

By: Wilson

H.B. No. 1487

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the repeal of the driver responsibility program and the  
3 amount and allocation of state traffic fine funds; authorizing and  
4 increasing criminal fines.

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

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

8 (a) In this article, "moving violation" means an offense  
9 that:

- 10 (1) involves the operation of a motor vehicle; and  
11 (2) is classified as a moving violation by the  
12 Department of Public Safety under Section 542.304 [~~708.052~~],  
13 Transportation Code.

14 SECTION 2. Section 1001.112, Education Code, is amended by  
15 amending Subsection (a-1) and adding Subsection (a-2) to read as  
16 follows:

17 (a-1) The rules must provide that the student driver spend a  
18 minimum number of hours in classroom and behind-the-wheel  
19 instruction.

20 (a-2) The rules must provide [~~and~~] that the person  
21 conducting the course:

- 22 (1) possess a valid license for the preceding three  
23 years that has not been suspended, revoked, or forfeited in the past  
24 three years for an offense that involves the operation of a motor

1 vehicle;

2 (2) has not been convicted of:

3 (A) criminally negligent homicide; or

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

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

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

11 (B) two or more moving violations described by  
12 Section 542.304, Transportation Code, that resulted in an accident  
13 [does not have six or more points assigned to the person's driver's  
14 license under Subchapter B, Chapter 708, Transportation Code, at  
15 the time the person begins conducting the course].

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

18 (f) The Department of State Health Services may not consider  
19 offenses described by [~~for which points are assessed under~~] Section  
20 542.304 [708.052], Transportation Code, to determine whether to  
21 hire or retain an employee or to contract with a person on whom  
22 criminal history record information is obtained under this section.

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

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

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

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

7 (1) has been convicted of, or placed on deferred  
8 adjudication community supervision or deferred disposition for, an  
9 offense that directly relates to the duties and responsibilities of  
10 the administrator, employee, or representative, other than an  
11 offense described by [~~for which points are assigned under~~] Section  
12 542.304 [~~708.052~~], Transportation Code;

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

16 (A) an offense listed in Article 42A.054(a)(2),  
17 (3), (4), (6), (7), (8), (10), or (14), Code of Criminal Procedure;  
18 or

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

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

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

1           Sec. 780.002. CERTAIN DEPOSITS TO ACCOUNT. The comptroller  
2 shall deposit any gifts, grants, donations, and legislative  
3 appropriations made for the purposes of the designated trauma  
4 facility and emergency medical services account established under  
5 Section 780.003 to the credit of the account. ~~[(a) On the first~~  
6 ~~Monday of each month, the Department of Public Safety shall remit~~  
7 ~~the surcharges collected during the previous month under the driver~~  
8 ~~responsibility program operated by that department under Chapter~~  
9 ~~708, Transportation Code, to the comptroller.~~

10           ~~[(b) The comptroller shall deposit 49.5 percent of the money~~  
11 ~~received under Subsection (a) to the credit of the account~~  
12 ~~established under this chapter and 49.5 percent of the money to the~~  
13 ~~general revenue fund. The remaining one percent of the amount of~~  
14 ~~the surcharges shall be deposited to the general revenue fund and~~  
15 ~~may be appropriated only to the Department of Public Safety for~~  
16 ~~administration of the driver responsibility program operated by~~  
17 ~~that department under Chapter 708, Transportation Code.~~

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

1 ~~million, the comptroller shall deposit the additional amount to the~~  
2 ~~credit of the Texas mobility fund.]~~

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

5 (b) The account is composed of money deposited to the credit  
6 of the account under Sections 542.4031, 542.406, ~~[and]~~ 707.008, and  
7 709.003, Transportation Code, and under Section 780.002 of this  
8 code.

9 SECTION 8. Section 502.357(b), Transportation Code, is  
10 amended to read as follows:

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

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

27 (2) ~~[establish and maintain a system to support the~~

1 ~~driver responsibility program under Chapter 708, and~~

2 [~~3~~] make lease payments to the master lease purchase  
3 program for the financing of the driver's license reengineering  
4 project.

5 SECTION 9. Subchapter C, Chapter 542, Transportation Code,  
6 is amended by adding Section 542.304 to read as follows:

7 Sec. 542.304. MOVING VIOLATIONS FOR CERTAIN PURPOSES. (a)  
8 The department by rule shall designate the offenses involving the  
9 operation of a motor vehicle that constitute a moving violation of  
10 the traffic law for the purposes of:

- 11 (1) Article 102.022(a), Code of Criminal Procedure;  
12 (2) Section 1001.112(a-2), Education Code;  
13 (3) Section 411.110(f), Government Code; and  
14 (4) Sections 773.0614(b) and 773.06141(a), Health and  
15 Safety Code.

16 (b) The rules must provide that for the purposes of the  
17 provisions described in Subsection (a), moving violations:

- 18 (1) include:  
19 (A) a violation of the traffic law of this state,  
20 another state, or a political subdivision of this or another state;  
21 and

22 (B) an offense under Section 545.412; and

- 23 (2) do not include:  
24 (A) an offense committed before September 1,  
25 2003;

26 (B) the offense of speeding when the person  
27 convicted was at the time of the offense driving less than 10

1 percent faster than the posted speed limit, unless the person  
2 committed the offense in a school crossing zone;

3 (C) an offense adjudicated under Article 45.051  
4 or 45.0511, Code of Criminal Procedure; or

5 (D) an offense under Section 545.4251.

6 SECTION 10. Sections 542.4031(a), (f), (g), and (h),  
7 Transportation Code, are amended to read as follows:

8 (a) In addition to the fine prescribed by Section 542.401 or  
9 another section of this subtitle, as applicable, a person who  
10 enters a plea of guilty or nolo contendere to or is convicted of an  
11 offense under this subtitle shall pay \$50 [~~\$30~~] as a state traffic  
12 fine. The person shall pay the state traffic fine when the person  
13 enters the person's plea of guilty or nolo contendere, or on the  
14 date of conviction, whichever is earlier. The state traffic fine  
15 shall be paid regardless of whether:

16 (1) a sentence is imposed on the person;

17 (2) the court defers final disposition of the person's  
18 case; or

19 (3) the person is placed on community supervision,  
20 including deferred adjudication community supervision.

21 (f) A municipality or county may retain four [~~five~~] percent  
22 of the money collected under this section as a service fee for the  
23 collection if the municipality or county remits the funds to the  
24 comptroller within the period prescribed in Subsection (e). The  
25 municipality or county may retain any interest accrued on the money  
26 if the custodian of the money deposited in the treasury keeps  
27 records of the amount of money collected under this section that is

1 on deposit in the treasury and remits the funds to the comptroller  
2 within the period prescribed in Subsection (e).

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

5 (1) 50 [~~67~~] percent to the credit of the undedicated  
6 portion of the general revenue fund; and

7 (2) 50 [~~33~~] percent to the credit of the designated  
8 trauma facility and emergency medical services account under  
9 Section 780.003, Health and Safety Code.

10 (h) Notwithstanding Subsection (g)(1), in any state fiscal  
11 year the comptroller shall deposit 50 [~~67~~] percent of the money  
12 received under Subsection (e)(2) to the credit of the general  
13 revenue fund only until the total amount of the money deposited to  
14 the credit of the general revenue fund under Subsection (g)(1) [~~and~~  
15 ~~Section 780.002(b), Health and Safety Code,~~] equals \$250 million  
16 for that year. If in any state fiscal year the amount received by  
17 the comptroller under Subsection (g)(1) [~~those laws~~] for deposit to  
18 the credit of the general revenue fund exceeds \$250 million, the  
19 comptroller shall deposit the additional amount to the credit of  
20 the Texas mobility fund.

21 SECTION 11. Section 601.233(a), Transportation Code, is  
22 amended to read as follows:

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

27 "A second or subsequent conviction of an offense under the Texas

1 Motor Vehicle Safety Responsibility Act will result in the  
2 suspension of your driver's license and motor vehicle registration  
3 unless you file and maintain evidence of financial responsibility  
4 with the Department of Public Safety for two years from the date of  
5 conviction. The department may waive the requirement to file  
6 evidence of financial responsibility if you file satisfactory  
7 evidence with the department showing that at the time this citation  
8 was issued, the vehicle was covered by a motor vehicle liability  
9 insurance policy or that you were otherwise exempt from the  
10 requirements to provide evidence of financial responsibility."

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

13 CHAPTER 709. MISCELLANEOUS TRAFFIC FINES

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

18 (b) In addition to the fine prescribed for the specific  
19 offense, a person who has been finally convicted of an offense  
20 relating to the operating of a motor vehicle while intoxicated  
21 shall pay a fine of:

22 (1) \$3,000 for the first conviction within a 36-month  
23 period;

24 (2) \$4,500 for a second or subsequent conviction  
25 within a 36-month period; and

26 (3) \$6,000 for a first or subsequent conviction if it  
27 is shown on the trial of the offense that an analysis of a specimen

1 of the person's blood, breath, or urine showed an alcohol  
2 concentration level of 0.16 or more at the time the analysis was  
3 performed.

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

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

- 13 (1) complies with Subchapter D, Chapter 601; and  
14 (2) is prepaid and valid for at least a six-month  
15 period.

16 Sec. 709.003. REMITTANCE OF TRAFFIC FINES COLLECTED TO  
17 COMPTROLLER. (a) An officer collecting a traffic fine under  
18 Section 709.002 in a case in municipal court shall keep separate  
19 records of the money collected and shall deposit the money in the  
20 municipal treasury.

21 (b) An officer collecting a traffic fine under Section  
22 709.001 or 709.002 in a case in a justice, county, or district court  
23 shall keep separate records of the money collected and shall  
24 deposit the money in the county treasury.

25 (c) Each calendar quarter, an officer collecting a traffic  
26 fine under Section 709.001 or 709.002 shall submit a report to the  
27 comptroller. The report must comply with Articles 103.005(c) and

1 (d), Code of Criminal Procedure.

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

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

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

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

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

22 (1) 50 percent to the credit of the undedicated  
23 portion of the general revenue fund; and

24 (2) 50 percent to the credit of the designated trauma  
25 facility and emergency medical services account under Section  
26 780.003, Health and Safety Code.

27 (g) Money collected under this section is subject to audit

1 by the comptroller. Money spent is subject to audit by the state  
2 auditor.

3 SECTION 13. Chapter 708, Transportation Code, is repealed.

4 SECTION 14. The repeal by this Act of Chapter 708,  
5 Transportation Code, applies to any surcharge pending on the  
6 effective date of this Act, regardless of whether the surcharge was  
7 imposed before that date.

8 SECTION 15. This Act takes effect September 1, 2019.