

## **BILL ANALYSIS**

C.S.H.B. 2048  
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Homeland Security & Public Safety  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Concerns have been raised regarding the funding of uncompensated trauma care costs, specifically those resulting from traffic-related accidents. It has been suggested that, while the driver responsibility program is intended to hold unsafe drivers accountable for behavior that has an increased risk of causing trauma, the program is facing logistical and operational difficulties and remains unpopular across the state due to the inadequacy of funding provided by the program for those trauma care costs. C.S.H.B. 2048 seeks to support hospital trauma funding by eliminating the driver responsibility program and increasing certain traffic fines and fees.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Department of Public Safety in SECTION 10 of this bill.

### **ANALYSIS**

C.S.H.B. 2048 repeals Transportation Code provisions relating to the establishment and administration of the driver responsibility program and makes that repeal applicable to any surcharge pending on the bill's effective date, regardless of whether the surcharge was imposed before that date. The bill requires the Department of Public Safety (DPS) to reinstate any driver's license that is suspended under the program as of the bill's effective date if the only reason for the suspension is a failure to pay such a surcharge.

C.S.H.B. 2048 amends the Transportation Code to require 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 specified provisions that reference such a violation. The bill requires the rules to provide that moving violations, for the purposes of those provisions, include a violation of the traffic law of Texas or another state or a political subdivision of Texas or another state and an offense relating to child passenger safety seat systems but do not include the following:

- an offense committed before September 1, 2003;
- 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;
- an offense adjudicated under Code of Criminal Procedure provisions relating to the suspension of a sentence and deferral of final disposition or to driving safety and motorcycle operator course dismissal procedures; or
- the offense of using a portable wireless communication device for electronic messaging while operating a motor vehicle.

C.S.H.B. 2048 increases from \$30 to \$50 the amount of a state traffic fine and decreases from five percent to four percent of the money collected by a municipality or county for a state traffic fine the amount of money that the municipality or county may retain as a service fee. The bill changes the allocation formula by which the comptroller of public accounts is required to deposit money received from state traffic fines by increasing from 67 percent to 80 percent of that money the amount deposited to the credit of the undedicated portion of the general revenue fund and by decreasing from 33 percent to 20 percent the amount deposited to the credit of the designated trauma facility and emergency medical services account.

C.S.H.B. 2048 requires a person who has been finally convicted of an offense relating to the operating of a motor vehicle while intoxicated to pay, in addition to the fine prescribed for the specific offense, a fine of:

- \$3,000 for the first conviction within a 36-month period;
- \$4,500 for a second or subsequent conviction within a 36-month period; and
- \$6,000 for a first or subsequent conviction if it is shown on the trial of the offense that an analysis of a specimen of the person's blood, breath, or urine showed an alcohol concentration level of 0.16 or more at the time the analysis was performed.

The bill sets out provisions relating to recordkeeping and reporting requirements for those additional fines, to the deposit and remittance of those additional fines, to retention of certain collected money and interest accrued on that money by a municipality or county, and to the comptroller's deposit of the remitted fines. The bill subjects money collected from those fines to audit by the comptroller and money spent to audit by the state auditor.

C.S.H.B. 2048 amends the Education Code to require the rules provided by the Texas Commission of Licensing and Regulation for approval of a parent-taught driver education course to provide that the person conducting the course has not been convicted during the preceding three years of three or more moving violations as designated by DPS rule under the bill's provisions or two or more moving violations that resulted in an accident, also so designated.

C.S.H.B. 2048 amends the Health and Safety Code to remove provisions relating to the disposition of the surcharges collected under the driver responsibility program to certain funds, including the general revenue fund and the designated trauma facility and emergency medical services account, and to require the comptroller to deposit any gifts, grants, donations, and legislative appropriations made for the purposes of the designated trauma facility and emergency medical services account to the credit of that account.

C.S.H.B. 2048 amends the Revised Statutes to increase the amount of the fee required to be paid by a motor vehicle insurer to the Automobile Burglary and Theft Prevention Authority from \$2 multiplied by the total number of motor vehicle years of insurance for insurance policies delivered, issued for delivery, or renewed by the insurer to \$4 multiplied by that number. The bill revises the appropriation and deposit of such collected fees by requiring 20 percent to be appropriated for the purposes of the authority, 20 percent to be deposited to the credit of the general revenue fund, and 60 percent to be deposited to the credit of the designated trauma facility and emergency medical services account.

C.S.H.B. 2048 amends the Code of Criminal Procedure and the Government Code to make conforming changes.

C.S.H.B. 2048 repeals Chapter 708, Transportation Code.

**EFFECTIVE DATE**

September 1, 2019.

## **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 2048 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute changes the revised percentages of money received from state traffic fines required to be deposited by the comptroller to the credit of the undedicated portion of the general revenue fund and to the credit of the designated trauma facility and emergency medical services account. The substitute revises the distribution amount of money received from the fines for the conviction of certain intoxicated drivers that the comptroller is required to deposit to the fund and account.