

## **BILL ANALYSIS**

C.S.S.B. 1723  
By: Ogden  
Law Enforcement  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The Driver Responsibility Program established a system whereby points are assigned to moving violations classified as Class C misdemeanors and surcharges are applied to a license based on the type of offense and the time period in which the offense occurred.

Since the inception of the program in September 2004, the Texas Department of Public Safety (DPS) has sent notices billing \$478.7 million in potential surcharges, but has only collected \$132.8 million.

C.S.S.B. 1723 provides DPS with tools to increase collections and payment options for those persons assessed surcharges.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority that is expressly granted to the Department of Public Safety is modified in SECTION 1 of this bill.

It is the committee's opinion that rulemaking authority is expressly granted to the Department of Public Safety in SECTION 3 of this bill.

### **ANALYSIS**

C.S.S.B. 1723 amends Section 708.153(b), Transportation Code, to authorize that a rule under this section may provide that if a person fails to make a required installment payment, the Department of Public Safety is authorized to reestablish the installment plan.

The bill also amends Section 708.155, Transportation Code to authorize the Department of Public Safety to amend a contract entered into under Subsection (a) and to enter into additional contracts under Subsection (a) in order to provide for alternative or additional collection methods for surcharges receivable. The bill also prohibits the total amount of compensation under a contract entered into under this section from exceeding 30 percent of the amount of the surcharges and related costs collected.

The bill amends Subchapter D, Chapter 708, Transportation Code, by adding Section 708.157 which authorizes the Department of Public Safety, by rule, to establish a periodic amnesty program for a driver's license holder whose license has been assessed a surcharge for certain offenses, as determined by the Department of Public Safety.

The bill also authorizes the Department of Public Safety, by rule, to offer a driver's license holder on whose license a surcharge has been assessed an incentive for compliance with the law and efforts at rehabilitation, including a reduction of a surcharge or a decrease in the length of an installment plan.

The provides that the changes made by this Act to Section 708.155, Transportation Code, do not affect the entitlement of a private attorney or a public or private vendor with whom the Department of Public Safety contracts under that section immediately before September 1, 2007, to bid on the additional contract.

### **EFFECTIVE DATE**

C.S.S.B. 1723 80(R)

September 1, 2007

**COMPARISON OF ORIGINAL TO SUBSTITUTE**

The engrossed version contains a reference to surcharges “that have not been collected under the original contract,” and another reference to “the original contract” that are not included in the substitute. The original bill states that the department may amend the original contract entered into "or" enter into additional contracts, whereas the substitutes states that the department may amend a contract entered into "and" enter into additional contracts.

The substitute removes a reference to the “State of Texas”.

The substitute makes conforming changes.