

By: Thompson of Harris, Phillips, Pickett

H.B. No. 2671

Substitute the following for H.B. No. 2671:

By: Phillips

C.S.H.B. No. 2671

A BILL TO BE ENTITLED

AN ACT

relating to penalties for certain criminal offenses regarding operating a motor vehicle; imposing a fee and changing a surcharge.

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

SECTION 1. Subchapter B, Chapter 521, Transportation Code, is amended by adding Section 521.0265 to read as follows:

Sec. 521.0265. DISMISSAL OF DRIVING WITHOUT REQUIRED LICENSE CHARGE. (a) A judge may dismiss a charge of operating a motor vehicle without a driver's license under Section 521.021 if the defendant obtains a driver's license not later than the 60th working day after the date of the offense.

(b) The judge shall assess the defendant an administrative fee not to exceed \$50 when a charge is dismissed under Subsection (a).

(c) This section does not apply to a charge of driving without a commercial driver's license under Section 522.011.

SECTION 2. Section 521.343(c), Transportation Code, is amended to read as follows:

(c) Except as otherwise provided by Section 521.457(h), if ~~if~~ the license holder is convicted of operating a motor vehicle while the license to operate a motor vehicle is cancelled, disqualified, suspended, revoked, or denied, the period is extended for the same term as the original suspension or disqualification, in addition to any penalty assessed under this chapter or Chapter

1 522.

2 SECTION 3. Section 521.457, Transportation Code, is amended
3 by adding Subsection (h) to read as follows:

4 (h) The department may not extend the period a person's
5 driver's license is suspended, as provided by Section 521.343, for
6 a conviction of an offense described by Subsection (a)(2) if:

7 (1) the person has not been convicted of an offense
8 under this section in the 36-month period before the date of the
9 current offense; and

10 (2) at the time of the current offense the person's
11 license was suspended under Section 708.152.

12 SECTION 4. Subchapter G, Chapter 601, Transportation Code,
13 is amended by adding Section 601.192 to read as follows:

14 Sec. 601.192. DISMISSAL OF CHARGE OF OPERATION OF MOTOR
15 VEHICLE IN VIOLATION OF MOTOR VEHICLE LIABILITY INSURANCE
16 REQUIREMENT. (a) A judge may dismiss a charge under Section
17 601.191 for a defendant who cannot establish financial
18 responsibility on the date of the offense if the defendant
19 establishes financial responsibility under Section 601.051 not
20 later than the 20th working day after the date of the offense.

21 (b) If the defendant establishes financial responsibility
22 under Subsection (a) through a motor vehicle liability insurance
23 policy that complies with Subchapter D, the policy must be prepaid
24 and valid for at least a six-month period.

25 (c) The judge shall assess the defendant an administrative
26 fee not to exceed \$50 when a charge is dismissed under Subsection
27 (a).

1 SECTION 5. Section 708.055, Transportation Code, is amended
2 to read as follows:

3 Sec. 708.055. NOTICE OF ASSIGNMENT OF FIFTH POINT. The
4 department shall notify the holder of a driver's license of the
5 assignment of a fifth point on that license by first class mail sent
6 to the person's most recent address as shown on the records of the
7 department or records obtained by the department from another
8 entity or service.

9 SECTION 6. Sections 708.102(b), (c), and (d),
10 Transportation Code, are amended to read as follows:

11 (b) The [~~Each year the~~] department shall assess a surcharge
12 on the license of a a [~~each~~] person for each conviction [~~who during~~
13 ~~the preceding 36-month period has been finally convicted~~] of an
14 offense relating to the operating of a motor vehicle while
15 intoxicated.

16 (c) The amount of a surcharge under this section is:

17 (1) \$3,000 for the first conviction;

18 (2) \$4,500 [~~\$1,000 per year, except that the amount of~~
19 ~~the surcharge is:~~

20 [~~(1) \$1,500 per year~~] for a second or subsequent
21 conviction within a 36-month period; or

22 (3) \$6,000 [~~and~~

23 [~~(2) \$2,000~~] for a first or subsequent conviction if
24 it is shown on the trial of the offense that an analysis of a
25 specimen of the person's blood, breath, or urine showed an alcohol
26 concentration level of 0.16 or more at the time the analysis was
27 performed.

1 (d) A surcharge under this section [~~for the same conviction~~]
2 may not be assessed more than once for the same conviction [~~in more~~
3 ~~than three years~~].

4 SECTION 7. Section 708.103, Transportation Code, is amended
5 to read as follows:

6 Sec. 708.103. SURCHARGE FOR CONVICTION OF DRIVING WHILE
7 LICENSE INVALID OR WITHOUT FINANCIAL RESPONSIBILITY. (a) The
8 [~~Each year the~~] department shall assess a surcharge on the license
9 of each person who is [~~during the preceding 36-month period has~~
10 ~~been~~] convicted of an offense under:

11 (1) Section [~~521.457,~~] 601.191[~~,~~] or 601.371; or

12 (2) Section 521.457, if the defendant has been
13 previously convicted one or more times of an offense under that
14 section.

15 (b) The amount of a surcharge under this section is \$650
16 [~~\$250 per year~~].

17 SECTION 8. Section 708.104, Transportation Code, is amended
18 to read as follows:

19 Sec. 708.104. SURCHARGE FOR CONVICTION OF DRIVING WITHOUT
20 REQUIRED [~~VALID~~] LICENSE. (a) The [~~Each year the~~] department shall
21 assess a surcharge on the license of a person who is [~~during the~~
22 ~~preceding 36-month period has been~~] convicted of an offense under
23 Section 521.021.

24 (b) The amount of a surcharge under this section is \$300
25 [~~\$100 per year~~].

26 (c) A surcharge under this section [~~for the same conviction~~]
27 may not be assessed more than once for the same conviction [~~in more~~

1 ~~than three years]~~.

2 SECTION 9. Section 708.105, Transportation Code, is amended
3 by adding Subsection (c) to read as follows:

4 (c) The court shall notify a defendant charged with an
5 offense under a traffic law of this state or a political subdivision
6 of this state, in writing, at the time of the defendant's first
7 court appearance or as soon as possible on or after the date the
8 defendant pays a fine associated with the offense, whichever is
9 earlier, that a conviction may result in the assessment of a
10 surcharge under the driver responsibility program. The written
11 notification must include the statement described by Subsection
12 (a).

13 SECTION 10. Section 708.106, Transportation Code, is
14 amended to read as follows:

15 Sec. 708.106. DEFERRAL OF SURCHARGES FOR DEPLOYED MILITARY
16 PERSONNEL. The department by rule shall establish a deferral
17 program for surcharges assessed under Section 708.103 or 708.104
18 against a person who is a member of the United States armed forces
19 on active duty deployed outside of the continental United States.
20 The program must:

21 (1) toll the surcharge payment [~~36-month~~] period while
22 the person is deployed; and

23 (2) defer assessment of surcharges against the person
24 until the date the person is no longer deployed for an offense
25 committed:

26 (A) before the person was deployed; or

27 (B) while the person is deployed.

1 SECTION 11. Section 708.151(a), Transportation Code, is
2 amended to read as follows:

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

6 (1) be sent by first class mail to:

7 (A) the person's most recent address as shown on
8 the records of the department or records obtained by the department
9 from another entity or service; or

10 (B) ~~to~~ the person's most recent forwarding
11 address on record with the United States Postal Service if it is
12 different;

13 (2) specify the date by which the surcharge must be
14 paid;

15 (3) state the total dollar amount of the surcharge
16 that must be paid, the number of monthly payments required under an
17 installment payment plan, and the minimum monthly payment required
18 for a person to enter and maintain an installment payment plan with
19 the department; and

20 (4) state the consequences of a failure to pay the
21 surcharge.

22 SECTION 12. Section 708.153, Transportation Code, is
23 amended to read as follows:

24 Sec. 708.153. INSTALLMENT PAYMENT OF SURCHARGE. (a) The
25 department by rule shall provide for the payment of any ~~a~~
26 surcharge assessed under this chapter in installments, including a
27 surcharge pending on September 1, 2015.

1 (b) A rule under this section:

2 (1) may not require a person to:

3 (A) pay surcharges that total \$500 or more over a
4 period of less than 48 [~~36~~] consecutive months;

5 (B) pay surcharges that total more than \$250 but
6 not more than \$499 over a period of less than 24 consecutive months;
7 or

8 (C) pay surcharges that total \$249 or less over a
9 period of less than 12 consecutive months; and

10 (2) may provide that if the person fails to make any
11 required monthly installment payment, the department may
12 reestablish the installment plan on receipt of a payment in the
13 amount equal to at least a required monthly installment payment.

14 SECTION 13. Subchapter C, Chapter 1001, Education Code, is
15 amended by adding Section 1001.1035 to read as follows:

16 Sec. 1001.1035. DRIVER RESPONSIBILITY PROGRAM INFORMATION.

17 (a) The agency by rule shall require that information relating to
18 the driver responsibility program established under Chapter 708,
19 Transportation Code, and the surcharges assessed under that program
20 be included in the curriculum of any driver education course or
21 driving safety course.

22 (b) In developing rules under this section, the agency shall
23 consult with the department.

24 SECTION 14. Subchapter B, Chapter 103, Government Code, is
25 amended by adding Sections 103.02135 and 103.02136 to read as
26 follows:

27 Sec. 103.02135. ADDITIONAL FEES AND COSTS IN CRIMINAL CASE:

1 TRANSPORTATION CODE. A defendant shall pay the following
2 administrative fee on dismissal of a charge of driving without a
3 required license (Sec. 521.0265, Transportation Code) . . . \$50.

4 Sec. 103.02136. ADDITIONAL FEES AND COSTS IN CRIMINAL CASE:
5 TRANSPORTATION CODE. A defendant shall pay the following
6 administrative fee on dismissal of a charge of operation of a motor
7 vehicle in violation of motor vehicle liability insurance
8 requirement (Sec. 601.192, Transportation Code) . . . \$50.

9 SECTION 15. Section 708.159, Transportation Code, is
10 repealed.

11 SECTION 16. The change in law made by this Act applies only
12 to an offense committed on or after the effective date of this Act.
13 An offense committed before the effective date of this Act is
14 governed by the law in effect on the date the offense was committed,
15 and the former law is continued in effect for that purpose. For
16 purposes of this section, an offense was committed before the
17 effective date of this Act if any element of the offense occurred
18 before that date.

19 SECTION 17. This Act takes effect September 1, 2015.