



Legislative Affairs
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2019-2020 Legislative Memorandum

Subject: The 2019 New York State Driver’s License Suspension Reform Act S.5348 (Kennedy) / A.7463 (Hunter)

Position: SUPPORT

Under current law, thousands of New Yorkers have their driver’s licenses suspended every year, not because they are unsafe drivers, but because they simply can’t afford to pay fines, fees, and other monetary penalties imposed for traffic violations. **Between January 2016 and April 2018, New York issued nearly 1.7 million driver’s license suspensions for traffic debt.** The widespread practice disproportionately impacts poor and low-income people across the state, who are predominantly people of color. Driver’s license suspensions should be used for the limited purpose of keeping unsafe drivers off of the road, not as a debt-collection mechanism.

The New York Civil Liberties Union (“NYCLU”) calls on New York lawmakers and Governor Cuomo to enact the Driver’s License Suspension Reform Act, S.5348/A.7463.

In the last two years, states and cities across the country have begun to end the practice of suspending driver’s licenses for traffic debt. Most states still impose wealth-based driver’s license suspensions for failure to pay fines, fees, or other court debt. However, the ACLU and its affiliates are working with other advocates nationwide to end this poverty penalty through litigation, legislation, and executive action, including in California, Idaho, Maine, Montana, Mississippi, North Carolina, Tennessee, and Washington.

Throughout the country, we have found that people who cannot afford to pay fines, fees, and other monetary penalties to courts experience disproportionate punishments—including driver’s license suspension—without basic procedural protections required by due process and equal protection of the law. To remedy this wrong, California, Maine, Mississippi, Montana, Idaho, Washington, D.C., and Virginia have stopped traffic debt suspensions, and at least six other states have introduced legislation to do the same.

The use of driver's license suspension to punish people who cannot afford to pay is frequently unconstitutional, imposes devastating human costs, and wastes taxpayer money and resources. The result is a two-tiered system of justice, in which those with means retain their driver's licenses while destitute people lose their ability to lawfully drive—with cascading harms to their ability to find and keep paid employment, care for themselves and their families, and meaningfully participate in society. People of color are particularly impacted due to stark, well-documented racial and ethnic disparities in wealth and income and the impact of over policing of communities of color.

Driver's license suspension rates in New York are nearly nine times higher in the state's ten poorest communities than in the ten wealthiest. In New York City, communities with the highest percentage of people of color experience driver's license suspensions for nonpayment of debt owed to courts at rates 2.5 times as high as communities with the smallest percentage of people of color. In the rest of New York State, communities with the highest percentage of people of color receive driver's license suspensions for nonpayment of traffic debt at rates four times as high as communities with the smallest percentage people of color.

New Yorkers who cannot afford to pay off tickets often face an impossible choice between losing their ability to drive and their livelihood on one hand, and risking criminal charges and additional fines and fees for driving on a suspended license on the other. Data from across the country shows how these suspensions disrupt lives, cause economic instability, and criminalize poverty. Many people seeking to support themselves and their families have no choice but to drive with a suspended license—a crime punishable by jail, additional fines and fees they can't afford, and a criminal record. In this way, wealth-based driver's license suspensions create a cycle of debt that exacerbates racial and economic disparities, denies access to opportunity, and perpetuates mass incarceration.

The Driver's License Suspension Reform Act would put an end to this destructive practice by:

- Ending driver's license suspensions for nonpayment of traffic tickets and for not appearing at a traffic hearing;
- Reinstating all driver's licenses suspended for failure to pay or appear; and
- Making affordable payment plans available for traffic debt.

We strongly support the Driver's License Suspension Reform Act and urge the Legislature and the Governor to enact this important legislation without delay.