

By: Zerwas

H.B. No. 2048

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; 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, and under Section 780.002 of this
9 code.

10 SECTION 8. Sections 10(b) and (e), Article 4413(37),
11 Revised Statutes, are amended to read as follows:

12 (b) An insurer shall pay to the authority a fee equal to \$4
13 ~~[\$2]~~ multiplied by the total number of motor vehicle years of
14 insurance for insurance policies delivered, issued for delivery, or
15 renewed by the insurer. The fee shall be paid not later than:

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

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

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

23 (1) 20 percent shall ~~[may]~~ be appropriated ~~[only]~~ to
24 the authority for the purposes of this article;

25 (2) 20 percent shall be deposited to the credit of the
26 general revenue fund; and

27 (3) 60 percent shall be deposited to the credit of the

1 designated trauma facility and emergency medical services account
2 under Section 780.003, Health and Safety Code.

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

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

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

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

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

26 SECTION 10. Subchapter C, Chapter 542, Transportation Code,
27 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 11. Sections 542.4031(a), (f), (g), and (h),

1 Transportation Code, are amended to read as follows:

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

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

11 (2) the court defers final disposition of the person's
12 case; or

13 (3) the person is placed on community supervision,
14 including deferred adjudication community supervision.

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

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

26 (1) 70 [~~67~~] percent to the credit of the undedicated
27 portion of the general revenue fund; and

1 (2) 30 [~~33~~] percent to the credit of the designated
2 trauma facility and emergency medical services account under
3 Section 780.003, Health and Safety Code.

4 (h) Notwithstanding Subsection (g)(1), in any state fiscal
5 year the comptroller shall deposit 70 [~~67~~] percent of the money
6 received under Subsection (e)(2) to the credit of the general
7 revenue fund only until the total amount of the money deposited to
8 the credit of the general revenue fund under Subsection (g)(1) [~~and~~
9 ~~Section 780.002(b), Health and Safety Code,~~] equals \$250 million
10 for that year. If in any state fiscal year the amount received by
11 the comptroller under Subsection (e)(2) [~~those laws~~] for deposit to
12 the credit of the general revenue fund under Subsection (g)(1)
13 exceeds \$250 million, the comptroller shall deposit the additional
14 amount to the credit of the Texas mobility fund.

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

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

21 "A second or subsequent conviction of an offense under the Texas
22 Motor Vehicle Safety Responsibility Act will result in the
23 suspension of your driver's license and motor vehicle registration
24 unless you file and maintain evidence of financial responsibility
25 with the Department of Public Safety for two years from the date of
26 conviction. The department may waive the requirement to file
27 evidence of financial responsibility if you file satisfactory

1 evidence with the department showing that at the time this citation
2 was issued, the vehicle was covered by a motor vehicle liability
3 insurance policy or that you were otherwise exempt from the
4 requirements to provide evidence of financial responsibility."

5 SECTION 13. Subtitle I, Title 7, Transportation Code, is
6 amended by adding Chapter 709 to read as follows:

7 CHAPTER 709. MISCELLANEOUS TRAFFIC FINES

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

12 (b) In addition to the fine prescribed for the specific
13 offense, a person who has been finally convicted of an offense
14 relating to the operating of a motor vehicle while intoxicated
15 shall pay a fine of:

16 (1) \$3,000 for the first conviction within a 36-month
17 period;

18 (2) \$4,500 for a second or subsequent conviction
19 within a 36-month period; and

20 (3) \$6,000 for a first or subsequent conviction if it
21 is shown on the trial of the offense that an analysis of a specimen
22 of the person's blood, breath, or urine showed an alcohol
23 concentration level of 0.16 or more at the time the analysis was
24 performed.

25 Sec. 709.002. REMITTANCE OF TRAFFIC FINES COLLECTED TO
26 COMPTROLLER. (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) 70 percent to the credit of the undedicated

1 portion of the general revenue fund; and

2 (2) 30 percent to the credit of the designated trauma
3 facility and emergency medical services account under Section
4 780.003, Health and Safety Code.

5 (f) Money collected under this section is subject to audit
6 by the comptroller. Money spent is subject to audit by the state
7 auditor.

8 SECTION 14. Chapter 708, Transportation Code, is repealed.

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

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

18 SECTION 16. This Act takes effect September 1, 2019.