

TESTIMONY OF MIKE FONKERT
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HOUSE COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE
NEUTRAL TESTIMONY FOR HB 2547
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Members of the House Committee on Corrections and Juvenile Justice

My name is Mike Fonkert; I am the Just Campaign Director for the Kansas Appleseed Center for Law and Justice, a nonprofit, nonpartisan organization dedicated to the belief that Kansans, working together, can build a state full of thriving, inclusive, and just communities.

Kansas Appleseed is providing Neutral Testimony for HB 2547.

HB 2547 eliminates the non-refundable \$25 application fee for a restricted license, as well as the assessment of a \$100 license reinstatement fee on each charge of failure to pay fees and fines, changing it to a \$100 reinstatement fee for each case. It also extends the time period to 2025 in which the Supreme Court is allowed to impose an additional charge up to \$22 on top of each reinstatement fee.

137,450 Kansans had their driver's license suspended due to unpaid fees and fines as of June 2019.¹ In 2018, Kansas had the fifth highest suspension rate in the country.² 71% of new suspensions in state fiscal year 2019 were due to unpaid tickets, court costs, or fines.³

Driver's License suspensions prevent employment. Many jobs require people to have a valid driver's license.⁴ Even for jobs that do not directly require a driver's license, a suspension can affect a person's ability to get to work, their ability to shop or buy groceries for their family, or their ability to drive their kids to school activities or doctor's appointments.⁵ A study in New Jersey showed that 42% of people lost their jobs after their driving privileges were suspended, and nearly half could not find new employment.⁶

Suspensions harm communities. The effect is not only felt by the person receiving the suspension. Stress placed on families and communities as a result of suspensions result in unemployment, under employment, lower wages, fewer employment opportunities, fewer hiring choices for employers,

¹ Kansas Department of Revenue. Data from Kansas Open Records Act request by Kansas Appleseed. 2019.

² Insurify Insights. "The 10 States with the Most Suspended/Revoked Licenses." 2018.
<https://insurify.com/insights/the-10-states-with-the-most-suspended-revoked-licenses/>

³ Kansas Department of Revenue. Data from Kansas Open Records Act request by Kansas Appleseed. 2019.

⁴ Corkrey, B. "Restoring Drivers' Licenses Removes a Common Legal Barrier to Employment." Clearinghouse Review Journal of Poverty Law and Policy. 2003. p.523. https://heinonline.org/hol-cgi-bin/get_pdf.cgi?handle=hein.journals/clear37§ion=60

⁵ Gustitus, S. et al. "Access to Driving and License Suspension Policies for the Twenty-First Century Economy." 2008.
<http://research.policyarchive.org/20441.pdf>

⁶ Alan M. Voorhees Transportation Center & Rutgers School of Planning and Public Policy. "2013 Annual Report." 2014.
http://vtc.rutgers.edu/wp-content/uploads/2014/06/VTC_AnnualReport_2013_lowres.pdf

decreased productivity in communities, and an increase in insurance costs.⁷ Suspensions also disproportionately harm communities of color. Suspension rates in communities with the highest percentage of people of color are 2.5 times greater than in communities with the smallest percent of people of color.⁸

Suspensions are not effective as a collection or law enforcement tool. “The common belief that a driver license suspension provides effective, sustainable motivation to encourage individuals to comply with court ordered or legislated mandates to avoid suspension is not supported by empirical evidence.”⁹ Reducing debt to an amount people can afford is much more effective at ensuring compliance.¹⁰ Research indicates approximately 75% of all suspended drivers continue to drive.¹¹ When a law enforcement officer encounters a driver whose license is suspended for an unpaid fee or fine, their ability to help ensure the safety of other drivers and to respond to calls for service are reduced.¹²

Suspensions reduce public safety. States waste an average of 9 hours of police and court time for every suspended license case.¹³ Police departments in cities that impose more fees and fines solve violent crimes at significantly lower rates.¹⁴¹⁵ It is common for municipal prosecutors in states that impose driver’s license suspensions for unpaid fees and fines to spend 30% of their caseload on license suspension cases.¹⁶

The changes proposed in HB 2547 do, in some limited instances, lower the exorbitant additional financial burden placed on those already unable to pay fees and fines arising from traffic tickets. But these minor fixes do not address the real underlying issue. An individual who has received a stayed suspension as a result of a driving while suspended conviction is still ineligible for a restricted license. As long as suspensions remain as a penalty for unpaid fees and fines, Kansas will continue to have a system that traps people in a cycle of debt, and bars them from being able to drive for no other reason than their inability to afford onerous fees and fines.

Imposing driver’s license suspensions for unpaid fees and fines creates economic harm and is simply bad policy. It sets up barriers to employment, restricts people’s ability to buy groceries for their family or take their kids to school, and results in smaller applicant pools for employers. Suspensions do not

⁷ American Association of Motor Vehicle Administrators. “Best Practices Guide to Reducing Suspended Drivers.” 2013. p.6
<https://www.aamva.org/Suspended-and-Revoked-Drivers-Working-Group/>

⁸ Fines & Fees Justice Center. “FFJC Co-Founds Driven by Justice Coalition to End Driver’s License Suspensions.” 2019.
<https://finesandfeesjusticecenter.org/2019/05/08/ffjc-co-founds-driven-by-justice-coalition-to-end-drivers-license-suspensions-for-nonpayment-of-traffic-tickets-in-new-york/>

⁹ American Association of Motor Vehicle Administrators. “Best Practices Guide to Reducing Suspended Drivers.” 2013. p.4
<https://www.aamva.org/Suspended-and-Revoked-Drivers-Working-Group/>

¹⁰ Free to Drive Campaign. “Too Poor to Drive: 6 Truths about Driver’s License Suspension.” 2019.
<https://www.freetodrive.org/wp-content/uploads/2019/09/Six-Truths-About-Drivers-License-Suspension.pdf>

¹¹ American Association of Motor Vehicle Administrators. “Best Practices Guide to Reducing Suspended Drivers.” 2013. p.4
<https://www.aamva.org/Suspended-and-Revoked-Drivers-Working-Group/>

¹² Id. at p. 13

¹³ Id. at p. 14.

¹⁴ Goldstein, R., Sances, M., and You, H. “Exploitative Revenues, Law Enforcement, and the Quality of Government Service.” 2016.
https://www.law.nyu.edu/sites/default/files/upload_documents/YOU_policing.pdf

¹⁵ Eaglin, J. Brennan Center for Justice. “Driver’s License Suspensions Perpetuate the Challenges of Criminal Justice Debt. 2015.
<https://www.brennancenter.org/our-work/analysis-opinion/drivers-license-suspensions-perpetuate-challenges-criminal-justice-debt>

¹⁶ Rosario. Twin Cities Pioneer Press. “Bills would end court practices that hit the poor hardest.” 2019.
<https://www.twincities.com/2019/02/15/rosario-love-means-getting-these-bills-passed/>

increase the collection of fees and fines. Instead, suspensions drain public resources and make communities less safe.