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Testimony from:

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R Street Testimony in Support of SB 37 “Regards driver's license suspension law; financial responsibility”

December 11, 2023

Ohio Senate Judiciary Committee

Chairman Manning and members of the committee,

Thank you for your time today. My name is Christi Smith, and I am a senior fellow in the Criminal Justice and Civil Liberties program at the R Street Institute (R Street). I am also a former adult probation and parole officer and a current member of the Bucks County (Pennsylvania) Reentry Coalition’s executive committee.

R Street is a nonprofit, nonpartisan public policy research organization. Our mission is to engage in policy research and outreach to promote free markets and limited, effective government in many areas, including criminal justice reform and civil liberty issues. This is why we find Senate Bill 37 noteworthy and encourage its favorable report out of this committee.

The proposed legislation would revise and curtail the use of debt-based driver’s license suspensions that hamper an individual’s ability to access the steady employment and income they need to repay the fines, fees and costs owed. For the more than one million Ohioans whose license suspension results from failing to show proof of insurance, failure to appear in court for a misdemeanor offense or failure to pay a court fine, the policy change can be life changing.¹ Approximately 60 percent of suspended Ohio driver’s licenses stem from money owed to the court, the Bureau of Motor Vehicles or a private third party.² Rather than rely on suspended driver’s licenses to recoup government debt, courts should consider alternatives to financial penalties, like community service, or other methods of collecting fines, costs and fees, like garnishing wages or civil liens. This would afford individuals the opportunity to resolve the debt, provide for themselves and contribute to the state’s economy.

While the use of debt-based driver’s license suspension was intended to incentivize repayment, it removes one of the primary resources needed to do so. Eighty-two percent of Ohioans drive themselves to work and as the U.S. Supreme Court noted in *Bell v. Burson* (1971), “research has consistently found that having a valid driver’s license can be crucial to individuals’ ability to maintain a job, pursue educational opportunities, and care for families.”³ Without access to reliable transportation, individuals are forced to choose between driving on a suspended license to get to work, or abiding by the suspension and risk losing access to the income needed to pay the debt.⁴ Unsurprisingly, 75 percent of



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people with a suspended license continue to drive, because it is virtually impossible to participate in modern society without this ability.⁵

Suspending driver's licenses for unpaid government debt is especially burdensome for people in rural areas that lack robust public transportation systems and disproportionately impacts individuals in lower socioeconomic communities.⁶ In Ohio, suspensions occur more frequently in urban, impoverished areas.⁷

When courts levy fines, fees and costs, they fail to account for an individual's ability to pay but regularly expect payment in full.⁸ The practice is ineffective and unnecessarily ensnares people in a cycle of legal involvement and poverty.⁹ Failure to notify someone that their license has been suspended for non-payment or provide information for restoring driving privileges also contributes to future violations.¹⁰

Enforcement increases the amount of money owed, extends the suspension and escalates system involvement.¹¹ Enforcement is also associated with overpolicing, mass incarceration and diversion of police resources that could otherwise be preserved for high-priority public safety matters.¹²

Ohio is one of only 23 states that revokes driving privileges for failure to pay civil or criminal fees and fines.¹³ Research indicates the practice unduly harms individuals, families and communities, with no appreciable public safety benefits.¹⁴ The proposed legislation brings Ohio in line with surrounding states that have eliminated debt-based license suspensions and with federal bipartisan efforts to do the same.¹⁵

Senate Bill 37 would prohibit the suspension of a driver's license for failure to pay government debt or for failure to appear in court for an offense that does not carry the possibility of jail time.¹⁶ It also eliminates judgment and security suspensions and lingering suspensions from the discontinued random selection non-compliance program which was eliminated by the legislature in 2019.¹⁷ Fees associated with the program will also be eradicated.

The bill increases opportunities to petition for limited driving privileges for Ohioans who have their license suspended for default on child support payments and provides mechanisms for driving privileges to be reinstated after a person cited for failure to provide proof of fiscal responsibility has done so.¹⁸

Ohio has a tight labor market, recently posting the largest number of available jobs in the state's history.¹⁹ Rather than making it more difficult for people to secure and maintain employment, participate in routine daily activities like taking children to school or medical appointments, and buy food or other necessities, Ohio policymakers should be limiting license suspensions to convictions related to dangerous driving.²⁰ Judges can impose community service in lieu of court costs and fines, and



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for existing or future government debt, monies can be recouped via wage garnishment or property liens under ORC § 2929.18(D1) and (2).²¹

The Ohio Legislature has an opportunity to drive down the use of police, court and correctional resources dedicated to the collection of costs, fines and fees. With over 3 million annual debt-related suspensions and an annual outstanding debt of \$920 million, the current policy is clearly not working.²² Existing policy disproportionately impacts impoverished individuals, increases their financial burdens and escalates their immersion in the criminal justice system, all of which make it more difficult for them to satisfy the debt.

Senate Bill 37 offers a pragmatic solution that preserves public safety by limiting driver's license suspensions to convictions related to dangerous driving and by freeing up enforcement resources for other, more serious crimes. Having more of Ohio's 8 million licensed drivers lawfully on the road provides employers with a reliable workforce and allows individuals to support themselves and their families, while contributing to the economy.²³ For these reasons, we strongly support Senate Bill 37 and urge members of the committee to do the same.

Thank you,

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¹ Anne K. Sweeney et al., "Road to Nowhere: Debt-Related Driver's License Suspensions in Ohio," The Legal Aid Society of Cleveland, Sept. 20, 2022, p. 1. https://lasclev.org/wp-content/uploads/Road-to-Nowhere_hirez.pdf.

² Ibid.

³ Ibid.; Christi Smith, "Debt-based License Suspensions: Drivers of Poverty and Incarceration," *R Street Policy Study* No. 254, March 2022, p. 2. https://www.rstreet.org/wp-content/uploads/2022/04/FINAL_RSTREET254-1-1.pdf.

⁴ Ibid., p. 1.

⁵ Joanna Weiss and Jake Horowitz, "Why It's Time to End Debt-Based Driver's License Suspensions," Fines and Fees Justice Center, July 14, 2021. <https://finesandfeesjusticecenter.org/2021/07/14/pew-ffjc-op-ed-why-its-time-to-end-debt-based-drivers-license-suspensions>.

⁶ Smith, p. 1. https://www.rstreet.org/wp-content/uploads/2022/04/FINAL_RSTREET254-1-1.pdf.

⁷ Sweeney et al., p. 1. https://lasclev.org/wp-content/uploads/Road-to-Nowhere_hirez.pdf.



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⁸ Emily Dindial et al., “Reckless Lawmaking: How Debt-Based Driver’s License Suspension Laws Impose Harm and Waste Resources,” American Civil Liberties Union, 2021, p. 19.

https://www.aclu.org/sites/default/files/field_document/reckless_lawmaking_aclu_final_4.19.21.pdf.

⁹ Caroline Greer, “States Should Not Suspend Driver’s Licenses When People Can’t Pay Fines and Fees,” Reason Foundation, July 22, 2021. <https://reason.org/commentary/states-should-not-suspend-drivers-licenses-when-people-cant-pay-fines-and-fees>.

¹⁰ Dindial, et al., p. 17.

https://www.aclu.org/sites/default/files/field_document/reckless_lawmaking_aclu_final_4.19.21.pdf.

¹¹ Ibid.

¹² Ibid.

¹³ Mark Puente and Tara Morgan, “No License to Drive: Why So Many Ohioans Are Barred From Driving,” The Marshall Project, Aug. 10, 2023. <https://www.themarshallproject.org/2023/08/10/ohio-drivers-suspended-for-unpaid-fines#:~:text=Ohio%20had%20more%20than%203,how%20to%20interpret%20their%20data>.

¹⁴ Smith, p. 3. https://www.rstreet.org/wp-content/uploads/2022/04/FINAL_RSTREET254-1-1.pdf.

¹⁵ Puente and Morgan. <https://www.themarshallproject.org/2023/08/10/ohio-drivers-suspended-for-unpaid-fines#:~:text=Ohio%20had%20more%20than%203,how%20to%20interpret%20their%20data>.

¹⁶ S.B. 37, Regards driver's license suspension law; financial responsibility, 135th General Assembly. https://search-prod.lis.state.oh.us/solarapi/v1/general_assembly_135/bills/sb37/IN/00/sb37_00_IN?format=pdf.

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Michael Shields et al., “State of Working Ohio 2023: Working people gaining ground,” Policy Matters Ohio, September 2023, p. 7. <https://www.policymattersohio.org/files/research/stateofworkingohio20231.pdf>.

²⁰ Greer. <https://reason.org/commentary/states-should-not-suspend-drivers-licenses-when-people-cant-pay-fines-and-fees>.

²¹ H.B. 33, Ohio Revised Code Section 2929.18 Financial sanctions - felony, 135th General Assembly.

<https://codes.ohio.gov/assets/laws/revised-code/authenticated/29/2929/2929.18/10-3-2023/2929.18-10-3-2023.pdf>.

²² Sweeney et al., p. ii. https://lasclv.org/wp-content/uploads/Road-to-Nowhere_hirez.pdf.

²³ Ibid.