

By: Coleman

H.B. No. 3733

A BILL TO BE ENTITLED

AN ACT

relating to the administration of the driver responsibility program.

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

SECTION 1. Subchapter A, Chapter 708, Transportation Code, is amended by adding Section 708.004 to read as follows:

Sec. 708.004. DEPARTMENT'S DETERMINATION OF AMOUNT OF SURCHARGE. The department by rule shall set the amount of a surcharge to be assessed under this chapter on a person's license. The amount may not exceed the maximum amount allowed by this chapter for a surcharge based on points or a conviction, as applicable. The amount shall be based on:

(1) the seriousness of the violation, including the nature, circumstances, extent, and gravity of the violation;

(2) the amount necessary to deter a future violation;
and

(3) the amount that maximizes the collection of surcharges by the department.

SECTION 2. Section 708.054, Transportation Code, is amended to read as follows:

Sec. 708.054. AMOUNT OF POINTS SURCHARGE. The amount of a surcharge under this chapter may not exceed ~~is~~ \$100 for the first six points and may not exceed \$25 for each additional point.

SECTION 3. Section 708.102(c), Transportation Code, is

1 amended to read as follows:

2 (c) The amount of a surcharge under this section may not
3 exceed [~~is~~] \$1,000 per year, except that the amount of the surcharge
4 may not exceed [~~is~~]:

5 (1) \$1,500 per year for a second or subsequent
6 conviction within a 36-month period; and

7 (2) \$2,000 for a first or subsequent conviction if it
8 is shown on the trial of the offense that an analysis of a specimen
9 of the person's blood, breath, or urine showed an alcohol
10 concentration level of 0.16 or more at the time the analysis was
11 performed.

12 SECTION 4. Section 708.103(b), Transportation Code, is
13 amended to read as follows:

14 (b) The amount of a surcharge under this section may not
15 exceed [~~is~~] \$250 per year.

16 SECTION 5. Section 708.104(b), Transportation Code, is
17 amended to read as follows:

18 (b) The amount of a surcharge under this section may not
19 exceed [~~is~~] \$100 per year.

20 SECTION 6. Section 708.105, Transportation Code, is amended
21 by adding Subsections (c) and (d) to read as follows:

22 (c) Before accepting a plea other than a plea under Article
23 27.14(d), Code of Criminal Procedure, the court must provide a
24 defendant charged with an offense described by Section 708.102,
25 708.103, or 708.104 the following statement and require the
26 defendant to sign the statement:

27 "A conviction for the offense charged will result in the

1 assessment of a surcharge that will be imposed annually for a period
2 of 36 months under the Driver Responsibility Program."

3 (d) The statement provided to a defendant under Subsection
4 (c) must also state the maximum amount of the annual surcharge as
5 provided by Section 708.102, 708.103, or 708.104. The copy of the
6 statement signed by the defendant shall be retained by the court.

7 SECTION 7. Section 708.157, Transportation Code, is amended
8 by amending Subsection (c) and adding Subsection (d) to read as
9 follows:

10 (c) The department by rule shall ~~[may]~~ establish an
11 indigency program to reduce the surcharge on a person's license if
12 the department determines that the person is indigent ~~[for holders~~
13 ~~of a driver's license on which a surcharge has been assessed for~~
14 ~~certain offenses, as determined by the department]~~. The department
15 shall require a person to submit proof of indigency.

16 (d) For purposes of this section, a person is indigent if
17 the person's income is not more than 100 percent of the applicable
18 income level established by the federal poverty guidelines.

19 SECTION 8. (a) Not later than October 1, 2010, the
20 Department of Public Safety shall adopt initial rules determining
21 the amount of a surcharge on a person's driver's license under
22 Chapter 708, Transportation Code, as amended by this Act. Not later
23 than October 1 of each subsequent year, the Department of Public
24 Safety shall review its rules and determine whether the amount of a
25 surcharge should be increased or decreased.

26 (b) A surcharge imposed under Chapter 708, Transportation
27 Code, before the effective date of the initial rules adopted by the

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1 Department of Public Safety under Subsection (a) of this section is
2 governed by that chapter as it existed on the date the surcharge was
3 imposed, and the former law is continued in effect for that purpose.

4 SECTION 9. This Act takes effect September 1, 2009.