

By: Dale

H.B. No. 459

A BILL TO BE ENTITLED

AN ACT

relating to the suspension of a driver's license for the failure to pay a surcharge.

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

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

(c) If on or before the 45th day after the date the first notice was sent the person fails to pay the amount of the surcharge or fails to enter into an installment payment agreement with the department, the department shall send a second notice. If on or before the 60th day after the date the second notice was sent the person fails to pay the amount of the surcharge or fails to enter into an installment payment agreement with the department, the department shall send a third notice that advises the person that the person's driving privileges may be ~~[are]~~ suspended by a justice of the peace.

SECTION 2. Section 708.152(a), Transportation Code, is amended to read as follows:

(a) If on the 60th day after the date the department sends a second notice under Section 708.151 the person fails to pay the amount of a surcharge on the person's license or fails to enter into an installment payment agreement with the department, the department shall notify the justice of the peace of the precinct in which the person resides ~~[license of the person is automatically~~

1 ~~suspended~~]. The department may not notify the justice of the peace
2 ~~[A person's license may not be suspended]~~ under this section before
3 the 105th day after the date the surcharge was assessed by the
4 department. The justice of the peace may order the department to
5 suspend the person's license for nonpayment of the surcharge.

6 SECTION 3. Section 708.154(b), Transportation Code, is
7 amended to read as follows:

8 (b) If a surcharge or a related cost is paid by credit card
9 and the amount is subsequently reversed by the issuer of the credit
10 card, the department shall notify the justice of the peace of the
11 precinct in which the person resides [~~license of the person is~~
12 ~~automatically suspended~~]. The justice of the peace may order the
13 department to suspend the person's license for nonpayment of the
14 surcharge.

15 SECTION 4. This Act takes effect September 1, 2017.