

By: Berman

H.B. No. 299

A BILL TO BE ENTITLED

AN ACT

relating to the repeal of the driver responsibility program.

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

SECTION 1. Article 102.022, Code of Criminal Procedure, is amended by amending Subsection (a) and adding Subsection (j) to read as follows:

(a) In this article, "moving violation" means an offense that:

(1) involves the operation of a motor vehicle; and

(2) is classified as a moving violation by the Department of Public Safety under this section [~~Section 708.052, Transportation Code~~].

(j) The Department of Public Safety by rule shall designate the offenses that constitute a moving violation of the traffic law under this section.

SECTION 2. Section 780.002, Health and Safety Code, is amended to read as follows:

Sec. 780.002. DEPOSITS TO ACCOUNT. The comptroller shall deposit any gifts, grants, donations, and legislative appropriations made for that purpose to the credit of the designated trauma facility and emergency medical services account established under Section 780.003. [~~(a) On the first Monday of each month, the Department of Public Safety shall remit the surcharges collected during the previous month under the driver~~

1 ~~responsibility program operated by that department under Chapter~~
2 ~~708, Transportation Code, to the comptroller.~~

3 ~~[(b) The comptroller shall deposit 49.5 percent of the money~~
4 ~~received under Subsection (a) to the credit of the account~~
5 ~~established under this chapter and 49.5 percent of the money to the~~
6 ~~general revenue fund. The remaining one percent of the amount of~~
7 ~~the surcharges shall be deposited to the general revenue fund and~~
8 ~~may be appropriated only to the Department of Public Safety for~~
9 ~~administration of the driver responsibility program operated by~~
10 ~~that department under Chapter 708, Transportation Code.~~

11 ~~[(c) Notwithstanding Subsection (b), in any state fiscal~~
12 ~~year the comptroller shall deposit 49.5 percent of the surcharges~~
13 ~~collected under Chapter 708, Transportation Code, to the credit of~~
14 ~~the general revenue fund only until the total amount of the~~
15 ~~surcharges deposited to the credit of the general revenue fund~~
16 ~~under Subsection (b), and the state traffic fines deposited to the~~
17 ~~credit of that fund under Section 542.4031(g)(1), Transportation~~
18 ~~Code, equals \$250 million for that year. If in any state fiscal~~
19 ~~year the amount received by the comptroller under those laws for~~
20 ~~deposit to the credit of the general revenue fund exceeds \$250~~
21 ~~million, the comptroller shall deposit the additional amount to the~~
22 ~~credit of the Texas mobility fund.]~~

23 SECTION 3. Section 521.205(a), Transportation Code, is
24 amended to read as follows:

25 (a) The department by rule shall provide for approval of a
26 driver education course conducted by the parent, stepparent, foster
27 parent, legal guardian, step-grandparent, or grandparent of a

1 person who is required to complete a driver education course to
2 obtain a Class C license. The rules must provide that:

3 (1) the person conducting the course possess a valid
4 license for the preceding three years that has not been suspended,
5 revoked, or forfeited in the past three years for an offense that
6 involves the operation of a motor vehicle;

7 (2) the student driver spend a minimum number of hours
8 in:

9 (A) classroom instruction; and

10 (B) behind-the-wheel instruction;

11 (3) the person conducting the course not be convicted
12 of:

13 (A) criminally negligent homicide; or

14 (B) driving while intoxicated; and

15 (4) the person conducting the course not be disabled
16 because of mental illness[~~, and~~

17 [~~(5) the person conducting the course not have six or~~
18 ~~more points assigned to the person's driver's license under~~
19 ~~Subchapter B, Chapter 708, at the time the person begins conducting~~
20 ~~the course].~~

21 SECTION 4. Section 542.4031(h), Transportation Code, is
22 amended to read as follows:

23 (h) Notwithstanding Subsection (g)(1), in any state fiscal
24 year the comptroller shall deposit 67 percent of the money received
25 under Subsection (e)(2) to the credit of the general revenue fund
26 only until the total amount of the money deposited to the credit of
27 the general revenue fund under Subsection (g)(1) [~~and Section~~

1 ~~780.002(b), Health and Safety Code,~~] equals \$250 million for that
2 year. If in any state fiscal year the amount received by the
3 comptroller under Subsection (g)(1) [~~those laws~~] for deposit to the
4 credit of the general revenue fund exceeds \$250 million, the
5 comptroller shall deposit the additional amount to the credit of
6 the Texas mobility fund.

7 SECTION 5. Section 601.233(a), Transportation Code, is
8 amended to read as follows:

9 (a) A citation for an offense under Section 601.191 issued
10 as a result of Section 601.053 must include, in type larger than
11 other type on the citation, [~~except for the type of the statement~~
12 ~~required by Section 708.105,~~] the following statement:

13 "A second or subsequent conviction of an offense under the Texas
14 Motor Vehicle Safety Responsibility Act will result in the
15 suspension of your driver's license and motor vehicle registration
16 unless you file and maintain evidence of financial responsibility
17 with the Department of Public Safety for two years from the date of
18 conviction. The department may waive the requirement to file
19 evidence of financial responsibility if you file satisfactory
20 evidence with the department showing that at the time this citation
21 was issued, the vehicle was covered by a motor vehicle liability
22 insurance policy or that you were otherwise exempt from the
23 requirements to provide evidence of financial responsibility."

24 SECTION 6. The following laws are repealed:

- 25 (1) Section 1001.257, Education Code;
26 (2) Section 411.110(f), Government Code;
27 (3) Section 773.0614(b), Health and Safety Code; and

1 (4) Chapter 708, Transportation Code.

2 SECTION 7. Notwithstanding the repeal by this Act of
3 Chapter 708, Transportation Code, a surcharge imposed under former
4 Chapter 708 of that code before the effective date of this Act is
5 governed by the applicable law in effect before the effective date
6 of this Act, and the former law is continued in effect for that
7 purpose.

8 SECTION 8. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2011.