



## LEGISLATIVE BUDGET BOARD

# DRIVER RESPONSIBILITY PROGRAM

## AN OVERVIEW

PRESENTED TO THE SENATE TRANSPORTATION COMMITTEE

LEGISLATIVE BUDGET BOARD STAFF

January 2016

# DRIVER RESPONSIBILITY PROGRAM

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## Presentation Overview

1. Statutory basis
2. Program description
3. GEER recommendations (2007, 2009, 2015)

# DRIVER RESPONSIBILITY PROGRAM

## Statutory Basis

- Chapter 708, Transportation Code
- Enacted by House Bill 3588, Seventy-eighth Legislature, Regular Session
  - Amended by House Bill 2, Seventy-eighth Legislature, Third Called Session
  - Statute became effective September 1, 2003

# DRIVER RESPONSIBILITY PROGRAM

## Surcharges based on driving violations

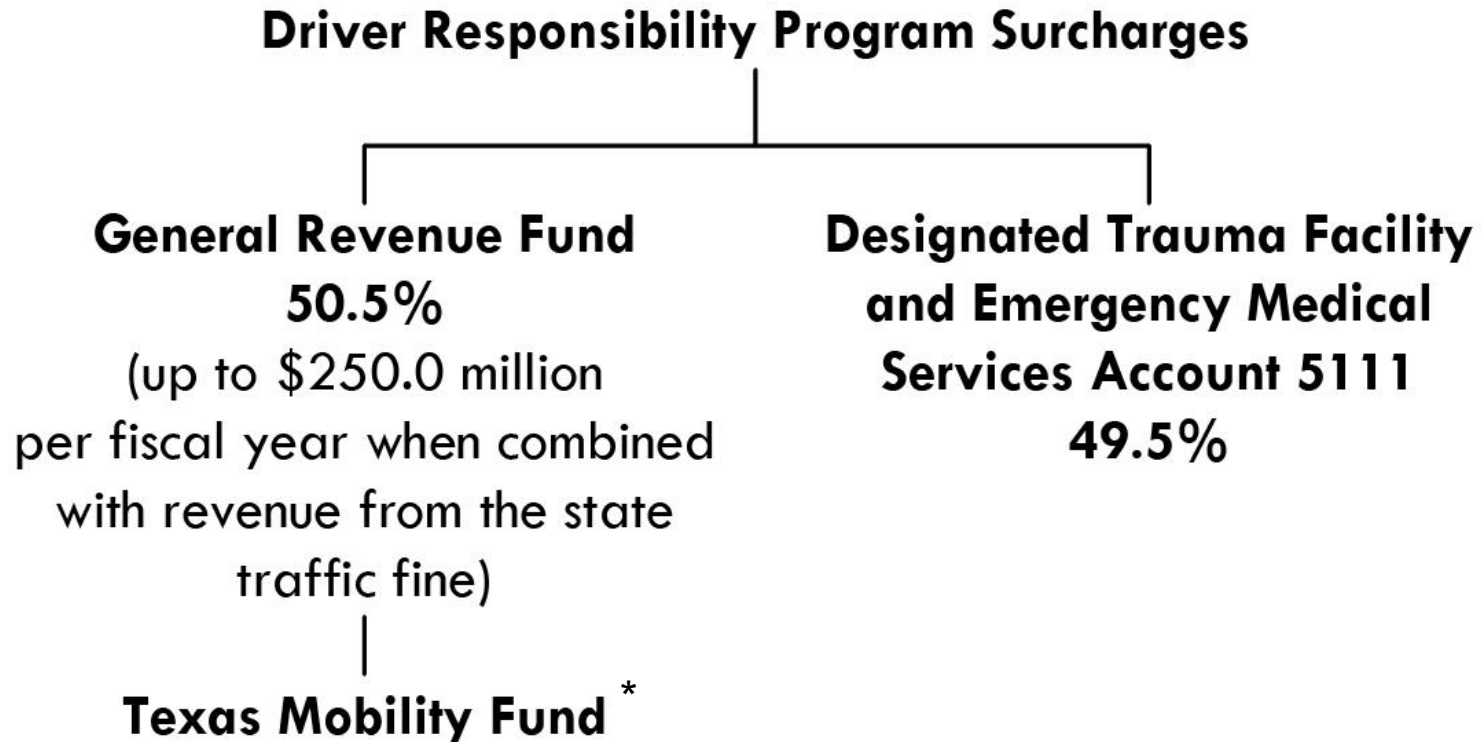
- Points: accumulating six or more points from specific moving violations within a 36 month period
- Driving while Intoxicated (DWI): operating a motor vehicle with an alcohol concentration of 0.08 or more
- License Invalid/No Insurance:
  - driving while license invalid (DWLI), meaning that the license is suspended or revoked, or
  - failing to maintain financial responsibility (having no insurance)
- No License (NL): driving with no license or an expired license

# DRIVER RESPONSIBILITY PROGRAM

## Penalties Assessed Upon Conviction

- Points: \$100 for the first six points and \$25 for each additional point
- DWI:
  - \$1,000 for a first offense
  - \$1,500 for a second or subsequent DWI conviction
  - \$2,000 if alcohol concentration is 0.16 or more
- DWLI or No Insurance: \$250
- No License: \$100
- Collected for three years following final conviction or the total amount owed over the three-year period may be paid in advance as a single payment
- If an individual has not paid or entered into agreement to pay the surcharge by the 30th day after notification, license is automatically suspended

# DRIVER RESPONSIBILITY PROGRAM



\* Revenue to the General Revenue Fund has not exceeded \$250 million since this allocation was changed in fiscal year 2006, so no funds have been sent to the Texas Mobility Fund since this time.

# DRIVER RESPONSIBILITY PROGRAM

Revenue (in millions), Fiscal Years 2009 –2015

	2009	2010	2011	2012	2013	2014	2015
General Revenue	\$85.7	\$81.9	\$86.1	\$88.4	\$68.7	\$73.0	\$76.4
Trauma Account 5111	\$84.0	\$80.4	\$84.4	\$85.0	\$69.1	\$71.6	\$74.9
<b>Total</b>	<b>\$169.6</b>	<b>\$162.3</b>	<b>\$170.4</b>	<b>\$173.4</b>	<b>\$137.8</b>	<b>\$144.5</b>	<b>\$151.2</b>

NOTE: Numbers may not sum due to rounding. SOURCE: Comptroller of Public Accounts

# DRIVER RESPONSIBILITY PROGRAM

## Collection Rates

The cumulative collection rate of the program rose from about 40 percent in fiscal year 2010 to nearly 51 percent in fiscal year 2014.

### Cumulative Collection Rate by Category, Fiscal Year 2014

Category	FY 2014	
	Collection Rate	# of Cases
Points	73%	787,630
Intoxication	42%	1,228,527
No Insurance	40%	5,646,095
DWLI	23%	957,522
No DL	29%	3,659,312

NOTE: Represents the percentage of revenue billed and collected beginning September 30, 2004. SOURCE: Department of Public Safety.



# LBB GEER Recommendations

- *Increase Driver Responsibility Program Collections and Offender Compliance*  
Government Effectiveness and Efficiency Report, 2007
- *Improve Compliance with the Driver Responsibility Program*  
Government Effectiveness and Efficiency Report, 2009
- *Improve Driver Responsibility Program Compliance  
and Promote Good Driving Behavior*  
Government Effectiveness and Efficiency Report, 2015

All three reports identified concerns that could be impacting collection rates and program compliance and included recommendations to increase collections and compliance.

# LBB GEER Recommendations (2007)

*Increase Driver Responsibility Program Collections and Offender Compliance*  
Government Effectiveness and Efficiency Report, p. 421

- Require DPS to negotiate an additional collection contract including more extensive collection techniques (adopted with modification by Legislature)
- Make payment of certain surcharges more feasible for low-income drivers, including allowing reinstatement of installment plans and periodic amnesty programs (adopted with modification by Legislature)
- Allow additional consequences for nonpayment of certain surcharges, such as liens on personal property (recommended applying to points and DWI violators only) (not adopted by Legislature)
- Provide incentives for bad drivers to change their behavior through a reduction in surcharges or the number of years surcharges are collected (adopted by Legislature)

# LBB GEER Recommendations (2009)

*Improve Compliance with the Driver Responsibility Program*  
Government Effectiveness and Efficiency Report, p.333

- Require DPS to establish an indigency program which includes reducing an offender's surcharges (adopted by Legislature)
- Require courts to issue a statement to defendants informing them of surcharges to be paid to DRP (not adopted by Legislature, but Legislature did establish new requirements for DPS notification)
- Authorize DPS to adjust surcharges to maximize compliance among offenders (recommended no more than a 40 percent cut in surcharges) (adopted by Legislature)

# LBB GEER Recommendations (2015)

*Improve Driver Responsibility Program Compliance and Promote Good Driving Behavior*  
Government Effectiveness and Efficiency Report, p.306

- Direct DPS to improve DRP program outreach by (1) including a statement about DRP in TexasSure letters, license renewal notices, and on certain websites, and (2) developing training curricula on DRP for peace officer training (adopted by Legislature)
- Intercept state lottery winnings and unclaimed property proceeds of individuals with outstanding DRP surcharges (not adopted by Legislature)
- Reduce the amount of DRP surcharges for offenses of no insurance or no license by 50% if drivers comply with applicable insurance and driver license laws within 60 days of the offense (adopted by Legislature)

# GEER Recommendations Authorized

- The Legislature has authorized DPS to:
  - Negotiate an additional collection contract and use more extensive collection techniques (2007)
  - Establish periodic amnesty programs (2007)
  - Incentivize compliance with the law and efforts at rehabilitation, including reduction of a surcharge or decrease in length of installment plan (2007)
  - Reestablish installment plans on receipt of payment (2009)
  - Reduce surcharges (2009)

# GEER Recommendations Required

- The Legislature has required DPS to:
  - Develop an indigency program (2009)
  - Waive fees upon proof of indigency (2009)
  - Improve DRP program outreach by (1) including a statement about DRP in TexasSure letters, license renewal notices, and on certain websites, and (2) developing training curricula on DRP for peace officer training. (2015)
  - Reduce the amount of DRP surcharges for offenses of no insurance or no license by 50% if drivers comply with applicable insurance and driver license laws within 60 days of the offense. (2015)



## LEGISLATIVE BUDGET BOARD

# Contact the LBB

Legislative Budget Board

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