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Opinion

Commentary: Lawmakers need to fix another program that buries Texas drivers in fines

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In June, the Driver Responsibility Program was, at long last, repealed. By all accounts, the program was a failure. It assessed surcharges in addition to the typical fines on traffic tickets. When people could not pay the surcharges, their driver's license was suspended. This led to millions of suspensions for low-income Texans, sending them into a cycle of debt, arrest and incarceration.

Take Julie, a single mother who got a ticket for letting her car insurance lapse in 2011. Julie then got insurance and saved up to pay her fines. But in 2017, she was pulled over again and was shocked when the officer told her that her license had been suspended for four years due to unpaid surcharges from the Driver Responsibility Program. Julie received a ticket for driving with a suspended license, which triggered more fines and surcharges and yet another suspension, ultimately leading to more tickets.

We cannot overstate how significant the repeal of this program is. When the law goes into effect in September, 1.4 million license suspensions will be lifted, and nearly $2.5 billion of surcharge debt will be wiped clean. Huge numbers of people will escape the cycle of suspensions and get back on the road driving legally. This repeal will help vulnerable Texans achieve financial stability, save taxpayer dollars and boost the Texas economy.

However, the repeal will not solve all of Texas' license suspension problems. Hundreds of thousands of the program's victims, including Julie, will not their licenses back Sept. 1. The Driver Responsibility Program is only one part of a tangled web of programs that take away people's licenses if they cannot afford to pay a fine, fee or surcharge.

After the Driver Responsibility Program, the largest program is called OmniBase (also known as the Failure to Appear/Pay program). The OmniBase program places a hold on drivers' ability to renew their license if they fail to pay a fine or fee or fail to appear in court. As with the Driver Responsibility Program, most Omnibase holds stem from low-level traffic offenses, and they disproportionately impact lower-income Texans.

In Texas, driving is a necessity for most people get to work and earn a living, so many people continue to drive even after their license is suspended. As Julie's story illustrates, a person with an OmniBase hold is likely to receive more tickets for driving without a valid license, creating a feedback loop of more debt, extended license suspensions and even jail time. Clearly, this is not an effective way for courts to collect traffic fines.

In some ways, OmniBase is worse than the Driver Responsibility Program. While the Driver Responsibility Program had a process, albeit flawed, for indigent drivers to get some surcharges waived, OmniBase has no such waiver. In fact, OmniBase holds aren't lifted even when somebody appears in court and gets on a payment plan or begins assigned community service. The only way to lift a hold is to satisfy the fines and costs in full. For many people, it can take years to pay or work off their fines; during that entire period, they cannot get their licenses. As a result, many people have OmniBase holds that are decades old with no hope of ever clearing them.

The OmniBase program can and should be fixed next legislative session. In the meantime, local jurisdictions can help their residents by choosing not to participate in the program and ending their contracts with

OmniBase. Many jurisdictions already do not participate and are still able to collect fines and fees. For example, Fort Worth, which does not use the program, collects virtually the same amount of revenue per case as Dallas, which uses it frequently. We encourage everyone to urge their city council to end their participation in the OmniBase program and help get Texans back on the road.

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