

BILL ANALYSIS

Senate Research Center
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S.B. 87
By: Hall
Transportation
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Driver Responsibility Program (DRP), criticized for its overly-complex structure and the fact that funds collected are often diverted to other state needs, has outlived its usefulness.

This bill is broken down into four articles. Article I relates to the repeal of the driver responsibility program, and Article II relates to the repeal of Vehicle Safety Inspection Program and establishment of "Inspection Program Replacement and Trauma Care Fees." Article III prohibits this bill from affecting offenses committed before its enactment. Article IV sets the effective date Jan. 1, 2020.

Article I of this bill has 11 subsections. Subsection 1.10 repeals Chapter 708 of the Transportation Code—the enabling authority for the DRP. Subsections 1.01–1.09 make conforming changes to scrub references to the DRP in other codes (Education Code, Government Code, Health and Safety Code); establish a process to receive gifts, grants, and donations to trauma care; and re-establish requirements for student-driver instructors to teach driver's education courses that were eliminated in the Chapter 708 repeal.

Article 2 has 25 subsections. It repeals various provisions of Chapter 548 to eliminate the vehicle inspection requirement on non-commercial vehicles and certain trailers and establishes "Inspection Program Replacement and Trauma Care Fees" to be paid at the time of vehicle registration or renewal in the following amounts:

- (a)(1) - \$9.25 for a passenger car or light truck that has not previously been registered (and other reqs.)
- (a)(2) - \$7.50 for a trailer, semitrailer, pole trailer, or mobile home
- (a)(3) - \$0.25 for a moped
- (a)(4) - \$12.50 for a motor vehicle that is not subject to a fee under one of the first two categories

The revenue from the above-stated fees (which, as we said earlier, would be paid by motorists at the time of vehicle registration) will be remitted to the following accounts:

- Applicable Section TMF GR Clear Air Acct. Trauma Care
- Subsection (a)(1) All
- Subsection (a)(2) \$3.50 \$2.00 \$2.00
- Subsection (a)(3) All
- Subsection (a)(4) \$3.50 \$2.00 \$7.00

Special note on Section 2.21:

This is how we arrived at the \$9.25 fee on (a)(1):

New car registration is for a two-year period. Used car registration renewals are for a one-year period. When I buy a new car, up front I pay \$21.75 for a two-year registration period, per Section 548.503, Transportation Code. Of that fee, \$14.75, goes to the state (the rest goes to the auto dealer). The state typically takes all \$14.75 in the first year of the registration, requiring nothing the second year. However, DMV was consulted about this provision in the bill, and they said that since everyone who renews their registration on a used car pays \$5.50 per year, it would be easier for the agency to process new car registration fees if we split up the \$14.75 new car registration into two years, and made the second year \$5.50 to match the schedule of used car registration renewals. That means that the first year of the new car registration period we have to charge $\$14.75 - \$5.50 = \$9.25$.

This is how we arrived at the \$12.50 fee on (a)(4):

Per Section 548.501, Transportation Code, any vehicle besides a moped pays \$12.50 for an inspection. This section keeps that amount, allocates \$5.50 to the state as usual, and gives the rest (\$7.00) to trauma.

As proposed, S.B. 87 amends current law relating to the repeal of the driver responsibility program and the vehicle safety inspection program for certain vehicles and imposes replacement fees.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Department of Motor Vehicles in SECTION 1.08 (Section 542.304, Transportation Code), of this bill.

Rulemaking authority previously granted to the Department of Public Safety of the State of Texas is rescinded in SECTION 1.01 and 2.25 (Chapter 708 and Sections 548.101, 548.104, and 548.503, Transportation Code) of this bill.

Rulemaking authority previously granted to the Texas Commission on Environmental Quality is rescinded in SECTION 2.25 (Section 548.301, Transportation Code) of this bill.

SECTION BY SECTION ANALYSIS

ARTICLE 1. DRIVER RESPONSIBILITY PROGRAM

SECTION 1.01. Amends Article 102.022(a), Code of Criminal Procedure, to redefine "moving violation."

SECTION 1.02 Amends Section 1001.112, Education code, by amending Subsection (a-1) and adding Subsection (a-2), as follows:

(a-1) Makes a nonsubstantive change.

(a-2) Requires the rules to provide that the person conducting the course:

(1)–(2) Makes no changes to these subdivisions.

(3) has not been convicted during the preceding three years of:

(A) three or more moving violations described by Section 542.304, Transportation Code, including violations that resulted in an accident; or

(B) two or more moving violations described by Section 542.304, Transportation Code, that resulted in an accident.

Deletes existing text prohibiting a person conducting the course from having six or more points assigned to the person's driver's license under Subchapter B (Driver's License

Points Surcharge), Chapter 708, Transportation Code, at the time the person begins conducting the course

SECTION 1.03. Amends Section 411.110(f), Government Code, to prohibit the Department of State Health Services (DSHS) from considering offenses described by Section 542.304, rather than offense for which points are assessed under 708.052 (Assignment of Points For Certain Convictions), Transportation Code, to determine whether to hire or retain an employee or to contract with a person on whom criminal history record information is obtained under this section.

SECTION 1.04. Amends Section 773.06141(a), Health and Safety Code, to prohibit the Department of Public Safety of the State of Texas (DPS) from considering offenses described by Section 542.304, rather than for which points are assessed under Section 708.052, Transportation Code.

SECTION 1.05. Amends Section 773.06141(b), Health and Safety Code, to make conforming changes.

SECTION 1.06. Amend Section 780.002, Health and Safety Code, as follows:

Sec. 780.002. CERTAIN DEPOSITS TO ACCOUNT. Requires the comptroller of public accounts of the State of Texas (comptroller) to deposit any gifts, grants, donations, and legislative appropriations made for the purposes of the designated trauma facility and emergency medical services account established under Section 780.003 (Account) to the credit of the account. Deletes requirement for DPS to remit surcharges and for the comptroller to deposit the money collected into certain funds.

SECTION 1.07. Amends Section 502.357(b), Transportation Code, to delete the requirement that DPS establish and maintain a system to support the driver responsibility program under Chapter 708 (Driver Responsibility Program).

SECTION 1.08. Amends Subchapter C, Chapter 542, Transportation Code, by adding Section 542.304, as follows:

Sec. 542.304. MOVING VIOLATIONS FOR CERTAIN PURPOSES. (a) Requires DPS by rule to designate the offenses involving the operation of a motor vehicle that constitute a moving violation of the traffic law for the purposes of:

- (1) Article 102.022(a) (relating to certain offenses considered moving violations), Code of Criminal Procedure;
- (2) Section 1001.112(a-2), Education Code;
- (3) Section 411.110(f) (relating to prohibiting DSHS from considering certain moving violation offenses in a hiring determination), Government Code; and
- (4) Sections 773.0614(b) (relating to prohibiting DSHS from considering certain offenses for which points are assessed) and 773.06141(a) (relating to authorization for DSHS to suspend, revoke, or deny an emergency medical services provider license on certain grounds), Health and Safety Code.

(b) Requires the rules to provide that for the purposes of the provisions described in Subsection (a), moving violations:

- (1) include:
 - (A) a violation of the traffic law of this state, another state, or a political subdivision of this or another state; and

(B) an offense under Section 545.412 (Child Passenger Safety Seat Systems; Offense); and

(2) do not include:

(A) an offense committed before September 1, 2003;

(B) the offense of speeding when the person convicted was at the time of the offense driving less than 10 percent faster than the posted speed limit, unless the person committed the offense in a school crossing zone;

(C) an offense adjudicated under Article 45.051 (Suspension of Sentence and Deferral of Final Disposition) or 45.0511 (Driving Safety Course or Motorcycle Operator Course Dismissal Procedures), Code of Criminal Procedure; or

(D) an offense under Section 545.4251 (Use of Portable Wireless Communication Device For Electronic Messaging; Offense).

SECTION 1.09. Amends Section 601.233(a), Transportation Code, to delete an exemption to the required text of a citation under Section 708.105 (Notice of Potential Surcharge).

SECTION 1.10. Repealer: Chapter 708 (Driver Responsibility Program), Transportation Code.

SECTION 1.11. Provides that the repeal by this Act of Chapter 708, Transportation Code, applies to any surcharge pending on the effective date of this Act, regardless of whether the surcharge was imposed before that date.

ARTICLE 2. VEHICLE SAFETY PROGRAM

SECTION 2.01. Amends Section 382.0622(a), Health Safety Code, as follows:

(a) Provides that the Clean Air Act fees consist of:

(1) makes no changes to this subdivision;

(2) each amount described by Sections 548.510(d)(3) and (f)(2), Transportation Code, rather than \$2 from the portion of each fee collected for inspections of vehicles other than mopeds and remitted to the state under Sections 548.501 (Inspection Fees Generally) and 548.503 (Initial Two-Year Inspection of Passenger Car or Light Truck), Transportation Code; and

(3) makes no changes to this subdivision.

SECTION 2.02. Amends Section 382.202, Health and Safety Code, as follows:

(d) Requires DPS, on adoption of a resolution by the Texas Commission on Environmental Quality (TCEQ) and after proper notice, to implement a system that requires, in a county that is included in a vehicle emissions inspection and maintenance program under Subchapter F (Motor Vehicle Emissions Inspection and Maintenance), Chapter 548, Transportation Code, that a motor vehicle registered in this state, unless the vehicle is not covered by the system, be annually or biennially inspected under the vehicle emissions inspection and maintenance program as required by the state's air quality state implementation plan. Requires DPS to implement such a system when it is required by any provision of federal or state law, including any provision of the state's air quality state implementation plan.

(e-1) Requires the portion of a fee imposed under Subsection (e) that is not authorized to be retained by an inspection station to be collected as provided by Section 548.509 (Collection of Fee During Registration), Transportation Code.

SECTION 2.03. Amends Section 382.203(c), Health and Safety Code, as follows:

(c) Authorizes DPS by rule to waive program requirements, in accordance with standards adopted by TCEQ, for certain vehicles and vehicle owners, including:

(1)–(2) makes no changes to these subdivisions;

(3) a vehicle:

(A) makes no changes to this subdivision; and

(B) that DPS can verify is driven an average of less than 5,000 miles each year. Deletes existing text referencing miles driven since the last safety inspection.

SECTION 2.04. Amends Section 780.003(b), Transportation Code, to provide that the account is composed of money deposited to the credit of the account under Sections 542.406 (Deposit of Revenue From Certain Traffic Penalties), 548.510 (Fee for Certain Vehicles Not Subject to Inspection; Collection of Fee During Registration), and 707.008 (Deposit of Revenue From Certain Traffic Penalties), Transportation Code, and under Section 780.002 (Certain Deposits to Account) of this code.

SECTION 2.05. Amends Section 502.047(a), Transportation Code, to delete existing text referencing compliance with the motor vehicle emissions inspection and maintenance program under Subchapter F of that chapter.

SECTION 2.06. Amends Section 502.092(c), Transportation Code, to make a nonsubstantive change.

SECTION 2.07. Amends Section 502.094(e), Transportation Code, provide that a vehicle issued a permit under this section is subject to Chapter 548, rather than Subchapters B and F and Chapter 548, unless the vehicle meets certain requirements.

SECTION 2.08. Amends Section 502.146(d), to make a conforming change.

SECTION 2.09. Amends Section 547.601, Transportation Code, to delete existing text requiring an inspection under Chapter 548.

SECTION 2.10. Amends the heading to Chapter 548, Transportation Code, to read as follows:

CHAPTER 548. INSPECTION OF VEHICLES

SECTION 2.11. Amends Section 548.001(10), Transportation Code, to redefine "vehicle inspection report."

SECTION 2.12. Amends Section 548.006(b), Transportation Code, to delete existing text requiring two of the four persons on a certain advisory committee to represent inspection station owners and operators to be from counties conducting vehicle emissions testing under Subchapter F and two of those persons from counties conducting safety only inspections.

SECTION 2.13. Transfers Section 548.053, Transportation Code, to Subchapter E, Chapter 548, Transportation Code, redesignates it as Section 548.255, and amends it to delete existing text requiring reinspection of a vehicle involved in an accident after the vehicle is repaired.

SECTION 2.14. Transfers Section 548.105, Transportation Code, to Subchapter E, Chapter 548, Transportation Code, and redesignates it as Section 548.2521.

SECTION 2.15. Amends Sections 548.2013(a) and (b), Transportation Code, as follows:

- (a) Deletes existing text referencing a vehicle that complies with Section 548.051 (Vehicles and Equipment Subject to Inspection).
- (b) Deletes an exception under Subchapter B for commercial vehicle inspection requirements.

SECTION 2.16. Amends Subchapter E, Chapter 548, Transportation Code, by adding Section 548.257, as follows:

Sec. 548.257. TIMING OF INSPECTION FOR REGISTRATION-BASED ENFORCEMENT. Requires TCEQ to require a vehicle required to be inspected under this chapter to pass the required inspection:

- (1) for initial registration, not earlier than 90 days before the date of registration;
- (2) for a renewal of registration, not earlier than 90 days before the date of expiration of the vehicle's registration;
- (3) if the vehicle is a used motor vehicle sold by a dealer, as defined by Section 503.001 (Definitions), in the 180 days preceding the date the dealer sells the vehicle; or
- (4) if the vehicle is subject to the federal motor carrier safety regulations, in a period that complies with those regulations.

SECTION 2.17. Amends Section 548.505, Transportation Code, as follows:

Section 548.505. EMISSIONS-RELATED INSPECTION FEE. (a) Authorizes DPS by rule to impose an inspection fee for a vehicle inspected under Section 548.301(a) (relating to a requirement that TCEQ establish a motor vehicle emissions inspection and maintenance program as required by certain laws) in addition to a fee adopted under Section 382.202 (Vehicle Emissions Inspection and Maintenance Program), Health and Safety Code, rather than the fee provided by Section 548.501, 548.502 (Inspection by Political Subdivision or State Agency), 548.503, or 548.504 (Inspection of Commercial Motor Vehicle).

- (b) Replaces references to this subchapter with references to this section.

SECTION 2.18. Amends Section 548.5055(c), Transportation Code, to provide that this section expires on the date Chapter 386 (Texas Emissions Reduction Plan), Health and Safety Code, expires as provided by Section 386.002 (Expiration), Health and Safety Code, rather than on August 31, 2019.

SECTION 2.19. Amends Section 548.508, Transportation Code, to include Section 548.510 in a list of exceptions to the fee remitted to the comptroller under this subchapter.

SECTION 2.20. Amends Section 548.509, Transportation Code, as follows:

- (a) Creates this subsection from existing text. Requires the Texas Department of Motor Vehicles (TxDMV) or a county assessor-collector that registers a motor vehicle that is subject to an inspection fee under this chapter or Section 548.501, Health and Safety Code, to collect at the time of registration of the motor vehicle the portion of the inspection fee that is required to be remitted to the state.
- (b) Creates this subsection from existing text and makes no further changes to this subsection.

SECTION 2.21. Amends Section 548.510, Transportation Code, as follows:

Section. 548.510. New heading: INSPECTION PROGRAM REPLACEMENT AND TRAUMA CARE FEES; COLLECTION OF FEE DURING REGISTRATION. (a) Requires the applicant, in addition to other fees imposed at the time of registration of a vehicle, at the time of application for registration or renewal of registration of a vehicle, to pay an annual fee of:

(1) \$9.25 for a passenger car or light truck that:

(A) is sold in this state or purchased by a commercial fleet buyer described by Section 501.0234(b)(4) (relating to an exemption from duty for certain commercial fleet buyers) for use in this state;

(B) has not been previously registered in this or another state; and

(C) on the date of sale is of the current model year or preceding model year;

(2) \$7.50 for a trailer, semitrailer, pole trailer, or mobile home that has an actual gross weight or registered gross weight of more than 4,500 pounds and less than 7,501 pounds;

(3) \$0.25 for a moped; and

(4) \$12.50 for a motor vehicle that is not subject to a fee under Subdivision (1) or (2), rather than providing that a vehicle described by Section 548.052(3) is subject to a fee in the amount of \$7.50.

(b) Requires TxDMV or a county assessor-collector that registers a vehicle described by this section, rather than Subsection (a), to collect at the time of registration of the vehicle the fee prescribed by this section, rather than Subsection (a).

(c) Requires each fee remitted to the comptroller under Subsection (a)(1) to be deposited to the credit of the Texas mobility fund.

(d) Requires each fee remitted to the comptroller under Subsection (a)(2), rather than this section, to be deposited in certain accounts.

(e) Requires each fee remitted to the comptroller under Subsection (a)(3) to be deposited to the credit of the designated trauma facility and emergency medical services account established under Section 780.003, Health and Safety Code.

(f) Requires each fee remitted to the comptroller under Subsection (a)(4) to be deposited as follows:

(1) \$3.50 of each fee to the credit of the Texas mobility fund;

(2) \$2 of each fee to the credit of the clean air account; and

(3) \$7 to the credit of the designated trauma facility and emergency medical services account established under Section 780.003, Health and Safety Code.

(g) Creates this subsection from existing Subsection (c) and makes nonsubstantive and conforming changes.

SECTION 2.22. Amends Subchapter H, Chapter 548, Transportation Code, by adding Section 548.511, as follows:

Sec. 548.511. VEHICLES NOT SUBJECT TO INSPECTION PROGRAM REPLACEMENT OR TRAUMA CARE FEE. Provides that Section 548.510 does not apply to certain enumerated vehicles.

SECTION 2.23. Amends Section 548.603(a), Transportation Code, as follows:

(a) Deletes existing text referencing the intent to circumvent the emissions inspection requirements as an offense. Makes conforming changes.

SECTION 2.24. Amends Section 548.604(a), Transportation Code, as follows:

(a) Provides that a person commits an offense if the person operates or moves a motor vehicle, trailer, semitrailer, pole trailer, or mobile home, or a combination of those vehicles, that is equipped in violation of this chapter or a rule adopted under this chapter.

(1) Deletes this subdivision designation and combines existing text into Paragraph (a).

(2) Deletes existing text referring to a mechanical condition that endangers a person, including an operator or an occupant, or property.

SECTION 2.25. Repealer: the heading to Subchapter B (Vehicles and Equipment Subject to Inspection), Chapter 548.

Repealer: Section 548.051 (Vehicles and Equipment Subject to Inspection), Transportation Code.

Repealer: Section 548.052 (Vehicles Not Subject to Inspection), Transportation Code.

Repealer: the heading to Subchapter C (Periods of Inspection; Prerequisites to Issuance of Passing Vehicle Inspection Report), Chapter 548.

Repealer: Section 548.101 (General One-Year Inspection Period), Transportation Code.

Repealer: Section 548.102 (Two-Year Initial Inspection Period For Passenger Car or Light Truck), Transportation Code.

Repealer: Section 548.103 (Extended Inspection Period For Certain Vehicles), Transportation Code.

Repealer: Section 548.104 (Equipment-Related Prerequisites to Issuance of Passing Vehicle Inspection Report), Transportation Code.

Repealer: Section 548.3061(d) (relating to facilities authorized to perform vehicle emissions inspections), Transportation Code.

Repealer: Section 548.3045(b) (relating to decentralized facilities), Transportation Code.

Repealer: Section 548.501 (Inspection Fees Generally), Transportation Code.

Repealer: Section 548.502 (Inspection by Political Subdivision or State Agency), Transportation Code.

Repealer: Section 548.503 (Initial Two-Year Inspection of Passenger Car or Light Truck), Transportation Code.

ARTICLE 3. TRANSITION

SECTION 3.01. Makes application of this Act prospective.

ARTICLE 4. EFFECTIVE DATE

SECTION 4.01. Effective date: January 1, 2020.