

GET TEXAS MOVING, >>> GET TEXANS WORKING

How the Failure to Appear/Pay Program Impacts Employment Opportunities

ONE-PAGER • October 2024

The Texas labor market continues to set new records, achieving all-time highs for employment and the civilian labor force.¹ With over 95% of Texans commuting by car, a valid driver's license is essential for their ability to get to work.² Businesses rely on their employees having dependable transportation, and a valid driver's license is a stronger predictor of employment than a high school diploma.³

Under Texas law, criminal courts can impose holds on driver's licenses for nonpayment of fines, court costs, and fees.⁴ Unlike suspensions resulting from unsafe driving, these debt-based holds punish individuals for their financial difficulties by stripping them of their legal driving privileges. Without a valid driver's license, workers face challenges reaching job sites, interviews, or fulfilling work obligations.

Bobby Britton Jr. is one of many workers affected by the FTAP program. Without his license, he struggles to maintain jobs as a courier and performer. He can't drive to job sites, enter performance venues, or book hotels. Finding new work has been difficult, and even if he does find work, commuting is still a significant barrier to accessing the workplace.



There are already so many obstacles against the working class. We don't need another.

For Bobby, losing his driver's license is more than just an inconvenience; it is a severe financial burden. He cannot secure stable employment without a valid driver's license, making paying off his debts and getting his license back even harder.

In Texas, small businesses account for 99.8% of all businesses in the state.⁵ Amongst these small business owners, more than 90% are in agreement that transportation is "vital" to the country's workforce.⁶ Further, 70% agree that driver's license restrictions due to unpaid fines and fees negatively impact their ability to hire employees who can consistently show up for work.⁷ Employers frequently view a valid driver's license as a sign of responsibility, and an unreliable license can raise doubts about an employee's ability to fulfill job duties, even when driving is nonessential to the role.⁸ Left with no other option (other than being unemployed), many workers continue to drive with a restricted license, increasing their risk of additional citations and fees.⁹

A driver's license has become an essential condition of employment in various occupations.¹⁰ Restricting licenses based on debt leads to job loss, which hurts the economy by decreasing spending.¹¹ The total economic cost associated with drivers in Texas losing their licenses amounts to \$5.76 billion annually.¹² This ongoing cycle of financial instability not only exacerbates poverty but also negatively impacts society.

Debt-based license holds criminalize poverty and perpetuate a cycle of financial instability. By penalizing individuals for their inability to pay fines and fees, these policies create significant barriers to employment. The current premise of the Failure to Appear/Pay Program is nonsensical, given that there is no significant difference in the amount collected per criminal case between municipal *and* JP courts that participate in the program and those that do not.¹³ On the contrary, data from more than 800 municipal courts across Texas shows the average collection rate per case for courts using OmniBase to be \$45.44 less than for courts not using the program.¹⁴ **Join us in asking lawmakers to end debt-based license holds statewide and get people back on the road to financial prosperity.**

REFERENCES & ENDNOTES

- ¹ Texas Workforce Commission. (2024). *Texas Job Growth Surges: 78,000 Jobs Added in August*. Retrieved from <https://www.twc.texas.gov/news/texas-job-growth-surges-78000-jobs-added-august#:~:text=Texas%20seasonally%20adjusted%20total%20nonfarm,August%202023%20to%20August%202024>
- ² US Census Bureau. (n.d.). *Commuters' characteristics and commuting time in Texas, US Census Bureau American Community Survey 2020 and 2015 American Community Survey 5-Year Estimates*. Retrieved from https://demographics.texas.gov/Visualizations/2022/Commuters/2022_CommutersGraphic.pdf
- ³ Pawasarat, J., & Quinn, L. M. (2017). *Research brief on ETI driver's license studies*. University of Wisconsin Milwaukee Employment and Training Institute. Retrieved from https://dc.uwm.edu/cgi/viewcontent.cgi?article=1185&context=eti_pubs.
- ⁴ Tex. Transp. Code § 706.004.
- ⁵ U.S. Small Business Administration. (2023). *2023 Small Business Economic Profile: Texas*. Retrieved from <https://advocacy.sba.gov/wp-content/uploads/2023/11/2023-Small-Business-Economic-Profile-TX.pdf>.
- ⁶ Small Business Majority. (2024). *2024 Texas Criminal Justice Poll Report*. Retrieved from <https://smallbusinessmajority.org/sites/default/files/research-reports/2024-TX-criminal-justice-poll-report.pdf>
- ⁷ *Ibid.*
- ⁸ Conley, D., & Levinson-Waldman, A. (2019). *Discriminatory Driver's License Suspension Schemes*. Retrieved from https://www.acslaw.org/issue_brief/briefs-landing/discriminatory-drivers-license-suspension-schemes/#_edn20
- ⁹ American Civil Liberties Union. (2021). *Reckless Lawmaking: The Impact of Criminalization on Communities of Color*. Retrieved from https://assets.aclu.org/live/uploads/publications/reckless_lawmaking_aclu_final_4.19.21.pdf
- ¹⁰ Civil Rights Corps. (2021). *The Price of Justice: The Impact of Court Fees and Fines on Communities of Color*. Retrieved from <https://civilrightscorps.org/wp-content/uploads/2021/10/7QZT9ZsRTT6YYwglCeYQ.pdf>
- ¹¹ Chien, C., George, A., Shekhar, S., & Apel, R. (2022). *Estimating the Earnings Loss Associated with a Criminal Record and Suspended Driver's License*. *Arizona Law Review*, 64, 675. Retrieved from <https://digitalcommons.law.scu.edu/cgi/viewcontent.cgi?article=1997&context=facpubs#:~:text=Analyzing%20the%20literatur%2C%20we%20estimate,suspended%20license%20to%20be%20%2412%2C700>
- ¹² Chien, C. (2023). *Texas One Pager: Financial Impact of Renewal Holds*. Retrieved from https://digitalcommons.law.scu.edu/cgi/viewcontent.cgi?params=/context/facpubs/article/2008/&path_info=Texas_One_Pager_Financial_Impact_of_Renewal_Holds_FINAL_.pdf
- ¹³ In 2021, Texas Appleseed published a Driven by Debt Report which looked at differences in municipal court revenue for courts who opt to use the FTAP program versus those that do not (see Texas Appleseed (2021). Driven by debt: The Failure of the OmniBase Program. Retrieved from <https://www.texasappleseed.org/sites/default/files/2023-05/omnibaserevenue-report-aug11-final.pdf>). In 2024, we have expanded this analysis to JP courts and found that there is also no difference in the revenue collected for JP courts who opt to use the FTAP program versus those that do not. The new data is on file with the authors, and an updated Driven by Debt Report is forthcoming.
- ¹⁴ Texas Appleseed (2021). Driven by debt: The Failure of the OmniBase Program. Retrieved from <https://www.texasappleseed.org/sites/default/files/2023-05/omnibaserevenue-report-aug11-final.pdf>.