



# Senator Eliot Shapleigh

District 29

Texas Press Release

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## For Immediate Release

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# TEXAS SENATE PASSES BILL BY SENATOR SHAPLEIGH TO FIX THE DRIVER RESPONSIBILITY PROGRAM

*“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. Hopefully this bill will fix the program.”*

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**AUSTIN** - Today, the Texas Senate passed [SB 896](#), a bill filed by Senator Eliot Shapleigh (D-El Paso) that would fix the state's 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.

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.

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;

- More -

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- 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.

“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. “Hopefully this bill will fix the program.”

[SB 896](#) as amended on the Senate floor makes the following changes to the DRP:

- Notice of Surcharge: The Texas Department of Public Safety will be directed to send notices to the holder of a driver's license when a surcharge is assessed on that license. Each notice must be sent by first class mail to the person's most recent address on file with the department. In addition, the notice will specify the date by which the surcharge must be paid and the consequences for failure to pay the surcharge;
- Jurisdiction: While a surcharge is outstanding, the court in which the person was convicted of the offense that led to the surcharge has jurisdiction over the person and all matters relating to the surcharge. The court may reduce or waive the surcharge at the judge's discretion;
- DPS may not assess a surcharge against a person who is living in a family that has an annual gross income that is less than 200 percent of the federal poverty guidelines, or a full-time student with an annual gross income of less than 200 percent of the federal poverty guidelines who is enrolled in an institution of higher education or a technical school. To provide proof of income, a person shall provide an income tax return, a current pay stub, or documentation from a government agency or school district that identifies the person or a member of the person’s household as a recipient of Food Stamps, Medicaid, Children's Health Insurance Program (CHIP), Temporary Assistance for Needy Families (TANF), Women, Infants, and Children nutrition program (WIC), or free or reduced price school meals; and
- DPS shall create a program that rewards good driving behavior. Modeled after a similar effort in the state of Virginia, licensed drivers will accrue positive points upon driving for a year without a driving violation. Positive points accrued can be used to offset bad points when an infraction occurs.

Now that it has passed the Texas Senate, the bill will next go to the Texas House or Representatives.

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