

By: Phillips

H.B. No. 2068

Substitute the following for H.B. No. 2068:

By: King of Parker

C.S.H.B. No. 2068

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the repeal of the driver responsibility program and the  
3 amount and allocation of state traffic fine funds; authorizing and  
4 increasing criminal fines.

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

6 SECTION 1. Article 102.022(a), Code of Criminal Procedure,  
7 is amended to read as follows:

8 (a) In this article, "moving violation" means an offense  
9 that:

10 (1) involves the operation of a motor vehicle; and

11 (2) is classified as a moving violation by the  
12 Department of Public Safety under Section 542.304 [~~708.052~~],  
13 Transportation Code.

14 SECTION 2. Section 1001.112, Education Code, is amended by  
15 adding Subsection (a-1) to read as follows:

16 (a-1) Notwithstanding Subsection (a)(4), the rules adopted  
17 under Subsection (a) must provide that on the date a person  
18 described by Subsection (a) begins conducting a driver education  
19 course, the person conducting the course has not been convicted  
20 during the preceding 36-month period of:

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

24 (2) two or more moving violations described by Section

1 542.304, Transportation Code, that resulted in an accident.

2 SECTION 3. Section 411.110(f), Government Code, is amended  
3 to read as follows:

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

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

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

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

16 (a) The department may suspend, revoke, or deny an emergency  
17 medical services provider license on the grounds that the  
18 provider's administrator of record, employee, or other  
19 representative:

20 (1) has been convicted of, or placed on deferred  
21 adjudication community supervision or deferred disposition for, an  
22 offense that directly relates to the duties and responsibilities of  
23 the administrator, employee, or representative, other than an  
24 offense described by [~~for which points are assigned under~~] Section  
25 542.304 [~~708.052~~], Transportation Code;

26 (2) has been convicted of or placed on deferred  
27 adjudication community supervision or deferred disposition for an

1 offense, including:

2 (A) an offense listed in Article 42A.054(a)(2),  
3 (3), (4), (6), (7), (8), (10), or (14), Code of Criminal Procedure;  
4 or

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

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

12 SECTION 6. Section 780.002, Health and Safety Code, is  
13 amended to read as follows:

14 Sec. 780.002. CERTAIN DEPOSITS TO ACCOUNT. The comptroller  
15 shall 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 7. Section 780.003(b), Health and Safety Code, is  
17 amended to read as follows:

18 (b) The account is composed of money deposited to the credit  
19 of the account under Sections 542.4031, 542.406, ~~[and]~~ 707.008, and  
20 709.003, Transportation Code, and under Section 780.002 of this  
21 code.

22 SECTION 8. Section 502.357(b), Transportation Code, is  
23 amended to read as follows:

24 (b) Fees collected under this section shall be deposited to  
25 the credit of the state highway fund except that the comptroller  
26 shall provide for a portion of the fees to be deposited first to the  
27 credit of a special fund in the state treasury outside the general

1 revenue fund to be known as the TexasSure Fund in a total amount  
2 that is necessary to cover the total amount appropriated to the  
3 Texas Department of Insurance from that fund and for the remaining  
4 fees to be deposited to the state highway fund. Subject to  
5 appropriations, the money deposited to the credit of the state  
6 highway fund under this section may be used by the Department of  
7 Public Safety to:

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

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

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

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

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

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

25 (2) Section 1001.112(a-1), Education Code;

26 (3) Section 411.110(f), Government Code; and

27 (4) Sections 773.0614(b) and 773.06141(a), Health and

1 Safety Code.

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

4 (1) include:

5 (A) a violation of the traffic law of this state,  
6 another state, or a political subdivision of this or another state;  
7 and

8 (B) an offense under Section 545.412; and

9 (2) do not include:

10 (A) an offense committed before September 1,  
11 2003;

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

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

18 SECTION 10. Sections 542.4031(a), (f), (g), and (h),  
19 Transportation Code, are amended to read as follows:

20 (a) In addition to the fine prescribed by Section 542.401 or  
21 another section of this subtitle, as applicable, a person who  
22 enters a plea of guilty or nolo contendere to or is convicted of an  
23 offense under this subtitle shall pay \$60 [~~\$30~~] as a state traffic  
24 fine. The person shall pay the state traffic fine when the person  
25 enters the person's plea of guilty or nolo contendere, or on the  
26 date of conviction, whichever is earlier. The state traffic fine  
27 shall be paid regardless of whether:

- 1           (1) a sentence is imposed on the person;
- 2           (2) the court defers final disposition of the person's  
3 case; or
- 4           (3) the person is placed on community supervision,  
5 including deferred adjudication community supervision.

6           (f) A municipality or county may retain four [~~five~~] percent  
7 of the money collected under this section as a service fee for the  
8 collection if the municipality or county remits the funds to the  
9 comptroller within the period prescribed in Subsection (e). The  
10 municipality or county may retain any interest accrued on the money  
11 if the custodian of the money deposited in the treasury keeps  
12 records of the amount of money collected under this section that is  
13 on deposit in the treasury and remits the funds to the comptroller  
14 within the period prescribed in Subsection (e).

15           (g) Of the money received by the comptroller under this  
16 section, the comptroller shall deposit:

17           (1) 45 [~~67~~] percent to the credit of the undedicated  
18 portion of the general revenue fund; and

19           (2) 55 [~~33~~] percent to the credit of the designated  
20 trauma facility and emergency medical services account under  
21 Section 780.003, Health and Safety Code.

22           (h) Notwithstanding Subsection (g)(1), in any state fiscal  
23 year the comptroller shall deposit 45 [~~67~~] percent of the money  
24 received under Subsection (e)(2) to the credit of the general  
25 revenue fund only until the total amount of the money deposited to  
26 the credit of the general revenue fund under Subsection (g)(1) [~~and~~  
27 ~~Section 780.002(b), Health and Safety Code,~~] equals \$250 million

1 for that year. If in any state fiscal year the amount received by  
2 the comptroller under Subsection (g)(1) [those laws] for deposit to  
3 the credit of the general revenue fund exceeds \$250 million, the  
4 comptroller shall deposit the additional amount to the credit of  
5 the Texas mobility fund.

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

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

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

23 SECTION 12. Subtitle I, Title 7, Transportation Code, is  
24 amended by adding Chapter 709 to read as follows:

25 CHAPTER 709. MISCELLANEOUS TRAFFIC FINES

26 Sec. 709.001. TRAFFIC FINE FOR CONVICTION OF CERTAIN  
27 INTOXICATED DRIVER OFFENSES. (a) In this section, "offense



1 relating to the operating of a motor vehicle while intoxicated" has  
2 the meaning assigned by Section 49.09, Penal Code.

3 (b) In addition to the fine prescribed for the specific  
4 offense, a person who has been finally convicted of an offense  
5 relating to the operating of a motor vehicle while intoxicated  
6 shall pay a fine of:

7 (1) \$3,000 for the first conviction within a 36-month  
8 period;

9 (2) \$4,500 for a second or subsequent conviction  
10 within a 36-month period; and

11 (3) \$6,000 for a first or subsequent conviction if it  
12 is shown on the trial of the offense that an analysis of a specimen  
13 of the person's blood, breath, or urine showed an alcohol  
14 concentration level of 0.16 or more at the time the analysis was  
15 performed.

16 Sec. 709.002. TRAFFIC FINE FOR CONVICTION OF DRIVING  
17 WITHOUT FINANCIAL RESPONSIBILITY. (a) In addition to the fine  
18 prescribed under Section 601.191 and except as provided by  
19 Subsection (b), a person who has been convicted of an offense under  
20 Section 601.191 shall pay a fine of \$750.

21 (b) The amount of a fine under this section is \$125 if the  
22 person establishes financial responsibility under Section 601.051  
23 not later than the 60th day after the date of the offense through a  
24 motor vehicle liability insurance policy that:

25 (1) complies with Subchapter D, Chapter 601; and

26 (2) is prepaid and valid for at least a six-month  
27 period.

1       Sec. 709.003. REMITTANCE OF TRAFFIC FINES COLLECTED TO  
2 COMPTROLLER. (a) An officer collecting a traffic fine under  
3 Section 709.002 in a case in municipal court shall keep separate  
4 records of the money collected and shall deposit the money in the  
5 municipal treasury.

6       (b) An officer collecting a traffic fine under Section  
7 709.001 or 709.002 in a case in a justice, county, or district court  
8 shall keep separate records of the money collected and shall  
9 deposit the money in the county treasury.

10       (c) Each calendar quarter, an officer collecting a traffic  
11 fine under Section 709.001 or 709.002 shall submit a report to the  
12 comptroller. The report must comply with Articles 103.005(c) and  
13 (d), Code of Criminal Procedure.

14       (d) The custodian of money in a municipal or county treasury  
15 may deposit money collected under Sections 709.001 and 709.002 in  
16 an interest-bearing account. The custodian shall:

17               (1) keep records of the amount of money collected  
18 under this section that is on deposit in the treasury; and

19               (2) not later than the last day of the month following  
20 each calendar quarter, remit to the comptroller money collected  
21 under this section during the preceding quarter, as required by the  
22 comptroller.

23       (e) A municipality or county may retain four percent of the  
24 money collected under Sections 709.001 and 709.002 as a service fee  
25 for the collection if the county remits the funds to the comptroller  
26 within the period described by Subsection (d). The municipality or  
27 county may retain any interest accrued on the money if the custodian

1 of the money deposited in the treasury keeps records of the amount  
2 of money collected under this section that is on deposit in the  
3 treasury and remits the funds to the comptroller within the period  
4 prescribed in Subsection (d).

5 (f) Of the money received by the comptroller under this  
6 section, the comptroller shall deposit:

7 (1) 45 percent to the credit of the undedicated  
8 portion of the general revenue fund; and

9 (2) 55 percent to the credit of the designated trauma  
10 facility and emergency medical services account under Section  
11 780.003, Health and Safety Code.

12 (g) Money collected under this section is subject to audit  
13 by the comptroller. Money spent is subject to audit by the state  
14 auditor.

15 SECTION 13. Chapter 708, Transportation Code, is repealed.

16 SECTION 14. The repeal by this Act of Chapter 708,  
17 Transportation Code, applies to any surcharge pending on the  
18 effective date of this Act, regardless of whether the surcharge was  
19 imposed before that date.

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