

SUBJECT: Driver's license nonrenewal and fee for traffic offense failure to appear

COMMITTEE: Public Safety — committee substitute recommended

VOTE: 6 ayes — Oakley, Bailey, Allen, Driver, Edwards, Madden

0 nays

3 absent — Carter, Luna, McCoulskey

WITNESSES: For — Peary Perry

Against — None

On — Lt. Marshall Caskey, Texas Department of Public Safety

BACKGROUND: Cities and counties may provide information on a person's failure to appear in court for a traffic citation under contract with the Texas Department of Public Safety (DPS). The DPS can use the information to revoke the person's driver's license after holding a hearing.

Many drivers do not pay traffic tickets until after a warrant has been issued for their arrest, and even then no late fee or penalty is assessed.

DIGEST: CSHB 2261 would grant DPS authority under VACS art. 6687b, sec. 28A, to deny renewal of a driver's license, rather than to revoke the license, because of failure to appear for a complaint, citation or court order to pay a fine resulting from a traffic violation. DPS also could deny renewal of a minor's license.

A political subdivision could contract with DPS to provide information to DPS about a person's failure to appear for a complaint, citation or court order to pay a fine involving a violation of a traffic law for the purpose of having the DPS deny renewal of their license. A traffic law would be defined as a statute or ordinance that is a misdemeanor punishable by a fine of \$1,000 or less (such as speeding and parking offenses).

The contract would be subject to the ability of the parties to provide or pay for the services and would be made in accordance with the Interlocal Cooperation Act. The DPS could contract with a private vendor to implement this provision, and the private vendor would be required to establish and maintain customer support services, including a toll-free telephone service to answer questions from those denied license renewal.

The peace officers in the cities or counties contracting with the DPS would be required to issue a written warning, which could be printed on the citation, that if the person failed to appear in court for the traffic violation, the person might be denied license renewal. If the DPS denied a person's license, the bill would require the city or county to notify DPS at the time there is an entry of judgment, dismissal or acquittal of charges, payment of the fine, posting of bond or perfection of appeal making the license denial unnecessary.

Unless the person who previously failed to appear was acquitted of the traffic offense, the person would upon disposition of the case have to pay a \$30 administrative fee for each violation for which the person failed to appear in order for the driver's license to be renewed. The comptroller would receive \$20 of the fee, and the city or county could keep \$10. The comptroller would deposit \$10 to the credit of DPS to implement the bill, with the other \$10 going to general revenue.

A person who drives without a valid license after having been denied license renewal under the bill would commit an offense punishable by a fine of between \$100 and \$500 and confinement in jail between 72 hours and six months. The bill would take effect January 1, 1996.

**NOTES:**

The substitute makes technical changes from the original.

The fiscal note indicates a probable net gain to general revenue of about \$1.9 million in fiscal 1996 and \$2.5 million per year thereafter and a gain to counties of about \$1.94 million in fiscal 1996 and \$2.2 million per year thereafter from the bill.