

DRIVER RESPONSIBILITY PROGRAM

AN ISSUE BRIEF FROM LEGISLATIVE BUDGET BOARD STAFF

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OBJECTIVE

The Driver Responsibility Program established a points system for moving violations. Surcharges are assessed on drivers convicted of certain driving offenses which are used to fund uncompensated trauma care.

KEY FACTS

- ◆ Surcharges are collected for three years after an offense.
- ◆ The program's compliance rate from its inception through fiscal year 2011 is 50 percent.
- ◆ Installment plans, amnesty programs, and indigency programs have been implemented to increase compliance.

BUDGETARY IMPACT

Revenues from Driver Responsibility Program collections are deposited to Designated Trauma Facility and EMS Fund No. 5111 and the General Revenue Fund. In the 2012–13 General Appropriations Act \$105.3 million was appropriated directly from Driver Responsibility Program collections for trauma funding. An additional \$1.8 million in General Revenue Funds was appropriated for program administration.

STATUTORY REFERENCES

Texas Transportation Code, Chapter 708

General Appropriations Act, 2012–13 Biennium, Rider 32, p. V-58

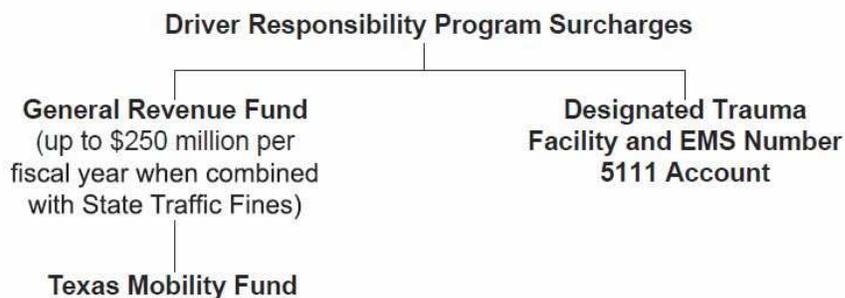
The Driver Responsibility Program (DRP) began on September 1, 2003 and is administered by the Texas Department of Public Safety (DPS). A surcharge is assessed annually for three years on drivers convicted of certain driving offenses in Texas. Failure to pay these surcharges results in driver license suspension. Surchargable offenses and amounts are as follows:

- Accumulating six or more points from specific moving violations: \$100 for the first six points and \$25 for each additional point;
- Driving while intoxicated (DWT): \$1,000 for a first offense, \$1,500 for a second or subsequent conviction, and \$2,000 if alcohol concentration is 0.16 or higher;
- Driving while license invalid (DWLI) or failing to maintain financial responsibility: \$250; and
- Driving with no license or an expired license: \$100.

REVENUE SOURCES AND USES

One percent of DRP revenue collected in fiscal years 2004 and 2005 was directed to the General Revenue Fund for program administration. The remainder (99 percent) was divided equally (49.5 percent) between the Designated Trauma Facility and EMS Fund (General Revenue–Dedicated Funds) and the Texas Mobility Fund. Starting in fiscal year 2006, the 49.5 percent of funds previously deposited to the Texas Mobility Fund were deposited in the General Revenue Fund. These funds will be directed back to the Texas Mobility Fund only if combined deposits to the General Revenue Fund from DRP funds and \$30 State Traffic Fine funds meet an annual \$250 million limit. Fig. 1 shows the allocation of DRP collections.

FIG. 1
DRIVER RESPONSIBILITY FUND ALLOCATION
FISCAL YEARS 2006 TO PRESENT



SOURCE: Legislative Budget Board.

KEY LEGISLATIVE CHANGES

Legislation passed in 2007 allowed DPS to use new collection methods in an effort to improve compliance. The bill amended Chapter 708, Texas Transportation Code, to authorize more extensive collection techniques, the reinstatement of installment plans, amnesty programs, and a reduction in surcharges or the number of years a surcharge would be paid when an offender demonstrates improved behavior.

Legislation passed in 2009 required DPS to establish an indigency program and amended notification requirements used when collecting fees. This bill changed surcharge collection requirements so a person's most recent forwarding address must be used when mailing a notification. The notice must include the total amount of the surcharge, number of monthly payments required in an installment plan, and minimum monthly payment. A second notice is sent if no payment is made within 45 days, and a third letter notifies a person their driving privileges are suspended if no payment is made after 60 days.

COMPLIANCE

DRP surcharges have been collected since September 2004. At the end of fiscal year 2011, 2.8 million offenders had been convicted of DRP violations. Only 50 percent of these offenders have complied with the program. The program has billed over \$2.4 billion for offenses since its inception but collected approximately 40 percent of all surcharges billed. Half of all offenses have resulted in driver license suspension. Fig. 2 shows the amount of DRP collections, by Fund allocation, since fiscal year 2005.

FIG. 2
DRIVER RESPONSIBILITY PROGRAM COLLECTIONS
FISCAL YEARS 2005 TO 2011

FUND	2005	2006	2007	2008	2009	2010	2011
General Revenue Fund	\$0.4	\$49.7	\$80.0	\$84.6	\$85.7	\$81.9	\$86.1
Trauma Account No. 5111	\$18.2	\$48.7	\$78.5	\$81.1	\$84.0	\$80.4	\$84.4
Texas Mobility Fund No. 0365	\$18.2	N/A	N/A	N/A	N/A	N/A	N/A

SOURCE: Legislative Budget Board.

In January 2011, DPS offered the first amnesty program to persons delinquent on payments assessed between September 30, 2004 and December 31, 2008. Persons who qualified for the program were required to pay 10 percent of the original amount owed, not to exceed \$250, and their driving record was cleared of the surcharge suspension. The program lasted from January 17 to April 17, 2011 and payment was required to be made in full during this period. Of the 713,444 people eligible to participate in the program, 109,824 opted into the program. Only 90,380, or 12.6 percent, paid in full.

In April 2011, DPS began an indigency program for anyone receiving a surcharge since September 30, 2004 who is at or below 125 percent of the poverty level. Penalties are reduced to 10 percent of total surcharges owed, not to exceed \$250, and driver's license suspension is rescinded while payments are being made. As of December 31, 2011, 24,996 applications had been filed and 17,569 applications had been approved for participation in the program.

USEFUL REFERENCES

Legislative Budget Board *Government Effectiveness and Efficiency Report* (2009), Improve Compliance with the Driver Responsibility Program, pp. 333–340.

Legislative Budget Board *Government Effectiveness and Efficiency Report* (2007), Increase Driver Responsibility Program Collections and Offender Compliance, pp. 421–430.

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