

By: Davis of Dallas

H.B. No. 4292

A BILL TO BE ENTITLED

AN ACT

relating to the waiver of certain surcharges assessed under the driver responsibility program.

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

SECTION 1. Subchapter D, Chapter 708, Transportation Code, is amended by adding Section 708.160 to read as follows:

Sec. 708.160. WAIVER OF SURCHARGES FOR CERTAIN OFFENSES.

(a) A person who receives notice of a surcharge under Section 708.151 as a result of one or more convictions may file a petition with a convicting court for a waiver of the surcharge if:

(1) each offense that was the basis for the surcharge was punishable by a fine only; and

(2) the petition includes:

(A) a copy of the person's driving record;

(B) a copy of the notice of surcharge received under Section 708.151;

(C) evidence that the person is unable to pay the surcharge; and

(D) any other supporting documentation that would support a decision to grant the waiver.

(b) A court receiving a petition under this section shall set a hearing not later than the 14th day after the date the court receives the petition. The court shall notify the department of the date of the hearing. At the hearing, the court may hear testimony

1 and consider:

2 (1) the petitioner's ability to pay the surcharge;

3 (2) the frequency of the underlying offenses;

4 (3) the time and length of any license suspension; and

5 (4) any other factors that would support a decision to

6 grant the waiver.

7 (c) The court may issue an order granting the waiver. The

8 court shall notify the department of an order entered under this

9 subsection.

10 (d) Not later than the 30th day after the date the

11 department receives a court order under Subsection (c), the

12 department shall waive the surcharges as required by the order.

13 SECTION 2. Section 708.160, Transportation Code, as added

14 by this Act, applies to any surcharge pending on the effective date

15 of this Act, regardless of whether the surcharge was imposed before

16 that date.

17 SECTION 3. This Act takes effect September 1, 2019.