

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 21, 2015**

**TO:** Honorable Larry Phillips, Chair, House Committee on Homeland Security & Public Safety

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: SB1056** by Hinojosa (Relating to penalties for certain criminal offenses regarding operating a motor vehicle; imposing a fee and changing a surcharge.), **Committee Report 2nd House, Substituted**

The fiscal implications of the bill cannot be determined at this time. The bill would make a number of changes to the amounts, timing, and applicability of existing Driver Responsibility Program surcharges and the net effect cannot be determined.

The bill allows a judge to dismiss a charge of operating a motor vehicle without a required license if the defendant obtains a driver's license within 60 working days of the offense. A judge may also dismiss a charge of driving without insurance if the defendant obtains motor vehicle liability insurance within 20 working days of the offense. The judge shall assess a \$50 administrative fee for charges dismissed under these provisions. It cannot be determined how many people would use these options, but the Office of Court Administration (OCA) indicates in each such case, there would be a reduction in Driver Responsibility Program (DRP) surcharge revenue to the state and an increase in revenue to the county.

The bill prohibits the Department of Public Safety (DPS) from extending the period of license suspension for a person convicted of driving while license invalid, if the person has not been convicted of a the same offense in the previous 36 months, and the person's license is suspended at the time of the current offense because of failure to pay DRP surcharges. It is assumed any costs to the agency associated with this change could be absorbed within existing resources.

The bill removes the driving while license invalid surcharge for a first offense and only applies the surcharge for a second or subsequent conviction. DPS estimates this change would result in a loss to the state of approximately \$2.2 million per year in General Revenue and \$1.9 million to Trauma Facility & EMS Fund 5111.

The bill changes surcharge amounts under DRP for driving while intoxicated, driving while license invalid, driving without insurance, and driving with no license. It also changes the surcharges from being assessed each year for three years to being assessed once. The change in the surcharges do not affect the total assessed amount overall. Changing from assessing surcharges over three years to a one-time assessment would increase the revenue expected in the first year but decrease it in the subsequent two years.

The bill also extends the length of installment plans offered by DPS for surcharge payments, which would decrease revenue from assessments within a given year.

Under current law, DPS is required to waive surcharges for certain convictions and license suspensions assessed under DRP if a person is indigent. The bill would add an option for determining indigency for DRP. If the court hearing the offense that was the basis of the surcharge determined the person to be indigent for purposes of appointing counsel, and did not later determine the person could pay for that counsel, then that person would be considered indigent for the purposes of DRP as well. The Office of Court Administration and DPS do not anticipate any significant fiscal impact to the state court system or to DPS to implement the new option for determining indigency. The number of individuals who might be found indigent under the provisions of the bill and thus be eligible for waiver from surcharges is unknown. Therefore the fiscal impact from waiver of surcharges due to the bill cannot be determined at this time.

The bill requires the Texas Education Agency to develop rules to require information about the DRP and surcharges from that program in curriculum for driver education and driver safety courses. The Texas Education Agency estimates any additional work resulting from the passage of the bill could reasonably be absorbed within current resources.

### **Local Government Impact**

The bill requires courts to notify defendants of potential surcharges under DRP. Costs to local courts cannot be determined at this time and would vary by jurisdiction.

**Source Agencies:** 304 Comptroller of Public Accounts, 405 Department of Public Safety, 212 Office of Court Administration, Texas Judicial Council, 701 Central Education Agency

**LBB Staff:** UP, JQ, ESi, JJ, JBi