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Testimony in Support of Sub. SB 37
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Chairman Manning, Vice Chair Reynolds, Ranking Member Hicks-Hudson, and members of the Senate Judiciary Committee, thank you for the opportunity to provide testimony in support of Substitute Senate Bill 37. My name is Zack Eckles, and I am an attorney at the Ohio Poverty Law Center (OPLC). Our mission is to reduce poverty and increase justice by protecting and expanding the legal rights of Ohioans living, working, and raising their families in poverty.

Ohioans with a valid driver's license may take for granted the access it gives them to work, family, health care, and education. 82% of Ohio workers drive themselves to work.¹ A working vehicle and valid driver's license are essential to live a free and prosperous life in the State of Ohio, *especially* if you live in a rural community.

Unfortunately, under Ohio law, an individual's inability to pay a fine or fee can result in their driver's license being suspended. The Legal Aid Society of Cleveland's 2022 *Road to Nowhere Report*² found that Ohio drivers face over 3 million debt-related suspensions annually, and **from 2016-2020 there was an average outstanding total debt each year of over \$920 million**. In 2020 alone there were 1,133,810 Ohio drivers with debt-related suspensions.

I want to thank Senator Blessing and Senator Ingram for recognizing the importance of this issue, listening to the feedback from interested parties, and taking the time to get it right. Substitute Senate Bill 37 is a significant improvement on the introduced version of the bill and is a comprehensive approach to the problem of debt-related driver's license suspensions. If enacted in its current form, Substitute Senate Bill 37 would provide much needed relief to hundreds of thousands of Ohioans.

Substitute Senate Bill 37 makes significant changes to non-compliance suspensions that focus more on getting Ohioans auto insurance, and less on punishing financial barriers. In addition to lengthy suspensions, multiple non-compliance offenses over a five-year period carry **reinstatement fees of \$40 for the first offense, \$300 for the second offense, and \$600 for the third and any subsequent offenses. Non-compliance suspensions accounted for 1,335,339 suspensions, 66.4% of all debt-related suspensions, in 2020**. Substitute Senate Bill 37 would standardize reinstatement fees at \$25 so that once a driver gets insurance, they can afford to get their license reinstated. It also replaces long-term suspensions with Class F suspensions, which remain in place until a person meets the conditions of the suspension, such as providing proof of insurance and paying reinstatement fees. These changes incentivize drivers to maintain auto insurance and make it financially possible for them to do so.

¹ 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).

² <https://laslev.org/roadtonowherereport/>

By eliminating judgment and security suspensions, Substitute Senate Bill 37 would remove driver's license suspensions as tools to be used by creditors to collect private debts. **From 2016 through 2020, the Ohio BMV and other creditors assessed \$758 million in fees and other claims for judgment suspensions, an average of \$151.6 million per year.** But for those same five years, only \$167 million (22%) was paid on these debts. Eliminating judgment and security suspensions will not wipe away the debts, but it will give Ohioans that owe them the ability to drive to work.

Substitute Senate Bill 37 would also eliminate driver's license suspensions and registration blocks for failure to pay court fines or fees. Courts should not be able to suspend a person's driver's license, or block them from registering a vehicle, simply because they cannot afford a fine or fee. This legislation will not prevent courts from being able to collect fines and fees and leaves them with ample tools still available, such as wage garnishment and judgment liens.³

Finally, I want to address some of the concerns I anticipate may be raised regarding Substitute Senate Bill 37. The first is the belief that eliminating driver's license suspensions and registration blocks for failure to appear will lead to fewer people showing up to court. **In addition to the obvious point that taking someone's driver's license away is not a good strategy to get them to show up anywhere, I would also like to point out that Substitute Senate Bill 37 only removes failure to appear suspensions for offenses that do not carry the possibility of jail or prison time.** These are mostly non-violent minor misdemeanors or traffic violations. Minor misdemeanors do not have the possibility of jail time and have a maximum fine of \$150. Suspending a person's license and sending law enforcement after them because they missed a hearing for these types of charges is unnecessary.

The other concern I would like to address is the removal of judicial discretion in the granting of limited driving privileges in child support default suspensions. Substitute Senate Bill 37 only addresses *limited* driving privileges, which are intended to allow people to drive to and from work or meet other essential needs. **Child support suspensions accounted for 101,341 suspensions, or 5% of all debt-related suspensions, in 2020.** Substitute Senate Bill 37 ensures those who want to get back on track and support their children have access to limited driving privileges to get to work.

A valid driver's license is essential to participating in Ohio's economy and earning the money necessary to resolve existing debt. Passage of legislation to eliminate debt-related driver's license suspensions can put Ohioans back in the driver's seat and on track to a more productive future.

Thank you for your time today and I urge you to support Substitute Senate Bill 37.

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³ <https://www.supremecourt.ohio.gov/docs/Publications/JCS/finesCourtCosts.pdf>