

By: Anderson

H.B. No. 1458

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the repeal of the driver responsibility program and the
3 amount and allocation of state traffic fine funds; authorizing and
4 increasing criminal fines.

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

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

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

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

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

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

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

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

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

1 vehicle;

2 (2) has not been convicted of:

3 (A) criminally negligent homicide; or

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

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

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

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

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

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

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

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

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

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

7 (1) has been convicted of, or placed on deferred
8 adjudication community supervision or deferred disposition for, an
9 offense that directly relates to the duties and responsibilities of
10 the administrator, employee, or representative, other than an
11 offense described by [~~for which points are assigned under~~] Section
12 542.304 [~~708.052~~], Transportation Code;

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

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

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

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

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

1 Sec. 780.002. CERTAIN DEPOSITS TO ACCOUNT. The comptroller
2 shall deposit any gifts, grants, donations, and legislative
3 appropriations made for the purposes of the designated trauma
4 facility and emergency medical services account established under
5 Section 780.003 to the credit of the account. ~~[(a) On the first~~
6 ~~Monday of each month, the Department of Public Safety shall remit~~
7 ~~the surcharges collected during the previous month under the driver~~
8 ~~responsibility program operated by that department under Chapter~~
9 ~~708, Transportation Code, to the comptroller.~~

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

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

1 ~~million, the comptroller shall deposit the additional amount to the~~
2 ~~credit of the Texas mobility fund.]~~

3 SECTION 7. Section 780.003(b), Health and Safety Code, is
4 amended to read as follows:

5 (b) The account is composed of money deposited to the credit
6 of the account under Sections 542.4031, 542.406, ~~[and]~~ 707.008, and
7 709.003, Transportation Code, and under Section 780.002 of this
8 code.

9 SECTION 8. Section 502.357(b), Transportation Code, is
10 amended to read as follows:

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

22 (1) support the Department of Public Safety's
23 reengineering of the driver's license system to provide for the
24 issuance by the Department of Public Safety of a driver's license or
25 personal identification certificate, to include use of image
26 comparison technology; and

27 (2) ~~[establish and maintain a system to support the~~

1 ~~driver responsibility program under Chapter 708, and~~

2 [~~3~~] make lease payments to the master lease purchase
3 program for the financing of the driver's license reengineering
4 project.

5 SECTION 9. Subchapter C, Chapter 542, Transportation Code,
6 is amended by adding Section 542.304 to read as follows:

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

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

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

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

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

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

18 (1) include:

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

22 (B) an offense under Section 545.412; and

23 (2) do not include:

24 (A) an offense committed before September 1,
25 2003;

26 (B) the offense of speeding when the person
27 convicted was at the time of the offense driving less than 10

1 percent faster than the posted speed limit, unless the person
2 committed the offense in a school crossing zone;

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

5 (D) an offense under Section 545.4251.

6 SECTION 10. Sections 542.4031(a), (f), (g), and (h),
7 Transportation Code, are amended to read as follows:

8 (a) In addition to the fine prescribed by Section 542.401 or
9 another section of this subtitle, as applicable, a person who
10 enters a plea of guilty or nolo contendere to or is convicted of an
11 offense under this subtitle shall pay \$50 [~~\$30~~] as a state traffic
12 fine. The person shall pay the state traffic fine when the person
13 enters the person's plea of guilty or nolo contendere, or on the
14 date of conviction, whichever is earlier. The state traffic fine
15 shall be paid regardless of whether:

16 (1) a sentence is imposed on the person;

17 (2) the court defers final disposition of the person's
18 case; or

19 (3) the person is placed on community supervision,
20 including deferred adjudication community supervision.

21 (f) A municipality or county may retain four [~~five~~] percent
22 of the money collected under this section as a service fee for the
23 collection if the municipality or county remits the funds to the
24 comptroller within the period prescribed in Subsection (e). The
25 municipality or county may retain any interest accrued on the money
26 if the custodian of the money deposited in the treasury keeps
27 records of the amount of money collected under this section that is

1 on deposit in the treasury and remits the funds to the comptroller
2 within the period prescribed in Subsection (e).

3 (g) Of the money received by the comptroller under this
4 section, the comptroller shall deposit:

5 (1) 50 [~~67~~] percent to the credit of the undedicated
6 portion of the general revenue fund; and

7 (2) 50 [~~33~~] percent to the credit of the designated
8 trauma facility and emergency medical services account under
9 Section 780.003, Health and Safety Code.

10 (h) Notwithstanding Subsection (g)(1), in any state fiscal
11 year the comptroller shall deposit 50 [~~67~~] percent of the money
12 received under Subsection (e)(2) to the credit of the general
13 revenue fund only until the total amount of the money deposited to
14 the credit of the general revenue fund under Subsection (g)(1) [~~and~~
15 ~~Section 780.002(b), Health and Safety Code,~~] equals \$250 million
16 for that year. If in any state fiscal year the amount received by
17 the comptroller under Subsection (g)(1) [~~those laws~~] for deposit to
18 the credit of the general revenue fund exceeds \$250 million, the
19 comptroller shall deposit the additional amount to the credit of
20 the Texas mobility fund.

21 SECTION 11. Section 601.233(a), Transportation Code, is
22 amended to read as follows:

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

27 "A second or subsequent conviction of an offense under the Texas

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

11 SECTION 12. Subtitle I, Title 7, Transportation Code, is
12 amended by adding Chapter 709 to read as follows:

13 CHAPTER 709. MISCELLANEOUS TRAFFIC FINES

14 Sec. 709.001. TRAFFIC FINE FOR CONVICTION OF CERTAIN
15 INTOXICATED DRIVER OFFENSES. (a) In this section, "offense
16 relating to the operating of a motor vehicle while intoxicated" has
17 the meaning assigned by Section 49.09, Penal Code.

18 (b) In addition to the fine prescribed for the specific
19 offense, a person who has been finally convicted of an offense
20 relating to the operating of a motor vehicle while intoxicated
21 shall pay a fine of:

22 (1) \$3,000 for the first conviction within a 36-month
23 period;

24 (2) \$4,500 for a second or subsequent conviction
25 within a 36-month period; and

26 (3) \$6,000 for a first or subsequent conviction if it
27 is shown on the trial of the offense that an analysis of a specimen

1 of the person's blood, breath, or urine showed an alcohol
2 concentration level of 0.16 or more at the time the analysis was
3 performed.

4 Sec. 709.002. TRAFFIC FINE FOR CONVICTION OF DRIVING
5 WITHOUT FINANCIAL RESPONSIBILITY. (a) In addition to the fine
6 prescribed under Section 601.191 and except as provided by
7 Subsection (b), a person who has been convicted of an offense under
8 Section 601.191 shall pay a fine of \$750.

9 (b) The amount of a fine under this section is \$125 if the
10 person establishes financial responsibility under Section 601.051
11 not later than the 60th day after the date of the offense through a
12 motor vehicle liability insurance policy that:

- 13 (1) complies with Subchapter D, Chapter 601; and
14 (2) is prepaid and valid for at least a six-month
15 period.

16 Sec. 709.003. REMITTANCE OF TRAFFIC FINES COLLECTED TO
17 COMPTROLLER. (a) An officer collecting a traffic fine under
18 Section 709.002 in a case in municipal court shall keep separate
19 records of the money collected and shall deposit the money in the
20 municipal treasury.

21 (b) An officer collecting a traffic fine under Section
22 709.001 or 709.002 in a case in a justice, county, or district court
23 shall keep separate records of the money collected and shall
24 deposit the money in the county treasury.

25 (c) Each calendar quarter, an officer collecting a traffic
26 fine under Section 709.001 or 709.002 shall submit a report to the
27 comptroller. The report must comply with Articles 103.005(c) and

1 (d), Code of Criminal Procedure.

2 (d) The custodian of money in a municipal or county treasury
3 may deposit money collected under Sections 709.001 and 709.002 in
4 an interest-bearing account. The custodian shall:

5 (1) keep records of the amount of money collected
6 under this section that is on deposit in the treasury; and

7 (2) not later than the last day of the month following
8 each calendar quarter, remit to the comptroller money collected
9 under this section during the preceding quarter, as required by the
10 comptroller.

11 (e) A municipality or county may retain four percent of the
12 money collected under Sections 709.001 and 709.002 as a service fee
13 for the collection if the county remits the funds to the comptroller
14 within the period described by Subsection (d). The municipality or
15 county may retain any interest accrued on the money if the custodian
16 of the money deposited in the treasury keeps records of the amount
17 of money collected under this section that is on deposit in the
18 treasury and remits the funds to the comptroller within the period
19 prescribed in Subsection (d).

20 (f) Of the money received by the comptroller under this
21 section, the comptroller shall deposit:

22 (1) 50 percent to the credit of the undedicated
23 portion of the general revenue fund; and

24 (2) 50 percent to the credit of the designated trauma
25 facility and emergency medical services account under Section
26 780.003, Health and Safety Code.

27 (g) Money collected under this section is subject to audit

1 by the comptroller. Money spent is subject to audit by the state
2 auditor.

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

4 SECTION 14. The repeal by this Act of Chapter 708,
5 Transportation Code, applies to any surcharge pending on the
6 effective date of this Act, regardless of whether the surcharge was
7 imposed before that date.

8 SECTION 15. This Act takes effect September 1, 2019.