

Senate Bill 47: Driver's License Suspension Reform

Today, thousands of safe drivers across NM cannot legally drive solely because they are trapped in a cycle of debt. NM suspended over 183,000 driver's licenses in just three years (2019-2021) — all because the person could not afford to pay court debt, or because they missed a court hearing.

Debt-based license suspensions force people to make an impossible choice: stop driving and lose access to work & basic necessities — or keep driving, and risk more fines and fees, arrest and even incarceration.

SB47: Driver's License Suspension Reform

Sponsored by Senator Peter Wirth, Senator Crystal Diamond, and Representative Christine Chandler, this bipartisan legislation is an opportunity to improve our economy, make our communities safer, and get hard-working New Mexicans back on the road. **SB47 will:**

- End driver's license suspension for missed court hearings and overdue fines and fees payments owed in traffic and criminal cases.
- Allow driver's license reinstatement without a \$27 reinstatement fee.
- **Not** eliminate suspensions and revocations based on dangerous driving (DUI, accrued points, etc.).
- **Not** limit the court's discretion to impose sanctions in criminal and traffic cases.

Why New Mexico Needs This Reform

License suspensions should be used to get dangerous drivers off the road. Yet, 87% of driver's license suspensions in 2021 were for unpaid court debt or missed court hearings (70,600 licenses).

Debt-based suspensions make it almost impossible to work, take care of your family, and pay your debts. When people lose their license, over 40% also lose their job, and those who are able to find new jobs take significant pay cuts.

Ending debt-based license suspensions will improve New Mexico's economy and increase employment. NM loses over \$43 million in consumer spending annually due to debt-based license suspensions. In Phoenix, over 50% of people whose licenses were suspended lost their jobs, with a median decrease of \$36,800 to their annual income. Restoring just 7,000 licenses increased GDP by \$149.6 million.

Debt-based suspensions waste law enforcement resources and clog courts. In 2019, "driving on a suspended license" accounted for over 6% of public defender magistrate and metro court cases. **The vast majority of suspensions** are debt-based, or for missing a court appointment — not for dangerous driving. This bill improves cost-efficiency and allows courts and police, who

additionally serve as prosecutors on these cases, to make better use of the state's public safety resources.

This bill makes our roads safer and helps protect drivers from uninsured motorists. Suspended licenses increase insurance premiums and prevent many drivers from getting insurance at all. NM has one of the highest rates of uninsured drivers in the country at [21.8%](#). **SB47** will help ensure all drivers can get and keep insurance, while bringing down costs and promoting road safety.

Ending this practice will save money and improve efficiency at the MVD. Every time someone misses a payment, the court clerk sends the MVD a notice to suspend. An MVD clerk must then process court paperwork, both on the front and back end, with reinstatement. With roughly 72,000 suspensions per year, the MVD is losing valuable time and resources processing debt-based suspensions.

Eliminating license suspensions will not increase the court's reliance on other penalties. A retrospective docket review of ~100 traffic and ~100 misdemeanor cases in Dona Anã, Santa Fe, and Bernalillo county courts reveal that judges **do not** use license suspensions as alternatives to bench warrants or other means of enforcement. Eliminating debt-based suspensions would have no impact on the courts' imposition of other sanctions.

Debt-based suspensions disproportionately harm rural and minority communities. A statewide survey found that New Mexican drivers from more rural regions are 31% more likely to have their license suspended than urban residents. Traveling by car is especially important for self-sufficiency in rural NM. Nationally, only 11% of rural residents have access to public transportation services. Black and Hispanic people are more likely to be the subject of traffic enforcement and have their licenses suspended, despite comparable traffic violation rates.

Bipartisan Support

In the last five years, 23 states — both red and blue — have passed reforms to curb license suspensions for unpaid fines and fees, missed hearing dates, or both: **Arkansas, Arizona, California, Colorado, Delaware, Hawaii, Idaho, Illinois, Indiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Montana, Nevada, New York, Oregon, Texas, Utah, Virginia, Washington,** and **West Virginia**, as well as **D.C.**

New Mexico voters largely oppose suspending driver's licenses of people who cannot afford to immediately pay a ticket or other court fees and fines. Overall, **65%** oppose this while just 31% support it. **Majorities** of Democrats, Independents, and Republicans oppose this — along with Anglo and Hispanics, men and women, and voters in all age groups and in all parts of the state.

Learn More

For data sources and more information, contact the Fines and Fees Justice Center's New Mexico State Director, Monica Ault, at mault@ffjc.us or visit ffjc.us/new-mexico