

July 6, 2018

The Honorable Phil Mendelson  
Chairman, Council of the District of Columbia  
1350 Pennsylvania Avenue, NW  
Washington, D.C. 20004

Dear Chairman Mendelson and Members of the Council:

We, the undersigned community of faith, anti-poverty, and legal service organizations write in support of the Traffic and Parking Ticket Penalty Amendment Act of 2018 (B22-0204), particularly the provisions of this legislation that will end the harmful practice of suspending driver's licenses for those who are financially unable to pay traffic tickets or other fines and fees.

No one should lose their right to drive because they cannot afford to pay an administrative fee or fine. No one should have to risk a year in prison for trying to keep their job, pick up their children, or rush a family member to the hospital. And yet, the District of Columbia's current automatic suspension policy punishes low-income people simply for being poor. The District has a unique opportunity to lead on this issue, and through the recent vote in favor of the legislation by the full Council on its first reading of this bill, has already taken important steps towards achieving this critical reform. We applaud those steps and urge the full Council and the Mayor to enact this reform into law.

Widely diverse states and cities, including California, Mississippi, Virginia, and New Orleans, have already taken affirmative steps to end coercive license suspension laws. By passing this common sense legislation, the District can join the forefront of jurisdictions ending harmful license suspension practices. From the date it takes effect, this legislation will:

- **End driver's license suspensions due to unpaid traffic tickets or for failing to appear for a traffic hearing:** the District will no longer suspend a driver's license solely because the driver has unpaid traffic tickets or has failed to appear at a traffic hearing.
- **Restore suspended licenses:** the Department of Motor Vehicles will be required, within 30 days of the bill's enactment, to restore the driving privileges of any resident whose license was previously suspended solely due to the resident's failure to pay a traffic ticket or failure to appear at a traffic hearing.
- **Advance public safety:** under this legislation, the District retains the critical public safety authority to suspend driver's licenses for dangerous driving, driving under the influence, and other types of dangerous conduct that, unlike failure to pay a ticket for lack of funds, do relate to public safety and for which suspension of a license is an appropriately calibrated response.

This legislation would ameliorate a serious problem for District residents. From 2010-2017, according to data provided by DMV, the District suspended over 126,000 driver licenses due to unpaid traffic tickets.

Losing the right to drive has often devastating consequences for working families, and, as a result, the D.C. community overall. This is especially a problem for our communities of color, as poverty rates correlate in significant part with race. Community members may be cut off from key life necessities like healthcare, groceries, and childcare simply because they cannot afford to pay a traffic ticket. Without a license, it also becomes increasingly difficult to get and keep a job. As studies have shown, driver's license suspensions are correlated with increased job losses.

Not only do driver's license suspensions perpetuate poverty, they also criminalize it, again with a disproportionate impact on our communities of color. Families are often forced to make the difficult choice to have a family member drive with a suspended license to take care of critical life tasks. As a result, thousands of DC residents have been arrested for driving on a suspended license, a criminal charge that under DC Code § 50-1403.01(e) carries with it punishment of up to a year in prison and a \$2,500 fine. Our communities of color are disproportionately burdened by these criminal penalties: for example, in 2011, there were 2,000 arrests in D.C. for driving on a suspended license. Over 80% of those arrested drivers were African American.

For older adults, a loss of driver's license increases social isolation and makes it far more difficult to age in place. For those older adults who depend on family caregivers, a caregiver's loss of license can be equally devastating.

The impact of the current driver's license suspension is further compounded by the District's affordable housing crisis. Residents with suspended driver's licenses are limited to jobs accessible by public transportation. However, rising housing costs have pushed low-income families farther away from affordable transportation options as it becomes more and more expensive to live near a metro or bus stop. Less than half of jobs in the DC metro area are accessible by public transit within 90 minutes.<sup>1</sup> By suspending residents' licenses, the District is effectively limiting access to a significant percentage of jobs in the metro area—many of which are the kinds of jobs that help transition workers out of poverty. The result is counterproductive. Drivers are less able to afford to pay a traffic ticket, and more likely to be unemployed and require government assistance. Further, by limiting the pool of candidates who are able to apply for and maintain jobs – for reasons entirely unrelated to their qualifications for those jobs – driver's license suspensions artificially limit local businesses' options as they seek to hire and retain their workforce.

The current rules may also make our community less secure. Precious law enforcement and criminal justice resources are expended to enforce the District's license suspension law. Suspension-related arrests divert court and law enforcement time from addressing situations that, unlike the nonpayment of a ticket, do threaten community safety.

By adopting the common sense driver's license suspension reforms in B22-0204, which respond to these problems, the District will take an important step forward for residents' benefit.

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<sup>1</sup> Adie Tomer, et al., *Missed Opportunity: Transit and Jobs in Metropolitan America*, METRO. POLICY PROGRAM AT BROOKINGS 16 (May 2011), available at [https://www.brookings.edu/wp-content/uploads/2016/06/0512\\_jobs\\_transit.pdf](https://www.brookings.edu/wp-content/uploads/2016/06/0512_jobs_transit.pdf).

We thank you for your consideration and urge your support of this critical legislation.

Sincerely,

/s

American Civil Liberties Union of the District of Columbia  
Advocates for Justice & Education, Inc.  
Archdiocese of Washington  
Ayuda  
Catherine Klein, Director of the Columbus Community Legal Center, Catholic University  
Columbus School of Law (employer provided for identification purposes only)  
Center for American Progress  
Christian Legal Aid of the District of Columbia  
Civil Rights Corps  
DC Fiscal Policy Institute  
Domestic Violence Legal Empowerment and Appeals Project  
Fines & Fees Justice Center  
Jewish Community Relations Council for Greater Washington  
Jews United for Justice  
Law Students In Court  
Legal Aid Society of the District of Columbia  
The Children's Law Center  
Tzedek DC  
University of the District of Columbia David A. Clarke School of Law  
Washington Lawyers Committee for Civil Rights and Urban Affairs  
Washington Legal Clinic for the Homeless

Cc: Council Members for the District of Columbia  
The Honorable Brianne K. Nadeau  
The Honorable Jack Evans  
The Honorable Mary M. Cheh  
The Honorable Brandon T. Todd  
The Honorable Kenyan R. McDuffie  
The Honorable Charles Allen  
The Honorable Vincent C. Gray  
The Honorable Trayon White, Sr.  
The Honorable Anita Bonds  
The Honorable David Grosso  
The Honorable Elissa Silverman  
The Honorable Robert C. White, Jr.

CC: The Honorable Muriel Bowser, Mayor, District of Columbia