

TRANSPORTATION CODE  
TITLE 7. VEHICLES AND TRAFFIC  
SUBTITLE I. ENFORCEMENT OF TRAFFIC LAWS  
CHAPTER 708. DRIVER RESPONSIBILITY PROGRAM

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 708.001. DEFINITIONS. In this chapter, "department" and "license" have the meanings assigned by Section 521.001.

Added by Acts 2003, 78th Leg., ch. 1325, Sec. 10.01, eff. Sept. 1, 2003.

Sec. 708.002. RULES. The department shall adopt and enforce rules to implement and enforce this chapter.

Added by Acts 2003, 78th Leg., ch. 1325, Sec. 10.01, eff. Sept. 1, 2003.

Sec. 708.003. FINAL CONVICTIONS. For purposes of this chapter, a conviction for an offense to which this chapter applies is a final conviction, regardless of whether the sentence is probated.

Added by Acts 2003, 78th Leg., ch. 1325, Sec. 10.01, eff. Sept. 1, 2003.

SUBCHAPTER B. DRIVER'S LICENSE POINTS SURCHARGE

Sec. 708.051. NONAPPLICABILITY. This subchapter does not apply to:

- (1) an offense committed before September 1, 2003; or
- (2) an offense covered by Subchapter C.

Added by Acts 2003, 78th Leg., ch. 1325, Sec. 10.01, eff. Sept. 1, 2003. Amended by Acts 2003, 78th Leg., 3rd C.S., ch. 8, Sec. 2.03, eff. Jan. 11, 2004.

Sec. 708.052. ASSIGNMENT OF POINTS FOR CERTAIN CONVICTIONS.  
(a) The driver's license of a person accumulates a point under this subchapter as of the date the department records a conviction of the

person under Section [521.042](#) or other applicable law.

(b) For each conviction arising out of a separate transaction, the department shall assign points to a person's license as follows:

(1) two points for a moving violation of the traffic law of this state or another state that is not described by Subdivision (2); and

(2) three points for a moving violation of the traffic law of this state, another state, or a political subdivision of this or another state that resulted in an accident.

(c) The department by rule shall designate the offenses that constitute a moving violation of the traffic law under this section.

(d) Notwithstanding Subsection (b), the department may not assign points to a person's driver's license if the offense of which the person was convicted is the offense of speeding and the person was at the time of the offense driving less than 10 percent faster than the posted speed limit. This subsection does not apply to an offense committed in a school crossing zone as defined by Section [541.302](#).

(e) Notwithstanding Subsection (b), the department may not assign points to a person's license if the offense committed by the person was adjudicated under Article [45.051](#) or [45.0511](#), Code of Criminal Procedure.

(e-1) Notwithstanding Subsection (b), the department may not assign points to a person's license if the offense of which the person was convicted is the offense of using a portable wireless communication device for electronic messaging as described by Section [545.4251](#).

(f) For the purposes of this section, an offense under Section [545.412](#) is a moving violation of a traffic law.

Added by Acts 2003, 78th Leg., ch. 1325, Sec. 10.01, eff. Sept. 1, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 913 (H.B. [183](#)), Sec. 5, eff. September 1, 2005.

Acts 2017, 85th Leg., R.S., Ch. 438 (H.B. [62](#)), Sec. 9, eff.

September 1, 2017.

Sec. 708.053. ANNUAL SURCHARGE FOR POINTS. Each year, the department shall assess a surcharge on the license of a person who has accumulated six or more points under this subchapter during the preceding 36-month period.

Added by Acts 2003, 78th Leg., ch. 1325, Sec. 10.01, eff. Sept. 1, 2003.

Sec. 708.054. AMOUNT OF POINTS SURCHARGE. The amount of a surcharge under this chapter is \$100 for the first six points and \$25 for each additional point.

Added by Acts 2003, 78th Leg., ch. 1325, Sec. 10.01, eff. Sept. 1, 2003.

Sec. 708.055. NOTICE OF ASSIGNMENT OF FIFTH POINT. The department shall notify the holder of a driver's license of the assignment of a fifth point on that license by:

(1) first class mail sent to the person's most recent address as shown on the records of the department; or

(2) e-mail if the person has provided an e-mail address to the department and has elected to receive notice electronically.

Added by Acts 2003, 78th Leg., ch. 1325, Sec. 10.01, eff. Sept. 1, 2003.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 1079 (H.B. [3376](#)), Sec. 13, eff. September 1, 2017.

Sec. 708.056. DEDUCTION OF POINTS. The department by rule shall establish a procedure to provide for the deduction of one point accumulated by a person under this subchapter to account for each year that the person has not accumulated points under this subchapter.

Added by Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. [2730](#)), Sec. 15.06, eff. September 1, 2011.

SUBCHAPTER C. SURCHARGES FOR CERTAIN CONVICTIONS AND LICENSE  
SUSPENSIONS

Sec. 708.101. NONAPPLICABILITY. This subchapter does not apply to an offense committed before September 1, 2003.

Added by Acts 2003, 78th Leg., ch. 1325, Sec. 10.01, eff. Sept. 1, 2003. Amended by Acts 2003, 78th Leg., 3rd C.S., ch. 8, Sec. 2.03, eff. Jan. 11, 2004.

Sec. 708.102. SURCHARGE 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) Each year the department shall assess a surcharge on the license of each person who during the preceding 36-month period has been finally convicted of an offense relating to the operating of a motor vehicle while intoxicated.

(c) The amount of a surcharge under this section is \$1,000 per year, except that the amount of the surcharge is:

(1) \$1,500 per year for a second or subsequent conviction within a 36-month period; and

(2) \$2,000 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 0.16 or more at the time the analysis was performed.

(d) A surcharge under this section for the same conviction may not be assessed in more than three years.

Added by Acts 2003, 78th Leg., ch. 1325, Sec. 10.01, eff. Sept. 1, 2003.

Sec. 708.103. SURCHARGE FOR CONVICTION OF DRIVING WHILE LICENSE INVALID OR WITHOUT FINANCIAL RESPONSIBILITY. (a) Except as provided by Subsection (a-1), each year the department shall assess a surcharge on the license of each person who during the preceding 36-month period has been convicted of an offense under Section 521.457, 601.191, or 601.371.

(a-1) The department may not assess a surcharge on the license of a person based on an offense under Section 601.191 if the person proves to the department under Section 601.231(b) that the person had financial responsibility at the time the offense was alleged to have occurred.

(b) Except as provided by Subsection (c), the amount of a surcharge under this section is \$250 per year.

(c) The amount of a surcharge under this section is \$125 per year if the person:

(1) has been convicted of an offense under Section 601.191, and no other offense described by Subsection (a); and

(2) establishes financial responsibility under Section 601.051 not later than the 60th day after the date of the offense through a motor vehicle liability insurance policy that:

(A) complies with Subchapter D, Chapter 601; and

(B) is prepaid and valid for at least a six-month period.

Added by Acts 2003, 78th Leg., ch. 1325, Sec. 10.01, eff. Sept. 1, 2003.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 448 (H.B. 7), Sec. 40, eff. September 1, 2015.

Acts 2017, 85th Leg., R.S., Ch. 399 (S.B. 1187), Sec. 3, eff. June 1, 2017.

Sec. 708.104. SURCHARGE FOR CONVICTION OF DRIVING WITHOUT VALID LICENSE. (a) Each year the department shall assess a surcharge on the license of a person who during the preceding 36-month period has been convicted of an offense under Section 521.021.

(b) Except as provided by Subsection (b-1), the amount of a surcharge under this section is \$100 per year.

(b-1) The amount of a surcharge under this section is \$50 per year if the person obtains a driver's license not later than the 60th day after the date of the offense.

(c) A surcharge under this section for the same conviction may not be assessed in more than three years.

Added by Acts 2003, 78th Leg., ch. 1325, Sec. 10.01, eff. Sept. 1, 2003.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 448 (H.B. 7), Sec. 41, eff. September 1, 2015.

Sec. 708.105. NOTICE OF POTENTIAL SURCHARGE. (a) A citation issued for an offense under a traffic law of this state or a political subdivision of this state must include, in type larger than any other type on the citation, the following statement:

"A conviction of an offense under a traffic law of this state or a political subdivision of this state may result in the assessment on your driver's license of a surcharge under the Driver Responsibility Program."

(b) The warning required by Subsection (a) is in addition to any other warning required by law.

Added by Acts 2005, 79th Leg., Ch. 1123 (H.B. 2470), Sec. 4, eff. September 1, 2005.

Sec. 708.106. DEFERRAL OF SURCHARGES FOR DEPLOYED MILITARY PERSONNEL. The department by rule shall establish a deferral program for surcharges assessed under Section 708.103 or 708.104 against a person who is a member of the United States armed forces on active duty deployed outside of the continental United States. The program must:

(1) toll the 36-month period while the person is deployed; and

(2) defer assessment of surcharges against the person until the date the person is no longer deployed for an offense committed:

(A) before the person was deployed; or

(B) while the person is deployed.

Added by Acts 2011, 82nd Leg., R.S., Ch. 551 (H.B. 2851), Sec. 1, eff. September 1, 2011.

#### SUBCHAPTER D. COLLECTION OF SURCHARGES

Sec. 708.151. NOTICE OF SURCHARGE. (a) The department shall send notices as required by Subsection (b) to the holder of a driver's license when a surcharge is assessed on that license. Each notice must:

(1) be sent by:

(A) first class mail to the person's most recent address as shown on the records of the department or to the person's most recent forwarding address on record with the United States Postal Service if it is different; or

(B) e-mail if the person has provided an e-mail address to the department and has elected to receive notice electronically;

(2) specify the date by which the surcharge must be paid;

(3) state the total dollar amount of the surcharge that must be paid, the number of monthly payments required under an installment payment plan, and the minimum monthly payment required for a person to enter and maintain an installment payment plan with the department; and

(4) state the consequences of a failure to pay the surcharge.

(b) The department shall send a first notice not later than the fifth day after the date the surcharge is assessed.

(c) If on or before the 45th day after the date the first notice was sent the person fails to pay the amount of the surcharge or fails to enter into an installment payment agreement with the department, the department shall send a second notice. If on or before the 60th day after the date the second notice was sent the person fails to pay the amount of the surcharge or fails to enter into an installment payment agreement with the department, the department shall send a third notice that advises the person that the person's driving privileges are suspended.

Added by Acts 2003, 78th Leg., ch. 1325, Sec. 10.01, eff. Sept. 1, 2003.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. [2730](#)), Sec. 15.01, eff. September 1, 2011.

Acts 2017, 85th Leg., R.S., Ch. 1079 (H.B. 3376), Sec. 14, eff. September 1, 2017.

Sec. 708.152. FAILURE TO PAY SURCHARGE. (a) If on the 60th day after the date the department sends a second notice under Section 708.151 the person fails to pay the amount of a surcharge on the person's license or fails to enter into an installment payment agreement with the department, the license of the person is automatically suspended. A person's license may not be suspended under this section before the 105th day after the date the surcharge was assessed by the department.

(b) A license suspended under this section remains suspended until the person pays the amount of the surcharge and any related costs.

Added by Acts 2003, 78th Leg., ch. 1325, Sec. 10.01, eff. Sept. 1, 2003.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 15.02, eff. September 1, 2011.

Sec. 708.153. INSTALLMENT PAYMENT OF SURCHARGE. (a) The department by rule shall provide for the payment of a surcharge in installments.

(b) A rule under this section:

(1) may not require a person to:

(A) pay surcharges that total \$500 or more over a period of less than 36 consecutive months;

(B) pay surcharges that total more than \$250 but not more than \$499 over a period of less than 24 consecutive months; or

(C) pay surcharges that total \$249 or less over a period of less than 12 consecutive months; and

(2) may provide that if the person fails to make any required monthly installment payment, the department may reestablish the installment plan on receipt of a payment in the amount equal to at least a required monthly installment payment.

Added by Acts 2003, 78th Leg., ch. 1325, Sec. 10.01, eff. Sept. 1,



2003.

Amended by:

Acts 2005, 79th Leg., Ch. 1123 (H.B. 2470), Sec. 5, eff. September 1, 2005.

Acts 2007, 80th Leg., R.S., Ch. 573 (S.B. 1723), Sec. 1, eff. September 1, 2007.

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 15.03, eff. September 1, 2011.

Sec. 708.154. CREDIT CARD PAYMENT OF SURCHARGE. (a) The department by rule may authorize the payment of a surcharge by use of a credit card. The rules shall require the person to pay all costs incurred by the department in connection with the acceptance of the credit card.

(b) If a surcharge or a related cost is paid by credit card and the amount is subsequently reversed by the issuer of the credit card, the license of the person is automatically suspended.

(c) A license suspended under this section remains suspended until the person pays the amount of the surcharge and any related costs.

Added by Acts 2003, 78th Leg., ch. 1325, Sec. 10.01, eff. Sept. 1, 2003.

Sec. 708.155. CONTRACTS FOR COLLECTION OF SURCHARGES. (a) The department may enter into a contract with a private attorney or a public or private vendor for the provision of services for the collection of surcharges receivable and related costs under this chapter.

(b) To provide for alternative or additional collection methods for surcharges receivable, the department may amend a contract entered into under Subsection (a) and enter into additional contracts under Subsection (a).

(c) The total amount of compensation under a contract entered into under this section may not exceed 30 percent of the amount of the surcharges and related costs collected.

Added by Acts 2003, 78th Leg., ch. 1325, Sec. 10.01, eff. Sept. 1, 2003. Amended by Acts 2003, 78th Leg., 3rd C.S., ch. 8, Sec. 2.04,

eff. Jan. 11, 2004.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 573 (S.B. 1723), Sec. 2, eff. September 1, 2007.

Sec. 708.156. REMITTANCE OF SURCHARGES COLLECTED TO COMPTROLLER. Each surcharge collected by the department under this chapter shall be remitted to the comptroller as required by Section 780.002, Health and Safety Code.

Added by Acts 2003, 78th Leg., ch. 1325, Sec. 10.01, eff. Sept. 1, 2003.

Sec. 708.157. AMNESTY AND INCENTIVES. (a) The department by rule may establish a periodic amnesty program for holders of a driver's license on which a surcharge has been assessed for certain offenses, as determined by the department.

(b) The department by rule shall offer a holder of a driver's license on which a surcharge has been assessed an incentive for compliance with the law and efforts at rehabilitation, including a reduction of a surcharge or a decrease in the length of an installment plan.

(c) The department by rule shall establish an indigency program for holders of a driver's license on which a surcharge has been assessed for certain offenses, as determined by the department.

Added by Acts 2007, 80th Leg., R.S., Ch. 573 (S.B. 1723), Sec. 3, eff. September 1, 2007.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 6.10, eff. September 1, 2009.

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 15.05, eff. September 1, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 711 (H.B. 588), Sec. 1, eff. September 1, 2011.

Sec. 708.158. INDIGENT STATUS AND REDUCTION OF SURCHARGES. (a) The department shall waive all surcharges assessed under this

chapter for a person who is indigent. For the purposes of this section, a person is considered to be indigent if the person provides the evidence described by Subsection (b) to the court.

(b) A person must provide information to the court in which the person is convicted of the offense that is the basis for the surcharge 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 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 15.04, eff. September 1, 2011.

Sec. 708.159. ADVANCE PAYMENT OF SURCHARGES. (a) The department shall offer an option for a single up-front payment to a

person who is assessed an annual surcharge under this chapter to allow the person to pay in advance the total amount that will be owed for the 36-month period for which the surcharge will be assessed.

(b) Notice under Section 708.151 of an initial surcharge imposed under this chapter must notify the driver's license holder of:

(1) the total amount the person will owe for the 36-month period for which the surcharge will be assessed; and

(2) the availability of the advance payment option under this section.

(c) If a person makes a single up-front payment under this section in the amount specified in the notice under Subsection (b)(1) and the person is not, in the 36-month period for which the person made the up-front payment, subsequently convicted of an offense requiring a surcharge or an increase in the amount due to the department, the department is not required to:

(1) take any further action under Section 708.053, 708.102, 708.103, or 708.104, as applicable; or

(2) annually notify the person of the assessment of the surcharge under Section 708.151.

Added by Acts 2011, 82nd Leg., R.S., Ch. 711 (H.B. 588), Sec. 2, eff. September 1, 2011.