

BILL ANALYSIS

C.S.H.B. 1081
By: Driver
Law Enforcement
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In March of 2004, the Texas Department of Public Safety discontinued the statewide warrant databank and returned all active warrants to the local courts. Currently, local courts issue and maintain warrants at the county level and many participate in the Failure to Appear Program (FTA), also known as OMNIbase, by which the courts may deny the renewal of a Texas driver's license for failure to appear in court. Presently, driver's license renewals are every six (6) years. The extended period between renewals offers violators little incentive to settle their fines quickly and effectively with the local courts.

C.S.H.B. 1081 amends the Transportation Code and the Code of Criminal Procedure to allow a court to suspend a driver's license, rather than deny renewal of a driver's license, of an individual who fails to appear or defaults in the payment of fines. This change will accelerate the process of recovering fines and fees, and provide additional incentive to appear in court.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

The bill amends Article 15.03 of the Code of Criminal Procedure to authorize a magistrate to issue a warrant or an order suspending the defendant's driver's license or denying the issuance of a driver's license to the defendant, if the defendant fails to appear in response to a summons. The bill requires that before issuing such an order, the court must first issue a summons containing a specific warning indicating that failure to appear may result in the issuance of a warrant or the suspension or denial of issuance of a driver's license or permit. The bill requires the magistrate to promptly notify the Department of Public Safety (DPS) when the defendant appears before the magistrate.

The bill also amends Article 45.0451 of the Code of Criminal Procedure to authorize a justice or municipal court to order DPS to suspend or deny issuance of a driver's license for failure to appear according to the terms of release, failure to honor a summons or failure to satisfy a judgment. The bill requires the court to issue a summons by first class mail to the person's last known address containing a specific warning that failure to appear or pay fines may result in the suspension or denial of issuance of a driver's license. The bill requires DPS to send prompt notice of an order to suspend to the person. The bill requires any court that issues an order under this section to notify the Department of Public Safety upon final disposition of the case or when the judgment has been satisfied.

The bill amends Section 521.3451 of the Transportation Code to require DPS to suspend or deny issuance of a driver's license on receipt of an order issued under Article 15.03 or Article 45.0451. The bill also requires the department to reinstate the license suspended upon receiving notice from the court that a person has complied with the terms of the appearance or terms of the judgment as applicable.

The bill amends Section 543.005 of the Transportation Code to provide that in addition to other information required by statute, the copy or the written notice to appear delivered to the person arrested must contain a specific warning indicating that failure to appear may result in the issuance of a warrant or the suspension of the person's driver's license.

The bill amends the title of Chapter 706 of the Transportation Code.

The bill adds Section 706.0011, Transportation Code, to provide that for purposes of this chapter, the federal government is considered to be a political subdivision.

The bill amends Section 706.002, Transportation Code, to authorize a political subdivision to contract with DPS to provide DPS with information necessary to suspend the driver's license of a person who fails to appear, honor a summons, or otherwise satisfy a judgment, as provided by Article 15.03 or Article 45.0451 of the Code of Criminal Procedure. The bill provides that DPS may agree to accept information from the federal government necessary to suspend a person's driver's license if the federal government agrees to establish and maintain customer support services as directed by the department and to comply with terms, policies, and rules adopted by the department to administer this chapter.

The bill makes conforming and non-substantive changes.

EFFECTIVE DATE

This Act takes effect September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The C.S.H.B. 1081 amends §706.002 of the Transportation Code to authorize DPS to accept from information from the federal government necessary for the department to suspend the driver's license of a person who fails to appear, honor a summons, or satisfy a judgment ordering payment of a fine and costs.

The original bill amended §706.006(c) of the Transportation Code by reducing the current \$30 fee allowed to be charged by the court to any person who fails to pay or satisfy a judgment as ordered by the court, to \$4. The bill also required the fees collected under this section to be credited to the general fund of the municipality or county. The substitute does not make these changes.

The original bill amended §706.007 of the Transportation Code to allow DPS to collect a fee of \$26 upon reinstatement of a driver's license suspended under this chapter, changed the amount credited to DPS to implement this program from the current \$10 to \$16, and provided that of the \$16 credited to DPS, not more than \$6 could be used to compensate a vendor with whom a contract had been entered into under this chapter. The original required the remaining \$10 of the \$26 collected to be credited to the general revenue fund. The substitute does not make these changes.

The original version of HB 1081 amended §706.008 of the Transportation Code to prohibit a vendor from being compensated with state money, except as provided by §706.007 of the Transportation Code. The substitute does not make this change.

The original version of HB 1081 amended §103.021 of the Government Code to decrease the fee for failure to appear for a complaint on certain offenses, or the fee for failure to pay or satisfy certain judgments, from \$30 to \$4. The substitute does not make this change.