

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 9, 2019

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: SB691 by Johnson (Relating to repealing automatic driver's license suspensions for certain drug offenses.), **As Introduced**

The fiscal implications of the bill cannot be determined at this time due to the timeframe in which the U.S. Secretary of Transportation would certify that the passage of the bill would not lead to a withholding of federal highway funds is unknown. Therefore, the fiscal implication of the bill cannot be determined.

The bill would repeal Subchapter P, Chapter 521, Transportation Code, removing the Texas Department of Public Safety's (DPS) authority to suspend or deny issuance of a driver's license for drug offenses. The bill would make conforming changes elsewhere in statute.

The bill would take effect on 91st day after the United States Secretary of Transportation has certified to the Governor that highway funds will not be withheld in response to the repeal of the law required under 23 U.S.C. Section 159.

According to the Comptroller of Public Accounts (CPA), the fee for driver's license reinstatement is \$100 under current law and revenue from that fee is deposited to the Texas Mobility Fund 0365 (TMF). By removing provisions providing for the automatic suspension of driver's licenses, revenue from reinstatement fees would no longer be collected. Information from DPS indicates there are approximately 24,000 drug offenders who apply for reinstatement each year. Given the fee amount of \$100 for driver's license reinstatement and the number of annual applicants estimated by DPS, the CPA estimates there would be a loss of \$2.4 million annually to the TMF upon implementation of the bill. Implementation of the provisions of the bill, whenever it occurs, would negatively impact the Texas Mobility Fund.

Note: The bill would reduce, rescind, or repeal the dedication of a specific source or portion of revenue dedicated to the Texas Mobility Fund. Article 3, Section 49-k, of the Texas Constitution, specifies that while money in the Texas Mobility Fund is pledged for the payment of any outstanding debt obligations, the Legislature may not reduce, rescind, or repeal the dedication of a specific source or portion of revenue dedicated to the Texas Mobility Fund unless the Legislature by law dedicates a substitute or different source of revenue that is projected by the Comptroller to be of a value equal to or greater than the source or amount being reduced, rescinded, or repealed.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304
Comptroller of Public Accounts, 405 Department of Public Safety, 601
Department of Transportation

LBB Staff: WP, LBO, AI, SMi, AF