

**House Bill 2048**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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:

(A) criminally negligent homicide; or

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

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

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

(B) two or more moving violations described by Section 542.304, Transportation Code, that resulted in an accident

~~[does not have six or more points assigned to the person's~~

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SECTION 1. Same as House version.

SECTION 2. Same as House version.

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~~driver's license under Subchapter B, Chapter 708, Transportation Code, at the time the person begins conducting the course].~~

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

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

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

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

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

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

(1) has been convicted of, or placed on deferred adjudication community supervision or deferred disposition for, an offense that directly relates to the duties and responsibilities of the administrator, employee, or representative, other than

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SECTION 3. Same as House version.

SECTION 4. Same as House version.

SECTION 5. Same as House version.

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an offense described by ~~[for which points are assigned under]~~  
Section ~~542.304~~ [708.052], Transportation Code;

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

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

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

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

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

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

~~[(b) The comptroller shall deposit 49.5 percent of the money~~  
~~received under Subsection (a) to the credit of the account~~

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~~established under this chapter and 49.5 percent of the money to the general revenue fund. The remaining one percent of the amount of the surcharges shall be deposited to the general revenue fund and may be appropriated only to the Department of Public Safety for administration of the driver responsibility program operated by that department under Chapter 708, Transportation Code.~~

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

SECTION 7. Section 780.003(b), Health and Safety Code, is amended to read as follows:

(b) The account is composed of money deposited to the credit of the account under Sections 542.4031, 542.406, ~~and~~ 707.008, and 709.002, Transportation Code, under Section 10, Article 4413(37), Revised Statutes, and under Section 780.002 of this code.

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SECTION 7. Same as House version.

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SECTION 8. Sections 780.004(c), (d), and (e), Health and Safety Code, are amended to read as follows:

(c) In any fiscal year, the commissioner shall use at least 94 ~~[96]~~ percent of the money appropriated from the account, after any amount the commissioner is required by Subsection (b) to reserve is deducted, to fund a portion of the uncompensated trauma care provided at facilities designated as state trauma facilities by the department or an undesignated facility in active pursuit of designation. Funds may be disbursed under this subsection based on a proportionate share of uncompensated trauma care provided in the state and may be used to fund innovative projects to enhance the delivery of patient care in the overall emergency medical services and trauma care system.

(d) In any fiscal year, the commissioner shall use three ~~[not more than two]~~ percent of the money appropriated from the account, after any amount the commissioner is required by Subsection (b) to reserve is deducted, to fund, in connection with an effort to provide coordination with the appropriate trauma service area, the cost of supplies, operational expenses, education and training, equipment, vehicles, and communications systems for local emergency medical services. The money shall be distributed on behalf of eligible recipients in each county to the trauma service area regional advisory council for that county. To receive a distribution under this subsection, the regional advisory council must be incorporated as an entity that is exempt from federal income tax under Section 501(a), Internal Revenue Code of 1986, and its subsequent amendments, by being listed as an exempt organization under Section 501(c)(3) of that code. The share of the money allocated to the eligible recipients in a county's geographic area shall be based on the relative geographic

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size and population of the county and on the relative number of emergency or trauma care runs performed by eligible recipients in the county. Money that is not disbursed by a regional advisory council to eligible recipients for approved functions by the end of the fiscal year in which the funds were disbursed may be retained by the regional advisory council for use in the following fiscal year in accordance with this subsection. Money that is not disbursed by the regional advisory council in that following fiscal year shall be returned to the department to be used in accordance with Subsection (c).

(e) In any fiscal year, the commissioner ~~shall~~ ~~[may]~~ use two ~~[not more than one]~~ percent of the money appropriated from the account, after any amount the commissioner is required by Subsection (b) to reserve is deducted, for operation of the 22 trauma service areas and for equipment, communications, and education and training for the areas. Money distributed under this subsection shall be distributed on behalf of eligible recipients in each county to the trauma service area regional advisory council for that county. To receive a distribution under this subsection, the regional advisory council must be incorporated as an entity that is exempt from federal income tax under Section 501(a), Internal Revenue Code of 1986, and its subsequent amendments, by being listed as an exempt organization under Section 501(c)(3) of that code. A regional advisory council's share of money distributed under this section shall be based on the relative geographic size and population of each trauma service area and on the relative amount of trauma care provided. Money that is not disbursed by a regional advisory council to eligible recipients for approved functions by the end of the fiscal year in which the funds were disbursed may be retained by the regional

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advisory council for use in the following fiscal year in accordance with this subsection. Money that is not disbursed by the regional advisory council in that following fiscal year shall be returned to the department to be used in accordance with Subsection (c).

SECTION 9. Sections 10(b) and (e), Article 4413(37), Revised Statutes, are amended to read as follows:

(b) An insurer shall pay to the authority a fee equal to ~~\$4~~ \$2 multiplied by the total number of motor vehicle years of insurance for insurance policies delivered, issued for delivery, or renewed by the insurer. The fee shall be paid not later than:

(1) March 1 of each year for a policy issued, delivered, or renewed from July 1 through December 31 of the previous calendar year; and

(2) August 1 of each year for a policy issued, delivered, or renewed from January 1 through June 30 of that year.

(e) ~~Out of [Fifty percent of]~~ each fee collected under Subsection (b):

(1) 20 percent shall ~~may~~ be appropriated ~~only~~ to the authority for the purposes of this article;

(2) 20 percent shall be deposited to the credit of the general revenue fund, to be used only for criminal justice purposes; and

(3) 60 percent shall be deposited to the credit of the designated trauma facility and emergency medical services account under Section 780.003, Health and Safety Code, to be used only for the criminal justice purpose of funding designated trauma facilities, county and regional emergency medical services, and trauma care systems that provide

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SECTION 9. Same as House version.

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trauma care and emergency medical services to victims of accidents resulting from traffic offenses.

SECTION 10. Section 502.357(b), Transportation Code, is amended to read as follows:

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

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

(2) ~~establish and maintain a system to support the driver responsibility program under Chapter 708; and~~

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

SECTION 10. Same as House version.

SECTION 11. Subchapter C, Chapter 542, Transportation Code, is amended by adding Section 542.304 to read as follows:

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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 12. Sections 542.4031(a), (f), (g), and (h), Transportation Code, are amended to read as follows:

(a) In addition to the fine prescribed by Section 542.401 or another section of this subtitle, as applicable, a person who enters a plea of guilty or nolo contendere to or is convicted

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SECTION 12. Sections 542.4031(a), (f), (g), and (h), Transportation Code, are amended to read as follows:

(a) In addition to the fine prescribed by Section 542.401 or another section of this subtitle, as applicable, a person who enters a plea of guilty or nolo contendere to or is convicted

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of an offense under this subtitle shall pay \$50 [~~\$30~~] as a state traffic fine. The person shall pay the state traffic fine when the person enters the person's plea of guilty or nolo contendere, or on the date of conviction, whichever is earlier. The state traffic fine shall be paid regardless of whether:

- (1) a sentence is imposed on the person;
- (2) the court defers final disposition of the person's case; or
- (3) the person is placed on community supervision, including deferred adjudication community supervision.

(f) A municipality or county may retain four [~~five~~] percent of the money collected under this section as a service fee for the collection if the municipality or county remits the funds to the comptroller within the period prescribed in Subsection

(e). The municipality or county may retain any interest accrued on the money if the custodian of the money deposited in the treasury keeps records of the amount of money collected under this section that is on deposit in the treasury and remits the funds to the comptroller within the period prescribed in Subsection (e).

(g) Of the money received by the comptroller under this section, the comptroller shall deposit:

- (1) 80 [~~67~~] percent to the credit of the undedicated portion of the general revenue fund; and
- (2) 20 [~~33~~] percent to the credit of the designated trauma facility and emergency medical services account under Section 780.003, Health and Safety Code.

(h) Notwithstanding Subsection (g)(1), in any state fiscal year the comptroller shall deposit 80 [~~67~~] percent of the money received under Subsection (e)(2) to the credit of the general revenue fund only until the total amount of the money deposited to the credit of the general revenue fund under Subsection (g)(1) [~~and Section 780.002(b), Health and~~

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of an offense under this subtitle shall pay \$50 [~~\$30~~] as a state traffic fine. The person shall pay the state traffic fine when the person enters the person's plea of guilty or nolo contendere, or on the date of conviction, whichever is earlier. The state traffic fine shall be paid regardless of whether:

- (1) a sentence is imposed on the person;
- (2) the court defers final disposition of the person's case; or
- (3) the person is placed on community supervision, including deferred adjudication community supervision.

(f) A municipality or county may retain four [~~five~~] percent of the money collected under this section as a service fee for the collection if the municipality or county remits the funds to the comptroller within the period prescribed in Subsection

(e). The municipality or county may retain any interest accrued on the money if the custodian of the money deposited in the treasury keeps records of the amount of money collected under this section that is on deposit in the treasury and remits the funds to the comptroller within the period prescribed in Subsection (e).

(g) Of the money received by the comptroller under this section, the comptroller shall deposit:

- (1) 70 [~~67~~] percent to the credit of the undedicated portion of the general revenue fund; and [FA1(1)]
- (2) 30 [~~33~~] percent to the credit of the designated trauma facility and emergency medical services account under Section 780.003, Health and Safety Code. [FA1(2)]

(h) Notwithstanding Subsection (g)(1), in any state fiscal year the comptroller shall deposit 70 [~~67~~] percent of the money received under Subsection (e)(2) to the credit of the general revenue fund only until the total amount of the money deposited to the credit of the general revenue fund under Subsection (g)(1) [~~and Section 780.002(b), Health and~~

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~~Safety Code,~~] equals \$250 million for that year. If in any state fiscal year the amount received by the comptroller under Subsection (e)(2) ~~[those laws]~~ for deposit to the credit of the general revenue fund under Subsection (g)(1) exceeds \$250 million, the comptroller shall deposit the additional amount to the credit of the Texas mobility fund.

SECTION 13. Section 601.233(a), Transportation Code, is amended to read as follows:

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

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

SECTION 14. Subtitle I, Title 7, Transportation Code, is amended by adding Chapter 709 to read as follows:

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~~Safety Code,~~] equals \$250 million for that year. If in any state fiscal year the amount received by the comptroller under Subsection (e)(2) ~~[those laws]~~ for deposit to the credit of the general revenue fund under Subsection (g)(1) exceeds \$250 million, the comptroller shall deposit the additional amount to the credit of the Texas mobility fund. [FA1(3)]

SECTION 13. Same as House version.

SECTION 14. Subtitle I, Title 7, Transportation Code, is amended by adding Chapter 709 to read as follows:

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CHAPTER 709. MISCELLANEOUS TRAFFIC FINES

Sec. 709.001. TRAFFIC FINE FOR CONVICTION OF CERTAIN INTOXICATED DRIVER OFFENSES. (a) In this section, "offense relating to the operating of a motor vehicle while intoxicated" has the meaning assigned by Section 49.09, Penal Code.

(b) Except as provided by Subsection (c), in addition to the fine prescribed for the specific offense, a person who has been finally convicted of an offense relating to the operating of a motor vehicle while intoxicated shall pay a fine of:

(1) \$3,000 for the first conviction within a 36-month period;

(2) \$4,500 for a second or subsequent conviction within a 36-month period; and

(3) \$6,000 for a first or subsequent conviction if it is shown on the trial of the offense that an analysis of a specimen of the person's blood, breath, or urine showed an alcohol concentration level of 0.16 or more at the time the analysis was performed.

(c) The judge of the convicting court shall waive all or part of the fine required by Subsection (b) if the judge determines that the person is indigent or unable to pay all or part of the fine required by that subsection without undue hardship.

(d) For the purposes of Subsection (c), there is a rebuttable presumption that the person is indigent and qualifies for a full waiver if the judge determines that the person's net income is 125 percent of the federal poverty level or less.

(e) For the purposes of Subsection (c), there is a rebuttable presumption that the person qualifies for a partial waiver if the person's net income is greater than 125 percent of the federal poverty level but less than 300 percent of the federal poverty level.

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CHAPTER 709. MISCELLANEOUS TRAFFIC FINES

Sec. 709.001. TRAFFIC FINE FOR CONVICTION OF CERTAIN INTOXICATED DRIVER OFFENSES. (a) In this section, "offense relating to the operating of a motor vehicle while intoxicated" has the meaning assigned by Section 49.09, Penal Code.

(b) Except as provided by Subsection (c), in addition to the fine prescribed for the specific offense, a person who has been finally convicted of an offense relating to the operating of a motor vehicle while intoxicated shall pay a fine of:

(1) \$3,000 for the first conviction within a 36-month period;

(2) \$4,500 for a second or subsequent conviction within a 36-month period; and

(3) \$6,000 for a first or subsequent conviction if it is shown on the trial of the offense that an analysis of a specimen of the person's blood, breath, or urine showed an alcohol concentration level of 0.15 or more at the time the analysis was performed. [FA2]

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(c) If the court having jurisdiction over an offense that is the basis for a fine imposed under this section makes a finding that the person is indigent, the court shall waive all fines and costs imposed on the person under this section.

(d) A person must provide information to the court in which the person is convicted of the offense that is the basis for the fine to establish that the person is indigent. The following documentation may be used as proof:

(1) a copy of the person's most recent federal income tax return that shows that the person's income or the person's household income does not exceed 125 percent of the applicable income level established by the federal poverty guidelines;

(2) a copy of the person's most recent statement of wages that shows that the person's income or the person's household income does not exceed 125 percent of the applicable income level established by the federal poverty guidelines; or

(3) documentation from a federal agency, state agency, or school district that indicates that the person or, if the person is a dependent as defined by Section 152, Internal Revenue Code of 1986, the taxpayer claiming the person as a dependent, receives assistance from:

(A) the food stamp program or the financial assistance program established under Chapter 31, Human Resources Code;

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

(C) the medical assistance program under Chapter 32, Human Resources Code;

(D) the child health plan program under Chapter 62, Health and Safety Code; or

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Sec. 709.002. REMITTANCE OF TRAFFIC FINES COLLECTED TO COMPTROLLER. (a) An officer collecting a traffic fine under Section 709.001 in a case in a justice, county, or district court shall keep separate records of the money collected and shall deposit the money in the county treasury.  
(b) Each calendar quarter, an officer collecting a traffic fine under Section 709.001 shall submit a report to the comptroller. The report must comply with Articles 103.005(c) and (d), Code of Criminal Procedure.  
(c) The custodian of money in a municipal or county treasury may deposit money collected under Section 709.001 in an interest-bearing account. The custodian shall:  
(1) keep records of the amount of money collected under this section that is on deposit in the treasury; and  
(2) not later than the last day of the month following each calendar quarter, remit to the comptroller money collected under this section during the preceding quarter, as required by the comptroller.  
(d) A municipality or county may retain four percent of the money collected under Section 709.001 as a service fee for the collection if the county remits the funds to the comptroller within the period described by Subsection (c). The municipality or county may retain any interest accrued on the money if the custodian of the money deposited in the treasury keeps records of the amount of money collected under this section that is on deposit in the treasury and remits the funds to the comptroller within the period prescribed in Subsection (c).

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(E) the national free or reduced-price lunch program established under 42 U.S.C. Section 1751 et seq. [FA3]

Sec. 709.002. REMITTANCE OF TRAFFIC FINES COLLECTED TO COMPTROLLER. (a) An officer collecting a traffic fine under Section 709.001 in a case in a justice, county, or district court shall keep separate records of the money collected and shall deposit the money in the county treasury.  
(b) Each calendar quarter, an officer collecting a traffic fine under Section 709.001 shall submit a report to the comptroller. The report must comply with Articles 103.005(c) and (d), Code of Criminal Procedure.  
(c) The custodian of money in a municipal or county treasury may deposit money collected under Section 709.001 in an interest-bearing account. The custodian shall:  
(1) keep records of the amount of money collected under this section that is on deposit in the treasury; and  
(2) not later than the last day of the month following each calendar quarter, remit to the comptroller money collected under this section during the preceding quarter, as required by the comptroller.  
(d) A municipality or county may retain four percent of the money collected under Section 709.001 as a service fee for the collection if the county remits the funds to the comptroller within the period described by Subsection (c). The municipality or county may retain any interest accrued on the money if the custodian of the money deposited in the treasury keeps records of the amount of money collected under this section that is on deposit in the treasury and remits the funds to the comptroller within the period prescribed in Subsection (c).

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(e) Of the money received by the comptroller under this section, the comptroller shall deposit:

(1) 80 percent to the credit of the undedicated portion of the general revenue fund, to be used only for criminal justice purposes; and

(2) 20 percent to the credit of the designated trauma facility and emergency medical services account under Section 780.003, Health and Safety Code, to be used only for the criminal justice purpose of funding designated trauma facilities, county and regional emergency medical services, and trauma care systems that provide trauma care and emergency medical services to victims of accidents resulting from traffic offenses.

(f) Money collected under this section is subject to audit by the comptroller. Money spent is subject to audit by the state auditor.

SECTION 15. Chapter 708, Transportation Code, is repealed.

SECTION 16. (a) The repeal by this Act of Chapter 708, Transportation Code, applies to any surcharge pending on the effective date of this Act, regardless of whether the surcharge was imposed before that date.

(b) The Department of Public Safety shall reinstate any driver's license that is suspended under Section 708.152, Transportation Code, as of the effective date of this Act if the only reason the driver's license was suspended is a failure to pay a surcharge under Chapter 708, Transportation Code.

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(e) Of the money received by the comptroller under this section, the comptroller shall deposit:

(1) 80 percent to the credit of the undedicated portion of the general revenue fund, to be used only for criminal justice purposes; and

(2) 20 percent to the credit of the designated trauma facility and emergency medical services account under Section 780.003, Health and Safety Code, to be used only for the criminal justice purpose of funding designated trauma facilities, county and regional emergency medical services, and trauma care systems that provide trauma care and emergency medical services to victims of accidents resulting from traffic offenses.

(f) Money collected under this section is subject to audit by the comptroller. Money spent is subject to audit by the state auditor.

SECTION 15. Same as House version.

SECTION 16. Same as House version.

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

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SECTION 17. Same as House version.

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