

SUBJECT: Prohibiting DPS from suspending a driver's license for certain offenses

COMMITTEE: Criminal Jurisprudence — committee substitute recommended

VOTE: 9 ayes — Moody, Cook, Bhojani, Bowers, Darby, Harrison, Leach, C. Morales, Schatzline

0 nays

WITNESSES: For —Sarah Mae Jennings, Texas Fair Defense Project; James DePiazza; (*Registered, but did not testify*: J.R. Woolley, Justices of the Peace and Constables Association of Texas; Jenny Andrews, Texas Catholic Conference of Bishops; Justin Martinez, Texas Center for Justice and Equity; Matt Long, Texans Uniting for Reform and Freedom; Thomas Parkinson)

Against — None

DIGEST: CSHB 842 would prohibit the Department of Public Safety (DPS) from suspending a person's driver's license or extending the suspension of a driver's license for driving while license invalid (DWLI) if:

- the offense was committed before September 1, 2019;
- the person was convicted of the offense after August 31, 2023; and
- the person paid the fee required for the reinstatement of the person's driver's license.

CSHB 842 would require the fee to be deposited to the Texas mobility fund.

This exemption would not apply to a commercial driver's license or a person who was operating a commercial vehicle or transporting hazardous materials at the time of the offense.

The bill would take effect September 1, 2023.

**SUPPORTERS
SAY:**

CSHB 842 would address an excessive and ineffective driver's license suspension process and provide relief to certain DWLI offenders. From 2003-2019, DPS operated the Driver Responsibility Program (DRP), which required individuals to pay surcharges for certain traffic violations which, if not paid, resulted in a license suspension. Some drivers with suspended licenses later received DWLI citations and fell into a cycle of ticket debt and continuous license suspensions. The Texas Legislature repealed DRP in 2019, and DPS no longer suspends licenses solely based on unpaid surcharges. However, under the current process, individuals who received DWLI citations prior to 2019 will have their licenses suspended for up to two years once that individual pleads guilty and pays the required fees. CSHB 842 would prohibit DPS from suspending or extending the suspension of a driver's license for a DWLI offense committed before the repeal of DRP to ensure that individuals attempting to resolve these citations would not face additional burdensome license suspensions.

CSHB 842 would increase equity by removing a barrier that has kept many Texans from employment, which has been especially burdensome for low-income individuals. Driver's license suspensions can prevent individuals from obtaining work or commuting to work, resulting in unemployment and lost wages. CSHB 842 give these individuals the opportunity to validate their driver's licenses, end the cycle of debt and continuous suspension, and pursue other economic opportunities.

**CRITICS
SAY:**

CSHB 842 should expand the exemption to all DWLI offenses rather than just those committed under DRP. Although DRP initiated the backlog in DWLI cases, the current process for issuing driver's license suspensions for DWLI citations is also burdensome.