

**Testimony of Damon King  
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**Before the Committee on Transportation & the Environment  
&  
Committee on Finance & Revenue  
Council of the District of Columbia:**

**Bill 22-0204  
Traffic and Parking Ticket Penalty Amendment Act of 2017**

**Bill 22-0237  
Parking Ticket Waiver Act of 2017**

**Bill 22-0410  
Parking and Moving Violation Amnesty Act of 2017**

**Bill 22-0488  
Ticket Payment Plan Amendment Act of 2017**

**Submitted October 31, 2017**

On behalf of the Legal Aid Society of the District of Columbia,<sup>1</sup> we submit this testimony to the Committee on Transportation & the Environment and the Committee on Finance & Revenue as these committees consider Bills 22-204, 22-237, 22-410, and 22-488. We would like to thank Chairpersons Cheh and Evans for holding a hearing on these bills. We are encouraged to see that several members of the Council, including the Committee Chairs, Councilmembers Trayon White, McDuffie, Robert White, and Bonds, and Chairman Mendelson, are taking on the task of addressing concerns regarding fines for parking and traffic infractions. In particular, efforts to offer amnesty and payment plans represent a positive step for District residents struggling with limited ability to pay off tickets all at once.

To be sure, the issue of easing financial burdens caused by traffic and parking tickets (and their associated fines) is an important one. We submit this testimony, however, to express our concerns about a related practice that we believe the Council needs to address: the suspension of driver's licenses and registrations as a tool to pressure individuals to pay debts owed to the District Government or private creditors. This practice is deeply burdensome for the District's poorest residents, who, despite limited ability to pay, are unable to use their cars to drive to work, take their children to school and activities, meet their families' health needs, or conduct

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<sup>1</sup> The Legal Aid Society of the District of Columbia was formed in 1932 to "provide legal aid and counsel to indigent persons in civil law matters and to encourage measures by which the law may better protect and serve their needs." Over the last 85 years, tens of thousands of the District's neediest residents have been served by Legal Aid staff and volunteers. Legal Aid currently works in the areas of housing, family law, public benefits, and consumer protection. More information about Legal Aid can be obtained from our website, [www.LegalAidDC.org](http://www.LegalAidDC.org), and our blog, [www.MakingJusticeReal.org](http://www.MakingJusticeReal.org).

other daily tasks that are essential to daily life. Further, paradoxically, the suspension of driver's licenses and registrations can leave District residents living in and on the cusp of poverty less able to pay off any debt that they owe, because often, their livelihoods depend on being able to get around the city and region. We urge the Council, therefore, to take steps to address the use of license and registration suspensions as a debt collection tool, particularly with respect to low-income District residents.

## **DISTRICT LAW ALLOWS FOR LICENSE SUSPENSIONS TO COLLECT DEBTS – EVEN PRIVATE DEBTS**

In recent years, experts have noted that across the country, millions of Americans have had their licenses suspended for failure to pay debts.<sup>2</sup> While state policies allowing for the suspension of driver's licenses began as a way of promoting public safety by keeping dangerous drivers off the roads, policies and practices have changed dramatically over the years.<sup>3</sup> Now, jurisdictions across the country allow for driver's licenses to be suspended when drivers fail to pay fines, fees, and other costs associated with operating a motor vehicle.<sup>4</sup> These suspensions are often imposed without regard to a driver's ability to pay the underlying amounts, meaning that drivers who are poor can lose their driving privileges, even when their reason for non-payment is that they cannot pay. This has led to alarming numbers of suspensions in state after state.<sup>5</sup>

The District's policies regarding automatic license suspensions for nonpayment of fines and court costs are similarly problematic for those living in poverty or suffering from financial hardship.<sup>6</sup> Further, through our work at Legal Aid representing low-income consumers in debt collection matters filed in D.C. Superior Court, we have encountered a similar practice that has not received the same level of attention as suspensions for failure to pay tickets and fines owed to the DMV, but can be just as damaging: the practice of private creditors (typically insurance companies) electing to use license and registration suspensions as a powerful debt collection tool to force drivers to satisfy judgments arising from accidents.<sup>7</sup> In many cases, our clients have been hit with suspensions years after the incident occurred, are bewildered by the process of trying to understand the basis for the suspension and navigate the reinstatement process at the DMV, and ultimately find themselves stuck in a cycle of poverty if they lack the funds to satisfy the judgment but also have no realistic means of earning income without a license and registration to get to work.

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<sup>2</sup> Marsh, Andrea. *Rethinking Driver's License Suspensions for Nonpayment of Fines and Fees*. Trends in State Courts (2017), p. 20.

<sup>3</sup> *Id.* at p. 21.

<sup>4</sup> *Id.*

<sup>5</sup> As the National Center for State Courts notes in a recent report: "In Texas alone, 1.8 million people have licenses suspended for failure to pay judicial costs, including almost 1.4 million people that have failed to pay traffic surcharges. Over 4 million Californians, representing 17 percent of the state's adult population, have licenses suspended for failure to appear/pay in traffic cases. In Virginia, almost 1 million drivers have licenses suspended for nonpayment. Approximately 60 percent of driver's license suspensions in both Wisconsin and Vermont are for nonpayment of court debt." *Id.*

<sup>6</sup> *See*, D.C. Code §§ 50-1302.06(i)

<sup>7</sup> This practice relies on D.C. Code §§ 50-1301.41, .43, and .45

## **DRIVER'S LICENSE SUSPENSIONS HAVE DEEPLY DAMAGING EFFECTS ON THE LIVELIHOODS AND WELFARE OF DISTRICT RESIDENTS IN POVERTY**

The damage that driver's license and registration suspensions can have on District residents living in poverty is substantial. Poor District residents who have access to cars often rely on them to get to and from work, particularly if they live or work locations that are not well-served by public transportation. Parents use their cars to take their children to and from doctor's visits, child care, and school activities, and often need a car to carry out basic tasks like grocery shopping – again, particularly in parts of the city where supermarkets and other basic retail options are not easily accessible. For many District residents, driving is not simply a luxury or a privilege. It is the primary way of navigating a city where opportunity is already unevenly distributed in order to carry out the necessary tasks of day-to-day life.

For a glimpse of what happens when poor District residents lose the ability to drive legally, we need only look at the experiences of residents of other jurisdictions. There, drivers who lose their licenses fall further into debt, become less able to support their families, and ultimately, are forced into difficult choices between driving illegally (which inevitably leads to escalating penalties) or continuing to spiral further and further into poverty.<sup>8</sup>

### **WHAT THE COUNCIL CAN DO**

As noted above, we are pleased to see the Council taking on the issue of tickets and fines. However, we urge that, in addition to considering the bills currently before the Committee, the Council take on the accompanying issue of license and registration suspensions. We would be happy to discuss in further detail what we see in our work with clients here in the District and to assist the Council as it crafts a policy solution that protects District drivers from the use of suspensions to collect debt.

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<sup>8</sup> See, e.g., Marsh at p. 22. See also, Grabar, Henry. *Too Broke to Drive*. Slate Magazine (September 27, 2017). <https://slate.com/business/2017/09/state-lawmakers-have-trapped-millions-of-americans-in-debt-by-taking-their-licenses.html>;