

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 26, 2017

TO: Honorable Geanie W. Morrison, Chair, House Committee on Transportation

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2934 by Thompson, Senfronia (Relating to the civil consequences imposed on persons arrested for, charged with, or convicted of certain criminal offenses.), **As Introduced**

The fiscal implications of the bill cannot be determined at this time because the extent to which the bill would effect the payment of outstanding fines, court costs and surcharges due to the state, and the number of affected persons the courts may find financially unable to pay these fines is unknown.

The bill would amend the Transportation Code relating to the civil consequences imposed on persons arrested for, charged with, or convicted of certain criminal offenses punishable by fines.

Current law, under certain circumstances, allows the Texas Department of Motor Vehicles (DMV) and the Texas Department of Public Safety (DPS) to refuse to register the motor vehicle or renew the driver's license of a person who fails to appear in a court proceeding against or fails to pay a fine or court cost that is past due. There is no limit on the amount of time DMV or DPS can refuse to register the vehicle or renew the license of the affected person. The bill would limit the length of time for either circumstance to two years.

The bill would provide that any information used to deny the registration of a motor vehicle based on a fine or fee for a criminal offense that is past due would expire on the second anniversary of the date the information was provided. Such information could not be resubmitted or used to prohibit registration after that date. The bill would also prohibit a county tax assessor-collector or the Texas Department of Motor Vehicles (DMV) from refusing to register a vehicle due to a fine or fee that became past due before the second anniversary of the date the initial information was provided. The bill would prohibit the DMV or a county tax assessor-collector from denying vehicle registration to a defendant that a court with jurisdiction over the offense finds to be financially unable to pay a fine or fee.

The bill would require a court that finds a defendant indigent and unable to pay the fine and cost for failure to appear to notify DMV and the affected county tax assessor-collector of the defendant's status. DMV and the affected county would be prohibited from denying the renewal of the defendant's vehicle registration and imposing an additional administrative fee.

The bill would limit the amount of time DPS may suspend a person's driver's license for failure to pay or make arrangements to pay a surcharge under the Driver Responsibility Program (DRP) to two years. If the person pays sooner, then DPS would have to lift the suspension immediately, and any other surcharges that become past due during that two-year period may not be used to suspend the person's license except for under certain conditions. The bill would also prohibit DPS

from imposing an additional administrative fee. The bill would make similar changes to situations when the issuer of a credit card reverses the payment of a surcharge.

According to the Comptroller of Public Accounts (CPA), the number of persons that would be able to register their vehicles or renew their driver's licenses because of the enactment of this bill is unknown. The amount of the revenue loss that would occur as a result of a court finding an affected person to be financially unable to pay is also unknown because court judgements cannot be predicted. Similarly, whether or not establishing a two-year limit on acquiring a license or registering your car due to failure to pay or appear in court would affect the behavior of affected individuals is unknown.

The bill would take effect September 1, 2017.

Local Government Impact

The fiscal implications of the bill cannot be determined at this time.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304
Comptroller of Public Accounts, 405 Department of Public Safety, 608
Department of Motor Vehicles

LBB Staff: UP, AG, JJ, ZS, GDz