

Fiscal Note

BILL # HB 2522

TITLE: defensive driving schools; fees

SPONSOR: Peña

STATUS: As Amended by Senate TTMC

PREPARED BY: James Martinez-Burney

Description

The bill would transfer the responsibility of collecting court diversion fees from defensive driving schools to the Administrative Office of the Courts (AOC) or its contracted vendor.

Estimated Impact

We estimate the AOC could incur some additional costs to collect these fees and surcharges. The magnitude of that cost will depend on whether AOC collects these fees directly or contracts with a vendor to collect those fees. If AOC contracts with a vendor, the cost will depend on how the contract is structured and whether the cost of that service is passed on to the individuals participating in defensive driving school.

AOC believes that the bill would require some upfront staff time and resources but would not require any additional funding. AOC further estimates that any ongoing cost to collect the fees and surcharges would be covered by an additional fee charged to defensive driving participants.

Analysis

Current law requires each individual attending defensive driving school to pay the following state and court fees:

- 1) Court Diversion Fee: Statute allows the individual courts to set the amount of the fee. The current diversion fee ranges from \$50 to \$250 with a median of \$110. Revenue from this fee is remitted back to each court.
- 2) State Surcharge: A \$45 surcharge for attending a defensive driving school. The first \$10.4 million in surcharge revenue is deposited into the DPS Forensics Fund, and anything over that amount is deposited in the General Fund. According to DPS, the \$45 surcharge only collects about \$8.3 million annually.
- 3) State Fee: An additional \$15 fee to be deposited into the Defensive Driving School Fund.
- 4) \$9 Surcharge: Statute requires an additional surcharge of \$9 for any court authorized diversion program for traffic offenses. Of this amount, \$5 from is deposited into the Judicial Collection Enhancement Fund and the remaining \$4 into the Peace Officer Training Equipment Fund.

Under current law the schools collect fees on behalf of the courts and remit monies to the state at no cost. The bill would require AOC, or a vendor contracted by the court to collect these fees and surcharges instead of the schools.

Additionally, the bill states that it is the legislatures intent that the AOC offer a payment plan option for the court diversion fee and state surcharge . If AOC were to offer a payment plan for these charges, individuals that opt to pay under a payment plan would be required to pay an additional \$20 time payment fee already required by statute. This legislative intent statement has no legal authority. As a result, we have not incorporated this impact into our estimate.

(Continued)



Local Government Impact

None

4/1/24