

Driver Responsibility Law

Points system

The Driver Responsibility law (in House bill 3588, regular legislative session in 2003) establishes a system that assigns points to moving violations classified as Class C misdemeanors and applies surcharges to offenders, based on the type of offense and the time period in which the citation was received. For each conviction, DPS will assign points to a person's license as follows:

- Two points for a moving violation conviction in Texas or that of another state.
- Points will not be assigned for speeding less than 10% over the posted limit or seat belt convictions.
- Three points for a moving violation conviction in Texas or another state that resulted in a vehicle crash.

Points remain on the driver record for a period of three years. Additionally, a conviction that becomes final before September 1, 2003 will not apply to the assessment of points under the program. This program does not replace other administrative suspension, revocations or cancellation actions that result from these same convictions.

Driver surcharges

DPS will assess a surcharge when the driver accumulates a total of six points or more on their record during a three-year period. The driver must pay a \$100 surcharge for the first six points and \$25 for each additional point.

Annual surcharges for certain convictions

Drivers who receive a conviction for DWI or a DWI-related offense, failure to maintain financial responsibility or driving while license invalid will pay an annual surcharge for a period of three years. No points are placed on driver records for these offenses because the fine is automatic on the first offense.

A first-time DWI results in a \$1,000 surcharge, paid annually for three years. A second-time DWI results in a \$1,500 surcharge, paid annually for three years. The charges are cumulative. For example a driver could pay \$1,000 as a result of their first DWI and an additional \$1,500 for their second DWI, paying a total of \$2,500 annually.

A conviction for driving while license is invalid or failure to maintain financial responsibility results in a surcharge of \$250, paid annually for three years. A driver who is convicted of driving without a valid license receives a \$100 per year surcharge for three years.

The surcharge assessed for this program is in addition to other reinstatement fees required for other administrative actions.

Driver notification of surcharge and license revocation

DPS will notify the offending driver of the assessment of a surcharge on their license, via first-class mail. The notice will state the surcharge must be paid. Drivers who do not pay their surcharge within 30 days after the notice is sent will have their driving privileges revoked. The license will remain revoked until the person pays all surcharges and related costs, such as service/collection fees.

Who receives money from the surcharges

Each surcharge collected by the Department under this law will be remitted to the Comptroller, on a monthly basis. Trauma centers and county and regional emergency medical services will receive 49.5 percent of the collected money, and the Texas Mobility fund will receive 49.5 percent of the collected money. The money that goes to trauma centers will be handled by the Texas Department of Health, while the Texas Department of Transportation will handle money going to the Mobility fund, which funds highway projects, including the TransTexas Corridor. The remaining one percent of the collected money will go to DPS for operation of the Driver Responsibility program.

The Driver Responsibility Program was passed into law as part of House bill 3588, article 10. (The text of the law is located at <http://www.capitol.state.tx.us>, page 152 of the Adobe text version.)