

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 7, 2005

TO: Honorable Joe Driver, Chair, House Committee on Law Enforcement

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB1081 by Driver (Relating to suspension or denial of a driver's license for failure to appear, pay a fine, or satisfy a judgment.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

This bill would amend the Code of Criminal Procedure and the Transportation Code relating to the suspension or denial of a driver's license for failure to appear, pay a fine, or satisfy a judgment.

The bill would amend the Code of Criminal Procedure to allow a magistrate to issue an order to suspend or deny issuance of the driver's license or permit of a defendant who failed to appear in response to a summons. The summons would have to contain a warning notifying the person their driver's license could be suspended for failing to appear as outlined in the summons. A magistrate, after issuing an order, would have to promptly notify the Texas Department of Public Safety (DPS) when the defendant appeared.

The bill would amend the Code of Criminal Procedure to allow a justice or municipal court to order DPS to suspend or deny issuance of a person's driver's license or permit if the person failed to appear according to terms of release, failed to honor a summons issued by the court, or failed to satisfy a judgment of the court. Under the provisions of the bill, the court-issued summons would have to contain a warning notifying the person their driver's license could be suspended for failing to appear as outlined in the summons. Upon the receipt of an order from the court, DPS would be required to promptly send written notice via first class mail to the person's last known address. The court, on final disposition of the case or upon receiving evidence the judgment has been satisfied, would notify DPS promptly.

The bill would amend Chapter 706 of the Transportation Code to allow the federal government to be considered a political subdivision. DPS would be allowed to accept information from the federal government to suspend the driver's license of a person who fails to appeal for a citation, or fails to pay or satisfy a judgment ordering payment of a fine and costs in the manner ordered by the court after the issuance of a citation. The acceptance of information from the federal government by DPS would be contingent upon the federal government establishing and maintaining customer support services including a toll-free telephone service line to answer and resolve questions from persons whose licenses have been suspended as a result of failing to appear, pay a fine, or satisfy a judgment. The bill would also allow the court, in addition to DPS, to suspend the driver's license of a person who does not pay a fee until the fee is paid.

Any changes in the law would apply only to an offense committed on or after the effective date of the bill.

The bill would take effect September 1, 2005.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 405 Department of Public Safety

LBB Staff: JOB, KJG, VDS, SJ, LM