



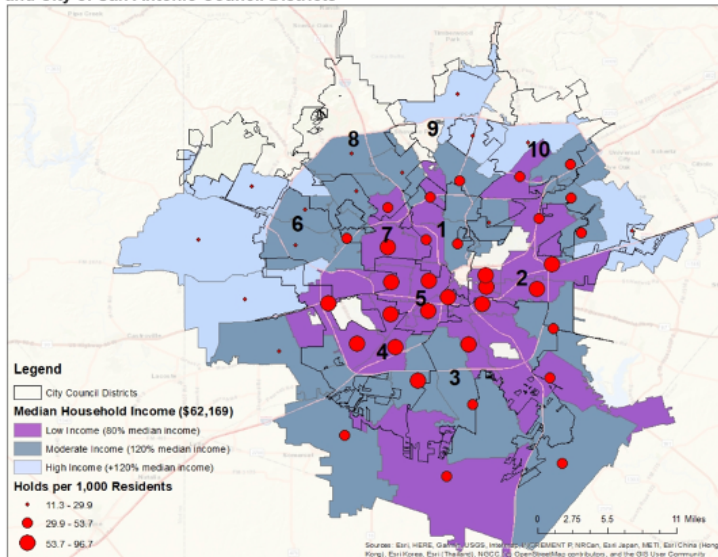
GET MORE TEXANS ON THE ROAD AND OFF TO WORK:
End the Failure to Appear/Pay (FTAP) Program

Texas added more jobs than any other state in the nation from December 2022 to December 2023, achieving 34 straight months of job growth.¹ However, the state is struggling to fill those jobs. Small businesses make up 99.8% of all businesses in the state, yet small business owners are facing an estimated 62.7% labor force participation rate.² Certain sectors in Texas have been more heavily impacted by the labor shortage, like the trucking industry and construction industry.³

More than 95% of Texans drive to work, including four out of five residents of San Antonio.⁴ Businesses need their employees to have reliable transportation to work, and in Texas, reliable transportation typically means a valid driver's license. In fact, a valid driver's license has been found to be a greater predictor of employment than a high school diploma.⁵

Right now, there are almost half a million Texans whose licenses have already expired and are not eligible for renewal due to the Failure to Appear/Failure to Pay Program (Chapter 706 of the Texas Transportation Code) - a debt-based driver's license restriction program run by the private contractor OmniBase Services of Texas. Debt-based license restrictions exacerbate statewide labor shortages and hinder economic growth.⁶ In 2019, Texas repealed the debt-based driver's license suspension program Texas Driver Responsibility Program. However, many municipalities and counties, including San Antonio and Bexar County still participate in the very similar Failure to Appear/Failure to Pay Program run by private contractor OmniBase.

Fig. 1: Bexar County Driver's License Holds and Median Household Income by Zip Code and City of San Antonio Council Districts¹⁷



The San Antonio/Bexar County Community is a high user of the FTAP Program. The San Antonio Municipal Court (SAMC) has almost 88,000 outstanding holds and Bexar County Justice of the Peace (JP) courts have nearly 90,000 holds under the FTAP program. These holds currently burden tens of thousands of San Antonio and Bexar County residents, with average hold times of five years in San Antonio. These holds disproportionately impact low-income zip codes and communities of color and are counterproductive to advancing City and County workforce and economic development goals.

The ten zip codes with the highest concentration of holds in the San Antonio / Bexar County community have an average median household income of \$37,599, falling far below the median household income for San Antonio (\$58,829) and Bexar County (\$65,854). Black residents disproportionately receive OmniBase holds, representing 14% of total current holds from the San Antonio community but only 7% of the San Antonio population. And the top 10 zip codes with the greatest number of OmniBase holds are over 80% Hispanic. **The City of San Antonio is implementing important workforce development and economic recovery programs post-pandemic, with a focus on creating opportunities for all. For these initiatives to succeed, the city must eliminate counterproductive barriers to employment that exacerbate racial and economic injustice.**

The link between a valid driver's license and employment

- Four out of five San Antonio residents drive to work.
- One 2018 study found that 52% of people lost a job or missed out on an opportunity due to an invalid license.⁷
- 30% of all civilian jobs require driving as part of the job.⁸
- A valid driver's license has been found to be a greater predictor of employment than a high school diploma.⁹

A 2018 large municipal study found that 52% of the more than 500 survey respondents who had their licenses suspended for non-driving reasons either lost a job or missed out on a job opportunity due to not having a valid license.¹⁰

The missing link between OmniBase and court compliance and revenues

- Statewide analyses by Texas Appleseed reveal there is no significant difference in the amount collected per criminal case between municipal courts using OmniBase and those that do not.
- On the contrary, data from more than 800 courts across Texas found the average collection rate per case for courts using OmniBase is **\$45.44 less** than courts not using the program.
- Harris County and the City of Austin saw revenue per criminal case **increase slightly after ceasing their OmniBase contracts.**

The link between a valid driver's license and gainful employment is clear. The link between the OmniBase program and increased court appearances and revenues - its stated purpose - is not.

In 2020, Harris County and the City of Austin chose to cancel their contract with the OmniBase program and did not lose any court revenues - in fact **revenue per criminal case disposed of without OmniBase increased slightly after ceasing the contracts.**

Self-reported data from more than 800 courts across Texas found that the average collection rate per case for courts in cities that use the OmniBase program is \$45.44 less than courts that do not use the program.

OmniBase claims to increase court appearance compliance and revenues, but it has not been successful. What it has successfully done is keep thousands of would-be workers off the road due to restricted licenses; and not for careless or reckless driving, but for unpaid debt.

The OmniBase contracts are coming up for renewal in August 2024 (City of San Antonio) and October 2024 (Bexar County). If San Antonio and Bexar County follow the example of other Texas jurisdictions and end the Failure to Appear/Failure to Pay Program by refusing to renew the contract, they will not lose revenue, but they will gain workers with valid driver's licenses.

On average, each Texan with OmniBase holds has an average of 3-4 unresolved tickets and must resolve **hundreds to thousands of dollars** in legal debt to reinstate their license. Across the state, over 450,000 holds are associated with expired licenses. People are unable to obtain or renew their driver's licenses – not because they are dangerous drivers, but because they cannot afford to pay the steep fines and fees for low-level traffic tickets.

If we pass a City Council resolution in San Antonio and a Commissioners court resolution in Bexar County to opt out of the OmniBase Contract, we can end the Failure to Appear/Failure to Pay Program and enable tens of thousands of San Antonio and Bexar County residents to renew their driver's licenses and get back to work.

This fall, let's renew the driver's licenses of Texans, not the OmniBase contracts. Let's get more residents of San Antonio and Bexar County back on the road because when you are free to drive you are free to work!

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| Alternatives to replace the FTAP Program |
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| <ul style="list-style-type: none">• Waive fines and fees in cases of indigence.• Allow for community service or time served credit to be exchanged for debt owed.• Ensure San Antonio Municipal Court's current court text messaging reminder program is client friendly.¹¹• Redesign citations/court summons forms to be client friendly.¹²• Allow court clients to participate in financial literacy classes in exchange for debt owed.¹³ |

Endnotes & References

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- ¹¹ Ideas 42 works with courts across the country to ensure various aspects of the court system are client friendly. They recently began working with Harris County in 2021 to implement behaviorally informed text message notifications. Their website can be viewed at <https://www.ideas42.org/> and their research on increasing court appearance rates can be found at <https://www.ideas42.org/wp-content/uploads/2018/03/Using-Behavioral-Science-to-Improve-Criminal-Justice-Outcomes.pdf>.
- ¹² Ideas 42 works with courts across the country to ensure various aspects of the court system are client friendly. They recently began working with Harris County in 2021 to redesign court summons forms. Their website can be viewed at <https://www.ideas42.org/> and their research on increasing court appearance rates can be found at <https://www.ideas42.org/wp-content/uploads/2018/03/Using-Behavioral-Science-to-Improve-Criminal-Justice-Outcomes.pdf>.
- ¹³ Financial Health Pathways, partnering with Experian, educates Class C misdemeanor offenders on financial principles and the long-term consequences of entering the criminal justice system. Participants can have their cases dismissed and fines waived once completing the program. Their website can be viewed at <https://financialhp.org/>.