

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

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**April 22, 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 suspension of a driver's license for persons convicted of certain misdemeanor drug possession offenses.), **Committee Report 1st House, Substituted**

**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. Additionally, there is no current data regarding the number of offenders that could complete an educational program and pay a fee to avoid license suspension. Therefore, the fiscal implication of the bill cannot be determined.**

The bill would amend statute to allow a person who is convicted of certain misdemeanor drug offenses to complete an educational program regarding the dangers of drug abuse within 180 days to avoid suspension of the person's driver license. Offenders would be required to pay any applicable fees in order to avoid suspension.

The bill would amend statute to direct a court to immediately reinstate a driver license of a person that completes the education program and pays any applicable fees.

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). The number of misdemeanor drug offenders who would not be subject to the reinstatement fee as a result of completing a drug education program within 180 days is unknown. 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