



**SUPPORT FOR HB 2434 – Revoking the authority to suspend driving privileges for the nonpayment of fines from traffic citations.**

**Testimony of Austin Spillar**

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HOUSE JUDICIARY COMMITTEE – February 18, 2020**

Chairman Patton and Members of this Committee,

Thank you for the opportunity to present testimony today. My name is Austin Spillar. I am the Policy Associate with the ACLU of Kansas. We are a nonpartisan, non-profit organization that works to preserve and strengthen the constitutional liberties of every person in Kansas. The ACLU of Kansas supports HB 2434 because suspending driver's licenses for unpaid fines and fees punishes the working poor and is counterproductive to public safety. HB 2434 is an important step forward to addressing these issues.

An estimated 213,000 Kansans currently have their driver's license suspended simply because they do not have the money to pay their fines and fees associated with traffic tickets. Unfortunately but not surprisingly, the impact of these debt-based driver's license suspensions falls most heavily upon low-income communities and people of color. These Kansans are forced into an impossible position by the suspensions: They must either choose to drive illegally, risking incarceration and more fines in order to get to work or acquire the necessities of life like food and medical care, or choose not to drive, thereby risking the loss of income, job opportunities, or access to education and other services. We urge this Committee to recognize that passing HB 2434 is a matter of economic and racial equality, and offers an opportunity to eliminate a two-tiered justice system where rich and poor people with otherwise identical records will receive different punishments solely because of their ability to pay traffic citation fines.

This year, eleven other states in addition to Kansas are putting forth legislation to end the debt-based suspension of driver's licenses.<sup>1</sup> California, Idaho, Wyoming, Montana, Mississippi, Kentucky, and the District of Columbia have already passed legislation to end this practice. Four states, Missouri, Michigan, Pennsylvania, and South Carolina, have pending litigation against them claiming that the practice of suspending licenses for failure to pay is in violation of the 14<sup>th</sup> and Fifth Amendments. These efforts across the nation only underscore the seriousness of the problem and the urgency that is needed.

Passing HB 2434 would not mean that people cannot be assessed fines and fees, nor would it eliminate the underlying debt altogether. It would, however, alleviate that impossible choice facing so many Kansans with suspended licenses. It would give them the right to drive despite having these accumulated fines.

The benefits of this bill are also economic. Whether state agencies should be funded by fines and fees is a complex discussion that needs to be had, but something that is clear from research

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<sup>1</sup> CO, FL, HI, MD, MN, NY, OR, UT, VA, WA & WV

across the country is the negative impact of inaction on this issue—and the benefit that comes with removing this impediment to driving. For example, 42% of drivers in New Jersey lost their jobs when their driving privileges were suspended. Many of these drivers would have trouble regaining employment and when they did, most reported a loss in income. Similar results were noticed in pilot program launched in Phoenix that re-instated people’s driver’s licenses. More than half of participants had lost their jobs post-license suspension, causing a \$36,800 loss in median income. The good news, though, is that once people regained their licenses, 40% of study participants reported an increase in income and the City of Phoenix collected \$4 million in revenue to the City of Phoenix Municipal Court during the nine-month study that they likely would not have otherwise collected. Furthermore, the L. William Seidman Research Institute at Arizona State University’s W. P. Carey School of Business estimated a benefit of nearly \$149.6 million to the GDP as a result of this nine-month pilot program.

Kansas can achieve so much just by giving people the freedom to drive. Enacting this bill will help over 200,000 Kansans. It will place Kansas alongside several other states embracing this effort at reform, which has broad, nonpartisan support and works to mitigate harmful racial and economic inequities in our system.

The ACLU of Kansas strongly supports HB 2434 and urges this Committee to pass it favorably. Thank you for your time and consideration on this important and pressing issue. I am happy to stand for questions.

#### **Additional Resources for the Committee:**

1. Too Poor to Drive: Six Truths about Driver’s License Suspensions, available at <https://www.freetodrive.org/wp-content/uploads/2019/09/Six-Truths-About-...>
2. The Free to Drive Campaign has more than 100 member organizations nationally, representing legal, advocacy, grassroots, policy, and research arenas, from across the political spectrum. These organizations are “committed to the principle that restrictions on driving privileges should only be used for dangerous driving, and not to coerce debt payment or to punish people who miss a court appearance.” <https://www.freetodrive.org/about/#page-content>
3. A collection of maps showing the various state laws on driver’s license suspensions and exposing the human impact that people have for simply being too poor to pay their fines and fees. <https://www.freetodrive.org/maps/#page-content>
4. KAKE NEWS INVESTIGATES: Suspended drivers licenses raise costs for all drivers <http://www.kake.com/story/41246594/kake-news-investigates-suspended-driv...>