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S.B. No. 896

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.

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

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

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

10 (b) A rule under this section:

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

14 (2) may provide that if the person fails to make a
15 required installment payment, the department may reestablish the
16 installment plan or declare the amount of the unpaid surcharge
17 immediately due and payable.

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

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

25 (b) The court may reduce or waive a surcharge under this
26 chapter. A person who is assessed a surcharge may file a pleading,
27 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 the purposes of this subsection, a
6 person is indigent if:

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

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

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

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

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

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

24 (2) a copy of the person's most recent statement of
25 wages; or

26 (3) documentation from a federal agency, state agency,
27 or school district that indicates that the person or a member of the

1 person's family with whom the person resides receives assistance
2 from:

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

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

9 (C) the medical assistance program under Chapter
10 32, Human Resources Code;

11 (D) the child health plan program under Chapter
12 62, Health and Safety Code; or

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

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

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

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

26 SECTION 6. The changes in law made by this Act apply only to
27 a surcharge that is assessed on or after the effective date of this

1 Act. A surcharge that was assessed before the effective date of
2 this Act is subject to the law in effect on the date the surcharge
3 was assessed, and that law is continued in effect for that purpose.

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