

BILL ANALYSIS

Senate Research Center
79R12885 JD-F

H.B. 2470
By: Delisi (Nelson)
Health & Human Services
5/16/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

The 78th Texas Legislature created a driver responsibility program under H.B. 3588 that employed surcharges on motor vehicle operating licenses targeted at drivers who committed certain violations of the laws governing the safe operation of a motor vehicle. The funds collected were used both for transportation projects and to support the state's trauma care system. H.B. 2470 makes various changes to the trauma care program created by H.B. 3588 that have been suggested during the interim by the agencies charged with oversight and by various stakeholders.

RULEMAKING AUTHORITY

Rulemaking previously granted to the Department of Protective Services in SECTION 5 (Section 708.153, Transportation Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 780.001(2) and (3), Health and Safety Code, to redefine "commissioner" and "department."

SECTION 2. Amends Sections 780.004(b)-(f), (h), and (i), Health and Safety Code, as follows:

(b) Requires the commissioner of state health services, in each fiscal year, to reserve, rather than maintain a reserve of, \$500,000 of any money appropriated from the designated trauma facility and emergency medical services account for extraordinary emergencies. Requires money that is not spent in a fiscal year to be transferred to the reserve for the following fiscal year.

(c) Makes a conforming change.

(d) Authorizes money that is not disbursed by a trauma service area regional advisory council (council) to eligible recipients for approved functions by the end of the fiscal year in which the funds were disbursed to be retained by the council for use in the following fiscal year in accordance with this subsection. Requires money that is not disbursed by the regional advisory council in that following fiscal year to be returned to the Department of State Health Services (DSHS) to be used in accordance with Subsection (c).
(c). Makes a conforming change.

(e) Makes conforming changes.

(f) Makes conforming changes.

(h) Redefines "pursuit of designation."

(i) Provides that this subsection applies only to an undesignated facility that applies for trauma verification and designation after September 1, 2005, and is in active pursuit of designation. Requires the facility to file a statement of intent to seek the designation, comply with Subsection (h) not later than the 180th day after the date the statement of intent is filed, and notify the department of the facility's compliance with that subsection. Requires any funds received by the undesignated facility for unreimbursed trauma services to be returned to the state if trauma designation is not attained by an

undesignated facility in active pursuit of designation on or before the second anniversary of the date the facility notified the department of the facility's compliance with Subsection (h), rather than December 31, 2005.

SECTION 3. Amends Section 601.233(a), Transportation Code, by making a conforming change.

SECTION 4. Amends Subchapter C, Chapter 708, Transportation Code, by adding Section 708.105, as follows:

Sec. 708.105. NOTICE OF POTENTIAL SURCHARGE. (a) Requires a citation issued for an offense under a traffic law of this state or a political subdivision of this state to include a specific statement in type larger than any other type on the citation. Sets forth language of the statement.

(b) Provides that the warning required by Subsection (a) is in addition to any other warning required by law.

SECTION 5. Amends Section 708.153(b), Transportation Code, to make modifications to requirements for rules under this section (Installment Payment of Surcharge).

SECTION 6. Repealer: (1) Section 780.007 (Expiration Date), Health and Safety Code; and

(2) Section 542.4031(k) (pertaining to an expiration date), Transportation Code.

SECTION 7. Makes application of Section 601.233(a), Transportation Code, as amended by this Act, and Section 708.105, Transportation Code, as added by this Act, prospective.

SECTION 8. Effective date: September 1, 2005.