

Driving is Essential to Everyday Life Act

Model Legislation

February 2, 2023

1. Purpose. Under municipal, county, and state law, a person's driver's license can be [suspended/revoked/denied renewal] for failure to pay criminal or civil fines or fees or for failure to appear at a court hearing. Suspending a driver's license for unpaid fines and fees is a severe punishment that deprives people of their freedom and liberty, without improving traffic safety. Without a driver's license most people cannot get to work, church or school. They cannot access medical care, grocery stores, care for family members or visit friends. Being unable to get to work means they are even less able to pay fines and fees. Without a driver's license many individuals cannot get to court for a required appearance or comply with the terms of a criminal sentence or probation.

This bill does the following:

- a. It eliminates the government's authority to revoke, suspend, or refuse to renew a person's driver's license for failure to pay court fines and fees or failure to appear at a court hearing. State law is amended to only allow for a suspension due to a conviction related to dangerous driving – accumulating enough points to be classified as a reckless driver or for driving under the influence – never for non-payment or non-appearance.
 - b. It requires the Secretary to reinstate driver's licenses suspended due to failure to pay court fines and fees or failure to appear in court, without any petition, action or payment of fees by the license holder. Additionally, the Department of Motor Vehicles must notify persons of the reinstatement.
 - c. It cancels outstanding fines and fees, costs, surcharges and or penalties for driving in this state with a suspended driver's license, if the suspension was due to non-payment or non-appearance.
 - d. It prevents courts from further imposing fines and fees for driving in this state with a suspended driver's license for failure to pay court fines or fees or failure to appear at a court hearing.
 - e. It requires the collection of data to determine the impact of changes on individuals affected by license suspensions as well as justice system stakeholders.
 - f. Nothing in this bill prohibits the suspension of a driver's license as a punishment for specific traffic safety offenses, such as driving under the influence or the accumulation of points due to traffic citations.
2. Definitions: For the purposes of this chapter, the words defined in this section have the meaning given.
 - a. "Department of Motor Vehicles" means the state agency that issues and administers driver's licenses.
 - b. "Driver's license" means [cite State's existing driver's license definition.]
 - c. "Failure to appear" means the failure of a [respondent /defendant] to be present in court or take any other action required by a court summons or citation.

- d. “Failure to pay” means failure of a [respondent / defendant] to pay to the applicable governmental entity a fine or fee, including a partial payment as required by a payment plan; failure to complete community service or other alternative sentence ordered by the court in lieu of payment of a fine or fee; or any other failure to fulfill an obligation to repay fines and fees.
- e. “Fees” are nonpunitive financial obligations assessed by a court or an administrative agency above and beyond a fine. Fees include assessments, surcharges, penalties, interest, court costs, and other monetary charges used to fund the justice system and other government services.
- e. “Fines” are punitive financial sanctions assessed by a court or an administrative agency. Fines include financial penalties for traffic and other code violations, misdemeanors and felonies. They also may be financial obligations assessed as a condition of probation or parole.
- g. “Governmental entity” includes:

I. Any municipal, county, or state court, governmental body or administrative agency that may order the suspension of a driver’s license for:

- 1. Failure to pay a criminal fine or fee; or
- 2. Failure to pay a civil fine or fee.

II. Any municipal, county, or state court, governmental body or administrative agency that issues or causes to be issued a summons to appear or arrest warrant based on a [respondent’s / defendant’s] failure to pay fines or fees or previous failure to appear.

- h. “Secretary” means the Secretary of State [or administrator of an agency that issues driver’s licenses in the state].

3. Debt-Based License Suspensions

- a. This chapter applies to governmental entities authorized to suspend driver’s licenses due to failure to pay outstanding fines and/or fees or failure to appear at a court hearing or comply with a summons.
- b. When a summons has been issued based solely on failure to pay fines and fees or failure to appear at a court hearing, a governmental entity may not suspend a [respondent’s/defendant’s] driver’s license for failure to appear or otherwise comply with the summons.
- c. A governmental entity may not order or enforce a driver’s license suspension in response to failure to pay outstanding fines and/or fees or failure to appear at a court hearing for any civil or criminal law, code, ordinance, or regulation of this state.
- d. Exception. Section 5 notwithstanding, nothing in this law should be construed to limit a governmental entity’s authority to suspend a driver’s license as part of a sentence following a conviction for any of the following driving related offenses: [list state specific driving offenses such as: driving while under the influence, vehicular manslaughter, reckless driving, etc.] However, a governmental entity may not later suspend a driver’s license due to an offender’s failure to pay fines and fees related to any of the above-listed offenses.

e. This chapter repeals the following section of the civil or criminal laws or codes of the state and preempts any other state or local law that is in conflict, including

- I. [List civil laws if desired]
- II. [List criminal laws if desired.]

4. Reinstatement of Driver's Licenses

- a. Within 180 days of this law taking effect, the Secretary must reinstate all driver's licenses suspended due to the failure to pay fines or fees or due to failure to appear at a court hearing.
- b. The Secretary shall work with the governmental entities to identify persons with suspended driver's licenses for failure to pay fines or fees or failure to appear. The governmental entities shall provide a list of names that are eligible to have their driver's licenses reinstated expediently.
- c. Upon receipt of the list of driver's licenses that are required to be reinstated, the Secretary shall take the necessary actions to reinstate those driver's licenses, without requiring any petition or action on the part of the license holder.
- d. The Secretary shall notify individuals that their driver's license has been reinstated by mailing a written notice to both the address used on the individual's most recent driver's license and the address on file with the court or governmental entity that imposed the driver's license suspension. Duplicate notices are not required when the addresses are identical. The Secretary shall also ensure that information is posted on the website of the Department of Motor Vehicles describing the change in law and providing instructions for people to determine whether their own license has been reinstated pursuant to the new law.
- e. Nothing in this section prohibits a person with a suspended driver's license from petitioning the court retaining jurisdiction over their original actions to have their driver's license reinstated. The court shall grant a reinstatement petition without delay when a petitioner is eligible for reinstatement under this section.
- f. No fines or fees for reinstatement pursuant to this section may be imposed by the Secretary or other governmental entity. All existing reinstatement fees associated with the suspensions for failure to pay fines or fees or failure to appear shall be waived.

5. Fines and Fees Related to License Suspension for Failure to Pay and Failure to Appear and Driving While License Invalid

- a. The following fines and fees associated with driver's license suspension for failure to pay fines or failure to appear in court are repealed. Courts and governmental entities may not impose these penalties as of the effective date of this section.

- 1. § _____
- 2. § _____

- b. As of the effective date of this section, any unpaid fines and fees owed to governmental entities and the courts of this state, as a result of a prosecution or charge pursuant to [state's Driving with Suspended License statute], if the underlying

suspension was due to failure to pay outstanding fines and/or fees or failure to appear at a court hearing or comply with a summons, are no longer enforceable or collectable.

6. Data Collection

- a. The Department of Motor Vehicles shall collect data and publish a report one year after the effective date of this law that shows as of a result of this law:
 1. the total number of suspensions on account of failure to pay fines or fees that were lifted, disaggregated by race/ethnicity, gender, and ZIP code of the person with the suspension; the length of the suspension; the charge(s); the charge level; and court;
 2. the total number of suspensions on account of failure to appear in court that were lifted, disaggregated by race/ethnicity, gender, of ZIP code of the person with the suspension; the length of the suspension; the charge(s); charge level; and court;
 3. the total number of people whose licenses were reinstated, disaggregated by race/ethnicity, gender, and ZIP code of residence;
 4. the total number of fees, including reinstatement fees, that were waived; and
 5. the total amount of fines and fees related to a prosecution of Driving While License Invalid that were waived.

- b. The Office of Court Administration shall collect data and publish a report on an annual basis beginning 6 months after the effective date of this law that provides data related to compliance, collections and appearance rates in the courts of this state.
 1. At a minimum, that report shall include:
 1. the total amount of fines and fees debt imposed in the preceding year;
 2. the total amount of fines and fees collected in the preceding year;
 3. the total amount of fines and fees resolved through alternative means, such as community service, in the preceding year;
 4. the total amount of fines and fees waived, in the preceding year;
 5. the rate of nonappearance in criminal court; and
 6. the rate of intentional evasion of prosecution in criminal court.

 2. All data presented shall be disaggregated by county, type of court, charge level, and charge, as well as by demographic information about the person against whom the fine or fee was levied, or who was prosecuted, including race/ethnicity, gender and ZIP code of residence.

7. This section is effective 30 days after it is signed into law.

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