

DRIVE DOWN THE DEBT

STOP SUSPENDING DRIVER'S LICENSES FOR UNPAID COURT DEBT

The Issue: Suspending driver's licenses for unpaid court debt is self-defeating and ineffective as a collection tool and mires debtors in a cycle of unemployment, jail, and even deeper debt.

For many drivers, a license suspension means giving up their only mode of transportation to work, forcing them to choose between losing their jobs and risking jail time for driving on a suspended license. These long-suffering Virginia drivers will continue to endure a never-ending cycle of debt and incarceration, so long as the law forces them to choose between driving illegally and forsaking the needs of their families.

The Facts:

- Each year, the Commonwealth of Virginia imposes approximately half a billion dollars' worth of costs and fines in traffic and criminal court. By statute, when a person fails to pay, their license is automatically suspended, and the DMV automatically assesses a reinstatement fee of at least \$145 payable to the DMV.
- Approximately **one million Virginia drivers** have their license suspended for nonpayment of court debt and costs—this equates to nearly **one in six Virginia drivers**. About 2/3 of these licenses are suspended **ONLY** because of nonpayment.
- More than 360,000 driver's license suspensions for nonpayment of court costs and fines are issued each year, affecting thousands of individual debtors.
- Driving While License Suspended (DWLS) charges resulting from nonpayment of court debt led to sentencing of approximately **1.74 million jail days between 2011 and 2015 (not including suspended time)**, which is an average of more than **348,000 jail days each year**.
- A driver's license isn't just a convenience; it's a life necessity. Nearly 87% of Virginians travel to work by car and only 4.4% travel to work by public transit.
- Virginia is one of 43 states that suspend driver's licenses for non-payment of court costs and fines related to traffic and/or criminal offenses.
- The indefinite suspension of driver's licenses for nonpayment of fines and costs disproportionately affects low-income persons and communities of color. African American people make up only twenty percent (20%) of Virginia's population, but receive nearly half of the orders of suspension for unpaid court debt. In addition, African American people make up nearly sixty percent (60%) of convictions for driving with a suspended license where the reason for license suspension is unpaid court debt.

The Lawsuit:

Stinnie v. Holcomb is a class action lawsuit, filed by Legal Aid Justice Center (LAJC) and McGuireWoods LLP, challenging the constitutionality of Virginia's statute automatically suspending the driver's licenses drivers who cannot afford to pay court costs and fines. On December 21, 2018, Judge Moon granted a preliminary injunction finding the driver's license suspension statute likely unconstitutional and ordering the DMV Commissioner to reinstate the named Plaintiffs' licenses while litigation proceeds. The case is set for a 5-day bench trial beginning August 5, 2019.

Since *Stinnie v. Holcomb* was originally filed in 2016, six more statewide lawsuits have been filed (or almost filed) in California, Tennessee, Michigan, Montana, Mississippi (settled pre-filing), and North Carolina, and advocates have won legislative reforms in many states, including California and, most recently, D.C. A federal judge recently issued a statewide injunction against a similar collection scheme in Tennessee.