

By: Gonzales, Burnam, Allen,
Turner of Harris, Giddings

H.B. No. 104

Substitute the following for H.B. No. 104:

By: Pickett

C.S.H.B. No. 104

A BILL TO BE ENTITLED

AN ACT

1
2 relating to surcharges associated with and the enforcement of the
3 driver responsibility program.

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

5 SECTION 1. Section 708.002, Transportation Code, is amended
6 to read as follows:

7 Sec. 708.002. RULES. The department shall adopt [~~and~~
8 ~~enforce~~] rules to implement [~~and enforce~~] this chapter.

9 SECTION 2. Sections 708.151(a) and (c), Transportation
10 Code, are amended to read as follows:

11 (a) The department shall send notices as required by
12 Subsection (b) to the holder of a driver's license when a surcharge
13 is assessed on that license. Each notice must:

14 (1) be sent by first class mail to the person's most
15 recent address as shown on the records of the department or to the
16 person's most recent forwarding address on record with the United
17 States Postal Service if it is different;

18 (2) specify the date by which the surcharge must be
19 paid; and

20 (3) state the total dollar amount of the surcharge
21 that must be paid, the number of monthly payments required under an
22 installment payment plan, and the minimum monthly payment required
23 for a person to enter and maintain an installment payment plan with
24 the department [~~and~~

1 ~~[(4) state the consequences of a failure to pay the~~
2 ~~surcharge].~~

3 (c) If on or before the 45th day after the date the first
4 notice was sent the person fails to pay the amount of the surcharge
5 or fails to enter into an installment payment agreement with the
6 department, the department shall send a second notice. If on or
7 before the 60th day after the date the second notice was sent the
8 person fails to pay the amount of the surcharge or fails to enter
9 into an installment payment agreement with the department, the
10 department shall send a third notice ~~[that advises the person that~~
11 ~~the person's driving privileges are suspended].~~

12 SECTION 3. Section 708.152, Transportation Code, is amended
13 to read as follows:

14 Sec. 708.152. FAILURE TO PAY SURCHARGE. The department may
15 not impose a penalty on a person who fails to pay the amount of a
16 surcharge on the person's license. ~~[(a) If on the 60th day after~~
17 ~~the date the department sends a second notice under Section 708.151~~
18 ~~the person fails to pay the amount of a surcharge on the person's~~
19 ~~license or fails to enter into an installment payment agreement~~
20 ~~with the department, the license of the person is automatically~~
21 ~~suspended. A person's license may not be suspended under this~~
22 ~~section before the 105th day after the date the surcharge was~~
23 ~~assessed by the department.~~

24 ~~[(b) A license suspended under this section remains~~
25 ~~suspended until the person pays the amount of the surcharge and any~~
26 ~~related costs.]~~

27 SECTION 4. Subchapter D, Chapter 708, Transportation Code,

1 is amended by adding Section 708.160 to read as follows:

2 Sec. 708.160. MORATORIUM ON COLLECTION OF SURCHARGES. (a)
3 Except as provided by Subsection (b), the department may not
4 collect a surcharge described by this chapter on or after September
5 1, 2013.

6 (b) The department may collect a surcharge described by this
7 chapter on or after September 1, 2015, unless another source of
8 revenue is dedicated to the designated trauma facility and
9 emergency medical services account established under Section
10 780.003, Health and Safety Code, that:

11 (1) is roughly equal to the amount of revenue
12 dedicated to the account under this chapter; and

13 (2) was dedicated to the account on or after January 1,
14 2013.

15 SECTION 5. Sections 708.154(b) and (c), Transportation
16 Code, are repealed.

17 SECTION 6. This Act takes effect September 1, 2013.