

- SUBJECT:** Eliminating certain driving while license invalid suspensions
- COMMITTEE:** Homeland Security and Public Safety — favorable, without amendment
- VOTE:** 9 ayes — Nevárez, Paul, Burns, Calanni, Clardy, Goodwin, Israel, Lang, Tinderholt
0 nays
- WITNESSES:** For — Scott Henson, Just Liberty; Mary Mergler, Texas Appleseed; Emily Gerrick, Texas Fair Defense Project; (*Registered, but did not testify*: Matt Simpson, American Civil Liberties Union of Texas; CJ Grisham, Open Carry Texas; Michael Cargill, Texans for Accountable Government; Allison Franklin, Texas Criminal Justice Coalition; Deanna L. Kuykendall, Texas Municipal Courts Association; Martinez Fernando; Maria Person)
Against — None
On — Amanda Arriaga, Texas Department of Public Safety
- BACKGROUND:** Transportation Code sec. 521.292 requires the Department of Public Safety (DPS) to suspend a driver's license under certain circumstances. Under sec. 521.292(a)(1), a license could be suspended if DPS determined that the driver had operated a motor vehicle on a highway while the driver's license was suspended, canceled, disqualified, or revoked or without a license after a license application was denied.

Under sec. 521.293, if a driver does not request a hearing, the period of license suspension under sec. 521.292 is 90 days. If DPS determined that the driver operated a vehicle on a highway while the driver's license was suspended or without a license, the period of license suspension is extended for an additional period of the lesser of the term of the original suspension or one year.

Sec. 521.313 requires a driver to pay DPS a fee of \$100 in addition to any

other fee required by law before a suspended or revoked driver's license can be reinstated or another license issued. Collected fees are deposited into the Texas Mobility Fund.

DIGEST:

HB 164 would require the Department of Public Safety to suspend a driver's license under Transportation Code sec. 521.292(a)(1) only if the license was suspended, canceled, disqualified, or revoked or an application denied as the result of a conviction of an offense of driving while intoxicated.

The bill would limit to 90 days a license suspensions for operating a motor vehicle on a highway while the driver's license was suspended, canceled, disqualified, or revoked or without a license after a license application was denied. The suspension for this violation could no longer be extended for an additional period of the lesser of the term of the original suspension or one year.

The bill would take effect September 1, 2019, and would apply only to a determination to suspend a driver's license made on or after that date.

**SUPPORTERS
SAY:**

HB 164 would encourage responsible drivers to take care of old citations, helping them get back on their feet and drive legally again. Currently, if a driver pleads guilty to a traffic citation and at the time of the offense the driver's license was not valid, the Department of Public Safety will infer that the driver was driving during a suspension period. This triggers an additional departmental suspension.

In practice, this can be confusing and discouraging to drivers who go to court to pay off old traffic citations only to have a new suspension period that takes effect upon conviction or paying the fines. This traps people in a never-ending cycle of license suspensions, creates barriers to employment, and drives families further into debt. By limiting the circumstances under which a mandatory departmental suspension was triggered, the bill would encourage drivers to go to court and take care of old citations, which they are less likely to do if they will receive a new suspension.

**OPPONENTS
SAY:**

By eliminating most driving while license invalid suspensions, HB 162 would result in annual revenue loss to the Texas Mobility Fund but not provide a substitute funding source. The Texas Constitution prohibits the Legislature from reducing, rescinding, or repealing the dedication of a specific source or portion of revenue made to the fund unless it by law dedicates another source that is projected to be of equal or greater value.

NOTES:

According to the Legislative Budget Board fiscal note, HB 162 would have an estimated annual negative impact of \$14.3 million to the Texas Mobility Fund beginning in fiscal 2020.