

By: Darby

H.B. No. 2415

A BILL TO BE ENTITLED

AN ACT

relating to the repeal of the driver responsibility program.

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

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

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

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

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

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

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

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

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

(2) has not been convicted of:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 Sec. 780.002. CERTAIN DEPOSITS TO ACCOUNT. The comptroller  
27 shall deposit any gifts, grants, donations, and legislative

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

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

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

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

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

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

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

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

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

26 Sec. 542.304. MOVING VIOLATIONS FOR CERTAIN PURPOSES. (a)  
27 The department by rule shall designate the offenses involving the

1 operation of a motor vehicle that constitute a moving violation of  
2 the traffic law for the purposes of:

- 3 (1) Article 102.022(a), Code of Criminal Procedure;
- 4 (2) Section 1001.112(a-2), Education Code;
- 5 (3) Section 411.110(f), Government Code; and
- 6 (4) Sections 773.0614(b) and 773.06141(a), Health and  
7 Safety Code.

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

- 10 (1) include:
  - 11 (A) a violation of the traffic law of this state,  
12 another state, or a political subdivision of this or another state;  
13 and
  - 14 (B) an offense under Section 545.412; and
- 15 (2) do not include:
  - 16 (A) an offense committed before September 1,  
17 2003;
  - 18 (B) the offense of speeding when the person  
19 convicted was at the time of the offense driving less than 10  
20 percent faster than the posted speed limit, unless the person  
21 committed the offense in a school crossing zone;
  - 22 (C) an offense adjudicated under Article 45.051  
23 or 45.0511, Code of Criminal Procedure; or
  - 24 (D) an offense under Section 545.4251.

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

27 (h) Notwithstanding Subsection (g)(1), in any state fiscal

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

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

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

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

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

2 SECTION 12. The repeal by this Act of Chapter 708,  
3 Transportation Code, and the changes in law made by this Act to  
4 Section 780.002, Health and Safety Code, and Section 542.4031,  
5 Transportation Code, do not apply to a surcharge pending on the  
6 effective date of this Act. A surcharge imposed under the driver  
7 responsibility program before the effective date of this Act is  
8 governed by the law in effect immediately before that date, and that  
9 law is continued in effect for that purpose.

10 SECTION 13. (a) The Legislative Budget Board shall  
11 evaluate options for providing continued funding to the designated  
12 trauma facility and emergency medical services account after the  
13 termination of the driver responsibility program and develop policy  
14 recommendations based on the Legislative Budget Board's findings.

15 (b) Not later than November 1, 2020, the Legislative Budget  
16 Board shall provide the recommendations developed under Subsection  
17 (a) of this section to the governor, the lieutenant governor, the  
18 speaker of the house of representatives, and each standing  
19 committee of the legislature with jurisdiction over the designated  
20 trauma facility and emergency medical services account. The  
21 standing committees shall review the recommendations of the  
22 Legislative Budget Board and provide to the legislature  
23 recommendations for the continued funding of the designated trauma  
24 facility and emergency medical services account.

25 SECTION 14. This Act takes effect immediately if it  
26 receives a vote of two-thirds of all the members elected to each  
27 house, as provided by Section 39, Article III, Texas Constitution.



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1 If this Act does not receive the vote necessary for immediate  
2 effect, this Act takes effect September 1, 2019.