

# Bill Analysis

## Senate Bill 9

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### Overview

Senate Bill 9 (SB 9),<sup>1</sup> which has already passed the Senate, would create a new program to install license plate readers on law enforcement vehicles, increase the cost of obtaining and renewing a driver's license, raise fees on insurers, enhance fines for certain types of convictions, and add to the number of full-time employees working for the state. According to SB 9's fiscal note, the two-year net impact of these provisions to the state's General Revenue-Related Funds would be a gain of \$37 million.<sup>2</sup>

### Senate Bill 9 Specifics

In its current version, SB 9 would do a number of things, including:

#### *Create the Automatic License Plate Reader Pilot Program*

- The Department of Public Safety (DPS) would be required to establish a pilot program “in which automatic license plate readers may be installed in law enforcement motor vehicles used by the department for law enforcement.”<sup>3</sup>

#### *Initiate Fee Increases*

- Driver's License System Improvement Fees—Under this provision of the bill, the DPS would be required to collect three new fees, including:
  - \$8 for the issuance or renewal of a driver's license or personal identification certificate;
  - \$20 for issuing a commercial driver's license (CDL) or a CDL learner's permit to a resident of this state who is not a citizen; and
  - \$40 for issuing a CDL to a non-resident, non-citizen.
- Record Request Standardization Fee—Under this provision of the bill, the DPS' standardization fee for a record request would increase by a set amount, and in some cases double, depending on the level of fees otherwise imposed.
- Driver's License Reinstatement or Reissuance Fee—Under this provision of the bill, the DPS would be required to collect a standardization fee of \$25 for the reinstatement or reissuance of certain driver's licenses.
- Imposes an additional fee of \$24 on persons who are not a citizen or legal resident and are seeking to obtain a driver's license or personal identification certificate which are valid for no more than one year.
- Imposes an additional fee of \$60 on persons who are a resident of Texas but not a citizen or legal resident of the U.S. and are seeking to obtain a CDL or commercial driver's license permit.
- Imposes an additional fee of \$120 on persons who are not a resident of Texas or citizen or legal resident of the U.S. and are seeking to obtain a CDL.
- Imposes a fee of \$20 for a temporary non-resident CDL.
- Doubles a fee paid by auto insurers, requiring they pay a “fee of \$2, rather than \$1, multiplied by the total number of motor vehicle years of insurance for policies delivered, issued, or renewed.”<sup>4</sup>

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### *Add More State Employees*

- According to the latest fiscal note for Senate Bill 9, “DPS will require an additional 15 Fingerprint Technician IIIs to analyze and process the additional submitted fingerprints to comply with the provisions of this bill.”<sup>5</sup> Senate Bill 9’s fiscal note envisions that these 15 new positions will be in existence through at least 2016.

Revenue from the increased fees would fund new law enforcement programs and increase the state’s compliance with federal “Secure Communities” initiatives—federal mandates for tracking and deporting criminal undocumented immigrants.

Included in the new programs are expensive technologies, such the creation of a biometric database administered by the Department of Public Safety (DPS), new reporting requirements for county jails, and an expanded role for Texas Rangers in certain law enforcement activities.

### **The Possible Impacts of Senate Bill 9**

If adopted, SB 9 might lead to:

- A greater financial burden on those doing business in the state;
- Costlier auto insurance, as insurers look to make up the fee increases; and
- Greater barriers to spending transparency, as the public is asked to pay more in fees for public information.

Finally, it should also be noted that SB 9 creates new criminal penalties that could have an impact on the size of the state’s prison population and the state budget. From SB 9’s fiscal note: “Expanding the list of behaviors for which a penalty is applied for any criminal offense or increasing the penalty for any criminal offense is expected to result in increased demands upon the correctional resources of counties or of the State due to longer terms of probation, or longer terms of confinement in county jail, state jail, or prison.”<sup>6</sup> While the fiscal impact of this proposal is currently indeterminable, it is a real possibility that correctional costs could see an increase as a result of these new measures.

United States Immigration and Customs Enforcement currently heads up Texas’ Secure Communities program. Senate Bill 9 would require that state and local officials take a larger role in enforcing federal standards—including an expansion of a comprehensive biometric database—that would likely result in additional costs for city and county law enforcement. ★

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<sup>1</sup> Texas Legislature Online, bill text.

<sup>2</sup> Legislative Budget Board, Fiscal Note for the Engrossed Version of Senate Bill 9 (6 May 2011).

<sup>3</sup> See, bill text.

<sup>4</sup> Texas Legislature Online, Bill Analysis for C.S.S.B. 9 (20 Apr. 2011).

<sup>5</sup> Legislative Budget Board, Fiscal Note for the Engrossed Version of Senate Bill 9 (6 May 2011).

<sup>6</sup> Ibid.

