

By: Huffines

S.B. No. 661

A BILL TO BE ENTITLED

AN ACT

relating to the repeal of the driver responsibility program.

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 542.304, Transportation Code, that resulted in an accident.

SECTION 3. Section 411.110(f), Government Code, is amended

1 to read as follows:

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

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

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

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

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

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

24 (2) has been convicted of or placed on deferred
25 adjudication community supervision or deferred disposition for an
26 offense, including:

27 (A) an offense listed in Article 42A.054(a)(2),

1 (3), (4), (6), (7), (8), (10), or (14), Code of Criminal Procedure;
2 or

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

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

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

12 Sec. 780.002. CERTAIN DEPOSITS TO ACCOUNT. The comptroller
13 shall deposit any gifts, grants, donations, and legislative
14 appropriations made for the purposes of the designated trauma
15 facility and emergency medical services account established under
16 Section 780.003 to the credit of the account. [~~(a) On the first~~
17 ~~Monday of each month, the Department of Public Safety shall remit~~
18 ~~the surcharges collected during the previous month under the driver~~
19 ~~responsibility program operated by that department under Chapter~~
20 ~~708, Transportation Code, to the comptroller.~~

21 [~~(b) The comptroller shall deposit 49.5 percent of the money~~
22 ~~received under Subsection (a) to the credit of the account~~
23 ~~established under this chapter and 49.5 percent of the money to the~~
24 ~~general revenue fund. The remaining one percent of the amount of~~
25 ~~the surcharges shall be deposited to the general revenue fund and~~
26 ~~may be appropriated only to the Department of Public Safety for~~
27 ~~administration of the driver responsibility program operated by~~

1 ~~that department under Chapter 708, Transportation Code.~~

2 ~~[(c) Notwithstanding Subsection (b), in any state fiscal~~
3 ~~year the comptroller shall deposit 49.5 percent of the surcharges~~
4 ~~collected under Chapter 708, Transportation Code, to the credit of~~
5 ~~the general revenue fund only until the total amount of the~~
6 ~~surcharges deposited to the credit of the general revenue fund~~
7 ~~under Subsection (b), and the state traffic fines deposited to the~~
8 ~~credit of that fund under Section 542.4031(g)(1), Transportation~~
9 ~~Code, equals \$250 million for that year. If in any state fiscal~~
10 ~~year the amount received by the comptroller under those laws for~~
11 ~~deposit to the credit of the general revenue fund exceeds \$250~~
12 ~~million, the comptroller shall deposit the additional amount to the~~
13 ~~credit of the Texas mobility fund.]~~

14 SECTION 7. Section 502.357(b), Transportation Code, is
15 amended to read as follows:

16 (b) Fees collected under this section shall be deposited to
17 the credit of the state highway fund except that the comptroller
18 shall provide for a portion of the fees to be deposited first to the
19 credit of a special fund in the state treasury outside the general
20 revenue fund to be known as the TexasSure Fund in a total amount
21 that is necessary to cover the total amount appropriated to the
22 Texas Department of Insurance from that fund and for the remaining
23 fees to be deposited to the state highway fund. Subject to
24 appropriations, the money deposited to the credit of the state
25 highway fund under this section may be used by the Department of
26 Public Safety to:

27 (1) support the Department of Public Safety's

1 reengineering of the driver's license system to provide for the
2 issuance by the Department of Public Safety of a driver's license or
3 personal identification certificate, to include use of image
4 comparison technology; and

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

7 [~~3~~] make lease payments to the master lease purchase
8 program for the financing of the driver's license reengineering
9 project.

10 SECTION 8. Subchapter C, Chapter 542, Transportation Code,
11 is amended by adding Section 542.304 to read as follows:

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

- 16 (1) Article 102.022(a), Code of Criminal Procedure;
17 (2) Section 1001.112(a-1), Education Code;
18 (3) Section 411.110(f), Government Code; and
19 (4) Sections 773.0614(b) and 773.06141(a), Health and
20 Safety Code.

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

- 23 (1) include:
24 (A) a violation of the traffic law of this state,
25 another state, or a political subdivision of this or another state;
26 and
27 (B) an offense under Section 545.412; and

1 (2) do not include:

2 (A) an offense committed before September 1,
3 2003;

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

8 (C) an offense adjudicated under Article [45.051](#)
9 or [45.0511](#), Code of Criminal Procedure.

10 SECTION 9. Section [542.4031](#)(h), Transportation Code, is
11 amended to read as follows:

12 (h) Notwithstanding Subsection (g)(1), in any state fiscal
13 year the comptroller shall deposit 67 percent of the money received
14 under Subsection (e)(2) to the credit of the general revenue fund
15 only until the total amount of the money deposited to the credit of
16 the general revenue fund under Subsection (g)(1) [~~and Section~~
17 ~~[780.002](#)(b), Health and Safety Code,~~] equals \$250 million for that
18 year. If in any state fiscal year the amount received by the
19 comptroller under Subsection (g)(1) [~~those laws~~] for deposit to the
20 credit of the general revenue fund exceeds \$250 million, the
21 comptroller shall deposit the additional amount to the credit of
22 the Texas mobility fund.

23 SECTION 10. Section [601.233](#)(a), Transportation Code, is
24 amended to read as follows:

25 (a) A citation for an offense under Section [601.191](#) issued
26 as a result of Section [601.053](#) must include, in type larger than
27 other type on the citation, [~~except for the type of the statement~~

1 ~~required by Section 708.105,~~] the following statement:

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

13 SECTION 11. Chapter 708, Transportation Code, is repealed.

14 SECTION 12. 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 13. (a) The Legislative Budget Board shall
19 evaluate options for providing continued funding to the designated
20 trauma facility and emergency medical services account after the
21 termination of the driver responsibility program and develop policy
22 recommendations based on the Legislative Budget Board's findings.
23 The Legislative Budget Board may not consider or recommend funding
24 options that would require the implementation of a new tax or fee or
25 the increase of an existing tax or fee.

26 (b) Not later than November 1, 2018, the Legislative Budget
27 Board shall provide the recommendations developed under Subsection

1 (a) of this section to the governor, the lieutenant governor, the
2 speaker of the house of representatives, and each standing
3 committee of the legislature with jurisdiction over the designated
4 trauma facility and emergency medical services account. The
5 standing committees shall review the recommendations of the
6 Legislative Budget Board and provide to the legislature
7 recommendations for the continued funding of the designated trauma
8 facility and emergency medical services account.

9 SECTION 14. This Act takes effect immediately if it
10 receives a vote of two-thirds of all the members elected to each
11 house, as provided by Section 39, Article III, Texas Constitution.
12 If this Act does not receive the vote necessary for immediate
13 effect, this Act takes effect September 1, 2017.