86R10207 AJZ-F

By:  Phelan H.B. No. 2622

A BILL TO BE ENTITLED

AN ACT

relating to surcharges assessed under the driver responsibility program; authorizing surcharges; reducing, repealing, and waiving surcharges.

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

SECTION 1.  Section 708.053, Transportation Code, is amended to read as follows:

Sec. 708.053.  ANNUAL SURCHARGE FOR POINTS. Each year, the department shall assess a surcharge on the license of a person who has accumulated:

(1)  three or more but fewer than six points under this subchapter during the preceding 12-month period; or

(2)  six or more points under this subchapter during the preceding 36-month period.

SECTION 2.  Section 708.054, Transportation Code, is amended to read as follows:

Sec. 708.054.  AMOUNT OF POINTS SURCHARGE. (a) The amount of a surcharge under this chapter is:

(1)  $50 for accumulating three points during the preceding 12-month period;

(2)  $60 for accumulating four points during the preceding 12-month period;

(3)  $70 for accumulating five points during the preceding 12-month period; or

(4)  $100 for accumulating [~~the first~~] six points during the preceding 36-month period and $25 for each additional point in excess of six points accumulated during the preceding 36-month period.

(b)  The department shall ensure that the amount of any surcharge assessed on a person's license under Subsection (a)(1), (2), or (3) is credited toward the amount of a surcharge assessed on the person's license under Subsection (a)(4) during the same 36-month period.

SECTION 3.  Section 708.103(b), Transportation Code, is amended to read as follows:

(b)  The [~~Except as provided by Subsection (c), the~~] amount of a surcharge under this section is $50 [~~$250~~] per year.

SECTION 4.  Section 708.106, Transportation Code, is amended to read as follows:

Sec. 708.106.  DEFERRAL OF SURCHARGES FOR DEPLOYED MILITARY PERSONNEL. The department by rule shall establish a deferral program for surcharges assessed under Section 708.103 [~~or 708.104~~] against a person who is a member of the United States armed forces on active duty deployed outside of the continental United States. The program must:

(1)  toll the 36-month period while the person is deployed; and

(2)  defer assessment of surcharges against the person until the date the person is no longer deployed for an offense committed:

(A)  before the person was deployed; or

(B)  while the person is deployed.

SECTION 5.  Section 708.159(c), Transportation Code, is amended to read as follows:

(c)  If a person makes a single up-front payment under this section in the amount specified in the notice under Subsection (b)(1) and the person is not, in the 36-month period for which the person made the up-front payment, subsequently convicted of an offense requiring a surcharge or an increase in the amount due to the department, the department is not required to:

(1)  take any further action under Section 708.053, 708.102, or 708.103, [~~or 708.104,~~] as applicable; or

(2)  annually notify the person of the assessment of the surcharge under Section 708.151.

SECTION 6.  Subchapter D, Chapter 708, Transportation Code, is amended by adding Section 708.160 to read as follows:

Sec. 708.160.  WAIVER OF CERTAIN SURCHARGES. (a) The department shall waive a surcharge assessed under this chapter on or before September 1, 2013.

(b)  This section expires September 1, 2020.

SECTION 7.  Section 708.158, Transportation Code, is amended by amending Subsection (a) and adding Subsections (c) and (d) to read as follows:

(a)  The department shall waive all surcharges assessed under this chapter for a person who is indigent. For the purposes of this section, a person is considered to be indigent if:

(1)  the person provides the evidence described by Subsection (b) to the court; or

(2)  the department determines that the person is indigent.

(c)  The department shall, as necessary, in collaboration with other state agencies, obtain publicly available information to determine whether a person is indigent for purposes of this section.

(d)  The standing committees of the senate and house of representatives that have jurisdiction over issues related to transportation shall jointly conduct a study of methods to improve automatic data sharing between the department and other agencies for the purpose of determining whether a person is indigent under Subsection (c). Not later than December 1, 2020, the committees shall submit a report on the findings of the study performed under this subsection and the committees' legislative recommendations to the governor, lieutenant governor, and speaker of the house of representatives. This subsection expires January 1, 2021.

SECTION 8.  Sections 708.103(c) and 708.104, Transportation Code, are repealed.

SECTION 9.  The changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 10.  This Act takes effect September 1, 2019.