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By:  Canales H.B. No. 550

A BILL TO BE ENTITLED

AN ACT

relating to the expiration 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 amending Subsection (a-1) and adding Subsection (a-2) to read as follows:

(a-1)  The rules must provide that the student driver spend a minimum number of hours in classroom and behind-the-wheel instruction.

(a-2)  The rules must provide [~~and~~] that the person conducting the course:

(1)  possess a valid license for the preceding three years that has not been suspended, revoked, or forfeited in the past three years for an offense that involves the operation of a motor vehicle;

(2)  has not been convicted of:

(A)  criminally negligent homicide; or

(B)  driving while intoxicated in the past seven years; and

(3)  has not been convicted during the preceding three years of:

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

(B)  two or more moving violations described by Section 542.304, Transportation Code, that resulted in an accident [~~does not have six or more points assigned to the person's driver's license under Subchapter B, Chapter 708, Transportation Code, at the time the person begins conducting the course~~].

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

(f)  The Department of State Health Services may not consider offenses described by [~~for which points are assessed under~~] Section 542.304 [~~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.  Section 773.0614(b), Health and Safety Code, is amended to read as follows:

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

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

(a)  The department may 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 [~~for which points are assigned under~~] Section 542.304 [~~708.052~~], Transportation Code;

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

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

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

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

SECTION 6.  Subchapter C, Chapter 542, Transportation Code, is amended by adding Section 542.304 to read as follows:

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

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

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

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

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

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

(1)  include:

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

(B)  an offense under Section 545.412; and

(2)  do not include:

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

(B)  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;

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

(D)  an offense under Section 545.4251.

SECTION 7.  Chapter 708, Transportation Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. REDUCTION OF SURCHARGES; EXPIRATION

Sec. 708.201.  REDUCTION OF SURCHARGES. Notwithstanding any other provision of this chapter, the department shall reduce the amount of a surcharge imposed under this chapter that is pending on or after September 1, 2021, regardless of whether the surcharge was imposed before that date, by 50 percent.

Sec. 708.202.  EXPIRATION. This chapter expires September 1, 2023.

SECTION 8.  Subtitle I, Title 7, Transportation Code, is amended by adding Chapter 708A to read as follows:

CHAPTER 708A. LIMITED CONTINUATION OF DRIVER RESPONSIBILITY PROGRAM

Sec. 708A.001.  RULES. The Department of Public Safety shall adopt and enforce rules to implement and enforce this chapter.

Sec. 708A.002.  LIMITED CONTINUATION OF DRIVER RESPONSIBILITY PROGRAM. Beginning September 1, 2023, a surcharge imposed under the former driver responsibility program under former Chapter 708 is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

Sec. 708A.003.  EXPIRATION. This chapter expires September 1, 2027.

SECTION 9.  This Act takes effect September 1, 2019.