

DRIVER'S LICENSE SUSPENSION REFORM ACT: FREQUENTLY ASKED QUESTIONS

1. What is the Driver's License Suspension Reform Act (DLSRA)?

On December 31, 2020, Governor Cuomo signed the Driver's License Suspension Reform Act (A7463B/S5348B), subject to certain amendments subsequently enacted on March 9, 2021 (A02680/S2558) (together, the "DLSRA"). The DLSRA:

- Ends driver's license suspensions for unpaid traffic fines and fees;
- Reinstates driver's licenses that were suspended for unpaid traffic fines and fees (as of 6/29/2021);
- Establishes installment payment plans for all traffic fines, fees, and mandatory surcharges (as of 6/29/2021);
- Requires additional notice for drivers before suspending a driver's license for unanswered traffic summons/appearance tickets or missed traffic hearings; and
- Allows drivers to terminate their driver's license suspensions for unanswered traffic summons/appearance tickets or missed traffic hearings by simply appearing in traffic court or by entering into a payment plan.

The DLSRA **does not** end driver's license suspensions for not answering a traffic summons or an appearance ticket or not appearing in traffic court.

2. How do I know if the DLSRA applies to me?

Contact the DMV by phone at (800) 698-2931 or through [MyDMV online](#) to find out if your driver's license is suspended and why. You can also order your [DMV abstract](#) for a fee. If your driver's license is suspended for "failure to pay fines" and/or "failure to appear," see the information below to learn how the DLSRA will apply to you.

If you received notice that your driver's license will be suspended, use the contact information provided to determine the status of your case. If your license is not yet suspended, you can prevent a suspension by appearing in traffic court or entering into a payment plan (beginning June 29, 2021).

Note: A driver's license suspension for "failure to appear" may be described as:

- Failure to answer a traffic summons;

- Failure to answer a traffic appearance ticket; or
- Failure to appear at a traffic hearing.

Note: Your driver's license may still be suspended if you do not pay a [driver responsibility assessment](#). If your license is currently suspended for not paying the driver's responsibility assessment, your suspension will remain in place. However, if you have been assessed a driver responsibility assessment, it may be possible to make it part of an installment payment plan (see question 7 for more information).

3. What do I do if my driver's license was suspended for unpaid traffic fines?

Contact the traffic violations agency or traffic court (the agency/court where your traffic ticket directed you to appear) to enter into an installment payment plan so that you can pay off your traffic fines, fees, and mandatory surcharges at an affordable monthly rate.

By June 29, 2021, the DMV will automatically lift all suspensions of driver's licenses, privileges to operate, and registrations for unpaid traffic fines and fees. However, this will not eliminate any fines or fees you may still owe.

- The DMV will waive your reinstatement fees and fines related to these suspensions, but not any other underlying fines or fees you might owe.
- After June 29, 2021, the DMV will send written notice to all people with driver's license suspensions for unpaid traffic fines to inform them of these changes and their right to enter into payment plans. If you believe that your driver's license has been suspended for unpaid traffic fines and do not receive this notice, contact the traffic violations agency or traffic court.
- In the meantime, traffic courts and agencies have been advised not to enforce driver's license suspensions for unpaid traffic tickets.

4. What do I do if my driver's license was suspended for not answering a traffic summons or an appearance ticket, or not appearing in traffic court?

Go to the DMV, the traffic violations agency or traffic court (the agency/court where your traffic ticket directed you to appear) and inform them that you are there to appear for the purpose of clearing your driver's license suspension for "failure to answer or appear." You may be asked to pay a \$70 reinstatement fee; however, they must accept and certify your appearance even if you can't pay this fee.

As of June 29, 2021, you may terminate your “failure to appear” suspension by entering into a payment plan. The DMV will send written notice to all people with license suspensions for not answering a traffic summons or an appearance ticket, or not appearing in traffic court, to inform them of their right to enter a payment plan and how to do so. Information on how to enter a payment plan should also be posted on your local traffic violations agency or traffic court website.

5. I currently have unpaid traffic tickets. Can my license be suspended for not paying them?

No. As of March 9, 2021, traffic courts and agencies stopped suspending driver’s licenses for unpaid traffic fines and fees. However, your license may still be suspended for other reasons, including driving under the influence, receiving 11 points on your driver’s license within 18 months, not answering a traffic summons or an appearance ticket, not appearing in traffic court, not paying the driver responsibility assessment, and/or not paying pay child support.

As of June 29, 2021, you may enter into an installment payment plan to pay your traffic fines, fees and mandatory surcharges at an affordable monthly rate.

6. I did not appear for my traffic hearing. Can my license be suspended for “failure to appear?” What if I didn’t respond to my traffic tickets? Can my license be suspended for that?

Yes. The DLSRA does NOT end driver’s license suspensions for “failure to appear”, which includes:

- Failure to answer a traffic summons
- Failure to answer a traffic appearance ticket
- Failure to appear at your traffic hearing

However, the DLRSA does require additional notice before suspending a license for “failure to appear.” Effective immediately, the DMV must send two additional notices after the return notice before suspending a license for not answering a traffic summons or an appearance ticket, or not appearing in traffic court. The first notice must be sent at least 30 days before the suspension date.

If you received your traffic ticket in New York City: Starting on June 29, 2021, the DMV must send notice of your return date to at least one week before the return date. Notice will be sent to the mailing address on file with the DMV or the Postal Service.

7. What is an installment payment plan?

Under the DLSRA, you now have the option to enter into installment payment plans to pay all of your traffic-related fines, fees, and mandatory surcharges. This includes the \$70 driver's license reinstatement fee.

You will need to enter into a separate installment payment plan at every traffic violations agency and/or traffic court where you owe traffic fines, fees, and mandatory surcharges.

8. How do I get on an installment payment plan?

Contact the DMV, your traffic violations agency, or traffic court (the agency/court where your traffic ticket directed you to appear).

As of June 29, 2021, information on how to enter a payment plan will be posted on your local traffic violations agency or traffic court website and on the DMV's website. The DMV will also send written notice to all people with license suspensions for failure to appear to inform them of their right to enter a payment plan and how to do so.

9. How much will I have to pay on an installment payment plan?

- Monthly payment amounts will be set at \$25 or 2% of net monthly income, whichever is higher.
- Your net monthly income is calculated as your total income from all sources and assets minus deductions required by law, including court ordered garnishment and support payments.
- You may be required to submit a financial disclosure report. However, we are advocating that all traffic violations agencies and traffic courts accept self-reported income when calculating monthly payment amounts.
- You may petition the court to waive or reduce the total amount of fines, fees, and surcharges that you owe.

10. I'm on a payment plan but can no longer afford my payments. What can I do?

Contact the DMV, traffic violations agency, or traffic court (the agency/court where your traffic ticket directed you to appear).

- You may petition the court for lower monthly payments at any time if it would be “in the interest of justice.”
- If you've experienced a decrease in your income, you may petition the court for lower monthly payments up to two times per year.

11. What happens if I miss a payment on my installment plan?

- The traffic violations agency or traffic court should not suspend your driver's license.
- The traffic violations agency or traffic court should not take any action until 90 days have passed.
- Once 90 days have passed, the court may take action to collect missed payments, including entering a civil judgment and issuing a warrant for your arrest. What actions are taken will depend on your local traffic violations agency or traffic court policies and practices.

12. What if I have more questions or encounter pushback at the DMV or in traffic court?

Please contact Katie Adamides at kadamides@finesandfeesjusticecenter.org or Ranit Patel at rpatel@bronxdefenders.org.

If you missed an installment payment or believe the traffic violations agency or traffic court violated the DLSRA, we want to hear from you!