

## **BILL ANALYSIS**

C.S.H.B. 2470  
By: Delisi  
Public Health  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The 78th Texas Legislature created a driver responsibility program under HB 3588 that employed surcharges on motor vehicle operating licenses targeted at drivers who committed certain violations of the laws governing the safe operation of a motor vehicle. The funds collected were used both for transportation projects and to support the state's trauma care system. This legislation would make various changes to the trauma care program created by HB 3588 that have been suggested during the interim by both the agencies charged with oversight and various stakeholders.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

The substitute requires the commissioner to reserve \$500,000 of any money appropriated for extraordinary emergencies in each fiscal year. Money not spent in a fiscal year is required to be transferred to the reserve for the following fiscal year. The requirements for how certain percentages of money must be spent are amended to designate these as percentages after deducting the amount that the commissioner is required to reserve. Money that is not disbursed by a regional advisory council to eligible recipients by then end of the fiscal year in which the funds were disbursed are authorized to be maintained by the council for use in the following fiscal year. Money not disbursed in that following fiscal year is required to be returned to the department.

The substitute modifies the definition for "pursuit of designation." This will apply to a facility that applies for designation after September 1, 2005. A facility must file a statement of intent to seek the designation, comply with requirements for pursuit of designation within 180 days after the statement of intent is filed, and notify the department of their compliance. If trauma designation is not attained by the second anniversary of a facility's notification of the department, any funds received for unreimbursed trauma services must be returned to the state.

The substitute also adds text that must be included in larger type in the citation to notify a person that a conviction for an offense under a traffic law would result in participation in the Driver Responsibility Program. The bill also changes the rule regarding surcharges in this section, to say that a person is prohibited from paying a surcharge over a period of more than 36 consecutive months. This bill repeals the expiration date for the "designated trauma facility and emergency medical services account" and "state traffic fine." The changes in this substitute apply to citations that are issued on or after September 1, 2005.

### **EFFECTIVE DATE**

September 1, 2005.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The substitute modifies the original by retaining the "extraordinary emergencies" provision for money that has been appropriated. It gives facilities seeking designation 180 days rather than specifying an expiration date of March 1, 2006. The substitute repeals the expiration date for the designated trauma facility and emergency medical services account.

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