



December 11, 2023

The Honorable Nathan H. Manning
Chair, Judiciary Committee
Senate Building, 1 Capitol Square
Ground Floor, 039
Columbus, OH 43215

Dear Chair Manning and Members of the Committee,

The Fines and Fees Justice Center (FFJC) commends Senator Blessing and Senator Ingram for authoring SB 37, which ends several categories of debt-based driver's license suspensions. Over a million Ohioans had a suspended driver's license each year from 2016 to 2020, according to The Legal Aid Society of Cleveland, which analyzed data from the Bureau of Motor Vehicles for their report *Road to Nowhere: Debt-Related Driver's license suspensions in Ohio*.¹ These suspensions dramatically undermine public safety and economic prosperity across the state of Ohio. We thank Chair Manning for prioritizing SB 37 for a hearing in his committee and urge the committee to support this critical legislation to reduce debt-based driver's license suspensions.

FFJC is a national hub for information, advocacy and collaboration for reform of fines and fees, including eliminating the onerous collateral consequences that result from nonpayment of fines and fees, like driver's license restrictions. Not having a valid driver's license makes life nearly impossible for most people, preventing them from going to work, getting a new job, taking their child to school or childcare, and going to medical appointments. Because most people require a car to access basic necessities, they have no choice but to continue driving. When they do, they risk additional fines and fees, as well as arrest and jail time for driving with an invalid license.

To accelerate reform nationwide to end debt-based driver's license restrictions, FFJC along with more than 130 ideologically diverse organizations – including the American Legislative Exchange Council, Americans for Prosperity, Americans for Tax Reform, JPMorgan Chase, Koch Industries, and Right on Crime – joined forces in September 2019 to launch the Free to Drive Campaign. This national campaign brings together policy advocates, research organizations, and businesses committed to the principle that restrictions on driving privileges

¹ The Legal Aid Society of Cleveland, *Road to Nowhere: Debt-Related Driver's License Suspensions in Ohio* (2022), available at <https://lasclv.org/roadtonowherereport/>

should only be used for dangerous driving, and not to coerce debt payment or to punish people who miss a court appearance.

National Momentum to End Debt-Based Driver's License Restrictions

Nationally, there is growing recognition that debt-based license suspensions are counterproductive and do more harm than good, which has led to widespread legislative reform in states across the country. **In the last six years, 25 states have passed reforms to end or significantly curb debt-based driving restrictions**, among them Arizona (2021), Idaho (2019), Mississippi (2019), Montana (2020), New Mexico (2023), Texas (2019), Utah (2021), Virginia (2020), and West Virginia (2020).² In addition, bills to address this issue were filed in at least ten states in addition to Ohio this year, including Florida, North Carolina and Oklahoma.

The American Legislative Exchange Council (ALEC) has passed a resolution urging state lawmakers to limit license suspensions to dangerous driving offenses.³ The ALEC policy states that suspensions for unpaid fines and fees are a counterproductive collection tool that fuels unemployment and harms public safety. SB 37 is consistent with the ALEC policy.

This legislature has already recognized the inescapable cycle of debt and incarceration created by debt-based license suspensions and passed the Reinstatement Fee Debt Reduction and Amnesty program in 2020. While this program helped reduce the payments required for license reinstatement, many Ohioans are still forced to make impossible choices: stop driving and lose access to one's job and basic necessities, or keep driving and risk additional fines and fees, arrest for driving on a suspended license, and jail time.

Debt-Based License Suspensions Leads to Billions of Dollars in Lost Earnings

More than nine out of ten Ohioans drive to work, so taking away a person's license leads to a loss of reliable transportation to and from work.⁴ Studies have found that a valid driver's license is a greater predictor of employment than a high school diploma for lower-income workers.

² See maps at Free to Drive, <https://www.freetodrive.org/maps/#page-content>; 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 (2021), available at <https://repository.law.umich.edu/mjlr/vol54/iss4/5>.

³ American Legislative Exchange Council, *Resolution in Support of Limiting Driver's License Suspensions to Violations that Involve Dangerous Driving* (2018), available at <https://alec.org/model-policy/resolution-in-support-of-limiting-drivers-license-suspensions-to-violations-that-involve-dangerous-driving/>.

⁴ U.S. Census Bureau, American Community Service, *Means of Transportation to Work by Travel Time to Work* (Table B08134) (2021), available at <https://data.census.gov/table?q=B08134&g=040XX00US48&tid=ACSDT1Y2021.B08134>.

While a valid license is clearly a requirement for the 30% of jobs that entail driving⁵, it is often required even for jobs that do not require driving as part of the job.⁶

Repeated studies have found that debt-based license restrictions lead to a significant loss of employment. One study found 42% lost their jobs when their license was suspended, and an even greater 64% of people with an income below \$30,000 lost their jobs.⁷ Additional academic research has found that not having a valid license leads to an average earnings loss of \$12,600 annually.⁸ Because debt-related suspensions are more likely to be imposed on low-income individuals, this loss in earnings can significantly impact their ability to meet basic needs like housing and food and to adequately provide for their children and dependents. Ending debt-based suspensions in Ohio would remove these pointless and counterproductive barriers to employment, empowering people to support themselves and their families.

Debt-Based Driver's License Restrictions Do Not Improve Collection Rates

Given that debt-based driver's license restrictions make it more difficult to work and hence more difficult to pay one's fines and fees, they do not lead to improved fine and fee collection rates. Several studies examining the impact on collection have found no significant difference in collection rates as a result of license restrictions. In Texas, one study found that municipal courts that did *not* use debt-based suspensions as a collection tool collected \$45 *more* per case, on average, than courts that did use those suspensions.⁹ In another study comparing data from the years Tennessee did suspend licenses for unpaid fines and fees with the years that Tennessee did not suspend licenses, researchers found no statistically significant difference in collection rates during the time periods when Tennessee did suspend driver's licenses versus the time period when they stopped.¹⁰

Debt-Based Driving Restrictions Waste Valuable Police Time

The collection and enforcement of fines and fees diverts police away from focusing on public safety priorities. Former Right on Crime Director Marc Levin and FFJC co-executive director

⁵ U.S. Bureau of Labor Statistics, *The Economic Daily, 30 percent of civilian jobs require some driving in 2016* (Jun. 27, 2017), available at

<https://www.bls.gov/opub/ted/2017/30-percent-of-civilian-jobs-require-some-driving-in-2016.htm>.

⁶ See, e.g., Alana Semuels, *No driver's license, no job*, *The Atlantic* (Jun. 15, 2016), available at <https://www.theatlantic.com/business/archive/2016/06/no-drivers-license-no-job/486653/>.

⁷ Jon A. Carnegie, *Driver's license Suspensions, Impacts and Fairness Study*, NJDOT Bureau of Research (Aug. 2007), available at

<https://www.nj.gov/transportation/business/research/reports/FHWA-NJ-2007-020-V1.pdf>.

⁸ Colleen V. Chien et al., *Estimating the Earnings Loss Associated with a Criminal Record and Suspended Driver's License*, 64 *Ariz. L. Rev.* 675 (2022), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4065920.

⁹ Texas Fair Defense Project & Texas Appleseed, *Driven by Debt: The Failure of the OmniBase Program* (Aug. 2021), available at

<https://www.texasappleseed.org/sites/default/files/OmniBaseRevenueReport-Aug11-Final.pdf>.

¹⁰ ThinkTennessee, *Reducing the Harms of Court Debt: Driver's License Revocations are an Ineffective Policy for Increasing Court Collections* (Nov. 2022), available at

<https://www.thinktennessee.org/wp-content/uploads/2022/11/drivers-license-revocation-report.pdf>.

Joanna Wiess have explained that, “license suspension for conduct other than drunken driving makes us less safe by diverting resources from critical public safety concerns to arresting, prosecuting, adjudicating and sometimes incarcerating defendants for license suspension cases.”¹¹ In fact, a recent study found that a 1% increase in the share of revenue generated from fees, fines, and forfeitures is associated with a 6.1% decrease in the violent crime clearance rate and an 8.3% decrease in the property crime clearance rate.¹² These negative effects are particularly noticeable in smaller police departments, like in rural areas, where officers are generalists, rather than assigned to specialized units. Reducing debt-based license suspensions in Ohio by passing SB 37 would reduce the “waste[d] police time on tax collection,” as Americans for Tax Reform President Grover Norquist has described enforcement of debt-based suspensions.¹³

Conclusion

Passage of Senate Bill 37 to reduce debt-based driver’s license suspensions would advance fairness in the administration of justice, promote economic growth by removing barriers to work, and increase public safety in Ohio. We urge the Committee to pass this legislation. If we can provide any additional information to the Committee as it considers this legislation, do not hesitate to contact us.

Sincerely,



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¹¹ Marc Levin & Joanna Weiss, *Suspending driver’s licenses creates a vicious cycle: Column*, USA Today (Feb. 21, 2017), available at <https://www.usatoday.com/story/opinion/2017/02/21/driver-license-suspension-court-debt-reform-column/98016910/>.

¹² Rebecca Goldstein et al., *Exploitative Revenues, Law Enforcement, and the Quality of Government Service*, Urban Affairs Review Vol. 56(1) 5-31 (2020), available at <https://journals.sagepub.com/doi/pdf/10.1177/1078087418791775>.

¹³ Grover Norquist, *America’s stealth tax system makes commuting to work a crime*, Washington Examiner (Aug. 19, 2021), available at <https://www.washingtonexaminer.com/opinion/americas-stealth-tax-system-makes-commuting-to-work-a-crime>.