

BILL ANALYSIS

C.S.H.B. 3203
By: Delisi
Law Enforcement
Committee Report (Substituted)

BACKGROUND AND PURPOSE

C.S.H.B. 3203 creates and implements a driver responsibility program that levies a surcharge on habitually bad drivers. The purpose of this bill is to both enhance public safety and shift some of the burden of accident-related costs from the general population to those people who accumulate moving violations or are convicted of certain driving-related offenses.

In 2000, according to the National Highway Traffic Safety Administration, Texas ranked first among the ten largest states in speeding and alcohol-related traffic fatalities, and second in total traffic fatalities. The total economic cost of fatalities, injuries, and property damage caused by vehicle crashes affect every Texas taxpayer by adding substantially to their tax burden. Much of this cost results from the expense of trauma care for accident victims for which hospitals and other care facilities must be reimbursed.

C.S.H.B. 3203 addresses both traffic safety and financial issues by assessing surcharges on the licenses of people who engage in activities that cause vehicle accidents and using the revenue to reimburse medical facilities for trauma care.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Department of Public Safety in SECTION 1 (Sections 707.002, 707.052, 707.153, and 707.154, Transportation Code) of this bill.

ANALYSIS

SECTION 1. C.S.H.B. 3203 adds Chapter 707, Driver Responsibility Program, to the Transportation Code, as follows:

SUBCHAPTER A. GENERAL PROVISIONS

Vests rulemaking authority to implement and enforce this chapter to the Department of Public Safety (DPS)

Provides that a conviction for an offense to which this chapter applies is a final conviction, regardless of whether the sentence is probated

SUBCHAPTER B. DRIVER'S LICENSE POINTS SURCHARGE

Provides that for each conviction of the traffic laws of this state or the analogous laws of another state arising out of a separate transaction, DPS shall assign points to a person's license as follows:

Seatbelt law violation—One point

Moving violation—Two points

Moving violation that results in an accident—Three points

Vests rulemaking authority in the Department of Public Safety to designate the offenses that constitute a moving violation under this section

Establishes that the surcharge assessed annually on the license of a person who has accumulated six (6) points under this subchapter during the preceding 36-month period is \$100, and the surcharge assessed for each additional point is \$25

Requires DPS to send notice by first-class mail when a person accumulates his or her fifth point

SUBCHAPTER C. SURCHARGES FOR CERTAIN CONVICTIONS AND LICENSE SUSPENSIONS

Requires DPS to assess the following surcharges each year on the driver's license of a person who has been convicted of one or more of the following offenses in the preceding 36-month period:

Intoxicated driver offenses

- \$1,000 annual surcharge
- \$1,500 for a third and subsequent conviction
- surcharge may not be assessed in more than three years for one conviction

License suspension for refusal to consent to blood or breath test

- \$1,000 annual surcharge
- \$1,500 for a third and subsequent license suspension
- surcharge may not be assessed in more than three years for one suspension

Driving while license invalid or suspended or driving without financial responsibility

- \$250 annual surcharge

Driving without valid license

- \$100 annual surcharge
- surcharge may not be assessed in more than three years for one conviction

If the conviction of the person for an offense relating to the operation of a motor vehicle while intoxicated and the suspension of the license of the person arose from the same transaction, DPS may assess points for the license suspension or the conviction of the intoxication offense, but not both.

SUBCHAPTER D. COLLECTION OF SURCHARGES

The bill provides that a person can pay the surcharges assessed under the driver responsibility program by credit card or in installments, and provides procedures for the collection of surcharges by these methods. The bill provides that failure to pay the surcharges results in driver's license suspensions and additional payments.

Requires DPS to send notice of the assessment of surcharges on a person's license by first-class mail to the person's most recent address and to specify in the notice the date by which the surcharge must be paid and the consequences for failure to pay

Allows DPS to enter into a contract with a private attorney or a private or public vendor to collect surcharges.

SECTION 2. C.S.H.B. 3203 adds Chapter 780, Trauma Facilities and Emergency Medical Services, to the Health and Safety Code, as follows:

SEC. 780.001. DEFINITIONS.

Defines "account," "commissioner," and "department" for the purposes of this section.

SEC. 780.002. DEPOSITS TO ACCOUNT.

Provides that DPS shall remit to the comptroller surcharges collected under the driver responsibility program, and provides that one percent of the collected surcharges will be appropriated to DPS for administration of the driver responsibility program.

SEC. 780.003. ACCOUNT.

Creates the trauma facility and emergency medical services account to which 99 percent of the surcharges will be deposited as an account in the state treasury. Money in this account may be appropriated only to the Texas Department of Health (TDH) for the purposes described in this chapter. The bill exempts this account from Section 403.095, relating to the use of dedicated revenue, and Section 404.071, relating to the disposition of interest on investments, of the Government Code.

SEC. 780.004. PAYMENTS FROM THE ACCOUNT.

Provides that the commissioner is required to use money appropriated from the account to fund designated trauma facilities, county and regional emergency medical services (EMS), and trauma care systems.

Requires the commissioner to maintain a reserve of \$500,000 for extraordinary emergencies.

The bill requires the commissioner to use at least 96% of the money in the account, calculated after deducting the \$500,000 reserve, to fund a portion of the uncompensated trauma care provided at facilities designated by TDH. The administrator of a designated facility is authorized to request a regional advisory council chairperson to petition TDH for disbursement of funds to a designated trauma facility in the chairperson's service area that has provided uncompensated care. The bill allows funds to be disbursed 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 EMS and trauma care system.

The bill prohibits the commissioner from using more than 2% of the money in the account, calculated after deducting the \$500,000 reserve, to fund the cost of supplies, operational expenses, education and training, equipment, vehicles, and communication systems for local EMS services. The bill provides detailed limitations and procedures regarding such disbursements.

The bill prohibits the commissioner from using more than 1% of the money in the account, calculated after deducting the \$500,000 reserve, for operation of the 22 trauma service areas and for equipment, communications, and education and training for the areas. The bill provides detailed limitations and procedures regarding such disbursements.

The bill prohibits the commissioner from using more than 1% of the money in the account, calculated after deducting the \$500,000 reserve, to fund the administrative costs of the bureau of emergency management of the department associated with administering the trauma program, the state EMS program, and the account.

SEC. 780.005. CONTROL OF EXPENDITURES FROM THE ACCOUNT.

Provides the executive committee of the trauma service area regional advisory council control of distributions of the account created by this Act

Sec. 780.006. Loss of Funding Eligibility.

Prohibits TDH from disbursing money from the account for one to three years, at the discretion of the commissioner, to any county, municipality, or local recipient that the commissioner finds used money in violation of Section 780.004 created by this Act.

SECTION 3. Effective Date.

SECTION 4. TDH Report.

Requires TDH to submit a report to the lieutenant governor and the speaker of the house, no later than December 1, 2004, concerning the use of money under this chapter and recommending any changes to the law to ensure appropriate funding and coordination of services.

EFFECTIVE DATE

This Act takes effect September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

SECTION 1. Chapter 707, Transportation Code, Driver Responsibility Program

Under Subchapter A, C.S.H.B. 3203 amends the original by deleting language setting forth the purposes of Chapter 707, Transportation Code, as added by this Act. The substitute adds language granting general rulemaking authority to the Department of Public Safety (DPS) to implement and enforce Chapter 707 and provides that a conviction for an offense to which Chapter 707 applies is a final conviction, regardless of any probation of the sentence.

Under Subchapter B, C.S.H.B. 3203 amends the original by granting rulemaking authority to DPS specifically to designate the offenses that constitute a moving violation for purposes of the driver's license points surcharge. The original grants rulemaking authority to DPS to assess the accumulation of points under the driver responsibility program. The substitute amends the original by adding language requiring DPS to send notice to a person when the person's driver's license has been assessed its fifth point.

Under Subchapter D, C.S.H.B. 3203 amends the original bill by adding a provision requiring DPS to provide notice of the assessment of a surcharge, the date by which the surcharge must be paid, and the consequences of failure to pay.

The substitute provides that DPS has rulemaking authority to authorize the payment of a surcharge by use of credit card and requires DPS to make rules regarding payment by installments. The original granted rulemaking authority to DPS requiring the department to make rules regarding payment of the surcharge and authorizing the department to make rules regarding payment by credit card and in installments.

If a credit card payment by an offender is reversed by the issuer of the credit card, the substitute provides that the license is suspended until the person pays the amount of the surcharge and any related costs and the reinstatement fee. The original provided that the license was suspended and the person was subject to the same fee imposed for the issuance of a bad check.

The substitute requires that the surcharges collected under this chapter by the department be remitted to the comptroller as required by Chapter 780, Trauma Facilities and Emergency Medical Services, created by this bill. The original required the department to send the surcharges collected to the comptroller for deposit in a tertiary account under Section 46.003 of the Health and Safety Code specifically for reimbursement of tertiary medical services.

The substitute amends the original by adding a section allowing DPS to contract with a private attorney or a public or private vendor for the collection of surcharges.

SECTION 2. Chapter 780, Health and Safety Code, Trauma Facilities and Emergency Medical Services

C.S.H.B. 3203 amends the original bill by adding SECTION 2, which creates a designated trauma facility

and emergency medical services account within the state treasury, provides procedures for making deposits of surcharges into the account, and provides procedures and limitations on disbursements from the account.