

William D. Dowling  
2072 N. Revere Road  
Akron, OH. 44333

**Testimony on Sub. H.B. No. 285**

Chair Manning, Vice Chair Brenner, Ranking Member Maharath, and members of the Senate Local Government, Public Safety, and Veterans Affairs Committee, I am William Dowling. I am an attorney and a founder of the VALID driver's license clinic in Akron. Our volunteer lawyers conduct monthly free clinics for people who need assistance with the reinstatement of their driver's licenses. During the past several years, we have assisted thousands of poor Ohioans through the difficult process of getting their licenses reinstated after suspensions. Through these clinics, I have become convinced that the loss of a driver's license or the inability to get a license reinstated is one of the most frequent barriers to employment in the State. In fact, the inability to drive legally effects virtually every aspect of being a responsible citizen. I heartily endorse the current bill establishing a permanent reinstatement fee reduction program and hope that the legislature will consider some changes that would make it even better.

There are dozens of reasons for the suspension of driver's licenses in Ohio. Some of the statutes providing for suspension involve driving. Others do not. Most of the statutes provide that at the end of a period of suspension, license holders must pay a reinstatement fee to the Bureau of Motor Vehicles before their licenses become valid. These fees range from \$25 to \$650 per suspension. Many people seeking reinstatement have had multiple suspensions, with the frequent result that total reinstatement fees to the BMV are thousands of dollars. Tens of thousands of Ohioans have gone without licenses for years because of their inability to pay these fees.

There are two types of suspensions under the current statutory framework that result in substantial reinstatement fees: failure to have proof of motor vehicle insurance (R.C. 4509.101) and drunk or impaired driving (ORC 4511.19, 4511.191 and 4511.194). The proposed bill provides relief for poor people facing fees for insurance suspensions but not for alcohol or drug suspensions. Let me explain why the first is so important and the second is so needed.

For failing to show proof of insurance, the reinstatement fees are \$150 for the first offense, \$350 for the second and \$650 for the third. Many people fail to prove financial responsibility multiple times, with resulting total fees of more than \$1000. Oftentimes, these people lost their insurance initially because they couldn't afford to pay the premium. To get reinstated, they must not only pay for the insurance premium, but also pay the fees owed to the BMV. Basically, the fees impose a penalty on poor people that magnifies their poverty.

The bill provides welcome relief to poor people from these fees imposed for failure to have insurance. If the applicant for reinstatement is indigent, the fees are waived. If the person has failed to pay for 18 months, the fees are substantially reduced. Our clinic has helped many people for whom this provision has reduced the total fees owed for license reinstatement by

thousands of dollars. What was previously impossible has suddenly become possible. They are literally on the road to a better life.

The reinstatement fee for alcohol or drug related driving offenses is \$475. I have personally counseled many clinic attendees who have not had a license for many years because they have been unable to pay the fees owed for one or more drunk driving offenses that occurred many years ago. These people have served their suspensions and paid their fines or served their jail sentences, but they cannot get their licenses back because they can't afford the fees. The bill before this committee provides no relief for reinstatement fees resulting from alcohol or drug-related offenses.

It is regrettable that these people are excluded from the proposed fee reduction bill. They have endured the punishment imposed by the court, but their poverty has prevented them from paying the fees owed to the BMV. As a result of their poverty, they cannot drive legally, much to their own detriment and to the detriment of all Ohioans. I recommend that the Senate extend the bill to alcohol and drug-related suspensions.<sup>1</sup> If the bill is revised in this fashion, drunk drivers will still be punished through jail time, fines and license suspensions, as provided in the Revised Code, but poor people will not face the additional punishment of not being able to get their licenses reinstated because of their poverty.

I also recommend that the Senate consider amending Section (D)(3) of the bill that provides that a person can only receive fee amnesty or reduction one time. In this regard, it is again important to remember that reduction of the fees owed *does not* reduce the punishment for an offense, i.e. the term of the suspension or the punishment imposed by the court under the traffic statutes. It only reduces the fee that is presumably related to the administrative cost incurred by the State. If the fees are waived for a poor person today so that they may drive legally, why not reduce the fees again in five or ten years if another suspension has been served and the person is still poor? Poverty itself should not be a bar to getting a driver's license.

Thank you to this Committee for allowing me to offer this testimony. I commend you for your wisdom in trying to lessen the burden on poor Ohioans who seek reinstatement of their driver's licenses.

---

<sup>1</sup> If the legislature is concerned that fee reduction for alcohol and drug related offenses might be viewed as being soft on drunk driving, a provision could perhaps be added to the bill that the applicant must not have committed any other alcohol or drug violations since the date of the offense resulting in the suspension.