TRANSPORTATION CODE

TITLE 7. VEHICLES AND TRAFFIC

SUBTITLE I. ENFORCEMENT OF TRAFFIC LAWS

CHAPTER 709. MISCELLANEOUS TRAFFIC FINES

Sec. 709.001. TRAFFIC FINE FOR CONVICTION OF CERTAIN INTOXICATED DRIVER OFFENSES. (a) In this section, "offense relating to the operating of a motor vehicle while intoxicated" has the meaning assigned by Section 49.09, Penal Code.

(b) Except as provided by Subsection (c), in addition to the fine prescribed for the specific offense, a person who has been finally convicted of an offense relating to the operating of a motor vehicle while intoxicated shall pay a fine of:

(1) $3,000 for the first conviction within a 36-month period;

(2) $4,500 for a second or subsequent conviction within a 36-month period; and

(3) $6,000 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 0.15 or more at the time the analysis was performed.

(c) If the court having jurisdiction over an offense that is the basis for a fine imposed under this section makes a finding that the person is indigent, the court shall waive all fines and costs imposed on the person under this section.

(d) A person must provide information to the court in which the person is convicted of the offense that is the basis for the fine to establish that the person is indigent. The following documentation may be used as proof:

(1) a copy of the person's most recent federal income tax return that shows that the person's income or the person's household income does not exceed 125 percent of the applicable income level established by the federal poverty guidelines;

(2) a copy of the person's most recent statement of wages that shows that the person's income or the person's household income does not exceed 125 percent of the applicable income level

established by the federal poverty guidelines; or

(3) documentation from a federal agency, state agency, or school district that indicates that the person or, if the person is a dependent as defined by Section 152, Internal Revenue Code of 1986, the taxpayer claiming the person as a dependent, receives assistance from:

(A) the food stamp program or the financial assistance program established under Chapter 31, Human Resources Code;

(B) the federal special supplemental nutrition program for women, infants, and children authorized by 42 U.S.C. Section 1786;

(C) the medical assistance program under Chapter 32, Human Resources Code;

(D) the child health plan program under Chapter 62, Health and Safety Code; or

(E) the national free or reduced-price lunch program established under 42 U.S.C. Section 1751 et seq.

Added by Acts 2019, 86th Leg., R.S., Ch. 1094 (H.B. 2048), Sec. 14, eff. September 1, 2019.

Sec. 709.002. REMITTANCE OF TRAFFIC FINES COLLECTED TO COMPTROLLER. (a) An officer collecting a traffic fine under Section 709.001 in a case in a justice, county, or district court shall keep separate records of the money collected and shall deposit the money in the county treasury.

(b) Each calendar quarter, an officer collecting a traffic fine under Section 709.001 shall submit a report to the comptroller. The report must comply with Articles 103.005(c) and (d), Code of Criminal Procedure.

(c) The custodian of money in a municipal or county treasury may deposit money collected under Section 709.001 in an interest-bearing account. The custodian shall:

(1) keep records of the amount of money collected under this section that is on deposit in the treasury; and

(2) not later than the last day of the month following each calendar quarter, remit to the comptroller money collected

under this section during the preceding quarter, as required by the comptroller.

(d) A municipality or county may retain four percent of the money collected under Section 709.001 as a service fee for the collection if the county remits the funds to the comptroller within the period described by Subsection (c). The municipality or county may retain any interest accrued on the money if the custodian of the money deposited in the treasury keeps records of the amount of money collected under this section that is on deposit in the treasury and remits the funds to the comptroller within the period prescribed in Subsection (c).

(e) Of the money received by the comptroller under this section, the comptroller shall deposit:

(1) 80 percent to the credit of the undedicated portion of the general revenue fund, to be used only for criminal justice purposes; and

(2) 20 percent to the credit of the designated trauma facility and emergency medical services account under Section 780.003, Health and Safety Code, to be used only for the criminal justice purpose of funding designated trauma facilities, county and regional emergency medical services, and trauma care systems that provide trauma care and emergency medical services to victims of collisions resulting from traffic offenses.

(f) Money collected under this section is subject to audit by the comptroller. Money spent is subject to audit by the state auditor.

Added by Acts 2019, 86th Leg., R.S., Ch. 1094 (H.B. 2048), Sec. 14, eff. September 1, 2019.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 709 (H.B. 2190), Sec. 101, eff. September 1, 2023.