

BILL ANALYSIS

Senate Research Center
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S.B. 266
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Transportation
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, drivers who are convicted of various moving offenses are assessed civil surcharges for three years by the Texas Department of Public Safety (DPS) through the Driver Responsibility Program (DRP). Drivers are also assessed surcharges if they obtain a certain number of points on their driving records. Points are assessed based on traffic violations and accidents. If a person fails to pay a surcharge, eventually that person's license is automatically suspended.

By statute, the surcharge revenue is divided equally between the Designated Trauma Facility and EMS Account (the "Trauma Fund"), and general revenue, except that DPS retains one percent of the revenue to administer the program and if the general revenue collected ever exceeded \$250 million in a year, the excess would go to the Texas Mobility Fund. The Trauma Fund receipts may only be appropriated to support trauma facilities or graduate-level medical or nursing education programs.

The DRP has been riddled with problems since its inception in 2003. For example, about half of the assessed surcharges have gone unpaid. Furthermore, more than two million people have lost their driver's license as a result of unpaid surcharges. Stakeholders also report that the state sometimes prosecutes DWI as a lesser offense to avoid assessing DRP surcharges. Lastly, courts, jails, and local governments face significant administrative costs due to the increase in suspended licenses and, by extension, driving while license invalid offenses.

Despite the DRP's problems, trauma facilities need the money they receive under this program. More specifically, Texas trauma facilities spend approximately \$330 million on uncompensated care every year, and DRP funding allowed them to offset approximately \$55 million of this cost in 2015.

S.B. 266 seeks to reduce the DRP's negative effects while protecting the trauma funding it creates. To this end, S.B. 266 retains the current structure of the DRP, but it also reduces all of the surcharges by half. S.B. 266 further provides that 99 percent of DRP revenue shall be deposited to the Trauma Fund. These changes should reduce the DRP's burden on drivers, increase compliance due to the lower surcharges, and protect the Trauma Fund's revenue stream.

As proposed, S.B. 266 amends current law relating to the driver responsibility program.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 542.4031(h), Transportation Code, as follows:

(h) Requires the Texas comptroller of public accounts (comptroller), in any state fiscal year to deposit 67 percent of the money received under Subsection (e)(2) (relating to requiring the custodian of money in a municipal or county treasury to deposit the money collected in an interest bearing account within a certain time period) to the credit of the

general revenue fund only until the total amount of the money deposited to the credit of the general revenue fund under Subsection (g)(1) (relating to requiring the comptroller to deposit 67 percent to the credit of the undedicated portion of the general revenue fund), rather than under Subsection (g)(1) and Section 780.002(b), Health and Safety Code, equals \$250 million for that year.

SECTION 2. Amends Section 708.054, Transportation Code, to provide that the amount of a surcharge under this chapter (Driver Responsibility Program) is \$50, rather than \$100, for the first six points and \$12.50, rather than \$25, for each additional point.

SECTION 3. Amends Section 708.102(c), Transportation Code, as follows:

(c) Provides that the amount of a surcharge under this section is \$500, rather than \$1,000 per year, except that the amount of the surcharge is \$750, rather than \$1,500, per year for a second or subsequent conviction within a 36-month period and \$1,000, rather than \$2,000, for a first or subsequent conviction if it is shown on the trial of the offense that an analysis of a specimen of the person's blood, breath, or urine showed an alcohol concentration level of 0.16 or more at the time the analysis was performed.

SECTION 4. Amends Section 708.103(b), Transportation Code, to change the amount of a surcharge under this section to \$125, rather than \$250, and delete an exception under Subsection (c).

SECTION 5. Amends Section 708.104(b), Transportation Code, to provide that the amount of surcharge under this section is \$50, rather than \$100, and to delete an exception under Subsection (b-1).

SECTION 6. Amends Section 780.002(b), Health and Safety Code, to require the comptroller to deposit 99 percent of the money received to the credit of the account established under this chapter (Trauma Facilities and Emergency Medical Services), rather than 49.5 percent of the money to the account established under this chapter and 49.5 percent of the money to the general revenue fund.

SECTION 7. (1) Repealer: Section 780.002(c) (relating to requiring the comptroller to make certain deposits from surcharges), Health and Safety Code.

Repealers: Sections 708.103(c) (relating to the amount of a surcharge for certain convictions) and 708.104(b-1) (relating to the amount of a surcharge if the person obtains a driver's license by a certain date), Transportation Code.

SECTION 8. Provides that the change in law made by this Act applies only to a surcharge assessed on or after the effective date of this Act, including a surcharge assessed for a conviction for an offense that occurred before the effective date of this Act. Provides that the state is not required to refund a surcharge collected before the effective date of this Act.

SECTION 9. Effective date: September 1, 2017.