

By: Turner of Harris

H.B. No. 3056

A BILL TO BE ENTITLED

AN ACT

relating to the driver responsibility program.

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

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

1 court described by Subsection (a) at any time the person is required  
2 to pay a surcharge or is subject to any other enforcement procedure  
3 described by this chapter.

4 (c) The department may not assess a surcharge against a  
5 person who is indigent. For purposes of this section, a person is  
6 presumed to be indigent if the person was represented by appointed  
7 counsel at the person's trial for the offense that is the basis for  
8 the surcharge.

9 SECTION 5. The changes in law made by this Act apply only to  
10 a surcharge that is assessed on or after the effective date of this  
11 Act. A surcharge that was assessed before the effective date of  
12 this Act is subject to the law in effect on the date the surcharge  
13 was assessed, and that law is continued in effect for that purpose.

14 SECTION 6. This Act takes effect September 1, 2009.