

# Driver Responsibility Program

## Do you need to make a payment?

You can mail a check or money order (no cash) to:

### Surcharge Processing

P. O. Box 16733

Austin, Texas 78761-6733

You can also make payments online at [www.txsurchargeonline.com](http://www.txsurchargeonline.com) or by telephone at 1 (800) 688-6882.

Click here to view and print a [pamphlet \(PDF\)](#) about surcharge information.

## Surcharges

The Driver Responsibility Program is governed by Texas Transportation Code, Chapter 708, which established a system to assess surcharges based on certain traffic offenses that have occurred on or after September 1, 2003.

A surcharge is an administrative fee charged to a driver based on the convictions reported to the driving record. There are two criteria that determine if a surcharge will be assessed. Those two criteria are: Point System and Conviction Based surcharges.

Surcharges are in addition to all other reinstatement fees required for other administrative actions and do not replace any administrative suspension, revocation, disqualification or cancellation action that results from these same convictions.

## Point System

Points are assessed to moving traffic violation convictions. Once the conviction has been added to the driver record, points will be assigned and will remain on the driver record for a period of three (3) years. Points are assigned as follows:

- a. Two (2) points for a Texas or out-of-state moving violation conviction. Moving violations are defined by [37 TEX. ADMIN. CODE §15.89](#).
- b. Three (3) points for a Texas or out-of-state moving violation conviction that resulted in a crash.

A surcharge will be assessed when the driver accumulates a total of six (6) points or more on the driver record. The driver is required to pay a \$100 surcharge for the first six (6) points and \$25 for each additional point.

**The driver record will be reviewed annually and if it continues to reflect six (6) or more points, the surcharge will be assessed. Drivers may be required to pay for one or more**

years. Point surcharges may vary with each annual assessment if convictions are added or removed from the driver record.

### Conviction Based

Drivers who receive a conviction for one of the offenses below will pay an annual surcharge for a period of three (3) years from the date of conviction. No points are assessed for these offenses because the surcharge is automatic upon conviction.

<b>Type of Conviction</b>	<b>Surcharge</b> <i>Per year for 3 years</i>
<b>1st Driving While Intoxicated (DWI) Offense</b> Texas or out-of state conviction	\$1,000
<b>Subsequent DWI</b> Texas or out-of state conviction	\$1,500
<b>DWI with blood alcohol concentration of 0.16 or more</b> Texas or out-of state conviction	\$2,000
<b>No Insurance</b>	\$250
<b>Driving While License Invalid</b> For example: license is canceled, suspended, or revoked	\$250
<b>No Driver License</b> For example: no driver license, expired license, no commercial driver license, or endorsement violations	\$100

The vendor who collects the surcharge for the Department is allowed to charge service fees in addition to the surcharge. The fees allowed are:

Service fee of 4% of the original surcharge amount.

Installment plan payment fee of \$2.50 per partial payment.

Credit/Debit Card fee of 2.25% of payment plus \$0.25 (except where prohibited by law).

Electronic Check fee of \$2.00 per payment.

### **Driver Notification**

The initial notice to the driver will be mailed to the address on record with the Department, so it is important to make sure you notify the Department when your address changes. The surcharge must be paid within 30 days to prevent the suspension of driving privileges. Upon suspension for failure to comply with the surcharge requirements, driving privileges remain suspended until the person establishes an installment agreement, or pays in full all surcharges and related costs, such as service/collection fees.

### **Indigency Program**

DPS now offers an [indigency program](#) that reduces surcharges owed for some people with incomes at or below 125 percent of the federal poverty guidelines. Only surcharges that were assessed on or after September 30, 2004 are eligible for reduction.

The program reduces the surcharge amount owed to 10 percent of the total or \$250, whichever is less. It will also stop suspension of driving privileges for participants who are making payments, as long as there are no other license restrictions.

**To learn more about eligibility requirements, poverty guidelines, and the application process, visit the [indigency program page](#) or call 1-866-223-3583.**

This program only reduces the amount of surcharges owed to DPS. Participants in the program will **still owe the full amount of all other applicable fees**, including reinstatement fees and service fees.

### **Who receives the money collected**

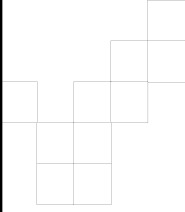
Each surcharge collected by the Department under this law will be remitted to the Texas State Comptroller's office on a monthly basis. The Trauma Center and Texas General Revenue Funds receive 99% of the revenue collected, while the Department receives the remaining 1% for the administration of the program.

### **Contact Information**

For account information, payment options, or Frequently Asked Questions, you may visit

[www.txsurchargeonline.com](http://www.txsurchargeonline.com) or call Municipal Services Bureau at 1-(800)-688-6882. The Municipal Services Bureau is the vendor responsible for the mailing of surcharge notices and collection of all fees.

<sup>[1]</sup>Transportation Code, Section 708.158



Travels Through the  
Transportation Code:  
Rules of the Road

Presented by  
Gilbert Hernandez

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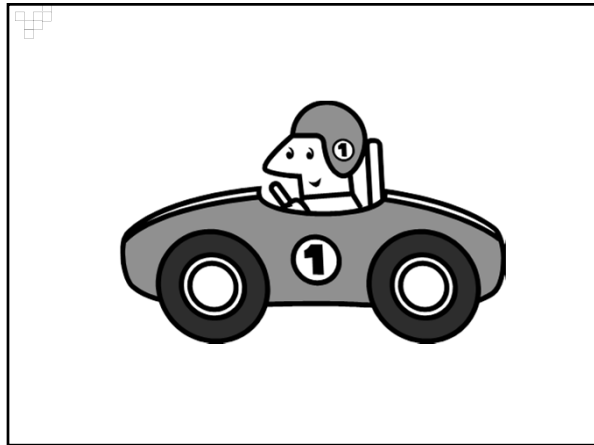
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**Objectives:**

- Describe the Rules of the Road
- Determine why these are important to know
- Explain moving violations
- Distinguish some of their differences

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**Rules of the Road & Moving Violations**

Rules of the Road

Moving Violations

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**Transportation Code**

- Title 3 Aviation
- Title 5 Railroads
- Title 6 Roadways
- Title 7 Vehicles and Traffic

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**Title 7 Vehicles and Traffic - subtitles**

- A. Certificate of Title and Registration
- B. Driver's Licenses and Personal IDs
- C. *Rules of the Road*
- D. Motor Vehicle Safety Responsibility
- E. Vehicle size and weight
- F. Commercial Motor vehicles
- G. Motorcycles and off-highway vehicles
- H. Parking, towing, and storage
- I. Enforcement of traffic laws
- J. Miscellaneous provisions

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**Title 7 Vehicles and Traffic**

- **Subtitle C Rules of the Road**
  - Chapters 541-600
  - Chapters 554-599 reserved for expansion

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**Chapter 542, T.C.**

- **General Provisions**
  - **Applicability:**
    - Vehicles on highways
    - Gov vehicles
    - Animals & animal-drawn vehicles
  - **Uniformity of interpretation of traffic laws**
    - Powers of local authorities
    - Limitations of local authorities
    - Limitation on municipalities
  - **Offenses**
    - General offense

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## Chapter 542, T.C.

- General Provisions
- Punishable fine \$1 - \$200, 542.401
- \$3 Traffic Fund (TF), 542.403
- \$30 State Traffic Fee (STF), 542.4031
  - 5% to municipality = \$1.50

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## 542.404, T.C.

- Construction Zone Workers Present
  - Twice the minimum fine
  - Twice the maximum fine
    - Except: 548 (Insp),
    - 552 pedestrians ,
    - 545.412 child safety seat,
    - or 545.413 safety belts



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## 542.4045, T.C.

- Failure to YROW and Accident
  - Bodily injury: \$500 - \$2,000
  - Serious bodily injury: \$1,000 - \$4,000
- 542.405, TC Amount of Civil Penalty
  - Penalty \$75 (Red light camera)
  - Late payment \$25

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**FYROW**

- Chap 1. Sec 1.07 Penal Code
- (8) "**Bodily injury**" means physical pain, illness, or any impairment of physical condition.
- (46) "Serious **bodily injury**" means **bodily injury** that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any **bodily** member or organ.

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**Chapter 543, T.C.**

- **543 Arrest and Prosecution**
  - Arrest without warrant
  - Driving Safety Course fees 543.115
  - Convictions Reported to DPS 543.201

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**Chapter 544, T.C.**

- **544 Traffic, Signs, Signals, & Markings**
  - Place and maintain traffic-control device
  - Compliance with traffic-control device
  - Interference
  - Traffic-control signals in general 544.007
  - Right/Left on red
  - Stop signs and Yield signs 544.010
  - Notification of Photographic Traffic Monitoring 100 ft

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**Chapter 545, T.C. Operation and Movement of Vehicles:**

- A. General provisions
- B. Driving on the right side of roadway & passing
- C. Turning and signals for stopping and turning
- D. Right of way
- E. Streetcars
- F. Special stops and speed restrictions
- G. Stopping, standing, and parking
- H. Speed restrictions
- I. Miscellaneous rules

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**Chapter 545, T.C.**

- **Operation and movement of vehicles**
  - Driving on right side
  - Driving / passing to the left 545.053
    - May not accelerate
  - Signaling turns; Use if turn signals 545.104
  - Passing authorized emergency vehicle 545.157
  - Maximum speed requirement 545.351
  - Child safety seat system 545.412

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 **Chapters 546 & 547, T.C.**

- 546 Operation of authorized emergency vehicles & certain other vehicle
- 547 Vehicle equipment
  - Lighting requirements
  - Restrictions on use of lights
  - Headlamps
  - Taillamps
  - Stoplamps
  - \$10.00 max dmd fee

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 **Chapter 548, T.C.**

- Compulsory inspection of vehicles
  - Inspection stations
  - Vehicles & equipment subject to inspection
  - Reinspection
  - No insurance
  - Failure to display 5 days
  - Dismissal of charge; admin fee

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 **Other Rules of the Road Chapters**

- 550 Accidents and accident reports
- 551 Operation of bicycles, mopeds, & play vehicles
- 552 Pedestrians
- 553 Enactment and enforcement of certain traffic laws in certain municipalities
- 600 Miscellaneous provisions

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### Court Costs and Fees

OFFENSE DESCRIPTION	State CF	Local TFC	Local CS	State STF	State SIRF	State IDF	State JSP*3	Total <sup>1</sup>
<b>MUNICIPAL ORDINANCES</b>								
■ Parking (authorized by Sections 542.202-542.203, Transportation Code)	NA	NA	#1	NA	NA	NA	NA	#1
■ Pedestrian	NA	NA	NA	NA	NA	NA	NA	NA
■ Other Municipal Ordinances	40.00	NA	NA	NA	4.00	2.00	6.00	52.00
<b>STATE LAW</b>								
■ Transportation Code, Subtitle C, Rules of the Road	NA	3.00	25.00	30.00	NA	NA	NA	58.00
• Parking & Pedestrian (in school crossing zone)	NA	3.00	NA	30.00	NA	NA	NA	33.00
• Parking & Pedestrian (outside school crossing zone)	40.00	3.00	25.00	30.00	4.00	2.00	6.00	110.00*
• Overtaking & Passing a School Bus, Section 545.066	40.00	3.00	25.00	30.00	4.00	2.00	6.00	110.00*
• Other (in school crossing zone)	40.00	3.00	NA	30.00	4.00	2.00	6.00	85.00*
• Other (outside school crossing zone)	40.00	3.00	NA	30.00	4.00	2.00	6.00	85.00*
■ Transportation Code, Section 602.102, Failure to Maintain Financial Responsibility	40.00	NA	NA	NA	4.00	2.00	6.00	52.00
■ Parking and Pedestrian (Outside Subtitle C)	NA	NA	NA	NA	NA	NA	NA	NA
■ Education Code								
• Parent Contributing to Nonattendance, Section 25.093	40.00	NA	20.00	NA	4.00	2.00	6.00	72.00
• Failure to Attend School, Section 25.094	40.00	NA	20.00	NA	4.00	2.00	6.00	72.00
■ All other fine only misdemeanors not mentioned above	40.00	NA	NA	NA	4.00	2.00	6.00	52.00*

Court Costs, Texas Municipal Courts: CCHChart 2011-2013

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### Court Costs and Fees

Name of Court Fee	Legal Reference	Abbreviation
Consolidated Fee	Local Government Code, Section 133.102	CF
Traffic Fund	Transportation Code, Section 542.403	TFC
Child Safety Fund	Code of Criminal Procedure, Article 102.014	CS
State Traffic Fee	Transportation Code, Section 542.4031	STF
State Juvco Reimbursement Fee	Code of Criminal Procedure, Article 102.0045	SIRF
Indigent Defense Fee	Local Government Code, Section 133.107	IDF
Judicial Support Fee	Local Government Code, Section 133.105	JSF
Moving Violation Fee	Code of Criminal Procedure, Article 102.022	MVF

Court Costs, Texas Municipal Courts: CCHChart 2011-2013.

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\* MVF: Add 10 cent court cost on all moving violations. Article 102.022, Code of Criminal Procedure. Moving violations are found in 37 TAC § 15.50(b). Note that some moving violations are in codes other than the Transportation Code. Note: overtaking and passing a school bus is a moving violation; therefore, the 10 cents has already been calculated into the total.

- **“Overtaking a school bus” is a moving violation and as of 2009 Article 102.022, C.C.P.,**
- **imposes a ten cent fee on all convictions of moving violations**
- **Fund the Statewide Repository of data related to Civil Justice**

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**What does this mean for you?**

- If it is a moving violation then \_\_\_\_\_.

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**So far we know:**

- Rules of the Road
- Certain Court Costs apply
- \$40 State CF, \$3 Local TFC, \$25 Local CS, \$30 State STF, \$4 State SJRF, \$2 State IDF State, and \$6 JSF\*3.
- ALL Moving violations incur \$.10

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**We can also determine that:**

- If No Driver's License falls under Sec. 521.021 T.C.
- Rules of the Road are Sec. 541-600
- If Failure to Maintain Financial Responsibility (No insurance) falls under Sec. 601.191 T.C.
- Then TFC & STF do not apply to NOL & FMFR

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**Classify this violation:**



<http://www.flickr.com>

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**What are moving violations?**

- Article 102.022, C.C.P.,
- (a)(1) a moving violation involves the operation of a motor vehicle and
- (2) is classified as a moving violation by the DPS under 708.052, T.C.

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
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 **Section 708.052, T.C.**

- (a) The driver's license accumulates points,
- (b) for each conviction shall assign points as follows:
  - (1) two points for moving violations
  - (2) three points for a moving violation that resulted in an accident.

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 **Section 708.053, T.C.**

- Annual Surcharge for points
  - Accumulation of 6 points
  - Preceding 36-month period

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 **Section 708.054, T.C.**

- Amount of Points Surcharge
  - \$100 for the first 6 points
  - \$25 for each point thereafter

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
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 **Section 708.102, T.C.**

- **Surcharge for Conviction of Certain Intoxicated Driver Offenses**
  - Section 49.09 P.C.
  - \$1,000 per year for three years
  - \$1,500 per year for second or subsequent
  - \$2,000 for 1<sup>st</sup> or subsequent if level 0.16 at trial

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 **Section 708.103, T.C.**

- **Surcharge for Conviction of Driving While License Invalid or Without FMFR**
  - \$250 per year

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
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 **Section 708.104, T.C.**

- **Surcharge for Conviction of Driving Without Valid License**
  - \$100 for not more than three years

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## Where do moving violations live?

- Texas Secretary of State
  - State Rules & Open Meetings Tab
    - Texas Administrative Code



[http://images3.wikia.nocookie.net/\\_cb20080623113636/uncroppedbeje/images/6/cc/Bad-driving.jpg](http://images3.wikia.nocookie.net/_cb20080623113636/uncroppedbeje/images/6/cc/Bad-driving.jpg)

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## Texas Administrative Code (TAC)

- TAC is a compilation of all state agency rules in Texas.
- There are 16 titles in the TAC.
- Each title represents a category and related agencies are assigned to the appropriate title.

<http://www.sos.state.tx.us/tac/>

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## Texas Administrative Code

- TITLE 1 - ADMINISTRATION
- TITLE 4 - AGRICULTURE
- TITLE 7 - BANKING AND SECURITIES
- TITLE 10 - COMMUNITY DEVELOPMENT
- TITLE 13 - CULTURAL RESOURCES
- TITLE 16 - ECONOMIC REGULATION
- TITLE 19 - EDUCATION
- TITLE 22 - EXAMINING BOARDS
- TITLE 25 - HEALTH SERVICES
- TITLE 28 - INSURANCE
- TITLE 30 - ENVIRONMENTAL QUALITY
- TITLE 31 - NATURAL RESOURCES AND CONSERVATION
- TITLE 34 - PUBLIC FINANCE
- TITLE 37 - PUBLIC SAFETY AND CORRECTIONS
- TITLE 40 - SOCIAL SERVICES AND ASSISTANCE
- TITLE 43 - TRANSPORTATION

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## Title 37 Public Safety and Corrections

- PART 1 - TEXAS DEPARTMENT OF PUBLIC SAFETY
- PART 3 - TEXAS YOUTH COMMISSION
- PART 4 - ADJUTANT GENERAL'S DEPARTMENT
- PART 5 - TEXAS BOARD OF PARDONS AND PAROLES
- PART 6 - TEXAS DEPARTMENT OF CRIMINAL JUSTICE
- PART 7 - TEXAS COMMISSION ON LAW ENFORCEMENT OFFICER STANDARDS AND EDUCATION
- PART 9 - TEXAS COMMISSION ON JAIL STANDARDS
- PART 11 - TEXAS JUVENILE PROBATION COMMISSION
- PART 13 - TEXAS COMMISSION ON FIRE PROTECTION
- PART 14 - INDEPENDENT OMBUDSMAN
- PART 16 - OFFICE OF VIOLENT SEX OFFENDER MANAGEMENT

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## Part 1 Texas DPS

- CHAPTER 1 - ORGANIZATION AND ADMINISTRATION
- CHAPTER 2 - CAPITOL ACCESS PASS
- CHAPTER 3 - TEXAS HIGHWAY PATROL
- CHAPTER 4 - COMMERCIAL VEHICLE REGULATIONS AND ENFORCEMENT PROCEDURES
- CHAPTER 5 - CRIMINAL LAW ENFORCEMENT
- CHAPTER 6 - LICENSE TO CARRY HANDGUNS
- CHAPTER 7 - DIVISION OF EMERGENCY MANAGEMENT
- CHAPTER 9 - PUBLIC SAFETY COMMUNICATIONS
- CHAPTER 13 - CONTROLLED SUBSTANCES
- CHAPTER 14 - SCHOOL BUS SAFETY STANDARDS
- CHAPTER 15 - DRIVER LICENSE RULES

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## Chap 15. Driver License Rules

- SUBCHAPTER A - LICENSING REQUIREMENTS
- SUBCHAPTER B - APPLICATION REQUIREMENTS--ORIGINAL, RENEWAL, DUPLICATE, IDENTIFICATION CERTIFICATES
- SUBCHAPTER C - EXAMINATION REQUIREMENTS
- SUBCHAPTER D - DRIVER IMPROVEMENT
- SUBCHAPTER E - RECIPROCITY IN DRIVER LICENSING
- SUBCHAPTER F - REGULATIONS IN MAINTAINING DRIVER RECORDS
- SUBCHAPTER G - DENIAL OF RENEWAL OF DRIVER LICENSE FOR FAILURE TO APPEAR FOR TRAFFIC VIOLATION
- SUBCHAPTER H - ADVERTISING
- SUBCHAPTER I - RELEASE OF DRIVER RECORD INFORMATION
- SUBCHAPTER J - DRIVER RESPONSIBILITY PROGRAM
- SUBCHAPTER L - ELECTION IDENTIFICATION CERTIFICATE

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### Subchapter D Driver Improvement

- § 15.81 - Definition of Terms
- § 15.82 - Notice of Suspension, Disqualification or Revocation, Order of Suspension, Disqualification and Revocation
- § 15.83 - Hearing Requests
- § 15.84 - Hearing
- § 15.85 - Appeals
- § 15.86 - Driver License Denials
- § 15.87 - Cancellation of Driver License
- § 15.88 - Demand for Surrender of Driver License
- § 15.89 - Moving Violations

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### What is a moving violation – TAC?

- (a) Moving violations are defined as an act committed in connection with the operation of a motor vehicle on a public street or highway, which constitutes a hazard to traffic and is prohibited by state law or city ordinance.




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### TAC Rule 15.89 cont' d

- (b) A list of traffic offenses that constitute a moving violation is available in Table 1.
- Table 1 also indicates the moving violations that will be assessed points
- (1) Not all moving violations are assessed points

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
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 **TAC Rule 15.89 cont' d**

- (2) Moving violation convictions that are assessed specific surcharges,
  - Intoxicated driver offenses,
  - Driving while license invalid or without financial responsibility,
  - Driving without valid license, no commercial driver license, driving without the proper commercial license endorsement, and driving without the proper motorcycle endorsement,
- Will not be assessed points under the Driver Responsibility Program.

[http://info.sos.state.tx.us/pls/pub/readtac\\$ext.TacPage?sl=R&app=9&p\\_dir=&p\\_rloc=&p\\_tloc=&p\\_ploc=&pg=1&p\\_tac=&ti=37&pt=1&ch=15&rl=89](http://info.sos.state.tx.us/pls/pub/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=37&pt=1&ch=15&rl=89)

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 **How do points work?**

- **Two points for a moving violation conviction**
- **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 that resulted in a vehicle crash.**

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
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 **Points cont' d**

- **Points remain on the driver record for a period of three years.**
- **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.**

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**Annual Charges**

- Year 1: 1 stop sign + acc = 3 points
- Year 2: 1 speeding, 1 red light = 4 points
- Year 2: Driver owes \$125
- Year 3: No ticket
- Year 3: Driver owes \$125
- Year 4: FYROW = 2 points
- Year 4: Y1 drops, driver owes \$100

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**Is there a difference?**

- Rules of the Road violations consist of:
  - Many laws that pertain to vehicles and traffic governed by the T.C.
  - Certain court costs apply
  - A moving violation if it involves the operation of a motor vehicle



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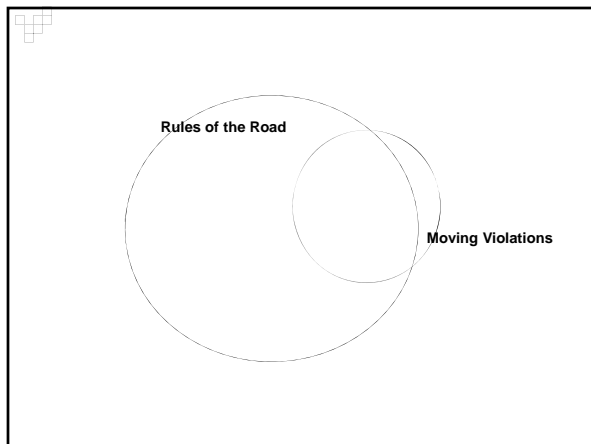
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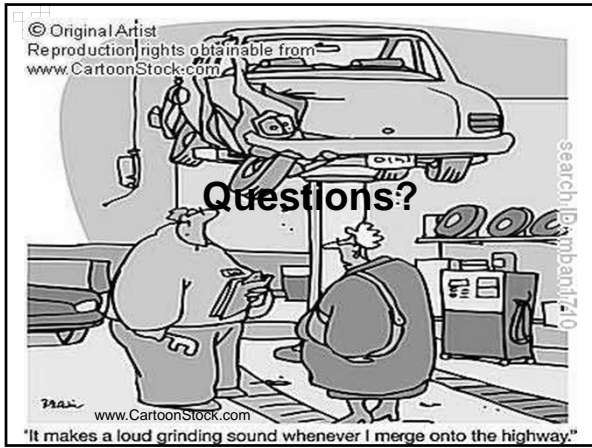
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