

By: Zerwas, Darby, Krause, Davis of Harris,  
Howard, et al.

H.B. No. 2048

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the repeal of the driver responsibility program and the  
3 amount and allocation of state traffic fine funds; eliminating  
4 program surcharges; authorizing and increasing criminal fines;  
5 increasing a fee.

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

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

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

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

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

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

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

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

23 (1) possess a valid license for the preceding three  
24 years that has not been suspended, revoked, or forfeited in the past

1 three years for an offense that involves the operation of a motor  
2 vehicle;

3 (2) has not been convicted of:

4 (A) criminally negligent homicide; or

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

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

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

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

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

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

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

26 (b) For purposes of Subsection (a), the department may not  
27 consider offenses described by ~~[for which points are assessed~~

1 ~~under~~] Section 542.304 [~~708.052~~], Transportation Code.

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

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

8 (1) has been convicted of, or placed on deferred  
9 adjudication community supervision or deferred disposition for, an  
10 offense that directly relates to the duties and responsibilities of  
11 the administrator, employee, or representative, other than an  
12 offense described by [~~for which points are assigned under~~] Section  
13 542.304 [~~708.052~~], Transportation Code;

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

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

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

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

27 SECTION 6. Section 780.002, Health and Safety Code, is

1 amended to read as follows:

2           Sec. 780.002. CERTAIN DEPOSITS TO ACCOUNT. The comptroller  
3 shall deposit any gifts, grants, donations, and legislative  
4 appropriations made for the purposes of the designated trauma  
5 facility and emergency medical services account established under  
6 Section 780.003 to the credit of the account. [~~(a) On the first~~  
7 ~~Monday of each month, the Department of Public Safety shall remit~~  
8 ~~the surcharges collected during the previous month under the driver~~  
9 ~~responsibility program operated by that department under Chapter~~  
10 ~~708, Transportation Code, to the comptroller.~~

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

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

1 ~~deposit to the credit of the general revenue fund exceeds \$250~~  
2 ~~million, the comptroller shall deposit the additional amount to the~~  
3 ~~credit of the Texas mobility fund.]~~

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

6 (b) The account is composed of money deposited to the credit  
7 of the account under Sections 542.4031, 542.406, ~~[and]~~ 707.008, and  
8 709.002, Transportation Code, under Section 10, Article 4413(37),  
9 Revised Statutes, and under Section 780.002 of this code.

10 SECTION 8. Sections 780.004(c), (d), and (e), Health and  
11 Safety Code, are amended to read as follows:

12 (c) In any fiscal year, the commissioner shall use at least  
13 94 ~~[96]~~ percent of the money appropriated from the account, after  
14 any amount the commissioner is required by Subsection (b) to  
15 reserve is deducted, to fund a portion of the uncompensated trauma  
16 care provided at facilities designated as state trauma facilities  
17 by the department or an undesignated facility in active pursuit of  
18 designation. Funds may be disbursed under this subsection based on  
19 a proportionate share of uncompensated trauma care provided in the  
20 state and may be used to fund innovative projects to enhance the  
21 delivery of patient care in the overall emergency medical services  
22 and trauma care system.

23 (d) In any fiscal year, the commissioner shall use three  
24 ~~[not more than two]~~ percent of the money appropriated from the  
25 account, after any amount the commissioner is required by  
26 Subsection (b) to reserve is deducted, to fund, in connection with  
27 an effort to provide coordination with the appropriate trauma

1 service area, the cost of supplies, operational expenses, education  
2 and training, equipment, vehicles, and communications systems for  
3 local emergency medical services. The money shall be distributed  
4 on behalf of eligible recipients in each county to the trauma  
5 service area regional advisory council for that county. To receive  
6 a distribution under this subsection, the regional advisory council  
7 must be incorporated as an entity that is exempt from federal income  
8 tax under Section 501(a), Internal Revenue Code of 1986, and its  
9 subsequent amendments, by being listed as an exempt organization  
10 under Section 501(c)(3) of that code. The share of the money  
11 allocated to the eligible recipients in a county's geographic area  
12 shall be based on the relative geographic size and population of the  
13 county and on the relative number of emergency or trauma care runs  
14 performed by eligible recipients in the county. Money that is not  
15 disbursed by a regional advisory council to eligible recipients for  
16 approved functions by the end of the fiscal year in which the funds  
17 were disbursed may be retained by the regional advisory council for  
18 use in the following fiscal year in accordance with this  
19 subsection. Money that is not disbursed by the regional advisory  
20 council in that following fiscal year shall be returned to the  
21 department to be used in accordance with Subsection (c).

22 (e) In any fiscal year, the commissioner shall ~~may~~ use two  
23 ~~[not more than one]~~ percent of the money appropriated from the  
24 account, after any amount the commissioner is required by  
25 Subsection (b) to reserve is deducted, for operation of the  
26 trauma service areas and for equipment, communications, and  
27 education and training for the areas. Money distributed under this

1 subsection shall be distributed on behalf of eligible recipients in  
2 each county to the trauma service area regional advisory council  
3 for that county. To receive a distribution under this subsection,  
4 the regional advisory council must be incorporated as an entity  
5 that is exempt from federal income tax under Section 501(a),  
6 Internal Revenue Code of 1986, and its subsequent amendments, by  
7 being listed as an exempt organization under Section 501(c)(3) of  
8 that code. A regional advisory council's share of money  
9 distributed under this section shall be based on the relative  
10 geographic size and population of each trauma service area and on  
11 the relative amount of trauma care provided. Money that is not  
12 disbursed by a regional advisory council to eligible recipients for  
13 approved functions by the end of the fiscal year in which the funds  
14 were disbursed may be retained by the regional advisory council for  
15 use in the following fiscal year in accordance with this  
16 subsection. Money that is not disbursed by the regional advisory  
17 council in that following fiscal year shall be returned to the  
18 department to be used in accordance with Subsection (c).

19 SECTION 9. Sections 10(b) and (e), Article 4413(37),  
20 Revised Statutes, are amended to read as follows:

21 (b) An insurer shall pay to the authority a fee equal to \$4  
22 [~~\$2~~] multiplied by the total number of motor vehicle years of  
23 insurance for insurance policies delivered, issued for delivery, or  
24 renewed by the insurer. The fee shall be paid not later than:

25 (1) March 1 of each year for a policy issued,  
26 delivered, or renewed from July 1 through December 31 of the  
27 previous calendar year; and

1           (2) August 1 of each year for a policy issued,  
2 delivered, or renewed from January 1 through June 30 of that year.

3           (e) Out of [~~Fifty percent of~~] each fee collected under  
4 Subsection (b):

5           (1) 20 percent shall [~~may~~] be appropriated [~~only~~] to  
6 the authority for the purposes of this article;

7           (2) 20 percent shall be deposited to the credit of the  
8 general revenue fund, to be used only for criminal justice  
9 purposes; and

10           (3) 60 percent shall be deposited to the credit of the  
11 designated trauma facility and emergency medical services account  
12 under Section 780.003, Health and Safety Code, to be used only for  
13 the criminal justice purpose of funding designated trauma  
14 facilities, county and regional emergency medical services, and  
15 trauma care systems that provide trauma care and emergency medical  
16 services to victims of accidents resulting from traffic offenses.

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

19           (b) Fees collected under this section shall be deposited to  
20 the credit of the state highway fund except that the comptroller  
21 shall provide for a portion of the fees to be deposited first to the  
22 credit of a special fund in the state treasury outside the general  
23 revenue fund to be known as the TexasSure Fund in a total amount  
24 that is necessary to cover the total amount appropriated to the  
25 Texas Department of Insurance from that fund and for the remaining  
26 fees to be deposited to the state highway fund. Subject to  
27 appropriations, the money deposited to the credit of the state



1 highway fund under this section may be used by the Department of  
2 Public Safety to:

3 (1) support the Department of Public Safety's  
4 reengineering of the driver's license system to provide for the  
5 issuance by the Department of Public Safety of a driver's license or  
6 personal identification certificate, to include use of image  
7 comparison technology; and

8 ~~(2) [establish and maintain a system to support the~~  
9 ~~driver responsibility program under Chapter 708; and~~

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

13 SECTION 11. Subchapter C, Chapter 542, Transportation Code,  
14 is amended by adding Section 542.304 to read as follows:

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

- 19 (1) Article 102.022(a), Code of Criminal Procedure;  
20 (2) Section 1001.112(a-2), Education Code;  
21 (3) Section 411.110(f), Government Code; and  
22 (4) Sections 773.0614(b) and 773.06141(a), Health and  
23 Safety Code.

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

- 26 (1) include:  
27 (A) a violation of the traffic law of this state,

1 another state, or a political subdivision of this or another state;

2 and

3 (B) an offense under Section 545.412; and

4 (2) do not include:

5 (A) an offense committed before September 1,  
6 2003;

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

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

13 (D) an offense under Section 545.4251.

14 SECTION 12. Sections 542.4031(a), (f), (g), and (h),  
15 Transportation Code, are amended to read as follows:

16 (a) In addition to the fine prescribed by Section 542.401 or  
17 another section of this subtitle, as applicable, a person who  
18 enters a plea of guilty or nolo contendere to or is convicted of an  
19 offense under this subtitle shall pay \$50 [~~\$30~~] as a state traffic  
20 fine. The person shall pay the state traffic fine when the person  
21 enters the person's plea of guilty or nolo contendere, or on the  
22 date of conviction, whichever is earlier. The state traffic fine  
23 shall be paid regardless of whether:

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

25 (2) the court defers final disposition of the person's  
26 case; or

27 (3) the person is placed on community supervision,

1 including deferred adjudication community supervision.

2 (f) A municipality or county may retain four [~~five~~] percent  
3 of the money collected under this section as a service fee for the  
4 collection if the municipality or county remits the funds to the  
5 comptroller within the period prescribed in Subsection (e). The  
6 municipality or county may retain any interest accrued on the money  
7 if the custodian of the money deposited in the treasury keeps  
8 records of the amount of money collected under this section that is  
9 on deposit in the treasury and remits the funds to the comptroller  
10 within the period prescribed in Subsection (e).

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

13 (1) 80 [~~67~~] percent to the credit of the undedicated  
14 portion of the general revenue fund; and

15 (2) 20 [~~33~~] percent to the credit of the designated  
16 trauma facility and emergency medical services account under  
17 Section 780.003, Health and Safety Code.

18 (h) Notwithstanding Subsection (g)(1), in any state fiscal  
19 year the comptroller shall deposit 80 [~~67~~] percent of the money  
20 received under Subsection (e)(2) to the credit of the general  
21 revenue fund only until the total amount of the money deposited to  
22 the credit of the general revenue fund under Subsection (g)(1) [~~and~~  
23 ~~Section 780.002(b), Health and Safety Code,~~] equals \$250 million  
24 for that year. If in any state fiscal year the amount received by  
25 the comptroller under Subsection (e)(2) [~~those laws~~] for deposit to  
26 the credit of the general revenue fund under Subsection (g)(1)  
27 exceeds \$250 million, the comptroller shall deposit the additional

1 amount to the credit of the Texas mobility fund.

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

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

8 "A second or subsequent conviction of an offense under the Texas  
9 Motor Vehicle Safety Responsibility Act will result in the  
10 suspension of your driver's license and motor vehicle registration  
11 unless you file and maintain evidence of financial responsibility  
12 with the Department of Public Safety for two years from the date of  
13 conviction. The department may waive the requirement to file  
14 evidence of financial responsibility if you file satisfactory  
15 evidence with the department showing that at the time this citation  
16 was issued, the vehicle was covered by a motor vehicle liability  
17 insurance policy or that you were otherwise exempt from the  
18 requirements to provide evidence of financial responsibility."

19 SECTION 14. Subtitle I, Title 7, Transportation Code, is  
20 amended by adding Chapter 709 to read as follows:

21 CHAPTER 709. MISCELLANEOUS TRAFFIC FINES

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

26 (b) Except as provided by Subsection (c), in addition to the  
27 fine prescribed for the specific offense, a person who has been

1 finally convicted of an offense relating to the operating of a motor  
2 vehicle while intoxicated shall pay a fine of:

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

5 (2) \$4,500 for a second or subsequent conviction  
6 within a 36-month period; and

7 (3) \$6,000 for a first or subsequent conviction if it  
8 is shown on the trial of the offense that an analysis of a specimen  
9 of the person's blood, breath, or urine showed an alcohol  
10 concentration level of 0.16 or more at the time the analysis was  
11 performed.

12 (c) The judge of the convicting court shall waive all or  
13 part of the fine required by Subsection (b) if the judge determines  
14 that the person is indigent or unable to pay all or part of the fine  
15 required by that subsection without undue hardship.

16 (d) For the purposes of Subsection (c), there is a  
17 rebuttable presumption that the person is indigent and qualifies  
18 for a full waiver if the judge determines that the person's net  
19 income is 125 percent of the federal poverty level or less.

20 (e) For the purposes of Subsection (c), there is a  
21 rebuttable presumption that the person qualifies for a partial  
22 waiver if the person's net income is greater than 125 percent of the  
23 federal poverty level but less than 300 percent of the federal  
24 poverty level.

25 Sec. 709.002. REMITTANCE OF TRAFFIC FINES COLLECTED TO  
26 COMPTRROLLER. (a) An officer collecting a traffic fine under  
27 Section 709.001 in a case in a justice, county, or district court

1 shall keep separate records of the money collected and shall  
2 deposit the money in the county treasury.

3 (b) Each calendar quarter, an officer collecting a traffic  
4 fine under Section 709.001 shall submit a report to the  
5 comptroller. The report must comply with Articles 103.005(c) and  
6 (d), Code of Criminal Procedure.

7 (c) The custodian of money in a municipal or county treasury  
8 may deposit money collected under Section 709.001 in an  
9 interest-bearing account. The custodian shall:

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

12 (2) not later than the last day of the month following  
13 each calendar quarter, remit to the comptroller money collected  
14 under this section during the preceding quarter, as required by the  
15 comptroller.

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

25 (e) Of the money received by the comptroller under this  
26 section, the comptroller shall deposit:

27 (1) 80 percent to the credit of the undedicated

1 portion of the general revenue fund, to be used only for criminal  
2 justice purposes; and

3 (2) 20 percent to the credit of the designated trauma  
4 facility and emergency medical services account under Section  
5 780.003, Health and Safety Code, to be used only for the criminal  
6 justice purpose of funding designated trauma facilities, county and  
7 regional emergency medical services, and trauma care systems that  
8 provide trauma care and emergency medical services to victims of  
9 accidents resulting from traffic offenses.

10 (f) Money collected under this section is subject to audit  
11 by the comptroller. Money spent is subject to audit by the state  
12 auditor.

13 SECTION 15. Chapter 708, Transportation Code, is repealed.

14 SECTION 16. (a) The repeal by this Act of Chapter 708,  
15 Transportation Code, applies to any surcharge pending on the  
16 effective date of this Act, regardless of whether the surcharge was  
17 imposed before that date.

18 (b) The Department of Public Safety shall reinstate any  
19 driver's license that is suspended under Section 708.152,  
20 Transportation Code, as of the effective date of this Act if the  
21 only reason the driver's license was suspended is a failure to pay a  
22 surcharge under Chapter 708, Transportation Code.

23 SECTION 17. This Act takes effect September 1, 2019.