

By: Delisi

H.B. No. 3203

A BILL TO BE ENTITLED

AN ACT

relating to the creation and implementation of the driver responsibility program.

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

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

CHAPTER 707. DRIVER RESPONSIBILITY PROGRAM

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 707.001. PURPOSE. The purpose of the driver responsibility program is to:

(1) enhance public safety of roads, streets, and highways; and

(2) hold irresponsible drivers accountable for their actions and for the enormous societal and financial costs they impose on citizens and taxpayers.

Sec. 707.002. DEFINITIONS. In this chapter:

(1) "Department" means the Department of Public Safety.

(2) "License" has the meaning assigned by Section 521.001.

(3) "Motor vehicle points" means points assessed against a license under Subchapter B.

SUBCHAPTER B. MOTOR VEHICLE POINTS SURCHARGE

Sec. 707.051. POINTS SURCHARGE. (a) A surcharge shall be

1 assessed annually by the department on the license of any driver who
2 in the preceding 36 month period, beginning on or after September 1,
3 2003, has accumulated six or more motor vehicle points.

4 (b) The accumulation of points shall be calculated as of the
5 date the point violation is posted to the driver history record and
6 shall be assessed under rules promulgated by the department.

7 Sec. 707.052. AMOUNT OF POINTS SURCHARGE. A surcharge
8 under Section 707.051 shall be in the amount of:

9 (1) \$100 for six motor vehicle points in the preceding
10 36 month period; and

11 (2) \$25 for each additional point.

12 Sec. 707.053. POINTS CLASSIFICATION. (a) One motor
13 vehicle point shall be assigned for each conviction that arises out
14 of a different transaction for a violation under Section 545.413 or
15 a similar law in another state.

16 (b) Two points shall be assigned for each conviction that
17 arises out of a different transaction for a moving violation of the
18 traffic laws, not described elsewhere in this section, either of
19 this state or a similar law in another state.

20 (c) Three points shall be assigned for each conviction that
21 arises out of a different transaction for a moving violation of the
22 traffic laws of this state or any state or political subdivision
23 that results in a traffic accident.

24 SUBCHAPTER C. SURCHARGES FOR CERTAIN OFFENSES

25 Sec. 707.101. DRIVING WHILE INTOXICATED; REFUSAL TO
26 CONSENT. (a) A surcharge shall be assessed annually by the
27 department on the license of a driver who in the preceding 36 month

1 period, beginning on or after September 1, 2003, has been convicted
2 of an offense for driving while intoxicated under Section 49.04,
3 Penal Code, or refusal to consent to the taking of a specimen under
4 Section 724.011.

5 (b) A surcharge under this section shall be in the amount of
6 \$1,000 per year for a maximum of three years.

7 (c) If the DWI and refusal occur as the result of the same
8 transaction, then only one of the violations is surcharged.

9 (d) The third or subsequent offense within a three year
10 period shall be assessed in the amount of \$1,500 per year for three
11 years.

12 Sec. 707.102. DRIVING WITH SUSPENDED OR REVOKED LICENSE OR
13 WITHOUT EVIDENCE OF FINANCIAL RESPONSIBILITY. (a) A surcharge
14 shall be assessed annually by the department on the license of a
15 driver who in the preceding 36 month period, beginning on or after
16 September 1, 2003, has been convicted of an offense for:

17 (1) driving with a suspended or revoked license; or

18 (2) driving without evidence of financial
19 responsibility.

20 (b) A surcharge under this section shall be in the amount of
21 \$250 per year for a maximum of three years.

22 Sec. 707.103. DRIVING WITH EXPIRED LICENSE OR WITHOUT
23 LICENSE. (a) A surcharge shall be assessed annually by the
24 department on the license of a driver who in the preceding 36 month
25 period, beginning on or after September 1, 2003, has been convicted
26 of an offense for:

27 (1) driving without a license; or

1 (2) driving with an expired license.

2 (b) A surcharge under this section shall be in the amount of
3 \$100 per year for a maximum of three years.

4 Sec. 707.104. NO ASSESSMENT OF POINTS. If a surcharge is
5 assessed under this subchapter, the same conviction that gives rise
6 to a surcharge under this subchapter shall not be the basis of a
7 motor vehicle points surcharge under Subchapter B.

8 SUBCHAPTER D. COLLECTION OF SURCHARGES

9 Sec. 707.151. ASSESSMENT. (a) No offense shall be selected
10 for billing which occurred prior to September 1, 2003.

11 (b) No offense shall be considered in more than three annual
12 assessments.

13 Sec. 707.152. PAYMENT. (a) The department shall make rules
14 regarding payment of a surcharge.

15 (b) The department may authorize payment of the surcharge on
16 an installment basis over a period not to exceed 12 months for
17 assessments under \$2,300 or 24 months for assessments of \$2,300 or
18 more.

19 Sec. 707.153. CREDIT CARD PAYMENT. The department may
20 authorize any person to pay the surcharge by use of a credit card.
21 The department may require the person to pay all costs incurred by
22 the department in connection with the acceptance of the credit
23 card. If a surcharge or related administrative fee is paid by
24 credit card and the amount is subsequently reversed by the credit
25 card company or bank, the license of other driving privilege of the
26 driver is suspended and the driver shall be subject to the same fee
27 imposed for issuance of a bad check under Section 32.41, Penal Code.

1 Sec. 707.154. FAILURE TO PAY SURCHARGE. (a) If upon
2 written notification from the department, mailed to the last
3 address of record the department has for the driver, a driver fails
4 to pay a surcharge assessed under this chapter, the license or other
5 driving privilege of the driver shall be suspended until the
6 minimum payment requirement is paid to the department.

7 (b) If a driver fails to pay the surcharge or any
8 installments on the surcharge, the total surcharge shall become due
9 immediately except as otherwise prescribed by department rule.

10 Sec. 707.155. DEPOSITS TO TERTIARY CARE ACCOUNT. On the
11 first Monday of each month, the department shall send the
12 surcharges collected under this chapter to the comptroller for
13 deposit into the tertiary care account under Section 46.003, Health
14 and Safety Code.

15 SECTION 2. This Act takes effect September 1, 2003.