

By: Burnam

H.B. No. 1810

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the repeal of the driver responsibility program and to
3 the replacement of the revenue derived from the driver
4 responsibility program through an increase in the tax on
5 cigarettes.

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

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

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

- 12 (1) involves the operation of a motor vehicle; and
13 (2) is classified as a moving violation by the
14 Department of Public Safety under this section [~~Section 708.052,~~
15 ~~Transportation Code~~].

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

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

21 Sec. 780.002. DEPOSITS TO ACCOUNT. The comptroller shall
22 deposit any gifts, grants, donations, and legislative
23 appropriations made for that purpose to the credit of the
24 designated trauma facility and emergency medical services account

1 established under Section 780.003. [~~(a) On the first Monday of~~
2 ~~each month, the Department of Public Safety shall remit the~~
3 ~~surcharges collected during the previous month under the driver~~
4 ~~responsibility program operated by that department under Chapter~~
5 ~~708, Transportation Code, to the comptroller.~~

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

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

26 SECTION 3. Section 154.021(b), Tax Code, is amended to read
27 as follows:

1 (b) The tax rates are:

2 (1) \$76.50 [~~\$70.50~~] per thousand on cigarettes
3 weighing three pounds or less per thousand; and

4 (2) the rate provided by Subdivision (1) plus \$2.10
5 per thousand on cigarettes weighing more than three pounds per
6 thousand.

7 SECTION 4. Section 154.6035, Tax Code, is amended to read as
8 follows:

9 Sec. 154.6035. ALLOCATION OF CERTAIN REVENUE [~~TO PROPERTY~~
10 ~~TAX RELIEF FUND~~]. (a) Notwithstanding Section 154.603, all
11 proceeds from the collection of taxes imposed by this chapter
12 attributable to the portion of the tax rate in excess of \$20.50 per
13 thousand on cigarettes, but not exceeding \$70.50 per thousand,
14 regardless of weight, shall be deposited to the credit of the
15 property tax relief fund under Section 403.109, Government Code.

16 (b) Notwithstanding Section 154.603, all proceeds from the
17 collection of taxes attributable to the portion of the tax rate in
18 excess of \$70.50 per thousand on cigarettes, regardless of weight,
19 shall be deposited as follows:

20 (1) 50 percent to the credit of the designated trauma
21 facility and emergency medical services account in the general
22 revenue fund; and

23 (2) the remainder to the credit of the general revenue
24 fund.

25 SECTION 5. Section 521.205(a), Transportation Code, is
26 amended to read as follows:

27 (a) The department by rule shall provide for approval of a

1 driver education course conducted by the parent, stepparent, foster
2 parent, legal guardian, step-grandparent, or grandparent of a
3 person who is required to complete a driver education course to
4 obtain a Class C license. The rules must provide that:

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

9 (2) the student driver spend a minimum number of hours
10 in:

11 (A) classroom instruction; and

12 (B) behind-the-wheel instruction;

13 (3) the person conducting the course not be convicted
14 of:

15 (A) criminally negligent homicide; or

16 (B) driving while intoxicated; and

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

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

23 SECTION 6. Section 542.4031(h), Transportation Code, is
24 amended to read as follows:

25 (h) Notwithstanding Subsection (g)(1), in any state fiscal
26 year the comptroller shall deposit 67 percent of the money received
27 under Subsection (e)(2) to the credit of the general revenue fund

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

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

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

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

26 SECTION 8. The following laws are repealed:

27 (1) Section 1001.257, Education Code;

- 1 (2) Section 411.110(f), Government Code;
- 2 (3) Section 773.0614(b), Health and Safety Code; and
- 3 (4) Chapter 708, Transportation Code.

4 SECTION 9. Notwithstanding the repeal by this Act of
5 Chapter 708, Transportation Code, a surcharge imposed under former
6 Chapter 708 of that code before the effective date of this Act is
7 governed by the applicable law in effect before the effective date
8 of this Act, and the former law is continued in effect for that
9 purpose.

10 SECTION 10. This Act takes effect September 1, 2011.