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FACT SHEET 2012

The Driver Responsibility Program: A Texas-Sized Failure

Origin of Program and Unsuccessful Outcomes

Created in 2003 to help fill a \$10 billion budget shortfall and to encourage more responsible driving, Texas' Driver Responsibility Program (DRP) requires drivers convicted of a certain number of low-level traffic offenses, or specific higher-level driving offenses, to pay an annual surcharge to maintain their drivers' licenses. This surcharge varies based on the number or type of offenses committed over the preceding 3 years; in some instances, individuals are required to pay the surcharge for 3 consecutive years, at amounts of \$1,000 or higher. Failure to pay the surcharge, which is assessed on top of court fines and criminal penalties, results in automatic license suspension.¹

The DRP has failed on every front. It has generated far less revenue than anticipated, and it has not increased public safety. In fact, as of August 31, 2011, only 40% of surcharges assessed have been collected, despite recent attempts to incentivize payment of overdue surcharges and alleviate the burden on low-income Texans.² Many of the approximately 1.2 million Texans whose drivers' licenses have been suspended due to unpaid surcharges are driving with invalid licenses.³ As a result, the DRP has created a new class of "criminals" and has led to more uninsured motorists on Texas roads.

The DRP's failures are of such magnitude that former State Representative Mike Krusee, the original author of the bill creating the Program, has now called it "a mistake," saying it is "past time to either revise or repeal the program."⁴

Seven Reasons to Repeal the Driver Responsibility Program

- 1. Failure to improve driver responsibility.** There is no evidence that the DRP has increased driver responsibility or public safety. In fact, despite levying 3-year surcharges between \$3,000 and \$6,000 on drivers with DWI convictions, for example, the share of traffic fatalities involving alcohol in Texas actually increased by 7% between 2003, the year DRP surcharges went into effect, and 2011.⁵
- 2. Extremely low collection rate.** Most DRP violators are unable or unwilling to pay the assessed surcharges. The result is that, in the first eight years since the DRP's inception, 60% of the surcharges assessed under the DRP have not been collected.⁶
- 3. More uninsured motorists on Texas roads.** Because many drivers whose licenses have been suspended due to unpaid DRP surcharges cannot obtain insurance until their outstanding fees are paid, the DRP has increased the number of uninsured motorists on Texas roads, costing Texans as much as \$300 million per year in damages from accidents involving uninsured drivers.⁷
- 4. Fewer DWI convictions.** Due to extremely high surcharges for DWI offenses, the DRP has perversely led to fewer DWI convictions. Defendants who would normally accept plea bargains are choosing to go to trial in hopes of avoiding the DRP surcharges, adding thousands of additional cases to courts' already backlogged caseloads.⁸

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5. **Economic blow to Texas households.** Survey data indicates 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.⁹ As such, DRP surcharges may be increasing unemployment and the public costs associated with it, while hindering the ability of men and women to meet familial obligations.
6. **Overcrowded jails and undue county costs.** DRP license suspensions have significantly increased the number of unlicensed and uninsured drivers in Texas, and many Texans are unable to afford the resulting, accumulated traffic tickets. As a result, these drivers may end up in jail for driving with suspended licenses or for outstanding warrants due to unpaid citations. This puts more pressure on already crowded jails and needlessly fills court dockets with petty cases, in turn increasing the financial burden on counties.
7. **Double Jeopardy.** Levying an administrative penalty on top of a criminal penalty for the same offense violates the spirit of the constitutional protection against double jeopardy – being punished multiple times for the same offense. As such, the DRP represents a significant expansion of state power at the expense of individual liberty.

References

¹ Texas Transportation Code, Chapter 708. Also see <http://www.txdps.state.tx.us/DriverLicense/drp.htm>.

² Data provided via email to State Rep. Sylvester Turner by the Texas Department of Public Safety.

³ "Interim Report to the 82nd Texas Legislature" House Committee on Public Safety, January 2011, p. 19. Online at:

http://www.house.state.tx.us/_media/pdf/committees/reports/81interim/House-Committee-on-Public-Safety-Interim-Report-2010.pdf

⁴ "Critics: Law puts drivers on road to ruin," *Houston Chronicle*, March 21, 2010. Online at:

<http://www.chron.com/disp/story.mpl//metropolitan/6922979.html>.

⁵ Calculated from "Crashes and Injuries by County" and "DUI (Alcohol) Crashes and Injuries by County," 2003 to 2011, Texas Department of Transportation. Online at: <http://www.txdot.gov/government/enforcement/crash-reports.html>

⁶ See reference (2) above.

⁷ Original calculation by the Texas Criminal Justice Coalition. See testimony submitted by Ana Yáñez Correa, Texas Criminal Justice Coalition, to the House Committee on Homeland Security and Public Safety, March 23, 2011.

⁸ According to Judge David Hodges, the DRP has added 25,000 cases to Texas court dockets – a number that would take 16 years to dispose of given current trial capacities. See testimony submitted by Judge David Hodges, Texas Center for the Judiciary, to the Senate Committee on Criminal Jurisprudence, July 8, 2010. See Senate Committee's Interim Report, p. 22-23. Online at: <http://www.senate.state.tx.us/75r/senate/commit/c590/c590.InterimReport81.pdf>.

⁹ Motor Vehicles Affordability and Fairness Task Force Final Report, February 2006. Online at: http://www.state.nj.us/mvc/pdf/About/AFTF_final_02.pdf