

Amend SB 896 (Senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Section 708.151, Transportation Code, is amended to read as follows:

Sec. 708.151. NOTICE OF SURCHARGE. (a) The department shall send notices as required by Subsection (b) to ~~[notify]~~ the holder of a driver's license when ~~[of the assessment of]~~ a surcharge is assessed on that license. Each notice must:

(1) be sent by first class mail ~~[sent]~~ to the person's most recent address as shown on the records of the department;

(2) ~~[. The notice must]~~ specify the date by which the surcharge must be paid; and

(3) state the consequences of a failure to pay the surcharge.

(b) The department shall send a first notice not later than the fifth day after the date the surcharge is assessed. If before the 30th day after the date the first notice was sent the person fails to pay the amount of the surcharge or fails to enter into an installment payment agreement with the department, the department shall send a second notice. If before the 30th day after the date the second notice was sent the person fails to pay the amount of the surcharge or fails to enter into an installment payment agreement with the department, the department shall send a third notice.

SECTION 2. Section 708.152(a), Transportation Code, is amended to read as follows:

(a) If before the 30th day after the date the department sends a third notice under Section 708.151 the person fails to pay the amount of a surcharge on the person's license or fails to enter into an installment payment agreement with the department, the license of the person is automatically suspended.

SECTION 3. Section 708.153(b), Transportation Code, is amended to read as follows:

(b) A rule under this section:

(1) may not require ~~[permit]~~ a person to pay a surcharge over a period of less ~~[more]~~ than 36 consecutive months; and

(2) may provide that if the person fails to make a

required installment payment, the department may reestablish the installment plan or declare the amount of the unpaid surcharge immediately due and payable.

SECTION 4. Subchapter D, Chapter 708, Transportation Code, is amended by adding Section 708.158 to read as follows:

Sec. 708.158. JURISDICTION. (a) For the time a surcharge under this chapter is outstanding, the court in which a person is convicted of the offense that is the basis for the surcharge has jurisdiction over the person, the department, and all agents of the department regarding all matters relating to the surcharge.

(b) The court may reduce or waive a surcharge under this chapter. A person who is assessed a surcharge may file a pleading, request a hearing, or otherwise invoke the jurisdiction of the court described by Subsection (a) at any time the person is required to pay a surcharge or is subject to any other enforcement procedure described by this chapter.

(c) The department may not assess a surcharge against a person who is indigent. For the purposes of this subsection, a person is indigent if:

(1) the person provides evidence described by Subsection (d) to the court in which the person is convicted of the offense that is the basis for the surcharge; or

(2) the person is a full-time student who:

(A) is enrolled in a public, private, or independent institution of higher education; and

(B) provides evidence described by Subsection (d) to the court in which the person is convicted of the offense that is the basis for the surcharge.

(d) A person must provide the following information to the court in which the person is convicted of the offense that is the basis for the surcharge as evidence that the person's income or the person's household income does not exceed 200 percent of the applicable income level established by the federal poverty guidelines:

(1) a copy of the person's most recent federal income tax return;

(2) a copy of the person's most recent statement of

wages; or

(3) documentation from a federal agency, state agency, or school district that indicates that the person or a member of the person's family with whom the person resides receives assistance from:

(A) the food stamp program or the financial assistance program established under Chapter 31, Human Resources Code;

(B) the federal special supplemental nutrition program for women, infants, and children authorized by 42 U.S.C. Section 1786;

(C) the medical assistance program under Chapter 32, Human Resources Code;

(D) the child health plan program under Chapter 62, Health and Safety Code; or

(E) the national free or reduced-price lunch program established under 42 U.S.C. Section 1751 et seq.

(e) If a court holds a hearing and finds that a person is indigent based on the information provided to the court by the person under Subsection (d), the court shall notify the department that the person is indigent.

SECTION 5. Subchapter B, Chapter 708, Transportation Code, is amended by adding Section 708.056 to read as follows:

Sec. 708.056. DEDUCTION OF POINTS. The department by rule shall establish a procedure to provide for the deduction of one point accumulated by a person under this subchapter to account for each year that the person has not accumulated points under this subchapter.

SECTION 6. The changes in law made by this Act apply only to a surcharge that is assessed on or after the effective date of this Act. A surcharge that was assessed before the effective date of this Act is subject to the law in effect on the date the surcharge was assessed, and that law is continued in effect for that purpose.

SECTION 7. This Act takes effect September 1, 2009.

SHAPIRO

