



INSTITUTE FOR JUSTICE

**Testimony from Jaimie Cavanaugh
Attorney, Institute for Justice
Senate Judiciary Committee**

March 29, 2022

Dear Chair Sears and Members of the Committee:

Thank you for the opportunity to submit testimony in support of H.53, which will end the practice of suspending driver's licenses for failure to pay civil penalties associated with certain moving violations. My name is Jaimie Cavanaugh and I am an attorney with the Institute for Justice (IJ). IJ is a non-profit law firm that works to protect civil liberties. As part of our work, we fight against the use of unreasonable fines and fees and the perverse consequences that can follow. For example, in 2019, IJ won the landmark case, *Timbs v. State of Indiana*, 139 S. Ct. 682 (2019), in which the U.S. Supreme Court ruled that the Eighth Amendment's protection against excessive fines is incorporated against the states.

Most Americans rely on a car as their primary means of transportation. Thus, having a driver's license is essential to engaging in the bare necessities of life such as getting to and from work or school, buying groceries, going to medical appointments, and caring for family members. Suspending driver's licenses for failure to pay is counterintuitive because it eliminates the only way most people have to get to and from work. Without the ability to drive to work, many people have no way to earn money to pay their fine. In fact, one study in New Jersey found that 42% of individuals with suspended licenses lost their jobs. Of that group, 45% were unable to find new jobs and of the group that found jobs, 88% reported making less money.¹

The economic problems associated with losing a driver's license are not limited to the licensee. During our present labor shortages, driver's license suspensions can further reduce the pool of potential workers, which harms employers and the economy. One study in Arizona estimated that reinstating 7,000 suspended driver's licenses increased GDP by \$149.6 million.² And more workers means more tax revenue for the state.

Aside from the practical economic reasons for ending driver's license suspensions, there is also the reality that suspensions disproportionately affect low-income and minority communities.³ We should reject a criminal justice system that treats some people worse simply because they cannot afford to pay a fine. And we should not fund our criminal justice system off the backs of those who can least afford it.

And administering driver's license suspensions is expensive. The administration of these suspensions for infractions unrelated to public safety takes time away from law enforcement, prosecutors, and judges that could be used on true public safety threats. Department of Motor Vehicle staff are also overburdened.

The reforms in H.53 are good for drivers and good for the state. They would allow individuals to continue driving to work and participating in everyday life. They would increase economic productivity in the state. And they would ensure an efficient use of limited government resources. I encourage the committee to support these important reforms. Thank you.

Sincerely,

Jaimie Cavanaugh
Attorney
Institute for Justice
248-895-1555
jcavanaugh@ij.org

¹ American Ass'n of Motor Vehicle Administrators, *Reducing Suspended Drivers and Alternative Reinstatement Best Practices* 7 Ed. 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>.

² Melissa Toback Levin, *Driver's License Suspensions for Nonpayments: A Discriminatory and Counterproductive Policy*, 48 *Hastings Const. L.Q.* 73, 97 (2020).

³ *See id.* at 76–86.