

By: _____

____.B. No. _____

A BILL TO BE ENTITLED

AN ACT

relating to the administration of the driver responsibility program; imposing a fee and changing a surcharge.

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

SECTION 1. Subchapter B, Chapter 521, Transportation Code, is amended by adding Section 521.0265 to read as follows:

Sec. 521.0265. DISMISSAL OF DRIVING WITHOUT REQUIRED LICENSE CHARGE. (a) A judge may dismiss a charge of operating a motor vehicle without a driver's license under Section 521.021 if the defendant obtains a driver's license not later than the 20th working day after the date of the offense.

(b) The judge shall assess the defendant an administrative fee not to exceed \$50 when a charge is dismissed under Subsection (a).

(c) This section does not apply to a charge of driving without a commercial driver's license under Section 522.011.

SECTION 2. Subchapter G, Chapter 601, Transportation Code, is amended by adding Section 601.192 to read as follows:

Sec. 601.192. DISMISSAL OF CHARGE OF OPERATION OF MOTOR VEHICLE IN VIOLATION OF MOTOR VEHICLE LIABILITY INSURANCE REQUIREMENT. (a) A judge may dismiss a charge under Section 601.191 for a defendant who cannot establish financial responsibility on the date of the offense if the defendant establishes financial responsibility under Section 601.051 not

1 later than the 20th working day after the date of the offense.

2 (b) If the defendant establishes financial responsibility
3 under Subsection (a) through a motor vehicle liability insurance
4 policy that complies with Subchapter D, the policy must be valid for
5 at least a six-month period.

6 (c) The judge shall assess the defendant an administrative
7 fee not to exceed \$50 when a charge is dismissed under Subsection
8 (a).

9 SECTION 3. Section 708.055, Transportation Code, is amended
10 to read as follows:

11 Sec. 708.055. NOTICE OF ASSIGNMENT OF FIFTH POINT. The
12 department shall notify the holder of a driver's license of the
13 assignment of a fifth point on that license by first class mail sent
14 to the person's most recent address as shown on the records of the
15 department or records obtained by the department from another
16 entity or service.

17 SECTION 4. Sections 708.102(b), (c), and (d),
18 Transportation Code, are amended to read as follows:

19 (b) The ~~[Each year the]~~ department shall assess a surcharge
20 on the license of a [each] person for each final conviction ~~[who~~
21 ~~during the preceding 36-month period has been finally convicted]~~ of
22 an offense relating to the operating of a motor vehicle while
23 intoxicated.

24 (c) The amount of a surcharge under this section is:

25 (1) \$3,000 for the first conviction;

26 (2) \$4,500 ~~[\$1,000 per year, except that the amount of~~
27 ~~the surcharge is:]~~

1 ~~[(1) \$1,500 per year]~~ for a second or subsequent
2 conviction within a 36-month period; or

3 (3) \$6,000 ~~[and~~

4 ~~[(2) \$2,000]~~ for a first or subsequent conviction if
5 it is shown on the trial of the offense that an analysis of a
6 specimen of the person's blood, breath, or urine showed an alcohol
7 concentration level of 0.16 or more at the time the analysis was
8 performed.

9 (d) A surcharge under this section ~~[for the same conviction]~~
10 may not be assessed more than once for the same conviction ~~[in more~~
11 ~~than three years]~~.

12 SECTION 5. Section 708.103, Transportation Code, is amended
13 to read as follows:

14 Sec. 708.103. SURCHARGE FOR CONVICTION OF DRIVING WHILE
15 LICENSE INVALID OR WITHOUT FINANCIAL RESPONSIBILITY. (a) The
16 ~~[Each year the]~~ department shall assess a surcharge on the license
17 of each person who is ~~[during the preceding 36-month period has~~
18 ~~been]~~ convicted of an offense under:

19 (1) Section [521.457] 601.191 [7] or 601.371; or

20 (2) Section 521.457, if the defendant has been
21 previously convicted one or more times of an offense under that
22 section.

23 (b) The amount of a surcharge under this section is \$650
24 ~~[\$250 per year]~~.

25 SECTION 6. Section 708.104, Transportation Code, is amended
26 to read as follows:

27 Sec. 708.104. SURCHARGE FOR CONVICTION OF DRIVING WITHOUT

1 REQUIRED ~~[VALID]~~ LICENSE. (a) The ~~[Each year the]~~ department shall
2 assess a surcharge on the license of a person who is ~~[during the~~
3 ~~preceding 36-month period has been]~~ convicted of an offense under
4 Section 521.021.

5 (b) The amount of a surcharge under this section is \$200
6 ~~[\$100 per year]~~.

7 (c) A surcharge under this section ~~[for the same conviction]~~
8 may not be assessed more than once for the same conviction ~~[in more~~
9 ~~than three years]~~.

10 SECTION 7. Section 708.105, Transportation Code, is amended
11 by adding Subsection (c) to read as follows:

12 (c) The court shall notify a defendant charged with an
13 offense under a traffic law of this state or a political subdivision
14 of this state, in writing, at the time of the defendant's first
15 court appearance or as soon as possible on or after the date the
16 defendant pays a fine associated with the offense, whichever is
17 earlier, that a conviction may result in the assessment of a
18 surcharge under the driver responsibility program. The written
19 notification must include the statement described by Subsection
20 (a).

21 SECTION 8. Section 708.106, Transportation Code, is amended
22 to read as follows:

23 Sec. 708.106. DEFERRAL OF SURCHARGES FOR DEPLOYED MILITARY
24 PERSONNEL. The department by rule shall establish a deferral
25 program for surcharges assessed under Section 708.103 or 708.104
26 against a person who is a member of the United States armed forces
27 on active duty deployed outside of the continental United

1 States. The program must:

2 (1) toll the surcharge payment ~~[36-month]~~ period while
3 the person is deployed; and

4 (2) defer assessment of surcharges against the person
5 until the date the person is no longer deployed for an offense
6 committed:

7 (A) before the person was deployed; or

8 (B) while the person is deployed.

9 SECTION 9. Section 708.151(a), Transportation Code, is
10 amended to read as follows:

11 (a) The department shall send notices as required by
12 Subsection (b) to the holder of a driver's license when a surcharge
13 is assessed on that license. Each notice must:

14 (1) be sent by first class mail to:

15 (A) the person's most recent address as shown on
16 the records of the department or records obtained by the department
17 from another entity or service; or

18 (B) ~~[to]~~ the person's most recent forwarding
19 address on record with the United States Postal Service if it is
20 different;

21 (2) specify the date by which the surcharge must be
22 paid;

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

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

SECTION 10. Section 708.153(a), Transportation Code, is amended to read as follows:

(a) The department by rule shall provide for the payment of any [a] surcharge assessed under this chapter in installments, including a surcharge pending on September 1, 2015, regardless of when the surcharge was assessed.

SECTION 11. Section 708.157(c), Transportation Code, is amended to read as follows:

(c) The department by rule shall 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. The department may waive all surcharges assessed under this chapter for a person the department determines is indigent.

SECTION 12. Subchapter B, Chapter 103, Government Code, is amended by adding Sections 103.02135 and 103.02136 to read as follows:

Sec. 103.02135. ADDITIONAL FEES AND COSTS IN CRIMINAL CASE: TRANSPORTATION CODE. A defendant shall pay the following administrative fee on dismissal of a charge of driving without a required license (Sec. 521.0265, Transportation Code) . . . \$50.

Sec. 103.02136. ADDITIONAL FEES AND COSTS IN CRIMINAL CASE: TRANSPORTATION CODE. A defendant shall pay the following administrative fee on dismissal of a charge of operation of a motor vehicle in violation of motor vehicle liability insurance requirement (Sec. 601.192, Transportation Code) . . . \$50.

1 SECTION 13. Sections 708.158 and 708.159, Transportation
2 Code, are repealed.

3 SECTION 14. (a) Except as provided by Subsection (b), the
4 change in law made by this Act applies only to an offense committed
5 on or after the effective date of this Act. An offense committed
6 before the effective date of this Act is governed by the law in
7 effect on the date the offense was committed, and the former law is
8 continued in effect for that purpose. For purposes of this section,
9 an offense was committed before the effective date of this Act if
10 any element of the offense occurred before that date.

11 (b) The change in law made by this Act to Section
12 708.153(a), Transportation Code, applies to a surcharge pending on
13 the effective date of this Act, regardless of when the surcharge was
14 assessed.

15 SECTION 15. This Act takes effect September 1, 2015.