

BILL ANALYSIS

Senate Research Center
8451119 LEH-D

S.B. 93
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Transportation
4/27/2015
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Driver Responsibility Program (DRP) was created in 2003 to help fill a budget shortfall and to encourage people to drive more responsibly. The program requires drivers convicted of certain traffic offenses to pay annual surcharges to maintain their driver's licenses. If a person fails to pay the surcharge, which is assessed on top of court fines and criminal penalties, it results in an automatic license suspension.

While DRP has provided needed funding for Texas trauma care and emergency services, it has also created more problems than it has solved. DPR has generated far less revenue than anticipated, it has not improved public safety, and it has increased financial hardships for low-income families. In addition the program has led to more uninsured drivers on the road. Since the inception of the program over two million licenses have been suspended. Currently more than 1.2 million driver's licenses are suspended under the program.

S.B. 93 amends the Transportation Code, Code of Criminal Procedure, Government Code, Health and Safety Code, and Education Code to repeal the Driver Responsibility Program. The bill notes that any gifts, grants, donations, and legislative appropriations made for the purpose of designated trauma care or emergency medical services shall be credited to the dedicated account.

In sections of the code where points under the Driver Responsibility program are referenced, it is replaced by a new section of the Transportation Code, Section 542.304.

Section 542.304 allows the Department of Public Safety of the State of Texas (DPS) by rule to designate the offenses involving a motor vehicle that constitute a moving violation of traffic law for the purposes of sections where the driver responsibility program is repealed. The bill notes that violations of traffic law of this state, another state, or political subdivision or an offense under Section 545.412 (Child Passenger Safety Seat Offense) shall be included. DPS cannot include an offense committed before September 1, 2003, or the offense of speeding when it is less than 10 miles faster than the speed limit unless it was committed in a school crossing zone.

S.B. 93 amends the Education Code to note that the commissioner of education may not issue or renew a driver education instructor license to a person convicted of:

1. three or more moving violations described by Section 542.304, Transportation Code, including violations that resulted in an accident; or
2. two or more moving violations described by Section 542.304, Transportation Code, that resulted in an accident.

Parents, legal guardians, and grandparents conducting a driver education course are also prevented from conducting the course if at the time they have been convicted of the number of offenses listed above.

As proposed, S.B. 93 amends current law relating to the repeal of the driver responsibility program.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Department of Public Safety of the State of Texas is modified in SECTION 8 (Section 521.205, Transportation Code) of this bill.

Rulemaking authority is expressly granted to the Department of Public Safety of the State of Texas in SECTION 9 (Section 542.304, Transportation Code) of this bill.

Rulemaking authority previously granted to the Department of Public Safety of the State of Texas is rescinded in SECTION 12 (Sections 708.002, 708.052, 708.056, 708.106, 708.153, 708.154, and 708.157, Transportation Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 102.022(a), Code of Criminal Procedure, to redefine “moving violation.”

SECTION 2. Amends Section 1001.257, Education Code, as follows:

Sec. 1001.257. DENIAL OF LICENSE. Prohibits the commissioner of education (commissioner) from issuing or renewing a driver education instructor license, including a temporary license, to a person who has been convicted of:

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

(2) two or more moving violations described by Section 542.304, Transportation Code, that resulted in an accident, rather than six or more points assigned to the person’s driver’s license under Subchapter B (Driver’s License Points Surcharge), Chapter 708 (Driver Responsibility Program), Transportation Code.

SECTION 3. Amends Section 411.110(f), Government Code, to prohibit the Department of State Health Services (DSHS) from considering offenses described by Section 542.304, Transportation Code, rather than offenses for which points are assessed under Section 708.052 (Assignment of Points for Certain Convictions), 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. Amends Section 773.0614(b), Health and Safety Code, to prohibit DSHS from considering offenses described by Section 542.304, Transportation Code, rather than offenses for which points are assessed under Section 708.052, Transportation Code.

SECTION 5. Amends Section 773.06141(a), Health and Safety Code, to authorize the commissioner of health (commissioner) to 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 Section 542.304, Transportation Code, rather than an offense for which points are assigned under Section 708.052, Transportation Code;

(2) and (3) Makes no change to these subdivisions.

SECTION 6. Amends Section 780.002, Health and Safety Code, as follows:

Sec. 780.002. DEPOSITS TO ACCOUNT. Requires the comptroller of public accounts of the State of Texas (comptroller) to 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 (Account) to the credit of the account.

Deletes existing Subsection (a) requiring the Department of Public Safety of the State of Texas (DPS), on the first Monday of each month, to remit the surcharges collected during the previous month under the driver responsibility program operated by DPS under Chapter 708, Transportation Code, to the comptroller.

Deletes existing Subsection (b) requiring the comptroller to 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 and providing information relating to the remaining one percent of the amount of the surcharges.

Deletes existing Subsection (c) requiring the comptroller, in any state fiscal year, notwithstanding Subsection (b), to 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 under Subsection (b), and the state traffic fines deposited to the credit of that fund under Section 542.4031(g)(1) (requiring the comptroller to deposit a certain percentage of a state traffic fine to the general revenue fund), Transportation Code, equals \$250 million for that year. Deletes existing text requiring the comptroller, 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, to deposit the additional amount to the credit of the Texas mobility fund.

SECTION 7. Amends Section 502.357(b), Transportation Code, as follows:

(b) Deletes existing text requiring that fees collected under this section be deposited to the credit of the state highway fund and that the money, subject to appropriations, be used by DPS to establish and maintain a system to support the driver responsibility program under Chapter 708. Makes nonsubstantive changes.

SECTION 8. Amends Section 521.205(a), Transportation Code, as follows:

(a) Requires DPS by rule to provide for approval of a driver education course conducted by a parent, stepparent, foster parent, legal guardian, step-grandparent, or grandparent of a person who is required to complete a driver education course to obtain a Class C license. Requires that the rules provide that:

(1)-(4) Makes no change to these subdivisions; and

(5) at the time a person begins conducting the course, the person not have been convicted of three or more moving violations described by Section 542.304, Transportation Code, including violations that resulted in an accident, or two or more moving violations described by Section 542.304, Transportation Code, that resulted in an accident.

Deletes existing text of Subsection (5) requiring that the rules provide that the person conducting the course not have six or more points assigned to the person's driver's license under Subchapter B, Chapter 708, at the time the person begins conducting the course.

SECTION 9. Amends Subchapter C, Chapter 542, Transportation Code, by adding Section 542.304, as follows:

Sec. 542.304. MOVING VIOLATIONS FOR CERTAIN PURPOSES. (a) Requires DPS by rule to designate the offenses involving the operation of a motor vehicle that constitute a moving violation of the traffic law for the purposes of:

- (1) Article 102.022(a) (defining “moving violation”), Code of Criminal Procedure;
- (2) Section 1001.257, Education Code;
- (3) Section 411.110(f), Government Code;
- (4) Section 773.0614(b) and 773.06141(a), Health and Safety Code; and
- (5) Section 521.205(a), Transportation Code.

(b) Requires that the rules provide that for the purposes of the provisions described by Subsection (a), moving violations:

(1) include a violation of the traffic law of this state, another state, or a political subdivision of this or another state, and an offense under Section 545.412 (Child Passenger Safety Seat Systems; Offense); 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 limited, unless the person committed the offense in a school crossing zone; or

(C) an offense adjudicated under Article 45.051 (Suspension of Sentence and Deferral of Final Disposition) or 45.0511 (Driving Safety Course or Motorcycle Operator Course Dismissal Procedures), Code of Criminal Procedure.

SECTION 10. Amends Section 542.4031(h), Transportation Code, to delete a reference to Section 780.002(b), Health and Safety Code. Makes a nonsubstantive change.

SECTION 11. Amends Section 601.233(a), Transportation Code, to delete existing text requiring that a citation for an offense under Section 601.191 (Operation of a Motor Vehicle in Violation of Motor Vehicle Liability Insurance Requirement; Offense) issued as a result of Section 601.053 (Evidence of Financial Responsibility) include, in type larger than other type on the citation, except for the type of the statement required by Section 708.105 (Notice of Potential Surcharge), a statement containing required language as set forth.

SECTION 12. Repealer: Chapter 708 (Driver Responsibility Program), Transportation Code.

SECTION 13. Provides that, notwithstanding the repeal by this Act of Chapter 708, Transportation Code, a surcharge imposed under former Chapter 708 of that code before the effective date of this Act is governed by the applicable law in effect before the effective date of this Act, and that the former law is continued in effect for that purpose.

SECTION 14. Effective date: upon passage or September 1, 2015.