



Via Electronic Mail

April 6, 2020

ATTN: Anne Ferro
American Association of Motor Vehicle Administrators
4401 Wilson Boulevard
Suite 700
Arlington, VA 22203

Re: COVID-19 and Driver's License Suspensions

Dear Ms. Ferro:

The undersigned members of the *Free to Drive* coalition urge the American Association of Motor Vehicle Administrators to ask its U.S.-based member agencies to immediately stop suspending, and refusing to renew, driver's licenses for reasons other than unsafe driving, and to reinstate licenses currently suspended for reasons other than unsafe driving, for at least the duration of the public health and economic crisis wrought by COVID-19.

Driver's license suspensions and non-renewals should be used for the limited purpose of ensuring safe roads, and not for reasons such as failure to pay fines and fees, or failure to appear in court.¹ The majority of people living in the United States have limited or no access to reliable public transportation. The ability to drive is often necessary to get to work, or to court, and taking away that ability only makes it more difficult for people to comply with fines and fees payment obligations. The ability to drive is also often necessary to get to pharmacies, grocery stores, hospitals and other essential services. The COVID-19 pandemic has greatly exacerbated some of those pre-existing hardships and created new concerns on top of them.

Public health experts recommend social distancing as a critical way to curb the spread of COVID-19. Social distancing requires at least six feet of physical space from one person to another.² The majority of states and many local governments have made social distancing mandatory.³ Others have recognized the health risk of heavily populated public transportation

¹ The *Free to Drive* campaign is comprised of more than 130 ideologically diverse 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.

² *Coronavirus, Social Distancing, and Self-Quarantine*, available at: <https://www.hopkinsmedicine.org/health/conditions-and-diseases/coronavirus/coronavirus-social-distancing-and-self-quarantine>

³ <https://www.nytimes.com/interactive/2020/us/coronavirus-stay-at-home-order.html>

and advised people to avoid it if possible. As a result, the number of people using public transportation has dropped, leading to a drastic decrease in service in some cases.⁴ People with suspended or expired driver's licenses are left with no other options.

Despite the call for social distancing, a significant number of people in America are still expected to go to work. Some work in essential services and others might not have the option of paid leave. People struggling to pay court fines and/or fees are usually middle or low-income, and unlikely to be able to afford to take unpaid leave. With increasingly limited access to public transportation, and the current health risks of using public transportation, it is more critical than ever that people are able to drive themselves and their dependents to work, hospitals, pharmacies, and grocery stores, regardless of their income. Research is clear that driving in one's personal vehicle is the safest, most public health-conscious way to travel long distances; we must make this option available to as many people as possible during this time of crisis.

In some jurisdictions, AAMVA members are legally or judicially obligated to effectuate non-safety related suspensions and/or non-renewals. In several others, doing so is within their discretion. We believe the following AAMVA members retain the authority to stop suspending driver's licenses for non-safety related reasons: District of Columbia Department of Motor Vehicles, Idaho Transportation Department, Maryland Motor Vehicle Administration, New Jersey Motor Vehicle Commission, New Mexico Motor Vehicle Division, New York Department of Motor Vehicles, North Dakota Department of Transportation, South Carolina Department of Motor Vehicles, South Dakota Department of Public Safety Driver Licensing Program, and the Utah Driver License Division.⁵

In other states, the executive branch may pause suspensions and non-renewals using other authorities. In those jurisdictions not listed, we urge state Departments of Motor Vehicles to work with the Governor to end driver's license suspension during this crisis and reinstate those licenses that are currently suspended or ineligible for renewal because of unpaid debt. [Across the country](#), agencies at all levels of government are taking steps to mitigate the harms of COVID-19. Some local authorities have at least temporarily stopped suspending licenses, as in Florida's [Palm Beach](#) and [Broward](#) Counties. DMVs can play a key role in advancing public health during this time.

Prior to COVID-19, 15 states across the country introduced bills to address debt-based driver's license suspensions this year. Many of these bills have been thrown into limbo as state legislatures abruptly shutter, but Virginia and Maryland passed bills that are waiting to be signed by the Governor, and West Virginia's bill is now signed into law. Momentum on this

⁴ <https://wtop.com/dc-transit/2020/03/local-and-regional-transit-services-adjust-to-coronavirus-presence/>

⁵ 18 D.C.M.R. § 304; Id. Code § 49-326; 2018 Maryland Laws Ch. 792 (H.B. 1448) (amending Md. Code, Trans. § 27-103, effective October 1, 2018); N.J.S.A. §39:4-139.10 (the court and the Commission have discretion. If the court chooses to order a suspension, then the Commission must comply); N.M.S.A. § 66-5-30; N.Y. Veh. & Traf. § 510(4-a); N.D.C.C. § 39-06-32; S.C. Code Ann. § 56-25-20; S.D.C.L. § 32-12-49; U.C.A. § 53-3-221.

issue is already underway, and during this epidemic it is even more important for the sake of our country's public health.

Given the widespread harm caused by driver's license suspensions and the new public health and economic concerns caused by the COVID-19 virus, we hope that the AAMVA will work with its members to immediately end unnecessary driver's license suspensions and non-renewals for the duration of the public health crisis. We are happy to answer any questions and provide any assistance necessary.

Signed,

ACLU National
ACLU of Illinois
ACLU of Maryland
ACLU of Washington
Alabama Appleseed
ALEC Action
American Friends Service Committee-WV
Americans For Prosperity
Center for Employment Opportunities
Chicago Jobs Council
Civil Rights Corps
Due Process Institute
Equal Justice Under Law
Fines and Fees Justice Center
FreedomWorks
Good + Foundation
Harvard Undergraduates for Bipartisan Solutions
Human Rights Defense Center
Insight Center for Community
Economic Development
JP Morgan Chase & Co.
Justice & Accountability Center of Louisiana
Juvenile Law Center
Koch Industries
LatinoJustice PRLDEF
Law Enforcement Action Partnership

Libertas Institute
Maryland Consumer Rights Coalition
Minnesota Asset Building Coalition
National Association of Criminal Defense Lawyers
National Center for Law and Economic Justice
National Center for Youth Law
National Consumer Law Center
National Legal Aid & Defender Association
New Mexico Center on Law and Poverty
North Carolina Justice Center
Ohio Poverty Law Center
Oklahoma Women's Coalition
Prison Policy Initiative
Shriver Center on Poverty Law
Southern Legal Counsel, Inc.
Still She Rises, Tulsa
Texas Appleseed
Texas Civil Rights Project
Texas Fair Defense Project
The Bail Project
The Bronx Defenders
The Institute for Justice
The San Francisco Financial Justice Project
UC Berkeley School of Law, Policy Advocacy Clinic
Washington Association of Criminal Defense Lawyers
Washington Defender Association