

By: Driver

H.B. No. 1081

A BILL TO BE ENTITLED

AN ACT

relating to suspension or denial of a driver's license for failure to appear, pay a fine, or satisfy a judgment.

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

SECTION 1. Article 15.03, Code of Criminal Procedure, is amended by amending Subsection (b) and adding Subsections (c) and (d) to read as follows:

(b) A summons may be issued in any case where a warrant may be issued, and shall be in the same form as the warrant except that it shall summon the defendant to appear before a magistrate at a stated time and place. The summons shall be served upon a defendant by delivering a copy to him personally, or by leaving it at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein or by mailing it to the defendant's last known address. If a defendant fails to appear in response to the summons, the magistrate may:

(1) issue a warrant; or

(2) issue an order suspending the defendant's driver's license or permit or denying issuance of a driver's license or permit to the defendant ~~[shall be issued]~~.

(c) The summons must contain the following warning:

FAILURE TO APPEAR ACCORDING TO THE

TERMS OF THIS SUMMONS MAY RESULT IN THE

ISSUANCE OF A WARRANT FOR YOUR ARREST OR

SUSPENSION OR DENIAL OF ISSUANCE OF YOUR
DRIVER'S LICENSE OR PERMIT.

(d) A magistrate who issues an order under Subsection (b)(2)
shall promptly notify the Department of Public Safety when the
defendant appears before the magistrate.

SECTION 2. Subchapter B, Chapter 45, Code of Criminal
Procedure, is amended by adding Article 45.0451 to read as follows:

Art. 45.0451. FAILURE TO APPEAR OR PAY FINE; JUSTICE OR
MUNICIPAL COURT. (a) A justice or municipal court, in addition to
or instead of any other action permitted by law, may order the
Department of Public Safety to suspend a person's driver's license
or permit or deny issuance of a driver's license or permit to a
person if the person fails to:

- (1) appear according to terms of release;
- (2) honor a summons issued by the court; or
- (3) satisfy a judgment of the court.

(b) Before issuing an order under Subsection (a), the court
shall issue a summons commanding the appearance of the person by
first class mail to the person's last known address filed with the
court. The summons must contain the following warning:

FAILURE TO APPEAR ACCORDING TO THE TERMS OF THIS
SUMMONS OR FAILURE TO PAY YOUR FINES MAY RESULT IN THE
SUSPENSION OR DENIAL OF ISSUANCE OF YOUR DRIVER'S
LICENSE OR PERMIT.

(c) On receipt of an order under Subsection (a), the
Department of Public Safety shall promptly send written notice of
the order by first class mail to the person's last known address in

1 the department's records. The notice is considered received not
2 later than the fifth day after the date it is mailed.

3 (d) A court that has issued an order under Subsection (a)
4 shall promptly notify the Department of Public Safety on final
5 disposition of the case or on receiving evidence that the judgment
6 has been satisfied to the satisfaction of the court.

7 SECTION 3. Section 521.3451, Transportation Code, is
8 amended to read as follows:

9 Sec. 521.3451. SUSPENSION OR DENIAL ON ORDER OF JUSTICE OR
10 MUNICIPAL COURT [~~FOR CONTEMPT OF COURT~~]; REINSTATEMENT. (a) The
11 department shall suspend or deny the issuance of a license or
12 instruction permit on receipt of an order to suspend or deny the
13 issuance of the license or permit from a justice or municipal court
14 under Article 15.03, 45.050, or 45.0451, Code of Criminal
15 Procedure.

16 (b) The department shall reinstate a license or permit
17 suspended or reconsider a license or permit denied under Subsection
18 (a) on receiving notice from the justice or municipal court that
19 ordered the suspension or denial that the person whose license or
20 permit was suspended or denied [~~contemnor~~] has fully complied with
21 the court's order, the terms of the appearance, or the terms of the
22 judgment, as applicable.

23 SECTION 4. Section 543.005, Transportation Code, is amended
24 to read as follows:

25 Sec. 543.005. PROMISE TO APPEAR; RELEASE. (a) To secure
26 release, the person arrested must make a written promise to appear
27 in court by signing the written notice prepared by the arresting

1 officer. The signature may be obtained on a duplicate form or on an
2 electronic device capable of creating a copy of the signed notice.
3 The arresting officer shall retain the paper or electronic original
4 of the notice and deliver the copy of the notice to the person
5 arrested. The officer shall then promptly release the person from
6 custody.

7 (b) In addition to other information required by statute,
8 the copy or the written notice to appear delivered to the person
9 arrested must contain the following warning:

10 FAILURE TO APPEAR BEFORE THE COURT DESIGNATED BY
11 THIS WRITTEN PROMISE TO APPEAR MAY RESULT IN THE
12 ISSUANCE OF A WARRANT FOR YOUR ARREST OR SUSPENSION OF
13 YOUR DRIVER'S LICENSE.

14 SECTION 5. The heading of Chapter 706, Transportation Code,
15 is amended to read as follows:

16 CHAPTER 706. SUSPENSION [~~DENIAL OF RENEWAL OF LICENSE~~]
17 FOR FAILURE TO APPEAR OR TO SATISFY JUDGMENT

18 SECTION 6. Section 706.002(a), Transportation Code, is
19 amended to read as follows:

20 (a) A political subdivision may contract with the
21 department to provide information necessary for the department to
22 suspend [~~deny renewal of~~] the driver's license of a person who fails
23 to appear for a complaint or citation or fails to pay or satisfy a
24 judgment ordering payment of a fine and cost in the manner ordered
25 by the court in a matter involving any offense that a court has
26 jurisdiction of under Chapter 4, Code of Criminal Procedure. The
27 contract may also apply to a failure to appear, honor a summons, or

1 satisfy a judgment as provided by Article 15.03(b) or 45.0451, Code
2 of Criminal Procedure, to the extent and in the manner determined by
3 the department.

4 SECTION 7. Section 706.003(b), Transportation Code, is
5 amended to read as follows:

6 (b) The warning under Subsection (a):

7 (1) is in addition to any other warning required by
8 law;

9 (2) must state in substance that if the person fails to
10 appear in court as provided by law for the prosecution of the
11 offense or if the person fails to pay or satisfy a judgment ordering
12 the payment of a fine and cost in the manner ordered by the court,
13 ~~[the person may be denied renewal of]~~ the person's driver's license
14 may be suspended; and

15 (3) may be printed on the same instrument as the
16 citation.

17 SECTION 8. The heading of Section 706.004, Transportation
18 Code, is amended to read as follows:

19 Sec. 706.004. SUSPENSION ~~[DENIAL OF RENEWAL OF]~~ DRIVER'S
20 LICENSE.

21 SECTION 9. Section 706.004(a), Transportation Code, is
22 amended to read as follows:

23 (a) If a political subdivision has contracted with the
24 department, on receiving the necessary information from the
25 political subdivision the department may suspend ~~[deny renewal of]~~
26 the person's driver's license for failure to appear based on a
27 complaint or citation or failure to pay or satisfy a judgment

1 ordering the payment of a fine and cost in the manner ordered by the
2 court in a matter involving an offense described by Section
3 706.002(a).

4 SECTION 10. Section 706.005, Transportation Code, is
5 amended to read as follows:

6 Sec. 706.005. CLEARANCE NOTICE TO DEPARTMENT. (a) A
7 political subdivision shall notify the department that there is no
8 cause to continue the suspension [~~to deny renewal~~] of a person's
9 driver's license based on the person's previous failure to appear or
10 failure to pay or satisfy a judgment ordering the payment of a fine
11 and cost in the manner ordered by the court in a matter involving an
12 offense described by Section 706.002(a), on payment of a fee as
13 provided by Section 706.006 and:

14 (1) the perfection of an appeal of the case for which
15 the warrant of arrest was issued or judgment arose;

16 (2) the dismissal of the charge for which the warrant
17 of arrest was issued or judgment arose;

18 (3) the posting of bond or the giving of other security
19 to reinstate the charge for which the warrant was issued;

20 (4) the payment or discharge of the fine and cost owed
21 on an outstanding judgment of the court; or

22 (5) other suitable arrangement to pay the fine and
23 cost within the court's discretion.

24 (b) The department may not continue the suspension [~~to deny~~
25 ~~the renewal~~] of the person's driver's license under this chapter
26 after the department receives notice:

27 (1) under Subsection (a);

1 (2) that the person was acquitted of the charge on
2 which the person failed to appear; or

3 (3) from the political subdivision that the failure to
4 appear report or court order to pay a fine or cost relating to the
5 person:

6 (A) was sent to the department in error; or

7 (B) has been destroyed in accordance with the
8 political subdivision's records retention policy.

9 SECTION 11. Section 706.006, Transportation Code, is
10 amended to read as follows:

11 Sec. 706.006. PAYMENT OF ADMINISTRATIVE FEE. (a) A person
12 who fails to appear for a complaint or citation for an offense
13 described by Section 706.002(a) shall be required to pay an
14 administrative fee of \$4 [~~\$30~~] for each complaint or citation
15 reported to the department under this chapter, unless the person is
16 acquitted of the charges for which the person failed to appear. The
17 person shall pay the fee when:

18 (1) the court enters judgment on the underlying
19 offense reported to the department;

20 (2) the underlying offense is dismissed; or

21 (3) bond or other security is posted to reinstate the
22 charge for which the warrant was issued.

23 (b) A person who fails to pay or satisfy a judgment ordering
24 the payment of a fine and cost in the manner the court orders shall
25 be required to pay an administrative fee of \$4 [~~\$30~~].

26 (c) The department may suspend [~~deny renewal of~~] the
27 driver's license of a person who does not pay a fee due under this

1 section until the fee is paid. The fee required by this section is
2 in addition to any other fee required by law.

3 (d) A fee collected under this section shall be credited to
4 the general fund of the municipality or county.

5 SECTION 12. Section 706.007, Transportation Code, is
6 amended to read as follows:

7 Sec. 706.007. REINSTATEMENT FEE ~~[RECORDS RELATING TO FEES,~~
8 ~~DISPOSITION OF FEES]~~. (a) In addition to any other fee required by
9 law, on reinstatement of a driver's license suspended under this
10 chapter the department shall collect from the license holder a
11 reinstatement fee of \$26.

12 (b) [An officer collecting a fee under Section 706.006 shall
13 keep records and deposit the money as provided by Subchapter B,
14 Chapter 133, Local Government Code.

15 ~~[(b) The custodian of the municipal or county treasury may~~
16 ~~deposit each fee collected under Section 706.006 as provided by~~
17 ~~Subchapter B, Chapter 133, Local Government Code.~~

18 ~~[(c) The custodian shall keep records of money received and~~
19 ~~disbursed under this section as provided by Subchapter B, Chapter~~
20 ~~133, Local Government Code, and shall provide an annual report, in~~
21 ~~the form approved by the comptroller, of all money received and~~
22 ~~disbursed under this section to:~~

23 ~~[(1) the comptroller,~~
24 ~~[(2) the department, and~~
25 ~~[(3) another entity as provided by interlocal~~
26 ~~contract.~~

27 ~~[(d) Of each fee collected under Section 706.006, the~~

1 ~~custodian of a municipal or county treasury shall:~~

2 ~~[(1) send \$20 to the comptroller on or before the last~~
3 ~~day of each calendar quarter, and~~

4 ~~[(2) deposit the remainder to the credit of the~~
5 ~~general fund of the municipality or county.~~

6 ~~[(e)]~~ Of the fee collected under this section ~~[each \$20~~
7 ~~received by the comptroller]~~, the comptroller shall deposit \$16
8 ~~[\$10]~~ to the credit of the department to implement this chapter and
9 \$10 to the credit of the general revenue fund. Of the amount
10 deposited to the credit of the department, not more than \$6 may be
11 used to compensate a vendor with whom a contract is entered under
12 this chapter.

13 SECTION 13. Section 706.008(c), Transportation Code, is
14 amended to read as follows:

15 (c) Except for an action based on a citation issued by a
16 peace officer employed by the department and except as provided by
17 Section 706.007(b), the vendor may not be compensated with state
18 money.

19 SECTION 14. Section 706.009(a), Transportation Code, is
20 amended to read as follows:

21 (a) A vendor must establish and maintain customer support
22 services as directed by the department, including a toll-free
23 telephone service line to answer and resolve questions from persons
24 who have ~~[are denied renewal of]~~ a driver's license suspended under
25 this chapter.

26 SECTION 15. Section 706.011, Transportation Code, is
27 amended to read as follows:

Sec. 706.011. LIABILITY OF STATE OR POLITICAL SUBDIVISION.

(a) An action for damages may not be brought against the state or a political subdivision based on an act or omission under this chapter, including the suspension [~~denial of renewal~~] of a driver's license.

(b) The state or a political subdivision may not be held liable in damages based on an act or omission under this chapter, including the suspension [~~denial of renewal~~] of a driver's license.

SECTION 16. Section 103.021, Government Code, is amended to read as follows:

Sec. 103.021. ADDITIONAL FEES AND COSTS IN CRIMINAL OR CIVIL CASES. An accused or defendant, or a party to a civil suit, as applicable, shall pay the following fees and costs if ordered by the court or otherwise required:

(1) a personal bond fee (Art. 17.42, Code of Criminal Procedure) . . . the greater of \$20 or three percent of the amount of the bail fixed for the accused;

(2) cost of electronic monitoring as a condition of release on personal bond (Art. 17.43, Code of Criminal Procedure) . . . actual cost;

(3) a fee for verification of and monitoring of motor vehicle ignition interlock (Art. 17.441, Code of Criminal Procedure) . . . not to exceed \$10;

(4) repayment of reward paid by a crime stoppers organization on conviction of a felony (Art. 37.073, Code of Criminal Procedure) . . . amount ordered;

(5) reimbursement to general revenue fund for payments

1 made to victim of an offense as condition of community supervision
2 (Art. 42.12, Code of Criminal Procedure) . . . not to exceed \$50 for
3 a misdemeanor offense or \$100 for a felony offense;

4 (6) payment to a crime stoppers organization as
5 condition of community supervision (Art. 42.12, Code of Criminal
6 Procedure) . . . not to exceed \$50;

7 (7) children's advocacy center fee (Art. 42.12, Code
8 of Criminal Procedure) . . . not to exceed \$50;

9 (8) family violence shelter center fee (Art. 42.12,
10 Code of Criminal Procedure) . . . not to exceed \$100;

11 (9) community supervision fee (Art. 42.12, Code of
12 Criminal Procedure) . . . not less than \$25 or more than \$60 per
13 month;

14 (10) additional community supervision fee for certain
15 offenses (Art. 42.12, Code of Criminal Procedure) . . . \$5 per
16 month;

17 (11) for certain financially able sex offenders as a
18 condition of community supervision, the costs of treatment,
19 specialized supervision, or rehabilitation (Art. 42.12, Code of
20 Criminal Procedure) . . . all or part of the reasonable and
21 necessary costs of the treatment, supervision, or rehabilitation as
22 determined by the judge;

23 (12) fee for failure to appear for trial in a justice
24 or municipal court if a jury trial is not waived (Art. 45.026, Code
25 of Criminal Procedure) . . . costs incurred for impaneling the jury;

26 (13) costs of certain testing, assessments, or
27 programs during a deferral period (Art. 45.051, Code of Criminal

1 Procedure) . . . amount ordered;

2 (14) special expense on dismissal of certain
3 misdemeanor complaints (Art. 45.051, Code of Criminal Procedure)
4 . . . not to exceed amount of fine assessed;

5 (15) an additional fee:

6 (A) as an administrative fee for requesting a
7 driving safety course or a course under the motorcycle operator
8 training and safety program for certain traffic offenses to cover
9 the cost of administering the article (Art. 45.0511(f)(1), Code of
10 Criminal Procedure) . . . not to exceed \$10; or

11 (B) for requesting a driving safety course or a
12 course under the motorcycle operator training and safety program
13 before the final disposition of the case (Art. 45.0511(f)(2), Code
14 of Criminal Procedure) . . . not to exceed the maximum amount of the
15 fine for the offense committed by the defendant;

16 (16) a request fee for teen court program (Art.
17 45.052, Code of Criminal Procedure) . . . not to exceed \$10;

18 (17) a fee to cover costs of required duties of teen
19 court (Art. 45.052, Code of Criminal Procedure) . . . \$10;

20 (18) a mileage fee for officer performing certain
21 services (Art. 102.001, Code of Criminal Procedure) . . . \$0.15 per
22 mile;

23 (19) certified mailing of notice of hearing date (Art.
24 102.006, Code of Criminal Procedure) . . . \$1, plus postage;

25 (20) certified mailing of certified copies of an order
26 of expunction (Art. 102.006, Code of Criminal Procedure) . . . \$2,
27 plus postage;

(21) sight orders:

(A) if the face amount of the check or sight order does not exceed \$10 (Art. 102.007, Code of Criminal Procedure) . . . not to exceed \$10;

(B) if the face amount of the check or sight order is greater than \$10 but does not exceed \$100 (Art. 102.007, Code of Criminal Procedure) . . . not to exceed \$15;

(C) if the face amount of the check or sight order is greater than \$100 but does not exceed \$300 (Art. 102.007, Code of Criminal Procedure) . . . not to exceed \$30;

(D) if the face amount of the check or sight order is greater than \$300 but does not exceed \$500 (Art. 102.007, Code of Criminal Procedure) . . . not to exceed \$50; and

(E) if the face amount of the check or sight order is greater than \$500 (Art. 102.007, Code of Criminal Procedure) . . . not to exceed \$75;

(22) a fee for pretrial intervention program (Art. 102.012, Code of Criminal Procedure) . . . not to exceed \$500;

(23) parking fee violations for child safety fund in municipalities with populations:

(A) greater than 850,000 (Art. 102.014, Code of Criminal Procedure) . . . not less than \$2 and not to exceed \$5; and

(B) less than 850,000 (Art. 102.014, Code of Criminal Procedure) . . . not to exceed \$5;

(24) an administrative fee for collection of fines, fees, restitution, or other costs (Art. 102.072, Code of Criminal Procedure) . . . not to exceed \$2 for each transaction;

(25) a court reporter fee when testimony is taken:

(A) in a criminal court in Dallas County (Sec. 25.0593, Government Code) . . . \$3;

(B) in a county criminal court of appeals in Dallas County (Sec. 25.0594, Government Code) . . . \$3;

(C) in a county court at law in McLennan County (Sec. 25.1572, Government Code) . . . \$3; and

(D) in a county criminal court in Tarrant County (Sec. 25.2223, Government Code) . . . \$3;

(26) a speedy trial filing fee in El Paso County (Sec. 54.745, Government Code) . . . \$100;

(27) costs for use of magistrate in Brazos County (Sec. 54.1116, Government Code) . . . not to exceed \$50;

(28) an administrative fee for participation in certain community supervision programs (Sec. 76.015, Government Code) . . . not less than \$25 and not more than \$40 per month;

(29) in family matters:

(A) issuing writ of withholding (Sec. 8.262, Family Code) . . . \$15;

(B) filing copy of writ of withholding to subsequent employer (Sec. 8.267, Family Code) . . . \$15;

(C) issuing and delivering modified writ of withholding or notice of termination (Sec. 8.302, Family Code) . . . \$15;

(D) issuing and delivering notice of termination of withholding (Sec. 8.303, Family Code) . . . \$15;

(E) issuance of change of name certificate (Sec.

45.106, Family Code) . . . \$10;

(F) protective order fee (Sec. 81.003, Family Code) . . . \$16;

(G) filing suit requesting adoption of child (Sec. 108.006, Family Code) . . . \$15;

(H) filing fees for suits affecting parent-child relationship (Sec. 110.002, Family Code):

(i) suit or motion for modification (Sec. 110.002, Family Code) . . . \$15;

(ii) motion for enforcement (Sec. 110.002, Family Code) . . . \$15;

(iii) notice of application for judicial writ of withholding (Sec. 110.002, Family Code) . . . \$15;

(iv) motion to transfer (Sec. 110.002, Family Code) . . . \$15;

(v) petition for license suspension (Sec. 110.002, Family Code) . . . \$15;

(vi) motion to revoke a stay of license suspension (Sec. 110.002, Family Code) . . . \$15; and

(vii) motion for contempt (Sec. 110.002, Family Code) . . . \$15;

(I) order or writ of income withholding to be delivered to employer (Sec. 110.004, Family Code) . . . not to exceed \$15;

(J) filing fee for transferred case (Sec. 110.005, Family Code) . . . \$45;

(K) filing a writ of withholding (Sec. 158.319,

Family Code) . . . \$15;

(L) filing a request for modified writ of withholding or notice of termination (Sec. 158.403, Family Code) . . . not to exceed \$15;

(M) filing an administrative writ to employer (Sec. 158.503, Family Code) . . . not to exceed \$15; and

(N) genetic testing fees in relation to a child born to a gestational mother (Sec. 160.762, Family Code) . . . as assessed by the court;

(30) in juvenile court:

(A) fee schedule for deferred prosecution services (Sec. 53.03, Family Code) . . . maximum fee of \$15 a month;

(B) a teen court administration fee (Sec. 54.032, Family Code) . . . not to exceed \$10;

(C) court costs for juvenile probation diversion fund (Sec. 54.0411, Family Code) . . . \$20;

(D) a juvenile delinquency prevention fee (Sec. 54.0461, Family Code) . . . \$5; and

(E) a court fee for child's probationary period (Sec. 54.061, Family Code) . . . not to exceed \$15 a month;

(31) a court reporter service fee if the courts have official court reporters (Sec. 51.601, Government Code) . . . \$15;

(32) administrative fee on dismissal of charge of driving with an expired motor vehicle registration (Sec. 502.407, Transportation Code) . . . not to exceed \$10;

(33) administrative fee on dismissal of charge of driving with an expired driver's license (Sec. 521.026,

1 Transportation Code) . . . not to exceed \$10;

2 (34) administrative fee on remediation of charge of
3 driving with an expired inspection certificate (Sec. 548.605,
4 Transportation Code) . . . not to exceed \$10;

5 (35) administrative fee for failure to appear for a
6 complaint or citation on certain offenses (Sec. 706.006,
7 Transportation Code) . . . \$4 [~~\$30~~] for each violation;

8 (36) administrative fee for failure to pay or satisfy
9 certain judgments (Sec. 706.006, Transportation Code) . . . \$4
10 ~~[\$30]~~;

11 (37) fee paid on filing a petition for an order of
12 nondisclosure of criminal history record information in certain
13 cases (Sec. 411.081, Government Code) . . . \$28; and

14 (38) on a finding that an animal's owner has cruelly
15 treated the animal, court costs including:

16 (A) investigation (Sec. 821.023, Health and
17 Safety Code) . . . actual costs;

18 (B) expert witnesses (Sec. 821.023, Health and
19 Safety Code) . . . actual costs;

20 (C) housing and caring for the animal during its
21 impoundment (Sec. 821.023, Health and Safety Code) . . . actual
22 costs;

23 (D) conducting any public sale ordered by the
24 court (Sec. 821.023, Health and Safety Code) . . . actual costs; and

25 (E) humanely destroying the animal if
26 destruction is ordered by the court (Sec. 821.023, Health and
27 Safety Code) . . . actual costs.

1 SECTION 17. (a) The change in law made by this Act applies
2 only to an offense committed on or after the effective date of this
3 Act. For the purposes of this section, an offense is committed
4 before the effective date of this Act if any element of the offense
5 occurs before that date.

6 (b) An offense committed before the effective date of this
7 Act is governed by the law in effect when the offense was committed,
8 and the former law is continued in effect for that purpose.

9 SECTION 18. This Act takes effect September 1, 2005.