

BILL ANALYSIS

Senate Research Center
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S.B. 918
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Finance
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Established in 2003 and administered by the Department of Public Safety of the State of Texas (DPS), the Driver Responsibility Program (DRP) allows for the collection of surcharges on certain traffic offenses. The DRP allows for administrative fees to be charged to a driver based on the number of points or convictions on the driver's record. Eligible offenses include driving while intoxicated, driving without insurance, driving with an invalid license, and driving without a license.

This controversial program has been a point of frustration for many Texans because renewal of charges on a yearly basis can perpetuate a driver's inability to pay, making it so that drivers accrue more fees and fines, thereby losing driving privileges altogether.

S.B. 918 repeals the Driver Responsibility Program and replaces it with additional fines for negligent Texas drivers and a marginal fee on auto insurance renewal for all Texas drivers. S.B. 918 will stop the cycle of inability to pay and further accrual of fines for Texas drivers, while simultaneously providing a sustainable revenue source for the state in both General Revenue and the Designated Trauma Facility and Emergency Medical Services Account 5111.

As proposed, S.B. 918 amends current law relating to the repeal of the driver responsibility program and the amount and allocation of state traffic fine funds; eliminates program surcharges; authorizes and increases criminal fines; and increases a fee.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Department of Transportation (TxDOT) in SECTION 10 (Section 542.304, Transportation Code) of this bill.

Rulemaking authority previously granted to the Texas Commission of Licensing and Regulation is modified in SECTION 2 (Section 1001.112, Education Code) of this bill.

Rulemaking authority previously granted to TxDOT is rescinded in SECTION 14 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 102.022(a), Code of Criminal Procedure, as follows:

(a) Defines "moving violation" as an offense that:

(1) makes no changes to this subdivision; and

(2) is classified as a moving violation by the Department of Public Safety of the State of Texas (DPS) under Section 542.304, Transportation Code, rather than under Section 708.052 (Assignment of Points for Certain Convictions), Transportation Code.

SECTION 2. Amends Section 1001.112, Education Code, by amending Subsection (a-1) and adding Subsection (a-2), as follows:

(a-1) Makes a nonsubstantive change.

(a-2) Creates this subsection from existing text. Requires the rules adopted by the Texas Commission of Licensing and Regulation related to a parent-taught driver education course to provide that the person conducting the course:

(1) and (2) makes no changes to these subdivisions; and

(3) has not been convicted during the preceding three years of three or more moving violations described by Section 542.304, Transportation Code, including violations that resulted in an accident, or convicted during the preceding three years of two or more moving violations described by Section 542.304, Transportation Code, that resulted in an accident. Deletes existing text relating to a person not having six or more points assigned to the person's driver's license under Subchapter B (Driver's License Points Surcharge), Chapter 708, Transportation Code, at the time the person begins conducting the course.

SECTION 3. Amends Section 411.110(f), Government Code, as follows:

(f) Prohibits the Department of State Health Services (DSHS) from considering offenses described by Section 542.304, Transportation Code, rather than offenses for which points are assessed under Section 708.052, Transportation Code, to determine whether to hire or retain an employee or to contract with a person on whom criminal history record information is obtained under this section.

SECTION 4. Amends Section 773.0614(b), Health and Safety Code, as follows:

(b) Prohibits DSHS, for purposes of Subsection (a), from considering offenses described by Section 542.304, Transportation Code, rather than offenses for which points are assessed under Section 708.052, Transportation Code.

SECTION 5. Amends Section 773.06141(a), Health and Safety Code, as follows:

(a) Authorizes DSHS to suspend, revoke, or deny an emergency medical services provider license on the grounds that the provider's administrator of record, employee, or other representative:

(1) has been convicted of, or placed on deferred adjudication community supervision or deferred disposition for, an offense that directly relates to the duties and responsibilities of the administrator, employee, or representative, other than an offense described by Section 542.304, Transportation Code, rather than an offense for which points are assessed under Section 708.052, Transportation Code;

(2) and (3) makes no changes to these subdivisions.

SECTION 6. Amends Section 780.002, Health and Safety Code, as follows:

Sec. 780.002. CERTAIN DEPOSITS TO ACCOUNT. Requires the comptroller of public accounts of the State of Texas (comptroller) to deposit any gifts, grants, donations, and legislative appropriations made for the purposes of the designated trauma facility and emergency medical services account established under Section 780.003 (Account) to the credit of the account.

(a)-(c) Deletes these subsections and existing text relating to the required procedures and amounts for deposits made from the driver responsibility program operated by DPS under Chapter 708 (Driver Responsibility Program), Transportation Code.

SECTION 7. Amends Section 780.003(b), Health and Safety Code, as follows:

(b) Provides that the account is composed of money deposited to the credit of the account under Sections 542.4031 (State Traffic Fine), 542.406 (Deposit of Revenue From Certain Traffic Penalties), 707.008 (Deposit of Revenue From Certain Traffic Penalties), and 709.002, Transportation Code, and under Section 780.002 (Certain Deposits to Account) of this code, rather than under Sections 542.406 and 707.008, Transportation Code, and under Section 780.002 of this code.

SECTION 8. Amends Sections 10(b) and (e), Article 4413(37), Revised Statutes, as follows:

(b) Requires an insurer to pay to the Automobile Burglary and Theft Prevention Authority (authority) a fee equal to four, rather than two, dollars multiplied by the total number of motor vehicle years of insurance for insurance policies delivered, issued for delivery, or renewed by the insurer. Requires the fee to be paid not later than certain dates.

(e) Deletes existing text authorizing 50 percent of each fee collected under Subsection (b) to be appropriated only to the authority for the purposes of this article. Provides that, out of each fee collected under Subsection (b):

(1) 20 percent is required to be appropriated to the authority for the purposes of this article;

(2) 20 percent is required to be deposited to the credit of the general revenue fund; and

(3) 60 percent is required to be deposited to the credit of the designated trauma facility and emergency medical services account under Section 780.003, Health and Safety Code.

SECTION 9. Amends Section 502.357(b), Transportation Code, as follows:

(b) Authorizes the money deposited to the credit of the state highway fund under this section, subject to appropriations, to be used by DPS to:

(1) makes a nonsubstantive change; and

(2) creates this subdivision from existing text and deletes Subdivision (3) and existing text relating to establishing and maintaining a system to support the driver responsibility program under Chapter 708.

SECTION 10. Amends Subchapter C, Chapter 542, Transportation Code, by adding Section 542.304, as follows:

Sec. 542.304. MOVING VIOLATIONS FOR CERTAIN PURPOSES. (a) Requires the Texas Department of Transportation (TxDOT) by rule to designate the offenses involving the operation of a motor vehicle that constitute a moving violation of the traffic law for the purposes of Article 102.022(a), Code of Criminal Procedure, Section 1001.112(a-2), Education Code, Section 411.110(f), Government Code, and Sections 773.0614(b) and 773.06141(a), Health and Safety Code.

(b) Requires the rules to provide that, for the purposes of the provisions described in Subsection (a), moving violations:

(1) include a violation of the traffic law of this state, another state, or a political subdivision of this or another state and an offense under Section 545.412 (Child Passenger Safety Seat Systems; Offense); and

(2) do not include an offense committed before September 1, 2003, the offense of speeding when the person convicted was at the time of the

offense driving less than 10 percent faster than the posted speed limit, unless the person committed the offense in a school crossing zone, an offense adjudicated under Article 45.051 (Suspension of Sentence and Deferral of Final Disposition) or 45.0511 (Driving Safety Course or Motorcycle Operator Course Dismissal Procedures), Code of Criminal Procedure, or an offense under Section 545.4251 (Use of Portable Wireless Communication Device for Electronic Messaging; Offense).

SECTION 11. Amends Sections 542.4031(a), (f), (g), and (h), Transportation Code, as follows:

(a) Increases from \$30 to \$50 the required state traffic fine for a person who enters a plea of guilty or nolo contendere to or is convicted of an offense under this subtitle, in addition to the fine prescribed by Section 542.401 (General Penalty) or another section of this subtitle, as applicable.

(f) Decreases from five percent of the money collected under this section to four percent of the money collected under this section the amount a municipality or county is authorized to retain as a service fee for the collection if the municipality or county remits the funds to the comptroller within the period prescribed in Subsection (e).

(g) Requires the comptroller, of the money received by the comptroller under this section, to deposit:

(1) 70 percent, rather than 67 percent, to the credit of the undedicated portion of the general revenue fund; and

(2) 30 percent, rather than 33 percent, to the credit of the designated trauma facility and emergency medical services account under Section 780.003, Health and Safety Code.

(h) Requires the comptroller, notwithstanding Subsection (g)(1), in any state fiscal year to deposit 70 percent, rather than 67 percent, of the money received under Subsection (e)(2) to the credit of the general revenue fund only until the total amount of the money deposited to the credit of the general revenue fund under Subsection (g)(1), rather than under Subsection (g)(1) and Section 780.002(b), Health and Safety Code, equals \$250 million for that year. Makes nonsubstantive changes.

SECTION 12. Amends Section 601.233(a), Transportation Code, as follows:

(a) Requires a citation for an offense under Section 601.191 issued as a result of Section 601.053 to include, in type larger than other type on the citation, a certain statement. Deletes existing text creating an exception for the type of statement required by Section 708.105 (Notice of Potential Surcharge).

SECTION 13. Amends Subtitle I, Title 7, Transportation Code, is amended by adding Chapter 709, as follows:

CHAPTER 709. MISCELLANEOUS TRAFFIC FINES

Sec. 709.001. TRAFFIC FINE FOR CONVICTION OF CERTAIN INTOXICATED DRIVER OFFENSES. (a) Defines "offense relating to the operating of a motor vehicle while intoxicated" for purposes of this section.

(b) Requires a person who has been finally convicted of an offense relating to the operating of a motor vehicle while intoxicated, in addition to the fine prescribed for the specific offense, to pay a fine of \$3,000 for the first conviction within a 36-month period, a fine of \$4,500 for a second or subsequent conviction within a 36-month period, and a fine of \$6,000 for a first or subsequent conviction if it is shown on the trial of the offense that an analysis of a specimen of the person's

blood, breath, or urine showed an alcohol concentration level of 0.16 or more at the time the analysis was performed.

Sec. 709.002. REMITTANCE OF TRAFFIC FINES COLLECTED TO COMPTROLLER. (a) Requires an officer collecting a traffic fine under Section 709.001 in a case in a justice, county, or district court to keep separate records of the money collected and to deposit the money in the county treasury.

(b) Requires an officer collecting a traffic fine under Section 709.001, each calendar quarter, to submit a report to the comptroller. Requires the report to comply with Articles 103.005(c) (relating to a requirement for certain information to be included in a report regarding the collection of money other than taxes) and (d) (relating to a requirement of the report to be in writing and under the oath of the officer), Code of Criminal Procedure.

(c) Authorizes the custodian of money in a municipal or county treasury to deposit money collected under Section 709.001 in an interest-bearing account. Requires the custodian to keep records of the amount of money collected under this section that is on deposit in the treasury and to, not later than the last day of the month following each calendar quarter, remit to the comptroller money collected under this section during the preceding quarter, as required by the comptroller.

(d) Authorizes a municipality or county to retain four percent of the money collected under Section 709.001 as a service fee for the collection if the county remits the funds to the comptroller within the period described by Subsection (c). Authorizes the municipality or county to retain any interest accrued on the money if the custodian of the money deposited in the treasury keeps records of the amount of money collected under this section that is on deposit in the treasury and remits the funds to the comptroller within the period prescribed in Subsection (c).

(e) Requires the comptroller, of the money received by the comptroller under this section, to deposit 70 percent to the credit of the undedicated portion of the general revenue fund and deposit 30 percent to the credit of the designated trauma facility and emergency medical services account under Section 780.003, Health and Safety Code.

(f) Provides that money collected under this section is subject to audit by the comptroller. Provides that money spent is subject to audit by the state auditor.

SECTION 14. Repealer: Chapter 708 (Driver Responsibility Program), Transportation Code.

SECTION 15. (a) Provides that the repeal by this Act of Chapter 708, Transportation Code, applies to any surcharge pending on the effective date of this Act, regardless of whether the surcharge was imposed before that date.

(b) Requires DPS to reinstate any driver's license that is suspended under Section 708.152 (Failure to Pay Surcharge), Transportation Code, as of the effective date of this Act if the only reason the driver's license was suspended is a failure to pay a surcharge under Chapter 708, Transportation Code.

SECTION 16. Effective date: September 1, 2019.