



Senator Eliot Shapleigh

District 29

Texas Press Release



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SENATOR SHAPLEIGH ADDRESSES DEPARTMENT OF PUBLIC SAFETY COMMISSION

"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."

EL PASO - Today, August 21, 2009 Senator Eliot Shapleigh (D- El Paso) addressed the Department of Public Safety commission to urge for immediate revisions to the Driver Responsibility Program (DRP). The program has disproportionately hit students, low-income, minorities and Texans with expensive fees, and has led to more warrants being issued to low-income Texans and more uninsured drivers on Texas' roads.

Senator Shapleigh asked the commission to create a public awareness campaign, create an indigent program that would exempt people from paying surcharges, and a "good driving behavior" program.

In El Paso, 11 percent of drivers had outstanding warrants attributable to the DPS program. When driver's fail to pay excessive fines, then fail to show for municipal court hearings, a writ of habeas corpus is issued for their arrest. All across Texas, DPS cases clog Municipal courts so badly that judges came to testify today and during the legislative session on the acute need to reform the DRP.

This session, Senator Shapleigh filed legislation that would have provided several changes to the program, including mandating notice of when a surcharge will be applied, exempting people within certain income brackets and students, and creating a program to forgive surcharges with proof of a good driving record. Senator Shapleigh was successful in amending some of the provisions on to the DPS Sunset bill which would exempt people living at or below 125 percent of the federal poverty level from paying surcharges.

- More -

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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 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.

Texans [affected by these automatic surcharges are first-time offenders, students, single parents or low-income parents.](#) As a result of the DRP, these vulnerable Texans 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.

Further, 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 faced as a result of these surcharges could total hundreds or even thousands of dollars for some drivers. During the 81st legislative interim the Senate Transportation and Homeland Security Committee voted unanimously to abolish DRP.

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