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Testimony in Opposition to SB 500
Senate Committee on Judiciary

Good morning, Chair Warren, Ranking Member Corson and Members of the Senate Committee on Judiciary. Thank you for this opportunity to speak on SB 500, which would provide restricted driver's privileges for people who fail to comply with a citation.

My name is Mike Fonker and I am Deputy Director at the Kansas Appleseed Center for Law and Justice. Kansas Appleseed is a statewide non-profit organization dedicated to the belief that Kansans, working together, can build a state full of thriving, inclusive and just communities. We know that suspending, restricting, or revoking a Kansans' driver's license harms them and their communities while not accomplishing any desired outcomes. Such actions are unjust and impede the ability of all Kansans to thrive. As such, Kansas Appleseed is opposed to SB 500.

Kansans currently already are facing hardships and barriers due to inability to pay fees and fines:

- About 130,000 Kansans have suspended licenses due to unpaid fees and fines. These are driver's license suspension for debt unrelated to reckless driving or other dangerous motor vehicle related offenses.
- Most suspended driver's licenses in the state are unrelated to motor vehicle related offenses. Of all suspended licenses in the state, 84% are due to unpaid fines, fees, or court costs.¹
- In 2022, Kansas had the 6th highest suspension rate in the country.²

These are 130,000 Kansans trapped in a vicious cycle where they cannot win and overcome poverty. People with high court-based debt often have very low incomes.³ If they could pay, they would. As a result, many people still drive with suspended licenses, because they have no choice if they want to provide for their families and ever get their debt paid and license back.⁴ One study found about 75% of all drivers with suspended licenses continue to drive.⁵ Driving a car is often necessary for important life tasks such as maintaining employment, buying groceries, or taking your kids to doctor's appointments and school activities. Not driving means potentially losing a job or not being able to get essential family needs met.

¹ Kansas Department of Revenue. Data from Records Request by Kansas Appleseed. 2023.

² Insurify Insights. "The 10 States with the Most Suspended/Revoked Licenses." 2022.

<https://insurify.com/insights/states-with-the-most-license-suspensions/>

³ Think Tennessee. "Reducing the Harms of Court Debt: Driver's License Revocations are an Ineffective Policy for Increasing Court Collections." 2022. <https://www.thinktennessee.org/wp-content/uploads/2022/11/drivers-license-revocation-report.pdf>

⁴ Carpenter, T. "Kansas legislator says half of 213,000 with suspended licenses still driving." Topeka Capital-Journal. 2019.

<https://www.cjonline.com/news/20191028/kansas-legislator-says-half-of-213000-with-suspended-licenses-still-driving>

⁵ Free to Drive Campaign. "Too Poor to Drive: 6 Truths about Driver's License Suspension." 2019.

The effect of the suspension is not only felt by the person receiving the suspension. Stress placed on families and communities as a result of suspensions results in unemployment, under employment, lower wages, fewer employment opportunities, fewer hiring choices for employers, decreased productivity in communities, and an increase in insurance costs.⁶ When faced with these impossible decisions, is it any wonder why Kansans with suspended licenses struggle to find funds to pay their fines and continue to have to illegally drive despite a suspension?

This bill does not solve the driver's license suspension problem for these Kansans. Although we appreciate that SB 500 provides struggling Kansans some options to continue to provide for their families while facing unpaid fees and fines from a citation, we know the most effective and simple way to ensure Kansans can thrive and the state can practice policies that strengthen the state's economy is to eliminate debt-based suspensions.

Driver's license suspensions hurt the Kansas economy. Even estimating conservatively, debt-based driver's license suspensions alone cost the state of Kansas over \$1 billion in annual earnings lost, and that does not include calculations for the far-reaching economic impact of those earnings.⁷ Research shows people who can drive legally are much more likely to have stable employment.⁸ Many professions directly require people to drive and have valid driver's licenses – think about how many places are currently hiring truck drivers or bus drivers. Even for jobs that do not directly require driver's licenses, the lack of public transportation limits job accessibility. Examples of how far-reaching the economic impact of these policies include:

- In a New Jersey study, 42% of drivers lost their jobs once driving privileges were suspended, and nearly half could not find new employment.⁹
- In Arizona, a study revealed 72% of suspended drivers suffered earnings loss from job loss or hours reductions.¹⁰

Meanwhile, early research on states that have recently ended debt-based suspensions indicates that they are seeing a boost in getting people employed again.

Outside of economic concerns, suspensions are completely ineffective as a collection or law enforcement tool. Research clearly shows that there is no evidence that the threat of a driver's license suspension or the imposition of a suspension is an effective mechanism to coerce any form of social compliance and debt collection.¹¹ Multiple state studies have found that

⁶ 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/>

⁷ Chien, C. "The Financial Impact of Suspended Licenses in Kansas." Paper Prisons. 2024. <https://paperprisons.org/news/article/the-financial-impact-of-suspended-licenses-in-kansas/>

⁸ Waller, M. "High Cost or High Opportunity Cost? Transportation and Family Economic Success." Brookings Institute. 2005.

⁹ Voorhees, Alan M. ,& et. al. "Final Report to Motor Vehicles Affordability and Fairness Task Force." 2006.

https://www.nj.gov/mvc/pdf/about/AFTF_final_02.pdf

¹⁰ Chien, C. & et. al. "Estimating the Earnings Loss Associated with a Criminal Record and Suspended Driver's License." 2022.

<https://arizonalawreview.org/pdf/64-3/64arizrev675.pdf>

¹¹ American Association of Motor Vehicle Administrators. "Best Practices Guide to Reducing Suspended Drivers. 3rd Edition" 2021.

<https://aamva.org/getmedia/b92cc79d-560f-4def-879c-6d6e430e4f4d/Reducing-Suspended-Drivers-and-Alternat%20ive->

debt-based suspensions and revocations are ineffective policies for increasing fees and fines collections:

- From July 2018 through July 2021, Tennessee stopped suspending driver's licenses for nonpayment of fines under a court ruling. When suspensions resumed in July 2021, researchers found no statistically significant difference in collections rates when the state suspended licenses compared to when it did not.¹²
- In Texas, cities and counties decide locally on if their courts can place holds on license renewals for failure to pay fines. Researchers found no significant difference in the amount collected per case in cities that have holds on renewals and those that do not. In fact, the cities that did not use license holds collected an average of \$45 more per case than those that did.¹³
- An Idaho performance evaluation report found that there was no clear evidence that their state's legislative elimination of driver's license suspensions for debt-based infractions affected debt collection rates.¹⁴

Not only does suspending or otherwise restricting driver's licenses for debt not work to collect said debt, but it also does not improve public safety and wastes Kansas resources. For example:

- One study found an average of nine hours of police and court time was spent for every suspended license case.¹⁵
- Also, as mentioned, research indicates that a large majority of suspended drivers are eventually placed in a situation where they feel they have to drive despite their suspension. This results in more uninsured drivers and automobiles being on Kansas roads.
- Research shows police departments in cities that impose more fees and fines "solve violent crimes at significantly lower rates."¹⁶
- In one instance a municipal prosecutor in a state that imposes driver's license suspensions for unpaid fees and fines reported their office spends 30% of their caseload on license suspension cases.¹⁷

¹² Think Tennessee. "Reducing the Harms of Court Debt: Driver's License Revocations are an Ineffective Policy for Increasing Court Collections." 2022. <https://www.thinktennessee.org/wp-content/uploads/2022/11/drivers-license-revocation-report.pdf>

¹³ Fines and Fees Justice Center. "Driven by Debt: The Failure of the OmniBase Program." 2021.

<https://finesandfeesjusticecenter.org/articles/driven-by-debt-the-failure-of-the-omnibase-program/>

¹⁴ Office of Performance Evaluations Idaho Legislature. "Court-Ordered Fines and Fees." 2019.

<https://legislature.idaho.gov/wp-content/uploads/OPE/Reports/r1903.pdf>

¹⁵ American Association of Motor Vehicle Administrators. "Best Practices Guide to Reducing Suspended Drivers." 2013.

<https://legislature.vermont.gov/Documents/2016/WorkGroups/House%20Judiciary/Bills/H.571/W~Helena%20Gardner~Best%20Practices%20Guide%20to%20Reduce%20Suspended%20Licenses~1-14-2016.pdf>

¹⁶ Goldsteing, Sances, and You. "Exploitative Revenues, Law Enforcement, and the Quality of Government Service." 2016.

https://www.law.nyu.edu/sites/default/files/upload_documents/YOU_policing.pdf

¹⁷ 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/>



Restricted driver's licenses for debt-based infractions face the same lack of effectiveness while still placing burdens on police, courts, and Kansans. A restricted license, as presented in this bill, is still a suspended license. Meaning, it is still an ineffective method for collecting fines. Its outcomes still leave resources dedicated to this ineffective method, and it still creates a barrier for hardworking Kansans trying to get out of a cycle of constant court involvement and debt.

Instead of continuing to have debt-based suspended or restricted licenses, research shows that a more effective way to collect unpaid fees and fines is to make improvements around the ability of Kansans to pay fees and fines, establish reasonable payment plan options, reduce or waived fees and fines, and other options unrelated to driving privileges. Studies show these policy actions could improve collections.¹⁸

Kansas has an opportunity to join 20 other states in eliminating debt-based driver's license suspensions.¹⁹ Where SB 500 is a step in that direction, it does not go far enough in fully alleviating the burden of a driver's license suspension on Kansans, their families, and their communities. Driving while poor should not be a crime in the state of Kansas. SB 440 is the direction this committee should take to truly eliminate this unjust and ineffective policy. Thank you for your time and I'm happy to answer any questions.

¹⁸ Fines and Fees Justice Center. "Driving Toward Justice: How ending driver's license suspensions for unpaid traffic tickets helps communities without impacting court collections." 2020. <https://finesandfeesjusticecenter.org/articles/driving-toward-justice-how-ending-drivers-license-suspensions-for-unpaid-traffic-tickets-helps-communities-without-impacting-court-collections/> and Texas Office of Court Administration. Indicators of Impact of Fines, Fees, and Court Costs Legislation. <https://www.txcourts.gov/media/1442212/ff-indicators.pdf>

¹⁹ Fines and Fees Justice Center. Free to Drive. <https://www.freetodrive.org/maps/#page-content>