Reduce Harsh Penalties for Driving While License Invalid

Expensive civil “surcharges” come at a high price for counties, courtrooms, and jails

Driving with an Invalid License Should Not Be a Jailable Offense

Currently, “Driving While License Invalid” (DWLI – a suspended license) is a fine-only Class C misdemeanor unless it is a person’s subsequent offense, in which case it becomes a Class B misdemeanor, warranting up to six months in jail and a $2,000 fine.

Tens of thousands of Texans are arrested each year for driving with a suspended license, some because they could not afford expensive civil “surcharges” imposed under the Driver Responsibility Program (DRP). In fact, approximately 1.4 million Texans have had their license suspended for failing to pay DRP surcharges assessed on moving violations or other driving-related offenses. But with limited public transportation options, many Texans must continue driving with a suspended license in order to work and provide for their families – risking arrest and jail for driving with an invalid license.¹

And, indeed, in 2018 alone, more than 21,000 Class B misdemeanor DWLI cases were added to Texas court dockets, and during that year, 7,000 people were sentenced to local jail on a DWLI offense, with taxpayers footing the bill.²

Key Findings

- In 2018, nearly 46,000 total DWLI cases clogged Texas county court dockets.³

- Approximately 1.4 million individuals in Texas have a suspended license due to the state’s failed Driver Responsibility Program;⁴ these individuals risk arrest and a jail sentence every time they get behind the wheel to go to work or church, to take a child to the doctor, or to get groceries.

- In 2017, Driving While License Invalid charges with underlying DRP surcharge suspensions totaled 44,356 cases.⁵

Support HB 372 by Representative Allen

HB 372 eliminates the penalty enhancement for a subsequent DWLI offense from a Class B to Class C misdemeanor, which will reserve costly jail beds for those who pose a true threat to public safety.

HB 372 preserves the penalty enhancement for DWLI if the license was previously suspended for a DWI offense.

Citations on reverse.
Citations


2 Office of Court Administration (OCA), Court Activity Database, County-Level Courts: Misdemeanor Case Activity Detail, January 1, 2018 to December 31, 2018, https://card.txcourts.gov/oca_ReportViewer.aspx?ReportName=County-Level_Courts/CL_Misdemeanor_Activity_Detail_N.rpt&ddlFromMonth=1&ddlFromYear=2018&txtFromMonthField=@FromMonth&txtFromYearField=@FromYear&ddlToMonth=12&ddlToYear=2018&txtToMonthField=@ToMonth&txtToYearField=@ToYear&ddlCountyPostBack=0&txtCountyPostBackField=@CountyID&ddlCourtAfterPostBack=0&txtCourtAfterPostBackField=@CourtID&chkAggregateMonthlyReport=0&export=1706.

3 OCA, Court Activity Database, County-Level Courts: Misdemeanor Case Activity Detail, January 1, 2018 to December 31, 2018.

4 Moyer, “More than 7 Million.”

5 Texas Department of Public Safety, response to open records request received January 2019.