

BILL ANALYSIS

Senate Research Center

S.B. 1447
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Infrastructure Development and Security
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DIGEST AND PURPOSE

Currently, according to figures from the National Highway Traffic Safety Administration, Texas ranks first out of the ten largest states in speeding-related traffic fatalities, and first in alcohol-related traffic fatalities. In 2000, the economic costs of fatalities, injuries, and property damage caused by vehicle crashes in Texas reached \$20 billion, with the per capita cost to every Texas resident \$948, and the tax burden \$200. New Jersey implemented a “bad driver surcharge program” 15 years ago, which has been successful in generating revenue; traffic fatalities have declined and New Jersey has the lowest number of speed-related fatalities and the second-lowest number of alcohol-related fatalities of the ten most populous states. As proposed, S.B. 1447 creates and implements a driver responsibility program that levies a surcharge on habitually bad drivers.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Department of Public Safety in SECTION 1 (Sections 707.051 and 707.152, Transportation Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 7I, Transportation Code, by adding Chapter 707, as follows:

CHAPTER 707. DRIVER RESPONSIBILITY PROGRAM

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 707.001. **PURPOSE.** Sets forth the purpose of the driver responsibility program.

Sec. 707.002. **DEFINITIONS.** Defines “department,” “license,” and “motor vehicle points.”

SUBCHAPTER B. MOTOR VEHICLE POINTS SURCHARGE

Sec. 707.051. **POINTS SURCHARGE.** (a) Requires a surcharge to be assessed annually by the Texas Department of Public Safety (DPS) on the license of any driver who in the preceding 36 month period, beginning on or after September 1, 2003, has accumulated six or more motor vehicle points.

(b) Requires the accumulation of points to be calculated as of the date the point violation is posted to the driver history record and to be assessed under rules promulgated by DPS.

Sec. 707.052. **AMOUNT OF POINTS SURCHARGE.** Requires a surcharge under Section 707.051 to be in the amount of \$100 for six motor vehicle points in the preceding 36 month period, and \$25 for each additional point.

Sec. 707.053. **POINTS CLASSIFICATION.** (a) Requires one motor vehicle point to be assigned for each conviction that arises out of a different transaction for a violation under Section 545.413 (Safety Belts; Offense) or a similar law in another state.

(b) Requires two points to be assigned for each conviction that arises out of a different transaction for a moving violation of the traffic laws, not described elsewhere in this section, either of this state or a similar law in another state.

(c) Requires three points to be assigned for each conviction that arises out of a different transaction for a moving violation of the traffic laws of this state or any state or political subdivision that results in a traffic accident.

SUBCHAPTER C. SURCHARGES FOR CERTAIN OFFENSES

Sec. 707.101. DRIVING WHILE INTOXICATED; REFUSAL TO CONSENT. (a) Requires a surcharge to be assessed annually by DPS on the license of a driver who in the preceding 36-month period, beginning on or after September 1, 2003, has been convicted of an offense for driving while intoxicated under Section 49.04 (Driving While Intoxicated), Penal Code, or refusal to consent to the taking of a specimen under Section 724.011 (Consent to Taking of Specimen).

(b) Requires a surcharge under this section to be in the amount of \$1,000 per year for a maximum of three years.

(c) Provides that if the DWI and refusal occur as the result of the same transaction, then only one of the violations is surcharged.

(d) Requires the third or subsequent offense within a three year period to be assessed in the amount of \$1,500 per year for three years.

Sec. 707.102. DRIVING WITH SUSPENDED OR REVOKED LICENSE OR WITHOUT EVIDENCE OF FINANCIAL RESPONSIBILITY. (a) Requires a surcharge to be assessed annually by DPS on the license of a driver who in the preceding 36-month period, beginning on or after September 1, 2003, has been convicted of an offense for driving with a suspended or revoked license, or driving without evidence of financial responsibility.

(b) Requires a surcharge under this section to be in the amount of \$250 per year for a maximum of three years.

Sec. 707.103. DRIVING WITH EXPIRED LICENSE OR WITHOUT LICENSE. (a) Requires a surcharge to be assessed annually by DPS on the license of a driver who in the preceding 36-month period, beginning on or after September 1, 2003, has been convicted of an offense for driving without a license, or driving with an expired license.

(b) Requires a surcharge under this section to be in the amount of \$100 per year for a maximum of three years.

Sec. 707.104. NO ASSESSMENT OF POINTS. Provides that if a surcharge is assessed under this subchapter, the same conviction that gives rise to a surcharge under this subchapter shall not be the basis of a motor vehicle points surcharge under Subchapter B.

SUBCHAPTER D. COLLECTION OF SURCHARGES

Sec. 707.151. ASSESSMENT. (a) Provides that no offense shall be selected for billing which occurred prior to September 1, 2003.

(b) Provides that no offense shall be considered in more than three annual assessments.

Sec. 707.152. PAYMENT. (a) Requires DPS to make rules regarding payment of a surcharge.

(b) Authorizes DPS to authorize payment of the surcharge on an installment basis over a period not to exceed 12 months for assessments under \$2,300 or 24 months for assessments of \$2,300 or more.

Sec. 707.153. CREDIT CARD PAYMENT. Authorizes DPS to authorize any person to pay the surcharge by use of a credit card. Authorizes DPS to require the person to pay all costs incurred by DPS in connection with the acceptance of the credit card. Provides that if a surcharge or related administrative fee is paid by credit card and the amount is subsequently reversed by the credit card company or bank, the license or other driving privilege of the driver is suspended and the driver shall be subject to the same fee imposed for issuance of a bad check under Section 32.41, Penal Code.

Sec. 707.154. FAILURE TO PAY SURCHARGE. (a) Provides that if upon written notification from DPS, mailed to the last address of record DPS has for the driver, a driver fails to pay a surcharge assessed under this chapter, the license or other driving privilege of the driver shall be suspended until the minimum payment requirement is paid to DPS.

(b) Provides that if a driver fails to pay the surcharge or any installments on the surcharge, the total surcharge shall become due immediately except as otherwise prescribed by DPS rule.

SUBCHAPTER E. DISPOSITION OF SURCHARGES

Sec. 707.201. DISPOSITION OF SURCHARGES. Requires each surcharge collected under this chapter to be deposited to the credit of the Texas mobility fund.

SECTION 2. Effective date: September 1, 2003.