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*Commissioner – Fifth District*  
*Board of County Commissioners*  
*Sedgwick County, Kansas*

**Proponent In-part Testimony for HB 2547**

**02/11/2020**

To Chairman (Rep) Jennings, Vice Chair (Rep) Delperdang, Representative Highberger and other members of the House Committee on Corrections and Juvenile Justice:

My fellow Sedgwick County Commissioners and I have pledged our support behind Sedgwick County District Attorney Marc Bennett and his criminal justice reform task force and, as such, we stand behind HB 2547 because it represents a move in the right direction. That said, it is my opinion that more can be done.

It goes without saying that there are an excessive number of suspended drivers in Sedgwick County. KAKE TV recently did several news stories that exposed the high number of suspended driver's licenses and presented some of the difficulty people are experiencing trying to overcome the challenge they created for themselves. The info in this news story is eye opening and shocking.

<http://www.kake.com/story/41246594/kake-news-investigates-suspended-drivers-licenses-raise-costs-for-all-drivers> is the link to the story.

Here is a Tiny URL that goes to the same story: <https://tinyurl.com/suspended-drivers>.

The KAKE news story explains that on the day the story aired (10/29/2019), according to the KDOR, there were more than 213,000 suspended drivers' licenses in Kansas and about half of those reside in Sedgwick County. More than 20% of Sedgwick County drivers have their licenses suspended right now according to some estimates. Obviously, one-fifth of our residents are not waiting at home for their suspension to expire despite the fact that about one-fifth of our licensed drivers have their license suspended.

More than likely, out of desperation and lack of alternatives, most suspended drivers are continuing to drive, and I speculate that most of them probably do not have current auto insurance. In large cities, public transportation options are prevalent but that is not a viable option for most suspended drivers in Kansas.

Some drivers may rack up traffic infraction fines that become financially overwhelming. If they fail to pay their fine on time, they have to appear in court. Things get bad quickly. Yes, the driver is making bad choices, but the escalation of their penalties ratchets up and quickly becomes nearly impossible to solve. Further, parents that fail to pay their child-support tasks may have their drivers' license suspended by KDOR law as punishment to get the parent to stay responsible.

Many of these folks add to their burden if/when they make a bad choice to drive on a suspended license. I am not making excuses for the bad decisions but I can understand the plight these people are trying to overcome. For example, the statutory minimum fines for Driving While Suspended can range from \$100 all the way to \$1,500 and that bad choice alone also automatically adds another 90 days to their suspension period. Moreover, this 90-day suspension period only begins to run once they settle all outstanding fines and other impediments to their valid driver's license. While they are suspended, they likely cannot maintain auto insurance. How often do we hear that someone gets into a fender-bender and the 'other driver does not have insurance'?

Many of these people live in fear of losing their jobs because they cannot find alternate affordable transportation to/from work. Many of these people cannot reasonably pay their fines because they cannot get to work, struggle to put food on the table for their family, or pay child support. If the person succumbs to these pressures, they might make a very bad choice to drive on a suspended license. If they are caught, the penalties become overlapping and exponential. They might even end up in County Jail. Is this what we want?

A few months ago, I had a constituent that received a 'reckless driving' charge for making some sort of error while turning left at an intersection. The fine was \$250 plus \$110 in court costs. She was also issued an automatic 90-day driver's license suspension, not from the Judge, but from the Kansas Department of Revenue. KDOR administratively issued by this punishment and my constituent claims she was not told that her license would be suspended as a result of pleading guilty to the 'reckless driving' charge. She could not afford an attorney who would have told her the consequences of her guilty plea. This was an extreme hardship. This story is typical and there are many, many thousands of suspended and revoked driver's licenses for similar reasons.

This particular Kansan lives in Oaklawn (in my district) and is very low income. She had to choose between two terrible options: lose her job or drive illegally. How would she make the money to pay her fine if she lost her job? She could not afford Lyft, Uber, or a taxi and there is not adequate public transportation. This is a *catch-22* and there is no good solution without some grace in the law. **HB 2547 is a step in that direction.**

**Examining HB 2574 itself**, foregoing the application fee for a restricted drivers' license is an obvious step in the right direction because it is imperative that such Kansans be able get to and from work in order to provide for their families and reinstate their valid drivers' license. Fines, court costs, and reinstatement fees add up quickly in traffic court, so eliminating these smaller financial burdens is a wise move. In the same vein, omitting reinstatement fees that must be paid in order to restore unrestricted driving privileges, and requiring the \$100 reinstatement fee to be paid only *per case instead of per charge* are also good changes for the same reasons. Finally, lowering the administrative suspension from 90 to 30 days is a somewhat positive change, although it may not strike at the heart of the problem because most Kansans will nevertheless lose their job if they are unable to commute to work for 30 days.

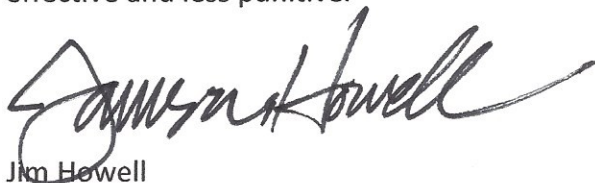
I do not know the best answer but I trust this committee to reflect on my constituent's story and make a great new law to help those similarly situated. A **Suspended License makes sense when someone is failing to show responsibility**. If they miss court and/or fail to make payments on their fines, then suspension is appropriate.

However, **once the person is demonstrating responsibility** by making their court dates and making payments towards their fines (*i.e.*, someone that is doing all the right things), then a procedurally-available Restricted License is more appropriate. **This is where I feel HB 2547 falls short because it makes no attempt to expedite the acquisition of a restricted drivers' license**. Yes, eliminating the fees associated with obtaining a restricted license is a good step, but in reality, it should take mere days instead of weeks to get a restricted license.

This would allow many Kansans to continue to be law-abiding and do responsible things such as earn income and take care of their children. Obtaining a restricted license should be as easy and accessible as obtaining a diversion, if not more so. Information about such options should be made readily available to each suspended driver, both by the prosecutor and the KDOR. Additionally, the process should be speedy and affordable. After all, if it takes more than 30 days to obtain a restricted driver's license, any worker adhering to the law and without alternate travel options will have most certainly lost their job while awaiting their restricted driver's license. The entire point here is to help people who properly take responsibility for their past traffic infractions and misdemeanors remain productive, working Kansans. Why continue overly harsh punishments? Do we embrace effective correction, or is punishment the right strategy?

Further, the current punitive laws are well intentioned but the effects of those laws are much more difficult on the impoverished and neediest in our community. Those that are affluent are more likely to pay their fines quickly and are less likely to end up in a suspension stemming from inability to pay.

As the Legislature discusses "**Criminal Justice Reform**," addressing the enormous number of suspended licenses is low-hanging fruit. Please find a way to give grace to citizens when appropriate so they can keep their jobs, pay for their children, and keep the lights on and food on the table. Help them legally keep their jobs so that they can pay their fines and child-support. This regressive law may have been well-intentioned but with more than 20% of Sedgwick County's drivers on suspended licenses, perhaps it's time make this punitive law more effective and less punitive.

A handwritten signature in black ink, appearing to read "Jim Howell". The signature is fluid and cursive, with a large initial "J" and "H".

Jim Howell

Sedgwick County Commissioner, District 5