

# **[2015 Session] Repeal Texas' Driver Responsibility Program and Identify Alternative Funding Sources for Trauma Hospitals**

## **Policy Background:**

The Texas Legislature created the Driver Responsibility Program (DRP) in 2003 to encourage more responsible driving and to generate revenue for the state. Under the program, the Texas Department of Public Safety levies annual, administrative surcharges on the drivers' licenses of people convicted of certain traffic offenses; some of the funds go towards repaying Texas trauma hospitals, which absorb hundreds of millions of dollars in uncompensated healthcare costs every year.

Despite its good intentions, the DRP has created more problems than it has solved: it has led to more unlicensed, uninsured motorists, with great costs to Texas arising from accidents among these drivers; it has failed to collect predicted surcharge fees; it has increased courts' caseload backlogs, while raising counties' court and jail costs; and it poses substantial and disproportionate financial hardship on low-income drivers and families.

Texas policy-makers should repeal Texas' Driver Responsibility Program and find alternative funding streams for Texas trauma hospitals.

Otherwise, policy-makers should, at a minimum, increase eligibility for indigent status or reduce surcharge amounts.

## **Key Facts:**

- The DRP's failures are of such magnitude that former State Representative Mike Krusee, the original author of the bill creating the program, has called it "a mistake," saying it is "past time to either revise or repeal the program."<sup>[1]</sup>
- Many DRP violators are unable to pay assessed surcharges, resulting in 60% of surcharges going unpaid.<sup>[2]</sup> This is despite changes made to the program during

the 2009 and 2011 legislative sessions to induce more Texans to pay overdue surcharges.

- While overall traffic fatalities have decreased somewhat in recent years, data indicate that the DRP has failed to change driver behavior as it relates to a significant traffic-related offense: drunk driving. From 2003 to 2013, the percentage of fatal automobile crashes in Texas that involve alcohol increased from 26.3% to 32%.[\[4\]](#)
- Unable to pay the surcharges (on top of criminal penalties and court fines), nearly 1.3 million drivers now have invalid licenses.[\[5\]](#) Since a valid driver's license is a requirement to purchase liability insurance, many of those drivers may no longer be able to insure their vehicles. As such, the program has likely increased the number of uninsured motorists on Texas roads – as well as increasing the cost of accidents with drivers lacking liability insurance.[\[6\]](#)
- Survey data indicate that low-income drivers are more likely to lose their jobs, are less likely to find a new job, and are less able to afford increased insurance premiums after having their drivers' licenses suspended for unpaid surcharges.[\[7\]](#) As such, DRP surcharges may be posing substantial and disproportionate financial hardship on low-income drivers, increasing unemployment and the public costs associated with it, and hindering the ability of men and women to meet familial obligations.
- Many Texans consider the DRP a kind of backdoor double jeopardy.[\[8\]](#) Levying an administrative penalty on top of a criminal one for the same offense violates the spirit of the constitutional protection against double jeopardy. So, in addition to being ineffective and unfair, the DRP represents a significant expansion of state power at the expense of individual liberty.

### Relevant Bills:

- **Bill Number:** [HB 1795](#) (Turner, Sylvester)  
**Bill Caption:** Relating to the eligibility for indigent status for purposes of the driver responsibility program.  
**Hearing Notice:** House Homeland Security & Public Safety Committee, [Notice of Public Hearing on April 14, 2015](#)  
**Archived Hearing Video:** House Homeland Security & Public Safety Committee, [04/14/15 Video](#) [TCJE testimony begins at 00:27:17]
- **Bill Number:** [HB 2671](#) (Senfronia Thompson, Phillips, Pickett)  
**Bill Caption:** Relating to penalties for certain criminal offenses regarding

operating a motor vehicle; imposing a fee and changing a surcharge.

**Hearing Notice:** House Homeland Security & Public Safety Committee, [Notice of Public Hearing on April 7, 2015](#)

**Archived Hearing Video:** House Homeland Security & Public Safety Committee, [04/07/15 Video](#) [TCJE testimony begins at 00:16:09]

- **Bill Number:** [HB 3780](#) (Krause)

**Bill Caption:** Relating to the deferral and reduction or waiver of certain surcharges assessed under the driver responsibility program.

- **Bill Number:** [SB 93](#) (author: Ellis | sponsor: Pickett)

**Bill Caption:** Relating to the suspension of a driver's license for failure to pay a surcharge.

**TCJE Materials:** [Fact Sheet](#)

**Hearing Notice:** Senate Transportation Committee, [Notice of Public Hearing on April 29, 2015](#)

**Archived Hearing Video:** Senate Transportation Committee, [04/29/15 Video](#) [TCJE testimony begins at 01:24:50]

- **Bill Number:** [SB 1056](#) (author: Hinojosa | sponsor: Turner, Sylvester)

**Bill Caption:** Relating to penalties for certain criminal offenses regarding operating a motor vehicle; imposing a fee and changing a surcharge.

**Hearing Notice:** Senate Transportation Committee, [Notice of Public Hearing on April 8, 2015](#)

**Archived Hearing Video:** Senate Transportation Committee, [04/08/15 Video](#) [TCJE testimony begins at 00:17:54]

### Other TCJE Materials:

- **Report:** [The Driver Responsibility Program: A Texas-Sized Failure](#) [February 2013]

### Outside Publications:

- House Committee on Homeland Security and Public Safety, [Interim Report to the 84th Legislature](#) [January 2015]

See *Charge 4: Review the Driver Responsibility Program and consider methods for overall improvement of the program.* (pages 31-41)

## Relevant Media:

- **The Texas Tribune**, “Senate Moves to Reform Driver Responsibility Program” [May 21, 2015]
- **The Texas Tribune**, “Lawmakers Call for End to Controversial Driver Responsibility Program” [April 30, 2015]
- **KEYE [Austin]**, “Groups Call for Repeal of Driver Responsibility Program” [April 30, 2015]
- **KTRE [Lufkin and Nacogdoches]**, “East Texas man to testify before Senate about surcharges” [April 29, 2015]

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[1] *Houston Chronicle*, “Critics: Law puts drivers on road to ruin,” March 21, 2010; <http://www.chron.com/dispatch/story.mpl/metropolitan/6922979.html>

[2] *El Paso Times*, “Reform sought in Texas ticket surcharge program,” September 22, 2013; [http://www.elpasotimes.com/ci\\_24149800/state-tickets](http://www.elpasotimes.com/ci_24149800/state-tickets). “Since its inception in 2003, the Driver Responsibility Program has collected only \$1.14 billion of the \$2.85 billion of the charges it levied.”

[3] *The Texas Tribune*, “Interactive: Billions of dedicated funds unspent,” December 6, 2012; <http://www.texastribune.org/library/data/dedicated-revenue-funds-list/>

[4] Texas Department of Transportation, *Total and DUI (Alcohol) Fatal and Injury Crashes Comparison*, 2003, p. 3; [http://ftp.dot.state.tx.us/pub/txdot-info/trf/crash\\_statistics/2003\\_update/33\\_2003.pdf](http://ftp.dot.state.tx.us/pub/txdot-info/trf/crash_statistics/2003_update/33_2003.pdf). Also see: *Total and DUI (Alcohol) Fatal and Injury Crashes Comparison*, 2013, p. 3; [http://ftp.dot.state.tx.us/pub/txdot-info/trf/crash\\_statistics/2013/37-2013.pdf](http://ftp.dot.state.tx.us/pub/txdot-info/trf/crash_statistics/2013/37-2013.pdf)

[5] Texas Department of Public Safety, email to State Rep. Sylvester Turner. *Data available upon request*. More than 2 million people have lost their drivers licenses as a result of unpaid surcharges, with around 1.3 million licenses currently suspended for lack of payment.

[6] In 2000, a federal study analyzed costs from auto accidents, including medical costs, property damage, etc., attributing \$230.6 billion in costs to 16.4 million auto accidents nationwide, at an average cost of \$14,061 per accident. [See *The Economic Impact of Motor Vehicle Crashes 2000*, prepared by the National Highway Traffic Safety Administration, 2002; <http://www-nrd.nhtsa.dot.gov/Pubs/809446.PDF>.] Adjusting for

inflation, that's \$19,283 in 2014 dollars. Multiplying that figure by the number of estimated crashes with surcharge-owing drivers in Texas, the DRP could be costing Texans \$315 million per year in uncovered damages from crashes, with uninsured motorists unable to obtain or keep insurance simply because those drivers could not or would not pay punitive drivers' license surcharges.

[7] *Motor Vehicles Affordability and Fairness Task Force Final Report*, February 2006;  
[http://www.state.nj.us/mvc/pdf/About/AFTF\\_final\\_02.pdf](http://www.state.nj.us/mvc/pdf/About/AFTF_final_02.pdf)

[8] *Fort Worth Star Telegram*, "Texas drunken driving surcharges meet economic reality," December 6, 2010;  
<http://www.mcclatchydc.com/2010/12/06/v-print/104791/texas-drunken-driving-surcharges.html>. Also see: *The Texas Tribune*, "Rep. Berman files bill to end DPS surcharges," November 18, 2010;  
<http://www.texastribune.org/texas-local-news/driver-responsibility-program/rep-berman-files-bill-to-end-dps-surcharges/>