

By: Miles, Hall

S.B. No. 191

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the repeal of the driver responsibility program and the
3 amount and allocation of state traffic fine funds; temporarily
4 increasing a criminal fine.

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

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

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

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

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

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

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

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

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

1 vehicle;

2 (2) has not been convicted of:

3 (A) criminally negligent homicide; or

4 (B) driving while intoxicated in the past seven
5 years; and

6 (3) has not been convicted during the preceding three
7 years of:

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

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

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

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

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

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

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

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

7 (1) has been convicted of, or placed on deferred
8 adjudication community supervision or deferred disposition for, an
9 offense that directly relates to the duties and responsibilities of
10 the administrator, employee, or representative, other than an
11 offense described by [~~for which points are assigned under~~] Section
12 542.304 [~~708.052~~], Transportation Code;

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

16 (A) an offense listed in Article 42A.054(a)(2),
17 (3), (4), (6), (7), (8), (10), or (14), Code of Criminal Procedure;
18 or

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

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

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

1 Sec. 780.002. CERTAIN DEPOSITS TO ACCOUNT. The comptroller
2 shall deposit any gifts, grants, donations, and legislative
3 appropriations made for the purposes of the designated trauma
4 facility and emergency medical services account established under
5 Section 780.003 to the credit of the account. ~~[(a) On the first~~
6 ~~Monday of each month, the Department of Public Safety shall remit~~
7 ~~the surcharges collected during the previous month under the driver~~
8 ~~responsibility program operated by that department under Chapter~~
9 ~~708, Transportation Code, to the comptroller.~~

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

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

1 ~~million, the comptroller shall deposit the additional amount to the~~
2 ~~credit of the Texas mobility fund.]~~

3 SECTION 7. 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 8. 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 9. Section 542.4031, Transportation Code, is

1 amended by amending Subsections (a), (g), and (h) and adding
2 Subsections (a-1) and (j) to read as follows:

3 (a) In addition to the fine prescribed by Section 542.401 or
4 another section of this subtitle, as applicable, a person who
5 enters a plea of guilty or nolo contendere to or is convicted of an
6 offense under this subtitle shall pay:

7 (1) \$50 [~~\$30~~ as a state traffic fine, if the person
8 enters the plea or is convicted of the offense before September 1,
9 2022; or

10 (2) \$40 as a state traffic fine, if the person enters
11 the plea or is convicted of the offense on or after September 1,
12 2022.

13 (a-1) The person shall pay the state traffic fine when the
14 person enters the person's plea of guilty or nolo contendere, or on
15 the date of conviction, whichever is earlier. The state traffic
16 fine shall be paid regardless of whether:

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

18 (2) the court defers final disposition of the person's
19 case; or

20 (3) the person is placed on community supervision,
21 including deferred adjudication community supervision.

22 (g) Of the money received by the comptroller under this
23 section:

24 (1) before September 1, 2022, the comptroller shall
25 deposit:

26 (A) 50 [~~(1) 67~~] percent to the credit of the
27 undedicated portion of the general revenue fund; and

1 (B) 50 [~~(2) 33~~] percent to the credit of the
2 designated trauma facility and emergency medical services account
3 under Section 780.003, Health and Safety Code; and

4 (2) on or after September 1, 2022, the comptroller
5 shall deposit 100 percent to the credit of the designated trauma
6 facility and emergency medical services account under Section
7 780.003, Health and Safety Code.

8 (h) Notwithstanding Subsection (g)(1)(A) [~~(g)(1)~~], in any
9 state fiscal year the comptroller shall deposit 50 [~~67~~] percent of
10 the money received under Subsection (e)(2) to the credit of the
11 general revenue fund only until the total amount of the money
12 deposited to the credit of the general revenue fund under
13 Subsection (g)(1)(A) [~~(g)(1) and Section 780.002(b), Health and~~
14 ~~Safety Code,~~] equals \$250 million for that year. If in any state
15 fiscal year the amount received by the comptroller under Subsection
16 (g)(1)(A) [~~those laws~~] for deposit to the credit of the general
17 revenue fund exceeds \$250 million, the comptroller shall deposit
18 the additional amount to the credit of the Texas mobility fund. This
19 subsection expires September 1, 2022.

20 (j) This section expires September 1, 2025.

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

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

27 "A second or subsequent conviction of an offense under the Texas

1 Motor Vehicle Safety Responsibility Act will result in the
2 suspension of your driver's license and motor vehicle registration
3 unless you file and maintain evidence of financial responsibility
4 with the Department of Public Safety for two years from the date of
5 conviction. The department may waive the requirement to file
6 evidence of financial responsibility if you file satisfactory
7 evidence with the department showing that at the time this citation
8 was issued, the vehicle was covered by a motor vehicle liability
9 insurance policy or that you were otherwise exempt from the
10 requirements to provide evidence of financial responsibility."

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

12 SECTION 12. The repeal by this Act of Chapter 708,
13 Transportation Code, applies to any surcharge pending on the
14 effective date of this Act, regardless of whether the surcharge was
15 imposed before that date.

16 SECTION 13. This Act takes effect September 1, 2019.