



NATIONAL CONFERENCE of STATE LEGISLATURES

The Forum for America's Ideas

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Georgia Senate
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William Pound
Executive Director

Biography - Melissa Savage

Melissa Savage is a program director in the Environment, Energy and Transportation program and the State Tribal Institute at the National Conference of State Legislatures. During her 11 years with NCSL, she has authored several informational publications regarding transportation, energy and environmental issues and has presented to legislative committees and other national organizations on a variety of topics. Prior to her position at NCSL, Ms. Savage worked in the Office of Legislative Legal Services at the Colorado State General Assembly. She received her master's degree in public administration from the University of Colorado at Denver and her bachelor's degree from Colorado State University.

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Chairman Markosek and Chairman Geist and members of the Transportation Committee, thank you for the opportunity to speak with you today. My name is Melissa Savage and I work in the Environment, Energy and Transportation program at NCSL.

The National Conference of State Legislatures is your membership organization. The key mission of NCSL is to provide information to state legislatures on policy issues ranging from health to children and families and of course, Energy, Environment and Transportation. NCSL has two offices, one in Denver to conduct research on policy issues and provide technical assistance to state legislatures and a D.C. office to lobby the federal government on behalf of states rights.

The NCSL Transportation program provides information to state legislators and legislative staff on a variety of topics. We track hot topics and make sure to have information readily available on those topics to share with our constituents. One tool we use is our traffic safety legislative tracking database. This database allows us to track legislation on a variety of issues including driver's licensing. Each year, the legislative tracking database contains hundreds of bills regarding different aspects of driver's license administration. And, based on the number of information requests we receive each year from legislators and staff, we know that driver's licensing is a big issue in the states.

Historically, state governments have been responsible for administering all aspects driver's license systems including skill and knowledge testing. According the Federal Highway Administration state DMVs license more that 200 million drivers in the United States. In the last few years, passage of Real ID at the federal level has initiated many license administration changes in the states. State DMVs have had to analyze how they were collected identification information and how they were

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storing that information as well as look at how the license itself was manufactured and the security of all aspects of the licensing process.

Every state has a set of statutes, administrative rules and agency policy that governs the license application process. These rules and laws govern all aspects of the process beginning with graduated driver's licensing laws for teen and novice drivers and ending with licensing procedures and rules for older drivers. All states have laws allowing for driver's license suspension for drivers convicted of serious traffic offenses including driving under the influence and repeat or habitual offenders. States also have laws allowing for license suspension for non-driving related offenses.

For drivers convicted of a serious driving offense like driving under the influence, state legislatures have enacted various laws to penalize those drivers including license suspension. Intuitively suspending the driver's license of a dangerous driver makes sense. They have exhibited dangerous driving habits and to keep the rest of the public safe it's good practice to penalize those drivers by keeping them off the road. The problem is that most (about 80 percent) of unlicensed drivers continue to drive even without a license.

All states have sanctions for driving without a license. Most involve a longer license suspension (usually up to another year) and additional fines. Typical fines for unlicensed driving range between \$500 and \$1,000. Repeat offenders face additional more severe penalties, in some case they will face felony charges including jail time. Some states allow for vehicle seizure.

One out of every 5 fatal crashes involved at least one improperly licensed driver. Most unlicensed drivers are also uninsured.

A difficulty associated with enforcing state unlicensed driving laws is that it can be an undetectable offense. Unless the driver is committing some other moving violation like speeding or reckless driving, if they are driving safely it makes it difficult for law enforcement officers to identify. Some

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law enforcement agencies have started using "hot sheets" with the names of habitual unlicensed drivers including possible vehicles they might be driving to help ease enforcement efforts.

The unlicensed population isn't exclusive to dangerous drivers. Over the last several years, driver's license suspension for non-driving related offenses has increased. Drivers can lose their right to drive for a number of reasons including: failure to pay a fine, failure to pay court costs, failure to appear, failure to comply with a court-ordered child support order, failure to maintain insurance, and if you're a teen driver, in some states you can lose your license for having bad grades. The license can be a powerful tool when trying to illicit certain behavior.

In 1996 the Congress passed the Personal Responsibility and Work Opportunity Reconciliation Act. The Act required all states to suspend the driver's, professional, occupational and recreational licenses of those not paying child support. Today, many states view this program to be successful. In the majority of the cases, people get current on child support payments so they can get their licenses back. In other cases though, they will continue to drive, often because they have no choice and need to drive in order to get to work. This economic hardship is an issue being looked at by organizations including the GAO and Mobility Agenda.

Most states have provisions in place to issue hardship/conditional licenses to drivers with a suspended license. These licenses allow offenders to get to and from essential places like work and school. Most often, these licenses are granted to drivers convicted of traffic related offenses like DUI or habitual or repeat offenders. In most states, hardship licenses are not available to drivers who have lost their licenses due to a non-traffic related conviction. Since the loss of license in those cases is to illicit a certain behavior change, more explicitly, to get the person to make payments or appear in court, granting a conditional license is seen to be counterproductive.

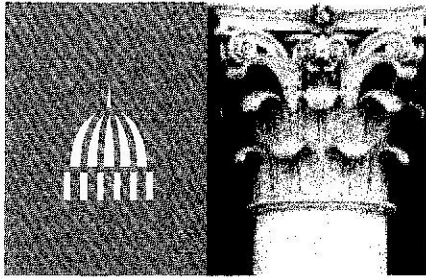
State legislatures grapple with this issue each year debating hundreds of bills relating to drivers license suspension. In 2009, 31 states considered legislation. Eight states passed laws relating to license suspension. Illinois passed a law establishing a lifetime license suspension for drivers

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convicted, for a third time, of unlicensed driving. The Utah legislature passed a law that allows for hardship licenses for certain DUI offenders.

In partnership with the National Highway Traffic Safety Administration, the American Association of Motor Vehicle Administrators started a working group made up of representatives from national organizations, law enforcement, prosecutors, judges and drivers license administrators to analyze the issue of suspended/revoked licenses and unlicensed drivers. The group met for the first time in the spring of 2007 and has met twice this year. We have completed a literature review, developed a white paper and are working with researchers to further analyze information on the scope of the problem.



Economic Hardships of Losing a Driver's License

By Melissa Savage and James B. Reed

A personal vehicle can be crucial to holding a job.

Owning and driving a vehicle can be crucial to holding a job. Studies show that when workers lose their ability to drive—often because of a non-driving-related license suspension—economic hardships follow.

Today, many people have moved from urban areas into the suburbs, where public transportation often is not a viable option and walking is out of the question. In 2000, only 5 percent of commuters took public transportation to and from work, and 88 percent commuted in their personal vehicle. Because 86 percent of all trips are made in a car, loss of driving privileges can make it difficult or impossible for people to conduct even simple errands.

License suspension and revocation are common for driving-related offenses.

License suspension and revocation for driving-related offenses—such as driving under the influence, repeat offenses, excessive speeding and reckless driving—are common. Every state also imposes such penalties on other offenses, including failure to pay fines or parking tickets, appear in court, pay child support, carry car insurance or attend school.

Suspending the licenses of dangerous and unsafe drivers is popular. Suspension periods vary, but offenders often are eligible for restricted—or hardship—licenses that allow them to drive to work, worship and doctor appointments. Hardship licenses generally are granted to drivers who lose their licenses due to traffic-related offenses, but not to those who commit a non-driving-related offense.

All states set fines and penalties for unlicensed drivers.

The fact is that many drivers who lose their licenses continue driving, some from necessity (to get to work). All states have sanctions for driving without a license. Most involve a longer license suspension—usually another year—and fines. Typical fines for unlicensed driving range between \$500 and \$1,000. Several penalties are possible if the violator is a repeat offender. In Kentucky, for example, drivers convicted of

License Suspension for Non-Driving-Related Offenses

Reason for Suspension	Number of States
Failure to pay a motor vehicle fine, surcharge or fee	31
Failure to pay court fines, fees or surcharges	31
Failure to appear in court to satisfy a moving violation summons	43
Failure to appear in court to satisfy a parking ticket	8
Failure to comply with a child support order	47
Failure to maintain insurance	45
Truancy	15

Source: Presentation by Jon Carnegie, Alan M. Voorhees Transportation Center, Rutgers University, at the Mobility Agenda Roundtable, March 5, 2008.

unlicensed driving for the third time face a felony charge, must serve at least one year in prison, and face having their license revoked for an additional two years or more if the original suspension was for driving under the influence. In addition to possible jail sentences, fines and longer license suspensions, some states allow vehicle seizure. If a driver in Alabama is found to be driving without a license, police officers may impound the vehicle immediately.

According to a June 2008 report by The Mobility Agenda, those with suspended licenses for non-driving-related offenses face higher unemployment, lower wages, and higher auto insurance rates. Businesses also are affected because they face smaller pools of qualified and available workers.

Low-wage workers are likely to be disproportionately affected by license suspensions because they are more often unable to pay fines and fees. Suspending these workers' licenses can lead to additional economic distress for both them and the extended community when they cannot get to or apply for jobs that are not accessible by public transit. Workers may face lower wages or unemployment, while employers face the high cost of replacing workers from a smaller hiring pool.

Low-wage workers cannot afford to pay fines and fees for unlicensed driving.

State Action To address the economic and labor market consequences of non-driving-related license suspension, the New Jersey Legislature created a task force in 2003 to determine how these suspensions affected drivers and to recommend reform. A 2001 report by the New Jersey Institute for Social Justice prompted the legislation. It found more than half of the 200,000 driver's license suspensions in New Jersey were for non-driving violations and primarily due to failure to pay fines or fees.

The final task force report, issued in 2006, included 21 recommendations to address the affordability and fairness of license suspension in New Jersey. It identified counterproductive license suspension policies. Recommendations included giving judges more discretion to set payment deadlines, allowing vehicle registration suspension as an alternative in certain cases, creating more discretion to use payment plans for large fines, improving communication with drivers about the potential consequences of motor vehicle violations, reforming notification documents and procedures, conducting a comprehensive review of the point system to determine its effectiveness for highway safety, and considering a restricted-use license program for drivers whose license is suspended for financial reasons.

A New Jersey task force studied license suspension affordability and fairness.

The New Jersey Legislature and governor are considering the recommendations. Progress has been slowed by concern about lost revenue, possible loss of leverage over habitual offenders if suspensions are eased, and perceived safety issues related to drivers with suspended licenses.

Resource

Gustitus, Sandra, Melody Simmons and Margy Waller. *Access to Driving and License Suspension Policies for the Twenty-First Century Economy*. Washington, D.C.: The Mobility Agenda, June 2008; www.mobilityagenda.org/EconomicDriversLicenseSuspension2008.pdf.

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