



Support S.B. 2189 (Whitmire): End Driver's License Suspensions for Unpaid Fines & Fees

LICENSE SUSPENSIONS FOR FINES & FEES PREVENT TEXANS FROM WORKING AND HURT TEXAS FAMILIES.

At least 7 in 10 license holds and suspensions affecting Texas drivers are a direct result of the driver failing to pay fines, fees, or surcharges—not dangerous driving like DWI. These holds and suspensions—resulting from the Omnibase Program (a.k.a. DPS Failure to Appear/Pay Program), Driver Responsibility Program (DRP), and Departmental Suspensions—do not serve to keep dangerous drivers off the road, but instead are used to pressure drivers to pay fines and fees.

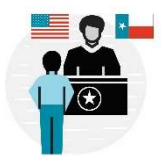


Many people affected by the more than 2 million holds and suspensions for unpaid fines and fees lack the money to pay what they owe, so have no way to get their licenses reinstated. They are unable to drive to work legally, so often lose their jobs and ability to support their families. If they continue to drive to work with an invalid license, they risk more fines, longer suspensions, and jail time—all of which further damages Texas families' financial self-sufficiency and economic mobility.

S.B. 2189 comprehensively addresses this problem to create a path to driver's license reinstatement for people who cannot pay their fines and fees and to prevent future suspensions on people who cannot pay fines and fees. The legislation still holds people accountable and does not impact suspensions for dangerous driving, like DWI.

WHAT S.B. 2189 DOES

(1) IMPROVES THE OMNIBASE PROGRAM



The Omnibase Program allows courts to place holds on driver's licenses when people fail to appear in court or fail to pay fines or costs in any criminal case. **Currently 320,000 Texans are unable to drive legally because of the Omnibase Program, and another 490,000 Texans will be ineligible to drive legally due to the Program if they do not pay their fines and costs in full before their current licenses expires.** S.B. 2189 allows judges to continue to use the Program as a tool to get people to court, but makes some changes to ensure people are not trapped in the Program because they don't have money for fines and fees. Specifically, S.B. 2189 would:

- **Only allow holds on licenses for those who fail to appear in court**, ending holds for people who have appeared in court but have not been able to pay.

- **Reinstate licenses as soon as the person comes into compliance with court orders**, either by appearing in court or by arranging a payment plan or community service. Currently, Omnibase holds last until all payments or community service hours are complete, which can take months or years, meaning people cannot legally drive to their community service.
- **Assess only one \$30 Omnibase fee per court, rather than one per case**, preventing unaffordable fees from accumulating.
- **Lift holds automatically after a license has been expired two years**. The Texas Judicial Council led by Chief Justice Nathan Hecht issued a recommendation that holds automatically lift in 2016. Those with years-long suspensions are overwhelmingly people without the ability to pay and ending their suspensions would empower them to work.

(2) STOPS JAILING PEOPLE FOR INVALID LICENSES



Driving While License Invalid (DWLI) is a jailable Class B misdemeanor in many cases, meaning drivers are arrested and jailed when they are charged rather than written a ticket. **In 10 Texas counties alone, more than 6,000 people were booked into jail on DWLI charges in a single year.** Jail time for DWLI drives people further into debt when they lose their jobs while jailed, and leaves children without their caregivers, all because people were unable to pay fines or fees. S.B. 2189 would:

- **Reduce DWLI to a Class C misdemeanor** in most cases to maximize law enforcement efficiency and save taxpayer dollars by avoiding unnecessary arrests and jail time for DWLI. Exceptions that make it a Class B misdemeanor would continue to exist if the original suspension was related to driving while intoxicated or if the person had caused an accident leading to serious injury while driving with an invalid license.

(3) REMOVE ADMINISTRATIVE BARRIERS TO REINSTATEMENT: DEPARTMENTAL SUSPENSIONS & REINSTATEMENT FEES



Departmental suspensions are additional suspensions imposed by DPS if DPS has evidence that someone drove with an invalid license, even if the violation was years earlier. These suspensions are counterproductive and punish people for coming to court to take care of old citations. Further, DPS is not able to waive reinstatement fees, which are often upwards of \$200 after an Omnibase hold or DRP suspension. S.B. 2189 would:

- **End departmental suspensions**, which encourage people to avoid court entirely, except if a person was caught driving on an invalid license due to DWI.
- **Require DPS to waive license reinstatement fees for people who cannot pay**, including those who have been determined by a judge to be unable to pay their fines and fees, as well as those who document to DPS that they are indigent.

For more information, read our report at <http://stories.texasappleseed.org/driven-by-debt>

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