

By: Whitmire

S.B. No. 2189

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the administrative, civil, and criminal consequences
3 imposed on persons arrested for, charged with, or convicted of
4 certain criminal offenses, including certain conditions of
5 suspension or renewal of a driver's license.

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

7 SECTION 1. Section [103.0213](#), Government Code, is amended to
8 read as follows:

9 Sec. 103.0213. ADDITIONAL FEES AND COSTS IN CRIMINAL OR
10 CIVIL CASES: TRANSPORTATION CODE. An accused or defendant, or a
11 party to a civil suit, as applicable, shall pay the following fees
12 and costs under the Transportation Code if ordered by the court or
13 otherwise required:

14 (1) administrative fee on dismissal of charge of
15 driving with an expired motor vehicle registration (Sec. [502.407](#),
16 Transportation Code) . . . not to exceed \$20;

17 (2) administrative fee on dismissal of charge of
18 driving with an expired driver's license (Sec. [521.026](#),
19 Transportation Code) . . . not to exceed \$20;

20 (2-a) administrative fee on remediation of charge of
21 operation of a vehicle without a registration insignia (Sec.
22 [502.473](#), Transportation Code) . . . not to exceed \$10;

23 (3) administrative fee on remediation of charge of
24 operating a vehicle without complying with inspection requirements

1 as certified (Sec. 548.605, Transportation Code) . . . not to exceed
2 \$20;

3 (4) administrative fee for failure to appear for a
4 complaint or citation on certain offenses (Sec. 706.006,
5 Transportation Code) . . . \$30 for each violation; and

6 ~~(5) [administrative fee for failure to pay or satisfy~~
7 ~~certain judgments (Sec. 706.006, Transportation Code) . . . \$30,~~
8 ~~and~~

9 ~~[(6)]~~ administrative fee on dismissal of charge of
10 driving a commercial motor vehicle without a commercial driver's
11 license or commercial learner's permit (Sec. 522.011,
12 Transportation Code) . . . not to exceed \$10.

13 SECTION 2. Section 133.003, Local Government Code, is
14 amended to read as follows:

15 Sec. 133.003. CRIMINAL FEES. This chapter applies to the
16 following criminal fees:

17 (1) the consolidated fee imposed under Section
18 133.102;

19 (2) the time payment fee imposed under Section
20 133.103;

21 (3) fees for services of peace officers employed by
22 the state imposed under Article 102.011, Code of Criminal
23 Procedure, and forwarded to the comptroller as provided by Section
24 133.104;

25 (4) costs on conviction imposed in certain statutory
26 county courts under Section 51.702, Government Code, and deposited
27 in the judicial fund;

1 (5) costs on conviction imposed in certain county
2 courts under Section 51.703, Government Code, and deposited in the
3 judicial fund;

4 (6) the administrative fee for failure to appear [~~or~~
5 ~~failure to pay or satisfy a judgment~~] imposed under Section
6 706.006, Transportation Code;

7 (7) fines on conviction imposed under Section
8 621.506(g), Transportation Code;

9 (8) the fee imposed under Article 102.0045, Code of
10 Criminal Procedure;

11 (9) the cost on conviction imposed under Section
12 133.105 and deposited in the judicial fund; and

13 (10) the cost on conviction imposed under Section
14 133.107.

15 SECTION 3. Section 521.292(a), Transportation Code, is
16 amended to read as follows:

17 (a) The department shall suspend the person's license if the
18 department determines that the person:

19 (1) has operated a motor vehicle on a highway:

20 (A) while the person's license was suspended,
21 canceled, disqualified, or revoked as the result of a conviction of
22 an offense involving the operation of a motor vehicle while
23 intoxicated;~~[7]~~ or

24 (B) without a license after an application for a
25 license was denied as the result of a conviction of an offense
26 involving the operation of a motor vehicle while intoxicated;

27 (2) is a habitually reckless or negligent operator of

1 a motor vehicle;

2 (3) is a habitual violator of the traffic laws;

3 (4) has permitted the unlawful or fraudulent use of
4 the person's license;

5 (5) has committed an offense in another state or
6 Canadian province that, if committed in this state, would be
7 grounds for suspension;

8 (6) has been convicted of two or more separate
9 offenses of a violation of a restriction imposed on the use of the
10 license;

11 (7) has been responsible as a driver for any accident
12 resulting in serious personal injury or serious property damage;

13 (8) is under 18 years of age and has been convicted of
14 two or more moving violations committed within a 12-month period;
15 or

16 (9) has committed an offense under Section 545.421.

17 SECTION 4. Section 521.293, Transportation Code, is amended
18 to read as follows:

19 Sec. 521.293. PERIOD OF SUSPENSION UNDER SECTION 521.292.
20 If [~~(a) Except as provided by Subsection (b), if~~] the person does
21 not request a hearing, the period of license suspension under
22 Section 521.292 is 90 days.

23 [~~(b) If the department determines that the person engaged in~~
24 ~~conduct described by Section 521.292(a)(1), the period of license~~
25 ~~suspension is extended for an additional period of the lesser of:~~

26 [(1) the term of the original suspension; or

27 [(2) one year.]

1 SECTION 5. Section 521.312(b), Transportation Code, is
2 amended to read as follows:

3 (b) Except as provided by Subsection (c) [~~Section~~
4 ~~521.293(b)~~], or Subchapter O, the department may not suspend a
5 license for a period that exceeds one year.

6 SECTION 6. Section 521.313, Transportation Code, is amended
7 by amending Subsection (b) and adding Subsection (b-1) to read as
8 follows:

9 (b) Notwithstanding Subsection (a), [The] payment of a
10 reinstatement fee is not required if:

11 (1) a suspension or revocation under this subchapter
12 is:

13 (A) [~~(1)~~] rescinded by the department; or

14 (B) [~~(2)~~] not sustained by a presiding officer or
15 a court; or

16 (2) the department waives the fee under Subsection
17 (b-1).

18 (b-1) The department shall waive payment of the
19 reinstatement fee imposed under this section if the department
20 determines, based on evidence received from the person or a court,
21 that the person is indigent or does not have sufficient resources or
22 income to pay the fee.

23 SECTION 7. Section 521.3452(b), Transportation Code, is
24 amended to read as follows:

25 (b) In addition to any other action or remedy provided by
26 law, the department may deny renewal of the person's driver's
27 license under [~~Section 521.317 or~~] Chapter 706.

1 SECTION 8. Sections 521.457(e) and (f-1), Transportation
2 Code, are amended to read as follows:

3 (e) Except as provided by Subsections [~~(f)~~] (f-1)[~~7~~] and
4 (f-2), an offense under this section is a Class C misdemeanor.

5 (f-1) If it is shown on the trial of an offense under this
6 section that at the time of the offense, the license of the person
7 was [~~has previously been~~] suspended as the result of an offense
8 involving the operation of a motor vehicle while intoxicated, the
9 offense is a Class B misdemeanor.

10 SECTION 9. Section 524.051, Transportation Code, is amended
11 by amending Subsection (b) and adding Subsection (b-1) to read as
12 follows:

13 (b) Notwithstanding Subsection (a), [~~The~~] payment of a
14 reinstatement fee is not required if:

15 (1) a suspension under this chapter is:

16 (A) [~~(1)~~] rescinded by the department; or

17 (B) [~~(2)~~] not sustained by an administrative law
18 judge, or a court; or

19 (2) the department waives the fee under Subsection
20 (b-1).

21 (b-1) The department shall waive payment of the
22 reinstatement fee imposed under this section if the department
23 determines, based on evidence received from the person or a court,
24 that the person is indigent or does not have sufficient resources or
25 income to pay the fee.

26 SECTION 10. Section 601.376, Transportation Code, is
27 amended by amending Subsection (a) and adding Subsection (a-1) to

1 read as follows:

2 (a) A driver's license, vehicle registration, or
3 nonresident's operating privilege that has been suspended under
4 this chapter may not be reinstated and a new license or registration
5 may not be issued to the holder of the suspended license,
6 registration, or privilege until the person:

7 (1) pays to the department a fee of \$100, unless the
8 department waives the fee under Subsection (a-1); and

9 (2) complies with the other requirements of this
10 chapter.

11 (a-1) The department shall waive payment of the fee imposed
12 under this section if the department determines, based on evidence
13 received from the person or a court, that the person is indigent or
14 does not have sufficient resources or income to pay the fee.

15 SECTION 11. Chapter 706, Transportation Code, is amended by
16 adding Section 706.0011 to read as follows:

17 Sec. 706.0011. FINDING BY COURT OF INABILITY TO PAY. If the
18 court having jurisdiction over an offense for which a fine and cost
19 were imposed makes a finding that the person is economically unable
20 to pay the fine and cost:

21 (1) the department may not deny renewal of the person's
22 driver's license under this chapter; and

23 (2) an administrative fee may not be imposed on the
24 person under Section 706.006.

25 SECTION 12. Section 706.002(a), Transportation Code, is
26 amended to read as follows:

27 (a) A political subdivision may contract with the

1 department to provide information necessary for the department to
2 deny renewal of the driver's license of a person who fails to appear
3 for a complaint or citation [~~or fails to pay or satisfy a judgment~~
4 ~~ordering payment of a fine and cost in the manner ordered by the~~
5 ~~court~~] in a matter involving any offense that a court has
6 jurisdiction of under Chapter 4, Code of Criminal Procedure.

7 SECTION 13. Section 706.003(b), Transportation Code, is
8 amended to read as follows:

9 (b) The warning under Subsection (a):

10 (1) is in addition to any other warning required by
11 law;

12 (2) must state in substance that if the person fails to
13 appear in court as provided by law for the prosecution of the
14 offense [~~or if the person fails to pay or satisfy a judgment~~
15 ~~ordering the payment of a fine and cost in the manner ordered by the~~
16 ~~court~~], the person may be denied renewal of the person's driver's
17 license; and

18 (3) may be printed on the same instrument as the
19 citation.

20 SECTION 14. Section 706.004, Transportation Code, is
21 amended to read as follows:

22 Sec. 706.004. DENIAL OF RENEWAL OF DRIVER'S LICENSE. (a)
23 On [~~If a political subdivision has contracted with the department,~~
24 ~~or~~] receiving the necessary information from a [~~the~~] political
25 subdivision that has contracted with the department under this
26 chapter, the department may deny renewal of a [~~the~~] person's
27 driver's license for failure to appear based on a complaint or

1 citation [~~or failure to pay or satisfy a judgment ordering the~~
2 ~~payment of a fine and cost in the manner ordered by the court~~] in a
3 matter involving an offense described by Section 706.002(a) if the
4 court having jurisdiction over the underlying offense holds a
5 hearing on the denial of renewal of the person's driver's license
6 and:

- 7 (1) the person fails to appear at the hearing; or
8 (2) the court determines that denial of renewal of the
9 person's driver's license is appropriate.

10 (b) The information must include:

- 11 (1) the name, date of birth, and driver's license
12 number of the person;
13 (2) the nature and date of the alleged violation;
14 (3) a statement that the person failed to appear as
15 required by law [~~or failed to satisfy a judgment ordering the~~
16 ~~payment of a fine and cost in the manner ordered by the court~~] in a
17 matter involving an offense described by Section 706.002(a); and
18 (4) any other information required by the department.

19 SECTION 15. Chapter 706, Transportation Code, is amended by
20 adding Section 706.0045 to read as follows:

21 Sec. 706.0045. PERIOD OF DENIAL OF RENEWAL OF DRIVER'S
22 LICENSE. Notwithstanding Section 706.004(a) or 706.006(c), the
23 department may deny renewal of a person's driver's license under
24 this chapter until the earlier of:

- 25 (1) the date the department receives a clearance
26 notice under Section 706.005; or
27 (2) the second anniversary of the date the person's

1 driver's license expired or otherwise became invalid.

2 SECTION 16. Section 706.005, Transportation Code, is
3 amended to read as follows:

4 Sec. 706.005. CLEARANCE NOTICE TO DEPARTMENT. (a) A
5 political subdivision shall immediately notify the department that
6 there is no cause to continue to deny renewal of a person's driver's
7 license based on the person's previous failure to appear [~~or~~
8 ~~failure to pay or satisfy a judgment ordering the payment of a fine~~
9 ~~and cost in the manner ordered by the court]~~ in a matter involving
10 an offense described by Section 706.002(a), on payment of a fee as
11 provided by Section 706.006 and:

12 (1) the perfection of an appeal of the case for which
13 the warrant of arrest was issued [~~or judgment arose~~];

14 (2) [~~the dismissal of the charge for which the warrant~~
15 ~~of arrest was issued or judgment arose, other than a dismissal with~~
16 ~~prejudice by motion of the appropriate prosecuting attorney for~~
17 ~~lack of evidence,~~

18 [~~(3) the posting of bond or the giving of other~~
19 ~~security to reinstate the charge for which the warrant was issued,~~

20 [~~(4)] the payment or discharge of the fine and cost~~

21 owed on an outstanding judgment of the court; [~~or~~]

22 (3) the person's appearance in court with respect to
23 the underlying offense for which the person failed to appear; or

24 (4) any [~~(5)] other [suitable] arrangement to satisfy~~
25 [pay] the fine and cost, including through a payment plan or through
26 community service [within the court's discretion].

27 (b) The department may not continue to deny the renewal of

1 the person's driver's license under this chapter after the
2 department receives notice:

3 (1) under Subsection (a);

4 (2) that the person was acquitted of the charge on
5 which the person failed to appear;

6 (3) that the charge on which the person failed to
7 appear was dismissed [~~with prejudice by motion of the appropriate~~
8 ~~prosecuting attorney for lack of evidence~~]; [~~or~~]

9 (4) that the person has posted bond or given other
10 security to reinstate the charge for which the warrant was issued;
11 or

12 (5) from the political subdivision that the failure to
13 appear report [~~or court order to pay a fine or cost~~] relating to the
14 person:

15 (A) was sent to the department in error; or

16 (B) has been destroyed in accordance with the
17 political subdivision's records retention policy.

18 SECTION 17. Section 706.006, Transportation Code, is
19 amended by amending Subsections (a), (a-1), and (d) and adding
20 Subsection (e) to read as follows:

21 (a) Except as provided by Subsection (d) and Section
22 706.0011, and subject to Subsection (e), a person who fails to
23 appear for a complaint or citation for an offense described by
24 Section 706.002(a) shall be required to pay an administrative fee
25 of \$30 [~~for each complaint or citation reported to the department~~
26 ~~under this chapter~~], unless:

27 (1) the person is acquitted of the charges for which

1 the person failed to appear;

2 (2) the charges on which the person failed to appear
3 were dismissed [~~with prejudice by motion of the appropriate~~
4 ~~prosecuting attorney for lack of evidence~~];

5 (3) the person has posted bond or given other security
6 to reinstate the charge for which the warrant was issued;

7 (4) the failure to appear report was sent to the
8 department in error; or

9 (5) [~~(4)~~] the case regarding the complaint or citation
10 is closed and the failure to appear report has been destroyed in
11 accordance with the applicable political subdivision's records
12 retention policy.

13 (a-1) A person who is required to pay a fee under Subsection
14 (a) shall pay the fee when[+]

15 [~~(1)~~] the court enters judgment on the underlying
16 offense reported to the department[+]

17 [~~(2) the underlying offense is dismissed, other than a~~
18 ~~dismissal described by Subsection (a)(2); or~~

19 [~~(3) bond or other security is posted to reinstate the~~
20 ~~charge for which the warrant was issued~~].

21 (d) If the court having jurisdiction over the underlying
22 offense makes a finding that the person is indigent, the person may
23 not be required to pay an administrative fee under this section.
24 For purposes of this subsection, a person is presumed to be indigent
25 if the person:

26 (1) is required to attend school full time under
27 Section 25.085, Education Code;

1 (2) is a member of a household with a total annual
2 income that is below 125 percent of the applicable income level
3 established by the federal poverty guidelines; ~~[or]~~

4 (3) receives assistance from:

5 (A) the financial assistance program established
6 under Chapter 31, Human Resources Code;

7 (B) the medical assistance program under Chapter
8 32, Human Resources Code;

9 (C) the supplemental nutrition assistance
10 program established under Chapter 33, Human Resources Code;

11 (D) the federal special supplemental nutrition
12 program for women, infants, and children authorized by 42 U.S.C.
13 Section 1786; or

14 (E) the child health plan program under Chapter
15 62, Health and Safety Code;

16 (4) is paying an existing fine or costs in specified
17 portions at designated intervals; or

18 (5) is performing community service to discharge all
19 or part of a fine or costs.

20 (e) The department may not require a person to pay more than
21 one administrative fee for each political subdivision that submits
22 information to the department under this chapter, regardless of the
23 number of complaints or citations reported by that political
24 subdivision or any subsequent reports that are submitted by that
25 political subdivision during that same period in which the person's
26 driver's license may not be renewed.

27 SECTION 18. Section 724.046, Transportation Code, is

1 amended by amending Subsection (b) and adding Subsection (b-1) to
2 read as follows:

3 (b) Notwithstanding Subsection (a), payment of a fee
4 imposed under that subsection is not required for reinstatement or
5 issuance of a license if:

6 (1) [~~if~~] a suspension or denial under this chapter is
7 rescinded by the department, an administrative law judge, or a
8 court; or

9 (2) the department waives the fee under Subsection
10 (b-1) [~~, payment of the fee under this section is not required for~~
11 reinstatement or issuance of a license].

12 (b-1) The department shall waive payment of a fee imposed
13 under this section if the department determines, based on evidence
14 received from the person or a court, that the person is indigent or
15 does not have sufficient resources or income to pay the fee.

16 SECTION 19. Sections 521.317, 521.457(f), and 706.006(b),
17 Transportation Code, are repealed.

18 SECTION 20. The change in law made by this Act to Sections
19 521.292 and 521.293, Transportation Code, applies only to a
20 determination to suspend a driver's license made by the Department
21 of Public Safety on or after the effective date of this Act. A
22 determination to suspend a driver's license made before the
23 effective date of this Act is governed by the law in effect when the
24 determination was made, and the former law is continued in effect
25 for that purpose.

26 SECTION 21. The change in law made by this Act to Section
27 521.457, Transportation Code, applies only to an offense committed

1 on or after the effective date of this Act. An offense committed
2 before the effective date of this Act is governed by the law in
3 effect on the date the offense was committed, and the former law is
4 continued in effect for that purpose. For purposes of this section,
5 an offense was committed before the effective date of this Act if
6 any element of the offense occurred before that date.

7 SECTION 22. Section 706.0045, Transportation Code, as added
8 by this Act, applies to a determination to deny renewal of a
9 driver's license that is made by the Department of Public Safety
10 before, on, or after the effective date of this Act.

11 SECTION 23. This Act takes effect September 1, 2019.