

(e) In any fiscal year, the commissioner may use not more than one percent of the money appropriated from the account, after any amount necessary to maintain the reserve established by Subsection (b) is deducted, for operation of the 22 trauma service areas and for equipment, communications, and education and training for the areas. Money distributed under this subsection shall be distributed on behalf of eligible recipients in each county to the trauma service area regional advisory council for that county. To receive a distribution under this subsection, the regional advisory council must be incorporated as an entity that is exempt from federal income tax under Section 501(a), Internal Revenue Code of 1986, and its subsequent amendments, by being listed as an exempt organization under Section 501(c)(3) of the code. A regional advisory council's share of money distributed under this section shall be based on the relative geographic size and population of each trauma service area and on the relative amount of trauma care provided. Money that is not disbursed by a regional advisory council to eligible recipients for approved functions by the end of the fiscal year in which the funds were disbursed shall be returned to the department to be used in accordance with Subsection (c).

(f) In any fiscal year, the commissioner may use not more than one percent of money appropriated from the account, after any amount necessary to maintain the reserve established by Subsection (b) is deducted, to fund the administrative costs of the bureau of emergency management of the department associated with administering the trauma program, the state emergency medical services program, and the account and to fund the costs of monitoring and providing technical assistance for those programs and that account.

(g) In a trauma service area that includes a county with a population of 3.3 million or more, a trauma service area regional advisory council may enter into an agreement with a regional council of governments to execute its responsibilities and functions under this chapter.

(h) For purposes of this section "pursuit of designation" means:

(1) submission of an application with the state or appropriate agency for trauma verification and designation not later than December 31, 2003;

(2) submission of data to the department trauma registry, provided that only data submitted to the trauma registry on or after September 1, 2003, will qualify for consideration of reimbursement under this program;

(3) participation in trauma service area regional advisory council initiatives on or before December 31, 2003; and

(4) creation of a hospital trauma performance committee not later than December 31, 2003.

(i) If trauma designation is not attained by an undesignated facility in active pursuit of designation on or before December 31, 2005, any funds received by the undesignated facility for unreimbursed trauma services must be returned to the state.

Sec. 780.0045. PAYMENT TO PHYSICIANS. (a) Each designated state trauma facility that receives funds under Section 780.004(c) shall distribute a portion of those funds to physicians on the medical staff of the facility to offset the costs of the uncompensated trauma care provided by the physicians.

(b) Each designated state trauma facility that receives

funds under Section 780.004(c) shall develop, in accordance with rules adopted by the department, a physician compensation distribution plan that recognizes the other distribution plans or contracts under which physicians provide trauma care at the facility.

Sec. 780.005. CONTROL OF EXPENDITURES FROM THE ACCOUNT. Money distributed under Section 780.004 shall be used in compliance with Sections 780.004 and 780.0045 on the authorization of the executive committee of the trauma service area regional advisory council.

Sec. 780.006. LOSS OF FUNDING ELIGIBILITY. For a period of not less than one year or more than three years, as determined by the commissioner, the department may not disburse money under Section 780.004 to a county, municipality, or local recipient that the commissioner finds used money in violation of that section.

SECTION ____ .03. Not later than December 1, 2004, the Texas Department of Health shall submit to the lieutenant governor and the speaker of the house of representatives a report concerning the use of money under Chapter 780, Health and Safety Code, as added by this article, and any recommended changes to law to ensure appropriate funding and coordination of services.

SECTION ____ .04. The Texas Department of Health shall adopt rules to implement Section 780.0045, Health and Safety Code, as added by this article, as soon as practicable but not later than June 1, 2004.

ARTICLE ____ . DISPOSITION OF DEPARTMENT OF
PUBLIC SAFETY FEES

SECTION ____ .01. Subchapter C, Chapter 521, Transportation Code, is amended by adding Section 521.058 to read as follows:

Sec. 521.058. DISPOSITION OF FEES. Each fee collected under this subchapter shall be deposited to the credit of the Texas mobility fund.

SECTION ____ .02. Section 521.313, Transportation Code, is amended by adding Subsection (c) to read as follows:

(c) Each fee collected under this section shall be deposited to the credit of the Texas mobility fund.

SECTION ____ .03. Section 521.3466, Transportation Code, is

amended by adding Subsection (e) to read as follows:

(e) Each fee collected under this section shall be deposited to the credit of the Texas mobility fund.

SECTION _____.04. Subchapter R, Chapter 521, Transportation Code, is amended by adding Section 521.427 to read as follows:

Sec. 521.427. DISPOSITION OF FEES. (a) Except as provided by Subsections (b) and (c), each fee collected under this subchapter shall be deposited to the credit of the Texas mobility fund.

(b) Subsection (a) does not apply to:

(1) the portion of a fee collected under Section 521.421(b) or Section 521.421(f), as added by Chapter 1156, Acts of the 75th Legislature, Regular Session, 1997, that is required by Section 662.011 to be deposited to the credit of the motorcycle education fund account;

(2) a fee collected under Section 521.421(f), as added by Chapter 510, Acts of the 75th Legislature, Regular Session, 1997;

(3) a fee collected under Section 521.421(g); or

(4) a fee collected under Section 521.422(b) or (c).

(c) The first \$90,500,254 of fees to which Subsection (a) applies that are collected during the state fiscal biennium ending August 31, 2005, shall be deposited to the credit of the general revenue fund. This subsection expires September 1, 2005.

SECTION _____.05. Section 522.029, Transportation Code, is amended by adding Subsection (i) to read as follows:

(i) Except as provided by Section 662.011, each fee collected under this section shall be deposited to the credit of the Texas mobility fund.

SECTION _____.06. Section 524.051, Transportation Code, is amended by adding Subsection (c) to read as follows:

(c) Each fee collected under this section shall be deposited to the credit of the Texas mobility fund.

SECTION _____.07. Subchapter H, Chapter 548, Transportation Code, is amended by adding Section 548.508 to read as follows:

Sec. 548.508. DISPOSITION OF FEES. Except as provided by Sections 382.037 and 382.0622, Health and Safety Code, and Section

548.5055, each fee collected by the department under this subchapter shall be deposited to the credit of the Texas mobility fund.

SECTION _____.08. Section 644.153, Transportation Code, is amended by adding Subsection (i) to read as follows:

(i) Each penalty collected under this section shall be deposited to the credit of the Texas mobility fund.

SECTION _____.09. Section 724.046, Transportation Code, is amended by adding Subsection (c) to read as follows:

(c) Each fee collected under this section shall be deposited to the credit of the Texas mobility fund.

SECTION _____.10. Section 521.055(d), Transportation Code, is repealed.

SECTION _____.11. This article applies only to a fee or penalty collected on or after the effective date of this Act.

ARTICLE _____. MISCELLANEOUS PROVISIONS

SECTION _____.01. (a) Subchapter D, Chapter 542, Transportation Code, is amended by adding Section 542.4031 to read as follows:

Sec. 542.4031. ADDITIONAL COURT COST. (a) In addition to other costs, including a cost under Section 542.403, a person convicted of an offense under this subtitle shall pay \$30 as a court cost.

(b) An officer collecting a cost due under this section in a case in municipal court shall keep separate records of the money collected and shall deposit the money in the municipal treasury.

(c) An officer collecting a cost due under this section in a justice, county, or district court shall keep separate records of the money collected and shall deposit the money in the county treasury.

(d) Each calendar quarter, an officer collecting a cost due under this section shall submit a report to the comptroller. The report must comply with Articles 103.005(c) and (d), Code of Criminal Procedure. If no money due as a cost under this section is collected in any quarter, the report required for that quarter shall be filed in the regular manner, and the report shall state that no money due under this section was collected.

(e) The custodian of money in a municipal or county treasury may deposit money collected under this section in an interest-bearing account. The custodian shall:

(1) keep records of the amount of money collected under this section that is on deposit in the treasury; and

(2) not later than the last day of the month following each calendar quarter, remit to the comptroller money collected under this section during the preceding quarter, as required by the comptroller.

(f) A municipality or county may retain five percent of the money collected under this section as a service fee for the collection if the municipality or county remits the funds to the comptroller within the period prescribed in Subsection (e). The municipality or county may retain any interest accrued on the money if the custodian of the money deposited in the treasury keeps records of the amount of money collected under this section that is on deposit in the treasury and remits the funds to the comptroller within the period prescribed in Subsection (e).

(g) Of the money received by the comptroller under this section, the comptroller shall deposit:

(1) 67 percent to the credit of the undedicated portion of the general revenue fund; and

(2) 33 percent to the credit of the designated trauma facility and emergency medical services account under Section 780.003, Health and Safety Code.

(h) Notwithstanding Subsection (g), in any state fiscal year the comptroller shall deposit court costs received under that subsection to the credit of the general revenue fund only until the total amount of the court costs deposited to the credit of the general revenue fund under that subsection and the surcharges deposited to the credit of that fund under Section 780.002(b), Health and Safety Code, equals \$250 million for that year. If in any state fiscal year the amount received by the comptroller under those laws exceeds \$250 million, the comptroller shall deposit the additional amount received under Subsection (g) to the credit of the Texas mobility fund.

(i) Money collected under this section is subject to audit

by the comptroller. Money spent is subject to audit by the state auditor.

(j) In this section a person is considered to have been convicted in a case if:

(1) a sentence is imposed;

(2) the person receives community supervision or deferred adjudication; or

(3) the court defers final disposition of the case.

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

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