

By: Delisi, Capelo, Driver, Heflin,
Cook of Colorado, et al.

H.B. No. 3203

Substitute the following for H.B. No. 3203:

By: Garza

C.S.H.B. No. 3203

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the driver responsibility program to fund certain emergency medical services, trauma facilities, and trauma care systems in this state.

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

SECTION 1. Subtitle I, Title 7, Transportation Code, is amended by adding Chapter 707 to read as follows:

CHAPTER 707. DRIVER RESPONSIBILITY PROGRAM

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 707.001. DEFINITIONS. In this chapter, "department" and "license" have the meanings assigned by Section 521.001.

Sec. 707.002. RULES. The department shall adopt and enforce rules to implement and enforce this chapter.

Sec. 707.003. 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 707.004-707.050 reserved for expansion]

SUBCHAPTER B. DRIVER'S LICENSE POINTS SURCHARGE

Sec. 707.051. 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.

1 Sec. 707.052. ASSIGNMENT OF POINTS FOR CERTAIN CONVICTIONS.

2 (a) The driver's license of a person accumulates a point under this
3 subchapter as of the date the department records:

4 (1) the related conviction under Section 521.042 or
5 other applicable law; or

6 (2) the related license suspension under Chapter 601
7 or 724.

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

11 (1) one point for an offense under Section 545.413 or
12 an analogous law of another state;

13 (2) two points for a moving violation of the traffic
14 law of this state or another state that is not described by
15 Subdivision (1) or (3); and

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

19 (c) The department by rule shall designate the offenses that
20 constitute a moving violation of the traffic law under this
21 section.

22 Sec. 707.053. ANNUAL SURCHARGE FOR POINTS. Each year, the
23 department shall assess a surcharge on the license of a person who
24 has accumulated six or more points under this subchapter during the
25 preceding 36-month period.

26 Sec. 707.054. AMOUNT OF POINTS SURCHARGE. The amount of a
27 surcharge under this chapter is \$100 for the first six points and

1 \$25 for each additional point.

2 Sec. 707.055. NOTICE OF ASSIGNMENT OF FIFTH POINT. The
3 department shall notify the holder of a driver's license of the
4 assignment of a fifth point on that license by first class mail sent
5 to the person's most recent address as shown on the records of the
6 department.

7 [Sections 707.056-707.100 reserved for expansion]

8 SUBCHAPTER C. SURCHARGES FOR CERTAIN CONVICTIONS AND

9 LICENSE SUSPENSIONS

10 Sec. 707.101. NONAPPLICABILITY. This subchapter does not
11 apply to a conviction or a license suspension that became final
12 before September 1, 2003.

13 Sec. 707.102. SURCHARGE FOR CONVICTION OF CERTAIN
14 INTOXICATED DRIVER OFFENSES. (a) In this section, "offense
15 relating to the operating of a motor vehicle while intoxicated" has
16 the meaning assigned by Section 49.09, Penal Code.

17 (b) Each year the department shall assess a surcharge on the
18 license of each person who during the preceding 36-month period has
19 been finally convicted of an offense relating to the operating of a
20 motor vehicle while intoxicated.

21 (c) The amount of a surcharge under this section is \$1,000
22 per year, except that for a third or subsequent conviction within a
23 36-month period, the amount of the surcharge is \$1,500 per year.

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

26 Sec. 707.103. SURCHARGE FOR LICENSE SUSPENSION FOR REFUSAL
27 TO CONSENT TO BLOOD OR BREATH TEST. (a) Each year the department

1 shall assess a surcharge on the license of each person who during
2 the preceding 36-month period has had the person's license
3 suspended under Chapter 724 for a refusal to consent to the taking
4 of a specimen of the person's blood or breath to test for
5 intoxication.

6 (b) The amount of a surcharge under this section is \$1,000
7 per year, except that for a third or subsequent license suspension
8 within a 36-month period, the amount of the surcharge is \$1,500 per
9 year.

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

12 (d) If the conviction of the person for an offense relating
13 to the operating of a motor vehicle while intoxicated and the
14 suspension of license of the person arose from the same
15 transaction, the department may assess points to the person's
16 license for the conviction under Section 707.101 or the license
17 suspension under this section, but not both.

18 Sec. 707.104. SURCHARGE FOR CONVICTION OF DRIVING WHILE
19 LICENSE INVALID OR WITHOUT FINANCIAL RESPONSIBILITY. (a) Each
20 year the department shall assess a surcharge on the license of each
21 person who during the preceding 36-month period has been convicted
22 of an offense under Section 521.457, 601.191, or 601.371.

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

25 Sec. 707.105. SURCHARGE FOR CONVICTION OF DRIVING WITHOUT
26 VALID LICENSE. (a) Each year the department shall assess a
27 surcharge on the license of a person who during the preceding

1 36-month period has been convicted of an offense under Section
2 521.021.

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

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

7 [Sections 707.106-707.150 reserved for expansion]

8 SUBCHAPTER D. COLLECTION OF SURCHARGES

9 Sec. 707.151. NOTICE OF SURCHARGE. The department shall
10 notify the holder of a driver's license of the assessment of a
11 surcharge on that license by first class mail sent to the person's
12 most recent address as shown on the records of the department. The
13 notice must specify the date by which the surcharge must be paid and
14 state the consequences of a failure to pay the surcharge.

15 Sec. 707.152. FAILURE TO PAY SURCHARGE. (a) If before the
16 30th day after the date the department sends a notice under Section
17 707.151 the person fails to pay the amount of a surcharge on the
18 person's license or fails to enter into an installment payment
19 agreement with the department, the license of the person is
20 automatically suspended.

21 (b) A license suspended under this section remains
22 suspended until the person pays:

23 (1) the amount of the surcharge and any related costs;
24 and

25 (2) the reinstatement fee imposed by Section 521.313.

26 Sec. 707.153. INSTALLMENT PAYMENT OF SURCHARGE. (a) The
27 department by rule shall provide for the payment of a surcharge in

1 installments.

2 (b) A rule under this section:

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

4 (A) of less than \$2,300 over a period of more than
5 12 consecutive months; or

6 (B) of \$2,300 or more over a period of more than
7 24 consecutive months; and

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

11 Sec. 707.154. CREDIT CARD PAYMENT OF SURCHARGE. (a) The
12 department by rule may authorize the payment of a surcharge by use
13 of a credit card. The rules shall require the person to pay all
14 costs incurred by the department in connection with the acceptance
15 of the credit card.

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

19 (c) A license suspended under this section remains
20 suspended until the person pays:

21 (1) the amount of the surcharge and any related costs;
22 and

23 (2) the reinstatement fee imposed by Section 521.313.

24 Sec. 707.155. CONTRACTS FOR COLLECTION OF SURCHARGES. The
25 department may enter into a contract with a private attorney or a
26 public or private vendor for the provision of services for the
27 collection of surcharges receivable under this chapter.

1 Sec. 707.156. REMITTANCE OF SURCHARGES COLLECTED TO
2 COMPTROLLER. Each surcharge collected by the department under this
3 chapter shall be remitted to the comptroller as required by Section
4 780.002, Health and Safety Code.

5 SECTION 2. Subtitle B, Title 9, Health and Safety Code, is
6 amended by adding Chapter 780 to read as follows:

7 CHAPTER 780. TRAUMA FACILITIES AND EMERGENCY MEDICAL SERVICES

8 Sec. 780.001. DEFINITIONS. In this chapter:

9 (1) "Account" means the designated trauma facility and
10 emergency medical services account established under Section
11 780.003.

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

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

15 Sec. 780.002. DEPOSITS TO ACCOUNT. (a) On the first Monday
16 of each month, the Department of Public Safety shall remit the
17 surcharges collected during the previous month under the driver
18 responsibility program operated by that department under Chapter
19 707, Transportation Code, to the comptroller.

20 (b) The comptroller shall deposit 99 percent of the amount
21 of the surcharges collected to the account established under this
22 chapter. The remaining one percent of the amount of the surcharges
23 shall be deposited to the general revenue fund and may be
24 appropriated only to the Department of Public Safety for
25 administration of the driver responsibility program operated by
26 that department under Chapter 707, Transportation Code.

27 Sec. 780.003. ACCOUNT. (a) The designated trauma facility

1 and emergency medical services account is created as an account in
2 the state treasury. Money in the account may be appropriated only
3 to the department for the purposes described by Section 780.004.

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

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

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

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

18 (c) In any fiscal year, the commissioner shall use at least
19 96 percent of the money appropriated from the account, after any
20 amount necessary to maintain the reserve established by Subsection
21 (b) is deducted, to fund a portion of the uncompensated trauma care
22 provided at facilities designated as state trauma facilities by the
23 department. The administrator of a designated facility may request
24 a regional advisory council chairperson to petition the department
25 for disbursement of funds to a designated trauma facility in the
26 chairperson's trauma service area that has provided uncompensated
27 trauma care. Funds may be disbursed under this subsection based on

1 a proportionate share of uncompensated trauma care provided in the
2 state and may be used to fund innovative projects to enhance the
3 delivery of patient care in the overall emergency medical services
4 and trauma care system.

5 (d) In any fiscal year, the commissioner shall use not more
6 than two percent of the money appropriated from the account, after
7 any amount necessary to maintain the reserve established by
8 Subsection (b) is deducted, to fund, in connection with an effort to
9 provide coordination with the appropriate trauma service area, the
10 cost of supplies, operational expenses, education and training,
11 equipment, vehicles, and communications systems for local
12 emergency medical services. The money shall be distributed on
13 behalf of eligible recipients in each county to the trauma service
14 area regional advisory council for that county. To receive a
15 distribution under this subsection, the regional advisory council
16 must be incorporated as an entity that is exempt from federal income
17 tax under Section 501(a), Internal Revenue Code of 1986, and its
18 subsequent amendments, by being listed as an exempt organization
19 under Section 501(c)(3) of the code. The share of the money
20 allocated to the eligible recipients in a county's geographic area
21 shall be based on the relative geographic size and population of the
22 county and on the relative number of emergency or trauma care runs
23 performed by eligible recipients in the county. Money that is not
24 disbursed by a regional advisory council to eligible recipients for
25 approved functions by the end of the fiscal year in which the funds
26 were disbursed shall be returned to the department to be used in
27 accordance with Subsection (c).

1 (e) In any fiscal year, the commissioner may use not more
2 than one percent of the money appropriated from the account, after
3 any amount necessary to maintain the reserve established by
4 Subsection (b) is deducted, for operation of the 22 trauma service
5 areas and for equipment, communications, and education and training
6 for the areas. Money distributed under this subsection shall be
7 distributed on behalf of eligible recipients in each county to the
8 trauma service area regional advisory council for that county. To
9 receive a distribution under this subsection, the regional advisory
10 council must be incorporated as an entity that is exempt from
11 federal income tax under Section 501(a), Internal Revenue Code of
12 1986, and its subsequent amendments, by being listed as an exempt
13 organization under Section 501(c)(3) of the code. A regional
14 advisory council's share of money distributed under this section
15 shall be based on the relative geographic size and population of
16 each trauma service area and on the relative amount of trauma care
17 provided. Money that is not disbursed by a regional advisory
18 council to eligible recipients for approved functions by the end of
19 the fiscal year in which the funds were disbursed shall be returned
20 to the department to be used in accordance with Subsection (c).

21 (f) In any fiscal year, the commissioner may use not more
22 than one percent of money appropriated from the account, after any
23 amount necessary to maintain the reserve established by Subsection
24 (b) is deducted, to fund the administrative costs of the bureau of
25 emergency management of the department associated with
26 administering the trauma program, the state emergency medical
27 services program, and the account and to fund the costs of

1 monitoring and providing technical assistance for those programs
2 and that account.

3 Sec. 780.005. CONTROL OF EXPENDITURES FROM THE ACCOUNT.
4 Money distributed under Section 780.004 shall be used in accordance
5 with Section 780.004 on the authorization of the executive
6 committee of the trauma service area regional advisory council.

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

12 SECTION 3. This Act takes effect September 1, 2003.

13 SECTION 4. Not later than December 1, 2004, the Texas
14 Department of Health shall submit to the lieutenant governor and
15 the speaker of the house of representatives a report concerning the
16 use of money under Chapter 780, Health and Safety Code, as added by
17 this Act, and any recommended changes to law to ensure appropriate
18 funding and coordination of services.