

By: Watson

S.B. No. 1923

A BILL TO BE ENTITLED

AN ACT

relating to the funding of the designated trauma facility and emergency medical services account through the imposition of court costs on persons convicted of certain driving-related offenses.

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. Subchapter A, Chapter 102, Code of Criminal Procedure, is amended by adding Article 102.023 to read as follows:

Art. 102.023. COURT COSTS: DESIGNATED TRAUMA FACILITY AND EMERGENCY MEDICAL SERVICES ACCOUNT. (a) In this article, "offense relating to the operating of a motor vehicle while intoxicated" has the meaning assigned by Section 49.09, Penal Code.

(b) In addition to all other costs on conviction imposed by this chapter, a person shall pay

(1) \$2,000 as a court cost on conviction of an offense relating to the operating of a motor vehicle while intoxicated;

(2) \$500 as a court cost on conviction of an offense

1 under Section 545.420, 545.421, 550.021, or 550.023(3),
2 Transportation Code;

3 (3) \$500 as a court cost on conviction of an offense
4 under Section 19.04, 19.05, or 22.02, Penal Code, if the person who
5 committed the offense was operating a motor vehicle at the time of
6 the offense;

7 (4) \$100 as a court cost on conviction of an offense
8 under Section 552.003, 552.006(c), 552.008, 545.060(a), 545.066,
9 545.151, 545.156, 545.401, 545.414, 545.417, 545.424(a),
10 545.425(b), 545.4252(b), or 547.004, Transportation Code;

11 (5) \$100 as a court cost on conviction of an offense
12 under Section 545.351, Transportation Code, if the person who
13 committed the offense was driving at a speed greater than 10% of the
14 posted speed limit, in a school crossing zone, or when a special
15 hazard exists with regard to traffic, including pedestrians, or
16 weather or highway conditions; or

17 (6) \$50 as a court cost on conviction of an offense
18 under Section 521.021, 521.221(c), 521.253(a)(1), 521.457,
19 601.191, or 601.371, Transportation Code.

20 (c) For purposes of this article, a person is considered
21 convicted if:

22 (1) a sentence is imposed on the person;

23 (2) the person is placed on community supervision,
24 including deferred adjudication community supervision; or

25 (3) the court defers final disposition of the person's
26 case.

27 (d) Court costs under this article are collected in the same

1 manner as other fines or costs. An officer collecting the costs
2 shall keep separate records of the money collected as costs under
3 this article and shall deposit the money in the county or municipal
4 treasury, as appropriate.

5 (e) The custodian of a county or municipal treasury may
6 deposit money collected under this section in an interest-bearing
7 account. The custodian shall:

8 (1) keep records of the amount of money on deposit
9 collected under this article; and

10 (2) send to the comptroller before the last day of the
11 first month following each calendar quarter the money collected
12 under this article during the preceding quarter.

13 (f) A county or municipality may retain five percent of the
14 money collected under this section as a service fee for the
15 collection if the county or municipality remits the funds to the
16 comptroller within the period prescribed by Subsection (e). The
17 county or municipality may retain any interest accrued on the money
18 if the custodian of the treasury keeps records of the amount of
19 money on deposit collected under this article and remits the funds
20 to the comptroller within the period prescribed by Subsection (e).

21 (g) If no money due as a cost under this article is deposited
22 in a county or municipal treasury in a calendar quarter, the
23 custodian of the treasury shall file the report required for the
24 quarter in the regular manner and must state that no money was
25 collected.

26 (h) The comptroller shall deposit the money received under
27 this article to the credit of the designated trauma facility and

1 emergency medical services account under Section 780.003, Health
2 and Safety Code.

3 SECTION 3. Section 1001.257, Education Code, is amended to
4 read as follows:

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

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

11 (2) two or more moving violations described by Section
12 542.304, Transportation Code, that resulted in an accident [~~six or~~
13 ~~more points assigned to the person's driver's license under~~
14 ~~Subchapter B, Chapter 708, Transportation Code].~~

15 SECTION 4. Subchapter B, Chapter 102, Government Code, is
16 amended by adding Section 102.02135 to read as follows:

17 Sec. 102.02135. ADDITIONAL COURT COSTS: TRANSPORTATION
18 CODE. A person shall pay the following under Article 102.023, Code
19 of Criminal Procedure, in addition to all other costs, to be used to
20 fund the designated trauma facility and emergency medical services
21 account:

22 (1) court cost on conviction of an offense relating to
23 the operating of a motor vehicle while intoxicated, as defined by
24 Section 49.09, Penal Code (Art. 102.023(b)(1)) . . . \$2,000;

25 (2) court cost on conviction of an offense under
26 Section 545.420, 545.421, 550.021, or 550.023(3), Transportation
27 Code (Art. 102.023(b)(2)) . . . \$500;

1 (3) court cost on conviction of an offense under
2 Section 19.04, 19.05, or 22.02, Penal Code, if the person who
3 committed the offense was operating a motor vehicle at the time of
4 the offense (Art. 102.023(b)(3)). . . \$500;

5 (4) court cost on conviction of an offense under
6 Section 552.003, 552.006(c), 552.008, 545.060(a), 545.066,
7 545.151, 545.156, 545.401, 545.414, 545.417, 545.424(a),
8 545.425(b), 545.4252(b), or 547.004, Transportation Code (Art.
9 102.023(b)(4)). . . \$100;

10 (5) court cost on conviction of an offense under
11 Section 545.351, Transportation Code, if the person who committed
12 the offense was driving at a speed greater than 10% of the posted
13 speed limit, in a school crossing zone, or when a special hazard
14 exists with regard to traffic, including pedestrians, or weather or
15 highway conditions (Art. 102.023(b)(5)). . . \$100; and

16 (6) court cost on conviction of an offense under
17 Section 521.021, 521.221(c), 521.253(a)(1), 521.457, 601.191, or
18 601.371, Transportation Code (Art. 102.023(b)(6)). . . \$50.

19 SECTION 5. Section 411.110(f), Government Code, is amended
20 to read as follows:

21 (f) The Department of State Health Services may not consider
22 offenses described by [~~for which points are assessed under~~] Section
23 542.304 [~~708.052~~], Transportation Code, to determine whether to
24 hire or retain an employee or to contract with a person on whom
25 criminal history record information is obtained under this section.

26 SECTION 6. Section 773.0614(b), Health and Safety Code, is
27 amended to read as follows:

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

4 SECTION 7. Section 773.06141(a), Health and Safety Code, is
5 amended to read as follows:

6 (a) The commissioner may suspend, revoke, or deny an
7 emergency medical services provider license on the grounds that the
8 provider's administrator of record, employee, or other
9 representative:

10 (1) has been convicted of, or placed on deferred
11 adjudication community supervision or deferred disposition for, an
12 offense that directly relates to the duties and responsibilities of
13 the administrator, employee, or representative, other than an
14 offense described by [~~for which points are assigned under~~] Section
15 542.304 [~~708.052~~], Transportation Code;

16 (2) has been convicted of or placed on deferred
17 adjudication community supervision or deferred disposition for an
18 offense, including:

19 (A) an offense listed in Sections 3g(a)(1)(A)
20 through (H), Article 42.12, Code of Criminal Procedure; or

21 (B) an offense, other than an offense described
22 by Subdivision (1), for which the person is subject to registration
23 under Chapter 62, Code of Criminal Procedure; or

24 (3) has been convicted of Medicare or Medicaid fraud,
25 has been excluded from participation in the state Medicaid program,
26 or has a hold on payment for reimbursement under the state Medicaid
27 program under Subchapter C, Chapter 531, Government Code.

1 SECTION 8. Section 780.002, Health and Safety Code, is
2 amended to read as follows:

3 Sec. 780.002. DEPOSITS TO ACCOUNT. The comptroller shall
4 deposit any gifts, grants, donations, and legislative
5 appropriations made for the purposes of the designated trauma
6 facility and emergency medical services account established under
7 Section 780.003 to the credit of the account. [~~(a) On the first~~
8 ~~Monday of each month, the Department of Public Safety shall remit~~
9 ~~the surcharges collected during the previous month under the driver~~
10 ~~responsibility program operated by that department under Chapter~~
11 ~~708, Transportation Code, to the comptroller.~~

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

20 [~~(c) Notwithstanding Subsection (b), in any state fiscal~~
21 ~~year the comptroller shall deposit 49.5 percent of the surcharges~~
22 ~~collected under Chapter 708, Transportation Code, to the credit of~~
23 ~~the general revenue fund only until the total amount of the~~
24 ~~surcharges deposited to the credit of the general revenue fund~~
25 ~~under Subsection (b), and the state traffic fines deposited to the~~
26 ~~credit of that fund under Section 542.4031(g)(1), Transportation~~
27 ~~Code, equals \$250 million for that year. If in any state fiscal~~

1 ~~year the amount received by the comptroller under those laws for~~
2 ~~deposit to the credit of the general revenue fund exceeds \$250~~
3 ~~million, the comptroller shall deposit the additional amount to the~~
4 ~~credit of the Texas mobility fund.]~~

5 SECTION 9. Section 502.357(b), Transportation Code, is
6 amended to read as follows:

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

10 (1) support the Department of Public Safety's
11 reengineering of the driver's license system to provide for the
12 issuance by the Department of Public Safety of a driver's license or
13 personal identification certificate, to include use of image
14 comparison technology; and

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

17 ~~[(3)]~~ make lease payments to the master lease purchase
18 program for the financing of the driver's license reengineering
19 project.

20 SECTION 10. Section 521.205(a), Transportation Code, is
21 amended to read as follows:

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

27 (1) the person conducting the course possess a valid

1 license for the preceding three years that has not been suspended,
2 revoked, or forfeited in the past three years for an offense that
3 involves the operation of a motor vehicle;

4 (2) the student driver spend a minimum number of hours
5 in:

6 (A) classroom instruction; and

7 (B) behind-the-wheel instruction;

8 (3) the person conducting the course not be convicted
9 of:

10 (A) criminally negligent homicide; or

11 (B) driving while intoxicated;

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

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

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

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

24 SECTION 11. Subchapter C, Chapter 542, Transportation Code,
25 is amended by adding Section 542.304 to read as follows:

26 Sec. 542.304. MOVING VIOLATIONS FOR CERTAIN PURPOSES.

27 (a) The department by rule shall designate the offenses involving

1 the operation of a motor vehicle that constitute a moving violation
2 of the traffic law for the purposes of:

3 (1) Article 102.022(a), Code of Criminal Procedure;

4 (2) Section 1001.257, Education Code;

5 (3) Section 411.110(f), Government Code;

6 (4) Sections 773.0614(b) and 773.06141(a), Health and
7 Safety Code; and

8 (5) Section 521.205(a), Transportation Code.

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

11 (1) include:

12 (A) a violation of a traffic law of this state,
13 another state, or a political subdivision of this or another state;
14 and

15 (B) an offense under Section 545.412; and

16 (2) do not include:

17 (A) an offense committed before September 1,
18 2003;

19 (B) the offense of speeding when the person
20 convicted was at the time of the offense driving less than 10
21 percent faster than the posted speed limit, unless the person
22 committed the offense in a school crossing zone; or

23 (C) an offense adjudicated under Article 45.051
24 or 45.0511, Code of Criminal Procedure.

25 SECTION 12. Section 542.4031(h), Transportation Code, is
26 amended to read as follows:

27 (h) Notwithstanding Subsection (g)(1), in any state fiscal

1 year the comptroller shall deposit 67 percent of the money received
2 under Subsection (e)(2) to the credit of the general revenue fund
3 only until the total amount of the money deposited to the credit of
4 the general revenue fund under Subsection (g)(1) [~~and Section~~
5 ~~780.002(b), Health and Safety Code,~~] equals \$250 million for that
6 year. If in any state fiscal year the amount received by the
7 comptroller under Subsection (g)(1) [~~those laws~~] for deposit to the
8 credit of the general revenue fund exceeds \$250 million, the
9 comptroller shall deposit the additional amount to the credit of
10 the Texas mobility fund.

11 SECTION 13. Section 601.233(a), Transportation Code, is
12 amended to read as follows:

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

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

1 SECTION 14. Chapter 708, Transportation Code, is repealed.

2 SECTION 15. (a) Notwithstanding the repeal by this Act of
3 Chapter 708, Transportation Code, a surcharge imposed under former
4 Chapter 708 of that code before the effective date of this Act is
5 governed by the applicable law in effect before the effective date
6 of this Act, and the former law is continued in effect for that
7 purpose.

8 (b) Article 102.023, Code of Criminal Procedure, as added by
9 this Act, applies only to a cost on conviction for an offense
10 committed on or after the effective date of this Act. An offense
11 committed before the effective date of this Act is governed by the
12 law in effect when the offense was committed, and the former law is
13 continued in effect for that purpose. For purposes of this section,
14 an offense was committed before the effective date of this Act if
15 any element of the offense occurred before that date.

16 SECTION 16. This Act takes effect September 1, 2015.