

**SUBJECT:** Sending DPS suspension notices via regular mail

**COMMITTEE:** Insurance — committee substitute recommended

**VOTE:** 8 ayes — Smithee, Van de Putte, Averitt, Bonnen, Burnam, Eiland, Olivo, Wise  
0 nays  
1 absent — G. Lewis

**WITNESSES:** For — None  
Against — None  
On — Joyce Stevens, Texas Department of Public Safety

**BACKGROUND :** The Texas Department of Public Safety (DPS) is required to forward a notice of pending suspension of a driver's license or vehicle registration via certified mail, return receipt requested, to the affected person's last known address.

**DIGEST:** CSHB 1937 would eliminate the requirement that certified mail be used for DPS notifications. Notice would be presumed if mailed to the individual's last known address, as shown in DPS records.  
The bill would take effect September 1, 1997.

**SUPPORTERS SAY:** CSHB 1937 would simplify the notification process and make it more economical for DPS. It would not change the notice requirements or the rights afforded individuals facing suspension or revocation of their license or vehicle registration, nor alter the use of certified mail for other DPS notices, such as those setting a specific date and time for an administrative hearing to examine alleged violations  
Many of the motorists that DPS attempts to notify simply refuse to accept or sign the certified document, slowing down the process considerably and undercutting agency efforts to achieve greater compliance with the financial

responsibility laws of Texas, since most suspensions are for failure to comply with insurance requirements. Using regular mail to send suspension notices could actually result in more notices being opened and read, since the mail would not bear the intimidating markings of a certified letter.

In 1994, DPS incurred estimated costs of \$127,000 for mailing certified notices of pending suspension cases. This bill would help DPS save a substantial portion of those mailing costs.

**OPPONENTS  
SAY:**

This bill would cause inconsistencies in DPS notice policies. Notice of pending suspension is not an unimportant document; such notices inform the recipients of their right to an administrative hearing, the time limits for choosing that option, the steps necessary to avoid suspension, and the estimated effective date of suspension. Any document containing such key information should be sent as certified mail.

**NOTES:**

The committee substitute was a Legislative Council draft of the original bill.