

AN ACT

relating to the repeal of the driver responsibility program and the amount and allocation of state traffic fine funds; eliminating program surcharges; authorizing and increasing criminal fines; increasing a fee.

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

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 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 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 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.

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

1 service area, the cost of supplies, operational expenses, education
2 and training, equipment, vehicles, and communications systems for
3 local emergency medical services. The money shall be distributed
4 on behalf of eligible recipients in each county to the trauma
5 service area regional advisory council for that county. To receive
6 a distribution under this subsection, the regional advisory council
7 must be incorporated as an entity that is exempt from federal income
8 tax under Section 501(a), Internal Revenue Code of 1986, and its
9 subsequent amendments, by being listed as an exempt organization
10 under Section 501(c)(3) of that code. The share of the money
11 allocated to the eligible recipients in a county's geographic area
12 shall be based on the relative geographic size and population of the
13 county and on the relative number of emergency or trauma care runs
14 performed by eligible recipients in the county. Money that is not
15 disbursed by a regional advisory council to eligible recipients for
16 approved functions by the end of the fiscal year in which the funds
17 were disbursed may be retained by the regional advisory council for
18 use in the following fiscal year in accordance with this
19 subsection. Money that is not disbursed by the regional advisory
20 council in that following fiscal year shall be returned to the
21 department to be used in accordance with Subsection (c).

22 (e) In any fiscal year, the commissioner shall ~~[may]~~ use two
23 ~~[not more than one]~~ percent of the money appropriated from the
24 account, after any amount the commissioner is required by
25 Subsection (b) to reserve is deducted, for operation of the 22
26 trauma service areas and for equipment, communications, and
27 education and training for the areas. Money distributed under this

1 subsection shall be distributed on behalf of eligible recipients in
 2 each county to the trauma service area regional advisory council
 3 for that county. To receive a distribution under this subsection,
 4 the regional advisory council must be incorporated as an entity
 5 that is exempt from federal income tax under Section 501(a),
 6 Internal Revenue Code of 1986, and its subsequent amendments, by
 7 being listed as an exempt organization under Section 501(c)(3) of
 8 that code. A regional advisory council's share of money
 9 distributed under this section shall be based on the relative
 10 geographic size and population of each trauma service area and on
 11 the relative amount of trauma care provided. Money that is not
 12 disbursed by a regional advisory council to eligible recipients for
 13 approved functions by the end of the fiscal year in which the funds
 14 were disbursed may be retained by the regional advisory council for
 15 use in the following fiscal year in accordance with this
 16 subsection. Money that is not disbursed by the regional advisory
 17 council in that following fiscal year shall be returned to the
 18 department to be used in accordance with Subsection (c).

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

21 (b) An insurer shall pay to the authority a fee equal to \$4
 22 [~~\$2~~] multiplied by the total number of motor vehicle years of
 23 insurance for insurance policies delivered, issued for delivery, or
 24 renewed by the insurer. The fee shall be paid not later than:

25 (1) March 1 of each year for a policy issued,
 26 delivered, or renewed from July 1 through December 31 of the
 27 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 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

1 highway fund under this section may be used by the Department of
2 Public Safety to:

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

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

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

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

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

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

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

26 (1) include:
27 (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 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,

1 including deferred adjudication community supervision.

2 (f) A municipality or county may retain four [~~five~~] percent
3 of the money collected under this section as a service fee for the
4 collection if the municipality or county remits the funds to the
5 comptroller within the period prescribed in Subsection (e). The
6 municipality or county may retain any interest accrued on the money
7 if the custodian of the money deposited in the treasury keeps
8 records of the amount of money collected under this section that is
9 on deposit in the treasury and remits the funds to the comptroller
10 within the period prescribed in Subsection (e).

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

13 (1) 70 [~~67~~] percent to the credit of the undedicated
14 portion of the general revenue fund; and

15 (2) 30 [~~33~~] percent to the credit of the designated
16 trauma facility and emergency medical services account under
17 Section [780.003](#), Health and Safety Code.

18 (h) Notwithstanding Subsection (g)(1), in any state fiscal
19 year the comptroller shall deposit 70 [~~67~~] percent of the money
20 received under Subsection (e)(2) to the credit of the general
21 revenue fund only until the total amount of the money deposited to
22 the credit of the general revenue fund under Subsection (g)(1) [~~and~~
23 ~~Section [780.002](#)(b), Health and Safety Code,~~] equals \$250 million
24 for that year. If in any state fiscal year the amount received by
25 the comptroller under Subsection (e)(2) [~~those laws~~] for deposit to
26 the credit of the general revenue fund under Subsection (g)(1)
27 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:

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

1 finally convicted of an offense relating to the operating of a motor
2 vehicle while intoxicated shall pay a fine of:

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

5 (2) \$4,500 for a second or subsequent conviction
6 within a 36-month period; and

7 (3) \$6,000 for a first or subsequent conviction if it
8 is shown on the trial of the offense that an analysis of a specimen
9 of the person's blood, breath, or urine showed an alcohol
10 concentration level of 0.15 or more at the time the analysis was
11 performed.

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

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

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

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

1 (3) documentation from a federal agency, state agency,
2 or school district that indicates that the person or, if the person
3 is a dependent as defined by Section 152, Internal Revenue Code of
4 1986, the taxpayer claiming the person as a dependent, receives
5 assistance from:

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

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

12 (C) the medical assistance program under Chapter
13 32, Human Resources Code;

14 (D) the child health plan program under Chapter
15 62, Health and Safety Code; or

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

18 Sec. 709.002. REMITTANCE OF TRAFFIC FINES COLLECTED TO
19 COMPTROLLER. (a) An officer collecting a traffic fine under
20 Section 709.001 in a case in a justice, county, or district court
21 shall keep separate records of the money collected and shall
22 deposit the money in the county treasury.

23 (b) Each calendar quarter, an officer collecting a traffic
24 fine under Section 709.001 shall submit a report to the
25 comptroller. The report must comply with Articles 103.005(c) and
26 (d), Code of Criminal Procedure.

27 (c) The custodian of money in a municipal or county treasury

1 may deposit money collected under Section 709.001 in an
2 interest-bearing account. The custodian shall:

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

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

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

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

20 (1) 80 percent to the credit of the undedicated
21 portion of the general revenue fund, to be used only for criminal
22 justice purposes; and

23 (2) 20 percent to the credit of the designated trauma
24 facility and emergency medical services account under Section
25 780.003, Health and Safety Code, to be used only for the criminal
26 justice purpose of funding designated trauma facilities, county and
27 regional emergency medical services, and trauma care systems that

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

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

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

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

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

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

H.B. No. 2048

President of the Senate

Speaker of the House

I certify that H.B. No. 2048 was passed by the House on May 2, 2019, by the following vote: Yeas 143, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2048 on May 23, 2019, by the following vote: Yeas 141, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2048 was passed by the Senate, with amendments, on May 15, 2019, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor