

1-1 By: Zerwas, et al. (Senate Sponsor - Huffman) H.B. No. 2048  
 1-2 (In the Senate - Received from the House May 3, 2019;  
 1-3 May 6, 2019, read first time and referred to Committee on Finance;  
 1-4 May 8, 2019, reported favorably by the following vote: Yeas 14,  
 1-5 Nays 0; May 8, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Nelson	X			
1-8 Hinojosa	X			
1-9 Bettencourt			X	
1-10 Birdwell	X			
1-11 Campbell	X			
1-12 Flores	X			
1-13 Hancock	X			
1-14 Huffman	X			
1-15 Kolkhorst	X			
1-16 Nichols	X			
1-17 Perry	X			
1-18 Taylor	X			
1-19 Watson	X			
1-20 West	X			
1-21 Whitmire	X			

1-23 A BILL TO BE ENTITLED  
 1-24 AN ACT

1-25 relating to the repeal of the driver responsibility program and the  
 1-26 amount and allocation of state traffic fine funds; eliminating  
 1-27 program surcharges; authorizing and increasing criminal fines;  
 1-28 increasing a fee.

1-29 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-30 SECTION 1. Article 102.022(a), Code of Criminal Procedure,  
 1-31 is amended to read as follows:

1-32 (a) In this article, "moving violation" means an offense  
 1-33 that:

- 1-34 (1) involves the operation of a motor vehicle; and
- 1-35 (2) is classified as a moving violation by the  
 1-36 Department of Public Safety under Section 542.304 [708.052],  
 1-37 Transportation Code.

1-38 SECTION 2. Section 1001.112, Education Code, is amended by  
 1-39 amending Subsection (a-1) and adding Subsection (a-2) to read as  
 1-40 follows:

1-41 (a-1) The rules must provide that the student driver spend a  
 1-42 minimum number of hours in classroom and behind-the-wheel  
 1-43 instruction.

1-44 (a-2) The rules must provide [and] that the person  
 1-45 conducting the course:

1-46 (1) possess a valid license for the preceding three  
 1-47 years that has not been suspended, revoked, or forfeited in the past  
 1-48 three years for an offense that involves the operation of a motor  
 1-49 vehicle;

1-50 (2) has not been convicted of:  
 1-51 (A) criminally negligent homicide; or  
 1-52 (B) driving while intoxicated in the past seven  
 1-53 years; and

1-54 (3) has not been convicted during the preceding three  
 1-55 years of:

1-56 (A) three or more moving violations described by  
 1-57 Section 542.304, Transportation Code, including violations that  
 1-58 resulted in an accident; or

1-59 (B) two or more moving violations described by  
 1-60 Section 542.304, Transportation Code, that resulted in an accident  
 1-61 ~~[does not have six or more points assigned to the person's driver's~~

2-1 ~~license under Subchapter B, Chapter 708, Transportation Code, at~~  
2-2 ~~the time the person begins conducting the course].~~

2-3 SECTION 3. Section 411.110(f), Government Code, is amended  
2-4 to read as follows:

2-5 (f) The Department of State Health Services may not consider  
2-6 offenses described by ~~[for which points are assessed under]~~ Section  
2-7 542.304 ~~[708.052]~~, Transportation Code, to determine whether to  
2-8 hire or retain an employee or to contract with a person on whom  
2-9 criminal history record information is obtained under this section.

2-10 SECTION 4. Section 773.0614(b), Health and Safety Code, is  
2-11 amended to read as follows:

2-12 (b) For purposes of Subsection (a), the department may not  
2-13 consider offenses described by ~~[for which points are assessed~~  
2-14 ~~under]~~ Section 542.304 ~~[708.052]~~, Transportation Code.

2-15 SECTION 5. Section 773.06141(a), Health and Safety Code,  
2-16 is amended to read as follows:

2-17 (a) The department may suspend, revoke, or deny an emergency  
2-18 medical services provider license on the grounds that the  
2-19 provider's administrator of record, employee, or other  
2-20 representative:

2-21 (1) has been convicted of, or placed on deferred  
2-22 adjudication community supervision or deferred disposition for, an  
2-23 offense that directly relates to the duties and responsibilities of  
2-24 the administrator, employee, or representative, other than an  
2-25 offense described by ~~[for which points are assigned under]~~ Section  
2-26 542.304 ~~[708.052]~~, Transportation Code;

2-27 (2) has been convicted of or placed on deferred  
2-28 adjudication community supervision or deferred disposition for an  
2-29 offense, including:

2-30 (A) an offense listed in Article 42A.054(a)(2),  
2-31 (3), (4), (6), (7), (8), (10), or (14), Code of Criminal Procedure;  
2-32 or

2-33 (B) an offense, other than an offense described  
2-34 by Subdivision (1), for which the person is subject to registration  
2-35 under Chapter 62, Code of Criminal Procedure; or

2-36 (3) has been convicted of Medicare or Medicaid fraud,  
2-37 has been excluded from participation in the state Medicaid program,  
2-38 or has a hold on payment for reimbursement under the state Medicaid  
2-39 program under Subchapter C, Chapter 531, Government Code.

2-40 SECTION 6. Section 780.002, Health and Safety Code, is  
2-41 amended to read as follows:

2-42 Sec. 780.002. CERTAIN DEPOSITS TO ACCOUNT. The comptroller  
2-43 shall deposit any gifts, grants, donations, and legislative  
2-44 appropriations made for the purposes of the designated trauma  
2-45 facility and emergency medical services account established under  
2-46 Section 780.003 to the credit of the account. [(a) On the first  
2-47 Monday of each month, the Department of Public Safety shall remit  
2-48 the surcharges collected during the previous month under the driver  
2-49 responsibility program operated by that department under Chapter  
2-50 708, Transportation Code, to the comptroller.

2-51 ~~[(b) The comptroller shall deposit 49.5 percent of the money~~  
2-52 ~~received under Subsection (a) to the credit of the account~~  
2-53 ~~established under this chapter and 49.5 percent of the money to the~~  
2-54 ~~general revenue fund. The remaining one percent of the amount of~~  
2-55 ~~the surcharges shall be deposited to the general revenue fund and~~  
2-56 ~~may be appropriated only to the Department of Public Safety for~~  
2-57 ~~administration of the driver responsibility program operated by~~  
2-58 ~~that department under Chapter 708, Transportation Code.~~

2-59 ~~[(c) Notwithstanding Subsection (b), in any state fiscal~~  
2-60 ~~year the comptroller shall deposit 49.5 percent of the surcharges~~  
2-61 ~~collected under Chapter 708, Transportation Code, to the credit of~~  
2-62 ~~the general revenue fund only until the total amount of the~~  
2-63 ~~surcharges deposited to the credit of the general revenue fund~~  
2-64 ~~under Subsection (b), and the state traffic fines deposited to the~~  
2-65 ~~credit of that fund under Section 542.4031(g)(1), Transportation~~  
2-66 ~~Code, equals \$250 million for that year. If in any state fiscal~~  
2-67 ~~year the amount received by the comptroller under those laws for~~  
2-68 ~~deposit to the credit of the general revenue fund exceeds \$250~~  
2-69 ~~million, the comptroller shall deposit the additional amount to the~~

3-1 ~~credit of the Texas mobility fund.]~~

3-2 SECTION 7. Section 780.003(b), Health and Safety Code, is  
3-3 amended to read as follows:

3-4 (b) The account is composed of money deposited to the credit  
3-5 of the account under Sections 542.4031, 542.406, [and] 707.008, and  
3-6 709.002, Transportation Code, under Section 10, Article 4413(37),  
3-7 Revised Statutes, and under Section 780.002 of this code.

3-8 SECTION 8. Sections 780.004(c), (d), and (e), Health and  
3-9 Safety Code, are amended to read as follows:

3-10 (c) In any fiscal year, the commissioner shall use at least  
3-11 94 [96] percent of the money appropriated from the account, after  
3-12 any amount the commissioner is required by Subsection (b) to  
3-13 reserve is deducted, to fund a portion of the uncompensated trauma  
3-14 care provided at facilities designated as state trauma facilities  
3-15 by the department or an undesignated facility in active pursuit of  
3-16 designation. Funds may be disbursed under this subsection based on  
3-17 a proportionate share of uncompensated trauma care provided in the  
3-18 state and may be used to fund innovative projects to enhance the  
3-19 delivery of patient care in the overall emergency medical services  
3-20 and trauma care system.

3-21 (d) In any fiscal year, the commissioner shall use three  
3-22 [not more than two] percent of the money appropriated from the  
3-23 account, after any amount the commissioner is required by  
3-24 Subsection (b) to reserve is deducted, to fund, in connection with  
3-25 an effort to provide coordination with the appropriate trauma  
3-26 service area, the cost of supplies, operational expenses, education  
3-27 and training, equipment, vehicles, and communications systems for  
3-28 local emergency medical services. The money shall be distributed  
3-29 on behalf of eligible recipients in each county to the trauma  
3-30 service area regional advisory council for that county. To receive  
3-31 a distribution under this subsection, the regional advisory council  
3-32 must be incorporated as an entity that is exempt from federal income  
3-33 tax under Section 501(a), Internal Revenue Code of 1986, and its  
3-34 subsequent amendments, by being listed as an exempt organization  
3-35 under Section 501(c)(3) of that code. The share of the money  
3-36 allocated to the eligible recipients in a county's geographic area  
3-37 shall be based on the relative geographic size and population of the  
3-38 county and on the relative number of emergency or trauma care runs  
3-39 performed by eligible recipients in the county. Money that is not  
3-40 disbursed by a regional advisory council to eligible recipients for  
3-41 approved functions by the end of the fiscal year in which the funds  
3-42 were disbursed may be retained by the regional advisory council for  
3-43 use in the following fiscal year in accordance with this  
3-44 subsection. Money that is not disbursed by the regional advisory  
3-45 council in that following fiscal year shall be returned to the  
3-46 department to be used in accordance with Subsection (c).

3-47 (e) In any fiscal year, the commissioner shall may use two  
3-48 [not more than one] percent of the money appropriated from the  
3-49 account, after any amount the commissioner is required by  
3-50 Subsection (b) to reserve is deducted, for operation of the 22  
3-51 trauma service areas and for equipment, communications, and  
3-52 education and training for the areas. Money distributed under this  
3-53 subsection shall be distributed on behalf of eligible recipients in  
3-54 each county to the trauma service area regional advisory council  
3-55 for that county. To receive a distribution under this subsection,  
3-56 the regional advisory council must be incorporated as an entity  
3-57 that is exempt from federal income tax under Section 501(a),  
3-58 Internal Revenue Code of 1986, and its subsequent amendments, by  
3-59 being listed as an exempt organization under Section 501(c)(3) of  
3-60 that code. A regional advisory council's share of money  
3-61 distributed under this section shall be based on the relative  
3-62 geographic size and population of each trauma service area and on  
3-63 the relative amount of trauma care provided. Money that is not  
3-64 disbursed by a regional advisory council to eligible recipients for  
3-65 approved functions by the end of the fiscal year in which the funds  
3-66 were disbursed may be retained by the regional advisory council for  
3-67 use in the following fiscal year in accordance with this  
3-68 subsection. Money that is not disbursed by the regional advisory  
3-69 council in that following fiscal year shall be returned to the

4-1 department to be used in accordance with Subsection (c).

4-2 SECTION 9. Sections 10(b) and (e), Article 4413(37),  
 4-3 Revised Statutes, are amended to read as follows:

4-4 (b) An insurer shall pay to the authority a fee equal to \$4  
 4-5 [~~\$2~~] multiplied by the total number of motor vehicle years of  
 4-6 insurance for insurance policies delivered, issued for delivery, or  
 4-7 renewed by the insurer. The fee shall be paid not later than:

4-8 (1) March 1 of each year for a policy issued,  
 4-9 delivered, or renewed from July 1 through December 31 of the  
 4-10 previous calendar year; and

4-11 (2) August 1 of each year for a policy issued,  
 4-12 delivered, or renewed from January 1 through June 30 of that year.

4-13 (e) Out of [~~Fifty percent of~~] each fee collected under  
 4-14 Subsection (b):

4-15 (1) 20 percent shall [~~may~~] be appropriated [~~only~~] to  
 4-16 the authority for the purposes of this article;

4-17 (2) 20 percent shall be deposited to the credit of the  
 4-18 general revenue fund, to be used only for criminal justice  
 4-19 purposes; and

4-20 (3) 60 percent shall be deposited to the credit of the  
 4-21 designated trauma facility and emergency medical services account  
 4-22 under Section 780.003, Health and Safety Code, to be used only for  
 4-23 the criminal justice purpose of funding designated trauma  
 4-24 facilities, county and regional emergency medical services, and  
 4-25 trauma care systems that provide trauma care and emergency medical  
 4-26 services to victims of accidents resulting from traffic offenses.

4-27 SECTION 10. Section 502.357(b), Transportation Code, is  
 4-28 amended to read as follows:

4-29 (b) Fees collected under this section shall be deposited to  
 4-30 the credit of the state highway fund except that the comptroller  
 4-31 shall provide for a portion of the fees to be deposited first to the  
 4-32 credit of a special fund in the state treasury outside the general  
 4-33 revenue fund to be known as the TexasSure Fund in a total amount  
 4-34 that is necessary to cover the total amount appropriated to the  
 4-35 Texas Department of Insurance from that fund and for the remaining  
 4-36 fees to be deposited to the state highway fund. Subject to  
 4-37 appropriations, the money deposited to the credit of the state  
 4-38 highway fund under this section may be used by the Department of  
 4-39 Public Safety to:

4-40 (1) support the Department of Public Safety's  
 4-41 reengineering of the driver's license system to provide for the  
 4-42 issuance by the Department of Public Safety of a driver's license or  
 4-43 personal identification certificate, to include use of image  
 4-44 comparison technology; and

4-45 (2) [~~establish and maintain a system to support the~~  
 4-46 ~~driver responsibility program under Chapter 708, and~~

4-47 [~~(3)~~] make lease payments to the master lease purchase  
 4-48 program for the financing of the driver's license reengineering  
 4-49 project.

4-50 SECTION 11. Subchapter C, Chapter 542, Transportation Code,  
 4-51 is amended by adding Section 542.304 to read as follows:

4-52 Sec. 542.304. MOVING VIOLATIONS FOR CERTAIN PURPOSES. (a)  
 4-53 The department by rule shall designate the offenses involving the  
 4-54 operation of a motor vehicle that constitute a moving violation of  
 4-55 the traffic law for the purposes of:

4-56 (1) Article 102.022(a), Code of Criminal Procedure;

4-57 (2) Section 1001.112(a-2), Education Code;

4-58 (3) Section 411.110(f), Government Code; and

4-59 (4) Sections 773.0614(b) and 773.06141(a), Health and  
 4-60 Safety Code.

4-61 (b) The rules must provide that for the purposes of the  
 4-62 provisions described in Subsection (a), moving violations:

4-63 (1) include:

4-64 (A) a violation of the traffic law of this state,  
 4-65 another state, or a political subdivision of this or another state;  
 4-66 and

4-67 (B) an offense under Section 545.412; and

4-68 (2) do not include:

4-69 (A) an offense committed before September 1,

5-1 2003;

5-2 (B) the offense of speeding when the person  
5-3 convicted was at the time of the offense driving less than 10  
5-4 percent faster than the posted speed limit, unless the person  
5-5 committed the offense in a school crossing zone;

5-6 (C) an offense adjudicated under Article 45.051  
5-7 or 45.0511, Code of Criminal Procedure; or

5-8 (D) an offense under Section 545.4251.

5-9 SECTION 12. Sections 542.4031(a), (f), (g), and (h),  
5-10 Transportation Code, are amended to read as follows:

5-11 (a) In addition to the fine prescribed by Section 542.401 or  
5-12 another section of this subtitle, as applicable, a person who  
5-13 enters a plea of guilty or nolo contendere to or is convicted of an  
5-14 offense under this subtitle shall pay \$50 [~~\$30~~] as a state traffic  
5-15 fine. The person shall pay the state traffic fine when the person  
5-16 enters the person's plea of guilty or nolo contendere, or on the  
5-17 date of conviction, whichever is earlier. The state traffic fine  
5-18 shall be paid regardless of whether:

5-19 (1) a sentence is imposed on the person;

5-20 (2) the court defers final disposition of the person's  
5-21 case; or

5-22 (3) the person is placed on community supervision,  
5-23 including deferred adjudication community supervision.

5-24 (f) A municipality or county may retain four [~~five~~] percent  
5-25 of the money collected under this section as a service fee for the  
5-26 collection if the municipality or county remits the funds to the  
5-27 comptroller within the period prescribed in Subsection (e). The  
5-28 municipality or county may retain any interest accrued on the money  
5-29 if the custodian of the money deposited in the treasury keeps  
5-30 records of the amount of money collected under this section that is  
5-31 on deposit in the treasury and remits the funds to the comptroller  
5-32 within the period prescribed in Subsection (e).

5-33 (g) Of the money received by the comptroller under this  
5-34 section, the comptroller shall deposit:

5-35 (1) 80 [~~67~~] percent to the credit of the undedicated  
5-36 portion of the general revenue fund; and

5-37 (2) 20 [~~33~~] percent to the credit of the designated  
5-38 trauma facility and emergency medical services account under  
5-39 Section 780.003, Health and Safety Code.

5-40 (h) Notwithstanding Subsection (g)(1), in any state fiscal  
5-41 year the comptroller shall deposit 80 [~~67~~] percent of the money  
5-42 received under Subsection (e)(2) to the credit of the general  
5-43 revenue fund only until the total amount of the money deposited to  
5-44 the credit of the general revenue fund under Subsection (g)(1) [~~and~~  
5-45 ~~Section 780.002(b), Health and Safety Code,~~] equals \$250 million  
5-46 for that year. If in any state fiscal year the amount received by  
5-47 the comptroller under Subsection (e)(2) [~~those laws~~] for deposit to  
5-48 the credit of the general revenue fund under Subsection (g)(1)  
5-49 exceeds \$250 million, the comptroller shall deposit the additional  
5-50 amount to the credit of the Texas mobility fund.

5-51 SECTION 13. Section 601.233(a), Transportation Code, is  
5-52 amended to read as follows:

5-53 (a) A citation for an offense under Section 601.191 issued  
5-54 as a result of Section 601.053 must include, in type larger than  
5-55 other type on the citation, [~~except for the type of the statement~~  
5-56 ~~required by Section 708.105,~~] the following statement:

5-57 "A second or subsequent conviction of an offense under the Texas  
5-58 Motor Vehicle Safety Responsibility Act will result in the  
5-59 suspension of your driver's license and motor vehicle registration  
5-60 unless you file and maintain evidence of financial responsibility  
5-61 with the Department of Public Safety for two years from the date of  
5-62 conviction. The department may waive the requirement to file  
5-63 evidence of financial responsibility if you file satisfactory  
5-64 evidence with the department showing that at the time this citation  
5-65 was issued, the vehicle was covered by a motor vehicle liability  
5-66 insurance policy or that you were otherwise exempt from the  
5-67 requirements to provide evidence of financial responsibility."

5-68 SECTION 14. Subtitle I, Title 7, Transportation Code, is  
5-69 amended by adding Chapter 709 to read as follows:

## CHAPTER 709. MISCELLANEOUS TRAFFIC FINES

6-1                   Sec. 709.001. TRAFFIC FINE FOR CONVICTION OF CERTAIN  
 6-2 INTOXICATED DRIVER OFFENSES. (a) In this section, "offense  
 6-3 relating to the operating of a motor vehicle while intoxicated" has  
 6-4 the meaning assigned by Section 49.09, Penal Code.

6-5                   (b) Except as provided by Subsection (c), in addition to the  
 6-6 fine prescribed for the specific offense, a person who has been  
 6-7 finally convicted of an offense relating to the operating of a motor  
 6-8 vehicle while intoxicated shall pay a fine of:

6-9                   (1) \$3,000 for the first conviction within a 36-month  
 6-10 period;

6-11                   (2) \$4,500 for a second or subsequent conviction  
 6-12 within a 36-month period; and

6-13                   (3) \$6,000 for a first or subsequent conviction if it  
 6-14 is shown on the trial of the offense that an analysis of a specimen  
 6-15 of the person's blood, breath, or urine showed an alcohol  
 6-16 concentration level of 0.16 or more at the time the analysis was  
 6-17 performed.

6-18                   (c) The judge of the convicting court shall waive all or  
 6-19 part of the fine required by Subsection (b) if the judge determines  
 6-20 that the person is indigent or unable to pay all or part of the fine  
 6-21 required by that subsection without undue hardship.

6-22                   (d) For the purposes of Subsection (c), there is a  
 6-23 rebuttable presumption that the person is indigent and qualifies  
 6-24 for a full waiver if the judge determines that the person's net  
 6-25 income is 125 percent of the federal poverty level or less.

6-26                   (e) For the purposes of Subsection (c), there is a  
 6-27 rebuttable presumption that the person qualifies for a partial  
 6-28 waiver if the person's net income is greater than 125 percent of the  
 6-29 federal poverty level but less than 300 percent of the federal  
 6-30 poverty level.

6-31                   Sec. 709.002. REMITTANCE OF TRAFFIC FINES COLLECTED TO  
 6-32 COMPTROLLER. (a) An officer collecting a traffic fine under  
 6-33 Section 709.001 in a case in a justice, county, or district court  
 6-34 shall keep separate records of the money collected and shall  
 6-35 deposit the money in the county treasury.

6-36                   (b) Each calendar quarter, an officer collecting a traffic  
 6-37 fine under Section 709.001 shall submit a report to the  
 6-38 comptroller. The report must comply with Articles 103.005(c) and  
 6-39 (d), Code of Criminal Procedure.

6-40                   (c) The custodian of money in a municipal or county treasury  
 6-41 may deposit money collected under Section 709.001 in an  
 6-42 interest-bearing account. The custodian shall:

6-43                   (1) keep records of the amount of money collected  
 6-44 under this section that is on deposit in the treasury; and

6-45                   (2) not later than the last day of the month following  
 6-46 each calendar quarter, remit to the comptroller money collected  
 6-47 under this section during the preceding quarter, as required by the  
 6-48 comptroller.

6-49                   (d) A municipality or county may retain four percent of the  
 6-50 money collected under Section 709.001 as a service fee for the  
 6-51 collection if the county remits the funds to the comptroller within  
 6-52 the period described by Subsection (c). The municipality or county  
 6-53 may retain any interest accrued on the money if the custodian of the  
 6-54 money deposited in the treasury keeps records of the amount of money  
 6-55 collected under this section that is on deposit in the treasury and  
 6-56 remits the funds to the comptroller within the period prescribed in  
 6-57 Subsection (c).

6-58                   (e) Of the money received by the comptroller under this  
 6-59 section, the comptroller shall deposit:

6-60                   (1) 80 percent to the credit of the undedicated  
 6-61 portion of the general revenue fund, to be used only for criminal  
 6-62 justice purposes; and

6-63                   (2) 20 percent to the credit of the designated trauma  
 6-64 facility and emergency medical services account under Section  
 6-65 780.003, Health and Safety Code, to be used only for the criminal  
 6-66 justice purpose of funding designated trauma facilities, county and  
 6-67 regional emergency medical services, and trauma care systems that  
 6-68 provide trauma care and emergency medical services to victims of  
 6-69

7-1 accidents resulting from traffic offenses.

7-2 (f) Money collected under this section is subject to audit  
7-3 by the comptroller. Money spent is subject to audit by the state  
7-4 auditor.

7-5 SECTION 15. Chapter 708, Transportation Code, is repealed.

7-6 SECTION 16. (a) The repeal by this Act of Chapter 708,  
7-7 Transportation Code, applies to any surcharge pending on the  
7-8 effective date of this Act, regardless of whether the surcharge was  
7-9 imposed before that date.

7-10 (b) The Department of Public Safety shall reinstate any  
7-11 driver's license that is suspended under Section 708.152,  
7-12 Transportation Code, as of the effective date of this Act if the  
7-13 only reason the driver's license was suspended is a failure to pay a  
7-14 surcharge under Chapter 708, Transportation Code.

7-15 SECTION 17. This Act takes effect September 1, 2019.

7-16

\* \* \* \* \*