



Senator Eliot Shapleigh

District 29

Texas Press Release

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LEGISLATION FILED BY SENATOR SHAPLEIGH TO FIX THE TEXAS DRIVER RESPONSIBILITY PROGRAM TO BE HEARD BY TEXAS SENATE THIS WEEK

**PROGRAM UNFAIRLY BURDENS STUDENTS, LOW-INCOME TEXANS,
LEADS TO MORE UNINSURED DRIVERS**

"Here's a terrible program that used punitive fines to plug holes in the budget. Some face \$1,750 fines for a first time offense. Of the 1,600,000 in the program, more than 1,080,000 can't pay. Our founders never intended for debtor's prisons to substitute for a tax system"

AUSTIN - This session, Senator Eliot Shapleigh (D-El Paso) has worked to fix the Texas Driver Responsibility Program (DRP). The program has disproportionately hit low-income and minority Texans with expensive fees, and has led to more warrants being issued to low-income Texans and more uninsured drivers on Texas' roads. A bill filed by Senator Shapleigh on the DRP is expected to be heard by the full Senate this week.

In 2003, the 78th Legislature created the DRP as a funding tool for trauma care centers and transportation projects. The program established a system which assigns points to moving violations and applies some automatic surcharges to offenders.

According to [the Legislative Budget Board \(LBB\)](#), this program has both failed to fund trauma care centers and disproportionately hurts students and low-income or indigent Texans who cannot afford to pay the costly surcharges. Accumulated fees as a result of these surcharges could total hundreds or even thousands of dollars.

"Here's a terrible program that used punitive fines to plug holes in the budget. Some face \$1,750 fines for a first time offense. Currently, of the 1,600,000 in the program, more than 1,080,000 can't pay. Our founders never intended for debtor's prisons to substitute for a tax system," Senator Shapleigh said.

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Under the DRP:

- Points are accumulated for moving violation convictions. After six points, drivers are required to pay a \$100 surcharge each year for three years. Each additional point on a driver's record will cost an additional \$25 a year;
- Under the program, driving while intoxicated carries an automatic \$1,000 annual surcharge for a first offense. Each subsequent conviction carries an additional \$1,500 annual surcharge;
- Driving without a license carries a \$150 penalty, plus a \$100 annual surcharge, making the total violation \$450. Driving with an invalid license would cost a driver \$150, plus a \$250 annual surcharge, making the total violation \$900;
- Texans caught driving without proof of insurance would be required to pay a \$250 fee, plus an automatic annual surcharge of \$250 for three years from the date of their conviction, making the total cost of the violation \$1,000; and
- Should a driver commit one of these latter two violations again within that three years, they would be assessed an additional annual surcharge.

Many Texans [affected by these automatic surcharges are first-time offenders, students, single parents or low-income families](#) who are now faced with the choice of either complying with the law, or paying for their education, rent, food for their families or emergency expenses like car repair or medical bills.

Many people facing surcharges have opted to simply not pay. By October 2008, [of the 1,121,348 drivers required to pay surcharges, 783,536 did not pay](#), a roughly 30 percent rate of compliance. That means, of the more than \$900 million in surcharges billed, less than \$300 million have actually been collected.

Today, a significant number of Texas drivers face arrest warrants. In July 2007, Senator Shapleigh [sent a letter to Senator John Carona](#), chairman of the Senate Committee on Transportation and Homeland Security, informing him that as of May 2007, 11 percent of people in El Paso and Austin had outstanding warrants.

In 2003, with a \$10 billion budget deficit, the 78th Legislature created the DRP to help fund state trauma care centers and the Texas Mobility Fund. According to the LBB, however, surcharges have led to a greater number of unlicensed and uninsured drivers on Texas roads, as many Texas drivers find themselves faced with either paying assessed fees or paying for continued liability insurance. About two thirds of offenders have defaulted on their payments.

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“The Texas Driver Responsibility Program is a failure. It does not collect significant revenue for the Texas Trauma Centers or help to keep Texas' roads safer. Instead, the program punishes low and middle income Texans. 800,000 hardworking Texans are now driving uninsured due to this program,” said Mary Moody, an Austin resident who became an activist against the DRP after she lost her driver's license because she could not pay more than \$1,000 worth of surcharges she was not aware she had to pay.

Many Texas drivers [were not aware that a surcharge was going to be assessed](#) because the Texas Department of Public Safety (DPS) did not have available funds to advertise the change in policy. According to DPS, to this day, the department still does not have the funds for a public service announcement or campaign, and courts are not required to give information on the surcharges.

Last Legislative session a bill, [SB 1723](#), authorized an Indigent Program for the DRP that has not been implemented. DPS today still lacks the resources to implement this program and lacks the authority to reduce surcharge violations in proportion to an offenders indigence status.

"Keeping Texas roadways safe is critically important but the Driver Responsibility Program does not help to do this because thousands of Texans are currently driving without licenses and without insurance, thus burdening our courts and endangering all of our citizens," said [Judge Elisabeth A. Earle](#) of County Court at Law #7 in Austin.

Last week, the Texas Senate Transportation and Homeland Security Committee passed [SB 896](#), a bill filed by Senator Eliot Shapleigh (D-El Paso) that, as introduced, would repeal the DRP.

Since then, Senator Shapleigh has worked with the Texas Hospital Association and the Trauma Care Centers on methods to improve the DRP to make it less taxing on low and middle income families.

The bill is expected to go before the full Texas Senate this week.

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