

BILL ANALYSIS

Senate Research Center
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S.B. 90
By: Hall
Transportation
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Driver Responsibility Program (DRP) was enacted in 2003 and can be found in Chapter 708 of the Texas Transportation Code. DRP requires the Texas Department of Public Safety (DPS) to apply surcharges to individuals with certain traffic convictions. A surcharge is an administrative fee charged to a driver based on the number of points or convictions on the driver's record. A driver may receive separate surcharges for both points and convictions. Points are applied for moving traffic violation convictions and remain on the driver's record for three years.

The DRP has failed on every measurable front. It has generated less than half of the revenues anticipated, failed to change driver behavior according to traffic incident statistics, and has dramatically increased the number of unlicensed and uninsured drivers on the road. In addition, a significant portion of the revenue collected from the program is not being allocated to uncompensated trauma care costs as originally intended by the legislature.

Over 1.2 million people have had their licenses suspended for failure to pay surcharge assessments. People become caught in a cycle of poverty and debt from which they cannot escape.

This bill would prevent a person from having their driver's license suspended for mere failure to pay a surcharge assessed by the DRP, effectively eliminating the enforcement mechanism.

- Over 1.2 million people have had their licenses suspended for failure to pay their assessments. This often causes people who want to work to be unable to do so, and people who currently have jobs to not be able to keep them.
- People who want to work are unable to do so, and people who currently have jobs are not able to keep them.
- Driving safety, a named benefit to the DRP, has not improved.
- Drivers who receive DWIs are hit the hardest by the surcharges, but since 2003 DUI-related driving crashes resulting in a fatality actually have increased by 4.28 percent.
- DRP funds are not being fully allocated to trauma care funding as originally intended.

As proposed, S.B. 90 amends current law relating to the repeal of the driver responsibility program.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Department of Public Safety (DPS) in SECTION 8 (Section 542.304, Transportation Code) of this bill.

Rulemaking authority previously granted to the Texas Commission of Licensing and Regulation is modified in SECTION 2 (Section 1001.112, Education Code) of this bill.

Rulemaking authority previously granted to DPS is rescinded in SECTION 11 (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 1001.112, Education Code, by adding Subsection (a-1), to require the rules adopted under Subsection (a) (relating to parent-taught driver education courses) to provide that on the date a person begins conducting a driver education course, the person has not been convicted of certain moving violations during the preceding 36-month period.

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 for which points are assessed under Section 708.052, Transportation Code.

SECTION 4. Amends Section 773.0614(b), Health and Safety Code, to prohibit DSHS, for purposes of Subsection (a) (relating to authorizing DPS to suspend, revoke or otherwise deny certain licenses, certificates and examinations), from considering offenses described by Section 542.304, Transportation Code, rather than for which points are assessed under Section 708.052, Transportation Code.

SECTION 5. Amends Section 773.06141(a), Health and Safety Code, to make conforming changes.

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

Sec. 780.002. CERTAIN DEPOSITS TO ACCOUNT. Requires the Texas comptroller of public accounts (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 Subsections (a) to (c), relating to the depositing of surcharges from the driver responsibility program to the comptroller and certain required deposits by the comptroller with that money.

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

(b) Deletes existing text authorizing the Texas Department of Public Safety (DPS) to use the money deposited to the state highway fund to establish and maintain a support system for the driver responsibility program under Chapter 708 (Driver Responsibility Program). Redesignates existing Subdivision (3) as Subdivision (2). Makes no further changes to this subdivision.

SECTION 8. 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 certain enumerated sections.

(b) Sets forth certain requirements to which the rules must adhere when describing moving violations.

SECTION 9. Amends Section 542.4031(h), Transportation Code, as follows:

(h) Requires the comptroller, notwithstanding Subsection (g)(1) (relating to the deposit of money to the general revenue fund), in any state fiscal year to deposit 67 percent of the

money received to the general revenue fund only until the total amount deposited under Subsection (g)(1), rather than Subsection (g)(1) and Section 780.002(b) (relating to the comptroller depositing money received by DPS), Health and Safety Code, equals \$250 million for that year. Requires the comptroller to deposit any additional amount to the Texas mobility fund if the amount received by the comptroller under Subsection (g)(1), rather than these laws, exceeds \$250 million in any state fiscal year.

SECTION 10. Amends Section 601.233(a), Transportation Code, to delete the exception regarding Section 708.105 (Notice of Potential Surcharge) relating to the size of the type for the statement required on certain citations.

SECTION 11. Repealer: Chapter 708, Transportation Code.

SECTION 12. Provides that, notwithstanding the repeal by this Act of Chapter 708, Transportation Code, a surcharge imposed by that chapter before the effective date of this Act is governed by the applicable law in effect before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 13. Effective date: upon passage or September 1, 2017.