
October 14, 2020
The Honorable Andrew M. Cuomo
Governor of New York State
New York State Capitol Building
Albany, NY 12224



Dear Governor Cuomo:

We are advocates, attorneys, faith leaders, and directly impacted individuals working to end the cruel, discriminatory, and counterproductive practice of suspending New Yorkers' driver's licenses for not paying a traffic ticket or not appearing at a traffic hearing. We urge you to sign the Driver's License Suspension Reform Act, A7463B/S5348B ("DLSRA"), which will end this practice. The COVID-19 pandemic has only magnified the harms of driver's license suspensions and New Yorkers need relief now.

New Yorkers need driver's licenses in order to work, take care of their families, and travel safely during a pandemic. We know that most people who do not pay their traffic fines or appear at traffic hearings are not trying to skirt the law — they simply can't afford to pay their fines and fees or appear at their hearings because of their inability to take off work, find child-care, or secure safe transportation. The DLSRA can end this criminalization and punishment of poverty while increasing revenue collection and cutting costs to courts and law enforcement.

Mr. Smith, a Bronx resident, has been living with the stress of traffic debt for years. Over a decade ago, he missed a traffic court hearing, at which he was sentenced to a fine he could not afford. His driver's license was subsequently suspended. Mr. Smith's job, however, is not accessible by public transportation, so he relies on his wife to get him to work. When she can't drive him, he must make an impossible choice: should he drive to support his family and pay off his fines and fees, knowing that driving risks a criminal charge and increasing debt? Mr. Smith has been chasing the increasing debt for years and has paid off over \$3,000. Still, he lives in a constant state of fear.

The DLSRA will change the lives of hundreds of thousands of New Yorkers like Mr. Smith. Ending driver's license suspensions for non-payment of traffic tickets and non-appearance at traffic hearings will allow New Yorkers to keep their jobs,¹ find higher paying jobs,² and increase their participation in the economy.³ Establishing payment plans will allow people to pay their traffic fines in amounts they can afford — because we know that when people can afford to pay their traffic fines, they do. The DLSRA will also alleviate pressure on the State's cash-strapped court system and decrease the number of DMV hearings, all while increasing collection of traffic fines.⁴ Together, these reforms eliminate a harsh and ineffective collection method and replace it with supportive measures that are proven to work.

As our State re-opens, the DLSRA offers critical support for the communities most devastated by the health and economic harms of the COVID-19 pandemic. New Yorkers of color and poor New Yorkers are disproportionately harmed by driver's license suspensions and by COVID-19. License suspensions triggered by traffic debt are issued at much higher rates in low-income communities and communities of color. And the disproportionate ticketing of Black and Latinx New Yorkers places New Yorkers of color at a heightened risk of a criminal charge for driving on a suspended license, even though 75% of people with suspended licenses continue to drive. These suspensions trap New York's most marginalized residents in a cycle of debt and punishment that harms individuals, communities, and the state as a whole.

¹ A study in New Jersey found that 42% of drivers lost their jobs when their licenses were suspended. New Jersey Dept. of Transportation, *Driver's License Suspensions, Impacts and Fairness Study*, 55-56 (2007), <https://www.nj.gov/transportation/business/research/reports/FHWA-NJ-2007-020-V1.pdf>.

² That same study found that 45% of the drivers who lost their jobs because of their suspension could not find another job. Of those that were able to find a job, 88% of drivers experienced a decrease in income. A Phoenix, AZ pilot program found that 53% of pilot participants obtained a new job "as a direct consequence of increased mobility after the reinstatement of their driver's license." And, 41.2% of participants reported increased income due to the program. L. William Seidman Research Institute, W.P. Carey School of Business, *The City of Phoenix Municipal Court's Compliance Assistance Program 4* (2016), <https://finesandfeesjusticecenter.org/content/uploads/2018/11/Phoenix-license-restoration-pilot-THE-CITY-OF-PHOENIX-MUNICIPAL-COURT%E2%80%99S-COMPLIANCE-ASSISTANCE-PROGRAM.pdf>.

³ The Phoenix study also estimated the positive economic effects of license reinstatement for a 9-month period at \$76.5 million in increased household spending and an overall growth in GDP of \$149.6 million.

⁴ In Palm Beach, FL, the County began offering payment plans and issuing reminders rather than suspensions upon missed payments. Revenue increased from \$50,659.97 in 2014 (when the policy began) to \$1.6 million in 2017. Data on file with the Fines and Fees Justice Center. Additionally, since eliminating driver's license suspensions for non-payment of traffic tickets and introducing payment plans, the State of California has experienced an 8.9% increase in collections on newly issued tickets. Judicial Council of California, *Report on the Statewide Collection of Delinquent Court-Ordered Debt for 2017-18 2* (2018), https://www.courts.ca.gov/documents/lr-2018-statewide-court-ordered-debt-2017-18-pc1463_010.pdf. The DLSRA also requires additional notice. Beginning April 2021, the DMV will send notice of upcoming hearing dates via snail mail and in electronic form (via text, phone, or e-mail). A study by the New York Criminal Justice Agency found that simple court reminders could reduce the likelihood of a person not appearing in court by 47%.

Essential workers — disproportionately people of color — need their driver’s licenses to get to work safely. New Yorkers need to drive to pick up their medicine, go to the doctor, comply with social distancing guidelines, compete for jobs, and participate in New York’s economy. The DLSRA ensures that New Yorkers will no longer lose access to their basic necessities solely because they can’t afford to pay their traffic fines or to appear at their traffic hearings.

Now is the time to enact this uncontroversial reform, help New Yorkers get back on their feet, and give New York’s economy a boost.

Sincerely,

The Driven by Justice Steering Committee

- The Bronx Defenders
- Fines and Fees Justice Center
- National Center for Law and Economic Justice
- African-American Health Equity Task Force

The Driven by Justice Coalition

- Association of Legal Aid Attorneys (UAW Local 2325)
- Brooklyn Community Bail Fund
- Brooklyn Defender Services
- Broome County PD
- Center for Appellate Litigation
- Center for Community Alternatives
- Center for Employment Opportunities
- Chemung County Public Advocate's Office
- Chief Defenders Association of New York
- Citizen Action of New York
- Connected Communities, Inc.
- Drug Policy Alliance
- Erie County Restorative Justice Coalition
- First Love Independent Church
- Fiscal Policy Institute
- Free The People WNY
- Friends of Legacy Park Station
- Genesee County Public Defender's Office
- GObike Buffalo
- H.E.A.T.
- John Jay College Institute for Justice and Opportunity
- The Irvington Activists
- The Ladies of Hope Ministries
- Legal Aid Bureau of Buffalo, Inc.
- Legal Action Center
- The Legal Aid Society
- Legal Aid Society of Nassau County
- The Legal Aid Society of Westchester County
- A Little Piece Of Light
- Long Island Poor People’s Campaign: A National Call for Moral Revival
- Monroe County Public Defender’s Office
- NAMI Huntington
- National Action Network NYC Chapter Second Chance Committee
- National Lawyers Guild Rochester
- Neighborhood Defender Service
- New Hour for Women and Children
- New York Civil Liberties Union (NYCLU)
- New York Communities for Change
- New York County Defender Services
- New York Immigration Coalition
- New York State Defenders Association
- NFJC of WNY, Inc.
- OCBA Assigned Counsel Program
- Ontario County Office of the Conflict Defender
- Ontario County Public Defender
- Orleans County Public Defender's Office
- Partnership for the Public Good
- PathStone Corporation
- Release Aging People in Prison Campaign
- Rochester-Monroe Anti-Poverty Initiative (RMAPI)
- Seneca County Public Defender's Office
- Students for a Sensible Drug Policy Buffalo
- SSJ Sister Karen Klimczak Center for Nonviolence

The Driven by Justice Coalition cont'd.

- STRONG Youth, Inc.
- STEMing The Future
- Tioga County Public Defender's Office
- Tompkins County Assigned Counsel Program
- Trinity Church Wall Street
- United Christian Leadership Ministry of Western NY, Inc.
- Volunteer Legal Services Project of Monroe County
- Wayne County Public Defender's Office
- WESPAC Foundation, Inc.
- Westchester Coalition for Police Reform
- Westchester for Change
- WNY Peace Center
- Worth Rises
- Wyoming County Public Defender