

By: Hinojosa

S.B. No. 1056

A BILL TO BE ENTITLED

AN ACT

relating to the eligibility for indigent status for purposes of the driver responsibility program.

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

SECTION 1. Section 708.158(a), Transportation Code, is amended to read as follows:

(a) The department shall waive all surcharges assessed under this chapter for a person who is indigent. For the purposes of this section, a person is considered to be indigent if the person:

(1) was determined to be indigent for the purpose of appointing counsel under Article 26.04, Code of Criminal Procedure, for the offense that is the basis for the surcharge, and the court did not make a subsequent finding that the person had the ability to pay, wholly or partly, the cost of the appointed counsel; or

(2) provides the evidence described by Subsection (b) to the court.

SECTION 2. The change in law made by this Act to Section 708.158, Transportation Code, applies only to a surcharge assessed on or after the effective date of this Act, including a surcharge assessed for a conviction for an offense that occurred before the effective date of this Act. The state is not required to refund a surcharge collected before the effective date of this Act.

SECTION 3. This Act takes effect immediately if it receives

1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2015.