Free TO Drive

July 16, 2020

The Honorable Mitch McConnell
Majority Leader
U.S. Senate
Washington, DC 20510

The Honorable Charles E. Schumer
Minority Leader
U.S. Senate
Washington, DC 20510

The Honorable John Thune
Majority Whip
U.S. Senate
Washington, DC 20510

The Honorable Richard J. Durbin
Minority Whip
U.S. Senate
Washington, DC 20510

Letter of Support:
Driving for Opportunity Act of 2020

National Momentum to End Driver's License Suspension for Unpaid Fines and Fees

Debt-based driver's license suspensions are a widespread yet counterproductive practice that undercuts economic growth. Without a driver's license, people can't take their children to school, get to the grocery store, access healthcare, or get to court. And, because most Americans require a car to access basic necessities, many have no choice but to continue driving. When they do, they risk a criminal conviction, more fines and fees, and incarceration. Punishing people for not having money is a bad economic policy and one of the least efficient ways for the criminal justice system to recoup its costs. According to a recent report, New Mexico's largest county, Bernalillo, actually loses money through this system — spending $1.17 to collect every dollar of revenue it raises through fees and fines.

Since 86% of Americans drive to work and many jobs require a driver's license, suspensions often cost people their jobs. A New Jersey study found that 42% of people lost their jobs after their driver's license was suspended; of those who found a new job, 88% reported a decrease in pay. People who cannot work or who lose income because their licenses are suspended have less money to contribute to the economy. A study of license restorations in Arizona found that over 50% of people whose licenses were suspended lost their jobs, with a median decrease of $36,800 to their annual income. Restoring just 7,000 licenses increased GDP by $149.6 million. During a time when unemployment rates are at an all-time high, it is critical that any barriers to employment be removed to create the most amount of opportunity for gaining employment.

Recognizing how ineffective suspensions are, policymakers are taking action. In the past three years, Montana, Texas, Virginia, West Virginia, Maryland, Mississippi, Oregon, California, Idaho, Maine, and the District of Columbia have enacted legislative reforms to tackle debt-based suspension. In 2020, 16 states introduced such bills, with four of them signed into law (in MD, OR, WV, and VA), and others are likely to pass this year even during emergency sessions.

Even with the recent state-level reforms, 41 states suspend, revoke or refuse to renew driver's licenses for unpaid traffic, toll, misdemeanor and felony fines and fees, resulting in more than 11 million debt-related suspensions nationwide. These suspensions not only prevent people from earning the money they need to pay their "court debt," but also undercut their ability to support themselves, their families, and the community.

To assist in accelerating reform nationwide, in the past year more than 150 ideologically diverse organizations, including Americans for Prosperity, the American Legislative Exchange Council, JP Morgan Chase, Right on Crime, the American Civil Liberties Union, Civil Rights Corps and the Southern Poverty Law Center have joined forces on the *Free to Drive* campaign. This national campaign brings together legal, policy, advocacy, grassroots, and research organizations committed to the principle that restrictions on driving privileges should only be used for dangerous driving, and not to coerce debt payment or to punish people who miss a court appearance.

Evidence from states that have ended debt-based driver's license suspensions shows that the policy is working. When California ended its debt-based suspension policy – and instead offered an ability-to-pay determination and opportunities for reduced payments, payment plans, or community service – their collection rate for newly issued tickets *increased* by 8.9%.

Texas also recently passed a statewide law ending some debt-based license suspensions, yet many of its local jurisdictions have continued a separate license restriction policy. This discrepancy has revealed some telling comparative data. For instance, the Dallas Municipal Court prevents people from renewing licenses unless traffic fines and costs are paid, while the Fort Worth Municipal Court has never done so. Yet there is virtually no difference between the two courts in the revenue per case in recent years. The Fort Worth Municipal Court collected $116 per case and the Dallas Municipal Court collected $113 per case in 2017.

Driving For Opportunity Act

There has never been a more ideal time for the Driving For Opportunity Act than right now. This bill incentives states to end the widespread and counterproductive practice of debt-based driver's license suspensions, while providing them with resources to transition away from reliance on reinstatement fees. These fees can remain a barrier for reinstatement of licenses now eligible to be reinstated in many states. With every state suffering severe budget shortfalls and skyrocketing unemployment rates, individuals and entire communities are falling further into a cycle of poverty and punishment. Ending debt-based license suspensions would alleviate economic inequality, racial disparities in the criminal justice system, and reduce police-civilian encounters. By providing resources to states to fix the problem of mass debt-based suspensions, without adding to the weight of state budgetary constraints, this bill will significantly increase economic opportunity for millions of people in the U.S. who have been historically marginalized and are now struggling just to survive.

Conclusion

In order for our economy to flourish again, we must stop taking away people's licenses for "driving while broke". We must remove unnecessary barriers that keep individuals from finding and keeping employment. Driver's license suspension should only be used to address dangerous driving and not as a collection tool. Debt-based driver's license suspension serves no public safety purpose, while crippling those who are struggling with poverty.

The federal government should do everything it can to assist states in ending debt-based driver's license suspensions. By providing states with financial assistance to help reinstate licenses that were suspended for unpaid fines and fees, the Driving for Opportunity Act will expand the economy and improve public safety.

Signed by the following members of the Free to Drive campaign, and other institutions supporting this legislation:

ACLU of Colorado

ACLU of Washington

Alabama Appleseed Center for Law and Justice

Allegany County Public Defender's Office, Belmont, NY*

Association of Prosecuting Attorneys

The Brennan Center for Justice at NYU School of Law

Center for Employment Opportunities

Charlotte Center for Legal Advocacy*

Chicago Appleseed Fund for Justice

Chicago Council of Lawyers*

Chicago Jobs Council

Chicago Urban League*

City of Durham, N.C.*

COFI / POWER-PAC IL*

Columbia Legal Services

Equal Justice Under Law

Fathers, Families, and Healthy Communities

Fines and Fees Justice Center

FreedomWorks

Georgia Justice Project

Justice and Accountability Center of Louisiana

Justice Served NC*

Juvenile Law Center

Law Enforcement Action Partnership

Law Enforcement Leaders to Reduce Crime & Incarceration*

Libertas Institute

Maryland Consumer Rights Coalition

Monroe County Public Defender's Office*

National Association of Criminal Defense Lawyers

National Center for Access to Justice at Fordham Law

National Center for Law and Economic Justice

National Consumer Law Center (on behalf of its low-income clients)

National Legal Aid & Defender Association

National WIC Association

New Mexico Center on Law and Poverty

North Carolina Justice Center

Ohio Poverty Law Center

Oklahoma Women's Coalition

Oklahomans for Criminal Justice Reform

Ontario County Office of the Conflict Defender*

Orange County, NC Criminal Justice Resource Department*

Prison Policy Initiative

Responsible Business Initiative for Justice

Shriver Center on Poverty Law

Southern Legal Counsel, Inc.

Texas Appleseed

Texas Civil Rights Project

Texas Fair Defense Project

The Bronx Defenders

The Charles W. Williamson Bar Foundation, Inc.*

The Leadership Conference on Civil and Human Rights

Tzedek DC

Washington Association of Criminal Defense Lawyers

Washington Defender Association

Woodstock Institute

*these entities are not coalition members of the Free to Drive National Campaign, but have elected to sign this letter of support.

CC: Senator Coons