

1-1 By: Phillips, et al. (Senate Sponsor - Miles) H.B. No. 2068
 1-2 (In the Senate - Received from the House May 8, 2017;
 1-3 May 12, 2017, read first time and referred to Committee on
 1-4 Transportation; May 17, 2017, reported favorably by the following
 1-5 vote: Yeas 7, Nays 0; May 17, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14			X	
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the repeal of the driver responsibility program and the
 1-20 amount and allocation of state traffic fine funds; authorizing and
 1-21 increasing criminal fines.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Article 102.022(a), Code of Criminal Procedure,
 1-24 is amended to read as follows:

1-25 (a) In this article, "moving violation" means an offense
 1-26 that:

1-27 (1) involves the operation of a motor vehicle; and
 1-28 (2) is classified as a moving violation by the
 1-29 Department of Public Safety under Section 542.304 [708.052],
 1-30 Transportation Code.

1-31 SECTION 2. Section 1001.112, Education Code, is amended by
 1-32 adding Subsection (a-1) to read as follows:

1-33 (a-1) Notwithstanding Subsection (a)(4), the rules adopted
 1-34 under Subsection (a) must provide that on the date a person
 1-35 described by Subsection (a) begins conducting a driver education
 1-36 course, the person conducting the course has not been convicted
 1-37 during the preceding 36-month period of:

1-38 (1) three or more moving violations described by
 1-39 Section 542.304, Transportation Code, including violations that
 1-40 resulted in an accident; or

1-41 (2) two or more moving violations described by Section
 1-42 542.304, Transportation Code, that resulted in an accident.

1-43 SECTION 3. Section 411.110(f), Government Code, is amended
 1-44 to read as follows:

1-45 (f) The Department of State Health Services may not consider
 1-46 offenses described by [~~for which points are assessed under~~] Section
 1-47 542.304 [708.052], Transportation Code, to determine whether to
 1-48 hire or retain an employee or to contract with a person on whom
 1-49 criminal history record information is obtained under this section.

1-50 SECTION 4. Section 773.0614(b), Health and Safety Code, is
 1-51 amended to read as follows:

1-52 (b) For purposes of Subsection (a), the department may not
 1-53 consider offenses described by [~~for which points are assessed~~
 1-54 ~~under~~] Section 542.304 [708.052], Transportation Code.

1-55 SECTION 5. Section 773.06141(a), Health and Safety Code,
 1-56 is amended to read as follows:

1-57 (a) The department may suspend, revoke, or deny an emergency
 1-58 medical services provider license on the grounds that the
 1-59 provider's administrator of record, employee, or other
 1-60 representative:

1-61 (1) has been convicted of, or placed on deferred

2-1 adjudication community supervision or deferred disposition for, an
 2-2 offense that directly relates to the duties and responsibilities of
 2-3 the administrator, employee, or representative, other than an
 2-4 offense described by ~~[for which points are assigned under]~~ Section
 2-5 542.304 ~~[708.052]~~, Transportation Code;

2-6 (2) has been convicted of or placed on deferred
 2-7 adjudication community supervision or deferred disposition for an
 2-8 offense, including:

2-9 (A) an offense listed in Article 42A.054(a)(2),
 2-10 (3), (4), (6), (7), (8), (10), or (14), Code of Criminal Procedure;
 2-11 or

2-12 (B) an offense, other than an offense described
 2-13 by Subdivision (1), for which the person is subject to registration
 2-14 under Chapter 62, Code of Criminal Procedure; or

2-15 (3) has been convicted of Medicare or Medicaid fraud,
 2-16 has been excluded from participation in the state Medicaid program,
 2-17 or has a hold on payment for reimbursement under the state Medicaid
 2-18 program under Subchapter C, Chapter 531, Government Code.

2-19 SECTION 6. Section 780.002, Health and Safety Code, is
 2-20 amended to read as follows:

2-21 Sec. 780.002. CERTAIN DEPOSITS TO ACCOUNT. The comptroller
 2-22 shall deposit any gifts, grants, donations, and legislative
 2-23 appropriations made for the purposes of the designated trauma
 2-24 facility and emergency medical services account established under
 2-25 Section 780.003 to the credit of the account. ~~[(a) On the first~~
 2-26 ~~Monday of each month, the Department of Public Safety shall remit~~
 2-27 ~~the surcharges collected during the previous month under the driver~~
 2-28 ~~responsibility program operated by that department under Chapter~~
 2-29 ~~708, Transportation Code, to the comptroller.~~

2-30 ~~[(b) The comptroller shall deposit 49.5 percent of the money~~
 2-31 ~~received under Subsection (a) to the credit of the account~~
 2-32 ~~established under this chapter and 49.5 percent of the money to the~~
 2-33 ~~general revenue fund. The remaining one percent of the amount of~~
 2-34 ~~the surcharges shall be deposited to the general revenue fund and~~
 2-35 ~~may be appropriated only to the Department of Public Safety for~~
 2-36 ~~administration of the driver responsibility program operated by~~
 2-37 ~~that department under Chapter 708, Transportation Code.~~

2-38 ~~[(c) Notwithstanding Subsection (b), in any state fiscal~~
 2-39 ~~year the comptroller shall deposit 49.5 percent of the surcharges~~
 2-40 ~~collected under Chapter 708, Transportation Code, to the credit of~~
 2-41 ~~the general revenue fund only until the total amount of the~~
 2-42 ~~surcharges deposited to the credit of the general revenue fund~~
 2-43 ~~under Subsection (b), and the state traffic fines deposited to the~~
 2-44 ~~credit of that fund under Section 542.4031(g)(1), Transportation~~
 2-45 ~~Code, equals \$250 million for that year. If in any state fiscal~~
 2-46 ~~year the amount received by the comptroller under those laws for~~
 2-47 ~~deposit to the credit of the general revenue fund exceeds \$250~~
 2-48 ~~million, the comptroller shall deposit the additional amount to the~~
 2-49 ~~credit of the Texas mobility fund.]~~

2-50 SECTION 7. Section 780.003(b), Health and Safety Code, is
 2-51 amended to read as follows:

2-52 (b) The account is composed of money deposited to the credit
 2-53 of the account under Sections 542.4031, 542.406, ~~[and]~~ 707.008, and
 2-54 709.003, Transportation Code, and under Section 780.002 of this
 2-55 code.

2-56 SECTION 8. Section 502.357(b), Transportation Code, is
 2-57 amended to read as follows:

2-58 (b) Fees collected under this section shall be deposited to
 2-59 the credit of the state highway fund except that the comptroller
 2-60 shall provide for a portion of the fees to be deposited first to the
 2-61 credit of a special fund in the state treasury outside the general
 2-62 revenue fund to be known as the TexasSure Fund in a total amount
 2-63 that is necessary to cover the total amount appropriated to the
 2-64 Texas Department of Insurance from that fund and for the remaining
 2-65 fees to be deposited to the state highway fund. Subject to
 2-66 appropriations, the money deposited to the credit of the state
 2-67 highway fund under this section may be used by the Department of
 2-68 Public Safety to:

2-69 (1) support the Department of Public Safety's

3-1 reengineering of the driver's license system to provide for the
 3-2 issuance by the Department of Public Safety of a driver's license or
 3-3 personal identification certificate, to include use of image
 3-4 comparison technology; and

3-5 (2) ~~establish and maintain a system to support the~~
 3-6 ~~driver responsibility program under Chapter 708; and~~
 3-7 ~~[(3)]~~ make lease payments to the master lease purchase
 3-8 program for the financing of the driver's license reengineering
 3-9 project.

3-10 SECTION 9. Subchapter C, Chapter 542, Transportation Code,
 3-11 is amended by adding Section 542.304 to read as follows:

3-12 Sec. 542.304. MOVING VIOLATIONS FOR CERTAIN PURPOSES. (a)
 3-13 The department by rule shall designate the offenses involving the
 3-14 operation of a motor vehicle that constitute a moving violation of
 3-15 the traffic law for the purposes of:

- 3-16 (1) Article 102.022(a), Code of Criminal Procedure;
- 3-17 (2) Section 1001.112(a-1), Education Code;
- 3-18 (3) Section 411.110(f), Government Code; and
- 3-19 (4) Sections 773.0614(b) and 773.06141(a), Health and
 3-20 Safety Code.

3-21 (b) The rules must provide that for the purposes of the
 3-22 provisions described in Subsection (a), moving violations:

- 3-23 (1) include:
 - 3-24 (A) a violation of the traffic law of this state,
 3-25 another state, or a political subdivision of this or another state;
 3-26 and
 - 3-27 (B) an offense under Section 545.412; and
- 3-28 (2) do not include:
 - 3-29 (A) an offense committed before September 1,
 3-30 2003;
 - 3-31 (B) the offense of speeding when the person
 3-32 convicted was at the time of the offense driving less than 10
 3-33 percent faster than the posted speed limit, unless the person
 3-34 committed the offense in a school crossing zone; or
 - 3-35 (C) an offense adjudicated under Article 45.051
 3-36 or 45.0511, Code of Criminal Procedure.

3-37 SECTION 10. Sections 542.4031(a), (f), (g), and (h),
 3-38 Transportation Code, are amended to read as follows:

3-39 (a) In addition to the fine prescribed by Section 542.401 or
 3-40 another section of this subtitle, as applicable, a person who
 3-41 enters a plea of guilty or nolo contendere to or is convicted of an
 3-42 offense under this subtitle shall pay \$50 [~~\$30~~] as a state traffic
 3-43 fine. The person shall pay the state traffic fine when the person
 3-44 enters the person's plea of guilty or nolo contendere, or on the
 3-45 date of conviction, whichever is earlier. The state traffic fine
 3-46 shall be paid regardless of whether:

- 3-47 (1) a sentence is imposed on the person;
- 3-48 (2) the court defers final disposition of the person's
 3-49 case; or
- 3-50 (3) the person is placed on community supervision,
 3-51 including deferred adjudication community supervision.

3-52 (f) A municipality or county may retain four [~~five~~] percent
 3-53 of the money collected under this section as a service fee for the
 3-54 collection if the municipality or county remits the funds to the
 3-55 comptroller within the period prescribed in Subsection (e). The
 3-56 municipality or county may retain any interest accrued on the money
 3-57 if the custodian of the money deposited in the treasury keeps
 3-58 records of the amount of money collected under this section that is
 3-59 on deposit in the treasury and remits the funds to the comptroller
 3-60 within the period prescribed in Subsection (e).

3-61 (g) Of the money received by the comptroller under this
 3-62 section, the comptroller shall deposit:

- 3-63 (1) 50 [~~67~~] percent to the credit of the undedicated
 3-64 portion of the general revenue fund; and
- 3-65 (2) 50 [~~33~~] percent to the credit of the designated
 3-66 trauma facility and emergency medical services account under
 3-67 Section 780.003, Health and Safety Code.

3-68 (h) Notwithstanding Subsection (g)(1), in any state fiscal
 3-69 year the comptroller shall deposit 50 [~~67~~] percent of the money

4-1 received under Subsection (e)(2) to the credit of the general
 4-2 revenue fund only until the total amount of the money deposited to
 4-3 the credit of the general revenue fund under Subsection (g)(1) [~~and~~
 4-4 ~~Section 780.002(b), Health and Safety Code,~~] equals \$250 million
 4-5 for that year. If in any state fiscal year the amount received by
 4-6 the comptroller under Subsection (g)(1) [~~those laws~~] for deposit to
 4-7 the credit of the general revenue fund exceeds \$250 million, the
 4-8 comptroller shall deposit the additional amount to the credit of
 4-9 the Texas mobility fund.

4-10 SECTION 11. Section 601.233(a), Transportation Code, is
 4-11 amended to read as follows:

4-12 (a) A citation for an offense under Section 601.191 issued
 4-13 as a result of Section 601.053 must include, in type larger than
 4-14 other type on the citation, [~~except for the type of the statement~~
 4-15 ~~required by Section 708.105,~~] the following statement:

4-16 "A second or subsequent conviction of an offense under the Texas
 4-17 Motor Vehicle Safety Responsibility Act will result in the
 4-18 suspension of your driver's license and motor vehicle registration
 4-19 unless you file and maintain evidence of financial responsibility
 4-20 with the Department of Public Safety for two years from the date of
 4-21 conviction. The department may waive the requirement to file
 4-22 evidence of financial responsibility if you file satisfactory
 4-23 evidence with the department showing that at the time this citation
 4-24 was issued, the vehicle was covered by a motor vehicle liability
 4-25 insurance policy or that you were otherwise exempt from the
 4-26 requirements to provide evidence of financial responsibility."

4-27 SECTION 12. Subtitle I, Title 7, Transportation Code, is
 4-28 amended by adding Chapter 709 to read as follows:

4-29 CHAPTER 709. MISCELLANEOUS TRAFFIC FINES

4-30 Sec. 709.001. TRAFFIC FINE FOR CONVICTION OF CERTAIN
 4-31 INTOXICATED DRIVER OFFENSES. (a) In this section, "offense
 4-32 relating to the operating of a motor vehicle while intoxicated" has
 4-33 the meaning assigned by Section 49.09, Penal Code.

4-34 (b) In addition to the fine prescribed for the specific
 4-35 offense, a person who has been finally convicted of an offense
 4-36 relating to the operating of a motor vehicle while intoxicated
 4-37 shall pay a fine of:

4-38 (1) \$3,000 for the first conviction within a 36-month
 4-39 period;

4-40 (2) \$4,500 for a second or subsequent conviction
 4-41 within a 36-month period; and

4-42 (3) \$6,000 for a first or subsequent conviction if it
 4-43 is shown on the trial of the offense that an analysis of a specimen
 4-44 of the person's blood, breath, or urine showed an alcohol
 4-45 concentration level of 0.16 or more at the time the analysis was
 4-46 performed.

4-47 Sec. 709.002. TRAFFIC FINE FOR CONVICTION OF DRIVING
 4-48 WITHOUT FINANCIAL RESPONSIBILITY. (a) In addition to the fine
 4-49 prescribed under Section 601.191 and except as provided by
 4-50 Subsection (b), a person who has been convicted of an offense under
 4-51 Section 601.191 shall pay a fine of \$750.

4-52 (b) The amount of a fine under this section is \$125 if the
 4-53 person establishes financial responsibility under Section 601.051
 4-54 not later than the 60th day after the date of the offense through a
 4-55 motor vehicle liability insurance policy that:

4-56 (1) complies with Subchapter D, Chapter 601; and

4-57 (2) is prepaid and valid for at least a six-month
 4-58 period.

4-59 Sec. 709.003. REMITTANCE OF TRAFFIC FINES COLLECTED TO
 4-60 COMPTROLLER. (a) An officer collecting a traffic fine under
 4-61 Section 709.002 in a case in municipal court shall keep separate
 4-62 records of the money collected and shall deposit the money in the
 4-63 municipal treasury.

4-64 (b) An officer collecting a traffic fine under Section
 4-65 709.001 or 709.002 in a case in a justice, county, or district court
 4-66 shall keep separate records of the money collected and shall
 4-67 deposit the money in the county treasury.

4-68 (c) Each calendar quarter, an officer collecting a traffic
 4-69 fine under Section 709.001 or 709.002 shall submit a report to the

5-1 comptroller. The report must comply with Articles 103.005(c) and
5-2 (d), Code of Criminal Procedure.

5-3 (d) The custodian of money in a municipal or county treasury
5-4 may deposit money collected under Sections 709.001 and 709.002 in
5-5 an interest-bearing account. The custodian shall:

5-6 (1) keep records of the amount of money collected
5-7 under this section that is on deposit in the treasury; and

5-8 (2) not later than the last day of the month following
5-9 each calendar quarter, remit to the comptroller money collected
5-10 under this section during the preceding quarter, as required by the
5-11 comptroller.

5-12 (e) A municipality or county may retain four percent of the
5-13 money collected under Sections 709.001 and 709.002 as a service fee
5-14 for the collection if the county remits the funds to the comptroller
5-15 within the period described by Subsection (d). The municipality or
5-16 county may retain any interest accrued on the money if the custodian
5-17 of the money deposited in the treasury keeps records of the amount
5-18 of money collected under this section that is on deposit in the
5-19 treasury and remits the funds to the comptroller within the period
5-20 prescribed in Subsection (d).

5-21 (f) Of the money received by the comptroller under this
5-22 section, the comptroller shall deposit:

5-23 (1) 50 percent to the credit of the undedicated
5-24 portion of the general revenue fund; and

5-25 (2) 50 percent to the credit of the designated trauma
5-26 facility and emergency medical services account under Section
5-27 780.003, Health and Safety Code.

5-28 (g) Money collected under this section is subject to audit
5-29 by the comptroller. Money spent is subject to audit by the state
5-30 auditor.

5-31 SECTION 13. Chapter 708, Transportation Code, is repealed.

5-32 SECTION 14. The repeal by this Act of Chapter 708,
5-33 Transportation Code, applies to any surcharge pending on the
5-34 effective date of this Act, regardless of whether the surcharge was
5-35 imposed before that date.

5-36 SECTION 15. This Act takes effect September 1, 2017.

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