

By: Gonzales

H.B. No. 104

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(a), Code of Criminal Procedure, is amended 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 Section 542.304 [~~708.052~~], Transportation Code.

SECTION 2. Section 1001.257, Education Code, is amended to read as follows:

Sec. 1001.257. DENIAL OF LICENSE. The commissioner may not issue or renew a driver education instructor license, including a temporary license, to a person who has been convicted of:

(1) three or more moving violations described by Section 542.304, Transportation Code, including violations that resulted in an accident; or

(2) two or more moving violations described by Section 542.304, Transportation Code, that resulted in an accident [~~six or more points assigned to the person's driver's license under Subchapter B, Chapter 708, Transportation Code~~].

SECTION 3. Section 411.110(f), Government Code, is amended

1 to read as follows:

2 (f) The Department of State Health Services may not consider
3 offenses described by [~~for which points are assessed under~~] Section
4 542.304 [~~708.052~~], Transportation Code, to determine whether to
5 hire or retain an employee or to contract with a person on whom
6 criminal history record information is obtained under this section.

7 SECTION 4. Section 773.0614(b), Health and Safety Code, is
8 amended to read as follows:

9 (b) For purposes of Subsection (a), the department may not
10 consider offenses described by [~~for which points are assessed~~
11 ~~under~~] Section 542.304 [~~708.052~~], Transportation Code.

12 SECTION 5. Section 780.002, Health and Safety Code, is
13 amended to read as follows:

14 Sec. 780.002. DEPOSITS TO ACCOUNT. The comptroller shall
15 deposit any gifts, grants, donations, and legislative
16 appropriations made for the purposes of the designated trauma
17 facility and emergency medical services account established under
18 Section 780.003 to the credit of the account. [~~(a) On the first~~
19 ~~Monday of each month, the Department of Public Safety shall remit~~
20 ~~the surcharges collected during the previous month under the driver~~
21 ~~responsibility program operated by that department under Chapter~~
22 ~~708, Transportation Code, to the comptroller.~~

23 [~~(b) The comptroller shall deposit 49.5 percent of the money~~
24 ~~received under Subsection (a) to the credit of the account~~
25 ~~established under this chapter and 49.5 percent of the money to the~~
26 ~~general revenue fund. The remaining one percent of the amount of~~
27 ~~the surcharges shall be deposited to the general revenue fund and~~

1 ~~may be appropriated only to the Department of Public Safety for~~
2 ~~administration of the driver responsibility program operated by~~
3 ~~that department under Chapter 708, Transportation Code.~~

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

16 SECTION 6. Section 502.357(b), Transportation Code, is
17 amended to read as follows:

18 (b) Fees collected under this section shall be deposited to
19 the credit of the state highway fund. Subject to appropriations,
20 the money shall be used by the Department of Public Safety to:

21 (1) support the Department of Public Safety's
22 reengineering of the driver's license system to provide for the
23 issuance by the Department of Public Safety of a driver's license or
24 personal identification certificate, to include use of image
25 comparison technology; and

26 (2) ~~[establish and maintain a system to support the~~
27 ~~driver responsibility program under Chapter 708, and~~

1 [~~3~~] make lease payments to the master lease purchase
2 program for the financing of the driver's license reengineering
3 project.

4 SECTION 7. Section 521.205(a), Transportation Code, is
5 amended to read as follows:

6 (a) The department by rule shall provide for approval of a
7 driver education course conducted by the parent, stepparent, foster
8 parent, legal guardian, step-grandparent, or grandparent of a
9 person who is required to complete a driver education course to
10 obtain a Class C license. The rules must provide that:

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

15 (2) the student driver spend a minimum number of hours
16 in:

17 (A) classroom instruction; and

18 (B) behind-the-wheel instruction;

19 (3) the person conducting the course not be convicted
20 of:

21 (A) criminally negligent homicide; or

22 (B) driving while intoxicated;

23 (4) the person conducting the course not be disabled
24 because of mental illness; and

25 (5) at the time a person begins conducting the course,
26 the person not have been convicted of:

27 (A) three or more moving violations described by

1 Section 542.304, Transportation Code, including violations that
2 resulted in an accident; or

3 (B) two or more moving violations described by
4 Section 542.304, Transportation Code, that resulted in an accident
5 ~~[conducting the course not have six or more points assigned to the~~
6 ~~person's driver's license under Subchapter B, Chapter 708, at the~~
7 ~~time the person begins conducting the course].~~

8 SECTION 8. Subchapter C, Chapter 542, Transportation Code,
9 is amended by adding Section 542.304 to read as follows:

10 Sec. 542.304. MOVING VIOLATIONS FOR CERTAIN PURPOSES. (a)
11 The department by rule shall designate the offenses involving the
12 operation of a motor vehicle that constitute a moving violation of
13 the traffic law for the purposes of:

- 14 (1) Article 102.022(a), Code of Criminal Procedure;
15 (2) Section 1001.257, Education Code;
16 (3) Section 411.110(f), Government Code;
17 (4) Section 773.0614(b), Health and Safety Code; and
18 (5) Section 521.205(a), Transportation Code.

19 (b) The rules must provide that for the purposes of the
20 provisions described in Subsection (a), moving violations:

21 (1) include:

22 (A) a violation of the traffic law of this state,
23 another state, or a political subdivision of this or another state;
24 and

25 (B) an offense under Section 545.412; and

26 (2) do not include:

27 (A) the offense of speeding when the person

1 convicted was at the time of the offense driving less than 10
2 percent faster than the posted speed limit, unless the person
3 committed the offense in a school crossing zone; or

4 (B) an offense adjudicated under Article 45.051
5 or 45.0511, Code of Criminal Procedure.

6 SECTION 9. Section 542.4031(h), Transportation Code, is
7 amended to read as follows:

8 (h) Notwithstanding Subsection (g)(1), in any state fiscal
9 year the comptroller shall deposit 67 percent of the money received
10 under Subsection (e)(2) to the credit of the general revenue fund
11 only until the total amount of the money deposited to the credit of
12 the general revenue fund under Subsection (g)(1) [~~and Section~~
13 ~~780.002(b), Health and Safety Code,~~] equals \$250 million for that
14 year. If in any state fiscal year the amount received by the
15 comptroller under Subsection (g)(1) [~~those laws~~] for deposit to the
16 credit of the general revenue fund exceeds \$250 million, the
17 comptroller shall deposit the additional amount to the credit of
18 the Texas mobility fund.

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

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

25 "A second or subsequent conviction of an offense under the Texas
26 Motor Vehicle Safety Responsibility Act will result in the
27 suspension of your driver's license and motor vehicle registration

1 unless you file and maintain evidence of financial responsibility
2 with the Department of Public Safety for two years from the date of
3 conviction. The department may waive the requirement to file
4 evidence of financial responsibility if you file satisfactory
5 evidence with the department showing that at the time this citation
6 was issued, the vehicle was covered by a motor vehicle liability
7 insurance policy or that you were otherwise exempt from the
8 requirements to provide evidence of financial responsibility."

9 SECTION 11. Chapter 708, Transportation Code, is repealed.

10 SECTION 12. Notwithstanding the repeal by this Act of
11 Chapter 708, Transportation Code, a surcharge imposed under former
12 Chapter 708 of that code before the effective date of this Act is
13 governed by the applicable law in effect before the effective date
14 of this Act, and the former law is continued in effect for that
15 purpose.

16 SECTION 13. This Act takes effect immediately if it
17 receives a vote of two-thirds of all the members elected to each
18 house, as provided by Section 39, Article III, Texas Constitution.
19 If this Act does not receive the vote necessary for immediate
20 effect, this Act takes effect September 1, 2013.