

July 6, 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, D.C. 20510

Dear Leader McConnell, Leader Schumer, Whip Thune and Whip Durbin,

The undersigned organizations endorse the Driving for Opportunity Act of 2020. The undersigned organizations all support the Driving for Opportunity Act, as shown in the quotes that follow, and recognize the urgency of addressing debt-based driver's license suspension. We all agree that suspensions and revocations of driver's licenses for unpaid court fines and fees should be discouraged, and the Driving for Opportunity Act of 2020 accomplishes that goal.

This bill would help states end a counterproductive practice—suspending driver's licenses simply because people cannot satisfy a financial obligation—and to enact smart, data-driven policy on fines, fees, and driving license privileges.

For most Americans, driving a vehicle is essential—it is the way that they and their families get to work, attend school or church, buy food, go to medical appointments, pick up kids, and otherwise fulfill the basic necessities of life. When an individual loses their driver's license, especially at a time when a national health emergency makes public transportation more limited than ever, life can become significantly more difficult for that person and their family.

Today, millions of Americans have a suspended or revoked driver's license solely because they have not paid court fines and fees. Such “debt-based suspension” is a means through which governments try to compel payment. This system is inherently faulty: someone who cannot drive will likely have a difficult time securing transportation to work, making debt repayment even more difficult or impossible.

Suspensions and revocations of driver's licenses for non-driving related conduct may harm public safety. Law enforcement officers waste hours of time enforcing these laws instead of focusing on more pressing threats to their communities. In addition, having a suspended license exposes drivers to additional fines, arrest, jailing, or other entanglement with the criminal legal system. Some states have recognized and responded to this problem by amending their own laws to halt debt-based driver's license suspensions.

The Driving for Opportunity Act of 2020 authorizes federal funding to cover the costs of reinstating driver's licenses in states that chose to end debt-based driver's license suspensions, because states that have made the responsible evidence-based policy decision to reinstate licenses face a significant financial burden.

Furthermore, an outdated federal law currently requires states to either suspend the license of anyone convicted of a drug offense in order to receive its full apportioned federal transportation funding or go through the administrative hassle of issuing an annual certification stating its opposition to the law. The Driving for Opportunity Act of 2020 would simply remove this unnecessary and harmful policy from the federal code and allow states to determine the issue on their own without having to issue an annual certification of opposition.

The undersigned organizations have different reasons for joining in support of this legislation, which they state in their own words below. All agree that suspensions and revocations of driver's licenses for unpaid court fines and fees should be discouraged, and the Driving for Opportunity Act of 2020 accomplishes that.

“This legislation is a critical step toward ending debt-based driver’s license suspensions, one of many abusive fines and fees collection practices,” said Emily Dindial, *American Civil Liberties Union Advocacy and Policy Counsel*. “Government reliance on fines and fees for revenue creates perverse incentives for courts and law enforcement to extract wealth from low-income black and brown communities that already experience racial profiling and excessive policing. We must end the predatory imposition and enforcement of fines and fees.” “Suspending drivers’ licenses for non-public safety reasons such as unpaid fines and fees creates unnecessary hardships for those with limited means and is counter-intuitive to its intended goal,” said Mark Holden, Board Member of *Americans for Prosperity*. “A driver’s license could be the difference between maintaining a job or falling deeper into financial trouble, thereby making it more difficult to pay the court obligations in the first place. This bill will help states move towards a better system where drivers’ licenses are suspended only when they have a substantial nexus to public safety, rather than as a misguided stick.”

“No one should be denied the privilege of driving a car because of an unpaid fine or fee,” said Grover Norquist, President of *Americans for Tax Reform*. “Denying a person a driver’s license because they owe money creates a modern version of the debtors prison – you cannot leave your house until you pay your debts, but you cannot pay your debt if you cannot go to work. This is wrong.” “From a police perspective, the more drivers are registered and insured, the safer everyone on the road will be,” said Major Neill Franklin (Ret.), Executive Director of the *Law Enforcement Action Partnership*. “Suspending licenses for non-driving-related reasons decreases road safety and forces police to spend hours making unnecessary arrests and waiting for towing companies.”

“Suspending driver’s licenses over unpaid fines and fees is both cruel and counterproductive,” said Thea Sebastian, *Policy Counsel at Civil Rights Corps*. “Without a license, people are unable to get to their jobs, which has a cascading effect on just about every other aspect of their lives and risks entangling them further in the criminal-legal system. The result for many poor people is a brutal cycle of debt and hopelessness. Ending debt-based driver’s license suspension is an issue of racial justice, of economic justice, and of keeping families safe.” “Limiting an individual’s ability to legally drive because of a drug law violation, or unpaid fines and fees, is excessively punitive and has devastating effects on one’s ability to find or maintain employment, take care of family responsibilities, and access health care and support networks,” says Queen Adesuyi, policy manager with the *Drug Policy Alliance*. “Debt-based driver’s license suspensions, and those related to automatic suspensions for drug offenses, are antiquated relics of both the drug war and an obsession with counterproductive collateral consequences and punishing people who use drugs and/or are cash poor. These failed policies cause undue harm on individuals and families, and according to the American Association of Motor Vehicle Administrators, actually make our roads less safe as law enforcement waste resources and time enforcing license suspensions unrelated to dangerous driving. Congressional action and repeal are long overdue.”

“The suspension of an individual driver’s license for not paying fines and fees is an archaic practice that needs to end,” said Shana O’Toole, President of the *Due Process Institute*. “The Driving for Opportunity Act incentivizes states to make the smart choice for fairness and come up with alternatives means for payment of this debt. This bill has even greater impact today as we deal with the COVID-19 pandemic. Allowing people to drive their own vehicles, rather than take public transportation that is now both scarce and potentially dangerous, is a far better option.”

“Debt-based driver’s license suspension is a terribly misguided policy because it makes it virtually impossible for anyone trying to work to repay their debt to society. Instead of making it harder for folks to get right with the law, we should be making it easier so that they can contribute positively in their local community. This bill will take an important step towards that goal,” said Daniel Garza, President of *The LIBRE Initiative*. “We are proud to support this legislation because our organization exists to empower the U.S. Hispanic community so it can thrive and contribute to a more prosperous America.”

“Suspending driver’s licenses for unpaid court debt is not about safety; it’s a failed experiment in generating government revenue from low-income communities,” said Joanna Weiss and Lisa Foster, co-directors of the *Fines and Fees Justice Center*. “The current system is forcing millions of people across the United States to make an impossible choice: stop driving—and lose access to work and other basic necessities—or keep driving, and risk jail time and more unaffordable fines. For our economy to flourish, we must end the cruel and counterproductive practice of debt-based driver’s license suspensions.”

“Suspending driver’s licenses solely for inability to pay fines and fees is a counterproductive practice that creates far more criminals than it stops and harms communities far more than government often recognizes,” said Jason Pye, Vice President of Legislative Affairs for *FreedomWorks*. “Our justice system is continually in dire need of deep reforms, starting with eliminating nonsensical and harmful policies. This particular practice can and must end. Thanks to strong leadership nationwide, it’s getting closer.”

“For most Americans, maintaining a driver’s license is essential to fulfilling family responsibilities and maintaining employment,” said Norman L. Reimer, Executive Director of the *National Association of Criminal Defense Lawyers*. “The burden of debt-based driver’s license suspension is not borne evenly throughout the nation: Driver’s license suspensions trap poor people in a cycle of escalating debt, diminished

employment opportunities and family hardship, and disproportionately impact people of color. Faced with the Hobson's choice of risking arrest or sacrificing their families' basic needs, many choose to drive on a suspended license and incur arrest, diverting public safety resources and overwhelming criminal courts and court actors with these low-level cases. Furthermore, there is no rational nexus between the failure to pay a debt and the right to drive. This is a flawed, irrational, and costly policy."

"Driver license suspensions for pending court fines and fees is crippling to those struggling in poverty, a group of people the Bible calls us to protect," said *Prison Fellowship's* Vice President of Government Affairs and Church Mobilization Heather Rice-Minus. "We want people to provide for their families, make amends, and actually pay off financial sanctions. Taking away the ability to drive, especially for those already struggling financially, is counterproductive to these goals. By cosponsoring and passing the Driving for Opportunity Act, federal lawmakers can advance a more restorative approach to justice."

"Taking driver's licenses away for non-driving offenses keeps people from gaining or retaining employment – particularly in the Southeast where public transportation is lacking," said Shay Farley, interim deputy policy officer for the Southeast with *SPLC Action Fund*. "It further leads to unnecessary incarceration and fines when people end up getting arrested for driving without a license because they need a car to get to their job, grocery store or medical appointment. This legislation is needed to lower the number of people locked up or burdened with senseless fines, and to help people get out of poverty and meet household needs."

Sincerely,



CC: Senator Chris Coons