

Judge Todd McKenney
Barberton Municipal Court
576 W. Park Ave.
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Testimony on Sub. H.B. No. 285

Chair Manning, Vice Chair Brenner, Ranking Member Maharath, and members of the Senate Local Government, Public Safety, and Veterans Affairs Committee, I am Judge Todd McKenney, a Municipal Court Judge from Barberton, Ohio. Day in and day out, my work day is spent seeing people charged with some form of driving without a valid license. There are many reasons and I hear enough hard luck stories to fill albums with country music songs. But this is what I have come to believe about the importance of having a driver's license.

I am persuaded that driving without a valid license is both dangerous and a gateway crime. People who drive without a license usually don't bother to purchase insurance because they are already illegal. They drive in constant fear of being pulled over. Many times, they get a ticket and don't come to court, so they get a warrant for not coming to court. They know that if they get pulled over for a warrant, they will likely spend a night, or more, in jail. They are tempted, the next time they are about to be pulled over, to run from the police, because they don't have a license, because they don't have insurance, because they might well have a warrant. I hate it when people run from police. People who flee from the police in a car put us all in danger.

As I see it, the driver's license issue is also a gateway crime because it leads to other forms of lawlessness. Failure to obey some laws leads to a belief that they need not comply with others. What I see from people who give up on their driver's license is a whole lot of "I don't care." "I don't care if I get pulled over, I don't care if I get insurance, I don't care if I pay taxes, I don't care what you might do to me." We need people to care about the benefits of having a driver's license. Our VALID clinic helps them do it and the reaction to getting their license back is always the same: relief, the relief of not always having to look over their shoulder in fear of getting pulled over. Once they do get their license back, they are motivated to keep insurance so that they do not slide back into the hole from which they just crawled out. I am not exaggerating when I view this as getting people to choose to participate in civilized society.

So what can we do to motivate people to obtain and keep a valid driver's license with insurance? As a judge, I will do just about anything, but the thing I need most of all is hope. I need to persuade people to keep working at their license, to take small, important steps as they navigate a complicated, expensive process of getting their license back. The number one tool of hope I had last year, my most successful year ever of pushing people forward in getting valid again, was the BMV amnesty program. Honestly, at this time last year, I had no idea how it would work. But it was amazing. We drew so many people in to work on their licenses with great success. Not just in our area, but we did remote clinics in Licking and Perry Counties and the reaction was always the same. If your intention was to do a reset for people without a license to encourage them to get valid, to get insurance, to get legal and to get responsible, then the program was a great success.

With respect to the bill before us, I think it improves the prior program by broadening the definition of poverty in order to obtain complete waiver of fees. The bill continues the helpful practice of reducing many fees regardless of income but waiving all qualifying fees for those in poverty. Before, poverty was defined only with regard to SNAP benefits but has been expanded to include those receiving Medicaid or certain forms of federal benefits like SSI and veteran's benefits.

Finally, if you agree with me of the great importance of this BMV amnesty program, I would then try to convince you to permit people to take advantage of it when they again come to their senses and realize the great and abiding need for a driver's license. In other words, I think people should be able to seek amnesty under the program more than once. First, there is already built into the program a time delay of 18 months for which people are required to make repayment without the benefit of amnesty. Also, people who do become valid, legal drivers but again come to need a reduction in BMV fees still encounter every form of harsher punishments such as points, fines and costs from our local municipal and county courts so in no sense can it be said that their driving infractions are without consequence. I do not think a second opportunity at amnesty will lead to abuse or other consequences.

Thank you for considering my testimony. As a judge, this bill of BMV amnesty fee waiver and reduction strengthens my hand. It provides the most helpful tool we have to encourage lawful behavior for people who have made the right decision to get valid and get insurance before they drive. Thank you for considering how to make its benefits permanent.