



**TO:** Members of Michigan House Judiciary Committee

**FROM:** Gilda Z. Jacobs, President & CEO, Michigan League for Public Policy

**DATE:** September 16, 2020

**SUBJECT:** Support of HB 5846-5852 regarding eliminating license suspension for violations of the law unrelated to dangerous driving

The Michigan League for Public Policy is a nonpartisan policy institute dedicated to economic opportunity for all, and advocates for state-level policy that helps people and families with low incomes achieve economic security. All of the League's work is done through a racial equity lens.

The League urges you to support House Bills 5846-5852, the package of bills that would eliminate most driver's license suspensions that are not related to public safety—that is, for violations unrelated to dangerous driving. These bills take necessary steps to target a root cause of why driving without a valid license (which includes a suspended license) is the third most-common reason for jail admission in Michigan according to the Joint Task Force on Jail and Pretrial Incarceration.

In particular, HB 5846 will directly impact Michiganders with lower incomes by eliminating driver's license suspensions that are a result of failing to appear in court or pay fines and fees, provided that the underlying charge is not related to dangerous driving. Currently, this law is affecting drivers who do not have the discretionary income to pay off an initial ticket, meaning that fines and fees accrue and a driver's license is eventually suspended if a resident is not able to pay them off entirely (and subsequently resulting in an additional \$45 court fee and \$125 fee at the Secretary of State to get their license reinstated).

Instead of using license suspension as a mechanism to criminalize poverty, this package recognizes not only that this penalty often does not stop people from driving but also that driver's licenses are necessary for so many families in Michigan to support basic needs and a stable income. The vast majority (over 80%) of Michiganders drive to work, and driver's licenses also provide the ability to get groceries, drop children at school or seek healthcare such as a drive-thru COVID-19 test.

Attached is a copy of a League fact sheet that highlights the importance of this legislation based on the ways in which HB 5846 will halt a harmful cycle that punishes residents who simply cannot afford to immediately pay off a ticket with license suspension and potential arrest. The fact sheet also explores how Black drivers are disadvantaged by the current laws and the reasons that inform why we see large disparities by race when examining jail admissions for driving without a valid license. We hope this provides helpful information on this issue, the current legislation and its racial equity implications. We are happy to answer any questions you may have.





# PREVENTING THE CRIMINALIZATION OF POVERTY THROUGH DRIVER'S LICENSE SUSPENSION

Simon Marshall-Shah, State Policy Fellow | September 2020

In 2018 and 2019, Michigan issued approximately 360,000 driver's license suspensions each year because drivers failed to appear in court or pay legal fines and fees.<sup>1</sup> This number has not reduced substantially over the last decade: in 2010, nearly 400,000 licenses were suspended for failure to appear or nonpayment—80% of all license suspensions that year—and only 5% of all suspensions were related to dangerous driving.<sup>2</sup> Driver's licenses are critical to supporting basic needs and sustaining employment. By strictly penalizing drivers for reasons unrelated to safe driving or stemming from unpaid traffic tickets, Michigan law shuts out Michiganders from financial stability and security, criminalizing poverty instead.

# 95%

of license suspensions have nothing to do with unsafe driving.

House Bill 5846,<sup>3</sup> part of a package of bills that would implement recommendations from the Michigan Joint Task Force on Jail and Pretrial Incarceration,<sup>4</sup> would eliminate driver's license suspensions that are unrelated to dangerous driving and prevent such suspensions from taking place in the future. Under this change, the failure to pay fines and fees or the failure to appear in court would only result in license suspension if the underlying charge includes operating while intoxicated, reckless driving or any driving violation that causes injury, death or serious impairment to another person.


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This bill and the associated package will break an ineffective and harmful cycle that often originates from failure to appear in court and unpaid fines and fees related to traffic tickets in particular, which is explored further here. The current system disproportionately affects Black Michiganders and provides few outlets for residents with lower incomes who can neither pay to escape it nor easily drive to a job that would help them do so.

## Getting a Ticket and Subsequent License Suspension

There are dozens of civil infractions that could result in a ticket: speed violations, improper turning and signaling, and failing to stop, among others. A citation comes with a base charge, additional fines, court costs plus a \$40 Justice System Assessment (which accompanies civil infractions and is almost always mandatory).<sup>5</sup> Nonpayment will result in a misdemeanor, carrying up to a \$100 fine.<sup>6</sup>

Racial profiling contributes to Black drivers in Michigan being stopped more frequently than drivers of other races, increasing the likelihood they enter into this web of fines and fees, with license suspension as a result if not paid. In addition to accounts from Black drivers, available data



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from across Michigan demonstrate that over the past few years, the percent of Black drivers in Michigan being stopped has increased from 17.4% in 2017 to 20.5% in 2019.<sup>7</sup> Across three years of data, Black drivers were stopped at a disproportionately high rate when compared to Michigan’s overall Black population, according to Michigan State Police data.<sup>8</sup> Furthermore, the U.S. Supreme Court has ruled that traffic stops can be used as a pretext to investigate other suspected crimes, subject to an officer’s discretion,<sup>9</sup> which may be influenced by racial bias—even implicitly—particularly in areas that are historically White, such as the suburbs outside Detroit.

The ticket and additional costs add up quickly and if a driver cannot pay, Michigan’s consequences are swift and serious: if a driver does not appear in court or comply by paying all fines and fees, license suspension is mandatory, indefinite and without regard for ability to pay.<sup>10</sup> Michigan is one of five states with such strict suspension laws, with Delaware, Florida, Maine and Virginia following suit.<sup>11</sup> At this point, to reinstate the license, one must pay off all that is owed, an additional \$45 clearance fee to the court per each unpaid ticket plus a \$125 license reinstatement fee to the Secretary of State.<sup>12</sup>

A traffic ticket can become a debilitating debt and result in a suspended license in just two months, especially for the 14% of Michiganders who live in poverty.

Initial traffic infraction.....	\$125
Estimated court costs + fines.....	\$125
Justice System Assessment.....	\$40
Late penalty (20%).....	\$58
Nonpayment misdemeanor fee.....	up to \$100
Driving While License Suspended fee.....	up to \$500
License reinstatement fee to the court.....	\$45
License reinstatement fee to Secretary of State.....	\$125

Total owed to reinstate license: \$1,118

bias in traffic stops contributes to Black drivers being more likely than White drivers to serve jail time for driving with a valid license.

Jail Admission in Michigan for Driving Without a Valid License <sup>20</sup>				
TOTAL	WHITE MEN	BLACK MEN	WHITE WOMEN	BLACK WOMEN
9%	6%	12%	6%	15%

### Difficulty Paying and Reinstating a Driver’s License

Drivers do not anticipate paying for a traffic ticket and not all drivers have the discretionary income to do so quickly. For the over 1.3 million Michiganders living in poverty (14% of residents),<sup>13</sup> it is even harder to pay for unexpected costs, like traffic tickets not related to dangerous driving and the associated fines and fees.

Longstanding racism and discrimination in our workforces have excluded many Black workers from higher-paying jobs and greater income, which can help provide discretionary income for unexpected expenses like traffic tickets. Systemic exclusion is reflected to this day in Black families in Michigan having a lower median

income than families in other racial groups—a trend that has continued to persist over the last 10 years.<sup>14</sup> When we examine Michigan’s overall poverty rate, we find a disproportionate number of Black residents live in poverty in Michigan (27.4%), compared with 11.4% of White residents, 19.8% of Hispanic or Latinx residents and 13.1% of Asian residents.<sup>15</sup>

Work obligations and basic needs like groceries and child care are ever-present, and most Michiganders rely on driving to get to where they need to go. In fact, 82% of Michiganders drive to work. For comparison, only 1% of all residents regularly use public transportation to commute.<sup>16</sup>

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An estimated 3 out of 4 drivers who have their license suspended will continue to drive.<sup>17</sup> In fact, driving without a valid license (which includes a suspended license) is the third-most common reason for jail admission in Michigan.<sup>18</sup> This charge carries up to a \$500 fee for the first offense (and up to \$1,000 for subsequent offenses),<sup>19</sup> making it even harder for someone to pay off what they owe and reinstate their license.

The racial disparities are clear: jail admission for driving without a valid license in Michigan happens to more Black drivers than White drivers, exemplifying the way in which Black drivers are disadvantaged in this system.

For Black residents with lower incomes who are driving with a suspended license, the reality that racial discrimination increases the likelihood of being stopped and cited with a traffic violation compounds with the ongoing need to drive to work to earn income, which can help pay down the fines, fees and debt associated with a

suspended license. Based on the inequities in traffic stops by race, Black Michiganders who drive with a suspended license are also more likely to be caught doing so and face more fines and arrest.

HB 5846 will help align Michigan’s license suspension laws with what should be their intended purpose: keeping the roads safer as opposed to punishing drivers who cannot pay off fees and fines. Driver’s license suspension reform will not address the racial disparities we see in Michigan’s traffic stops, but it will allow hundreds of thousands of drivers to stay on the roads and continue to work by halting a cycle that stems from unpaid tickets and the debt that can quickly accrue.

Sources: <https://mlpp.org/sources-license-suspension-2020/>

