

BILL ANALYSIS

Senate Research Center

H.B. 588
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Transportation & Homeland Security
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, under the driver responsibility program, there is no option for advance payment of the surcharge, which is assessed over 36 months. Notifying the person of the amount the person will owe over the 36-month period, coupled with an advanced payment option, would provide an opportunity for the person to make an informed decision about making a single up-front payment. H.B. 588 provides for the advance payment of surcharges under the driver responsibility program and mandates a compliance incentive program.

H.B. 588 amends current law relating to surcharges under the Driver Responsibility Program.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Department of Public Safety in SECTION 1 (Section 708.157, Transportation Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 708.157(b), Transportation Code, as follows:

(b) Requires, rather than authorizes, the Texas Department of Public Safety (DPS) by rule to offer a holder of a driver's license on which a surcharge has been assessed an incentive for compliance with the law and efforts at rehabilitation, including a reduction of a surcharge or a decrease in the length of an installment plan.

SECTION 2. Amends Subchapter D, Chapter 708, Transportation Code, by adding Section 708.159, as follows:

Sec. 708.159. ADVANCE PAYMENT OF SURCHARGES. (a) Requires DPS to offer an option for a single up-front payment to a person who is assessed an annual surcharge under this chapter to allow the person to pay in advance the total amount that will be owed for the 36-month period for which the surcharge will be assessed.

(b) Requires that notice under Section 708.151 (Notice of Surcharge) of an initial surcharge imposed under this chapter notify the driver's license holder of:

(1) the total amount the person will owe for the 36-month period for which the surcharge will be assessed; and

(2) the availability of the advance payment option under this section.

(c) Provides that if a person makes a single up-front payment under this section in the amount specified in the notice under Subsection (b)(1) and the person is not, in the 36-month period for which the person made the up-front payment, subsequently convicted of an offense requiring a surcharge or an increase in the amount due to DPS, DPS is not required to:

(1) take any further action under Section 708.053 (Annual Surcharge for Points), 708.102 (Surcharge for Conviction of Certain Intoxicated Driver

Offenses), 708.103 (Surcharge for Conviction of Driving While License Invalid or Without Financial Responsibility), or 708.104 (Surcharge for Conviction of Driving Without Valid License), as applicable; or

(2) annually notify the person of the assessment of the surcharge under Section 708.151.

SECTION 3. Provides that Section 708.159, Transportation Code, as added by this Act, applies to any total surcharge amounts owed by a person for a 36-month period under Chapter 708, Transportation Code, regardless of whether the initial annual surcharge was assessed before, on, or after the effective date of this Act.

SECTION 4. Effective date: September 1, 2011.