

# End Debt-Based Driver's License Suspensions: Keep Drivers Licensed and Insured *Support HB XXXX & SB XXXX*

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A driver can receive a moving violation for something as simple as failing to signal while making a turn. But for people who cannot afford to pay the ticket, this minor infraction (which is not a crime) can set off a chain of events that ends with a huge amount of debt, a criminal charge for Driving While License Suspended in the third degree (DWLS3), and possibly jail time.

Here's how it happens: A person without the ability to pay fines gets a moving violation while driving. They don't pay the fine or respond to the violation within the mandated timeframe, which is sometimes as brief as 15 days. The state then suspends their license a few weeks later. Yet the driver has no option but to drive to drop their kids off at school or go to a doctor's appointment. They drive anyway and get charged with the crime of DWLS3.

This legislation stops the suspension of driver's licenses for unpaid fines and fees for civil moving violations, ensuring that public safety is the focus of our state's scarce criminal justice resources—not punishing people who are “driving while poor.” It also ensures that drivers keep their insurance, can get to work, and provide transportation for their families. Reforming these laws will increase fairness and cost-effectiveness without sacrificing public safety.

## **The Pandemic and Economic Recession Make this Legislation More Important than Ever**

For low-wage workers and people living in poverty, losing a driver's license could mean losing a job—an especially cruel blow during this difficult economic time. In rural areas, residents rely on cars to get to work. As the COVID-19 pandemic persists, cars provide a socially distant option even in places with widely available public transportation. This legislation would mean fewer barriers to getting and keeping a job, benefitting families and society.

## **This Legislation Holds People Accountable and Dangerous Drivers Will Still Have Licenses Suspended**

Drivers who accumulate multiple moving violations will still have to pay fines and their licenses will be suspended. The biggest threats to roadway safety are impaired driving, speeding, and distracted driving. Drivers who present risks to others will continue to face serious consequences, such as criminal charges for reckless driving or DUI.

## **People of Color and Young Adults Are More Likely to face DWLS3 Charges**

DWLS3 enforcement for debt-based license suspensions worsens the racial disparities in our state's criminal justice system. People of color are much more likely to be charged for these crimes of poverty. Passing this legislation will decrease racial bias in policing and prosecution in Washington state.

## **Debt-based License Suspensions Waste Scarce Criminal Justice and Taxpayer Resources**

Washington spent more than \$1.3 billion enforcing DWLS3 between 1994 and 2015, according to a conservative estimate. Since the current version of DWLS3 went into effect, at least 1.5 million criminal charges for DWLS3 have been filed—more than any other type of crime—resulting in nearly 900,000 convictions. Law enforcement should not be wasting scarce public resources enforcing DWLS3.

## **Many States Have Ended Debt-Based License Suspension**

Thanks to a national reform movement, a number of states have changed laws for suspending driver's licenses for people who don't have the ability to pay traffic fines, including California, Hawaii, Mississippi, Montana, Oregon, Virginia, and soon, New York. It is time for Washington to join the list.

## **Keep Drivers Licensed and Insured**

If someone has their license suspended for failing to comply with the terms of a civil moving violation, they are likely to lose insurance. Because the suspension stems from poverty, the fee to apply for an occupational restricted license is also too expensive for them.

## **What About the Lawsuit Against DOL?**

*Pierce et al. v. DOL* was filed in October 2020 on behalf of individuals with suspended licenses who were unable to pay fines and fees for moving violations. This lawsuit reveals the tremendous harm inflicted by Washington's license suspension laws, but legislative reforms are required to stop these practices for good. Regardless of the outcome of the case, amendments to the RCW are necessary and should be enacted as soon as possible.

# How Debt-Based License Suspension Hurts Workers and their Families<sup>1</sup>

## Hinders employment

*"[My suspended license] had affected some employment opportunities because most of my positions are project management and/or executive assistance, where of course you have to . . . run errands. It's pretty embarrassing to say, 'No, I don't have my license because I made one mistake, and here it is, four years later, and I'm still dealing with the same mistake.'" -P.K., 39-year old student at Seattle Goodwill*

## Causes people to be stranded

*"I live in Washington, and I work in Idaho. So I really have no choice but to drive on a suspended license. . . There's no bus or train that goes to Idaho. I got in contact with one co-worker that lives over here [in Washington], so I [could] quit driving. But sometimes we don't work at the same job site. . . I try not to drive, but it's not always possible. It's construction work, so the job site change[s]. . . Without a driver's license, it's hard to get a job. . . I had applied to several different companies, and they wouldn't even give me a chance because I didn't have a driver's license." -Construction Worker, interviewed in Spokane*

## Forces an impossible choice for parents

*"I knew I had a suspended license, and I wasn't driving. I was carpooling, I was walking, I was taking the bus, [and] I was figuring whatever I could. I had people picking up my son and dropping off my son. And it was difficult." "But there was a day that he couldn't get a ride, and we live several miles from the nearest bus stop. So I said, 'Okay, take the bus as far as you can take it, and call me when you get there.' He did that, and I said, 'Okay, I'm going to come get you.' It was a mistake. It was the worst mistake I made. I didn't know what else to do . . . There's no public transportation where I live. . . I have friends, but I don't have family, here. . . I had no other way to come get my son."*

*During the drive to pick up her son, A.M. was pulled over and given a traffic ticket. -A.M., 43-year old single mother interviewed in Seattle*

## Traps people in a cycle of poverty

*"I tried to make arrangements with the collection agency, but because of how many tickets I had at that time, I was [only] able to afford \$50 [per month]. And [the collection agency employee] said that was absolutely pointless because that was my interest alone, and [that] I wasn't going to go anywhere doing that." -J.D.A., 29-year old mother interviewed in Spokane*

*"Adding an additional \$500 ticket on top of someone who is already in financial hardship, you're not going to get your money any faster. All it is [doing] is creating a bunch of individuals [who are] driving around without their licenses, and just taking the risks that they need to, to do what they have to do, to take care of their family. . . I feel like they're digging me further into a financial hole . . . [They're] trying to pull money from where there is no money." -P.K., a 39-year-old student at Seattle Goodwill*

## People are jailed for nonpayment

*"I went to jail for [driving while license suspended] before, and actually lost a job for that. True story. I mean, it was only 10 days, but I lost my job because of that." -E.L., Jr., 29-year-old father living in Spokane*

## For more information:

*Driven to Fail: The High Cost of Washington's Most Ineffective Crime* <http://aclu-wa.org/DWLSIII-costs>

National Free to Drive Coalition <https://www.freetodrive.org/>

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<sup>1</sup> Center for Justice, *An Intimate Look into Washington's Policy of Suspending Driver's Licenses for Non-Payment of Traffic Fines* (2013), available at <https://www.smith-barbieri.com/wp-content/uploads/2013/01/CFJ-Voices-of-Suspended-Drivers.pdf>.