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To: House Judiciary  
From: Willa Farrell and David Scherr, Co-Chiefs Community Justice Division  
Date: February 2020  
Re: **SR-22 Insurance**

*The following stories, related to SR-22 insurance, are provided by Court Diversion and Pretrial Services staff from around the State.*

A few years ago, I worked with a mom of three kids who, after years of abuse, left her abusive partner. Her partner had made her drive whenever they went anywhere together. Controlling the finances, he did not see to the car being properly registered, insured, or inspected. Since she was driving, she would be cited – repeatedly – and racked up a series of “No Insurance” tickets among other charges, both civil and criminal, all related to the financial constraints she was under within that relationship. When we looked into obtaining the SR-22, she was denied based on her record of stops for no insurance. She had no significant traffic infractions, and in fact was a cautious driver if only to avoid being stopped for something fully in her control (e.g. speeding, running stop signs).

She entered into a DLS Contract and began to pay down her fines. At some point the insurance company offered SR-22 but at the cost of over \$500 per month; she had over 20 “No Insurance” tickets. After she made considerable to address reinstatement requirements that were within her reach, we approached State’s Attorneys in two counties. They agreed to dismiss the 20 tickets drawing SR-22. She was soon able to obtain her license and found a job to which she could drive. (I just checked Courts-Online and saw that she had four criminal DLS charges between 2012 and 2014, but no other charges before or since. She has also not received another ticket since 2016.)

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Today in Court I saw three individuals take guilty pleas on DLS charges. The judge advised each of them of the collateral consequences of their decisions and in fact stated, “such as increased insurance costs.” All three stated that they understood what they were doing by way of their pleas. I knew one of them and asked her outside the courtroom if she knew her plea specifically meant that she would now need SR-22 for the next three years. She said she didn’t, but that it didn’t matter since she also could not afford the cost of Project CRASH from a previous incident and didn’t see a way out because without a license she could not earn the money she needs to reinstate her license. For her, it’s just a vicious cycle.

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Last year I worked with a 30-year-old man who has never held a driver’s license in his life. His violations led to the requirement for SR-22 insurance, but he couldn’t afford the cost, in excess of \$300 per month. Because of where he lives, he couldn’t access his desired work (traffic control) without a driver’s license. He elected to wait out the SR-22 requirement as his strategy for affording reinstatement and made every effort to avoid driving. Within a day of obtaining his license this past spring, he had a job. In August, we successfully closed his four

criminal DLS cases. I just checked the VJB Portal and from a period of four months prior to obtaining his license and now, he has not received a single ticket.

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We currently are working with a couple, both of whom need SR-22 to get reinstated. The husband has other requirements (e.g. tickets in Maine) that need to be addressed, so the wife is planning to take the first stab at getting reinstated as she only needs to pay the \$80 Reinstatement Fee and secure SR-22 (through October of 2020) before taking her Road Test. The husband would frequently get stopped on his way to and from his work on a farm so they, with their young son, moved to a cramped room nearer the farm so as to lessen the chance of being stopped by law enforcement. The wife recently obtained a job at the towing company that holds their vehicle when it is impounded by the police, having established a relationship with the owners over the past few years. They are hoping this will avoid – or at least reduce – the retrieval cost (\$500) in the event their car is again impounded prior to their getting their licenses. Because of the \$600/month cost for the husband’s SR-22, I have offered to approach the State’s Attorney when – and only when – the participant clears all other licensing requirements to seek dismissal of the underlying “No Insurance” tickets that draw the SR-22 requirement.

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I am working with a 39-year-old single mom of two kids. A couple years ago her dad passed away, and her car insurance was under his policy, as it had been for many years prior. The policy lapsed after his passing, and she didn’t realize it until she got pulled over a few months later. She was issued a ticket for driving without insurance and is now required to carry SR-22 insurance which has a monthly payment of \$150. Being a single mom, this payment is sometimes hard for her make. The father of her children is ordered to pay child support, but he only makes a payment when the judge tells him if he doesn’t, he will go to jail. He currently owes her over \$30,000 in back child support.

Last month after the father again didn’t make the Court-ordered payment, the mom was left with deciding between paying her SR-22 insurance or getting food for the week. She chose food for her kids and crossed her fingers that she wouldn’t get pulled over during the one week before she would get paid. She was unlucky, was pulled over, and received a criminal DLS as well as several tickets, including another driving without insurance; the tickets totaled over \$400. The very next day was her payday and she went and paid her SR-22 payment plus the \$80.00 reinstatement fee to the DMV. She used money that was meant for Christmas presents to pay that reinstatement fee too. Now her SR-22 payment is going to increase and she will have to take time off from work to go to court and deal with the criminal DLS charge. She is constantly stressing about this SR-22 payment and said every month she ends up having to figure out which bills will be shorted so she can make this payment and keep her license, which is needed for her to keep her job.

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We are working with a woman in her late 20s who has three children with a partner who has been in and out of legal trouble. She is the primary, and right now, sole financial provider to her family. She was employed full time as a daycare provider but had to leave that job because her premature infant needed care beyond what was acceptable at the daycare where she worked. She now works at an elder care home. She has never had a license and was successful in getting rides until her sister’s car broke down. Her partner started driving her, but he picked up many DLS charges and then their car was impounded, which was very expensive. She then began to drive, was stopped by law enforcement and was cited to court for No License; she also received a ticket for no insurance, and now has to have SR-22. She has no citations related to issues of safe driving.

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I am working with a 23-year-old woman who has never had a license and when stopped was also driving without insurance. I have contacted three insurance agencies and two insurance companies and been told the woman is not eligible for SR-22 because she never has held a driver’s license. She is able to pay her fines with the VJB but must wait three years for the SR-22 requirement to end before she can apply for a driver’s license. but must wait and hopefully not drive and get caught until 2022.