

To: House Judiciary
From: Alicia Temple, Oregon Law Center
Date: February 20, 2019
Re: HB 2614

Chair Williamson and members of the committee:

On behalf of the Oregon Law Center (OLC), I am submitting testimony in support of HB 2614 to eliminate driver license suspensions as a tool of debt-collection.

OLC is a non-profit organization that provides free legal help to people struggling to make ends meet. Our mission is to achieve justice for low-income communities in Oregon by providing a full range of the highest quality civil legal services. We advocate for our clients and for the services and programs that help them to overcome poverty. The issue of suspended driver licenses for unpaid traffic debt is a reoccurring, unnecessary barrier faced by many OLC clients. Driver license suspensions for failure to pay a traffic fine punish people for their poverty.

Access to transportation is necessary for Oregonians across the state.

When we suspend a driver license, not for a safety reason, but because someone couldn't pay a fine for a traffic violation, we are unfairly depriving them of their ability to live their lives. It is how we get to work, get our kids to school, go to the doctor and the grocery store. An individual who has the money needed to pay a fine immediately is not forced to suffer the same consequences.

Access to transportation is a necessary part of being able to live your life in Oregon. 86% of Americans consider a car to be a "necessity of life," higher than the percentage of people who identified cell phones as a necessity at 47% or microwaves at 45%.

Losing a driver license has a direct impact on employment. It is harder to get a job without a driver license. Even jobs that don't require driving often require a driver license. Many employers view a driver license as a proxy for responsible. In a study in New Jersey, a state with far fewer rural residents than Oregon, 42% of drivers lost their job after their driving privilege was suspended. Of these drivers, 45% were unable to find new employment. Of those who were able to find another job, 88% reported a decrease in income.

In Oregon, losing your driver license is an even more significant consequence. Nearly three quarters of Oregonians 16 and older drive to work, and in 28 of Oregon's 34 counties, more than half of the population does not live within a quarter mile of a stop operated by any transit agency. Public transit access is worse in rural areas. More than 64% of Umatilla County residents and more than 75% of Baker City residents lack access to public transit.

These suspensions are not about public safety.

This bill does not propose to change anything to do with driver safety. If the state has decided the direct consequence of a driving behavior is a suspended license, like with a DUI, that will remain unchanged. Taking a driver license away for not paying a fine or fee does not make our roads safer.

Oregon has a mechanism to suspend driver licenses when people have too many violations, that has nothing to do with debt collection. The Driver Improvement Program can suspend a license if a person has too many moving violations in a short period of time. This means that regardless of your ability to pay, if you are an unsafe driver there are appropriate consequences.

According to the American Association of Motor Vehicle Administrators, suspending driver licenses for non-safety reasons made roads less safe. ~~This~~ This practice creates a burden for law enforcement, DMVs and courts, and takes away from their resources to deal with real safety concerns. Suspending a license should only be an option as a response to safety concerns.

Across the country, there is a growing recognition that driver license suspensions should only be used in connection to public safety and are not appropriate or effective as a tool of debt collection. This practice is causing more harm to our communities.

Collections is the appropriate way to collect money that is owed

HB 2614 does not remove the consequences for the driving behavior. There should be consequences for actions but those consequences should affect an individual's life in a fair and equal way.

Suspending driver licenses is not an effective way to collect debt. Courts have the same debt collection options as all other institutions that are owed money, collection agencies. They can garnish wages and banks accounts. In addition, courts can work directly with DOR to garnish tax refunds. If someone has an ability to pay, these collection methods will work. Sending a person to collections is a significant consequence; bad credit can have long-term impacts on a person's ability to find housing, employment and access to credit. In fact, for those who are unable to pay, license suspension is only going to make it less likely that they can work and earn money needed to pay off the debt.

The goal of HB 2614 is to stop the cycle of debt and poverty that too many Oregonians find themselves in. Traffic fines and fees have a disproportionate impact on low-income communities, creating a vicious cycle of increasing debt and lost economic opportunities. States across the country are starting to change this practice and Oregon should too. HB 2614 is the best solution, Oregon should end the suspension of driver licenses for failure to pay traffic fines.