



ACLU RESEARCH REPORT

Reckless Lawmaking

How Debt-Based Driver's License Suspension Laws
Impose Harm and Waste Resources

ACLU

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Executive Summary

There is a growing movement by advocates, organizers, and lawmakers to address the ineffective and unfair system and collection of court ordered monetary obligations, or “fines and fees.” The system of fines and fees is inextricably linked to over-policing, criminalization, and mass incarceration. While it is nearly impossible to know the exact number of people charged with fines and fees on an annual basis due in part to a lack of standardized data collection policies, a recent study estimated there could be well over 30 million cases for misdemeanors, violations, and infractions punishable by fines and fees filed per year.¹ That number does not even include civil traffic offenses.² The punishment for such offenses may include hundreds or thousands of dollars in fines and fees.

When people cannot afford to pay their fines and fees on time, a warrant may be issued for their arrest and/or their driver’s license may be suspended.³ People arrested on such warrants are typically brought to jail and held until they can see a judge. If they still cannot pay, the cycle of criminalization continues. The system of fines and fees not only criminalizes poverty, but also exacerbates racial disparities in policing and prosecution.⁴

Driver’s license suspension for failure to pay or failure to appear in court (i.e. debt-based suspension) is one of the most commonly imposed sanctions. This penalty is particularly harmful because of the sheer number of people affected and because of the way these suspensions lead to further penalties. The severity of the punishment far outweighs the underlying offense, which may not even be related to driving. Currently, all but three states (Idaho, Mississippi, and Virginia) suspend for either failure

to pay and/or failure to appear. As a result, at least 11 million people are not allowed to drive simply because they cannot afford to pay fines and fees, while people who can afford to pay are spared.⁵ And the brunt of these policies falls disproportionately on people of color, contributing to existing racial disparities in the criminal legal system.⁶

Since 2017, California, Hawai’i, Idaho, Maine, Maryland, Michigan, Mississippi, Montana, New York, Oregon, Texas, Virginia, West Virginia, and D.C. have enacted legislative reforms to curb the practice of debt-based suspensions for either failure to pay or failure to appear.⁷ As of the publication of this report, similar legislation has been proposed in 11 additional states.⁸ Related legislation has also been introduced at the federal level.⁹

Proposed legislation to end the harmful practice of debt-based suspensions is often met with a challenge: overcoming fiscal notes that mistakenly predict significant negative fiscal impacts from ending debt-based driver’s license suspensions. Fiscal notes for bills to end debt-based driver’s license suspensions tend to rely on assumptions based on imprecise data and more importantly, do not account for a number of other relevant factors that could offset the revenue generated from fines and fees such as the cost of collecting and enforcing payment. Furthermore, fiscal notes tend to deprioritize, and in some cases ignore altogether, the toll debt-based suspensions have on people affected by this policy.

In this report we highlight the individual and systemic costs that are often ignored in these types of fines and fees reform bills.¹⁰ Specifically, this report discusses the penalty of suspending driver’s licenses

as a consequence for unpaid fines and fees and the devastating consequences it imposes on impacted individuals. We also make recommendations for lawmakers to more accurately consider the value of continuing to fund government services through predatory fines and fees in light of the consequent harm.

Methods

In order to better understand the impact of suspensions, we conducted semi-structured interviews with 16 individuals who had their driver's licenses suspended because of unpaid fines or fees or failure to appear in court when related to unpaid fines or fees. Interviewees were drawn from three states: Colorado, Florida, and Minnesota – and were recruited via social media outreach and outreach through community organizations. Participants gave informed consent and were given the opportunity to be identified by a pseudonym in this report. They received a financial incentive for participating in the study.

Reasons for fines and fees causing the suspension varied. Some were caused by tickets for both moving violations and non-moving violations, such as expired registration, lack of insurance, broken headlight, and speeding. One license suspension was due to clerical errors; although the interviewee had paid her ticket on time, her license was still suspended.

The interviews focused on three main areas: details about the suspension, impact of the suspension, and further engagement with the criminal legal system, if any. Interviews were coded and analyzed based on the categories in the specific main areas and additional themes that emerged.

Key Findings

Legal and Fiscal Context: Examples of Colorado, Florida, and Minnesota

Colorado: Each year, more than 100,000 Coloradans lose their drivers' licenses because of unpaid traffic debt or for failure to appear in court.¹¹ The number of people impacted by this practice has been steadily increasing over the years. When someone fails to pay a traffic ticket, no matter how minor the violation, a notice is sent to the DMV. If full payment of the debt is not received within 30 days to clear the outstanding judgment, then the DMV is statutorily required to cancel the person's driver's license. Even with the threat of suspension, a significant portion of fines and fees remain unpaid. The Colorado State Judiciary reported a total unpaid balance of \$23,690,930, some of which dates back to 1975.¹²

Florida: In 2019, Florida imposed \$880 million in fines and fees (in criminal and traffic cases)¹³ and issued 1.2 million license suspension notices to people unable to pay them.¹⁴ These debt-based suspensions make up over 70 percent of all license suspensions in the state. Proposed legislation in Florida (as of publication, April 2021) would provide relief for a significant number of suspended drivers. Companion bills H.B. 557¹⁵ and S.B. 386¹⁶ call for the elimination of license suspensions for failure to pay criminal fines and fees.

Minnesota: Minnesota allows driver's license suspensions as a penalty for failure to pay fines and fees and for failure to appear in court,¹⁷ resulting in an estimated 80,000 active license suspensions.¹⁸ Driving under suspension is classified as a misdemeanor and punishable by up to 90 days in jail or a fine of up to \$1,000 or both.¹⁹ In 2021, H.F. 336 was introduced in Minnesota to end the use of driver's license suspensions for failure to pay fines and fees and failure to appear in court.²⁰

Driver’s license suspension for failure to pay or failure to appear is counter-productive, or at best, inconsequential to improving collection outcomes.

- The vast majority of interviewees did not pay their fines and fees because they did not have enough money to do so. This was due not only to the unaffordability of the original ticket, but also to the continually accruing fines and fees, such as late fees, reinstatement fees, and for some, fines for driving with a suspended license or failure to appear in court, and related bail costs.
- Amounts of the original fines and fees ranged from \$30 to \$800. After accounting for the additional fines and fees and increased insurance premiums the total amounts owed ranged from \$200 to \$9,000.
- Everyone interviewed found that the penalty of having their driver’s license suspended made it more difficult to comply, whether by creating obstacles to finding or keeping paid work or by prolonging their involvement in the legal system.

Lack of information contributes to non-compliance.

- None of the people interviewed received proper notice about how to avoid the penalty of a driver’s license suspension. Half of those interviewed did not know their license had been suspended until they attempted to renew their license or were pulled over by law enforcement for an unrelated traffic infraction. By that time, they had already incurred additional fees.
- Interviewees did not have sufficient information about how to reinstate their license or how to otherwise resolve the matter. Procedures were often unclear and some had to do their own research to figure out next steps, such as contacting several different agencies and even going back and forth to several locations while legally prohibited from driving.

“I had my small child with me at the time. It was very traumatic. The cop was very aggressive and threatening and told me that I should be grateful because he could arrest me and he's not going to.”

— Katy

- When people attempted to pay the fines and fees, they faced a cumbersome and inaccessible bureaucracy. In some instances, the process of paying off the debts and getting their license back required taking time off work and spending money to travel to court or the DMV.
- The amount of time it took those interviewed to get their license reinstated ranged greatly – from a little over a month to eight years. Even after years, some still have not been able to have it reinstated.

Debt-based suspensions can lead to financial instability.

- Driver's license suspension is counterproductive to the purpose of collecting fines and fees because it makes it harder for people to pay.
- Having their driver's license suspended for inability to pay fines and fees forced people to either give up their job or to drive with a suspended license. If they drove with a suspended license, they risked getting pulled over and facing additional fines, fees, court obligations, arrest, and incarceration.
- When people lost their job or took a lower paying job, they lost income that could have otherwise gone toward the outstanding fines and fees.
- People were also subjected to mounting costs from impound fees, increased insurance premiums, costs of alternative transportation, and hits to their credit scores.
- The inability to drive had far reaching economic consequences, making it more difficult to satisfy payment obligations and, more importantly, resulting in a punishment well beyond the scope of what would be appropriate for the original underlying offense.

Losing access to a driver's license has negative physical and mental health consequences.

- People were faced with the choice between making payments on fines and fees and securing other necessities like food and medical care.
- The majority of people interviewed reported a significant increase in stress and anxiety as they tried to make payments on their growing debt and get to work and court appearances without a car, grappling with the decision to drive with a suspension.

- A number of people reported an increased reliance on money and rides from family and friends, straining their relationships.

States are not collecting the data required to accurately determine the cost of debt-based driver's license suspensions.

- Sufficient data to ascertain the true fiscal cost of debt-based driver's license suspension that includes the cost of enforcement is largely unavailable; although there is some evidence to indicate that the cost is regularly underestimated.²¹
- Despite the established racial disparities in many aspects of the criminal legal system, demographic information is neither routinely nor uniformly collected in the course of imposing fines and fees or corresponding penalties.

This report provides ample evidence to challenge the assumption that reliance on fines and fees for revenue is sound policy. Debt-based driver's license suspension as a law enforcement mechanism is ineffective and overly punitive, and the additional financial, health, and legal consequences felt by individuals and their families renders the practice indefensible.

We urge jurisdictions to end their reliance on fines and fees for revenue to avoid unfair and counterproductive collection practices. Even in places where these practices remain in place, there are a number of steps that can be taken to reduce the harm such practices impose on individuals who cannot afford to pay.

Key Recommendations

Driver’s license suspension should not be used as penalty for failure to pay or failure to appear, regardless of the underlying offense.

State lawmakers should end the practice of suspending driver’s licenses for failure to pay fines and fees and for failure to appear. Legislation should retroactively reinstate licenses currently suspended for failure to pay or failure to appear and waive any reinstatement fees.

Lawmakers should also end other forms of debt-based punishment related to the ability to drive, such as any limitations or restrictions on access to a driver’s license, vehicle registration, or insurance.

Fees should be eliminated.

All fees that fund operating costs or other government services should be eliminated. Government reliance on fees as a source of revenue creates perverse incentives for law enforcement to over-criminalize people based on their income level. Eliminating fees will reduce the total amounts imposed on people, making monetary penalties more proportionate to the offense and more likely people will actually be able to pay.

Existing statutorily prescribed dollar amounts for fines should be replaced with income-based measurements (e.g. one day’s pay, 1 percent of monthly income).

Another way to make fines more affordable and equitable is to impose fines that are proportionate to income level. To avoid punishments determined by wealth, states should remove statutorily prescribed dollar amounts, and monetary penalties should reflect both the severity of the offense and individual financial circumstances. Income-based fines may also increase compliance with payment of court debt by ensuring that fines are affordable at the outset.

“If you can't afford to go to court, you're going to jail.”

— Dario

Lawmakers and court administrators should provide robust, timely notice of payment and court obligations and provide easily accessible information about the payment and reinstatement process.

Courts must provide information about payment obligations and required court appearances with sufficient time between notice of obligation and any penalty to give people a fair opportunity to comply.

States should collect demographic data for debt-based driver’s license suspensions.

States should develop systems for uniform, routine collection of accurate demographic data in all cases where fines and fees are imposed and collected, and where penalties are imposed for non-compliance. The data should be reported on an annual basis and be made publicly available.

States should regularly collect relevant data needed to accurately assess fiscal impact of fines/fees-related license suspensions.

When legislation to reform predatory fines and fees practices is introduced and subjected to the fiscal analysis process, lawmakers should ensure that they are making a holistic estimate, including scope of the impact, cost of enforcement, and collateral costs to the state, such as loss of tax revenue from jobs lost.

If adopted, these recommendations could not only improve the lives of those subject to growing fines and fees, but also combat the criminalization of poverty and reduce over-policing and incarceration.

Introduction

There is a growing movement by advocates, organizers, and lawmakers to address the ineffective and unfair system and collection of court-imposed debt, or “fines and fees.” Fines are monetary sanctions imposed as a penalty for an offense. Fees are additional monetary charges that are tacked onto fines to raise funds for operating costs, overhead, or unrelated government functions. They are also sometimes called court costs, surcharges, or taxes. While fines and fees serve distinct purposes, they are usually ordered as a combined payment obligation. Fines and fees can be charged for any classification of offense, but the focus of this report is on the penalties for nonpayment of fines and fees attached to offenses classified as misdemeanors and below, such as violations, infractions, and civil traffic offenses, and how the severity of punishment for the offense increases as the amount of money a person has decreases. Specifically, this report discusses the penalty of suspending driver’s licenses as a punishment for unpaid fines and fees, and the devastating consequences this has on impacted individuals.

The rising costs of mass incarceration and criminalization have, for the most part, not been matched by increased taxation; instead, government actors use fines and fees to attempt to offset the costs of government operations. The criminal legal system relies heavily on collecting money from the very people targeted by the system. The percentage of people convicted in the U.S. who received court-ordered fines grew from 25 percent in 1991 to 66 percent in 2004.²² Courts charge hundreds or even thousands of dollars in fines and fees, making it impossible for some people to comply. In 2019, the

Federal Reserve reported that 6 percent of U.S. adults had outstanding legal or court debt, with Black adults (12%) and Latinx adults (9%) more likely to have these debts than white adults (5%).²³ People who cannot pay face mounting penalties in the form of additional fines, fees, and other sanctions, such as arrest, extended probation, incarceration, and driver’s license suspension.

Driver’s license suspension for failure to pay or failure to appear (i.e., debt-based suspension) is particularly harmful because of the sheer number of people affected and because of the way these suspensions lead to further penalties. The severity of the punishment far outweighs the underlying offense, which may not even be related to driving. Currently, all but three states (Idaho, Mississippi, and Virginia) suspend for either failure to pay and/or failure to appear (see Figure 1). As a result, at least 11 million people are not allowed to drive simply because they cannot afford to pay fines and fees, while people who can afford to pay are spared.²⁴ And the brunt of these policies falls disproportionately on people of color, contributing to existing racial disparities in the criminal legal system.²⁵

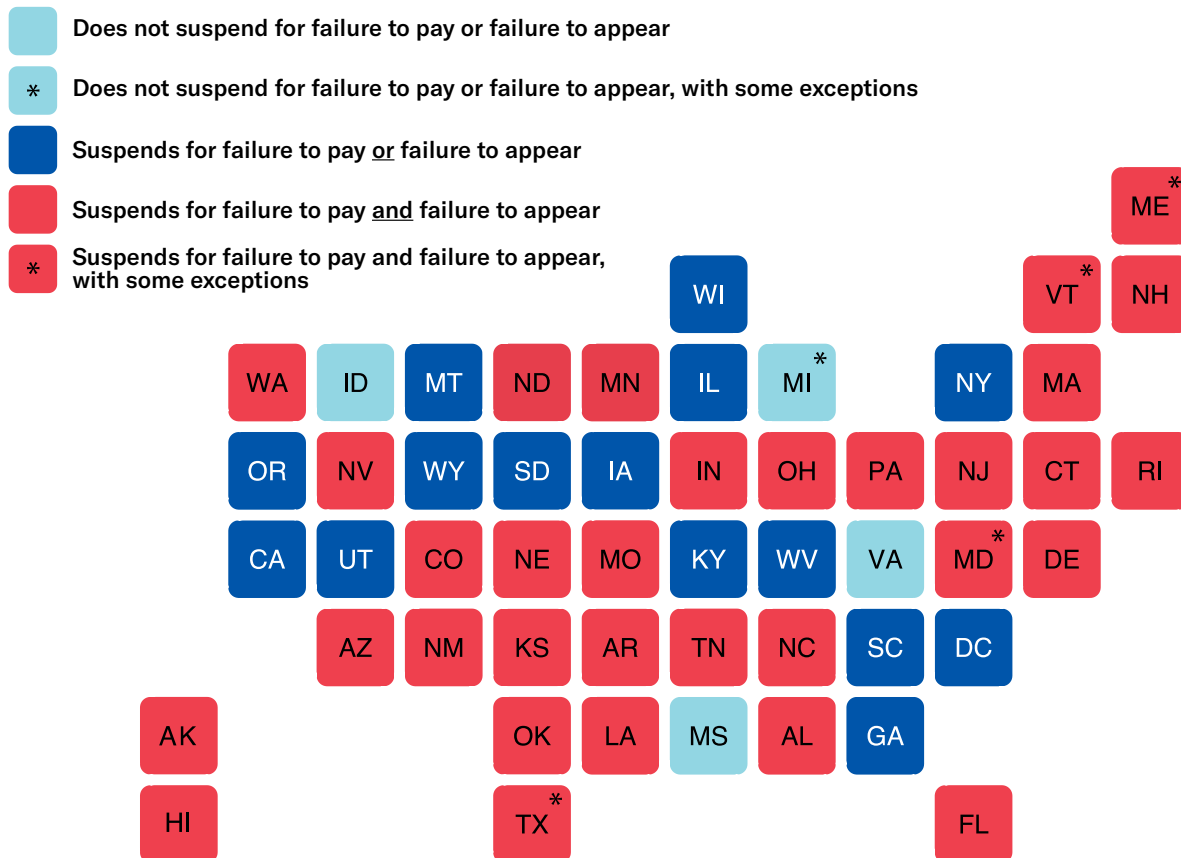
In all states that suspend driver’s licenses for failure to pay, driving with a suspended license is punishable by fine, jail time, or both.²⁶ Unsurprisingly, without access to reliable, comprehensive public transportation, people with a suspended license may continue to drive out of necessity. Those without the ability to pay fines and fees most likely do not have the ability to pay for forms of alternative transportation, such as cabs and car services. In many areas, public transportation may be inadequate or nonexistent. Because police can identify open warrants and

suspensions for failure to pay through license plate readers, enforcement of unpaid fines and fees can provide a justification for a pretextual police stop, which can lead to escalated police encounters and more serious charges. The longer a person struggles to pay off their fines and fees and reinstate their license, the longer they remain at risk of pretextual stops, arrest, and incarceration for driving with a suspended license or for an open warrant for failure to pay. This cycle of punishment and criminalization inflicts grave harm on individuals and their families. It also wastes public resources on unnecessary police stops, arrests, jail admissions, and court time on issues that should not be criminalized in the first place, while making it more difficult for people to pay and escape perpetual punishment.

Background

The system of fines and fees is inextricably linked to over-policing, criminalization, and mass incarceration. While it is nearly impossible to know the exact number of people charged with fines and fees on an annual basis due in part to a lack of standardized data collection policies, a recent study estimated there could be well over 30 million cases for misdemeanors, violations, and infractions punishable by fines and fees filed per year.²⁷ That number does not even include civil traffic offenses.²⁸ The punishment for such offenses may be hundreds or thousands of dollars in fines and fees. For instance, in California, the base fine for running a red light is \$100. But after accounting for fees, the total amount charged comes to \$490.²⁹ This does not include

FIGURE 1
Debt-Based Driver's License Suspension Laws in U.S. States and the District of Columbia



Data Source: Free to Drive Coalition, Current as of March, 2021, Accessed March 30, 2021 www.freetodrive.org

increased insurance premiums, traffic school fees, or other potential collateral costs. When people cannot afford to pay their fines and fees on time, a warrant may be issued for their arrest or their driver's license may be suspended.³⁰ People arrested on such warrants are typically brought to jail and held until they can see a judge. If they still cannot pay, the cycle of criminalization continues.

The system of fines and fees not only criminalizes poverty, but also exacerbates racial disparities in policing and prosecution.³¹ In 2015, the U.S. Department of Justice's (DOJ) investigation into the Ferguson, Missouri police department revealed how the city's reliance on fines and fees created perverse incentives for discriminatory and racist over-policing.³² Almost a quarter (23%) of Ferguson's total municipal revenue came from fines and fees. Between the years 2010 and 2014, the City of Ferguson, despite a population of just 21,000 people, issued 90,000 citations and summonses — almost all issued to Black people. Black people made up 85 percent of people stopped, 90 percent of those who received a citation, and 93 percent of those arrested, despite making up just 67 percent of the city's population.³³

Despite growing calls for transformational changes to limit the roles, power, and funding of police, jurisdictions continue to raise revenue using this type of racist, discriminatory policing. Jurisdictions in every state rely on policing to generate revenue from fines and fees by disproportionately extracting wealth from Black communities. For example, in 2017, Chicago had 10,000 Chapter 13 bankruptcies that resulted from an inability to pay fines and fees, and eight of the 10 ZIP codes that carried the most debt due to unpaid fines and ticket debt were majority Black.³⁴ Last year, New Orleans vacated more than 55,000 outstanding warrants, the majority of which were for failure to pay or failure to appear for fine-only offenses.³⁵ At the time, one out of every seven adults in New Orleans had open warrants and more than two-thirds (69%) of these were Black adults. The Memphis City Court Clerk's website does not mince words in its mission statement: "To collect City revenues generated by the Memphis Police

The criminal legal system relies heavily on collecting money from the very people targeted by the system.

Department through the issuance of traffic citations, traffic summons, and ordinance summons."³⁶

ACLU client Twanda Marshinda Brown was ordered to pay \$2,400 for two traffic violations in Lexington County, South Carolina.³⁷ After making five payments, she fell behind when her employer paid her with bad checks and she had to take time off work to care for her hospitalized son. Before she could make another payment, police showed up at her house and arrested her while her children were home. She was ordered to pay the remaining \$1,907.63 in fines and fees or serve 90 days in jail. She had to spend 57 days in jail because she could not immediately afford the fines and fees.

The problem is not limited to South Carolina. In 2016, 95 percent of arrest warrants issued in Texas were for unpaid fines and fees, and more than 640,000 people were jailed as a result.³⁸ In 2020, the Las Vegas Justice Court in Clark County, Nevada, reported 270,000 open warrants for unpaid traffic tickets and failure to appear on those tickets.³⁹ Court administrators found that on average, people arrested on traffic warrants in Clark County spent an average of 60 hours in jail from admission to release, a shocking punishment for a mere missed payment or missed court appearance. Such futile incarceration costs taxpayers about \$400 per person, though the societal consequences are impossible to quantify.⁴⁰

Obstacles to Ending Debt-Based Driver’s License Suspensions

Since 2017, California, Hawai’i, Idaho, Maine, Maryland, Michigan, Mississippi, Montana, New York, Oregon, Texas, Virginia, West Virginia, and D.C. have enacted legislative reforms to curb the practice of debt-based suspension.⁴¹ As of the publication of this report, similar legislation has been proposed in 11 additional states.⁴² Related legislation has also been introduced at the federal level.⁴³

Proposed legislation to end the harmful practice of debt-based suspensions is often met with a challenge: overcoming fiscal notes that mistakenly predict significant negative fiscal impacts from ending debt-based driver’s license suspensions. In general, fiscal notes analyze how proposed bills will impact a state’s budget and can be a crucial factor in whether legislation passes. Fiscal notes for bills to end debt-based driver’s license suspensions tend to rely on assumptions based on imprecise data and, more importantly, do not account for a number of other relevant factors that could offset the revenue generated from fines and fees, such as the cost of collecting and enforcing payment.

Given the significance of inaccurate and incomplete fiscal notes as an obstacle to ending debt-based driver’s license suspensions, we sought to examine the true costs of debt-based suspensions — both in terms of the fiscal impact on the government (i.e., revenue raised and enforcement expenditures) and the human impact (i.e., the effects of debt-based license suspensions on the people who are subject to these suspensions). However, in many places, the majority of the quantitative data necessary to estimate the fiscal cost of bills to end debt-based suspensions is not being collected. In a fiscal analysis of 10 counties in three states, the Brennan Center for Justice found an alarming lack of data related to fines and fees collection practices.⁴⁴ Where the authors could access data, they found that governments almost always underestimated the cost of collecting fines and fees. They emphasized the gap in information:

“The true costs are likely even higher than the estimates presented here, because many of the costs of imposing, collecting, and enforcing criminal fees and fines could not be ascertained. No one fully tracks these costs, a task complicated by the fact that they are spread across agencies and levels of government. Among the costs that often go unmeasured are those of jailing, time spent by police and sheriffs on warrant enforcement or driver’s license suspensions, and probation and parole resources devoted to fee and fine enforcement. This makes it all but impossible for policymakers and the public to evaluate these systems as sources of revenue.”⁴⁵

Furthermore, fiscal notes tend to deprioritize, and in some cases ignore altogether, the toll debt-based suspensions have on people affected by this policy. Thus, in this report we highlight the individual and systemic costs that are often ignored in these types of fines and fees reform bills.⁴⁶ We also make recommendations for lawmakers to more accurately consider the value of continuing to fund government services through predatory fines and fees in light of the consequent harm.

Methods & Sample

In order to better understand the impact of suspensions, we conducted semi-structured interviews with 16 individuals who had their driver's licenses suspended because of their inability to pay fines or fees. Interviewees were drawn from three states: Colorado, Florida, and Minnesota.⁴⁷

Outreach, Recruitment, and Sample

At the outset of the project, we identified states that met the necessary criteria for inclusion:

- Driver's licenses could be suspended due to unpaid fines and fees
- ACLU affiliate was actively working on legal, advocacy, and/or public education efforts related to the issue at the time of the study
- Geographically diverse

Based on the above criteria, we recruited interview subjects from Colorado, Florida, and Minnesota.

Outreach for the interviews were conducted by the study team using two methods: identification by affiliates, other organizations, or public defenders; and social media outreach.

Outreach materials were developed, including information sheets about the study that were shared with affiliates, organizations, and public defenders, and images and language for social media posts. Posts were shared by affiliates on their Twitter and/or Facebook channels. In order to ensure we could secure the desired number of interviews in a rather

quick timeframe, a \$50 American Express card was offered as an incentive for participation.

All those informed about the study – either via social media post, from the affiliate, or by someone else they knew (see above) – were asked to complete an online screener survey if they were interested. In addition to providing basic information about the study, collecting contact information, and asking about availability to be interviewed, the survey included questions to assess if they met the following criteria for inclusion:

- Had license suspended in one of the three states included in the study
- Suspension occurred in the past five years
- Suspension occurred because of unpaid fines and fees (tickets, court fees, etc.) or failure to appear in court related to unpaid fines or fees
- Was able and willing to be interviewed in English
- Had access to phone or internet calls (e.g., Zoom, Skype, FaceTime) or was willing to meet in person (note: Interviews were conducted before the outbreak of the COVID-19 pandemic in the U.S.)

Eligible respondents were invited to participate in the study.⁴⁸ A total of 16 individuals were interviewed: eight from Colorado, five from Florida, and three from Minnesota.

Interview Procedures and Analysis

Interviews were conducted by ACLU national and affiliate staff and interns. A designated interviewer contacted the participants to schedule the interviews. Interviews were conducted at a time and via a method convenient for the participants.

Interview Protocol

The interviews were semi-structured and followed an interview protocol. The protocol included a consent briefing script and the Question Guide. The Question Guide was developed by the research study team and informed by prior literature, policy and advocacy areas of interest, and the professional experience of lawyers and advocates familiar with the issue. The Question Guide was semi-structured and included broad, open-ended questions accompanied by specific probes and sample prompts. The questions covered three main areas:

- **Case Background:** details about the suspension itself, including reason for suspension, process of notification and reinstatement, and debt and payment history and process
- **Impact of Suspension:** effects of the suspension on participant's employment, finances, health, family, and community involvement
- **Further Criminal Justice/Legal System Entanglement:** additional arrests, charges, court appearances, jail time, or monetary sanctions for violations like driving with a suspended license

Interviewers were trained on the interview protocol and interviewing techniques, including informed consent and specific data privacy procedures.

Consent and Privacy

A consent briefing was provided at the beginning of the interview, with informed consent obtained verbally. Consent was also reconfirmed at the end of

the interview. Participants were asked permission to record the interview.

In order to protect participants' legal rights, in the screener survey, we asked respondents to indicate if they had an attorney and, if so, whether we had permission to contact them in order to ensure their participation would not infringe on their rights or harm their case in any way.

In order to respect the privacy of those interviewed, all participants were provided with the opportunity to choose a pseudonym to be used when referred to in the report; six selected a pseudonym, while 10 chose to keep their names. We also provided participants with the opportunity to identify any specific characteristics or information that they discussed during the interview that they would prefer not to have included in the report (e.g., employer, family circumstances, criminal history, demographic information). No one requested the omission of any specific content.

Interview data was anonymized immediately following the interview, with the ID codes/name pairings kept separate from the interview data. All were kept in password-protected electronic files and shared between study team members using secure file transfer protocols. For those interviewees who chose not to use a pseudonym, their names were attached according to ID codes after the analysis was complete.

Coding and Analysis

All interviews were conducted via phone and were recorded. Interviewers also took notes during all interviews. Interview length ranged from 20 to 48 minutes. Twelve of the 16 interviews were transcribed. (Due to technical difficulties, four interviews failed to properly record; in those cases, we relied on the interviewer notes and data from the screener survey.) Following each completed interview, the participant was sent an American Express gift card.

Interview transcriptions and notes were analyzed and coded using Dedoose qualitative analysis software

through a combination of content and thematic analytic approaches. A broad coding framework was developed a priori based on key areas of interest from the interview guide (e.g., family impact, additional fees). Subsequent secondary codes were developed both a priori and as they arose in the data.

Limitations

Like all research, this study has important limitations. First, as a small, qualitative study, the findings may not be generalizable to a broader population. Those interviewed chose to share their experiences and typically were connected in some way with ACLU, either as a social media follower of one of the affiliates or connected with someone who was, or being directly or indirectly referred by ACLU affiliate staff or a partner organization. It is possible that those who chose to share their experiences were more likely to have had harmful experiences and/or were more unsatisfied with the process than those who did not respond to the request for participants. Thus, the people we interviewed cannot necessarily be considered representative of the larger pool of those who have had their licenses suspended because of unpaid fines and fees. Furthermore, the participants in this study are from three particular states, and it is possible that driver's license suspensions are handled differently in other states. The provision of a financial incentive for participating in this study was designed not only to compensate people for their time, but also to ensure that the study was not open solely to those who could afford to volunteer their time. However, this might have resulted in a disproportionate representation of people with financial difficulties, and it is therefore possible that our interviews reflect the experiences of the most vulnerable and most marginalized by these policies. Despite the inability to generalize the findings of this study to the broader population, prior research,⁴⁹ litigation,⁵⁰ and legislative testimony⁵¹ indicates that the experiences shared by those interviewed are fairly similar to others who have had their licenses suspended due to unpaid fines and fees, including those in states outside Colorado, Florida, and Minnesota.

Findings

Legal and Fiscal Context: Examples of Colorado, Florida, and Minnesota

Colorado

Each year, more than 100,000 Coloradans lose their driver’s licenses because of unpaid traffic debt or for failure to appear in court.⁵² The number of people impacted by this practice has been steadily increasing over the years.

In Colorado, license suspensions for unpaid debt happen via a mechanism called an “Outstanding Judgement/Warrant” (OJW). OJW refers to the fact that a driver’s license may be suspended for either an (1) outstanding judgment – essentially an unpaid debt – or (2) for an outstanding warrant, i.e., a missed court appearance. Traffic-related misdemeanor and infraction cases – which can become the basis for an OJW – make up 86.7 percent of all driving license suspensions entered by state and county courts in Colorado.⁵³

When someone fails to pay a traffic ticket, no matter how minor the violation, a notice is sent to the DMV. If full payment of the debt is not received within 30 days to clear the outstanding judgment, the DMV is statutorily required to cancel the person’s driving license.

Even with the threat of suspension, a significant portion of fines and fees remain unpaid. The Colorado State Judiciary reported a total unpaid balance of \$23,690,930, some of which dates back to 1975.⁵⁴

Driver’s license suspensions terminate upon issuance of a “clearance letter” from the court. Though not required by statute, the Colorado State

Judiciary has adopted an unfortunate policy of withholding clearance letters until full payment of the underlying fines and fees. This means people who cannot afford to pay cannot get their license back.

In Colorado, the legislature has taken some action to address this problem in recent years. For example, in 2017, H.B. 17-1162 decriminalized the offense of “Driving Under Revocation” (DUR) if the person’s license was suspended because of unpaid traffic debt alone.⁵⁵ Formerly, DUR under these circumstances was punishable by up to six months in jail. Now, it is a civil infraction punishable by a \$100 fine. But the underlying injustice of these nonsensical suspensions for people with the ability to pay remains.

Florida

In 2019, Florida imposed \$880 million in fines and fees (in criminal and traffic cases)⁵⁶ and issued 1.2 million license suspension notices to people unable to pay them.⁵⁷ These debt-based suspensions make up over 70 percent of all license suspensions in the state.

Proposed legislation in Florida (as of publication, April 2021) would provide relief for a significant number of suspended drivers. Companion bills H.B. 557⁵⁸ and S.B. 386⁵⁹ call for the elimination of license suspensions for failure to pay criminal fines and fees. While a memorandum by the Florida Clerks of Courts Operations Corporations estimated that ending debt-based license suspensions would result in an estimated revenue loss of between \$20.8 million and \$49.5 million,⁶⁰ the staff fiscal analysis found the total fiscal impact to be unknowable.⁶¹ It acknowledged the possibility of a negative fiscal impact, but also recognized that allowing people to drive to work could make it easier for them to comply with payments and reduce workloads for courts, ultimately having a

positive fiscal impact.⁶² The staff fiscal analysis did not estimate the potential savings from no longer administering and enforcing more than 1 million license suspension notices on an annual basis.

Minnesota

As of the date of publication, Minnesota allows driver's license suspensions as a penalty for failure to pay fines and fees and for failure to appear in court,⁶³ resulting in an estimated 80,000 active license suspensions.⁶⁴ Driving under suspension is classified as a misdemeanor and punishable by up to 90 days in jail or a fine of up to \$1,000 or both.⁶⁵

In 2021, H.F. 336 was introduced in Minnesota to end the use of driver's license suspensions for failure to pay fines and fees and failure to appear in court.⁶⁶ The same bill had been introduced in prior years. Fiscal notes for previous versions of the bill have assumed that ending license suspensions would result in a decrease in revenue collected from fines and surcharges, without accounting for the potential savings from no longer administering or enforcing license suspensions and driving while suspended cases.⁶⁷ While testifying in support of the legislation, Minneapolis City Attorney Mary Ellen Heng told the legislature that her prosecutors spend about 30 percent of their time enforcing these suspensions that have no bearing on public safety, a substantial cost notably absent from the fiscal note.⁶⁸

The Human Cost of Debt-Based Suspensions

Our interviews with impacted individuals from Colorado, Florida, and Minnesota allowed us to better understand the true costs of debt-based driver's license suspensions – both financially and in all areas of a person's life. The interviews focused on those who had their licenses suspended for failure to pay fines and fees or failure to appear in court. These fines and fees were given for both moving violations and nonmoving violations, such as expired registration, lack of insurance, broken headlight, and

“[The criminal legal system] is not set up properly for people that are broke. If you're broke, you are going to go down and down and down and down. There's no looking up.”

– Isabel

speeding. One license suspension was due to clerical error; even though an interviewee had paid her ticket on time, her license was still suspended.

Notification of Suspension

The majority of respondents reported that they did not receive sufficient notification of the inciting event (outstanding payment or court date) that cost them their license. Half of those interviewed did not know their license had been suspended until they were pulled over by law enforcement for an unrelated traffic infraction. Others did not find out about the suspension until they attempted to renew or obtain their license. Some respondents reported that they were notified by mail of the suspension, but noted that they had not received any earlier notification of outstanding fines until they received notice of their license suspension, or they received that notification only after it was too late to avoid the suspension.

Dario's Story

Dario had recently purchased a new car in Colorado and had not received the registered license plates when he was pulled over and ticketed for no registration, fictitious plates, and tinted windows. He went to court with proof that the license plates were not fictitious and with updated registration. While those two charges were dismissed, Dario was ordered to pay over \$1000 in fines and fees within two weeks of the court hearing. He has paid over \$400, but since he could not afford to pay the entire amount within the designated time frame, the outstanding balance went to a collections agency.

About a year later, Dario was pulled over for a broken headlight. He was arrested and taken to jail without being told why. Once there, he found out he was arrested for driving with a suspended license for failure to appear at a court date about the remaining unpaid balance from the original ticket. That was the first time he heard about a court date or was notified about having a suspended license.

Dario paid \$500 in bail to be released from jail. When he went to retrieve his car from where it had been impounded, he was told he could not have it because even though he did have insurance, he did not have the proof with him. He received another ticket as a result.

Dario is still struggling to pay these fines and fees, and often has to choose to “either pay the traffic fines or pay for food.” Shortly after his license was suspended, he lost his job because he worked 35 miles from his home and “since I couldn’t drive to work, I lost my job.” This caused him to lose his employment-based health insurance.

He has struggled to find stable work since: “I don’t have a vehicle... and on their applications, that’s one of their first questions. ‘Do you have a valid driver’s license?’” When he has found work, it has been for substantially less money. Before his license was suspended, he was making about \$3,000 a month. Five years later, he has still not

been able to find a job that pays more than half that (\$1,500 a month).

The lack of employment, transportation, and financial stability resulting from his suspended license has taken a toll on Dario’s health. He has gone to the hospital multiple times for anxiety attacks, and, as he says, “I believe it’s because of the stress that I can’t find decent work, that I don’t have transportation, and it just makes life three times harder.” As a result of mounting collections fees and interest over the last five years, Dario’s credit score declined and he now owes more than \$2,000. All of this on account of just not being able to afford to pay a traffic ticket.

COURT BILL FOR CHARGE OF DRIVING WITH TINTED WINDOWS

FINES

Misdemeanor Fine: \$75.00

Traffic Fine: \$150.00

FEES

Victim Compensation Fund: \$66.00

Victim's Assistance Fund: \$134.00

Evaluation & Supervision: \$200.00

Court Security Cash Fund: \$5.00

Court Costs: \$21.00

LEAF Assessment: \$90.00

Traumatic Brain Injury Trust Fund: \$15.00

Additional Surcharge: \$50.00

Genetic Testing Surcharge: \$2.50

Useful Public Service Fee: \$80.00

Cost of Prosecution-Crg Agency: \$88.66

Time Payment Fee: \$25.00

Outstanding Judgment/Warrant Fee: \$30.00

TOTAL OWED: \$1,032.16



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Ability to Pay

Most of those we interviewed could not afford to pay the fines and fees that led to their license suspension. They spoke not only to the cost of the original ticket, but also to the continually accruing fines and fees, such as late fees, court costs, reinstatement fees, and, for some, fines for driving with a suspended license or failure to appear in court and related bail costs. Although some could not recall the exact amount of the original ticket, those who did reported amounts ranging from \$30 to \$800. After accounting for the additional fines and fees and increased insurance premiums, the total amount each interviewee owed ranged from \$200 to \$9,000.

About half of those we interviewed indicated that they were expected to pay off their tickets in full rather than in installments, which was not possible for them, especially within the timeline given. Many found it difficult to pay the original fines and fees, and virtually impossible with compounded costs and escalating late fees. Viviana from Florida explained, “Court fees, late fees, the tickets themselves, all this stuff that just kept adding up. I didn’t have a chance. You want me to pay this, but I can’t get to work an hour and a half away [without a license].” As Kareena from Florida shared,

“It was a pretty huge financial burden on me. It was very, very stressful to get the money. I was trying to, you know, find change practically on the floor. I was going through savings accounts, ‘Do I have money here, do I have money there?’ Seeing if there was a financial way, if I could pull a loan or something. It was definitely a huge challenge for me to find the money, it was a very stressful situation.”

Some had to take out loans or borrow money from friends and family to pay off their fines and fees. Only six of the 16 people interviewed reported being given the option of a payment plan. One person in Florida indicated that they could not take advantage of a payment plan because it required them to go to court in person to pay every month, which was not possible without a valid driver’s license. Of those who took

the option of a payment plan, the amount they paid ranged from \$20 to \$50 per month. By the time Rosie paid off her debt through a payment plan, she owed more than \$800 in addition to the initial ticket for an unregistered vehicle, late payment fees, and the fee to have her license reinstated. Melissa received a payment plan of \$20 per month. She has paid off \$1,500 of her debt thus far, but still owes more than \$4,000. At the current rate, it will take about 16 years to clear the debt, assuming all payments are made on time and no additional fees or interest accrues. The payment plan is not easy for her and the threat of dire consequences such as arrest looms large:

“Well, yes, my income is only \$751 a month. So even \$20 to me is an awful lot of money. And that’s why my payment plan is set up at \$20. And, really, I don’t want to go to jail for not doing it. So I try every month. I do miss some months ... [if I miss it, they send] me a notice through the mail saying that I need to pay it or they could issue a warrant.”

Others, like Dario, who could not afford to pay or were not offered a plan, faced prolonged license suspension, perpetual late fees, and, in some instances, even more severe penalties, such as incarceration.

“I was able to come up with the money, [but] it was a hardship — couldn’t eat for a week.”

— Rosie

Reinstatement Process

Although some could not pay what they owed because they could not afford it, even those who had the funds faced a cumbersome, confusing, and inaccessible bureaucracy.

Overall, interviewees felt they did not have sufficient information about how to reinstate their license or how to resolve the matter in a financially feasible way. Some felt the steps and procedures were unclear, while others had to do their own research to figure out what to do, contacting several different agencies and even going back and forth to several locations while legally prevented from driving.

Rosie in Colorado could not afford to pay for her car registration and a previous ticket, which resulted in her license being suspended. However, she did not know about the suspension until she was pulled over while working for a food delivery service. The notification had been mailed to her at an address where she no longer lived; she had moved recently and had all her mail forwarded. However, the officer explained that the DMV does not forward mail, so she would have had to change her address directly with the DMV to receive the notification. “How would I have known that?” Rosie asked. She encountered further difficulties when she was finally able to pay off some fines and attempted to get her license reinstated, including having to deal with DMV offices in two different counties. One DMV initially refused to accept evidence of payment from the DMV in another county because it was not stamped with a “raised seal.” The DMV in question did not have raised seal stamps and never used them.

One person interviewed was unable to set up a payment plan solely because they could not reach an official to do so. For most, the process of paying off their debt and getting their license back required them to take time off work and spend money traveling to court or the DMV. As Katy in Colorado explained,

“And because I didn’t have any money, I had to ask for help. And a friend generously paid for an Uber to get my kid to school and get me back home. And then I had to spend extra

“With my background, it is already difficult to find employers willing to take a chance on me without the extra added barrier of no license and reliable transportation.”

— Aaron

money, too. That was another expense, was paying for the Ubers to get around town and to take care of all the business involved in getting everything straightened out.”

The amount of time it took those interviewed to get their license reinstated ranged greatly, from a little over a month to eight years. Some are resigned to never having it reinstated. As Jessica from Florida expressed,

“I’ve kinda just given up on it, to be honest with you. I just kind of, you know, just resolved to ride the bus everywhere. I do the best I can with that, I guess, you know, for now.”

Impact on Employment and Economic Stability

Losing one’s driver’s license can have a catastrophic impact on employment and economic stability, often compounding a lack of ability to pay the fine or fee that caused the suspension to begin with. A study

in New Jersey found 42 percent of people who lost their license due to suspension lost their jobs as a result, and 88 percent of those who were able to find another job had to take one at a lower wage.⁶⁹ It is a predictable result, considering more than 85 percent of people in the United States drive to work.⁷⁰

All those interviewed relied on a car for their employment, whether driving was part of their job or just as transportation to work. The majority of the interviewees specified that not being able to drive legally has directly affected their employment and future employment opportunities, by causing them to lose their job, making it harder to get to work, forcing them to take time off work to go through the process of reinstating their license, or restricting their ability to find employment.

Several respondents stated they faced more difficulties finding work after having their license suspended, including Dario from Colorado and Aaron from Minnesota:

“Yeah, like, there’s places that actually I was more than qualified for. It’s just I don’t have a vehicle to get to those places, and on their applications, that’s one of their first questions. ‘Do you have a valid driver’s license?’ And then if you say no, that pretty much takes you out of the mix for getting hired.” — Dario, Colorado

“I have been unable to accept jobs that were well-paying because the transit system couldn’t get me there or, if it could, it would be well over a two-hour commute with multiple connections. With my background, it is already difficult to find employers willing to take a chance on me without the extra added barrier of no license and reliable transportation.” — Aaron, Minnesota

Difficulties securing stable employment also impacted most interviewees’ ability to maintain a steady income. Nabony from Minnesota stated, “It shackled me. Can’t work, which means I can’t live.” Even among those who were able to maintain employment, the license suspension and related

fees added financial burdens to what was already an insecure position. Several respondents did not have enough money on hand to pay the original ticket and had to live paycheck-to-paycheck while attempting to have their license reinstated; some mentioned having no income at all at the time of their license suspension. People had to choose between paying these fees or providing basic needs for themselves and their families. For example, approximately half of the respondents reported that they had to choose between paying off fines and buying groceries; as Dario from Colorado explained, “The ability to pay competes with the cost of rent and cost of food and daily expenses. So it’s like, either pay the traffic fines or pay for food, you know.” One respondent reported that their inability to drive impacted their ability to physically go to purchase groceries.

The additional difficulties that come with license suspension — including having a car impounded, attending court-ordered driving classes, and dealing with a collections agency for owed fines — often led to further financial stress. Furthermore, some incurred even more collateral costs, such as increased insurance payments, alternative transportation costs, lawyer services, and paying bonds for those who were arrested as a consequence of the license suspension. These additional costs, on top of the original fines and fees, ranged from hundreds to thousands of dollars.

This financial impact led to longer-term financial damage. Two individuals reported that their credit score was negatively impacted by the license suspension and tickets, and a number of others reported that their insurance premiums increased. Some respondents reported that the impact caused

“It shackled me.
Can’t work, which
means I can’t live.”

— Rosie

“I was committing a crime that day by getting into my vehicle and driving away. And right there, I had I have not committed a crime in my life. I was a mother of kids. And that back there, that first initial one, I, I felt bad, I mean, I did not like it at all. You know. And and the whole thing from that day on, every time I had to get behind the wheel, I felt like a criminal. And I knew that I didn't have any other options. That's the thing. And I did use my resources just as much as possible by asking friends or other family members ,get help. But things come up that you can't always get help.”

— Melissa

Health Impacts

The people we interviewed experienced negative impacts of their driver's license suspension on various aspects of their physical and mental health.

Impact on physical health.

People often faced a choice between buying basic necessities or paying fines and fees. Rosie from Colorado was able to pay her fines, but it came at a price to her health. “I was able to come up with the money, [but] it was a hardship – couldn't eat for a week,” she said. Due to the license suspension,

some interviewees could not travel to doctor's appointments or afford medical services, making preexisting health conditions worse. They also reported that the added stress of navigating the financial and legal process of the suspension exacerbated physical health issues.

Indirect impacts on interviewees' health included losing health insurance due to job loss, getting less sleep due to a longer commute on public transportation, decreased ability to purchase groceries, and being unable to provide health resources for their family.

Impact on mental health.

In addition to the physical health effects, just over half of those interviewed reported that the license suspension harmed their mental health. Being stuck with a debt-based license suspension was a source of frustration, fear, and stress for many. As Kareena from Florida noted, “It definitely took a mental toll on me. I don’t wish that on anyone. Looking back, every time I think about [the driver’s license suspension], I’m always like, ‘God, I’m so glad I’m out of that situation.’”

Some interviewees expressed that the isolation resulting from not being able to drive took a toll on their well-being. Another interviewee reported being diagnosed with several mental health conditions and said the social impact of being unable to drive affected their mental health. One interviewee reported being hospitalized due to anxiety attacks triggered by the stress and life difficulties that came from being unable to drive while having to pay off outstanding fines they could not afford. Others reported that the social and financial stress that came with their driver’s license suspension worsened their preexisting mental health conditions.

Some of those interviewed disclosed that they continued to drive despite their license suspension in order to meet their day-to-day responsibilities and commitments, including attending court dates and other appointments necessary to reinstate their license. Many reported constant stress, anxiety, and fear whenever they were behind the wheel, and some reported generally feeling less safe and more fearful around law enforcement, even when they were not driving. One interviewee, Katy from Colorado, directly stated that encounters with law enforcement related to her suspension negatively impacted her mental health, as she recalled two traumatic incidents of being pulled over by law enforcement with her child in the car.

Family and Community Impact

Half of those interviewed indicated that having their driver’s license suspended affected aspects of their

family life. Some spoke of increased dependence on their family on account of their suspended license, including having family members drive them to their work and appointments, having to move in with family because they could not afford rent, and borrowing money from family to pay off the fines and fees. Some mentioned feeling like a burden for being unable to provide for themselves and their family. Some also struggled to provide for family members under their care, as they were unable to drive children to school or family members to medical appointments.

Furthermore, some interviewees mentioned feeling like a burden on their friends for similar reasons. One person recounted staying at a friend’s house to drive to work, as it was a shorter drive to their workplace, creating less opportunity to be stopped by law enforcement for driving with a suspended license. Another interviewee felt their dependence on friends strained their friendships, and people were now avoiding them.

Some interviewees felt like they were no longer part of their community or wider society due to their license suspensions. They missed out on important events, such as family functions and social outings, due to their inability to drive. Alternative transportation was too expensive and inaccessible for some to be used for nonessential purposes. Others indicated that because they were so busy trying to pay off their fines and fees, they had no time or money for anything but work and essential responsibilities. Interviewees said that license suspension prevented them from participating in other activities they had routinely engaged in prior to losing their license, such as practicing their religion, exercising their right to vote, taking trips, going to the movies, or going hiking. As Viviana from Florida shared, the suspension “completely put a stop to things in my life.”

Legal Impact – Continued Involvement With Criminal Legal System

The suspension of a driver’s license often leads to cyclical involvement with the legal system, including required court appearances, compounding criminal

charges, and jail time. Almost half of the respondents stated that they were arrested at least once for their inability to pay fines and fees or their failure to appear in court for outstanding debt. Others incurred charges and related appearances for driving with a suspended license. Rosie in Colorado, who had to go to court to deal with outstanding fines and fees, was stunned by the fact that she was facing criminal charges for driving under a suspended license and failing to pay fines:

“When I got to court, I almost had a nervous breakdown. They were saying I could get a lawyer and I thought, ‘Why do I need a lawyer? I haven’t done anything wrong. This is just one ticket.’ Then I saw I was facing actual criminal charges. I couldn’t breathe.”

Other respondents spent time in jail or on probation. In these cases, inability to pay led to not only the loss of their license, but to the loss of their liberty as well. For example, Jessica from Florida had her license suspended when she could no longer afford to pay her car insurance premium. She missed a court date and was subsequently arrested for failure to appear.

The greatest legal penalties were experienced by those who were sanctioned for driving with a suspended license. Everyone interviewed reported having driven at some point while their license was suspended. Many were unaware they were driving illegally; they did not know they had a suspended license until they were pulled over or attempted to renew their license. Some stopped driving upon learning of the suspension, while others continued to drive to keep their jobs and fulfill other responsibilities. As Marley from Colorado explained, “I’m forced to break the law because I can’t pay for things. It’s awful.” Jocelyn, also from Colorado, explained,

“Like I said, I drove. I just was like, ‘I’m just gonna have to take this risk, because I have to go to work.’ I can’t let this stop me. If I don’t go to [work] – if I lose my job, I’m gonna have no license and [no] job and I can’t get another job.”

“[It seemed like] they were trying to punish me for not having the money to make the payment. It’s like, so it’s like, ‘Oh, I would be able to avoid this if I was rich.’”

– Dario

A number of those who drove under the suspension were charged with driving on a suspended license. Most were charged multiple times, ranging from two to 14 times. For example, Jessica, who faced arrest for failure to appear in court to address her suspended license, experienced additional arrests for driving under suspension. She felt she had no choice but to continue driving to get to work: “I think I got pulled over on three different occasions and got driving with a suspended license. I think maybe at least on two of those occasions, I went to jail for a night.”

Not surprisingly, a number of those interviewed reported having a more negative opinion of the legal system and law enforcement after their interactions and experiences having their license suspended.

“It’s actually just made me seem like they were out to get me. That they were trying to punish me for not having the money to make the payment. It’s like, so it’s like, ‘Oh, I would be able to avoid this if I was rich.’ It just doesn’t make any sense ... that’s all on my record now. And I kind of prided myself on not having any kind of blemish, any kind

of criminal record. And now it's a criminal record due to traffic. Just simple traffic violations." – Dario, Colorado

"I didn't really know the criminal justice system. I didn't understand it. And now, after going through and seeing what it's done to my mother and seeing what it's about to do to me, it's just, it's not set up properly for people that are broke. If you're broke, you are going to go down and down and down and down. There's no looking up." – Isabel, Colorado

Recommendations From Interviewees

We asked respondents to provide some recommendations for DMVs and state legislators based on their experiences. They discussed decreased penalties, consideration of circumstances and income, alternative payment and penalty options, and improving the process for payment of fines and fees.

Repeal penalties for inability to pay

Many interviewees said punishment – including license suspension, warrants, additional fees, or court obligations – for not having enough money seemed inherently unfair. Marley from Colorado expressed a common sentiment:

"Not to use violence against people for crimes that really are due to not be able to pay for things. Like, criminalizing poverty is disgusting, and arresting people for it? It's very heavy-handed, in my opinion. People talk about authoritarian regimes and, like, this seems very authoritarian."

Consideration of income and circumstances

Almost all respondents indicated that they would like the courts to consider their circumstances and give them a chance to explain themselves and evaluate

their situation before imposing penalties and tickets. Jocelyn from Colorado said,

"Yeah, they should – if you're going to charge people, first take into consideration everything that they've paid up until this. Like, I had paid my ticket. So that money towards the ticket should've went towards the reinstatement fee. You know, the money that I had to pay towards the court, that could have went towards it."

More than half of respondents also indicated they would like the courts to consider income so that fines/fees are reasonably affordable.

Alternative payment and penalty options

Interviewees recommended alternatives to paying fees all at once or having them continually accrue. They endorsed the idea of a payment plan that would allow people to pay what they can without incurring additional fees. In addition, several of those interviewed recommended that fines and fees be reduced or waived after a certain amount is paid. Several wanted options for nonfinancial penalties, such as community service – so long as these were accessible and realistic.

Improved process

Most of those interviewed described the process – from notification of the suspension through license reinstatement – as confusing and unnecessarily cumbersome. The process made it incredibly challenging for those who were ready and able to pay their fines and fees to do so and get their license back. Interviewees specifically recommended a more transparent and navigable process for dealing with court fines and fees and resulting penalties like license suspensions.

Conclusions and Implications

Our interviews of those who have had their license suspended due to unpaid fines and fees illustrate the true costs of driver's license suspensions and enhance our collective understanding of the unintended and counterproductive harms caused by such policies. There is no public benefit to debt-based suspensions. Indeed, they impose considerable harm.

Driver's license suspension for failure to pay or failure to appear is counterproductive or, at best, inconsequential to improving collection outcomes.

Lawmakers and other state stakeholders tend to assume that people will only pay fines and fees if they are threatened with a penalty such as license suspension. However, our interviews suggest that the primary reason for failure to pay is that people cannot afford to pay. In fact, license suspension makes it even more difficult to pay, decreasing rather than increasing the likelihood of compliance.

None of the people we interviewed completed payment of all outstanding fines and fees obligations because of the threat or imposition of a driver's license suspension. If the threat of suspension effectively coerced people into payment, people would pay before or immediately after suspension. But the licenses of all but three interviewees remained suspended for more than a year, with some suspended for more than five years, and one suspended for eight years. The vast majority of interviewees did not pay off their fines and fees because they did not have enough money. Everyone interviewed found that the

The vast majority of interviewees did not pay off their fines and fees because they did not have enough money. The penalty of having their driver's license suspended made it more difficult to comply.

penalty of having their driver's license suspended made it more difficult to comply, whether by creating obstacles to finding or keeping paid work or by prolonging their involvement in the legal system. It is not uncommon for debt-based license suspensions to continue for months or even years.⁷¹

The ineffectiveness of driver's license suspension as a mechanism of enforcement for payment is further supported by the disparity in collection rates between jurisdictions using suspensions as collection tools. For instance, the state of Texas allows counties

to decide whether to use holds on driver's license renewals as a penalty for failure to pay certain fees. Research revealed that Dallas Municipal Court imposed more than 75,000 holds for nonpayment over the same period of time that Fort Worth Municipal Court issued none, yet their collections rates were essentially the same.⁷²

Lack of information contributes to noncompliance.

One of the people interviewed did receive proper notice about how to avoid the penalty of a driver's license suspension. However, once they found out about the penalty, they struggled to figure out how much they owed and what to do if they could not immediately afford to pay the entire amount due. While unaffordability was the most common reason for nonpayment, the challenge of navigating payment, court appearances, and the driver's license reinstatement process contributed to the length of time people remained out of compliance, which spanned years in some cases. In some cases, people were unaware that their license had even been suspended until they were pulled over. By that time, they had already incurred additional fees.

Debt-based suspensions can lead to financial instability.

Driver's license suspension is counterproductive to the purpose of collecting fines and fees because it makes it harder for people to pay. Over three-quarters of Americans drive to work,⁷³ and every person we interviewed either relied on a car to get to work or drove a vehicle as part of their job. Having their driver's license suspended for inability to pay court debt forced them to either give up their job or to drive with a suspended license. If they drove with a suspended license, they risked getting pulled over and facing additional fines, fees, court obligations, and even arrest and incarceration. Melissa, a grandmother in Colorado, finally stopped looking for a job after receiving three tickets for driving without

a license and spending time in jail. She is currently supported by her daughter's Social Security benefits.

If interviewees lost their job or took a lower-paying job, they lost income that could have otherwise gone toward the outstanding fines and fees. Dario in Colorado lost more than 50 percent of his income when he had to leave a job that required a license and took the only other job he could find.

“So, since I couldn't drive to work, I lost my job. And since then, I haven't been able to find decent work because I have to keep it close to my home. So, I'm very limited on the places that I can actually find work. And they're not very good-paying jobs.”

People were also subjected to mounting costs from increased insurance premiums and hits to their credit scores, making it difficult to secure housing. Rosie in Colorado had her insurance premium double and her wages garnished. After paying \$400, Dario still owed \$400, as the initial \$400 went toward fees. The outstanding debt was sent to collections and has now ballooned to over \$1,000. His credit score has been severely impacted as a result.

In each case, the inability to drive had far-reaching economic consequences, making it more difficult to satisfy payment obligations and, more importantly, resulting in a punishment well beyond the scope of what would be appropriate for the original underlying offense.

Losing access to a driver's license has negative physical and mental health consequences.

In addition to financial hardships, driver's license suspension can take a toll on physical and mental health. The majority of people interviewed reported a significant increase in stress and anxiety as they tried to make payments on their growing debt and get to work and court appearances without a car, grappling with the decision to drive with a suspension. That

decision resulted in many risking traumatic law enforcement contacts and related consequences in order to make required court appearances or maintain employment.

Interviewees were faced with the choice between making payments on fines and fees and securing other necessities, like food. Dario in Colorado talked about the negative impact on his diet, as he tried to spend as little as possible on food, often forcing him to resort to unhealthy options.

Several of the people interviewed noted how the impact of suspension extended to their families. From families enduring trauma due to traffic stops, court appearances, arrests, and incarceration to families carrying the burden of providing financial support or rides to and from work, a child's school, or court appearances, interviewees described the toll their suspension has taken on their families and relationships. For example, Katy's small child was in the car during a traumatic experience when Katy was pulled over and felt threatened by an aggressive officer. Katy and Melissa, both in Colorado, both discussed having to borrow money from relatives, causing the relatives to be "resentful" or to "avoid" them.

States are not collecting the data required to accurately determine the cost of debt-based driver's license suspensions.

State legislation to end debt-based suspension is often defeated by fiscal notes estimating high costs of implementing reforms and revenue losses from removing driver's license suspension as a collection mechanism. These notes lack information about the economic and human costs of such harmful policies.

While we were not able to collect sufficient data to ascertain the cost of enforcement in Colorado, Florida, or Minnesota, evidence indicates that the cost is regularly underestimated not only in those

states, but across the nation.⁷⁴ There are police, prosecution, and court-related costs at nearly every stage of imposition and enforcement of debt-based license suspensions. Sheriffs and police departments spend substantial resources executing arrest warrants for failure to pay or failure to appear and on stops and arrests for those who drive with a suspended license. Some jurisdictions even pay private debt collectors to attempt collection, allowing them to charge significant fees and keep a substantial portion of whatever they collect. Prosecutors, judges, and court clerks spend time prosecuting and processing those same cases. All of those costs would be saved with debt-based suspension repeal and should be reflected in fiscal impact estimates. Savings could also be found in reducing unemployment and other state costs. For instance, Dario in Colorado had to go on Medicaid when he lost his job as a result of not being able to drive to work. If he had not had his license suspended, he would have retained his employment-based health insurance.

In addition to the lack of data required to accurately assess the fiscal cost of these suspensions, there is limited data to allow us to examine racial disparities in their enforcement. Existing research and scholarship indicate that people of color are disproportionately impacted by driver's license suspension.⁷⁵ However, demographic information is neither routinely nor uniformly collected in the course of imposing fines and fees or corresponding penalties.

Debt-based driver's license suspension is bad public policy.

There may not be clear data on the true economic cost of either maintaining or repealing debt-based driver's license suspensions, but there is ample evidence to challenge the assumption that reliance on fines and fees for revenue is sound policy. Driver's license suspension is a disproportionately punitive penalty in relation to the offense of failure to pay fines and fees. Failure to pay is not a threat to public safety.

Debt-based driver's license suspension as a law enforcement mechanism is ineffective and overly punitive, and the additional financial, health, and legal consequences felt by individuals and their families makes the practice indefensible.

Suspending a person's driver's license for failure to pay operates as a punishment reserved for people who cannot afford to pay their fines and fees, while people who can afford to pay are spared. Debt-based driver's license suspension as a law enforcement mechanism is ineffective and overly punitive, and the additional financial, health, and legal consequences felt by individuals and their families makes the practice indefensible. Even when threatening people struggling to pay fines and fees with a penalty like driver's license suspension does result in payment, lawmakers should reconsider the value of funding public services through fines and fees and employing sheriffs, police, prosecutors, and judges as debt collectors in light of the pernicious harm it causes to individuals and their families.

The current system of fines and fees fuels perceptions of an illegitimate legal system by incentivizing pretextual policing, over-criminalization and incarceration, and wealth-based punishment. Comprehensive fines and fees reform, beyond the scope of this report, is necessary for any meaningful advancement of racial and economic justice. We urge jurisdictions to end their reliance on fines and fees for revenue to avoid unfair and counterproductive collection practices. Even in

Recommendations

places where these practices remain in place, there are a number of steps that can be taken to reduce the harm such practices impose on individuals who cannot afford to pay.

Driver's license suspension should not be used as penalty for failure to pay or failure to appear, regardless of the underlying offense.

State lawmakers should end the practice of suspending driver's licenses for failure to pay fines and fees and for failure to appear. Legislation should retroactively reinstate licenses currently suspended for failure to pay or failure to appear and waive any reinstatement fees.

In states where suspension for failure to pay or failure to appear is discretionary, the entity with the discretion — either the courts or motor vehicle administrators — should voluntarily adopt policies against such suspensions and support legislation ending the practice.

State lawmakers should explore ways to make it easier, not more difficult, for people to comply with payment, such as reasonable payment plans without minimum payments or participation fees and allowing partial payments to be made without requiring a court appearance.

It should be noted that any limitations or restrictions on access to a driver's license, vehicle registration, or insurance for nonpayment of fines and fees are other forms of debt-based punishment. These practices already exist in some jurisdictions and might become more common collection mechanisms as more jurisdictions end debt-based driver's license suspension practices. Lawmakers should work to end such limitations and restrictions where they do exist, and should oppose any proposed limitations and restrictions in response to ending driver's license suspension for failure to pay or failure to appear.

Fees should be eliminated.

All fees or charges that fund operating costs or other government services should be eliminated. The administration of justice is intended to benefit the public at large. As such, courts should be entirely and sufficiently funded by general revenue, not through fees and other charges tacked onto already hefty fines, especially for those who can least afford them. Government reliance on fees as a source of revenue creates perverse incentives for law enforcement to over-criminalize people based on their income level. Eliminating fees will reduce the total amounts imposed on people, making monetary penalties more proportionate to the offense charged and to individual financial circumstances, making it more likely people will actually be able to pay.

“Not to use violence against people for crimes that really are due to not be able to pay for things. Like, criminalizing poverty is disgusting, and arresting people for it? It's very heavy-handed.”

—Marley

Existing statutorily prescribed dollar amounts for fines should be replaced with income-based measurements (e.g., one day's pay, 1 percent of monthly income).

Another way to make fines more affordable and equitable is to impose fines that are proportionate to income level. Generally, the dollar amount or maximum dollar amount for a fine is arbitrarily prescribed by statute. Dollar amounts tend to increase with severity of offense without factoring in individual financial circumstances. The result is that two people guilty of the same offense could face drastically different punishments based on how much money they have. For instance, if a person making \$200,000 a year and a person making the federal poverty threshold of \$12,880 per year both get a \$150

speeding ticket, the former would pay a penalty of roughly .9 percent of their gross monthly income, while the latter would suffer a penalty of 14.1 percent of their gross monthly income — a punishment more than 10 times more severe for the same offense. Monetary sanctions will always punish people with less money unless they are adjusted for income. Income-based fines may also increase compliance with payment of court debt by ensuring that fines are affordable at the outset.

To avoid punishments determined by wealth, states should remove statutorily prescribed dollar amounts. Instead, monetary penalties should reflect both the severity of the offense and individual financial circumstances. There are multiple ways to do this. One option is providing maximum payment limits based on income and scaled by severity. For instance, below is an example of how Tennessee currently prescribes fine amounts:⁷⁶

Class A Misdemeanors: up to \$2500

Class B Misdemeanors: up to \$500

Class C Misdemeanors: up to \$50

One way to transition toward income-based fines would be to establish income-based caps within the current scheme. For example:

Class A Misdemeanors: up to 3 percent of individual's monthly income

Class B Misdemeanors: up to 2 percent of individual's monthly income

Class C Misdemeanors: up to 1 percent of individual's monthly income

Using income-based measurement helps ensure monetary penalties impose an equitable burden of punishment on people across income levels. People should have the option of whole or partial payments, with payments not to exceed 12 months. Finally, where people have zero income, they should be provided with the option of either a maximum fine amount to be paid in monthly installments (e.g., \$5 over 12 months) or some sort of community service option chosen by the individual charged. Judges

should always have the discretion to reduce or waive fines in the interest of justice.

Lawmakers and court administrators should provide robust, timely notice of payment and court obligations and provide easily accessible information about the payment and reinstatement process.

Courts must provide information about payment obligations and required court appearances with sufficient time between notice of obligation and any penalty to give people a fair opportunity to comply. People should be notified at their current home address, and by email if possible, and should be able to easily inform the court of any change of address. Notice should be provided via all forms of electronic communication and should identify all payment options. All payment requirements between different courts and jurisdictions should be maintained in a centralized system. Information about payment obligations, options for payment, and guidance for navigating payment and reinstatement, including necessary contact information for courts and motor vehicle administrators, should be publicly available. There should be no minimum payment required for payment plans and no fee for participation in a payment plan.

States should collect demographic data for debt-based driver's license suspensions.

Relying on fines and fees as a revenue source and criminalizing failure to pay and failure to appear maintains well-documented race and wealth disparities in policing and the criminal legal system at large.⁷⁷ States should develop systems for uniform, routine collection of accurate demographic data in all

cases where fines and fees are imposed and collected, and where penalties are imposed for noncompliance. The data should be reported on an annual basis and be made publicly available. The aggregate data should be easily accessible and analyzed on an annual basis for the purpose of identifying and rectifying racial disparities in enforcement practices.

Regularly collect relevant data needed to accurately assess fiscal impact of fines/fees-related license suspensions.

In light of the harm caused to individuals with suspended licenses, debt-based suspensions should be repealed regardless of the fiscal impact to government. When legislation to reform predatory fines and fees practices is introduced and subjected to the fiscal analysis process, lawmakers should ensure that they are making a holistic estimate. Specifically, we recommend that fiscal notes related to license suspensions consider and collect the necessary data to determine, the following:

- **Scope of the impact**, including the number of suspensions for unpaid fines and fees, the average length of suspension, the average amount of outstanding fines and fees for debt-based suspensions, and the collection rate of fines and fees.
- **Cost of enforcement**, including number of driving under suspended license (DUS) charges for failure to pay (FTP) and failure to appear (FTA), number of DUS prosecutions for FTP and FTA, and number of people in jail for DUS-FTP and DUS-FTA. Where applicable, cost estimates should incorporate the number of cases that require court-appointed counsel and the cost of contracting with any related collections agencies. It should be noted that the costs associated with enforcement of a single failure to pay or a single driver's license suspension can continue to accrue for the duration of the suspension.

- **Collateral costs** to the state from job loss, eviction, and economic mobility.

If adopted, these recommendations could not only improve the lives of those subject to growing fines and fees, but also help combat the criminalization of poverty and reduce over-policing and incarceration. Of course, the use of driver's license suspensions to enforce outstanding debts is only one of many problematic practices related to the imposition and enforcement of fines and fees. In addition to adopting the recommendations made above, state actors should continue working toward a more fair system by: 1) funding public services, including the courts, fully and sufficiently with general revenue rather than with fees and other court costs; 2) decriminalizing and legalizing behavior that does not threaten public safety; 3) restructuring fines to ensure that they are both reasonable in light of the offense charged and equitable, so that people with different income levels who commit the same offense are subject to the same relative burden of punishment; and 4) repealing penalties for inability to pay monetary sanctions.

Endnotes

- 1 Natapoff, Alexandra. *Punishment Without Crime: How Our Massive Misdemeanor System Traps the Innocent and Makes America More Unequal*. (New York: Basic Books, 2018), p. 41.
- 2 Natapoff. *Punishment Without Crime*, p. 45.
- 3 Failure to pay and failure to appear, when appearance is ordered due to a missed payment, are closely related. Some jurisdictions do not even distinguish between the two. The remainder of this report will only use “failure to pay” to reference both charges.
- 4 Menendez, Matthew, Michael F. Crowley, Lauren-Brooke Eisen, and Noah Atchison. “*The Steep Costs of Criminal Justice Fees and Fines*.” New York: Brennan Center for Justice at New York University School of Law, 2019. <https://www.brennancenter.org/our-work/research-reports/steep-costs-criminal-justice-fees-and-fines>.
- 5 Free to Drive, “About the Campaign.” Accessed March 19, 2021. <https://www.freetodrive.org/about>.
- 6 Eric Halvorson, *Living in Suspension: Consequences of Driver’s License Suspension Policies*. Chicago: Chicago Jobs Council, February 2018. <https://cjc.net/policy-advocacy/living-in-suspension>
Alston, Philip, *Report of the Special Rapporteur on Extreme Poverty and Human Rights on his Mission to the United States of America*. United Nations General Assembly: (May 2018), <http://undocs.org/A/HRC/38/33/ADD.1>.
- 7 Free to Drive, “About the Campaign.”
- 8 Free to Drive, “Maps,” accessed March 16, 2021, <https://www.freetodrive.org/maps/>.
- 9 *Driving for Opportunity Act of 2020*, S. 4186, 116th Congress (2020), <https://www.congress.gov/bill/116th-congress/senate-bill/4186?s=1&r=79>.
- 10 For additional work on the impact on driver’s license suspension, see John B. Mitchell and Kelly Kunsch, “Of Driver’s Licenses and Debtor’s Prison.” *Seattle Journal for Social Justice* 4, no. 1 (2005): 439, <https://digitalcommons.law.seattleu.edu/sjsj/vol4/iss1/44/>; John Pawasarat, “Removing Transportation Barriers to Employment: The Impact of Driver’s License Suspension Policies on Milwaukee County Teens,” *ETI Publications* 129 (2000), https://dc.uwm.edu/eti_pubs/129/; Ken Zimmerman and Nancy Fishman, *Roadblock on the Way to Work: Driver’s License Suspension in New Jersey*. Newark: New Jersey Institute for Social Justice (October 2001), http://d3n8a8spro7vhmx.cloudfront.net/njisj/legacy_url/234/roadblock_report.pdf?1478622798.
- 11 *Annual Report*. 2018. Colorado Department of Revenue. https://www.colorado.gov/pacific/sites/default/files/2018_Annual_Report.pdf.
- 12 Spreadsheet provided by the Colorado State Judiciary on June 27, 2016 in response to a CORA response. Email from the Colorado State Judiciary dated June 22, 2016: “The unpaid total going back as far as records in our case management system for OJW fees is \$23,690,930 or 789,698 fees at \$30 per fee as of June 20, 2016.” Further, “ICON [the main case management system] includes converted data as far back as 1975.”
- 13 *2019 Annual Assessments and Collections Report*. Tallahassee: Florida Court Clerks & Comptrollers, (December 2019), <https://flococ.org/wp-content/uploads/2020/03/2019-Annual-Assessments-and-Collections-Report.pdf>.
- 14 Data on file with authors.
- 15 *Payments to Clerks of the Circuit Courts*, H.B. 557 (Florida 2021), <https://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=70869&SessionId=90>.
- 16 *Payments to Clerks of the Circuit Courts*, S.B. 386 (Florida 2021), <https://www.flsenate.gov/Session/Bill/2021/386>.
- 17 Minnesota Statutes 2018 § 169.92 (4); Minnesota Statutes 2018 § 171.16 (2).
- 18 John Choi, Karin Sonneman, and James Backstrom, “Now Is the Time for Minnesota to End Driver’s License Suspensions for Unpaid Fees.” *MinnPost* (May 7, 2020), <https://www.minnpost.com/community-voices/2020/05/now-is-the-time-for-minnesota-to-end-drivers-license-suspensions-for-unpaid-fees/>.
- 19 Minnesota Statutes 2018 § 171.24 (1); Minnesota Statutes 2018 § 609.02 (3).
- 20 Jamie Becker-Finn, *Consolidated Fiscal Note: HF 336 Driver’s License Suspension and Reinstatement* (February 2021), <https://www.house.leg.state.mn.us/comm/docs/4X3K7a-CBUqTB-hQQ-rX2g.pdf>.
- 21 Menendez et al, *The Steep Costs of Criminal Justice Fees and Fines*. See also Las Vegas Justice Court, *Traffic Citations*, <https://www.leg.state.nv.us/App/InterimCommittee/REL/Document/10895>. The Las Vegas Justice Court estimated a 5.5% collection rate and 270,000 open warrants for failure to pay or appear to pay traffic tickets, with each warrant leading to an average of 60 hours in jail.
- 22 Alana Semuels, “The Fines and Fees That Keep Former Prisoners Poor,” *The Atlantic* (July 5, 2016), <https://www.theatlantic.com/business/archive/2016/07/the-cost-of-monetary-sanctions-for-prisoners/489026/>.
- 23 Board of Governors of the Federal Reserve System, *Report on the Economic Well-Being of US Households in 2019, Featuring Supplemental Data from April 2020* (April 2020), <https://www.federalreserve.gov/publications/files/2019-report-economic-well-being-us-households-202005.pdf>.
- 24 Free to Drive, “About the Campaign.”
- 25 Halvorson, *Living in Suspension: Consequences of Driver’s License Suspension Policies*. Alston, *Report of the Special Rapporteur on Extreme Poverty and Human Rights on his Mission to the United States of America* (May 2018).
- 26 National Conference of State Legislatures, “Driving While Revoked, Suspended or Otherwise Unlicensed: Penalties by State,” last updated October 27, 2016, <https://www.ncsl.org/research/transportation/driving-while-revoked-suspended-or-otherwise-unli.aspx>.
- 27 Natapoff, *Punishment Without Crime* (New York: Basic Books, 2018), p. 41.

- 28 Natapoff, *Punishment Without Crime* p. 45.
- 29 Liberty Zabala, “\$490 Red Light Ticket is ‘Excessive’: Driver,” NBC San Diego (November 20, 2014), <https://www.nbcsandiego.com/news/local/490-red-light-ticket-is-excessive-driver/61532/>.
- 30 Failure to pay and failure to appear, when appearance is ordered due to a missed payment, are closely related. Some jurisdictions do not even distinguish between the two. The remainder of this report will only use “failure to pay” to reference both charges.
- 31 Menendez et al. *The Steep Costs of Criminal Justice Fees and Fines*.
- 32 U.S. Department of Justice Civil Rights Division, *Investigation of the Ferguson Police Department* (March 2015), https://www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/04/ferguson_police_department_report.pdf; U.S. Commission on Civil Rights, *Targeted Fines and Fees against Communities of Color: Civil Rights and Constitutional Implications* (September 2017), https://www.usccr.gov/pubs/2017/Statutory_Enforcement_Report2017.pdf.
- 33 U.S. Census Bureau (2010). “QuickFacts Ferguson city, Missouri” <https://www.census.gov/quickfacts/fergusoncitymissouri>.
- 34 Melissa Sanchez and Sandhya Kambhampati, “How Chicago Ticket Debt Sends Black Motorists Into Bankruptcy,” ProPublica Illinois (February 27, 2018), <https://features.propublica.org/driven-into-debt/chicago-ticket-debt-bankruptcy/>.
- 35 Richard A. Webster, “One in 7 Adults in New Orleans Have a Warrant Out for Their Arrest, New Data Shows,” *The Washington Post* (September 20, 2019), https://www.washingtonpost.com/national/one-in-7-adults-in-new-orleans-have-a-warrant-out-for-their-arrest-new-data-shows/2019/09/20/db85a5c8-da3d-11e9-a688-303693fb4b0b_story.html.
- 36 City of Memphis, “City Court Clerk,” accessed March 19, 2021, <https://www.memphistn.gov/government/city-court-clerk/>.
- 37 American Civil Liberties Union, “Brown v. Lexington County, et al,” last updated July 22, 2017, <https://www.aclu.org/cases/brown-v-lexington-county-et-al>.
- 38 Menendez et al. *The Steep Costs of Criminal Justice Fees and Fines*.
- 39 Caitlin Lilly, “Las Vegas Justice Court Temporarily Suspends Traffic Warrants,” Fox5 Las Vegas (April 17, 2020), https://www.fox5vegas.com/coronavirus/las-vegas-justice-court-temporarily-suspends-traffic-warrants/article_4bec5408-80f4-11ea-ae39-9ba0d5ca7a3a.html.
- 40 Nevada Committee to Study the Advisability and Feasibility of Treating Certain Traffic and Related Violations as Civil Infractions, *Minutes of the 2017-2018 Interim Committee to Study the Advisability and Feasibility of Treating Certain Traffic and Related Violations as Civil Infractions* (February 2018), <https://www.leg.state.nv.us/App/InterimCommittee/REL/Document/12353>; see also ACLU Nevada, “Traffic Warrants Are a Racial Justice Issue,” last updated February 19, 2021, <https://www.aclunv.org/en/news/traffic-warrants-are-racial-justice-issue>.
- 41 Free to Drive, “About the Campaign.”
- 42 Free to Drive, “Maps.”
- 43 Driving for Opportunity Act, S. 4186, 116th Congress (2020), <https://www.congress.gov/bill/116th-congress/senate-bill/4186?s=1&r=79>.
- 44 Menendez, et al. *The Steep Costs of Criminal Justice Fees and Fines*.
- 45 Menendez, et al. *The Steep Costs of Criminal Justice Fees and Fines*.
- 46 For additional work on the impact on driver’s license suspension, see Mitchell and Kunsch, “Of Driver’s Licenses and Debtor’s Prison.” Pawasarat, “Removing Transportation Barriers to Employment; Ken Zimmerman and Nancy Fishman, *Roadblock on the Way to Work*.
- 47 Initially, five affiliates were identified for participation; four agreed. Prior to data collection, one of the affiliates withdrew from the study due to challenges acquiring relevant data.
- 48 We initially aimed for a total of 5–7 interviews from each state, for a total of 15–21 interviews. A total of 86 individuals completed the screener survey. From these we selected 34 that met the criteria and provided as much geographical diversity (urban, suburban, rural environments) as possible. We completed interviews with 16 of these individuals (the remainder did not respond or indicated that they were no longer interested).
- 49 Menendez et al. *The Steep Costs of Criminal Justice Fees and Fines*; L. William Seidman Research Institute, *The City of Phoenix Municipal Court’s Compliance Assistance Program, 2016: An Economic Assessment* (June 2017), <https://finesandfeesjusticecenter.org/content/uploads/2018/11/Phoenix-license-restoration-pilot-THE-CITY-OF-PHOENIX-MUNICIPAL-COURT%E2%80%99S-COMPLIANCE-ASSISTANCE-PROGRAM.pdf>; New York Law School Racial Justice Project, *Driving While Black and Latinx: Stops, Fines, Fees, and Unjust Debts* (February 2020), https://digitalcommons.nyls.edu/cgi/viewcontent.cgi?article=1007&context=racial_justice_project; Halvorson, *Living in Suspension*.
- 50 White v. Shwedo, C.A. No. 2:19-3083-RMG (D.S.C. 2020); Robinson v. Purkey, 2017 WL 4418134 (M.D. Tenn 2017).
- 51 Hearing on H.F. 1061 before Minnesota House Public Safety and Criminal Justice Reform Finance and Policy Division, Statement of Leah Jackson (February 2019), <https://www.house.leg.state.mn.us/SessionDaily/Story/13618>; Hearing on H.B. 217 before Senate Judiciary Committee (April 2019), <http://sg001-harmony.sliq.net/00309/Harmony/en/PowerBrowser/PowerBrowserV2/20170221/-1/33847?agendaId=147241>; Hearing on LD 2953 Before Maine Senate Judiciary Committee (2020).
- 52 *Annual Report*. 2018. Colorado Department of Revenue. https://www.colorado.gov/pacific/sites/default/files/2018_Annual_Report.pdf.
- 53 According to data received from the Colorado State Judiciary, there were 216,310 total driving license suspensions from January 2010 to June 30, 2016. Of the total amount, 150,058 were in traffic misdemeanor cases and 37,452 were in traffic infraction cases.
- 54 Spreadsheet provided by the Colorado State Judiciary on June 27, 2016 in response to a CORA response. Email from the Colorado State Judiciary dated June 22, 2016: “The unpaid total going back as far as records in our case management system for OJW fees is \$23,690,930 or 789,698 fees at \$30 per fee as of June 20, 2016.” Further, “ICON [the main case management system] includes converted data as far back as 1975.”

- 55 An Act Concerning Action That Can Be Taken Against an Individual Based on the Individual's Failure to Pay for a Traffic Violation, H.B. 17-1162 (Colorado 2017), https://leg.colorado.gov/sites/default/files/2017a_1162_signed.pdf.
- 56 Florida Court Clerks & Comptrollers, *2019 Annual Assessments and Collections Report* (December 2019), <https://fccoc.org/wp-content/uploads/2020/03/2019-Annual-Assessments-and-Collections-Report.pdf>.
- 57 Data on file with authors.
- 58 Payments to Clerks of the Circuit Courts, H.B. 557 (Florida 2021), <https://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=70869&SessionId=90>.
- 59 Payments to Clerks of the Circuit Courts, S.B. 386 (Florida 2021), <https://www.flsenate.gov/Session/Bill/2021/386>.
- 60 Florida Clerks of Court Operations Corporation, *Memorandum on CCOC Bill Analysis* (January 2020), on file with the Senate Committee on Judiciary.
- 61 *Florida House of Representatives Staff Analysis: H.B. 557*.
- 62 *Florida House of Representatives Staff Analysis: H.B. 557*.
- 63 Minnesota Statutes 2018 § 169.92 (4); Minnesota Statutes 2018 § 171.16 (2).
- 64 John Choi, Karin Sonneman, and James Backstrom, "Now Is the Time for Minnesota to End Driver's License Suspensions for Unpaid Fees," *MinnPost* (May 7, 2020), <https://www.minnpost.com/community-voices/2020/05/now-is-the-time-for-minnesota-to-end-drivers-license-suspensions-for-unpaid-fees/>.
- 65 Minnesota Statutes 2018 § 171.24 (1); Minnesota Statutes 2018 § 609.02 (3).
- 66 Jamie Becker-Finn, *Consolidated Fiscal Note: H.F. 336 Driver's License Suspension and Reinstatement* (February 2021), <https://www.house.leg.state.mn.us/comm/docs/4X3K7a-CBUqTB-hQQ-rX2g.pdf>.
- 67 Nick Zerwas, *Consolidated Fiscal Note: H.F. 3357 "Reduce Criminal Traffic Surcharge Hardship"* (March 2018), <https://mn.gov/mmbapps/fnsearchlbo/?number=HF3357&year=2017>.
- 68 Rubén Rosario, "Rosario: Bills Would End Court Practices That Hit the Poor Hardest – and There's Bipartisan Agreement," *Pioneer Press* (February 15, 2019), <https://www.twincities.com/2019/02/15/rosario-love-means-getting-these-bills-passed/>.
- 69 New Jersey Courts, *Report of the Supreme Court Committee on Municipal Court Operations, Fines, and Fees* (2018), <https://www.njcourts.gov/courts/assets/supreme/reports/2018/sccmcoreport.pdf>.
- 70 Brian McKenzie, *Who Drives to Work? Commuting by Automobile in the United States: 2013*, U.S. Census Bureau (August 2015), <https://www.census.gov/content/dam/Census/library/publications/2015/acs/acs-32.pdf>.
- 71 Driven by Justice Coalition, "Opportunity Suspended: How New York's Traffic Debt Suspension Laws Disproportionately Harm Low-income Communities and Communities of Color," accessed March 16, 2021, <https://www.drivenbyjustice.org>.
- 72 Texas Fair Defense Project and Texas Appleseed, "Driven by Debt: How Driver's License Suspensions for Unpaid Fines and Fees Hurt Texas Families," <http://stories.texasappleseed.org/driven-by-debt>.
- 73 U.S. Census Bureau, "American Community Survey," 2019 selected population profile, <https://www.census.gov/programs-surveys/acs/data.html>.
- 74 Menendez et al. *The Steep Costs of Criminal Justice Fees and Fines*.
- 75 Jon A. Carnegie, *Driver's License Suspensions, Impacts and Fairness Study*, Alan M. Voorhees Transportation Center (August 2007), <https://www.nj.gov/transportation/business/research/reports/FHWA-NJ-2007-020-V1.pdf>; Halvorson, *Living in Suspension*; Mario Salas and Angela Ciolfi, *Driven by Dollars: A State-by-State Analysis of Driver's License Suspension Laws for Failure to Pay Court Debt*, Legal Aid Justice Center (September 2017), <https://www.justice4all.org/wp-content/uploads/2017/09/Driven-by-Dollars.pdf>.
- 76 Tennessee Code Annotated § 40-35-111 (e).
- 77 See Karin D. Martin, "The Plurality of Perspectives on Monetary Sanctions': An Introductory Essay," *Sociological Perspectives* 63, no. 6 (December 2020): 901-920, <https://doi.org/10.1177%2F0731121420970676>; Elizabeth Jones, "Racism, Fines and Fees and the US Carceral State," *Race and Class* 59, no. 3 (October 2017): 38-50, <https://doi.org/10.1177%2F0306396817734785>; U.S. Commission on Civil Rights, *Targeted Fines and Fees against Communities of Color: Civil Rights and Constitutional Implications* (September 2017), https://www.usccr.gov/pubs/2017/Statutory_Enforcement_Report2017.pdf; Brittany Friedman, "Carceral Immobility and Financial Capture: A Framework for the Consequences of Racial Capitalism Penology and Monetary Sanctions," *UCLA Criminal Justice Law Review* 4, no. 1 (2020): 177-84, <https://escholarship.org/uc/item/31r669wf>.

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