

ENDING DRIVER'S LICENSE SUSPENSIONS FOR UNPAID FEES AND FINES IN KANSAS

Update on progress made during the 2021 Legislative Session and future opportunities

LEGISLATIVE UPDATE

Four bills were introduced in the Kansas Legislature during the 2021 session that would address access to driver's licenses and fee-based suspensions. Broadly, all four bills seek to 1) reduce the number of fees required to obtain a restricted license after a fee-based suspension, 2) reduce the waiting period to reacquire a license after a fee-based suspension, and 3) make the payment of traffic citation-based fees easier. Despite the considerable overlap in each of the bills, only one received a floor vote and ultimately became law: Senate Bill 127 (SB 127).

In terms of addressing the fee-based suspension of driver's licenses, SB 127, championed by Senator Oletha Faust-Goudeau (D-Wichita), makes inroads. Specifically, the bill repeals the \$25 application fee levied toward restricted driver's licenses for individuals who previously had their license suspended for failure to comply with a traffic citation. Repealing this element was particularly beneficial because many Kansans were paying this application fee only to find out afterward that they were not eligible for the restricted license. Additionally, the bill allows an individual to petition the court for a waiver of

traffic citation-based fees if such payments would constitute a "manifest hardship." The bill notably does not define the term "manifest hardship" nor does it require a court to even consider such a petition. SB 127 does, however, repeal a previous statute that disqualified individuals who had been cited for driving on a suspended license from receiving a restricted license, increasing the overall availability of restricted licenses. And finally, SB 127 allows anyone with a license that expired between March 12, 2020 and March 31, 2021 to renew their license on any date before June 30, 2021.

The other three bills (SB 100, HB 2193, and HB 2217) all failed to receive a floor vote. Though many elements of those bills are reflected in SB 127, they all included helpful measures towards combating fee-based license suspensions. For example, both SB 100 and HB 2217 repealed the compulsory 90-day waiting period that individuals with a suspended license must wait after paying all fees and fines before they may receive a new license.

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HB 2193 would have provided a payment agreement between the courts and individuals for the payment of fines and would limit reinstatement fees to one per case.

In 2021, many bills aimed at modifying or repealing fee-based driver's license suspensions were introduced in statehouses across the country. Eight states were successful in passing such bills into law. Nevada, Oregon, and Utah flatly repealed their suspension laws, while Arizona, Arkansas, Maryland, Michigan, and Washington all made suspension contingent on some additional factor(s). These eight states represent a growing trend in addressing the counterproductive effects that fee-based suspensions impose on the marginalized communities they overwhelmingly affect. Though some progress has been made here in Kansas, there is still much work to be done.

“For minor infractions, my license was suspended for six years for \$3,000 in fines I could not pay. It was a nightmare and limited my job options. Ultimately, that suspension was a big part of moving out of Kansas. Now that I have my license, I can work and move freely—It’s like a different life.”

—Michael Durham on the harmful impacts of a driver's license suspension for unpaid fines and fees. Michael now lives and works in California.

WHY THIS IS IMPORTANT IN KANSAS

As of November 2020, 134,468 Kansas drivers had their licenses suspended due to unpaid fees and fines.¹

In 2021, Kansas had the sixth-highest suspension rate in the country.² Seventy-one percent of new suspensions in state fiscal year 2019 were due to unpaid tickets, court costs, or fines.³ Nationwide, 40% of license suspensions are for unpaid traffic tickets, child support, or drug offenses.⁴

Kansas lawmakers considered ending driver's license suspension due to non-payment altogether in the 2020 session with House Bill 2434. Ending this practice would make it so Kansans' driver's licenses cannot be suspended simply due to nonpayment of fines or court costs associated with a traffic citation. This should also apply retroactively to anyone whose license is currently suspended simply due to the inability to pay fees and fines. As of June 2021, eleven states spanning the political spectrum have either repealed or foregone fee-based license suspension (California, Idaho, Kentucky, Mississippi, Montana, Nevada, Oregon, Utah, Virginia, West Virginia, and Wyoming).



Suspending driver's licenses for unpaid fines or fees is ineffective public policy.

Driver's license suspensions serve as a barrier to employment. They restrict Kansas families' ability to shop and buy groceries. Employers have smaller applicant pools when so many people are unable to drive. Most research suggests that it does not result in the increased collection of fees and fines. The policy drains public resources and the time of courts and law enforcement officers. Driver's license suspensions for unpaid fines and fees do nothing to make our communities safer.

Driver's license suspensions limit employment.

Many professions directly require people to drive and have valid driver's licenses. Even for jobs that do not directly require driver's licenses, lack of public transportation limits job accessibility. In a New Jersey study, 42% of drivers lost their jobs once driving privileges were suspended, and nearly half could not find new employment.⁵ People who can legally drive are much more likely to have stable employment.⁶

Racist application of suspensions harms communities.

The stress placed on families and communities as a result of suspensions leads to unemployment, underemployment, lower wages, fewer employment opportunities, fewer hiring choices for employers, decreased productivity in communities, and increased insurance costs.⁷ Due to systemic racism and profiling inherent to criminal legal systems, suspensions disproportionately harm communities of color—specifically nonwhite communities with higher concentrations of Black or Latine populations. Numerous studies done in communities and states across the country confirm that Black and Brown individuals are disproportionately impacted by traffic stops and their outcomes, including driver's license suspensions.⁸

Suspensions are not effective as a collection or law enforcement tool.

"The common belief that a driver's 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

Suspensions for unpaid fines or fees do nothing to increase public safety.

States waste taxpayer dollars, with an estimated average of nine hours of police and court time for every suspended license case.¹¹ Approximately 75% of all suspended drivers continue to drive.¹² Police departments in cities that impose more fees and fines "solve violent crimes at significantly lower rates."¹³ 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.¹⁴

CONCLUSION

In 2021, Kansas made progress on limiting the harmful impact of driver's license suspensions by increasing access to its restricted driver's license program, allowing individuals to petition a court to waive fines and fees due to manifest hardship, and reducing unnecessary punitive suspension extensions. Yet, there is still much work to be done.

While the best and the simplest solution is simply to end the practice—much like we saw in Utah, Nevada, and Oregon this year—some elected officials and law enforcement voices in Kansas remain unconvinced. On the other hand, many of these same people demonstrated support for ensuring all Kansans have access to low-cost payment plans that allow individuals to limit financial costs that are unpayable and lead to driver's license suspensions. Legislation to this end made strong progress in the Kansas Legislature in 2021 but ultimately did not pass despite receiving support from multiple organizations as well as dozens of individuals who spoke to the real-world impact this would have on Kansans who struggle financially.

Renewing efforts to end driver's license suspensions represents another potential step forward for Kansas on this issue. Kansas can continue to make important progress with the support of the Coalition for Public Safety and increased strategic advocacy to conservative leaders and law enforcement officials.

RECOMMENDATIONS

Kansas Appleseed remains committed to advancing this work while working alongside and collaborating with the Coalition for Public Safety. We intend to make policy progress in strategic ways that reflect the principles of our organization as well as the Coalition for Public Safety. Given the political realities here in Kansas, we recommend to:

- ▶ Renew efforts to establish access to low-cost payment plans for all judicial districts in Kansas; including a mechanism to set monthly payments at affordable levels for any enrolled Kansan, as well as a mechanism to allow enrollment in a payment plan to avoid suspension for unpaid fines or fees.
- ▶ Continue efforts to end the practice of driver's license suspension for unpaid fines and fees, including increased strategic collaboration with the Coalition for Public Safety and the Justice Action Network around conservative and law-enforcement advocacy
- ▶ Work to research fines and fees related to driving to create an understandable guide to current fee levels, with future advocacy to reduce fines and fees associated with driving

ACKNOWLEDGEMENTS

Thank you to the Coalition for Public Safety for supporting Kansas Appleseed's work in Kansas to end driver's license suspensions for unpaid fines and fees. And thank you to all the partners and advocates who continue to fight for necessary reforms, especially individuals who are directly impacted by license-for-payment traps.

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