

By: Phelan

H.B. No. 2622

A BILL TO BE ENTITLED

AN ACT

1
2 relating to surcharges assessed under the driver responsibility
3 program; authorizing surcharges; reducing, repealing, and waiving
4 surcharges.

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

6 SECTION 1. Section 708.053, Transportation Code, is amended
7 to read as follows:

8 Sec. 708.053. ANNUAL SURCHARGE FOR POINTS. Each year, the
9 department shall assess a surcharge on the license of a person who
10 has accumulated:

11 (1) three or more but fewer than six points under this
12 subchapter during the preceding 12-month period; or

13 (2) six or more points under this subchapter during
14 the preceding 36-month period.

15 SECTION 2. Section 708.054, Transportation Code, is amended
16 to read as follows:

17 Sec. 708.054. AMOUNT OF POINTS SURCHARGE. (a) The amount
18 of a surcharge under this chapter is:

19 (1) \$50 for accumulating three points during the
20 preceding 12-month period;

21 (2) \$60 for accumulating four points during the
22 preceding 12-month period;

23 (3) \$70 for accumulating five points during the
24 preceding 12-month period; or

1 (4) \$100 for accumulating [~~the first~~] six points
2 during the preceding 36-month period and \$25 for each additional
3 point in excess of six points accumulated during the preceding
4 36-month period.

5 (b) The department shall ensure that the amount of any
6 surcharge assessed on a person's license under Subsection (a)(1),
7 (2), or (3) is credited toward the amount of a surcharge assessed on
8 the person's license under Subsection (a)(4) during the same
9 36-month period.

10 SECTION 3. Section 708.103(b), Transportation Code, is
11 amended to read as follows:

12 (b) The [~~Except as provided by Subsection (c), the~~] amount
13 of a surcharge under this section is \$50 [~~\$250~~] per year.

14 SECTION 4. Section 708.106, Transportation Code, is amended
15 to read as follows:

16 Sec. 708.106. DEFERRAL OF SURCHARGES FOR DEPLOYED MILITARY
17 PERSONNEL. The department by rule shall establish a deferral
18 program for surcharges assessed under Section 708.103 [~~or 708.104~~]
19 against a person who is a member of the United States armed forces
20 on active duty deployed outside of the continental United States.
21 The program must:

22 (1) toll the 36-month period while the person is
23 deployed; and

24 (2) defer assessment of surcharges against the person
25 until the date the person is no longer deployed for an offense
26 committed:

27 (A) before the person was deployed; or

1 (B) while the person is deployed.

2 SECTION 5. Section 708.159(c), Transportation Code, is
3 amended to read as follows:

4 (c) If a person makes a single up-front payment under this
5 section in the amount specified in the notice under Subsection
6 (b)(1) and the person is not, in the 36-month period for which the
7 person made the up-front payment, subsequently convicted of an
8 offense requiring a surcharge or an increase in the amount due to
9 the department, the department is not required to:

10 (1) take any further action under Section 708.053,
11 708.102, or 708.103, [~~or 708.104,~~] as applicable; or

12 (2) annually notify the person of the assessment of
13 the surcharge under Section 708.151.

14 SECTION 6. Subchapter D, Chapter 708, Transportation Code,
15 is amended by adding Section 708.160 to read as follows:

16 Sec. 708.160. WAIVER OF CERTAIN SURCHARGES. (a) The
17 department shall waive a surcharge assessed under this chapter on
18 or before September 1, 2013.

19 (b) This section expires September 1, 2020.

20 SECTION 7. Section 708.158, Transportation Code, is amended
21 by amending Subsection (a) and adding Subsections (c) and (d) to
22 read as follows:

23 (a) The department shall waive all surcharges assessed
24 under this chapter for a person who is indigent. For the purposes
25 of this section, a person is considered to be indigent if:

26 (1) the person provides the evidence described by
27 Subsection (b) to the court; or

1 (2) the department determines that the person is
2 indigent.

3 (c) The department shall, as necessary, in collaboration
4 with other state agencies, obtain publicly available information to
5 determine whether a person is indigent for purposes of this
6 section.

7 (d) The standing committees of the senate and house of
8 representatives that have jurisdiction over issues related to
9 transportation shall jointly conduct a study of methods to improve
10 automatic data sharing between the department and other agencies
11 for the purpose of determining whether a person is indigent under
12 Subsection (c). Not later than December 1, 2020, the committees
13 shall submit a report on the findings of the study performed under
14 this subsection and the committees' legislative recommendations to
15 the governor, lieutenant governor, and speaker of the house of
16 representatives. This subsection expires January 1, 2021.

17 SECTION 8. Sections 708.103(c) and 708.104, Transportation
18 Code, are repealed.

19 SECTION 9. The changes in law made by this Act apply only to
20 an offense committed on or after the effective date of this Act. An
21 offense committed before the effective date of this Act is governed
22 by the law in effect on the date the offense was committed and the
23 former law is continued in effect for that purpose. For purposes of
24 this section, an offense was committed before the effective date of
25 this Act if any element of the offense occurred before that date.

26 SECTION 10. This Act takes effect September 1, 2019.