

End the Use of Driver's License Suspensions and Revocations to Collect Past Due Fines & Fees

August 8, 2020

Eleven million Americans face the suspension or revocation of driving privileges because of unpaid fines and fees.¹ Suspending and revoking licenses for the collection of court debt, and not public safety, is bad public policy. Losing a license, even temporarily, jeopardizes a person's ability to support themselves and their family. It is also self-defeating because it undermines a person's ability to pay court debts. It disproportionately affects people of color and those in poverty, and likely increases recidivism. States should stop suspending and revoking licenses to collect court debts and instead use more effective and less harmful collection tools.

What should legislators do?

- Sponsor legislation to repeal the suspension, revocation or non-renewal of a driver's license for unpaid fines and fees.
- Avoid superficial legislative fixes, such as temporary fee amnesty or restricted licenses.
- Empower judges to forgive or reduce court debts and penalties (1) based on a person's ability to pay including using payment plans, or (2) in exchange for community service.
- Contact the Institute for Justice for research and a customized solution for your state.²

Suspensions and revocations can be excessive.

Too often failure to pay court debt is grounds for the suspension or revocation of a driver's license. These are harsh actions given the importance of driving to participation in society, including employment, education, healthcare and childcare.

Driver's license suspensions and revocations are warranted only when public safety is at risk such as for convictions for DUI, hit-and-run or reckless driving. By contrast, suspensions and revocations for nonpayment of court debt may cause a person to enter a debt spiral of additional fines and fees for failure to appear in court or driving without a license. During COVID-19, a lost license may increase exposure to disease or delay medical care.

Suspensions and revocations are counterproductive.

A driver's license, in most cases, is a prerequisite for paying fines and fees. In New Jersey, 42% of people whose licenses were suspended lost their jobs within six months.³

Collections rise when driver's license suspension is no longer implemented. The year after abolishing suspensions and revocations for unpaid fines and fees, California courts increased collections by \$82 million, nearly 9% over the prior year.⁴

Next steps:

For ways to enact reforms, contact the Institute for Justice, a national public interest law firm. IJ's attorneys will assist state legislators in researching, drafting and promoting legislation to end the suspensions and revocations of driver's license for failure to pay court debt.

Lee McGrath
Senior Legislative Counsel
Institute for Justice
520 Nicollet Mall-Suite 550
Minneapolis MN 55402
e: Lmcgrath@ij.org
o: (612) 435-3451

www.ij.org

William Maurer
Senior Attorney
Institute for Justice
600 University Street-Suite 1730
Seattle WA 98101
e: Wmaurer@ij.org
o: (206) 957-1300

Additional Resources

Oregon has repealed the revocation of licenses for unpaid fines and fees.
Oregon State, Legislature. House Bill 4065. Oregon State Legislature, 26 Jun. 2020, <https://tinyurl.com/yyra9af8>

Amnesty days have been proved to do little for the actual root of the problem and the cycle of debt that ensues.
Genzler, Ryan, et al. "Point of View: OKC's Amnesty Won't Solve Fines-Fees Problem." Oklahoman.com, The Oklahoman, 28 July 2019, <https://tinyurl.com/y4wn2fqa>.

Debt outside of operating a vehicle makes up a significant portion of the driver's license suspensions and revocations. Eaglin, Jessica. "Driver's License Suspensions Perpetuate the Challenges of Criminal Justice Debt." Brennan Center for Justice, 30 Apr. 2015, <https://tinyurl.com/y5zxsbh9>

Families cannot accomplish simple everyday tasks when they are saddled with this debt.
"Driven by Debt." Texas Appleseed, Texas Fair Defense Project & Texas Appleseed, 7 June 2019, <https://tinyurl.com/yxfgcn2f>

Driver's license suspensions leave people unemployed and are inherently discriminatory.
Conley, Danielle, and Ariel Levinson-Waldman. "Discriminatory Driver's License Suspension Schemes: ACS." American Constitution Society, 11 Sept. 2019, <https://tinyurl.com/y2jsq9n5>

California has had demonstrated success on collection after repealing the use of driver's license suspension.
Brown, Christa, et al. "Driving Toward Justice." Fines and Fees Justice Center, The Financial Justice Project, 29 Apr. 2020, <https://tinyurl.com/y3zo34m6>

Schwartzapfel, Beth. "43 States Suspend Licenses for Unpaid Court Debt, But That Could Change." The Marshall Project, The Marshall Project, 21 Nov. 2017, <https://tinyurl.com/y6jrdq8d>

Black Love Resists in the Rust v. City of Buffalo, W.D.N.Y. Ongoing class action litigation case: 1:18-cv-00719
Buffalo's Police Department formed a strike force unit in 2012 to conduct vehicle stops in checkpoints. In 2015, NY allowed cities to keep almost all the revenue collected from traffic tickets. Tickets in Buffalo increased by 43% in 2015 over the prior year. Blacks were four times more likely than whites to have their licenses suspended.

¹ National Driver's License Suspension Campaign: Free to Drive (2019) <https://tinyurl.com/Eleven-million>

² Institute for Justice is a member of the Free-to-Drive coalition. Statutes are available <https://www.freetodrive.org/>

³ Alan M. Voorhees, *Motor Vehicles Affordability and Fairness Task Force Final Report* (Feb 2006), p 31-38.
<https://tinyurl.com/Voorhees-2006>

⁴ Judicial Council of California, *Report on the Statewide Collection of Delinquent Court Ordered Debt for 2017-18*, <https://tinyurl.com/CA-Court-debt-2017-18>