

By: Wilson

H.B. No. 3147

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to various fees collected by certain state and local  
3 agencies and to the imposition of new fees in connection with  
4 functions of certain state and local agencies.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Chapter 521.055, Transportation Code, is amended  
7 to read as follows:

8 Sec. 521.055. ESTABLISHMENT OF INTERACTIVE  
9 SYSTEM. (a) The department may establish a system, separate from  
10 the department's mainframe computer, that will allow interactive  
11 access to certain driver's license record information.

12 (b) The system may provide for the release of the following  
13 information:

14 (1) the status check described in Section 521.045; and

15 (2) the three-year driving record under Section  
16 521.046.

17 (c) The fee for a status check under Subsection (b)(1) is  
18 \$2.50. The fee for a three-year driving record under Subsection  
19 (b)(2) is \$10 [~~\$4.50~~].

20 (d) Fifty cents of each fee collected under Subsection (c)  
21 shall be deposited in a special account in the general revenue fund  
22 that may be appropriated only to the department for administration  
23 of this chapter.

24 (e) The department may contract with private vendors as

1 necessary to implement this section.

2 (f) The department may adopt rules as necessary to  
3 administer this section.

4 (g) For purposes of this section, a release of information  
5 to persons eligible to receive the information under Chapter 730  
6 occurs each time a query is made of the system.

7 SECTION 2. Chapter 521.421, Transportation Code, is amended  
8 to read as follows:

9 Sec. 521.421. LICENSE FEES; EXAMINATION FEES. (a) The  
10 fee for issuance or renewal of a license not otherwise provided for  
11 by this section is \$24.

12 (b) The fee for renewal of a Class M license or for renewal  
13 of a license that includes authorization to operate a motorcycle is  
14 \$32.

15 (c) The fee for issuance or renewal of a provisional license  
16 or instruction permit is \$10 [~~\$5~~].

17 (d) The fee for issuance or renewal of an occupational  
18 license is \$24 [~~\$10~~].

19 (e) An applicant who changes from a lower to a higher class  
20 of license or who adds a type of vehicle other than a motorcycle to  
21 the license shall pay a \$10 fee for the required examination.

22 (f) The department shall collect an additional fee of \$1 for  
23 the issuance or renewal of a license to fund the Blindness  
24 Education, Screening, and Treatment Program established under  
25 Section 91.027, Human Resources Code, if the person applying for or  
26 renewing a license opts to pay the additional fee.

27 (f) An applicant applying for additional authorization to

1 operate a motorcycle shall pay a \$15 fee for the required  
2 application.

3 (f) If a Class A, B, or C driver's license includes an  
4 authorization to operate a motorcycle or moped, the fee for the  
5 driver's license is increased by \$8.

6 (g) The department shall collect an additional fee of \$1 for  
7 the issuance or renewal of a license to fund the anatomical gift  
8 educational program established under Chapter 49, Health and Safety  
9 Code, if the person applying for or renewing a license opts to pay  
10 the additional fee. The department shall remit fees collected  
11 under this subsection to the comptroller, who shall maintain the  
12 identity of the source of the fees.

13 (h) The fee for issuance or renewal of a driver's license, a  
14 provisional license, an instruction permit, or a hardship license  
15 issued to a person subject to the registration requirements under  
16 Chapter 62, Code of Criminal Procedure, is \$50 [~~\$20~~].

17 SECTION 3. Section 42.13(h), Code of Criminal Procedure, is  
18 amended to read as follows:

19 Sec. 13. (h) If a person convicted of an offense under  
20 Sections 49.04-49.08, Penal Code, is placed on community  
21 supervision, the judge shall require, as a condition of the  
22 community supervision, that the defendant attend and successfully  
23 complete before the 181st day after the day community supervision  
24 is granted an educational program jointly approved by the Texas  
25 Commission on Alcohol and Drug Abuse, the Department of Public  
26 Safety, the Traffic Safety Section of the Texas Department of  
27 Transportation, and the community justice assistance division of

1 the Texas Department of Criminal Justice designed to rehabilitate  
2 persons who have driven while intoxicated. The Texas Commission on  
3 Alcohol and Drug Abuse shall publish the jointly approved rules and  
4 shall monitor, coordinate, and provide training to persons  
5 providing the educational programs. The Texas Commission on  
6 Alcohol and Drug Abuse is responsible for the administration of the  
7 certification of approved educational programs and may charge a  
8 nonrefundable application fee for the initial certification of  
9 approval and for renewal of a certificate. The judge may waive the  
10 educational program requirement or may grant an extension of time  
11 to successfully complete the program that expires not later than  
12 one year after the beginning date of the person's community  
13 supervision, however, if the defendant by a motion in writing shows  
14 good cause. In determining good cause, the judge may consider but  
15 is not limited to: the defendant's school and work schedule, the  
16 defendant's health, the distance that the defendant must travel to  
17 attend an educational program, and the fact that the defendant  
18 resides out of state, has no valid driver's license, or does not  
19 have access to transportation. The judge shall set out the finding  
20 of good cause for waiver in the judgment. If a defendant is  
21 required, as a condition of community supervision, to attend an  
22 educational program or if the court waives the educational program  
23 requirement, the court clerk shall immediately report that fact to  
24 the Department of Public Safety, on a form prescribed by the  
25 department, for inclusion in the person's driving record. If the  
26 court grants an extension of time in which the person may complete  
27 the program, the court clerk shall immediately report that fact to

1 the Department of Public Safety on a form prescribed by the  
2 department. The report must include the beginning date of the  
3 person's community supervision. Upon the person's successful  
4 completion of the educational program, the person's instructor  
5 shall give notice to the Department of Public Safety for inclusion  
6 in the person's driving record and to the community supervision and  
7 corrections department. The community supervision and corrections  
8 department shall then forward the notice to the court clerk for  
9 filing. If the Department of Public Safety does not receive notice  
10 that a defendant required to complete an educational program has  
11 successfully completed the program within the period required by  
12 this section, as shown on department records, the department shall  
13 revoke the defendant's driver's license, permit, or privilege or  
14 prohibit the person from obtaining a license or permit, as provided  
15 by Sections 521.344(e) and (f), Transportation Code. The Department  
16 of Public Safety may not reinstate a license suspended under this  
17 subsection unless the person whose license was suspended makes  
18 application to the department for reinstatement of the person's  
19 license and pays to the department a reinstatement fee of \$150  
20 [~~\$50~~]. The Department of Public Safety shall remit all fees  
21 collected under this subsection to the comptroller for deposit in  
22 the general revenue fund. This subsection does not apply to a  
23 defendant if a jury recommends community supervision for the  
24 defendant and also recommends that the defendant's driver's license  
25 not be suspended.

26 SECTION 4. Chapter 481.064, Health and Safety Code, is  
27 amended to read as follows:

1           Sec. 481.064. REGISTRATION FEES. (a) The director may  
2 charge a nonrefundable fee of not more than \$50 [~~\$25~~] before  
3 processing an application for annual registration. The director by  
4 rule shall set the amount of the fee at the amount that is necessary  
5 to cover the cost of administering and enforcing this subchapter.  
6 Except as provided by Subsection (b), registrants shall pay the  
7 fees to the director.

8           (b) The director may authorize a contract between the  
9 department and an appropriate state agency for the collection and  
10 remittance of the fees. The director by rule may provide for  
11 remittance of the fees collected by state agencies for the  
12 department.

13           (c) The director shall deposit the collected fees to the  
14 credit of the operator's and chauffeur's license account in the  
15 general revenue fund. The fees may be used only by the department  
16 in the administration or enforcement of this subchapter.

17           SECTION 5. Art. 102.007, Code of Criminal Procedure, is  
18 amended to read as follows:

19           Art. 102.007. FEE FOR COLLECTING AND PROCESSING SIGHT  
20 ORDER. (a) A county attorney, district attorney, or criminal  
21 district attorney may collect a fee if his office collects and  
22 processes a check or similar sight order if the check or similar  
23 sight order:

24                   (1) has been issued or passed in a manner that makes  
25 the issuance or passing an offense under:

- 26                               (A) Section 31.03, Penal Code;
- 27                               (B) Section 31.04, Penal Code; or

1 (C) Section 32.41, Penal Code; or

2 (2) has been forged, as defined by Section 32.21,  
3 Penal Code.

4 (b) The county attorney, district attorney, or criminal  
5 district attorney may collect the fee from any person who is a party  
6 to the offense described in Subsection (a).

7 (c) The amount of the fee may not exceed:

8 (1) \$20 [~~\$10~~] if the face amount of the check or sight  
9 order does not exceed \$10;

10 (2) \$30 [~~\$15~~] if the face amount of the check or sight  
11 order is greater than \$10 but does not exceed \$100;

12 (3) \$45 [~~\$30~~] if the face amount of the check or sight  
13 order is greater than \$100 but does not exceed \$300;

14 (4) \$50 if the face amount of the check or sight order  
15 is greater than \$300 but does not exceed \$500; and

16 (5) \$75 if the face amount of the check or sight order  
17 is greater than \$500.

18 (d) If the person from whom the fee is collected was a party  
19 to the offense of forgery, as defined by Section 32.21, Penal Code,  
20 committed by altering the face amount of the check or sight order,  
21 the face amount as altered governs for the purposes of determining  
22 the amount of the fee.

23 (e) In addition to the collection fee specified in  
24 Subsection (c) of this article, the county attorney, district  
25 attorney, or criminal district attorney may collect the fee  
26 authorized by Section 3.506, Business & Commerce Code, for the  
27 benefit of the holder of a check or its assignee, agent,

1 representative, or any other person retained by the holder to seek  
2 collection of the check.

3 (f) Fees collected under Subsection (c) of this article  
4 shall be deposited in the county treasury in a special fund to be  
5 administered by the county attorney, district attorney, or criminal  
6 district attorney. Expenditures from this fund shall be at the sole  
7 discretion of the attorney and may be used only to defray the  
8 salaries and expenses of the prosecutor's office, but in no event  
9 may the county attorney, district attorney, or criminal district  
10 attorney supplement his or her own salary from this fund.

11 SECTION 6. Section 118.011(b), Local Government Code, is  
12 amended to read as follows:

13 (b) The county clerk may set and collect the following fee  
14 from any person:

15 (1) Returned Check (Sec. 118.0215) \_\_\_\_\_ not  
16 less than \$15 or more than \$25

17 (2) Records Management and Preservation Fee (Sec.  
18 118.0216) \_\_\_\_\_ not more than \$10 [~~\$5~~]

19 (3) Mental Health Background Check for License to  
20 Carry a Concealed Weapon (Sec. 118.0217) \_\_\_\_\_ not more than  
21 \$2

22 SECTION 7. (a) This Act takes effect September 1, 2003.

23 (b) The change in law made by this Act applies only to an  
24 offense committed on or after September 1, 2003.

25 (c) An offense committed before September 1, 2003, is  
26 covered by the law in effect when the offense was committed, and the  
27 former law is continued in effect for that purpose. For purposes of



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1 this section, an offense was committed before September 1, 2003, if  
2 any element of the offense was committed before that date.