

Driving for Opportunity Act

Millions of Americans have their driver's licenses suspended because they cannot pay fines or fees, not for any public safety reasons.

- 42 states and the District of Columbia suspend driver's licenses over unpaid fines or fees. Nationwide, at least 11 million people have suspended licenses for unpaid fines and fees. More than 1/3 of all driver's license suspensions are for non-highway safety reasons.
- When people are too poor to pay fines and fees, it doesn't help to suspend their driver's licenses and make it even harder for them to earn a living and pay off their debts.
- Traffic stops to enforce suspensions unnecessarily burden law enforcement, expending resources that should go to public safety and increasing hostility in communities they serve.
- Koch Industries' Deputy General Counsel said in a *Wall Street Journal* op-ed, "Debt-based license suspensions and revocations don't protect or promote safer communities. They epitomize government overreach and are callous and punitive to the most vulnerable."

Federal law reduces highway money for states that do not suspend driver's licenses for anyone convicted of a drug offense – even if the offense had nothing to do with driving.

- 23 U.S.C. § 159 provides that a state will lose a portion of its federal highway funding unless (a) it has a law requiring that a person convicted of a drug offense have their driver's license suspended for six months, or (b) the governor of a state that doesn't have such a law writes to the Secretary of Transportation certifying opposition to its enactment or enforcement.
- Over \$25 million in state funding has been withheld under this statute.
- In Virginia, 99% of license suspensions for drugs did not involve a motor vehicle.

The Driving for Opportunity Act would set the incentives in the right direction.

- It would change the law so states are not punished for declining to suspend driver's licenses for drug offenses and, instead, are incentivized not to suspend for unpaid fines and fees.
- Many states – red and blue – are moving in this direction. Since 2018, Montana, Virginia, West Virginia, Idaho, and Mississippi all have ended driver's license suspensions for unpaid fines and fees. California, Wyoming, and Kentucky also do not suspend licenses for unpaid fines and fees, and many other states are considering related bills.

Suspending driver's licenses for unpaid fines and fees is a bad idea because:

It makes it harder to hold down a job and pay back the debt.

- 77% of U.S. workers age 18+ drive themselves to work, and 83% of American adults drive multiple times a week. Driver's licenses enable millions of Americans to travel to/from their jobs, kids' schools, family's doctor's appointments, and places of worship.
- Driver's license suspensions lead to increased unemployment and underemployment. According to a recent report by the Motor Vehicles Affordability and Fairness Task Force in New Jersey, 42% of those who lost their licenses due to certain non-driving-related offenses lost their jobs as a result, and 45% of those who lost their jobs were unable to find new employment. 88% of those who were able to find another job reported a decrease in income.
- ALEC passed a resolution noting, "[A] person whose driver's license is suspended will often find it more difficult to earn a living and therefore pay the debt they owe to the government."
- A Harvard Law School report called the suspension of driver's licenses "one of the most pervasive poverty traps for poor people assessed a fine that they cannot afford to pay."

- California found that “there does not appear to be a strong connection between suspending someone’s driver’s license and collecting their fine or penalty.” After the state ended license suspensions and introduced payment flexibility in 2017, collections increased nearly 9%.

It puts people at risk without a benefit to public safety.

- According to the American Association of Motor Vehicle Administrators, 75% of suspended drivers continue to drive, facing further fines, fees, and incarceration if they get pulled over.
- Police officers will then be required to make traffic stops as debt collectors, and unnecessary traffic stops can be unsafe. There have been too many drivers and law enforcement officers tragically killed in traffic stops. Philando Castile and Walter Scott were killed in incidents that began as traffic stops. In 2019, a North Carolina police officer was fatally shot after stopping a driver on suspicion of a suspended license.
- Limiting unnecessary close-range personal interactions is also prudent during the pandemic.
- The Harvard Law School Criminal Justice Policy Program called on lawmakers to discontinue use of driver’s license suspensions for failing to pay criminal justice debt because suspensions “should be tailored to promote public safety.”
- The American Association of Motor Vehicle Administrators recommends that “limited highway safety resources should be focused on reducing the risk of dangerous drivers, [and] using a driver’s license suspension for non-highway safety violations should be avoided.”

It wastes law enforcement resources and clogs our courts and jails.

- Driver’s license suspensions take up law enforcement officers’ valuable time. In 2015, Washington State calculated that state troopers spent 70,848 hours dealing with suspensions for non-driving offenses. Arresting one person for driving with a suspended license can take nine hours of an officer’s time when considering all the paperwork required.
- Col. Mike Tooley of the Montana Department of Transportation noted that it “would make [his] field forces a lot more efficient” to stop suspending driver’s licenses for non-driving reasons because then they could “focus on the driving behaviors that got people suspended.”
- A Tennessee District Attorney stopped prosecuting many license violations, saying “I only get 65 ADAs. I want them working on violent crime.” 30% of the Minneapolis City Attorney’s Office caseload consists of license suspension/revocation cases. Ohio judges advocated to end automatic suspensions for drug offenses due to overloaded court dockets.
- Those arrested for driving on a suspended license face jail time; an analysis in Cook County found that they spent an average 14 days in jail. This taxes already-stretched local budgets.
- Ending this practice would save resources at DMVs, which already experience long lines. Many states require drivers to physically come to the DMV to get a license reinstated.

It disproportionately harms rural communities and minority communities.

- The ability to travel by car is especially important for self-sufficiency in rural communities. Only 11% of rural residents have access to public transportation services. Where driving is the only way to travel, an inability to drive legally can be disqualifying – for truck drivers, cable installers, caregivers, construction workers, plumbers, and a host of other jobs.
- Studies show that Black and Latino people are more likely to be the subject of traffic enforcement and have their license suspended, despite comparable traffic violation rates.

Contact Erica Songer, Chief Counsel for Sen. Coons, at Erica.Songer@judiciary-dem.senate.gov, if you would like to cosponsor or support the Driving for Opportunity Act.