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Critics invited to submit ideas to reform Texas traffic violators surcharge program

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BY CATHALEEN QIAO CHEN
The Texas Tribune

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AUSTIN — Lawmakers are unlikely to abolish the state program that imposes surcharges on Texas drivers on top of the fines and legal fees attached to traffic violations, the chairman of the House committee that oversees the program said Monday.

But he encouraged critics to submit their recommendations for reform ahead of the next legislative session, which begins in January.

"I don't see this program being scrapped in the 84th session," said state Rep. Joe Pickett, D-EI Paso, chairman of the Homeland Security and Public Safety Committee.

But he acknowledged that the program needs changes.

"It'll blow up by itself if it keeps going like this for another two, four, eight years," he said.

The Driver Responsibility Program, created in 2003, requires traffic violators to pay annual surcharges for repeated traffic violations, such as driving without insurance or while intoxicated. Drivers aren't automatically levied surcharges for minor tickets for speeding or collisions, but a point system punishes repeat offenders. If a driver accrues six points in three years, a surcharge is assessed. Failure to pay results in a suspended driver's license.

Annual surcharges range from \$100 for three consecutive years to \$3,000 per year for a second driving-while-intoxicated conviction.

The money collected from the surcharges goes to hospitals for trauma care. In 2012, Texas hospitals received \$55 million from the program

Critics say the program unfairly penalizes poor Texans and requires drivers to face double punishment for a single offense.

"The program has gone wrong in every single way," said Ana Yáñez-Correa, executive director of the Texas Criminal Justice Coalition.

"It targets economically disadvantaged people who may be driving without insurance because they can't afford it, let alone annual fees on top of a traffic ticket. If someone had to choose between medicine, rent and [paying the surcharge], they're not going to pay the surcharge," Yáñez-Correa said.

But some lawmakers have resisted ending the program because of the millions of dollars it sends to hospitals and trauma centers. They have been working since 2009 to improve collection rates.

Pickett's committee conducted Monday's hearing to assess the success of the program and to determine what should come next.

Rebekah Hibbs and Cheryl Garren, who work on the Driver Responsibility Program for the Texas Department of Public Safety, told lawmakers the most recent statistics about the program before presenting the agency's reform recommendations.

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They said that since 2003, more than \$3 billion in surcharge fees have been levied, but only \$1.3 billion was collected — a 43 percent collection rate. As of March, the DPS had suspended the licenses of more than 1.4 million drivers because they failed to pay.

Their proposed changes included implementing court notification for surcharges that would better notify drivers with outstanding surcharges, adding criminal penalties for nonpayment, allowing the use of credit cards to pay, changing the automatic surcharge to the point system and instituting a second amnesty period.

Scott Henson, author of the criminal justice blog Grits for Breakfast; Williamson County Justice of the Peace Edna Staudt; and representatives of the Texas Hospital Association testified. Also testifying was Bill Lewis on behalf of Mothers Against Drunk Driving, an organization that supported the program when it was first enacted but no longer does because the group says it has criminalized millions of Texas drivers.

Staudt, who said she has seen many Texans become entangled in the program, told lawmakers it should end.

"I will never push for anything other than the abolishment of this act," she said.

Last year, state Rep. Larry Gonzales, R-Round Rock, along with four other state lawmakers, filed legislation to repeal the program, but it failed. The lawmaker whose legislation created the program in 2003, state Rep. Sylvester Turner, D-Houston, joined the call to end the program last year.

"It was a good idea, but it has had some very bad outcomes," Turner said then.

In a recent interview, Staudt said she deals with many frustrated Texans who are affected by the program.

"One mom had to let her insurance lapse to avoid eviction, but she ended up with this surcharge," Staudt said. "And one woman couldn't get her kids to school because she didn't have her driver's license."

Staudt said she believes the program is unconstitutional because it penalizes drivers twice for the same violation.

"If you get a DWI, you go to jail, pay the fine. If you can't afford to pay, you can do community service hours," she said. But with the surcharge, traffic violators are slapped with an additional punishment.

Ultimately, Yáñez-Correa said, Texas lawmakers need to find a different way to raise money for trauma care.

"The real solution for Texans is to come up with a reliable revenue for trauma hospitals," Yáñez-Correa said. "They need money to pay for care, but not on the backs of Texans who are barely making it."

Texas Hospital Association spokeswoman Carrie Kroll said the organization stands by the program because it pays for more emergency trauma care in Texas. Regional trauma care facilitates the transportation of severely injured patients in rural areas to appropriate hospitals.

In 2012, Texas trauma hospitals received \$55 million from the program — about 23.5 percent of what it cost the hospitals to provide uncompensated care.

"We understand the difficulty people have with the program, but we believe the trauma care system is very important," Kroll said.

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