



October 26, 2021

The Honorable John Cornyn
United States Senate
Washington, DC 20510

The Honorable Ted Cruz
United States Senate
Washington, DC 20510

Dear Senator Cornyn and Senator Cruz:

We write to express our strong support for the Driving for Opportunity Act of 2021 scheduled for hearing in the Senate Judiciary Committee on October 28, 2021. The Driving for Opportunity Act addresses an issue that burdens hundreds of thousands of Texans—the inability to obtain a valid driver's license due to unpaid court debt. Preventing people from obtaining a driver's license to encourage payment of fines and fees is counterproductive; people must be able to legally drive to earn money to pay their fines and fees.

The Texas state legislature has taken steps to address this issue with broad-based, bipartisan support. In 2019, the legislature voted to repeal the state's Driver Responsibility Program, which levied hefty surcharges (in addition to the standard fines) for certain driving-related offenses. Nonpayment of these surcharges resulted in the suspension of one's driver's license. House Bill 2048, authored by State Rep. John Zerwas (R) and State Sen. Joan Huffman (R), passed unanimously in the Texas Senate and Texas House of Representatives, with support from the Republican Party of Texas, Texas Sheriffs Association, and Texas Association of Counties, among many others. The passage of this legislation led to the lifting of license suspensions for approximately one million Texans in 2019.

Despite the repeal of the Driver Responsibility Program, the issue of inability to obtain a driver's license for nonpayment of fines is still a problem for many Texans. An entirely separate but equally harmful program – the Failure to Appear/Pay (FTAP) program – allows for renewal holds on driver's licenses when people do not pay their fines in low-level cases. Currently more than 400,000 Texans cannot drive legally because of the FTAP program, the vast majority of whom have holds arising from fine-only offenses like traffic tickets. However, many of them must

continue to drive to provide for themselves and their families, and as a result, they risk getting more and more tickets for driving without a valid license. Each of these tickets triggers new license holds under the FTAP program, trapping Texans in a never-ending cycle of debt. While members of the Texas legislature from both sides of the aisle have introduced bills to overhaul the FTAP program during the past three legislative sessions, no major reform has passed so far.

To lift a FTAP hold, one must completely pay off all court debt in full. If one is unable to pay due to indigency, it is often difficult to prove this to the court given that almost all FTAP holds arise from fine-only cases, in which the person is not appointed counsel. People without counsel often have limited understanding of how to navigate the court system and may not know that payment plans or community service are even options for them. The limited number of drivers who do succeed in proving their inability to pay to the court and arrange to pay in installments or work off their debt through community service still cannot reclaim their licenses until everything is paid *in full*, which often takes months or even years. During that time, they risk receiving more tickets and compounding their debt, as well as increasing the chances that they will be arrested for unpaid fines.

The Driving for Opportunity Act could provide funding for the State of Texas to work towards driver's license restoration for hundreds of thousands of people. The passage of this federal legislation could bolster support for eliminating the FTAP program in Texas by providing financial support to implement such legislation in the future, thereby ending the counterproductive practice of preventing Texans from driving for nonpayment of fines and court fees. We urge you to support the Driving for Opportunity Act. Please do not hesitate to contact us with any questions.

Sincerely,

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