

Amend CSHB 2730 (Senate committee printing) as follows:

(1) In ARTICLE 15 of the bill, strike SECTIONS 15.01, 15.02, 15.03, and 15.04 (page 58, line 64, through page 60, line 18) and substitute the following:

SECTION 15.01. Section 708.151, Transportation Code, is amended to read as follows:

Sec. 708.151. NOTICE OF SURCHARGE. (a) The department shall send notices as required by Subsection (b) to [notify] the holder of a driver's license when [of the assessment of] a surcharge is assessed on that license. Each notice must:

(1) be sent by first class mail [sent] to the person's most recent address as shown on the records of the department or to the person's most recent forwarding address on record with the United States Postal Service if it is different;

(2) [~~The notice must~~] specify the date by which the surcharge must be paid;

(3) state the total dollar amount of the surcharge that must be paid, the number of monthly payments required under an installment payment plan, and the minimum monthly payment required for a person to enter and maintain an installment payment plan with the department; and

(4) state the consequences of a failure to pay the surcharge.

(b) The department shall send a first notice not later than the fifth day after the date the surcharge is assessed.

(c) If on or before the 45th day after the date the first notice was sent the person fails to pay the amount of the surcharge or fails to enter into an installment payment agreement with the department, the department shall send a second notice. If on or before the 60th day after the date the second notice was sent the person fails to pay the amount of the surcharge or fails to enter into an installment payment agreement with the department, the department shall send a third notice that advises the person that the person's driving privileges are suspended.

SECTION 15.02. Section 708.152(a), Transportation Code, is amended to read as follows:

(a) If on [~~before~~] the 60th [~~30th~~] day after the date the

department sends a second notice under Section 708.151 the person fails to pay the amount of a surcharge on the person's license or fails to enter into an installment payment agreement with the department, the license of the person is automatically suspended. A person's license may not be suspended under this section before the 105th day after the date the surcharge was assessed by the department.

SECTION 15.03. Section 708.153(b), Transportation Code, is amended to read as follows:

(b) A rule under this section:

(1) may not require [~~permit~~] a person to:

(A) pay surcharges that total \$500 or more [a
surcharge] over a period of less [more] than 36 consecutive months;

(B) pay surcharges that total more than \$250 but
not more than \$499 over a period of less than 24 consecutive months;
or

(C) pay surcharges that total \$249 or less over a
period of less than 12 consecutive months; and

(2) may provide that if the person fails to make any ~~[a]~~ required monthly installment payment, the department may reestablish the installment plan on receipt of a payment in the amount equal to at least a required monthly installment payment ~~[or declare the amount of the unpaid surcharge immediately due and payable]~~.

SECTION 15.04. Subchapter D, Chapter 708, Transportation Code, is amended by adding Section 708.158 to read as follows:

Sec. 708.158. INDIGENT STATUS AND REDUCTION OF SURCHARGES.

(a) The department shall waive all surcharges assessed under this chapter for a person who is indigent. For the purposes of this section, a person is considered to be indigent if the person provides the evidence described by Subsection (b) to the court.

(b) A person must provide information to the court in which the person is convicted of the offense that is the basis for the surcharge 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

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

(2) Add the following appropriately numbered SECTION to ARTICLE 15 of the bill and renumber subsequent SECTIONS of that article accordingly:

SECTION _____. Section 708.157(c), Transportation Code, is amended to read as follows:

(c) The department by rule shall [~~may~~] establish an indigency program for holders of a driver's license on which a surcharge has been assessed for certain offenses, as determined by the department.

(3) In SECTION 15.06 of the bill (page 60, line 27), between "that is assessed" and "on or after", insert "under Chapter 708, Transportation Code,".

(4) In SECTION 15.06 of the bill (page 60, line 28), between "was assessed" and "before", insert "under that chapter".

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