



# HB 2609/SB 2085

## FACT SHEET

March 2025

### THE STATE'S DEBT-BASED DRIVER'S LICENSE PROGRAM

**The Failure to Appear/Pay program (FTAP) is currently impacting hundreds of thousands of Texans.** Through this program, the renewal of a driver's license can be denied because of one's inability to pay the fines/fees associated with their "court debt." Most of these fines/fees stem from traffic tickets or low-level fine-only charges. Denying access to a valid license due to inability to pay not only criminalizes poverty but is counterproductive to its purported goal – to increase appearance/payment. People need a valid driver's license to get from point A to point B, as well as to secure employment to help pay for the debt in question.

### RESEARCH SUPPORTING POLICY CHANGE

As of December 2023, the Department of Public Safety (DPS) has nearly 3.7 million FTAP holds on record.<sup>1</sup> Because an individual can have more than one hold on their license, state data shows that Texans with an FTAP hold have five holds, on average.<sup>2</sup> According to the state, the number of Texans impacted by these holds includes roughly **295,000 residents with active licenses** and over **402,000 with expired ones**, for a total of **nearly 700,000 drivers who are navigating this program.**<sup>3</sup>

The necessity of driving for employment often leads individuals with expired licenses to drive with an invalid license, putting themselves at risk of additional tickets and even jail time.<sup>4</sup> Not having a valid driver's license can be a significant obstacle to maintaining employment or securing new job opportunities.<sup>5</sup> A driver's license is frequently used as a form of identification and proof of employment eligibility, so it has become a requirement for numerous occupations.<sup>6</sup> Many employers view a valid driver's license as a critical marker of responsibility,<sup>7</sup> as a valid license has been shown as a more reliable indicator of employment than a high school diploma.<sup>8</sup>

The intended goal of the FTAP program is to increase compliance, either in the form of appearance or payment. However, statewide analyses show **no significant difference in revenue collected amongst municipal and JP courts that use the program versus those that do not.**<sup>9</sup> Similarly, jurisdictions that have opted to terminate their involvement in this program have experienced no adverse impact on the revenue they collect after doing so.<sup>10</sup> This means there is no financial incentive or reasoning on behalf of the courts, and thus the state, to continue to use said program.

While claims have been made that this mechanism serves as an alternative to issuing a warrant for one's arrest, a 2025 examination of both *capias pro fine* and Class C warrants issued by municipal courts across the state shows otherwise.<sup>11</sup> Specifically, **city courts using the FTAP program issue both *capias pro fine* and Class C warrants at a rate that is 3.9 times and 3.8 times higher**, respectively, than jurisdictions that do not. These differences were found to be statistically significant. This calls into question the claims that ending a program like this would cause an influx in the use of warrants for court clients.

Researchers have found that the national estimates of annual earnings lost due to *not* having a license can range from \$12,700 to \$23,550.<sup>12</sup> This means that even by a conservative estimate, the 402,277 **Texas drivers with expired licenses under the FTAP program are losing over five billion dollars annually** (or \$9.5 billion in a worst-case scenario). A loss that, in turn, impacts spending within one's community and the state at large. Bringing an end to the FTAP program and restoring the debt-based holds underneath can help spur economic growth. In doing so, the Texas Legislature can get Texans back on the road and back to work.

## RECOMMENDATION

**Texas Appleseed recommends that the Texas Legislature repeal the FTAP program** and seek to get hundreds of thousands of Texans legally back on the road. Benefits of repeal include:

- ✔ **Promoting financial stability for the hundreds of thousands of Texans impacted by the FTAP program.**
- ✔ **Stimulating economic growth through decreased unemployment rates.**
- ✔ **Alleviating court backlogs by decreasing the administrative burden associated with processing license renewal holds.**

## REFERENCES & ENDNOTES

<sup>1</sup> Texas Appleseed (2023). [Unpublished raw data on holds issued by OmniBase Services of Texas and on record with the Texas Department of Public Safety]. Texas Department of Public Safety.

<sup>2</sup> *Ibid.* Note: Per DPS, the number of current active holds on record is 3,673,153, with a total of 697,832 drivers in Texas who have a hold on an active or expired license. This equates to an average of 5.3 holds per driver.

<sup>3</sup> Texas Appleseed (2023). [Unpublished raw data on holds issued by OmniBase Services of Texas and on record with the Texas Department of Public Safety]. Texas Department of Public Safety.

<sup>4</sup> Texas Transportation Code Chapter 521: Driver's Licenses and Certificates, § 521.457 (f). (n.d.). *Texas Constitution and Statutes*. <https://statutes.capitol.texas.gov/Docs/TN/htm/TN.521.htm#521.457>.

<sup>5</sup> National Conference of State Legislatures (March 2024). Road to reform: State approaches to addressing debt-based drivers' license suspensions [Issue Brief]. <https://www.ncsl.org/civil-and-criminal-justice/road-to-reform-state-approaches-to-addressing-debt-based-drivers-license-suspensions#introduction>.

<sup>6</sup> Foster, L. (November 2020). The Price of Justice: The impact of court fees and fines on communities of color. *University of Miami Race & Social Justice Law Review*, 11(1), Article 3. <https://repository.law.miami.edu/cgi/viewcontent.cgi?article=1121&context=umrsjlr>.

<sup>7</sup> Conley, D., & Levinson-Waldman, A. (March 2019). Discriminatory driver's license suspension schemes [Issue Brief]. <https://www.acslaw.org/wp-content/uploads/2019/03/License-Suspension-Issue-Brief-Final.pdf>

<sup>8</sup> Pawasarat, J., & Quinn, L. M. (2017). Research brief on ETI driver's license studies. *University of Wisconsin Milwaukee Employment and Training Institute*. [https://dc.uwm.edu/cgi/viewcontent.cgi?article=1185&context=eti\\_pubs](https://dc.uwm.edu/cgi/viewcontent.cgi?article=1185&context=eti_pubs)

<sup>9</sup> Texas Appleseed & Texas Fair Defense Project (August 2021). Driven by Debt: The failure of the OmniBase Program. Retrieved from <https://www.texasappleseed.org/sites/default/files/OmniBaseRevenueReport-Aug11-Final.pdf>. ; see also

Carreon, J., Cassella, C., & Meyer, C. (March 2025). *Driven by debt: An updated analysis of the state's failure to appear/pay program* [Webinar]. Texas Appleseed. [https://youtu.be/9nkVi0G79wA?si=oQKoSES470s\\_L04I](https://youtu.be/9nkVi0G79wA?si=oQKoSES470s_L04I).

<sup>10</sup> Texas Appleseed & Texas Fair Defense Project (August 2021). Driven by Debt: The failure of the OmniBase Program. Retrieved from <https://www.texasappleseed.org/sites/default/files/OmniBaseRevenueReport-Aug11-Final.pdf>.

<sup>11</sup> Carreon, J., Cassella, C., & Meyer, C. (March 2025). *Driven by debt: An updated analysis of the state's failure to appear/pay program* [Webinar]. Texas Appleseed. [https://youtu.be/9nkVi0G79wA?si=oQKoSES470s\\_L04I](https://youtu.be/9nkVi0G79wA?si=oQKoSES470s_L04I).

<sup>12</sup> Chien, C., George, A., Shekhar, S., & Apel, R. (2022). Estimating the earnings loss associated with a criminal record and a suspended driver's license. *Santa Clara Law Digital Commons*. <https://digitalcommons.law.scu.edu/facpubs/994/>.



For more information, contact:

**Cole Meyer, MPAff., Policy Analyst**  
Criminal Justice Project  
cmeyer@texasappleseed.org  
www.TexasAppleseed.org

**Jennifer Carreon, Ph.D., Director**  
Criminal Justice Project  
jcarreon,@texasappleseed.org  
www.TexasAppleseed.org