

## **BILL ANALYSIS**

C.S.H.B. 2851  
By: Mallory Caraway  
Defense & Veterans' Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Under the state's driver responsibility program, drivers are assessed a surcharge based on conviction of certain traffic offenses. The surcharge must be paid within a certain timeframe to prevent the suspension of driving privileges. Driving privileges remain suspended until the person establishes an installment agreement or pays in full all surcharges and related costs. This program adversely affects Texans who serve in the armed forces and may be unable to receive driver responsibility statements or make surcharge payments. C.S.H.B. 2851 seeks to address this issue by providing for the deferral of surcharges assessed for certain convictions against an active duty servicemember deployed outside of the continental United States until the servicemember returns home. In doing so, the bill increases compliance with and collections under the driver responsibility program.

### **RULEMAKING AUTHORITY**

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

### **ANALYSIS**

C.S.H.B. 2851 amends the Transportation Code to require the Department of Public Safety by rule to establish a deferral program for surcharges assessed under the driver responsibility program for certain convictions against a person who is a member of the United States armed forces on active duty deployed outside of the continental United States. The bill requires the program to toll the 36-month period while the person is deployed and defer assessment of surcharges against the person until the date the person is no longer deployed for an offense committed before the person was deployed or while the person is deployed.

### **EFFECTIVE DATE**

September 1, 2011.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 2851 differs from the original by applying the deferral program to surcharges assessed for driving without a valid license, in addition to surcharges assessed for conviction of driving while a license is invalid or without financial responsibility or with suspended registration, whereas the original applies the deferral program only to surcharges for conviction of driving while a license is invalid or without financial responsibility or with suspended registration. The substitute differs from the original by deferring surcharges against a member of the United States armed forces on active duty deployed outside of the continental United States for an offense committed before the person was deployed or while the person is deployed, whereas the original defers surcharges against a member of the United States armed forces on active duty for an offense committed before the person was on active duty or while the person is on active duty. The substitute differs from the original by making conforming changes.