

By: White

H.B. No. 683

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the repeal of the driver responsibility program;
3 eliminating program surcharges.

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

5 SECTION 1. Article 102.022(a), Code of Criminal Procedure,
6 is amended to read as follows:

7 (a) In this article, "moving violation" means an offense
8 that:

9 (1) involves the operation of a motor vehicle; and

10 (2) is classified as a moving violation by the
11 Department of Public Safety under Section 542.304 [~~708.052~~],
12 Transportation Code.

13 SECTION 2. Section 1001.112, Education Code, is amended by
14 amending Subsection (a-1) and adding Subsection (a-2) to read as
15 follows:

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

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

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

1 (2) has not been convicted of:
2 (A) criminally negligent homicide; or
3 (B) driving while intoxicated in the past seven
4 years; and

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

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

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

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

17 (f) The Department of State Health Services may not consider
18 offenses described by [~~for which points are assessed under~~] Section
19 542.304 [~~708.052~~], Transportation Code, to determine whether to
20 hire or retain an employee or to contract with a person on whom
21 criminal history record information is obtained under this section.

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

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

27 SECTION 5. Section 773.06141(a), Health and Safety Code,

1 is amended to read as follows:

2 (a) The department may suspend, revoke, or deny an emergency
3 medical services provider license on the grounds that the
4 provider's administrator of record, employee, or other
5 representative:

6 (1) has been convicted of, or placed on deferred
7 adjudication community supervision or deferred disposition for, an
8 offense that directly relates to the duties and responsibilities of
9 the administrator, employee, or representative, other than an
10 offense described by [~~for which points are assigned under~~] Section
11 542.304 [~~708.052~~], Transportation Code;

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

15 (A) an offense listed in Article 42A.054(a)(2),
16 (3), (4), (6), (7), (8), (10), or (14), Code of Criminal Procedure;
17 or

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

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

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

27 Sec. 780.002. CERTAIN DEPOSITS TO ACCOUNT. The comptroller

1 shall deposit any gifts, grants, donations, and legislative
2 appropriations made for the purposes of the designated trauma
3 facility and emergency medical services account established under
4 Section 780.003 to the credit of the account. [~~(a) On the first~~
5 ~~Monday of each month, the Department of Public Safety shall remit~~
6 ~~the surcharges collected during the previous month under the driver~~
7 ~~responsibility program operated by that department under Chapter~~
8 ~~708, Transportation Code, to the comptroller.~~

9 [~~(b) The comptroller shall deposit 49.5 percent of the money~~
10 ~~received under Subsection (a) to the credit of the account~~
11 ~~established under this chapter and 49.5 percent of the money to the~~
12 ~~general revenue fund. The remaining one percent of the amount of~~
13 ~~the surcharges shall be deposited to the general revenue fund and~~
14 ~~may be appropriated only to the Department of Public Safety for~~
15 ~~administration of the driver responsibility program operated by~~
16 ~~that department under Chapter 708, Transportation Code.~~

17 [~~(c) Notwithstanding Subsection (b), in any state fiscal~~
18 ~~year the comptroller shall deposit 49.5 percent of the surcharges~~
19 ~~collected under Chapter 708, Transportation Code, to the credit of~~
20 ~~the general revenue fund only until the total amount of the~~
21 ~~surcharges deposited to the credit of the general revenue fund~~
22 ~~under Subsection (b), and the state traffic fines deposited to the~~
23 ~~credit of that fund under Section 542.4031(g)(1), Transportation~~
24 ~~Code, equals \$250 million for that year. If in any state fiscal~~
25 ~~year the amount received by the comptroller under those laws for~~
26 ~~deposit to the credit of the general revenue fund exceeds \$250~~
27 ~~million, the comptroller shall deposit the additional amount to the~~

1 ~~credit of the Texas mobility fund.]~~

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

4 (b) Fees collected under this section shall be deposited to
5 the credit of the state highway fund except that the comptroller
6 shall provide for a portion of the fees to be deposited first to the
7 credit of a special fund in the state treasury outside the general
8 revenue fund to be known as the TexasSure Fund in a total amount
9 that is necessary to cover the total amount appropriated to the
10 Texas Department of Insurance from that fund and for the remaining
11 fees to be deposited to the state highway fund. Subject to
12 appropriations, the money deposited to the credit of the state
13 highway fund under this section may be used by the Department of
14 Public Safety to:

15 (1) support the Department of Public Safety's
16 reengineering of the driver's license system to provide for the
17 issuance by the Department of Public Safety of a driver's license or
18 personal identification certificate, to include use of image
19 comparison technology; and

20 (2) ~~[establish and maintain a system to support the~~
21 ~~driver responsibility program under Chapter 708, and~~

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

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

27 Sec. 542.304. MOVING VIOLATIONS FOR CERTAIN PURPOSES. (a)

1 The department by rule shall designate the offenses involving the
2 operation of a motor vehicle that constitute a moving violation of
3 the traffic law for the purposes of:

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

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

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

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

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

11 (1) include:

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

15 (B) an offense under Section 545.412; and

16 (2) do not include:

17 (A) an offense committed before September 1,
18 2003;

19 (B) the offense of speeding when the person
20 convicted was at the time of the offense driving less than 10
21 percent faster than the posted speed limit, unless the person
22 committed the offense in a school crossing zone;

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

25 (D) an offense under Section 545.4251.

26 SECTION 9. Section 542.4031(h), Transportation Code, is
27 amended to read as follows:

1 (h) Notwithstanding Subsection (g)(1), in any state fiscal
2 year the comptroller shall deposit 67 percent of the money received
3 under Subsection (e)(2) to the credit of the general revenue fund
4 only until the total amount of the money deposited to the credit of
5 the general revenue fund under Subsection (g)(1) [~~and Section~~
6 ~~780.002(b), Health and Safety Code,~~] equals \$250 million for that
7 year. If in any state fiscal year the amount received by the
8 comptroller under Subsection (e)(2) [~~those laws~~] for deposit to the
9 credit of the general revenue fund under Subsection (g)(1) exceeds
10 \$250 million, the comptroller shall deposit the additional amount
11 to the credit of the Texas mobility fund.

12 SECTION 10. Section 601.233(a), Transportation Code, is
13 amended to read as follows:

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

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

1 requirements to provide evidence of financial responsibility."

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

3 SECTION 12. The repeal by this Act of Chapter 708,
4 Transportation Code, applies to any surcharge pending on the
5 effective date of this Act, regardless of whether the surcharge was
6 imposed before that date.

7 SECTION 13. This Act takes effect September 1, 2019.