

SUBJECT: Repealing the Driver Responsibility Program, increasing certain fines

COMMITTEE: Homeland Security and Public Safety — committee substitute recommended

VOTE: 8 ayes — Nevárez, Paul, Burns, Calanni, Goodwin, Israel, Lang, Tinderholt

0 nays

1 absent — Clardy

WITNESSES: For — Nick Hudson, American Civil Liberties Union of Texas; Robert Johnston, Anderson County; Troy Bazan and Arthur Ramirez, Goodwill Central Texas; John Barton, Justices of the Peace and Constables Association of Texas; James Dickey, Republican Party of Texas; Maureen Milligan, Teaching Hospitals of Texas; Mary Mergler, Texas Appleseed; Dudley Wait, Texas EMS Alliance; Ronald Stewart, Texas EMS, Trauma and Acute Care Foundation; Emily Gerrick, Texas Fair Defense Project; John Hawkins, Texas Hospital Association; Murray Agnew, Texas Sheriff's Association; Tom Flanagan; Brandon Marshall; (*Registered, but did not testify*: Butch Oberhoff, Acadian Ambulance of Texas; Chas Moore, Austin Justice Coalition; Frank McStay, Baylor Scott and White Health; Linda Townsend, CHRISTUS Health; TJ Patterson, City of Fort Worth; Jim Allison, County Judges and Commissioners Association of Texas; Charles Reed, Dallas County Commissioners Court; Priscilla Camacho, Dallas Regional Chamber; Roberto Haddad, Doctors Hospital at Renaissance; Traci Berry, Goodwill Central Texas; Cate Graziani, Grassroots Leadership and Texas Advocates for Justice; Taylor Landin, Greater Houston Partnership; Meghan Weller, HCA Healthcare; Scott Henson and Kathleen Mitchell, Just Liberty; Christine Yanas, Methodist Healthcare Ministries of South Texas, Inc.; Ryan Ambrose, Memorial Herman Health System; Joshua Massingill, Prison Fellowship Ministries; Christopher Lutton, San Antonio Police Department; Brian Hawthorne and Micah Harmon, Sheriffs' Association of Texas; Russell Schaffner, Tarrant County; Rick Thompson, Texas Association of Counties; Lori

Henning, Texas Association of Goodwills; Kathryn Freeman, Texas Baptists Christian Life Commission; Windy Johnson, Texas Conference of Urban Counties; Douglas Smith, Texas Criminal Justice Coalition; Marcus Mitias, Texas Health Resources; Jennifer Erschabek, Texas Inmate Families Association; Andrew Cates, Texas Nurses Association; Stephanie Franklin, The Liberty Project of Texas; Noel Johnson, TMPA; Stacy Suits, Travis County Constable Precinct 3; Andrew Smith, University Health System; Kenton Ham; Read King)

Against — Jessica Boston, Texas Association of Business; Beaman Floyd, Texas Coalition for Affordable Insurance Solutions; (*Registered, but did not testify*: Joe Woods, American Property Casualty Insurance Association)

On — Jay Thompson, Association of Fire and Casualty Companies in Texas and National Insurance Crime Bureau; Bryan Sudan, Tarrant County Sheriff; Tommy Hansen, Texas Auto Burglary and Theft Prevention Authority; Tony Rodriguez, Texas Department of Public Safety; (*Registered, but did not testify*: Bryan Wilson, Automobile Burglary and Theft Prevention Authority and Texas Department of Motor Vehicles; Jane Guerrero, Texas Department of State Health Services)

**BACKGROUND:** Transportation Code ch. 708 establishes the Driver Responsibility Program (DRP), which requires the Department of Public Safety to assess surcharges on drivers for certain traffic offenses in addition to any other penalties and court fees. Drivers have 105 days to pay surcharges or enter into an installment plan before their driver's license is suspended.

Under Health and Safety Code sec. 780.002, 49.5 percent of revenues from the Driver Responsibility Program is deposited to the Designated Trauma Facility and Emergency Medical Services Account, which funds designated trauma facilities, county and regional emergency medical services, trauma-care systems, and certain graduate-level medical and nursing education programs. Another 49.5 percent of DRP revenue is deposited to the general revenue and 1 percent may be used by DPS for program administration.

**DIGEST:** CSHB 2048 would repeal the Driver Responsibility Program (DRP), increase state traffic and intoxicated driver fines, increase the vehicle insurance fee, and direct funds to the Designated Trauma Facility and Emergency Medical Services (EMS) Account.

**Program repeal.** CSHB 2048 would repeal the DRP and require the Department of Public Safety (DPS) to reinstate any driver's license that was suspended as of the bill's effective date if the license was only suspended for failure to pay a program surcharge.

The bill would make conforming changes to statutes that cited the program and would require DPS to re-designate the offenses that constituted a moving violation that had been listed under the DRP's provisions. A moving violation would not include an offense committed before September 1, 2003.

**State traffic fines.** CSHB 2048 would increase the state traffic fine from \$30 to \$50. A municipality or county could retain 4 percent, rather than 5 percent, of collected fines as a service fee.

The bill would increase from 67 percent to 80 percent the amount of collected fines deposited to the general revenue fund, and decrease the amount of fines deposited to the Trauma Facility and EMS Account from 33 percent to 20 percent.

**Intoxicated driver fines.** CSHB 2048 would require a person convicted of an offense for operating a motor vehicle while intoxicated to pay a fine of:

- \$3,000 for the first conviction within 36 months;
- \$4,500 for a subsequent conviction within 36 months; or
- \$6,000 for a conviction if it was shown that the person's alcohol concentration level was 0.16 or more.

An officer collecting these fines in a case in a justice, county, or district

court would have to keep separate records of the collected money, deposit the money in the county treasury, and submit a report of collected fines to the comptroller each quarter.

The custodian of money in a municipal or county treasury could deposit money collected as a fine for driving while intoxicating into an interest-bearing account. The custodian would keep records of the money and remit the money to the comptroller by the last day of the month following a quarter.

A county or municipality could retain 4 percent of the collected money as a service fee and could retain any accrued interest. Money collected under these provisions would be subject to audit by the comptroller, and money spent would be subject to audit by the state auditor.

Out of the fines collected for the offense of driving while intoxicated, 80 percent would be deposited to the general revenue fund and 20 percent would be deposited to the Designated Trauma Facility and EMS Account.

**Motor vehicle insurer fees.** The fee for the issuance of motor vehicle insurance policies would be increased from \$2 to \$4 multiplied by the total number of motor vehicle years of insurance for issued policies.

Out of collected fees, 20 percent would be appropriated to the Automobile Burglary and Theft Prevention Authority, 20 percent to the general revenue fund, and 60 percent to the Designated Trauma Facility and EMS Account.

The bill would take effect September 1, 2019, and apply to any surcharge pending on that date, regardless of when the surcharge was imposed.

SUPPORTERS  
SAY:

CSHB 2048 would repeal the unpopular and unfair Driver Responsibility Program (DRP) and ensure a new stream of revenue for the Designated Trauma Facility and Emergency Medical Services (EMS) Account. While originally intended to hold bad drivers accountable for risky behavior, the DRP actually holds low-income Texans in a cycle of mounting debt and

has generated inadequate funds for the trauma account. The bill would release Texans from debt by repealing the DRP and would reinstate any suspended driver's licenses, allowing individuals affected by the program to get back to work and to their lives.

CSHB 2048 also would ensure a sustainable revenue source for the Trauma Facility and EMS Account, which offsets the uncompensated trauma care costs for the approximately 130,000 Texans who are hospitalized in trauma centers each year. Instead of being funded by the ineffectual DRP, the trauma account would receive money from an increase in state traffic fines, fines for driving while under the influence or intoxicated, and automobile insurance policy fees. These fines and fees are all related to the operation of vehicles or the reckless use of a vehicle, so it would be appropriate to use them to fund the trauma account, which supports individuals harmed in motor vehicle collisions.

Concerns that CSHB 2048 would target the insurance industry are unfounded, since the modest increase in automobile insurance fees would spread the responsibility to fund the trauma account fairly to all drivers in the state. This mechanism also would ensure that the Automobile Burglary and Theft Prevention Authority received funds necessary for statewide operations, which include investigating and enforcing car thefts, and for expansion of the authority.

**OPPONENTS  
SAY:**

While the DRP should be repealed, CSHB 2048 unfairly would target the automobile insurance industry to cover the costs of the Designated Trauma Facility and Emergency Medical Services Account. The Legislature already increased the fee on insurance policies in 2011, and these costs are ultimately placed on customers, who should not have this burden. This also would make insurers in Texas less competitive than those of other states by taxing in-state insurance policies at a higher rate.

**NOTES:**

According to the Legislative Budget Board, the bill would have a positive impact of \$9.9 million to general revenue related funds and \$6.8 million to the Designated Trauma Facility and Emergency Medical Services Account in fiscal 2020-21.

The comptroller estimates that the bill would increase local government revenue by \$4.1 million each year.