

By: Phillips

H.B. No. 2068

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

(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 542.406, ~~[and]~~ 707.008, and 709.003,
20 Transportation Code, and under Section 780.002 of this code.

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

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

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

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

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

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

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

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

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

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

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

26 (4) Sections 773.0614(b) and 773.06141(a), Health and
27 Safety Code.

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

3 (1) include:

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

7 (B) an offense under Section 545.412; and

8 (2) do not include:

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

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

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

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

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

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

1 (2) the court defers final disposition of the person's
2 case; or

3 (3) the person is placed on community supervision,
4 including deferred adjudication community supervision.

5 (f) A municipality or county may retain 2.5 [~~five~~] percent
6 of the money collected under this section as a service fee for the
7 collection if the municipality or county remits the funds to the
8 comptroller within the period prescribed in Subsection (e). The
9 municipality or county may retain any interest accrued on the money
10 if the custodian of the money deposited in the treasury keeps
11 records of the amount of money collected under this section that is
12 on deposit in the treasury and remits the funds to the comptroller
13 within the period prescribed in Subsection (e).

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

16 (1) 58.5 [~~67~~] percent to the credit of the undedicated
17 portion of the general revenue fund; and

18 (2) 41.5 [~~33~~] percent to the credit of the designated
19 trauma facility and emergency medical services account under
20 Section 780.003, Health and Safety Code.

21 (h) Notwithstanding Subsection (g)(1), in any state fiscal
22 year the comptroller shall deposit 58.5 [~~67~~] percent of the money
23 received under Subsection (e)(2) to the credit of the general
24 revenue fund only until the total amount of the money deposited to
25 the credit of the general revenue fund under Subsection (g)(1) [~~and~~
26 ~~Section 780.002(b), Health and Safety Code,~~] equals \$250 million
27 for that year. If in any state fiscal year the amount received by

1 the comptroller under Subsection (g)(1) [~~those laws~~] for deposit to
2 the credit of the general revenue fund exceeds \$250 million, the
3 comptroller shall deposit the additional amount to the credit of
4 the Texas mobility fund.

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

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

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

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

24 CHAPTER 709. MISCELLANEOUS TRAFFIC FINES

25 Sec. 709.001. TRAFFIC FINE FOR CONVICTION OF CERTAIN
26 INTOXICATED DRIVER OFFENSES. (a) In this section, "offense
27 relating to the operating of a motor vehicle while intoxicated" has

1 the meaning assigned by Section 49.09, Penal Code.

2 (b) In addition to the fine prescribed for the specific
3 offense, a person who during the preceding 36-month period has been
4 finally convicted of an offense relating to the operating of a motor
5 vehicle while intoxicated shall pay a fine each year.

6 (c) The amount of a fine under this section is \$1,000 per
7 year, except that the amount of the fine is:

8 (1) \$1,500 per year for a second or subsequent
9 conviction within a 36-month period; and

10 (2) \$2,000 for a first or subsequent conviction if it
11 is shown on the trial of the offense that an analysis of a specimen
12 of the person's blood, breath, or urine showed an alcohol
13 concentration level of 0.16 or more at the time the analysis was
14 performed.

15 Sec. 709.002. TRAFFIC FINE FOR CONVICTION OF DRIVING
16 WITHOUT FINANCIAL RESPONSIBILITY. (a) In addition to the fine
17 prescribed under Section 601.191, a person who during the preceding
18 36-month period has been convicted of an offense under Section
19 601.191 shall pay a fine each year.

20 (b) Except as provided by Subsection (c), the amount of a
21 fine under this section is \$250 per year.

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

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

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

1 period.

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

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

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

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

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

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

24 (e) A municipality or county may retain 2.5 percent of the
25 money collected under Sections 709.001 and 709.002 as a service fee
26 for the collection if the county remits the funds to the comptroller
27 within the period described by Subsection (d). The municipality or

1 county may retain any interest accrued on the money if the custodian
2 of the money deposited in the treasury keeps records of the amount
3 of money collected under this section that is on deposit in the
4 treasury and remits the funds to the comptroller within the period
5 prescribed in Subsection (d).

6 (f) The comptroller shall deposit money remitted to the
7 comptroller under this section to the credit of the designated
8 trauma facility and emergency medical services account under
9 Section 780.003, Health and Safety Code.

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

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

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

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