



Senate Judiciary
Committee

Witness Form

Today's Date 12/11/23

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Testifying on Bill Number: SB 37

Testimony: Verbal Written Both

Testifying As: Proponent Opponent Interested Party

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Special Requests: _____



Testimony in Support of SB 37
Anne K. Sweeney
Senate Judiciary Committee
December 13, 2023

Chairman Manning, Vice Chair Reynolds, Ranking Member Hicks-Hudson and Senators Dolan, Gavarone, McColley and Smith, thank you for the opportunity to provide testimony to this Committee in support of Senate Bill 37.

My name is Anne Sweeney and I am the Managing Attorney for Community Engagement at The Legal Aid Society of Cleveland. For years, we have helped clients who have driver's license suspensions because they cannot afford fines, fees and other debts by filing for bankruptcy. They resort to this extreme step because they feel trapped by needing to work to pay the money owed, but not being able to get to work without a license. I would like to share a few examples with you today to illustrate how debt-related suspensions can create impossible situations for Ohioans who are trying to do the right thing.

One former client worked as a truck driver and was involved in a car accident. He believed he was insured at the time, but when he found out his insurance had lapsed, he reinstated it immediately. He never received any demands from the other driver. He only learned his license was suspended when he started looking for a new job months later. The other driver had sued him, got a default judgement, then filed it with the BMV. He owed over \$33,000 and could no longer work because his commercial driver's license (CDL) was suspended. His only option was to file bankruptcy.

Debt related suspensions (DRS) impact about 1.5 million Ohioans each year. The research we published last year in the Road to Nowhere report (attached) illustrates the scale and scope of this problem in Ohio.

- Ohio drivers face over 3 million debt-related suspensions annually.
- The total amount owed for DRS is substantial and mostly goes unpaid. In 2020, Ohioans were newly charged almost \$120 million, they paid just over \$36 million, but still owed over \$750 million for DRS at the end of the year.
- DRS impact Ohioans across the state but are not evenly distributed. In some areas, there is an average of more than 1 DRS for every person of driving age.

When discussing "debt related suspensions," I am referring to several specific types of suspensions imposed when a person does not pay money they owe, specifically:

- License forfeitures, registration blocks and warrant blocks are imposed when a defendant fails to pay a court fine or fee, or fails to appear for a hearing;
- Noncompliance suspensions, which are imposed for driving without insurance;
- Random selection suspensions, which were imposed when a person failed to provide proof of insurance to the BMV after receiving a random request in the mail;

- Security suspensions, which are imposed on drivers alleged to have caused over \$400 in damage in an accident and who do not have insurance;
- Judgement suspensions, which are imposed on people who are found liable for property damage or bodily injury resulting from a motor vehicle accident; and
- Child support suspensions, which are imposed on people who owe child support.

For the remainder of my testimony, I have briefly explained how SB 37 changes Ohio law with respect to each of these suspensions and what the impact of those changes would likely be for Ohioans.

License forfeitures, warrant blocks and registration blocks are collectively the largest type of debt related suspension. In 2020, over 785,000 Ohioans faced almost 1.7 million such suspensions. Courts throughout Ohio use these to compel defendants to pay money owed to the court and to motivate defendants to appear in court. As common sense will tell you, a person who cannot get to work because of a license suspension, or who cannot get a job because so many employers now require a valid driver's license, will have a much harder time paying the money they owe than someone who can continue to work.

SB 37 would eliminate these suspensions and blocks for failure to pay; it does not remove a person's obligation to pay. As is explained in the Ohio Supreme Court bench card on fines and fees, other collection methods are available to courts. With respect to failure to appear, SB 37 limits the use of these suspensions to defendants charged with offenses that carry jail or prison time. Defendants facing many traffic violations and minor misdemeanors would not be subject to such suspensions.

One person I spoke to faced a license forfeiture because of a case of mistaken identity. A police officer wrote the wrong driver's license number on a traffic citation. As a result, the wrong person got a letter in the mail notifying him his license was suspended and a warrant was issued for his arrest. Even after he identified the mistake, and got documentation from the police about what happened, the prosecutor and court required him to appear more than three times. After missing several days of work to go to court, he hired a lawyer who was able to get the charges dismissed.

Noncompliance suspensions are the second largest category of DRS in Ohio. In 2020, over 675,000 Ohioans had over 1.3 million noncompliance suspensions. Noncompliance suspensions are imposed when a person does not have proof of insurance following a traffic stop or motor vehicle offense. They are also imposed on uninsured drivers involved in accidents, in addition to security suspensions.

Noncompliance suspensions are uniquely problematic. Under current law, the reinstatement fees are expensive and cumulative for additional violations. Drivers must pay higher insurance rates and maintain a certificate of insurance or SR-22 with the BMV. Finally, subsequent violations within five years trigger mandatory suspension periods, meaning a person cannot get their license back, even if they have the money to pay. And if a person drives while suspended, they also risk criminal driving under suspension charges. But for many Ohioans, the costs are so prohibitive, they just give up and risk driving. SB 37 addresses many of these issues by standardizing the reinstatement fee at \$25, eliminating the increasing cost and penalties for subsequent suspensions, and removing the SR-22 requirement.

One former Legal Aid client, Ms. Theresa Smith, tried hard to resolve a security suspension and noncompliance suspension on her own. I urge you to read the detailed testimony she submitted directly to this committee. Ms. Smith had spent the night at a friend's house and while she was sleeping, he took her car without her permission and got into an accident. He did not have a license or insurance, so she had to pay \$3,300 in damages. She could not afford the payment. But she lives alone and needs to drive to buy food, go to the doctor and before retiring this year, get to her job as the receptionist for her church. Legal Aid helped her file for bankruptcy, but she still struggles to pay almost \$200 a month for insurance to keep her license valid.

The Random Selection Noncompliance suspensions were eliminated in 2019 but in 2020, 43,630 Ohioans were still under suspension as a result of that policy. SB 37 will automatically lift those suspensions.

Next, security suspensions and judgement suspensions are tools used by third parties to try and collect money from other private individuals. In 2020, about 76,000 Ohioans faced almost 80,000 judgement and security suspensions. Currently, a person involved in a car accident with a driver who does not have proof of insurance can file a crash report with the BMV. The crash report must allege over \$400 in damage caused by the driver without insurance. Based on that allegation, the uninsured driver must either deposit with the BMV the amount of damage alleged or face a license suspension.

SB 37 would eliminate security suspensions. A person who causes damage in a car accident may still be found liable in court, may be cited for a moving violation or may be charged criminally. The only change under SB 37 is that their license would not be suspended based on the other driver's allegations.

One person I spoke with is a small business owner. He purchased a new vehicle for work and went to his insurance agent to purchase coverage the day he bought the vehicle. He enrolled in automatic payments, the same way he paid his personal car insurance. Just two months later, he was in a car accident. He provided proof of insurance at the time, but subsequently learned the insurance agent did not enroll him in auto pay as promised. His coverage was discontinued, but he never got notice. The BMV suspended his license for not having insurance. And he faced a security suspension if he did not resolve the dispute with the other driver over damages. As the owner of a food truck business, he had to keep his license valid. He negotiated a substantial payment to the other driver to avoid a suspension. He feared that if he did not pay, he would lose his business, his car, his house, and his family's life would be turned upside down. But despite resolving the security suspension, and purchasing SR-22 coverage, he is still dealing with the noncompliance suspension and he continues to feel vulnerable to a system that created havoc in his life.

SB 37 would also eliminate judgement suspensions. Currently, a person who is owed money due to property damage or personal injury that resulted from the use, care, or maintenance of a motor vehicle can file the court judgement with the BMV. The filing of the judgement prompts the BMV to suspend the person's license who owes the money. The only way to resolve the suspension is to pay the judgement or file for bankruptcy. For many of our clients at Legal Aid, they have no realistic way to pay so have no option other than filing for bankruptcy. The case I described in my introduction exemplifies the challenges facing people who have judgement suspensions.

Over the last few years, I have been talking about debt related driver's license suspensions with many different groups of people, and two things are always true. First, people are shocked to learn that Ohio takes away a person's license for failure to pay money. Second, people cannot believe how many debt related suspensions Ohio imposes annually. The scale of the problem is truly staggering. The stories I shared are not unique. Millions of Ohioans face similar challenges because of debt related driver's license suspensions. SB 37 goes a long way to addressing the debt related suspension problem in Ohio and would make Ohio a national leader among states passing similar reforms.



Road to Nowhere: Debt-Related Driver's License Suspensions in Ohio



By The Legal Aid Society of Cleveland

Anne K. Sweeney, Esq. | Michael S. Russell, Esq. | Julie K. Robie, Esq. | Dr. Brian Mikelbank

*Funded with support from The Ohio Access to Justice Foundation
September 20, 2022*

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Road to Nowhere: Debt-Related Driver’s License Suspensions in Ohio
The Legal Aid Society of Cleveland¹
September 20, 2022

Executive Summary

Over 1 million Ohioans had a suspended driver’s license each year from 2016 to 2020.² While some suspensions result from dangerous driving, other suspensions occur because a person cannot pay a debt to the State or to another driver. This report focuses on the types of suspensions related to unpaid debt, collectively referred to as “debt-related suspensions” or “DRS.” It is estimated that at least 11 million people nationwide have their licenses suspended for debt – specifically for owing unpaid fines and fees.³

Debt-related suspensions trap drivers with limited resources in a vicious cycle. Fines and fees related to seemingly minor traffic stops can easily spiral into thousands of dollars owed to the State. Drivers unable to pay these debts cannot get their licenses back, which for most Ohioans means they cannot drive to work to earn the money needed to pay down the debt, without risking even more driving restrictions, fines, fees, or even jail.⁴ Many drivers have multiple suspensions on their license at the same time, compounding the problem. Drivers in this situation face the difficult choice between losing their employment or risking more penalties, or even incarceration, by driving with a suspended license.

The Legal Aid Society of Cleveland (“Cleveland Legal Aid” or “Legal Aid”) sought to investigate this catch-22 faced by thousands of Ohio drivers with debt-related suspensions. Cleveland Legal Aid distributed a survey to collect input from people impacted by debt-related driver’s license suspensions. We also collected five years of data (2016-2020) from Ohio’s Bureau of Motor Vehicles on the numbers and locations of debt-related suspensions across the State, as well as the costs assessed, paid, and owed for these suspensions. Expert analysis of these data sets, combined with census data, resulted in five key findings:

¹ Contributors from The Legal Aid Society of Cleveland include Katherine Hollingsworth, Tom Mlakar, Kristen Simpson, and Natalie Ziegler. Dr. Brian Mikelbank of the School of Urban Affairs at Cleveland State University performed all of the data analysis for this paper. Special thanks to summer 2021 volunteer Luke Trinka for his research and interview contributions, and to 2020 summer associate Claire Wiczorek, whose paper “Senseless Suspensions: A Procedural Due Process Analysis of Ohio’s License Suspension Scheme for Failure to Pay or Appear for a Minor Traffic Ticket” examines many of the same problems addressed here from a due process perspective. The authors also acknowledge with gratitude the time and expertise shared by reviewers of this paper: Erika Anthony, Executive Director, Cleveland VOTES; Joseph Mead, Senior Counsel, Institute for Constitutional Advocacy and Protection, Georgetown Law; Sean Sweeney, Assistant Public Defender, Cuyahoga County, Ohio; Susan Jagers, Executive Director, and Zack Eckles, Policy Associate, Ohio Poverty Law Center.

² Data gathered from a public records request (“PRR”) submitted by The Legal Aid Society of Cleveland to the Ohio Bureau of Motor Vehicles on April 2, 2021. Statistics and numerical findings presented in this paper were calculated based on original analysis of the PRR data.

³ Joni Hirsch & Priya S. Jones, *Driver’s License Suspension for Unpaid Fines and Fees: The Movement for Reform*, 54 U. MICH. J. L. REFORM 875, 876 (2021). This figure is considered a conservative estimate because there is no standard for data collection on driver’s license suspensions. *Ibid.*; Free to Drive Coalition, *Free to Drive Maps: Suspension Statutes, Data, Narratives, and More*, available at <https://www.freetodrive.org/maps/#page-content> (last visited Aug. 2, 2022).

⁴ The Supreme Court of Ohio, *Bench Card: Collection of Court Costs & Fines in Adult Trial Courts* (revised March 2022).

- Ohio drivers face over 3 million debt-related suspensions annually.⁵
- Debt-related suspensions substantially burden Ohio communities with an average outstanding total debt each year of over \$920 million.
- Debt-related suspensions occur across Ohio but at a higher rate in urban areas.
- Debt-related suspensions cost residents of Ohio's highest poverty zip codes an average of \$7.9 million each year.
- Debt-related suspensions cost residents of Ohio's zip codes with the highest percentages of people of color an average of \$12 million each year.

Ohio is not alone in facing this reality. However, other states across the country have responded to this problem by changing the laws related to suspending driver's licenses for unpaid fines and fees. New York no longer suspends a person's driver's license for failure to pay traffic fines.⁶ Montana no longer suspends, revokes, or blocks the renewal of a driver's license based on unpaid fines and fees.⁷ Other jurisdictions that have made similar policy changes are California, Colorado, Idaho, Illinois, Kentucky, Minnesota, Mississippi, Nevada, Oregon, Utah, Virginia, West Virginia, and Wyoming.⁸

Ohio remains one of the states that use driver's license suspensions to severely penalize people for failure to pay fines and fees.⁹ In doing so, Ohio creates an enormous debt burden that prevents people from driving to work to earn money to pay off the debt and that extracts wealth from low-income communities and communities of color. Stakeholders need to examine Ohio's debt-related suspension scheme.

⁵ The number of suspensions exceeds the number of drivers with a suspended license because many people have multiple suspensions.

⁶ Joni Hirsch & Priya S. Jones, *Driver's License Suspension for Unpaid Fines and Fees: The Movement for Reform*, 54 U. MICH. J. L. REFORM 875, 888 (2021); Free to Drive Coalition, *Free to Drive Maps: Suspension Statutes, Data, Narratives, and More*, available at <https://www.freetodrive.org/maps/#page-content> (last visited Aug. 2, 2022).

⁷ Joni Hirsch & Priya S. Jones, *Driver's License Suspension for Unpaid Fines and Fees: The Movement for Reform*, 54 U. MICH. J. L. REFORM 875, 884-885 (2021); Free to Drive Coalition, *Free to Drive Maps: Suspension Statutes, Data, Narratives, and More*, available at <https://www.freetodrive.org/maps/#page-content> (last visited Aug. 2, 2022).

⁸ The additional nine states are CA, ID, KY, MS, NV, OR, UT, WV, and WY. Free to Drive Coalition, *Free to Drive Maps: Suspension Statutes, Data, Narratives, and More*, available at <https://www.freetodrive.org/maps/#page-content> (last visited Aug. 2, 2022). See also Joni Hirsch & Priya S. Jones, *Driver's License Suspension for Unpaid Fines and Fees: The Movement for Reform*, 54 U. MICH. J. L. REFORM 875, 885 (2021).

⁹ Free to Drive Coalition, *Free to Drive Maps: Suspension Statutes, Data, Narratives, and More*, available at <https://www.freetodrive.org/maps/#page-content> (last visited Aug. 2, 2022).

Introduction

For most Ohioans, the ability to drive is essential to accomplishing daily tasks and fulfilling personal responsibilities. Ohioans with a valid license may take for granted the access it gives them to work, family, health care, education, food, leisure, recreation, and more. Eighty-two percent of Ohio workers drive themselves to work.¹⁰ Only 1.4% of workers rely on public transit to get to their job.¹¹ Without a valid license, most people cannot get to work, much less fulfill their other daily obligations. And if they drive anyway, they risk additional penalties.¹²

In an average year in Ohio, a state with about 8 million licensed drivers, there are over 1 million drivers with a suspended license. Among those suspended, only about 400,000 are licensed in the State of Ohio, while 600,000 are not. Unlicensed drivers include people with licenses from states other than Ohio, people whose licenses have expired (possibly because they could not resolve their suspensions), or people who have never obtained a license.¹³

Driver's license suspensions impact many Ohioans. In Ohio's urban communities, there are over 700 total suspensions for every 1,000 people of driving-age. Additionally, those impacted often have to deal with multiple suspensions at the same time. On average, an Ohioan with a suspended license has 3 suspensions.

Ohio is one of 23 states that suspend driver's licenses for failure to pay civil or criminal fines or fees.¹⁴ In 2017, more than 3 million total driver's license suspensions were on Ohio's books. Of those, more than 2 million (about 60%) were for "offenses unrelated to safe and responsible vehicle operation" such as failure to pay child support or a court fine.¹⁵ Ohio's reality is similar to other states that impose DRS. For example, "[i]n Florida, 72% of all driver's licenses [sic] suspension notices are issued for nonpayment of fines and fees."¹⁶

¹⁰ United States Census Bureau, American Community Survey, B08301: Means of Transportation to Work in Ohio (2020: ACS 5-Year Estimates Detailed Tables), available at <https://data.census.gov/cedsci/table?q=ohio%20means%20of%20transportation%20to%20work&tid=ACSDT5Y2020.B08301> (last visited July 15, 2022).

¹¹ United States Census Bureau, American Community Survey, B08301: Means of Transportation to Work in Ohio (2020: ACS 5-Year Estimates Detailed Tables), available at <https://data.census.gov/cedsci/table?q=ohio%20means%20of%20transportation%20to%20work&tid=ACSDT5Y2020.B08301> (last visited July 15, 2022).

¹² Ohio Poverty Law Center, Moving Forward: Driver's License Amnesty Initiative, page 2 (Aug. 2019), available at <https://docs.google.com/viewerng/viewer?url=https://www.columbuslegalaid.org/wp-content/uploads/2019/08/OPLC-Amnesty-Report-final-081319.pdf&hl=en> (last visited July 15, 2022).

¹³ States rely on the National Driver Register and Problem Driver Pointer System, a national database of information about individuals whose driver's licenses have been revoked, suspended, canceled, or denied; thus, a suspension anywhere creates a problem everywhere. See <https://www.nhtsa.gov/research-data/national-driver-register-ndr#:~:text=The%20NDR%20maintains%20the%20computerized,of%20serious%20traffic%2Drelated%20offenses> (last visited Aug. 2, 2022).

¹⁴ Free to Drive Coalition, Free to Drive Maps: Suspension Statutes, Data, Narratives, and More, available at <https://www.freetodrive.org/maps/#page-content> (last visited Aug. 2, 2022).

¹⁵ Ohio Poverty Law Center, Moving Forward: Driver's License Amnesty Initiative, page 2 (Aug. 2019), available at <https://docs.google.com/viewerng/viewer?url=https://www.columbuslegalaid.org/wp-content/uploads/2019/08/OPLC-Amnesty-Report-final-081319.pdf&hl=en> (last visited July 15, 2022).

¹⁶ Joni Hirsch & Priya S. Jones, Driver's License Suspension for Unpaid Fines and Fees: The Movement for Reform, 54 U. MICH. J. L. REFORM 875, 877 (2021).

“Debt-related suspensions” refers broadly to categories of suspensions that result from failing to pay money owed (and failing to appear in court¹⁷) as opposed to driving dangerously, such as under the influence of drugs or alcohol. Ohio imposes debt-related suspensions because of unpaid court fees, traffic fines, judgments,¹⁸ child support, and more. Additionally, Ohio imposes warrant blocks and registration blocks that prevent a person from renewing their driver’s license and registration, effectively operating as a delayed suspension.

One Ohio zip code, 44104 in Cleveland, illustrates the harm created by Ohio’s current DRS scheme. Fifty three percent of residents in 44104 live below the poverty line (in comparison to 33% in the City of Cleveland). Ninety eight percent of the zip code’s residents are people of color (in comparison to 66% in the City of Cleveland). The zip code has one of the highest rates of debt-related suspensions among driving age residents in the State at 1,535 suspensions per 1,000 driving-age population. Between 2016 and 2020, there were, on average, 21,611 active debt-related suspensions among drivers in the zip code. With a driving age population of 14,076, that is roughly 3 debt-related suspensions for every 2 people of driving age.

From 2016 to 2020, the residents of 44104 paid \$831,412 in reinstatement fees and other costs from debt-related suspensions. While that may seem significant, residents of just this zip code still owed \$4,266,041 to the BMV and third parties for debt-related suspensions at the end of 2020. With a driving age population of 14,076, that’s over \$300 owed for every person of driving age in the zip code. Given that the median household income in 44104 is just \$17,000 per year, the cost to reinstate a driver’s license is not only high, but for many, prohibitively expensive.

Data and Research Methods

Cleveland Legal Aid staff investigated the scope and prevalence of debt-related driver’s license suspensions in Ohio, as well as costs associated with such suspensions. We worked closely with Dr. Brian Mikelbank at Cleveland State University’s School of Urban Affairs to collect and analyze driver’s license suspension data¹⁹ from multiple sources: a public records request (“PRR”) submitted to the Ohio Bureau of Motor Vehicles (“PRR Data”),²⁰ American Community Survey data (“ACS Data”),²¹ and responses to a public survey posted on Legal Aid’s website and shared by partner organizations.²²

¹⁷ The failure to appear in court is often connected to a person’s ability to pay. In some instances, drivers fail to appear because they know the court will impose fines that they cannot afford. In other instances, drivers fail to appear because they literally cannot afford to do so – i.e., they cannot miss work, cannot pay for childcare, or cannot afford transit to the courthouse. See Joni Hirsch & Priya S. Jones, *Driver's License Suspension for Unpaid Fines and Fees: The Movement for Reform*, 54 U. MICH. J. L. REFORM 875, 878 (2021).

¹⁸ Judgment suspensions and security suspensions are meant to compel payment of a judgment or claim against an uninsured driver and compel the purchase of insurance.

¹⁹ Early in 2022, Cleveland Legal Aid also engaged with Lakeland Community College for GIS analysis.

²⁰ See complete PRR attached as Appendix A.

²¹ U.S. Census Bureau, American Community Survey (ACS), 2015-2019.

²² See survey instrument attached as Appendix B.

The PRR Data from the Ohio BMV pertain to driver's license suspensions from 2016 to 2020. The data include the yearly total numbers of active suspensions,²³ numbers of drivers with a suspended license, numbers of debt-related suspensions by type, and the amounts of money newly assessed, paid, and owed for different suspension types. All of these data were provided by zip code, which allowed us to analyze suspension data by location and compare the results to socioeconomic and race data from the American Community Survey.²⁴

In the meantime, the public survey provided insights into the lived experiences of people impacted by debt-related suspensions.²⁵ Legal Aid shared the online survey on its website, along with information about how to resolve a driver's license suspension.²⁶ The survey became available to the public on March 4, 2021. As of December 30, 2021, 95 people had responded. Among survey respondents, 45% identified as White, 33% identified as Black, 4.4% identified as Hispanic or Latino, and another 15% identified as multiethnic or other. Of the 33 respondents who indicated the location of their suspension, all but six originated in one of these urban regions: Cleveland, Akron, Youngstown, Canton, Columbus, Dayton and Cincinnati. Of the remaining respondents, two were from southern Ohio, and four were from (non-urban) Northeast Ohio.

The PRR Data from the Ohio BMV focused on the following debt-related suspension types:

“License forfeiture suspensions” occur when a person is charged with certain driving-related misdemeanors and either fails to appear in court or fails to pay a court fine.²⁷

“Judgment suspensions” occur if a court issues a judgment finding a person responsible for property damage or personal injury caused by use, care, or maintenance of a motor vehicle, and that person fails to pay the amount owed.²⁸

“Child support suspensions” occur when a driver fails to pay child support or fails to appear in response to a subpoena or warrant for child support issues.²⁹

“Noncompliance suspensions” occur when a driver does not show proof of insurance at a traffic stop or at the time of an accident.³⁰

²³ By “active” suspensions, we mean any suspension in effect during that year, even if it was originally imposed during a prior year.

²⁴ Comparisons to ACS data are based on ZIP Code Tabulation Areas (ZCTAs). To analyze poverty and race data, we divided Ohio's zip codes into 10 groups of the same size (deciles) based on each variable (percent of the population in poverty, and percent of the population who are people of color). For example, this created 10 groups of zip codes (of approximately 120 zip codes each) where the first decile is comprised of the ZCTAs with the lowest poverty rates. The second decile has the 10% of ZCTAs with the next lowest poverty rates. The 10th decile represents the ZCTAs with the highest poverty rates in the state. See Appendix C for more detailed data.

²⁵ Further engagement with impacted drivers is beginning through a partnership between Cleveland Legal Aid and Neighborhood Connections.

²⁶ The survey was posted at <https://laslev.org/my-ohio-driver-license-is-suspended-what-are-my-options/>.

²⁷ ORC 4510.22.

²⁸ ORC 4509.37.

²⁹ ORC 3123.58.

³⁰ ORC 4509.101.

“**Random selection noncompliance suspensions**” occurred when a vehicle owner did not provide proof of insurance in response to a request from the BMV mailed to randomly selected drivers.³¹

“**Security suspensions**” occur when an uninsured driver causes an accident that results in more than \$400 worth of damage or injury and the other party submits a crash report to the BMV.³²

“**Court registration blocks**” can be imposed by a court for unpaid fines or fees and prevent a vehicle owner from renewing their vehicle registration.³³

“**Warrant blocks**” prevent a person from obtaining or renewing a driver's license or vehicle registration and can be imposed by a court for any person who has an outstanding warrant.³⁴

The analysis of the BMV data focused on counting and mapping debt-related suspensions and corresponding fines and fees across Ohio. We calculated the rate of DRS and analyzed the relationship between the DRS rate and geography, socioeconomic status, and race. We also examined how much money was assessed, paid, and owed. Assessed amounts include newly imposed costs in each year. Paid amounts include costs paid in each year, regardless of when the debt originated. Owed amounts include all debt on the books in each year regardless of when the debt originated. These data include reinstatement fees owed to the BMV for various suspension types,³⁵ as well as money owed to third parties (aggrieved drivers and insurance companies) for judgment suspensions and security suspensions.³⁶ We relied on ACS data for the demographic variables.³⁷

The BMV collects reinstatement fees, which are payments required to reinstate a valid driver's license following a suspension. The amount of the reinstatement fee differs depending on the type of suspension. Many drivers trying to resolve suspensions, especially those facing warrant and registration blocks, must also pay fines (e.g., penalties for a traffic offense) and fees (e.g., court costs) to municipal and county courts throughout Ohio. The data in this paper do not include the fines and fees assessed, paid, and owed to courts. Thus, the financial impacts revealed in these data understate the magnitude of the financial burden imposed by debt-related driver's license suspensions.

³¹ ORC 4509.101. Ohio terminated its random selection noncompliance suspension program as of July 3, 2019. Robert Walton, Esq., What Happened to BMV Random Selection Suspension?, Muni Court Notes (Aug. 18, 2020), available at <https://municourtnotes.net/what-happened-to-bmv-random-selection-suspension/> (last visited July 18, 2022).

³² ORC 4509.11 through ORC 4509.291.

³³ ORC 1905.202 (mayor's court); ORC 1901.44(B) (municipal court); ORC 1907.25(B) (county court); ORC 2947.09(A) (common pleas court).

³⁴ ORC 4503.13. Courts often impose warrant blocks when a person fails to appear for a hearing. As discussed in note 17 *supra*, the failure to appear is closely tied to a person's ability to pay.

³⁵ Fee data related to registration blocks are not included because the BMV does not collect these data.

³⁶ Judgment suspensions and security suspensions involve amounts owed to an aggrieved driver or their insurance company, not to the BMV.

³⁷ For purposes of this analysis, “low-income” and “poverty” mean people with incomes at or below 100% of the federal poverty guidelines. Also, for this analysis, “White” includes ACS category: White Alone, not Hispanic or Latino. “Persons of color” includes White Alone, Hispanic and Latino and the following categories: Hispanic or Latino, Not Hispanic or Latino: Black, African American alone, American Indian and Alaska Native alone, Asian alone, Native Hawaiian and Other Pacific Islander alone, Some other race alone, and Two or more races.

Findings: What did we learn?

These qualitative and quantitative data reveal a stark reality for Ohioans who have low income and Ohioans of color with respect to driver's license suspensions. Our analysis of these data resulted in five key findings about debt-related suspensions in Ohio:

- Ohio drivers face over 3 million debt-related suspensions annually.
- Debt-related suspensions substantially burden Ohio communities with an average outstanding total debt each year of over \$920 million.
- Debt-related suspensions occur across Ohio but at a higher rate in urban areas.
- Debt-related suspensions cost residents of Ohio's highest poverty zip codes an average of \$7.9 million each year.
- Debt-related suspensions cost residents of Ohio's zip codes with the highest percentages of people of color an average of \$12 million each year.

A. Ohio drivers face over 3 million debt-related suspensions annually.

Ohio was home to approximately 9.4 million people of driving age,³⁸ 8 million licensed drivers, and over 1 million drivers with a suspended license each year from 2016 to 2020. During the same period, there were over 3 million active suspensions every year, meaning the average person with a suspension had three suspensions on their license. These data, gathered from the Ohio BMV and the American Community Survey, are consistent with our public survey results. Among survey respondents, about 43% reported having more than one suspension at the same time. The survey responses also revealed that, for many, a driver's license suspension is a long-term ordeal. When asked how long their license had been suspended, over 75% answered over one year, with 33% reporting that their suspension had lasted more than five years.

About 60% of the 3 million active suspensions in Ohio each year are debt-related suspensions. Table 1 shows the number of total drivers and the number of total active suspensions in 2020 for each type of debt-related suspension included in our analysis. Notably, every category shows a higher number of suspensions than the number of drivers suspended.

Table 1

	Number of Drivers Suspended (2020)	Number of Suspensions (2020)
License Forfeitures	258,730	450,646
Judgment Suspensions	54,802	57,462
Child Support Suspensions	75,906	101,341
Non-Compliance Suspensions	679,014	1,335,339
Random Selection Suspensions	43,630	43,636
Security Suspensions	21,728	22,195
TOTAL DRS	1,133,810	2,010,619

In addition to these types of suspensions, drivers may lose the ability to maintain a valid license because of a court registration block or a warrant block. While these "blocks" are not treated as

³⁸ ACS Data.

suspensions by the BMV, they affect drivers in a similar way. A person who cannot renew their license or registration because of unpaid court fines or fees, or because of an outstanding warrant, cannot lawfully drive after their registration or license expires. In essence, these “blocks” operate as delayed suspensions that affect a significant number of Ohioans (see Table 2).³⁹

Table 2

	Number of Drivers (2020)	Number of Blocks (2020)
Court Registration Blocks	148,535	255,806
Warrant Blocks	378,523	990,565
TOTAL Blocks:	527,058	1,246,371

Debt-related driver's license suspensions also have significant financial implications. In order to better understand the financial implications of debt-related suspensions, we gathered data from the Ohio BMV regarding the dollar amounts assessed, paid, and owed for debt-related suspensions for the years 2016-2020.

Notably, these data include amounts assessed by and paid to both the BMV and third-party creditors (see Table 3). The amounts paid include reinstatement fees paid to the BMV, judgment claims released (if reported to BMV), and security suspension deposits to the BMV but do not include payments made to private creditors that were not reported to the BMV. The totals reflect accumulated amounts over the course of the five-year period.

Table 3

Totals, 2016-2020		
	Amount assessed	Amount paid
BMV	262.9	126.5
Third-party creditors	495.2	40.6
Total	758.0	167.1
<i>Note: All values in millions.</i>		

B. Debt-related suspensions substantially burden Ohio communities with an average outstanding total debt each year of over \$920 million.

Most fines, fees, and other costs from debt-related suspension go unpaid. These unpaid amounts roll over from year to year as outstanding debt that is still owed. As shown above, from 2016 through 2020, the Ohio BMV and other creditors assessed \$758 million in fees and other claims for debt-related suspensions, an average of \$151.6 million per year. But for the same five years, only \$167 million (22%) was paid. That's less than a quarter for every dollar of debt.

The result for Ohio is an average outstanding debt for DRS of \$922.2 million each year from 2016 through 2020 (see Table 4). This average includes all unpaid DRS debt on the books each year, both old and new. In effect, the average amount of debt standing between individuals and their licenses each year is over \$920 million.

³⁹ See Joni Hirsch & Priya S. Jones, *Driver's License Suspension for Unpaid Fines and Fees: The Movement for Reform*, 54 U. MICH. J. L. REFORM 875, 889 (2021) (“registration holds” impact drivers in the same way as debt-related suspensions).

Table 4

Total Average Amounts, 2016-2020			
	Total amount assessed	Total amount paid	Total amount owed
BMV	52.6	25.3	329.2
Third-party creditors	99.0	8.1	592.9
Average	151.6	33.4	922.2
<i>Note: All values in millions.</i>			

The impact of these debt-related suspensions on individuals is acute. Consider this scenario:

A person gets pulled over for a traffic ticket and they don't have insurance because they missed a payment while out of work temporarily. The person pays the ticket but is not aware that they will receive a suspension for not having insurance. They never receive or don't understand the notices that the BMV mails to their address explaining the non-compliance suspension and how to resolve it. As a result, the person continues driving but still cannot afford insurance. The person gets pulled over *again* and is charged with both a traffic offense *and* driving under suspension ("DUS"). Also, the person gets a second non-compliance suspension that triggers a mandatory one-year suspension period. This person now owes more money and must obtain additional proof of financial responsibility in the form of an SR-22 certificate.*

In this scenario, the person likely owes the following minimum estimated fines and fees:

Fine for traffic ticket #1	\$205
Fee for noncompliance suspension #1	\$150
Fine for traffic ticket #2 and DUS	\$300
Fee for noncompliance suspension #2	\$350
SR-22 certificate	\$70 per month
Total owed:	\$1,075

* An SR-22 certificate proves that the driver carries the mandatory minimum financial responsibility coverage in Ohio. The certificate usually results in an additional monthly cost to the driver.

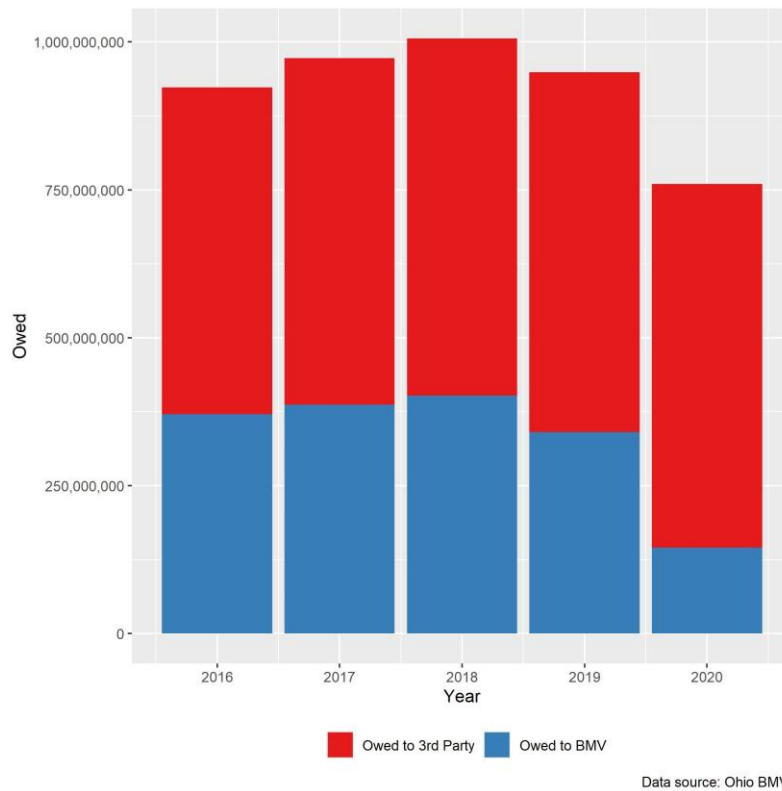
The top two reasons given by survey respondents for their driver's license suspensions were inability to pay court fines (43%) and driving without insurance (43%). Almost 90% of respondents said they had trouble paying the amount owed to get their license back. Among respondents, 64% owed over \$1,000, and 20% owed over \$5,000.

A driver's license suspension can have a devastating impact on a person's ability to meet their basic needs and fulfill personal responsibilities. Over 77% of survey respondents reported problems getting to work or school. If a driver can't get to work, they can't earn money to pay off their suspension-related debt. As one survey respondent noted, "[H]ow can I pay on this if I can't drive to get to work?" Almost 70% struggled with buying food. Accessing health care and caring for family members were problems for about 65% of respondents. One respondent described the particularly painful pandemic reality that when food pantries shifted to drive-through access during COVID-19, without the ability to drive, they could not access food assistance.

The survey revealed another layer to the problems related to driver's license suspensions. Almost 40% of respondents reported they were between 18 and 24 years old the first time their license was suspended. Additionally, over 85% reported that at the time of their first suspension, their household income was less than \$25,000 annually. This means that for many survey respondents, license suspension problems began when they had only short work histories or had very low incomes, potentially interrupting their early years of employment or hindering their ability to move into higher paying jobs (especially jobs that require a valid driver's license).

The year 2020 ended with Ohioans still owing nearly \$760 million to the BMV and other creditors from debt-related suspensions. Figure 0 shows these fees and costs separated by those owed to Ohio BMV (blue) versus those owed to third-party creditors (red).

Figure 0. Total fees and costs owed to BMV and third-party creditors, 2016-2020.



Across the years represented in the graph, the amount owed to the Ohio BMV is less than half the amount owed to other creditors. By allowing private creditors to trigger driver's license suspensions for unpaid debt, the Ohio BMV effectively serves as a debt collector for insurance companies and aggrieved parties, while drivers too often face an increasing mountain of debt. Additionally, suspending a driver's license based on unpaid child support turns the BMV into a collection agency for the Office of Child Support Services.⁴⁰

The amount of debt owed to the BMV dropped in 2020. The reason for this change could not be

determined as part of the current analysis. Possible factors contributing to this reduction include the facts that courts were closed for several months due to the Covid-19 pandemic; that the BMV may have altered its collection efforts during the pandemic; and that in 2020, Ohio implemented an amnesty program to reduce, or in some cases eliminate, reinstatement fees.⁴¹

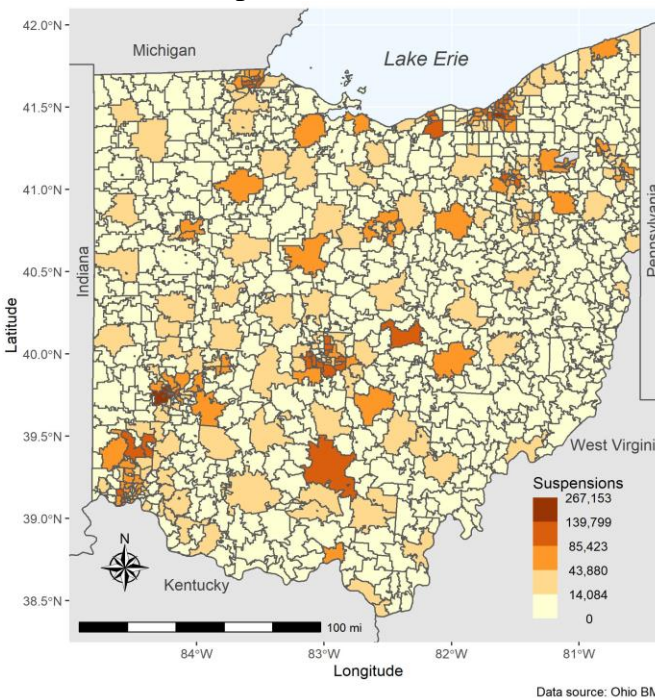
⁴⁰ The data presented in this paper include reinstatement fees for child support suspensions but do not include the underlying child support amounts owed.

⁴¹ ORC 4510.101 through ORC 4510.108.

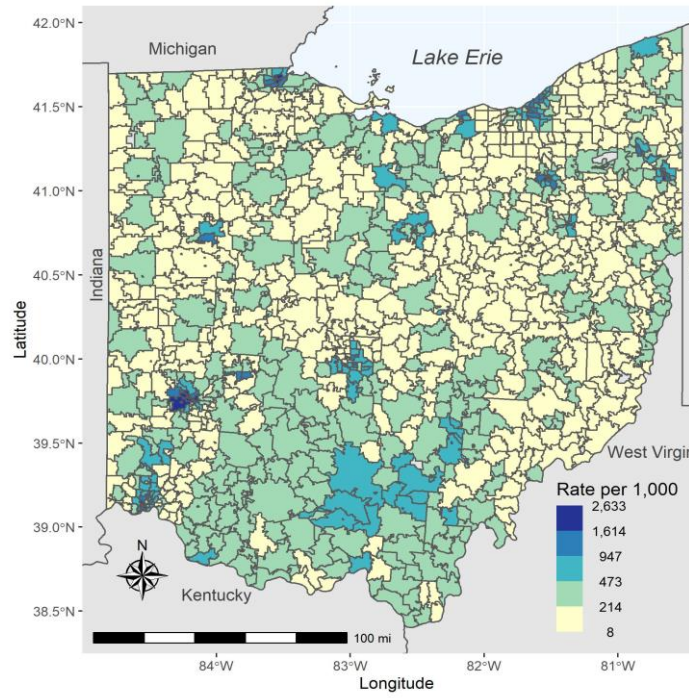
C. Debt-related suspensions occur across Ohio but at higher rates in urban areas.

Debt-related suspensions occur at different rates across Ohio. The total number of debt-related suspensions by zip code⁴² appears in Map 1, where the darkest portions of the map represent the zip codes with the highest numbers of suspensions. The next map looks at the rate of debt-related suspensions among the driving age population. The darker portions of Map 2 show where the number of suspensions per 1,000 people of driving age is highest. The highest rates of debt-related suspensions occur in the urban areas of Ohio but some rural communities, such as southeastern Ohio, also have relatively high rates of debt-related suspensions.

Map 1. Number of Debt-related Driver's License Suspensions, 2016-2020.



Map 2. Rate of Debt-related Driver's License Suspensions, 2016-2020.



The rate of debt-related suspensions in urban areas is much higher than the rate in suburban, exurban and rural areas (see Table 5).⁴³ In urban communities, there were 723 DRS for every 1,000 people of driving age, compared to 299 and 199 in suburban and exurban communities, respectively. In rural communities, the rate was 257 per 1,000. Urban areas also bear a higher proportion of the cost of

⁴² Data are mapped by ZIP Code Tabulation Area (ZCTA).

⁴³ See map showing urban, suburban, exurban, and rural areas in Ohio in Appendix D: Map 3, Location Categories. These communities were defined using Core Based Statistical Areas (CBSAs) as their basis. CBSAs are based on counties and defined by the Office of Management and Budget. Urban communities were defined as those ZCTAs with their center in a primary city of a CBSA. For example, zip code 44104 is labeled urban because its center is in the city of Cleveland, a primary city of the Cleveland-Elyria CBSA. Zip code 44124 is labeled suburban because its center is outside of Cleveland, but still in Cuyahoga County, a primary county of the CBSA. Exurban communities are still within the CBSA, but outside of the primary county. For example, zip code 44060 is located in Lake County, within the Cleveland-Elyria CBSA. Finally, rural communities are those located outside of any CBSA.

DRS. While the driving age population in urban areas is smaller than any other category, the amount of fees assessed, paid, and owed are all highest in urban areas. Nonetheless, debt-related suspensions occur in all areas of Ohio and impact communities across the State. For example, exurban areas have the lowest rate of DRS, but residents in those zip codes still owed \$127,384,490 in DRS fees (owed to the BMV) and third-party debts (owed to insurance companies or other drivers) at the end of 2020.

Table 5

Category	Average Annual Debt-Related Suspensions, 2016-2020 (DRS)	Average Annual Driving-Age Population, 2016-2020 (DAP)	Rate of DRS per 1000 DAP	Newly Assessed Fees, 2016-2020*	Fees Paid, 2016-2020*	Fees Owed at the End of 2020*
Urban	1,292,538	1,786,898	723	\$271.6	\$56.3	\$286.0
Suburban	995,219	3,333,510	299	\$239.0	\$53.9	\$226.5
Exurban	470,891	2,364,454	199	\$130.5	\$28.9	\$127.4
Rural	481,875	1,871,722	257	\$113.7	\$27.6	\$116.6

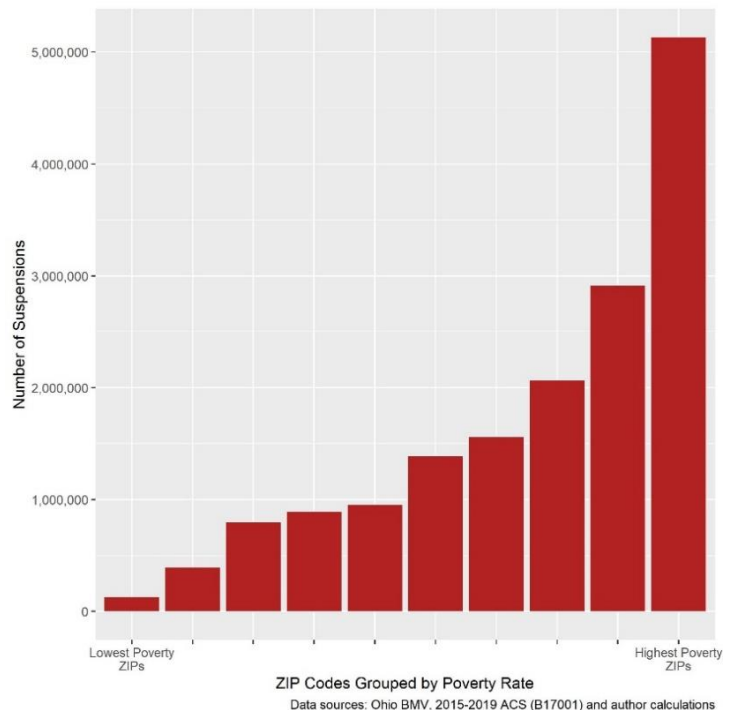
**Denotes values in millions.*

D. Debt-related suspensions cost residents of Ohio's highest poverty zip codes an average of \$7.9 million each year.

People who live in areas of Ohio with high poverty face more debt-related driver license suspensions than Ohioans in wealthier zip codes. Also, people in poor areas pay more and owe more than people in higher-income areas of Ohio. The relationship between debt-related suspensions and poverty levels is reflected in the bar graphs below.⁴⁴ Figure 1 shows the number of debt-related suspensions by groups of zip codes, from areas with the lowest rates of poverty to areas with the highest rates of poverty.

People in the zip codes with the highest poverty rates faced nearly 40 times as many debt-related suspensions in this period as those in the areas with the least poverty, and 1.7 times more debt-related suspensions than even the next poorest areas.

Figure 1: Number of debt-related suspensions by poverty rate for Ohio ZIP Codes, 2016-2020.



⁴⁴ See Appendix C for detailed decile data.

Additionally, the Ohio BMV charges substantially more fees in zip codes with higher poverty rates than those with low poverty rates (Figure 2). Residents in those same zip codes also pay more (Figure 3) *and* owe more (Figure 4) than people living in wealthier areas of Ohio.

In fact, residents of Ohio's poorest zip codes pay over 20 times more in debt-related suspension costs compared to residents of Ohio's wealthiest zip codes. Generally, as a zip code's poverty rate goes up, so do the amounts assessed, paid, and owed. Table 6 shows these data for 2016-2020.

Table 6

	Wealthiest Zip Codes	Poorest Zip Codes
Fees assessed	\$7.5	\$187.8
Fees paid	\$1.7	\$39.3
Fees owed	\$6.1	\$202.5

Note: All values in millions.

Figure 2: Debt-related suspension fees and costs assessed by poverty rate for Ohio ZIP Codes, 2016-2020.

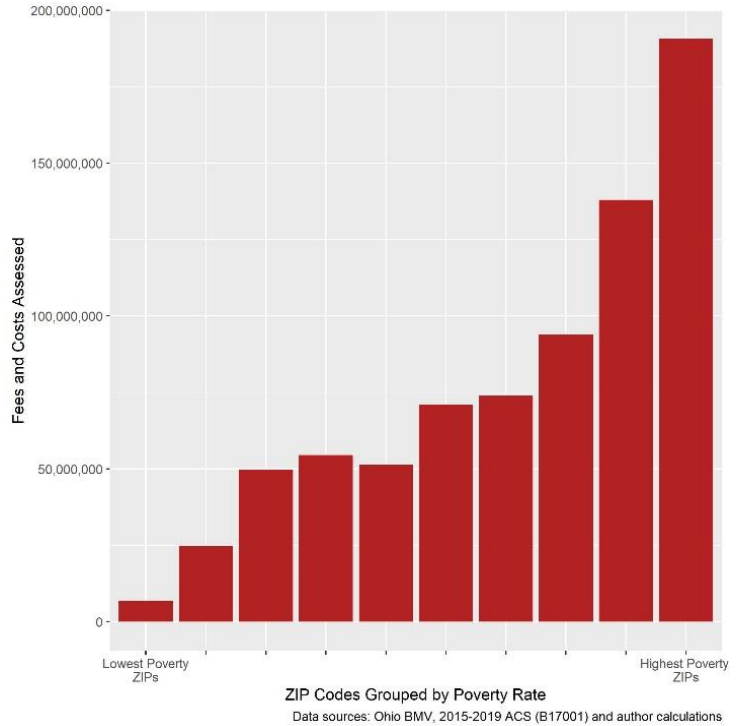


Figure 3: Debt-related suspension fees and costs paid by poverty rate for Ohio ZIP Codes, 2016-2020.

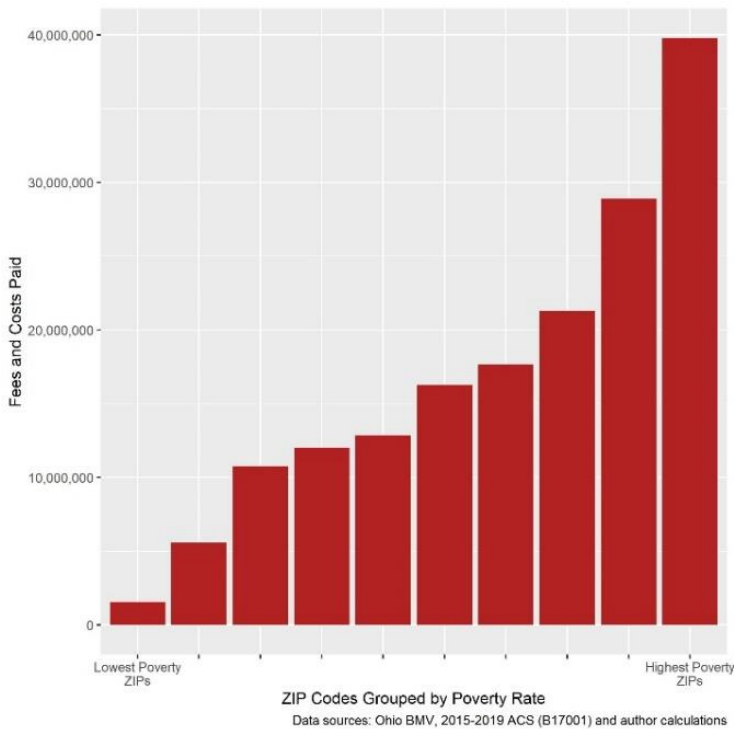
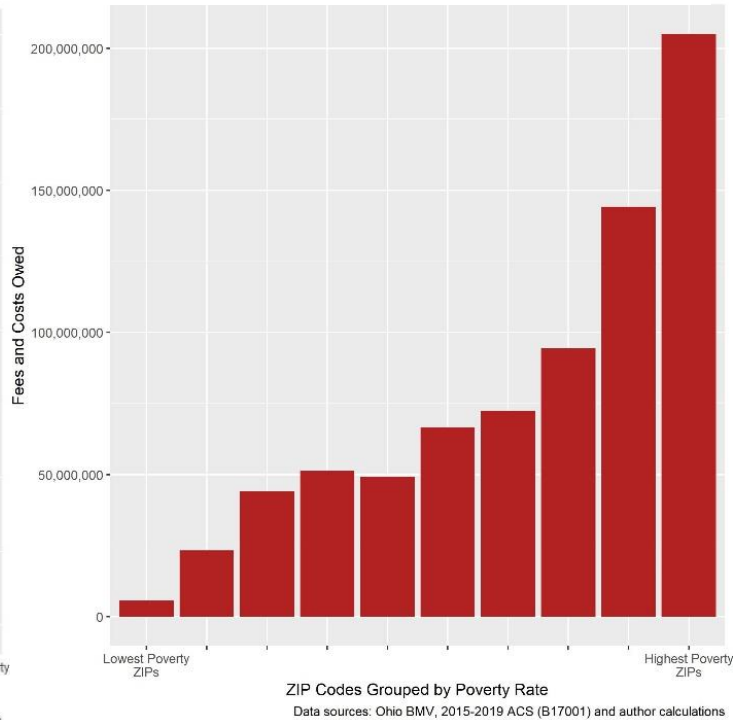


Figure 4: Debt-related suspension fees and costs owed by poverty rate for Ohio ZIP Codes, 2020.



These disparities show that the people least able to afford debt-related suspensions – who are also most in need of resources and opportunity and have the least access to employment, education, and health care – pay the most.

E. Debt-related suspensions cost residents of Ohio's zip codes with the highest percentages of people of color an average of \$12 million each year.

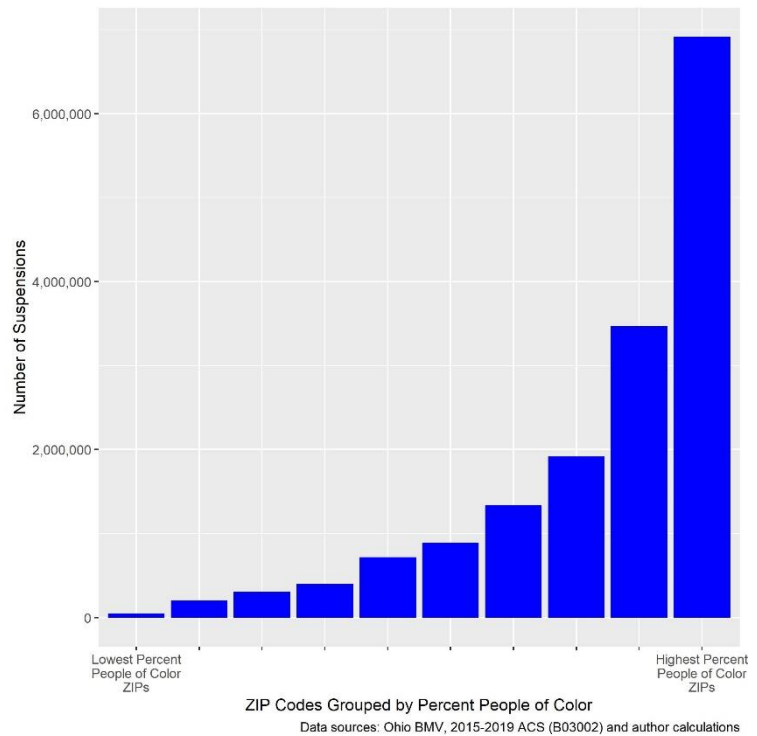
Ohio communities with a high percentage of people of color face more debt-related driver license suspensions than Ohio communities with fewer people of color. Also, these communities are assessed more, pay more, *and* owe more than predominantly white areas of Ohio.

The relationship between debt-related suspensions and the percent people of color in a zip code is reflected in the bar graphs below.⁴⁵ Figure 5 shows the number of debt-related suspensions by groups of zip codes, from the mostly white (far left) to the highest percent people of color (far right). The zip codes in Ohio with the greatest percent people of color have the highest number of suspensions, while those with the lowest percentage of people of color have the fewest.

The bar to the far right shows zip codes where people of color make up 37% or more of the population. These Ohio zip codes with the highest percentages of people of color experience nearly twice as many suspensions as the next group of zip codes (where people of color make up between 17% and 37% of the population). Moreover, the areas with the most people of color experience over 100 times as many suspensions as the areas with the fewest people of color (6.9 million vs. less than 51,000).

Additionally, substantially more fees are assessed in zip codes with larger percentages of people of color (Figure 6). These same communities also pay more (Figure 7) and owe more (Figure 8). Generally, as the population of people of color increases in a zip code, so do the amounts assessed, paid, and owed.

Figure 5: Number of debt-related suspensions by percent people of color for Ohio ZIP Codes, 2016-2020.



⁴⁵ See Appendix C for detailed decile data.

Figure 6: Debt-related suspension fees and costs assessed by percent people of color for Ohio ZIP Codes, 2016-2020.

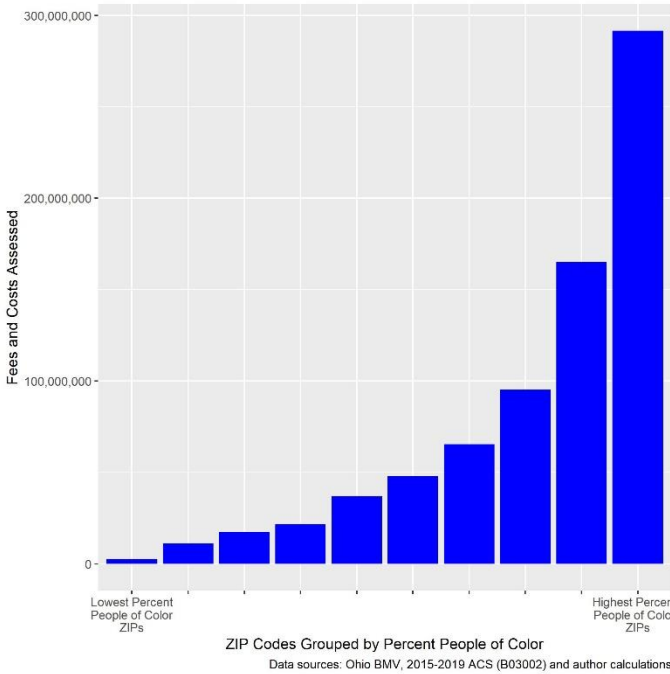


Figure 7: Debt-related suspension fees and costs paid by percent people of color for Ohio ZIP Codes, 2016-2020.

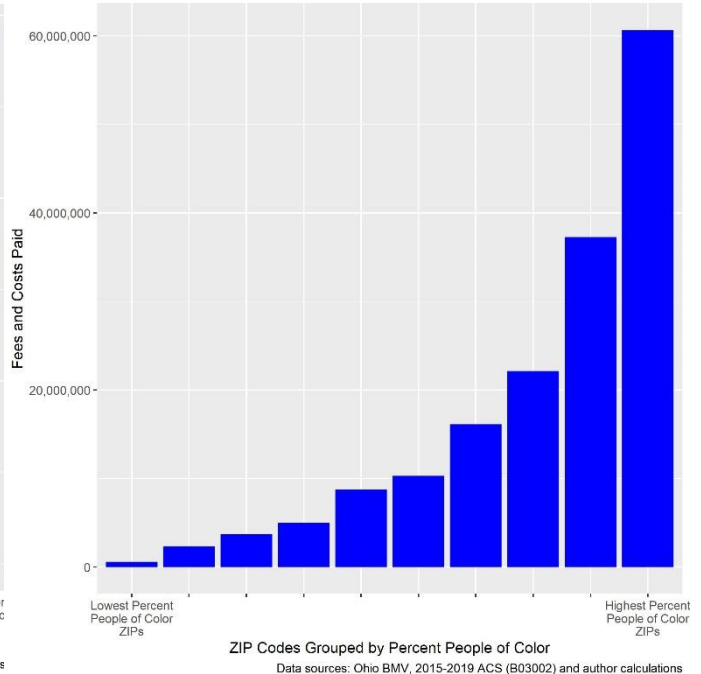


Figure 8: Debt-related suspension fees and costs owed by percent people of color for Ohio ZIP Codes, 2020.

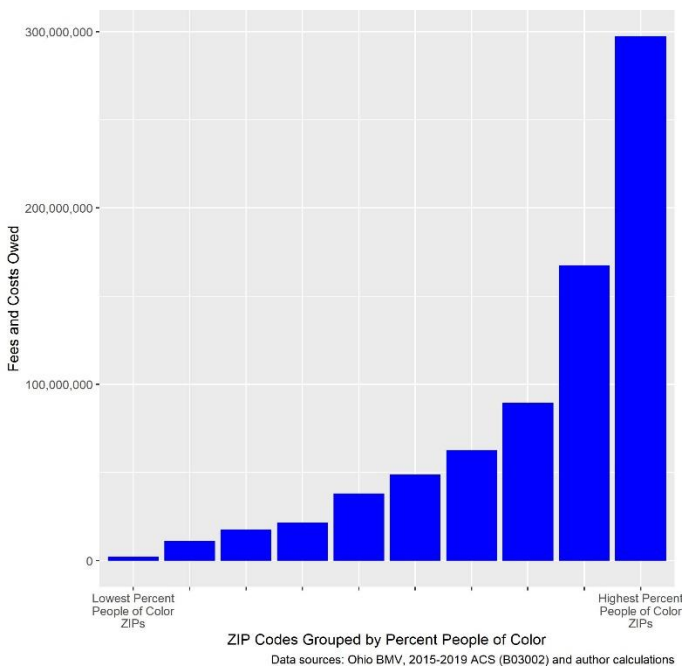


Table 7

	Zip Codes with High Percent White Population	Zip Codes with High Percent People of Color
Fees assessed	\$2.8	\$289.9
Fees paid	\$0.6	\$60.2
Fees owed	\$2.4	\$295.8

Note: All values in millions.

The zip codes with the highest percent people of color paid over \$60 million, while predominantly white zip codes paid just over \$500,000. Table 7 shows these data for 2016-2020.

People living in neighborhoods with the highest percentage of people of color pay far more for debt-related suspensions than any of the other groups of zip codes with fewer people of color. On average, for this study period, residents in zip

codes with a high percentage of people of color paid \$12 million annually toward debt-related suspensions.

While both poverty and race correlate strongly with the numbers of debt-related suspensions in a given zip code, neither variable alone explains the differences shown by the data. One way to illustrate this interrelated nature of debt-related suspensions, poverty, and race is to compare two zip codes on the east side of Cleveland with similar numbers of licensed drivers (50,000-60,000) and very similar poverty rates (about 35%) but different percentages of people of color. Between 2016 and 2020, residents in 44112, which is 93.89% people of color, received almost twice as many DRS (56,581), paid almost twice as much in DRS related costs (\$414,713), and were left owing almost twice the amount of DRS-related debt (\$1,769,475) compared to residents in 44106, which is 58.04% people of color.

Discussion: What does this mean for Ohio?

State driver's license suspension laws purportedly incentivize people to pay their fines and fees based on the assumptions that nonpayment is a willful choice and that a suspension will change that choice. But in reality, many people simply cannot afford to pay, no matter how many suspensions are imposed. Survey responses reflect this truth for Ohioans, as do the billions of dollars in debt-related suspensions that went unpaid over the study period.⁴⁶ "Even though no studies or research indicate that license suspension or other penalties lead to increased payment, most states continue to practice this harmful policy."⁴⁷

Ohio has enacted two changes that provide some help to some drivers but do not resolve the larger problems with Ohio's system of debt-related suspensions. Since 2012, the Ohio BMV has allowed eligible drivers to enter payment plans for reinstatement fees owed.⁴⁸ In order to qualify, a driver must owe at least \$150, have met all other reinstatement requirements, show proof of insurance, have no other suspensions, and not be on a court-ordered payment plan. The driver must complete an application, make an initial payment of \$50, and then make at least one \$25 payment every 30 days. While on a payment plan, a driver's license may be valid, expired, or eligible to retest.

Additionally, in 2020, Ohio enacted a limited reinstatement fee debt reduction and amnesty program.⁴⁹ This program only applies to drivers suspended for specific violations. Drivers are not eligible until 18 months have passed since the end of their court-ordered suspension and must provide proof of insurance to utilize the program. The BMV automatically notifies eligible drivers of the reduction; drivers eligible for a complete amnesty waiver of reinstatement fees must complete an application and provide proof of qualifying benefits, such as Medicaid or SNAP (food assistance).

While these programs help some individual drivers, many are left out. The debt reduction and amnesty program does not help people who face judgment suspensions, security suspensions, or warrant or

⁴⁶ In 2020, the Ohio legislature enacted a limited debt amnesty and fee reduction program codified in ORC 4510.101 through ORC 4510.108. While this program makes the payment of accumulated fees easier for many, it does not resolve the problems with Ohio's system of debt-related suspensions.

⁴⁷ See Hirsch & Jones, *Driver's License Suspension for Unpaid Fines and Fees: The Movement for Reform*, 54 U. MICH. J. L. REFORM 875, 877 (2021) (internal footnotes omitted).

⁴⁸ ORC 4510.10.

⁴⁹ ORC 4510.101 through ORC 4510.108.

registration blocks. Additionally, households with limited resources may struggle to keep up with payment plans of even \$25 per month. And, while these programs may help with fees owed to the BMV, many drivers owe additional fines and fees to courts or third parties that require separate payment plans and are not affected by these policy changes. The cumulative cost is unaffordable for low-income households. Moreover, one missed payment could result in a reinstated suspension. In short, the relief offered to individual drivers through payment plans and the amnesty program does not address the systemic problems inherent in Ohio's debt-related suspension scheme, which disproportionately affect poor communities and communities of color.

Debt-related suspensions extract wealth from high poverty neighborhoods. People living in areas of high poverty experience DRS the most, pay the most, and owe the most money for debt-related suspensions. Drivers owe substantial amounts to the State for reinstatement fees, but even more is owed to private creditors who rely on driver's license suspensions as a collection tool. Because of debt-related license suspensions, people in high poverty zip codes have fewer driving options, which means less access to jobs and healthcare, less employment mobility and marketability, and more reliance on underfunded public transit. Nonetheless, just because a driver does not have the money to pay the debts owed does not mean they stop driving. According to the American Association of Motor Vehicle Administrators, 75% of suspended drivers continue to drive, facing further fines, fees, and incarceration if they get pulled over.⁵⁰ The risk is greater for Black drivers compared to white drivers because Black drivers are pulled over more often than white drivers in Ohio.⁵¹

Additionally, the enormous amounts of money that drivers pay toward debt-related suspension costs represent millions of dollars that Ohio drivers are not spending on food, housing, products and services from local businesses, and other investments in their neighborhoods. The money is not helping someone to start a business or save for a child's education. It is also not showing up in contributions to local community services or even as money spent on leisure activities in the region. Instead, DRS constitutes a massive extraction of wealth from drivers and their local communities.

The data on debt-related suspensions also reflect a devastating, disproportionate impact on people of color in Ohio. Zip codes with the highest percent people of color experience more than 100 times the debt-related suspensions compared to zip codes with the lowest percent people of color. These same areas also pay millions of dollars more than areas with few people of color. Ohio's experience is consistent with national data. In 2013, the U.S. Department of Justice found that Black drivers are 31% more likely to be pulled over than white drivers.⁵² It is safe to assume that more traffic stops mean more suspensions. Other researchers have similarly found that Black and Brown individuals are "disproportionately ticketed, arrested, charged, and convicted for traffic violations and driving on suspended licenses."⁵³ This reality is especially disconcerting when considered in light of Ohio's

⁵⁰ American Association of Motor Vehicle Administrators, *Reducing Suspended Drivers and Alternative Reinstatement Best Practices* (Edition 3), page 3 (May 2021), available at <https://www.aamva.org/getmedia/b92cc79d-560f-4def-879c-6d6e430e4f4d/Reducing-Suspended-Drivers-and-Alternative-Reinstatement-Best-Practices-Edition-3.pdf> (last visited July 18, 2022).

⁵¹ Max Londberg, *Black Drivers and Pedestrians Most Likely Traffic Stop Targets in Ohio's Biggest Cities*, WOSU (Dec. 19, 2019), available at [Black Drivers And Pedestrians Most Likely Traffic Stop Targets In Ohio's Biggest Cities | WOSU News](#) (last visited August 2, 2022).

⁵² Christopher Ingraham, *You Really Can Get Pulled Over for Driving While Black, Federal Statistics Show*, WASHINGTON POST (Sept. 9, 2014).

⁵³ N.Y. L. Sch. Racial Justice Project, *Driving While Black and Latinx: Stops, Fines, Fees, and Unjust Debts*, Executive Summary: Research Findings (Feb. 2020).

population by race. As of the 2020 Census, Ohio's population was 23% people of color and 77% white. The minority bears the costs of a driving scheme that privileges the majority.

The inequities inherent in Ohio's debt-based driver's license scheme must be addressed. Additionally, our research identifies incongruities and important questions that warrant further exploration. As summarized by Dr. Brian Mikelbank:

“Primary among them is that the sobering financial burden of these DRS are shouldered by a population that can't legally drive to work to earn the money needed to pay it off. This is a nearly incomprehensible policy design.

A close second is the fact that the DRS are intended as a suspension of one's driver's license. Ironically, though, most debt-related driver's license suspensions are to drivers without a driver's license. The policy, in the vast majority of cases, attempts to take away something that the driver doesn't even have in the first place. Logic would dictate that there might be a better way to encourage the payment of a debt.

Those payments don't even accrue solely to the Ohio BMV. While most of the fees and costs paid do go to the BMV rather than third-party creditors, the debt remaining is mostly due to those third-party creditors. This arrangement makes the Ohio BMV a debt-collector of sorts, withholding a critical and essential state license until a private citizen settles their debt with a non-state affiliated company.

All of these efforts might be defensible if the resulting process was efficient. It is not. Even though the budgets of the Ohio drivers that paid \$167.1M in fees and costs were certainly strained, those monies collected represent only a small portion of those charged, and an even smaller portion of the outstanding debt.

Finally, this isn't something that is happening to an unlucky few of us. There are over 3 million active debt-related suspensions a year, more than 16 million over the study period. To make matters even worse, these aren't spread evenly across Ohio. Poor communities and communities of color are disproportionately impacted by DRS.”⁵⁴

Debt-related suspensions in Ohio have created a legacy of debt that not only affects people's ability to drive, but disinvests in Ohio communities, increases individual debt burdens, and disproportionately punishes low-income neighborhoods and communities of color.

Conclusion: Where do we go from here?

Despite the dire circumstances revealed by the data presented in this paper, the problems stemming from Ohio's debt-related suspensions can be fixed. Some states have recently enacted new laws to begin addressing the inequity in the current system.⁵⁵ In the last five years, 22 states and Washington

⁵⁴ Mikelbank, Brian A., Ohio's Debt-Related Driver's License Suspensions, 2016-2020. Report submitted to The Legal Aid Society of Cleveland, 2022.

⁵⁵ However, all 50 states authorize suspending driver's licenses for failure to pay child support pursuant to federal policy mandating that states enact such policy or risk losing 5% of federal child support enforcement funding. See discussion at

D.C. have passed reforms to curtail debt-related driving restrictions.⁵⁶ In 2021 alone, the governors of ten states – Arkansas, Arizona, Colorado, Illinois, Indiana, Michigan, Minnesota, Nevada, Utah, and Washington – signed legislative reforms. State lawmakers are also moving away from suspending driver's licenses for missing a court hearing, with eight states passing reforms since 2017.⁵⁷ States have taken different approaches to fixing this problem:

- Montana and many other states no longer suspend, revoke, or prohibit the renewal of driver's licenses for failure to pay fines and fees.⁵⁸
- Michigan limits suspensions based on a driver's failure to pay fines or fees to offenses that are public safety-related.⁵⁹
- Maryland limits suspensions to a driver's failure to pay fines and fees in criminal cases.⁶⁰
- New York no longer suspends a person's driver's license for failure to pay traffic fines.⁶¹

At the same time, proposed bipartisan federal legislation, the Driving for Opportunity Act, would incentivize states to stop suspending licenses for unpaid court debt.⁶² “The act permits the Attorney General to make grants to states in order to cover the costs of reinstating driver's licenses previously suspended for unpaid fines and fees. The bill also repeals the law that reduces federal highway funding for states that do not suspend driver's licenses for anyone convicted of a drug offense.”⁶³

Stakeholders from the public, private, and nonprofit sectors all have an interest in solving Ohio's DRS problem. Social service organizations are often on the front line of trying to resolve the transportation challenges keeping a client from accessing services or care. Regional economies suffer from unemployment and underemployment when the labor force cannot reach potential job opportunities.⁶⁴ Employers lament absenteeism or tardiness that sometimes results from employees

Joni Hirsch & Priya S. Jones, *Driver's License Suspension for Unpaid Fines and Fees: The Movement for Reform*, 54 U. MICH. J. L. REFORM 875, 878 (2021).

⁵⁶ Joni Hirsch & Priya S. Jones, *Driver's License Suspension for Unpaid Fines and Fees: The Movement for Reform*, 54 U. MICH. J. L. REFORM 875, 884 (2021).

⁵⁷ See Hirsch & Jones, *Driver's License Suspension for Unpaid Fines and Fees: The Movement for Reform*, 54 U. MICH. J. L. REFORM 875, 884-886 (2021).

⁵⁸ Such states include CA, CO, ID, KY, MS, NV, NY, OR, VA, WV, and WY, as well as MT. Free to Drive Coalition, *Free to Drive Maps: Suspension Statutes, Data, Narratives, and More*, available at <https://www.freetodrive.org/maps/#page-content> (last visited Aug. 2, 2022).

⁵⁹ Joni Hirsch & Priya S. Jones, *Driver's License Suspension for Unpaid Fines and Fees: The Movement for Reform*, 54 U. MICH. J. L. REFORM 875, 888-889 (2021); Free to Drive Coalition, *Free to Drive Maps: Suspension Statutes, Data, Narratives, and More*, available at <https://www.freetodrive.org/maps/#page-content> (last visited Aug. 2, 2022).

⁶⁰ Free to Drive Coalition, *Free to Drive Maps: Suspension Statutes, Data, Narratives, and More*, available at <https://www.freetodrive.org/maps/#page-content> (last visited Aug. 2, 2022).

⁶¹ Joni Hirsch & Priya S. Jones, *Driver's License Suspension for Unpaid Fines and Fees: The Movement for Reform*, 54 U. MICH. J. L. REFORM 875, 888 (2021); Free to Drive Coalition, *Free to Drive Maps: Suspension Statutes, Data, Narratives, and More*, available at <https://www.freetodrive.org/maps/#page-content> (last visited Aug. 2, 2022).

⁶² Fines and Fees Justice Center, *Driving for Opportunity Act of 2021*, available at <https://finesandfeesjusticecenter.org/articles/driving-for-opportunity-act-of-2020/> (last visited July 15, 2022); see also Joni Hirsch & Priya S. Jones, *Driver's License Suspension for Unpaid Fines and Fees: The Movement for Reform*, 54 U. MICH. J. L. REFORM 875, 886 (2021).

⁶³ Fines and Fees Justice Center, *Driving for Opportunity Act of 2021*, available at <https://finesandfeesjusticecenter.org/articles/driving-for-opportunity-act-of-2020/> (last visited July 15, 2022).

⁶⁴ This problem is so significant that Fund for Our Economic Future launched a public competition called The Paradox Prize (<https://paradoxprize.com/>), in which it awarded \$1 million for innovative ideas to improve worker mobility in Northeast Ohio. See Fund for Our Economic Future, *No Car, No Job; No Job, No Car: Solving the Transportation*

not having reliable transportation. The State needs an effective and efficient means to keep drivers insured. Regardless of how Ohio solves this DRS problem, people affected by this crisis – drivers in Ohio from disproportionately impacted neighborhoods – must be included in the process of finding a way forward. Stakeholders should consider the following questions when grappling with how to respond to the reality of DRS in Ohio:⁶⁵

1. Are we working with impacted communities to inform changes?
2. Will the proposed changes address both failure to pay fines and fees and failure to appear in court?
3. Will the proposed changes eliminate all driver's license suspensions, revocations, and non-renewals that are not related to dangerous driving?
4. Will the proposed changes be retroactive?
5. Will reinstatements be automatic or require individual action?
6. Will reinstatement fees be waived?
7. Will the State be able to identify every applicable suspension to provide relief, or will it be the responsibility of the suspended driver to initiate the process?
8. Does Ohio have an adequate payment plan system?
9. Will any debt relief be provided on existing fines and fees?

The data presented in this paper indicate that Ohio's current debt-related suspension system is a "road to nowhere" in that it disparately impacts communities with high poverty rates and communities of color, creates more debt than is collected, and hinders the State's public policy objectives. Stakeholders have an opportunity to increase their understanding of the problems inherent to Ohio's debt-related suspension system, and to build new roads forward.

Cleveland Legal Aid continues to investigate the realities of debt-related driver's license suspensions in Ohio and their impact on people with low income and people of color. This work includes engaging with impacted individuals, grassroots groups, nonprofit organizations, allied coalitions, local and national experts, and the other legal aid programs across Ohio. Anyone interested in more information is invited to contact Anne Sweeney at anne.sweeney@lascler.org.

Paradox (June 2022), available at https://issuu.com/twist-creative/docs/fe_f_-_the_paradox_prize_book_single_page?fr=sMDVhNTUwMDUwNjY (last visited July 19, 2022).

⁶⁵ The questions listed here are quoted and/or adapted from Joni Hirsch & Priya S. Jones, Driver's License Suspension for Unpaid Fines and Fees: The Movement for Reform, 54 U. MICH. J. L. REFORM 875, 890 (2021); Priya Sarathy Jones, Fines and Fees Justice Center, 22 States in 5 Years: Bipartisan Lawmakers Coalesce Behind Curbing Debt-Based Driving Restrictions (Aug. 13, 2021), available at <https://finesandfeesjusticecenter.org/2021/08/13/22-states-in-5-years-bipartisan-lawmakers-coalesce-behind-curbing-debt-based-driving-restrictions/> (last visited July 15, 2021).

Appendix A: Public Records Request



The
Legal Aid Society
of Cleveland
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April 2, 2021

Via USPS certified mail

Ohio Bureau of Motor Vehicles
Attn: BMV Records
P.O. Box 16520
Columbus, Ohio 43216-6520

To Whom It May Concern:

Pursuant to Ohio Revised Code Sections 149.43, we are requesting the Ohio Bureau of Motor Vehicles ("BMV") records described below on behalf of The Legal Aid Society of Cleveland.

The Legal Aid Society of Cleveland is a nonprofit organization that provides civil legal services to people who have low income. We are requesting these data to better understand the experience of low-income drivers in Ohio related to driver's license suspensions.

We are requesting records responsive to each of the items listed below for regular Class D driver's licenses (*not* temporary permits or commercial driver's licenses or any other specialty licenses). We ask that the Ohio BMV provide all data electronically in CSV, Excel, or other spreadsheet format.

1. For each calendar year 2016, 2017, 2018, 2019, and 2020, identify the number of licensed drivers in each Ohio zip code by birth year. Please include all licensed drivers, regardless of whether their licenses are currently valid or currently suspended.
2. For each calendar year 2016, 2017, 2018, 2019, and 2020, and for each Ohio zip code, identify the number of individuals who had a driver's license suspension at any time during that year.
3. For each year identified in Request No. 2 above, and for each Ohio zip code, identify the total number of driver's license suspensions active at any time during that year.
4. For each year identified in Request No. 2 above, and for each Ohio zip code, identify:
 - a. the number of drivers who had active license forfeiture suspensions (suspension type LF according to BMV records) during the year, pursuant to ORC 4510.22;

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- b. the number of license forfeiture suspensions in effect during the year;
 - c. the total dollar amount of fees owed to the Ohio BMV for license forfeiture suspensions that were newly assessed during the year (regardless of whether those fees were paid or unpaid during the year);
 - d. the total amount of fees collected by the Ohio BMV for license forfeiture suspensions during the year; and
 - e. the total dollar amount of fees owed to the Ohio BMV for license forfeiture suspensions at the end of each calendar year (including fees assessed in prior years that remained unpaid).
5. For **each year identified in Request No. 2** above and for **each Ohio zip code**, identify:
- a. the number of drivers who had active judgment suspensions (suspension type SJ according to BMV records) during the year, pursuant to ORC 4509.37;
 - b. the number of judgment suspensions in effect during the year;
 - c. the total dollar amount of fees owed to the Ohio BMV for judgment suspensions that were newly assessed during the year (regardless of whether those fees were paid or unpaid during the year);
 - d. the total amount of fees collected by the Ohio BMV for judgment suspensions during the year;
 - e. the total dollar amount of fees owed to the Ohio BMV for judgment suspensions at the end of each calendar year (including fees assessed in prior years that remained unpaid); and
 - f. the collective total claim amounts owed to third parties on the underlying judgments at the end of each calendar year.
6. For **each year identified in Request No. 2** above and for **each Ohio zip code**, identify:
- a. the number of drivers who had active child support suspensions (suspension type KS according to BMV records) during the year, pursuant to ORC 3123.58;
 - b. the number of child support suspensions in effect during the year;
 - c. the total dollar amount of fees owed to the Ohio BMV for child support suspensions that were newly assessed during the year (regardless of whether those fees were paid or unpaid during the year);
 - d. the total amount of fees collected by the Ohio BMV for child support suspensions during the year; and
 - e. the total dollar amount of fees owed to the Ohio BMV for child support suspensions at the end of each calendar year (including fees assessed in prior years that remained unpaid).
7. For **each year identified in Request No. 2** above and for **each Ohio zip code**, identify:
- a. the number of drivers who had active non-compliance suspensions (suspension type NC according to BMV records) during the year, pursuant to ORC 4509.101;
 - b. the number of non-compliance suspensions in effect during the year;
-

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The Legal Aid Society of Cleveland

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- c. the total dollar amount of fees owed to the Ohio BMV for non-compliance suspensions that were newly assessed during the year (regardless of whether those fees were paid or unpaid during the year);
 - d. the total amount of fees collected by the Ohio BMV for non-compliance suspensions during the year; and
 - e. the total dollar amount of fees owed to the Ohio BMV for non-compliance suspensions at the end of each calendar year (including fees assessed in prior years that remained unpaid).
 8. For **each year identified in Request No. 2** above and for **each Ohio zip code**, identify:
 - a. the number of drivers who had active random selection non-compliance suspensions (suspension type RS according to BMV records) during the year, pursuant to ORC 4509.101;
 - b. the number of random selection non-compliance suspensions in effect during the year;
 - c. the total dollar amount of fees owed to the Ohio BMV for random selection non-compliance suspensions that were newly assessed during the year (regardless of whether those fees were paid or unpaid during the year);
 - d. the total amount of fees collected by the Ohio BMV for random selection non-compliance suspensions during the year; and
 - e. the total dollar amount of fees owed to the Ohio BMV for random selection non-compliance suspensions at the end of each calendar year (including fees assessed in prior years that remained unpaid).
 9. For **each year identified in Request No. 2** above and for **each Ohio zip code**, identify:
 - a. the number of drivers who had active security suspensions (suspension type SS according to BMV records) during the year, pursuant to ORC 4509.17;
 - b. the number of security suspensions in effect during the year;
 - c. the total dollar amount of security deposits owed to the Ohio BMV for security suspensions that were newly assessed during the year (regardless of whether those security deposits were paid or unpaid during the calendar year);
 - d. the total amount of security deposits collected by the Ohio BMV for security suspensions during the year; and
 - e. the total dollar amount of security deposits owed to the Ohio BMV for security suspensions at the end of each calendar year (including security deposits assessed in prior years that remained unpaid).
 10. For **each year identified in Request No. 2** above and for **each Ohio zip code**, identify:
 - a. the number of drivers who had active court registration blocks during the year, pursuant to ORC 1901.44, 1905.22, 1907.25, and 2947.09;
 - b. the number of court registration blocks in effect during the year;
-

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The Legal Aid Society of Cleveland

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- c. the total dollar amount of fees owed to the Ohio BMV for court registration blocks that were newly assessed during the year (regardless of whether those fees were paid or unpaid during the year);
 - d. the total amount of fees collected by the Ohio BMV for court registration blocks during the year;
 - e. the total dollar amount of fees owed to the Ohio BMV for court registration blocks at the end of each calendar year (including fees assessed in prior years that remained unpaid); and
 - f. the collective total dollar amount of fines and fees owed to courts in relation to court registration blocks at the end of each calendar year, as recorded in BMV records.
11. For **each year identified in Request No. 2** above and for **each Ohio zip code**, identify:
- a. the number of drivers who had active warrant blocks during the year, pursuant to ORC 4503.13;
 - b. the number of warrant blocks in effect during the year;
 - c. the total dollar amount of fees owed to the Ohio BMV for warrant blocks that were newly assessed during the year (regardless of whether those fees were paid or unpaid during the year);
 - d. the total amount of fees collected by the Ohio BMV for warrant blocks during the year; and
 - e. the total dollar amount of fees owed to the Ohio BMV for warrant blocks at the end of each calendar year (including fees assessed in prior years that remained unpaid).
12. For **each calendar year 2016, 2017, 2018, 2019, and 2020**, provide the Department of Public Safety fiscal records or ledgers that show and itemize the annual expenditure of the fees collected by the Ohio BMV for the suspensions and blocks listed above.

Please send all data by email to Katherine B. Hollingsworth and Julie K. Robie of The Legal Aid Society of Cleveland at khollingsworth@lascleve.org and jrobie@lascleve.org. An invoice for any cost associated with this records request should be sent to the same two email addresses. If you have questions or need additional information, please contact us by email.

Thank you in advance for your responses to these requests.

Sincerely,

Katherine B. Hollingsworth
Managing Attorney

Julie K. Robie
Senior Attorney

Appendix B: Driver's License Suspension Survey

See: <https://www.surveymonkey.com/r/DLSuspensions>

Legal Aid is working to understand the impact of driver license suspension on Ohio residents. Thank you for taking a couple minutes to answer the following questions. If you are willing to share more details about your experience, please provide your contact info at the end. Thank you!

1. Is your driver license currently suspended or has it ever been suspended?
Yes
No
2. Did you have more than one suspension at the same time?
Yes
No
3. What is/are the reason(s) your driver license is/was suspended? (Check all that apply.)
Unable to pay court fines
Unable to pay child support
Driving without insurance
Owed money because of accident
Did not appear for court proceeding
Other (please specify)
4. How long has your driver license been suspended in total?
Less than 3 months
3 to 6 months
7 to 12 months
1 – 2 years
3 – 5 years
Over 5 years
5. Did you have trouble paying the amounts owed to get your license back?
Yes
No
6. How much did you owe in total to get your license back?
Less than \$250
\$250 - \$500
\$501 - \$1,000
\$1,001 - \$3,000
\$3,001 - \$5,000
Over \$5,000
7. Did you have trouble meeting any of the following needs because your license was suspended? Check all that apply.
Getting to work/school
Buying food
Caring for children or other family

Taking children to school / daycare
Accessing health care
Other (please specify)

8. When your license was first suspended, what was your zip code?
9. When your license was first suspended, how old were you?
 - Under 18
 - 18 – 24
 - 25 – 34
 - 35 – 44
 - 45 – 54
 - 55 – 64
 - 65+
10. When your license was first suspended, what was your annual household income?
 - Less than \$14,999
 - \$15,000 - \$24, 999
 - \$25,000 - \$49,999
 - \$50,000 - \$74,999
 - \$75,000 - \$99,999
 - \$100,000 - \$149,999
 - Over \$150,000
11. Which race/ethnicity best describes you? (Please choose only one.)
 - American Indian or Alaskan Native
 - Asian / Pacific Islander
 - Black or African American
 - Hispanic or Latino
 - White / Caucasian
 - Multiple ethnicity / Other (please specify)
12. Are you willing to share more specifics about your experience with a driver license suspension? If YES, please fill out your contact information below and someone may follow up with you over the next few months.
 - Name
 - Address
 - Address 2
 - City/Town
 - State
 - Zip
 - Country
 - Email address
 - Phone number

Appendix C: Decile Data

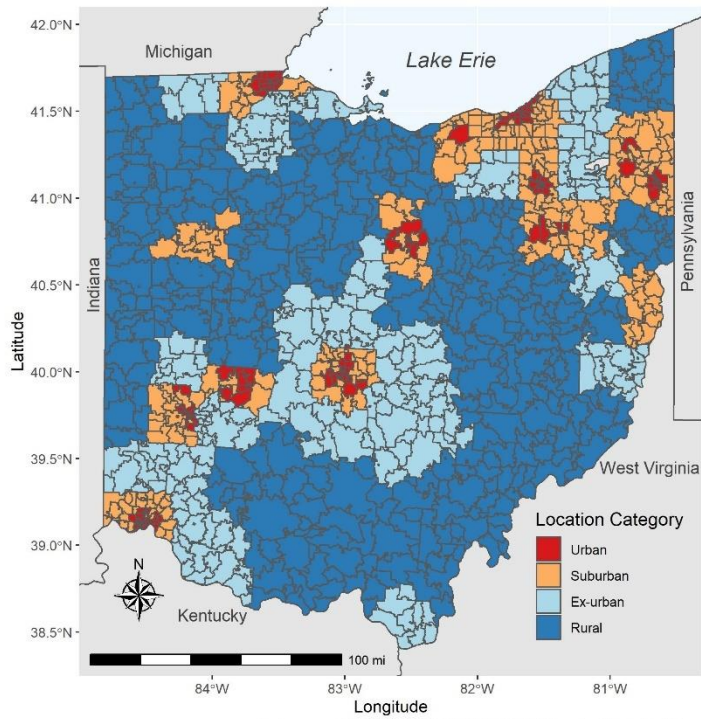
Percent people of color per ZCTA decile group:

Decile	# of ZCTAs	% People of Color		
		Minimum	Maximum	Average
1	119	0.0	0.0	0.0
2	119	0.0	1.7	1.1
3	119	1.7	2.9	2.3
4	119	2.9	4.0	3.4
5	119	4.0	5.4	4.7
6	119	5.5	7.9	6.6
7	119	7.9	11.0	9.2
8	119	11.0	16.8	13.6
9	119	16.9	36.7	24.9
10	118	36.9	100.0	60.7

Percent people in poverty per ZCTA decile group:

Decile	# of ZCTAs	% People in Poverty		
		Minimum	Maximum	Average
1	119	0.0	3.0	1.1
2	119	3.1	5.4	4.4
3	119	5.4	7.0	6.2
4	119	7.0	8.6	7.9
5	119	8.7	11.0	9.9
6	119	11.0	13.4	12.2
7	118	13.4	16.1	14.5
8	118	16.1	20.0	17.8
9	118	20.0	26.3	22.6
10	118	26.4	100.0	40.1

Appendix D: Map 3, Location Categories



Data source: Ohio BMV, 2015-2019 ACS (S0101), and author calculations.
Note: Showing ZIP Code Tabulation Areas with at least 100 Driving Age Population.

lasclev.org

Road to Nowhere: Debt-Related Driver’s License Suspensions in Ohio
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