

SUBJECT: Extending and revising the driver responsibility program

COMMITTEE: Public Health — committee substitute recommended

VOTE: 5 ayes — Laubenberg, Truitt, Jackson, McReynolds, Zedler
0 nays
4 absent — Delisi, Coleman, Dawson, Solis

WITNESSES: For — Eric Epley, Southwest Texas Regional Advisory Council for Trauma; Ronald Stewart
Against — None
On — Ron Coleman, Texas Department of Public Safety; Katheryn Perkins, Department of State Health Services

BACKGROUND: In 2003, the 78th Legislature enacted HB 3588 by Krusee, which created a point system for identifying drivers who habitually violate traffic laws and assigned points for different kinds of violations. Drivers pay a surcharge to the state if they accumulate a certain number of points and for certain other offenses. Drivers may pay a surcharge of less than \$2,300 in installments over 12 months and charges over \$2,300 over more than 24 months.

The funds raised by the surcharge are divided equally between general revenue and a trauma facility and emergency medical services (EMS) account. The surcharge and the trauma fund will expire September 1, 2007.

HB 3588 requires the Health and Human Services Commission (HHSC) to retain a \$500,000 reserve in the account each fiscal year. Money from the account is disbursed to regional advisory councils for allocation to designated trauma facilities in their area, and any funds not disbursed are returned to the state. The statute set a deadline for certain actions trauma facilities would need to take to attain designation or pursuit of designation. Failure to meet the deadline requires the facility to return funds.

DIGEST: CSHB 2470 would repeal the expiration of the driver responsibility program and trauma fund.

It would revise the mechanisms created to distribute trauma facility and EMS account funds. The bill would permit reserve funds to roll over from one fiscal year to the next and would allow regional advisory councils two years to expend funds before returning the remainder to the state. It also would extend the timeframe for trauma facilities to attain designation. Facilities that filed an intent to seek designation and took action toward attaining designation within 180 days could receive funds. A facility that failed to attain designation within two years of filing the intent to seek designation would have to return its trauma funds.

The bill also would require a notice of potential surcharge be printed on a traffic citation issued after September 1, 2005. Payment of the surcharge would be changed to permit drivers to pay the surcharge in installments within 36 months, regardless of the size of the charge.

The bill would take effect September 1, 2005.

**SUPPORTERS
SAY:**

The driver responsibility program and trauma fund have been a successful way for Texas to develop a comprehensive funding stream for trauma facilities. Car wrecks are a significant contributor to the need for trauma services, and it is appropriate for unsafe drivers to help fund those services. Emergency departments, EMS services, and other health services that treat trauma help number of people whose care is uncompensated, and the health systems are stretched to the breaking point. The funding stream established under by the driver responsibility program is a lifeline for trauma services in Texas.

Since the program has been in place, a few technical problems have emerged that CSHB 2470 would fix. It would clarify that the fund reserve should be \$500,000 every year, not accruing each year, and would establish an ongoing mechanism for facilities to become designated and receive funds. Permitting the surcharge to be paid over a longer period of time for all drivers would alleviate financial burden in some cases and make it more likely for drivers' to comply and keep their licenses.

**OPPONENTS
SAY:**

The state should not continue the surcharge on drivers who get tickets. These drivers already face numerous court costs, fines, and fees that can total thousands of dollars and the consequence for not being able to pay

them is the loss of their driver's license. There comes a point when some people simply cannot afford to pay the amounts needed to keep their license and without a license, it can be difficult for them to hold down a job. Surcharges on top of fees, fines, and court costs disproportionately hurt low- and middle-income families as they struggle to afford the high cost of keeping a drivers' license after an offense.

**OTHER
OPPONENTS
SAY:**

The surcharge should be more broadly applied. Car wrecks do contribute to trauma, but so do domestic violence and other violent crimes. Instead of inappropriately singling out drivers, the surcharge should be more broad-based to capture other crimes that lead to trauma.

Not all of the surcharge goes to trauma care; half is siphoned off for general revenue. If the charge is designed to punish bad drivers for the trauma they may cause, then all of the charge should go toward trauma care. Otherwise, this surcharge is just another tax to fund the operations of state government.

NOTES:

The committee substitute would create an ongoing mechanism for facilities to become designated and receive funds, not just extend the designation eligibility period.