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**An Intimate Look into Washington's Policy of Suspending Driver's
Licenses for Non-Payment of Traffic Fines**

Voices of Suspended Drivers

A Report by:
Center for Justice
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Introduction & Methodology

INTRODUCTION

In Washington State, a person's driver's license can be suspended indefinitely for failure to pay traffic fines. The suspension can remain until all fines and associated collection fees and interest are collected. As of 2011, nearly 300,000 Washington licenses were suspended for failure to pay tickets.ⁱ Many who cannot afford to pay the fines are nevertheless compelled to keep driving in order to earn a living. When people drive while their license is suspended for nonpayment of fines, they can be charged and convicted of the crime of Driving While License Suspended 3 (DWLS 3) under current law. This crime is a misdemeanor and carries a penalty of up to 90 days in jail and a \$1,000 fine. DWLS 3 makes up one-third of the misdemeanor cases filed statewide.ⁱⁱ

This report seeks to present the perspectives of individuals who have had their driver's licenses suspended. As a result of listening to and working with suspended drivers, the organizational author of this report believes that the policy of automatic driver's license suspension for unpaid traffic fines has a devastating effect on the lives and employment opportunities of low-income and indigent drivers. To illustrate these effects, this report shares the direct views and voices of suspended drivers.

ORGANIZATIONAL AUTHOR

This report is authored by the Center for Justice (CFJ), a legal advocacy organization in Spokane, Washington. CFJ works for the empowerment of individuals by providing vigorous oversight and advocacy on issues where the community's rights need to be defended and community voices need to be heard. Founded in 1999, CFJ is dedicated to working on civil rights, discrimination, poverty, government

accountability, and the environment, through individual and policy advocacy, public education, and community organizing.

Through its work, CFJ sees first-hand how the current system of suspending driver's licenses for unpaid fines disproportionately affects the poor and contributes significantly to the cycle of poverty, unemployment, and incarceration. To break this cycle, CFJ offers a Relicensing Program that helps participants pull their unpaid tickets out of collection agencies, consolidate them into one reasonable monthly payment per court, eliminate interest and fees, and drive legally while making payments. Additionally, a mandatory Rules of the Road and Fundamental Budgeting class provides tools for long-term success. CFJ's Relicensing Program changes lives by giving people an opportunity to stop the cycle of debt, incarceration, and unemployment caused by indefinite license suspension.

INTERVIEWS WITH SUSPENDED DRIVERS

To better understand the barriers facing suspended drivers, service providers reached out to individuals throughout Washington State who self-reported that their driver's licenses had been suspended. The participating service providers include: The Center for Justice's Relicensing Program; Columbia Legal Services' Legal Financial Obligations Clinic; Legacy of Equality, Leadership, and Organizing (LELO), which operates King County District Court's relicensing program; Legal Voice, which provides reentry services to women; Seattle Goodwill; and Seattle Vocational Institute (SVI) PACT. Over 50 individuals were contacted and asked to complete a survey about their license suspension.

Follow-up focus groups and interviews were then conducted with approximately 20 individuals, who have actually been charged, at

least once, with driving while license suspended (DWLS). This criterion ensured that interviewees either currently or previously had their driver's license suspended. Moreover, in the view of these individuals, their inability to pay traffic fines has either contributed to or exacerbated their suspended status.

Interviewees were generally asked:

- Why is your driver's license important to you?
- What led to your driver's license suspension?
- What impact has a suspended license had on your life?
- What challenges have you faced in attempting to reinstate your license?
- What would (have) help(ed) you reinstate your license?

This report does not provide statistical or numerical data about the problem of suspended driver's licenses, nor does it purport to present the views of a large sample size of individuals. Rather, it simply attempts to give a voice to those most affected by driver's license suspension policies.

We would like to thank all of the individuals who shared their stories with us.

Voices of Suspended Drivers

The perspectives of suspended (or previously suspended) drivers interviewed for this report are organized into three sections. The first section explains why a driver's license is essential to the lives of those interviewed, and consequently, why a suspended driver's license is such a disruptive force in their lives. The second section highlights some of the challenges that interviewees face in resolving their traffic fines and reinstating their driver's licenses. The third section illuminates the interviewees' views on the policy of automatic driver's license suspension for unpaid traffic fines and the criminalization of driving while license suspended (DWLS). The report concludes with observations and policy recommendations.

I. DRIVER'S LICENSE: MODERN DAY CITIZENSHIP

Independently of one another, several individuals stressed that in modern-day society, a driver's license is the equivalent of citizenship. Without a valid license, many of life's daily tasks, including employment and parenting, become extremely burdensome and even impossible for some.

Three basic themes emerged from the interviews, as to why a driver's license is so crucial: (1) A driver's license is a prerequisite for employment; (2) a driver's license is necessary to fulfill the responsibilities of parenting; and (3) public transportation is inadequate.

HOW IMPORTANT IS A DRIVER'S LICENSE?

"To eat, to breathe, you need to have a driver's license."

-C.M., 34-year old single father living in Mead

"[Having a suspended driver's license is] almost like not being a citizen in this country. [Without a license] you're not permitted to do anything . . . that everyone else is basically doing."

-E.L., Jr., 29-year old father living in Spokane

"I need a driver's license so I can be a functional citizen."

-C.A., 26-year old mother interviewed in Seattle

Driver's License: A Prerequisite for Employment

According to those interviewed for this report, a suspended driver's license poses numerous obstacles to employment. For the unemployed, not only does a driver's license provide a means of transportation to interviews and employment centers, but a driver's license is often listed as an explicit requirement in job postings. This has become such a widespread practice among employers that, M.C., a student at Seattle Vocational Institute, stated:

"The job market, mainly, has been closed off to me. I haven't been able to get a lot of jobs because most of them require you to have a Washington State driver's license."

This is particularly true in certain industries. For example, interviewees working in sales, in construction, as auto mechanics, and in executive assistant positions stated that a driver's license is explicitly required because job

responsibilities in those fields, respectively, include selling products in the field, traveling to construction sites, test-driving cars, and running errands for an executive.

**DRIVER'S LICENSE: A NECESSITY FOR THE
CONSTRUCTION WORKER**

"I live in Washington, and I work in Idaho. So I really have no choice but to drive on a suspended license. . . There's no bus or train that goes to Idaho. I got in contact with one co-worker that lives over here [in Washington], so I [could] quit driving. But sometimes we don't work at the same job site. . . I try not to drive, but it's not always possible. It's construction work, so the job site change[s]. . . Without a driver's license, it's hard to get a job. . . I had applied to several different companies, and they wouldn't even give me a chance because I didn't have a driver's license."

-Construction Worker, interviewed in
Spokane

"Not having a license is very trying. You can't do too much of anything, especially when it comes to work. And especially in . . . the construction field that I'm in, having your license is very important. You might have to move a truck, [run] errands, . . . and I can't do any of that."

-S.N., SVI Pact Student interviewed in
Seattle

"Since I was 18, I've been doing construction, demolition, various jobs, where I have to have a driver's license to have . . . these jobs. It's required to have a driver's license because I might be working in different sites, and I have to be there. For me, honestly, I have to have a driver's license because of the skills I possess for my work."

-N.P., 25-year old student at Seattle
Goodwill

**OTHER INDUSTRIES AFFECTED
BY LICENSE SUSPENSION**

"[My suspended license] had affected some employment opportunities because most of my positions are project management and/or executive assistance, where of course you have to . . . run errands. It's pretty embarrassing to say, 'No, I don't have my license because I made one mistake, and here it is, four years later, and I'm still dealing with the same mistake.'"

-P.K., 39-year old student Seattle
Goodwill

"I really couldn't get a job at a normal company because I don't have a driver's license. In other words, if I was to go to Ed's premier auto body and ask for a job, . . . as soon as I put down 'no driver's license,' well, now I can't take [a car] to the frame job, I can't test drive it to make sure all the bugs are out." *M.G. would like to get a job in car sales, which would pay three times more than his current job, but he's unable to, due to his suspended license. He explained:* "You have to be able to demo [the car] with the customer. To move up—to sell cars—you have to have a driver's license. So I'm kind of stuck where I'm at, doing what I'm doing, because I can't grow, because I don't have a driver's license."

-M.G., 43-year old Auto Mechanic
interviewed in Spokane

"As a matter of fact, I was turned down . . . for jobs because they would run a background check. And I'm in sales, and the fact that I had a suspended license and a history of suspended license, I was turned down for jobs because of that. . . Now today, I'm not in field sales because I couldn't drive. I'm in inside sales, [and my] income was affected."

-A.M., 43-year old mother interviewed in
Seattle

Not only are driver's licenses required to apply for jobs, a number of interviewees also observed that a driver's license is required for job advancement—whether that means acquiring new vocational skills or being eligible for job promotions.

For example, K.C.H. is a 43-year old woman interviewed in Spokane is attempting to switch careers by entering an apprenticeship trade program. She stated:

“My license has to be valid for me to get into the [five-year] apprenticeship program. . . Without my license, I can't even apply.”

Another individual living in Spokane, E.L. Jr., stated that his suspended license has prevented him from obtaining a job promotion for which he would have otherwise been qualified. He said:

“[At the] company I work for, I would have had a company truck by now, but I can't drive them because I'm not allowed to. . . I've actually been asked by my boss multiple times, [whether my license is going to be reinstated], because [he] wants to issue me a company truck.”

“[A suspended license] hinders my promotion at work. I could move up, [be] doing better things at my company.”

E.L. Jr. believes the promotion would result in a \$3-4 raise in his hourly wage.

Driver's License: Essential to Responsible Parenting

Interviewees who are parents discussed the challenges of raising children with a suspended driver's license. Some noted that a suspended

license eats away at their already tight schedule by making it more difficult and time-consuming to juggle employment, school, and parental responsibilities.

For example, C.L., a 28-year old mother living in Spokane stated:

“Taking the bus is very time-consuming. [It takes] hours out of your day, depending on how far you're traveling. It's just sometimes not possible to juggle a normal schedule with kids and work and school and stuff like that. It's not possible sometimes.”

This is not simply a matter of inconvenience. Parents also feel that their suspended driver's license compromises their children's safety by requiring not only them, but also their children, to take public transportation, sometimes in unsafe areas, in the dark, in the winter, and in areas without comprehensive public transportation service.

COMPROMISED SAFETY: CHILDREN ON PUBLIC TRANSPORTATION

“With my children—they are 4 and 6—having to walk to the bus stop last winter, it was really excruciating. My daughter would have to go to school out in the valley, and I work downtown. It was very time-consuming to take the bus. At the same time, I felt that it was . . . dangerous too, because at night, when we'd come back, it'd be dark, [and] we'd have to walk across the bridge. And . . . taking the little ones, I never felt safe doing that. . . It wasn't the greatest part of town.”

-J.D.A., 29-year old mother interviewed in Spokane

The parents interviewed believe that their suspended driver's licenses force them to choose between complying with the law by not

driving, or protecting their children’s safety by driving. Weighing these two competing interests, some parents feel they have no choice but to drive their children, even while their license is suspended.

**A PARENT’S DILEMMA:
SAFE TRANSPORTATION FOR CHILDREN**

“I knew I had a suspended license, and I wasn’t driving. I was carpooling, I was walking, I was taking the bus, [and] I was figuring whatever I could. I had people picking up my son and dropping off my son. And it was difficult.”

“But there was a day that he couldn’t get a ride, and we live several miles from the nearest bus stop. So I said, ‘Okay, take the bus as far as you can take it, and call me when you get there.’ He did that, and I said, ‘Okay, I’m going to come get you.’ It was a mistake. It was the worst mistake I made. I didn’t know what else to do . . . There’s no public transportation where I live. . . I have friends, but I don’t have family, here. . . I had no other way to come get my son.”

During the drive to pick up her son, A.M. was pulled over and given a traffic ticket.
-A.M., 43-year old single mother interviewed in Seattle

As demonstrated by the testimony above, many parents interviewed for this report feel they need to drive in order to safely and punctually transport their children to school, doctor’s appointments, and other activities. Moreover, alternative means of transportation are not always a sufficient substitute.

Public Transportation: An Inadequate Substitute for a Driver’s License

Parents are not the only interviewees who believe public transportation is an inadequate substitute for driving.

A number of interviewees live in suburban or rural neighborhoods where the nearest public transportation stops are miles away. For these individuals, relying solely on public transportation is simply not an option.

THE RURAL OR SUBURBAN RESIDENT

“I live in Deer Park, Suncrest. There is not a bus stop. The closest would probably be in the north side of Wandermere, which is about 17-18 miles. You don’t use the bus out there. You drive, or have family members who drive you, or hitchhike.”
-S.A.S., 40-year old man living in Eastern WA

“[While living in a secluded area near Mount Rainier] you either have to have a car or you don’t go nowhere. [With a suspended license] it’s hard to go to school, or to go to the grocery stores, doctor’s appointments . . . I mean, anywhere. When you’re living out there, you can’t go nowhere. You have to find rides, and that’s hard to do.”
-C.A., 26-year old mother interviewed in Seattle

“[The bus] doesn’t run early enough, it doesn’t go far enough. . . Like where I live, there’s no bus for miles. . . You have to go about three miles to the transportation.”
-C.M., 34-year old father living in Mead

Even interviewees who live closer to public transportation sites conclude that public transportation still does not suffice in a fast-paced society, which often requires them to accomplish multiple tasks, in different parts of town, in one day.

For example, L.S., a 40-year old father living in Bellevue noted that with a suspended driver’s license, “it was tough to get to work and to get around to take care of my family. If you have to

take the kids to doctor’s appointments, go to job interviews, and [run] other errands, the bus isn’t really conducive to that.”

Ultimately, L.S. concluded:

“I had no choice but to drive with my license suspended because I had to work and to take my kids to appointments.”

Living in a sprawling, automobile-centered society means that even simple, daily tasks are difficult to accomplish by public transportation. K.C.H., a 43-year old woman interviewed in Spokane noted,

“People say, ‘Take the bus and use other [means of transportation]’ which I’m willing to do, but it’s about time. . . If I have to take three hours out of the day to go down and handle some business downtown, [which] should take 45 minutes [by car, it creates] a huge ripple effect [in my day].”

Echoing this sentiment, M.G., a 43-year old father living in Spokane also found it infeasible to rely solely on public transportation. He said,

“Actually, I had a son move from where I grew up in Wenatchee over here because he said, ‘Dad, I love you. I can’t see you do this anymore. Give me your keys.’ He’s sitting in the parking lot right now, waiting for me. . . [Even with my son’s dedication,] it’s still very hard to have drivers at all times.”

Finally, a few interviewees pointed out that public transportation is an inadequate substitute for suspended drivers who have disabilities and greater mobility challenges.

THE DISABLED DRIVER

“I get \$698 a month on SSI. I’m disabled, and I have a hard time making my doctor’s appointments . . . without my license. It’s just been a really hard time. My caregiver [is only] allowed [to drive] 60 miles a month, and one [of my] doctor’s appointments is 68 miles roundtrip.”

-M.S., a 52-year old SSI recipient living in Spokane Valley

“Going to school, I walk probably half-a-mile to the bus stop to get to school . . . and then I walk another half-a-mile to get to school from the bus stop. I do that every day, in the morning, and then, when I go home. . . I’m doing that with rain, if it’s storming, if it’s snowing. . . I have a degenerative disc disease in my back and . . . Type 2 Diabet[es]. So there will be days when I wake up, I can’t really walk that.”

-M.S.F., a 29-year old student at Seattle Goodwill

Thus, for myriad reasons—including, employment duties, parenting responsibilities, inadequacy of public transportation, and mobility challenges for the disabled—interviewees view a driver’s license as necessary in modern society, and the suspension of that license as extremely disruptive. In fact, as some of the above quotes indicate, some interviewees believe that driving is so indispensable that they have no choice but to drive, even with their license suspended.

II. BARRIERS TO DRIVER’S LICENSE REINSTATEMENT

Given the disruption and criminal liability triggered by a suspended license, it does beg an obvious question: Why do these drivers continue *not* to pay their traffic fines? What our interviews revealed is that many interviewees do not willfully refuse to pay their fines. Rather,

they are unable to pay their traffic fines for a variety of reasons, including: (1) An inability to pay their fines in full, when due; (2) inability to pay their fines, when combined with the fees and interest charged by collection agencies; and (3) lack of alternatives to monetary payment.

Inability to Pay Traffic Fines in Full

A number of interviewees said they were unable to pay traffic fines when first imposed because of lack of income, resulting from temporary job loss, incarceration, lack of disposable income, or a combination of these factors. Below are a few illustrative stories that emerged from these interviews.

INABILITY TO PAY DUE TO JOB LOSS

"I was laid off. I had no income for 30 days. Like zero. Nothing. No resources. And then, I was a single parent—3 boys at home—and I was going to school full time. . . I was eventually able to get on unemployment. But I [had been] making \$100,000 a year, and [that] went down to \$24,000 [on unemployment]. I had bills and everything. I was so far behind in everything that I couldn't see a way out. . . [At that time], I was paying for my food, my electricity, my electricity cut off multiple times, my water cut off multiple times, my car was repossessed . . . I had to move out of my four-bedroom house into a one-bedroom apartment with me and my three boys. It really was not a good time. It was hard."

-A.M., 43-year old single mother interviewed in Seattle

"I . . . received two traffic tickets [and] somehow, my name got into a relicensing program. But I lost my job, and I was unable to keep paying the monthly \$100 payment, so they retook my license."

-T.G., 33-year old student at Seattle Goodwill

Incarceration also prevented drivers from timely paying traffic fines. M.S., a 52-year old SSI recipient, had his license suspended for failing to pay tickets. He explained:

"I couldn't pay those traffic tickets because I was sitting in jail for ten-and-a-half months. When I came out, [the tickets] were already in collections."

Even for drivers with some income, a common challenge is finding surplus money to pay fines. Interviewees stressed that those with low or fixed incomes have little, if any, disposable money, and that most of their income is used to pay bills and meet other necessities.

PAYING THE BILLS VERSUS PAYING TRAFFIC FINES

"It's like, 'Okay, do I pay my electricity this week, or do I pay this ticket?' . . . 'Can my kids have hot water for a shower, or [do I pay my tickets]?' . . . That's the bottom line. . . People *do* have to choose between water, electricity, food, diapers, *or a ticket.*"

-M.G., 43-year old father in Eastern WA

"The first time my license was suspended, I had employment, but it wasn't stable. . . I also have a daughter, so it was pretty much pay bills, [and] see what I can scrounge up [that's] left over. But after just the expense of living—the expenses of laundry, phone bill, [and] transportation—it was . . . hard to put money away for the tickets."

-M.F.S., 29-year old student at Seattle Goodwill

"I had necessities at that time, and I felt that I had no other option. I was paying for bills in general, overwhelming debts, having to pay for child care, and everything. There was nothing left over [to pay traffic fines]."

-J.D.A., 29-year old mother interviewed in Spokane

Collection Agencies: A Life Sentence of Driver's License Suspension

The fees and interest charged by collection agencies is another key contributor to unpaid fines and indefinite license suspension. Interviewees generally agreed that these fees and interest rates are so high that it is virtually impossible to pay off traffic fines. P.K., a 39-year old Goodwill student living in Seattle said:

“These collection agencies—they’re predatory lenders. They’re no different than predatory lenders.”

Interviewees said that they were shocked at the amount their fines increased—sometimes, even doubling—upon being sent to collections.

For example, S.A.S., a 40-year old man living in Eastern Washington noted:

“As soon as it goes to collection agencies, there’s another third that gets added to [the fine], if not more, plus the compound fees.”

Confirming this experience, T.G., a 33-year old Seattle Goodwill student stated:

“[What started as] a \$200 ticket right now is well over \$900 today for me.”

In addition to the exponential increase in the total amount of debt owed, a number of interviewees described how the interest rate charged by collection agencies hurts low-income and indigent drivers, in particular. For these drivers, the interest rate simply outstrips the monthly amount they can afford to pay. This places them on a never-ending treadmill of paying only the interest that has accrued each month. For drivers in this situation, the interest rate can make it effectively impossible to pay off the principal on their traffic fines.

OUTSTRIPPED BY THE INTEREST RATE

“I tried to make arrangements with the collection agency, but because of how many tickets I had at that time, I was [only] able to afford \$50 [per month]. And [the collection agency employee] said that was absolutely pointless because that was my interest alone, and [that] I wasn’t going to go anywhere doing that.”

-J.D.A., 29-year old mother interviewed in Spokane

“[Collection agencies] are very inflexible, actually. . . When you finally get down to it, a \$30 [monthly] payment is probably going to cover a portion of the interest [and other fees charged by collection agencies.]”

-M.G., 43-year old father in Eastern WA

“There’s \$13,000 worth of interest on [my] tickets. They’ve been due since 2005. . . I can’t afford \$13,000. . . Most of the payments that you make don’t even cover the interest, and it’s the interest that’s killing you.”

-M.S., a 52-year old SSI recipient living in Spokane Valley

Interviewees also described how difficult collection agencies are to work with. Not only did the fees and interest rate pose obstacles, so did the agencies’ draconian policies, such as the requirement of a sizable down payment to even initiate a payment plan, a minimum monthly payment to sustain a plan, or payment of the fine in full.

**DRACONIAN POLICIES: MINIMUM
DOWN PAYMENTS & MONTHLY PAYMENTS**

“The agencies wanted me to come up with a down payment of at least 20% of the fines. They weren’t really trying to work with me. It was creating a lot of stress.”

-L.S., a 40-year old father living in Bellevue

“[When I couldn’t make the next payment by the due date] I was in default. Then in order for me to get back [on the payment plan] I had to pay \$700 up front, and then pay \$150 a month. . . And it got to a point where I couldn’t pay [again], and the same thing happened. . . [I defaulted] and I tried to get back on the [payment plan], and they told me I had to pay at least 50% of the fines . . . plus \$50 a month. Fifty percent of the fines was about \$1,000-\$1,200. I didn’t have that kind of money. I didn’t have it.”

-A.M., 43-year old single mother interviewed in Seattle

“I tried to set up a payment plan for my tickets, but they wanted me to go and pay all the rest of the tickets that started back in 1990. . . They want me to pay \$184 a month, and I only get \$197 a month.”

-J.A., a 40-year old SVI Pact student living in Seattle

Finally, in addition to these down payment and minimum monthly payment requirements, interviewees described the collection agencies as generally inflexible and unwilling to work out alternative ways to resolve their debts.

For example, C.M., a 34-year old father interviewed in Spokane stated:

“I called the collection agency. I told them these are my bills and this is how much money I have. I asked them, ‘Work with me to help me get my license?’

The answer was, ‘No, that’s not good enough. You don’t have enough money.’”

Similarly, S.A.S., a 40-year old man living in Eastern Washington, who once had traffic fines in multiple collection agencies, echoed the above sentiments:

“[The agencies] wanted money . . . and they wouldn’t accept a half a payment, or whatever I tried to negotiate, [such as] half a payment and then [a] payment plan. They want[ed] everything paid in full.”

Underutilized and Unknown: Alternatives to Monetary Payment of Fines

While alternatives to monetary payment of traffic fines do exist, they are not consistently available throughout Washington state and do not appear to be well publicized.

Some jurisdictions have “relicensing programs” designed to help suspended drivers reinstate their driver’s license. For example, such programs are run by the King County District Court, the Spokane City prosecutor, and the Center for Justice.

In addition to these structured programs, courts have the authority to pull tickets out of collection agencies and consolidate them into a time-pay agreement with the court. This option can benefit suspended drivers because the court does not typically charge additional fees and interest. (Where courts do charge a fee for a payment plan, it is generally a nominal amount.) Moreover, courts can reduce the total fine amount or can authorize community service or work crew hours in lieu of monetary payment.

Many interviewees indicated that these alternatives would assist and expedite the resolution of their traffic fines. The most

common response from interviewees was that having a more reasonable payment plan (which courts have the power to provide) would assist them in resolving their traffic fines.

**WHAT WOULD HELP SUSPENDED DRIVERS
RESOLVE THEIR TRAFFIC FINES?**

“It would be helpful to have reduced fines, community service, or possibly having a less stringent payment plan [though] I understand that the court has to keep people accountable.”

-L.S., 40-year old father living in Bellevue

“[It would help] if I can get [my tickets] out of collections and at least set up like a \$20 payment plan. . . Work crew or community service would help a lot, if people don’t have jobs . . . [That way] it doesn’t go into collections, and so it kind of prevents everything.”

-C.A., 26-year old mother interviewed in Seattle

“[It would help to have a] payment plan . . . [or] a way to work it off. . . I’m willing to volunteer my time . . . I mean, it would be nice to have . . . some way [to resolve traffic fines] other than going into your pocketbook.”

-M.S., 52-year old SSI recipient living in Spokane Valley

Unfortunately, these alternatives are not offered consistently; some interviewees had never been offered these alternatives for any of their fines. For example, J.D.A., a 29-year old mother interviewed in Spokane stated:

“I have about 17 tickets in the district court, but I have never heard of being able to work [the ticket] off. Not once. . . I would have definitely, definitely [done community service].”

Similarly, C.M., a 34-year old single father interviewed in Spokane said he only received the opportunity to do community service on one of his tickets.

“On one of my driving [without a valid license tickets], they gave me the option of community service . . . It was the only county that did that. They gave me the option . . . [of] do[ing] 10 hours of community service. . . I was like, ‘Where do I sign up!?’ I went and did 10 hours down there at the mission, and I was done.”

Interviewees also suggested that even having *restricted* driving privileges while they are resolving their traffic fines would be helpful in paying off fines. Although Washington State does have an Occupational / Restricted Driver’s License (ORL), it is difficult to obtain for individuals who cannot afford to pay their traffic fines. In order to be eligible for the ORL, an individual whose license is suspended for failure to pay traffic tickets must have entered into a payment plan for those tickets.ⁱⁱⁱ None of the individuals interviewed for this report had successfully obtained an ORL.

For example, M.S.F., a 29 year old Goodwill student living in Seattle stated:

“At least, if I could get the occupational restricted license, I could go get a job for driving, or get to and from work earlier.”

Similarly, S.A.S., a 40-year old man living in Deer Park emphasized that having his driver’s license restored earlier would help him make payments.

“Pulling everything from collections, putting it back in courts, giving me my driver’s license, and allowing me to make payments. . . Give me my driver’s license, and I will make payments. [That

would be more helpful than telling me], 'Well, pay this \$20,000, and then we'll give you your license.'"

Thus, while interviewees asserted that alternatives to monetary payment of fines would assist them in resolving their unpaid traffic fines earlier and faster, these alternatives are not consistently offered to drivers. They are an under-utilized resource that, if expanded, could widely mitigate the negative effects of the automatic driver's license suspension policy.

III. AUTOMATIC DRIVER'S LICENSE SUSPENSION: CONTRARY TO THE UNDERLYING GOAL OF STATE POLICY

The perspectives of suspended drivers in this report offer important insight into how the policy of automatic driver's license suspension affects indigent and low income drivers' lives. For individuals who are not willfully refusing to pay their traffic fines, but who are simply unable to do so, the policy of automatic driver's license suspension for unpaid fines does *not* appear to be serving the state's underlying goal of encouraging individuals to obey traffic laws and to be licensed and insured when they drive.

The interviews revealed that the policy of automatic driver's license suspension for unpaid fines actually seems to increase, rather than decrease, the number of unlicensed, uninsured drivers on the road. The interviews suggest that the reason this is true is because 1) driving is a necessity, 2) people cannot afford to pay their fines, and 3) fines rapidly increase, at a rate that surpasses what indigent and low-income individuals can pay, due to additional tickets, fees, and interest. The latter results in indefinite suspension.

The "Snowball Effect" of Traffic Fines

Many interviewees described the automatic suspension of driver's licenses due to unpaid fines as a policy that traps them in a vicious

cycle of accumulating traffic fines that they cannot afford to pay, which, in turn, continuously suspends their driver's license. A few interviewees, independently of each other, described this cyclical accumulation of traffic fines and license suspension as a "snowball effect."

WHAT IS THE "SNOWBALL EFFECT"?

"So I got one ticket, didn't know how to pay for it, and then they suspend [my] license. Then [I] get another fine, and then [I] can't take care of that fine because [I] couldn't take care of the first fine in the first place, and then [my debt] gets bigger and bigger. . . People only have so much disposable income. The only reason I got the ticket in the first place . . . was because I didn't renew my tabs. . . Well I couldn't renew my tabs because I didn't have the money at that time because I was unemployed for a very brief time . . . Then I couldn't pay the ticket, and then it just snowballed because if I couldn't pay the first one, I can't pay the second one."

- A.M., 43-year old single mother interviewed in Seattle

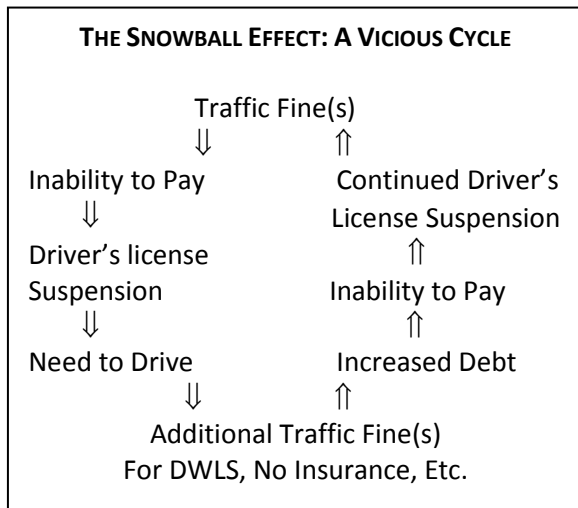
"It's just like a snowball effect. Once you get pulled over, it just keeps happening, and if you can't get your license, it's just a snowball effect."

-C.A., 26-year old mother living in Seattle

Here it is important to emphasize that the policy of automatic driver's license suspension subjects drivers who cannot afford to pay their underlying traffic fines to increased liability. This comes in the form of traffic tickets for driving without a valid license, and more likely than not, tickets for driving without insurance (since an individual without a valid driver's license cannot get automobile insurance). These

types of tickets are particularly expensive, and increase the driver’s overall debt of traffic fines.

While suspended drivers can mitigate the risk of receiving these tickets by not driving, some drivers (as described in Part I) strongly believe that they have no choice but to continue driving in order to fulfill their employment, parenting, and other daily responsibilities. Thus, these drivers get caught in a snowball effect: They continue to drive, receive additional tickets for driving without a valid license and/or driving without insurance, increase their traffic fines, remain unable to pay their mounting debt, and continue to have a suspended license as a result of unpaid fines.



An additional factor for some drivers caught in this vicious cycle is that driver’s licenses are a widespread requirement for employment and job advancement (discussed earlier in Part I). For those who are unemployed or looking for higher paying jobs, a suspended driver’s license poses an additional obstacle to earning income—income that would enable them to pay their fines more quickly.

Illustrating this point, K.C.H., a 43-year old woman interviewed in Spokane explained:

“You know, a driver’s license is pretty much a pre-requisite now for whatever

employment you need. So it’s just a vicious cycle: You don’t have your license, you can’t get to work, you can’t get that job, you can’t pay your [traffic] fees. So it just doesn’t seem like a practical solution to not have a driver’s license.”

As demonstrated, the snowball effect of traffic fines and license suspension can lead to prolonged and even indefinite driver’s license suspension. Some interviewees viewed this length of suspension as so extensive as to be excessively punitive. For example, E.J., Jr., a 29-year old father living in Spokane stated:

“Maybe there [should be] some disciplinary action there, [such as] a month [of driver’s license suspension] . . . but years and years, which a lot of people are suspended for? That’s intense. That’s severe.”

Hopelessness: The Psychological Effect of Unaffordable Traffic Fines

Interviewees expressed that being trapped in this snowball effect engenders a sense of hopelessness. Many initially attempted to pay off their fines through a variety of avenues. They contacted the courts and collection agencies to find out how to resolve their tickets, they got on payment plans (which, for one reason or another, they could no longer maintain), and some had completed community service or utilized another alternative to resolve some, but not all, of their tickets.

However, after exhausting the options above, interviewees said they began to view the resolution of their traffic fines as an impossible task. M.G., a 43-year old father living in Spokane who has received over 100 tickets, stated: *“I’m at a loss as to what to do with my life.”*

The significance of this psychological state of hopelessness—created by the vicious cycle of unaffordable traffic tickets and driver’s license suspension—is that it causes these drivers to lose motivation to even attempt to resolve their traffic fines.

**THE SNOWBALL EFFECT:
CREATING LAWBREAKERS**

“Like a lot of people say, you get to the point where you just start to not care. . . [I was] losing jobs because of court dates. I mean you get so in debt, you try to work and you try to work, and you’re not getting anywhere. You’re just like, ‘Well I guess it doesn’t really matter.’ You get so far in the hole because of interest . . . [that you begin to think] ‘Oh, I’m never going to have th[e] type of money [needed] to pay off my fines’].”

-C.M., a 34-year old father in Spokane

“Adding an additional \$500 ticket on top of someone who is already in financial hardship, you’re not going to get your money any faster. All it is [doing] is creating a bunch of individuals [who are] driving around without their licenses, and just taking the risks that they need to, to do what they have to do, to take care of their family. . . I feel like they’re digging me further into a financial hole . . . [They’re] trying to pull money from where there is no money.”

-P.K., a 39-year old student at Seattle Goodwill

***Criminalization of Driver’s License Suspension:
Excessive Punishment***

A number of interviewees also opined that criminalizing driving on a suspended license is disproportionate punishment for the offense.

Some interviewees felt that incarceration was disproportionate because of the myriad consequences of incarceration: Loss of jobs, time, money, housing, benefits, family obligations, and dignity, as well as the discrimination that one faces due to having a criminal record.

THE TRUE COST OF INCARCERATION

“Years and years ago—and we’re talking decades, now—you could do a year [in jail] on a driving suspended third. And believe it or not, I’ve done a year. In my entire life, I did the math, and I’ve probably spent 10 years—over a decade of *my* life—incarcerated because of a driver’s license. . . And I’ve had to start my life over *every time*. . . [I’ve lost] cars, jobs, money. Then more fines. . . It’s insane what the state deems a criminal act, and why you’re going to jail for it.”

-M.G., 43-year old father living in Spokane

“I went to jail for [driving while license suspended] before, and actually lost a job for that. True story. I mean, it was only 10 days, but I lost my job because of that.”

-E.L., Jr., 29-year old father living in Spokane

“They arrested me, and they took me in the holding cell. I was on my way to work. . . Then [the officers] put the shackles on me and took me into the court with shackles on my feet. . . They pulled me over because they ran my plates [and saw that I had a suspended license].”

-A.M., a 43-year old single mother interviewed in Seattle

Some interviewees stated that criminalizing driving on a suspended license is excessive because of the minimal harm that driving causes.

For example, M.G. exhorted:

“I just go to work . . . I get stopped for driving suspended. . . In my opinion, what is a criminal act? When there’s a victim. I want you to tell me, that day [when] I’m going to the store, where’s my victim? Who is the victim when I’m taking my daughter to the store?”

Other interviewees expressed that criminalizing driving on a suspended license is excessive because the underlying suspension is unfair to indigent and low-income drivers. They expressed that they are suspended and punished solely for being poor. S.A.S., a 40-year old resident of Deer Park succinctly stated:

“I don’t think it should be a jailable offense if you’re driving [while license suspended] in the third degree. . . So you owe money, so you would go to jail?”

Several interviewees viewed the punishment for driving while licenses suspended as disproportionate to the punishment imposed for offenses posing greater harm to society, such as driving under the influence (“DUI”). A person convicted of a DUI generally will have a finite suspension or revocation, followed by a limited restricted license requirement. Ultimately, full driving privileges are generally restored. Conversely, someone who merely fails to pay a ticket can face indefinite suspension if they are too poor to pay their ticket.

**COMPARATIVELY EXCESSIVE PUNISHMENT:
DWLS VERSUS DUI**

“I’ve been incarcerated for driving while license suspended. I [was] sitting in a cell next to somebody who had five DUIs, and was about to get out of jail, [be] given [an ignition interlock device], and can go on off with [his life]? [While] I’m in there for driving while license suspended, and every time I get hit [with DWLS], they’re giving me time and time? . . . I don’t think that’s right. I think they should be harder on [people convicted of DUIs], than on [people convicted of] driving while licensing suspended. . . [The laws] are kind of backwards.”

-M.S.F., 29-year old Goodwill student living in Seattle

“If you’re out running people over, maybe racking up a whole bunch of DUIs . . . if you’re criminally driving, doing things like high-speed chases, [criminal liability is] understandable. But if you’re driving to work, you’re taking your kids to school, or even going to the grocery store, and then you’re going to jail for that? . . . The courts should [have] a better outlook on a person’s life, on their circumstances, and consider why they need to drive, before they just take their privileges away.”

-E.L., Jr. 29-year old father living in Spokane

According to many of those interviewed, the policy of automatic driver’s license suspension for unpaid traffic tickets and the criminalization of driving while license suspended generally makes it more difficult for indigent and low-income drivers to resolve their traffic fines and to reinstate their driver’s license, while also creating psychological stress and hopelessness for many interviewed.

Conclusions & Policy Recommendations

The Center for Justice (CFJ) offers the following observations and recommendations based on the interviews conducted for this report, the relicensing work they have accomplished with clients, and research performed on driver's license suspension:

- Driving is essential for employment and meeting the day-to-day demands of life. Because of the inadequacy of most public transportation systems and the automobile-centered lifestyle in the United States, if a person cannot drive, they cannot effectively maintain employment and meet family responsibilities.
- Incarceration does *not* coerce payment from indigent and low-income individuals. Rather, it places these individuals in a worse situation. While incarcerated, people lose jobs, housing, benefits, and enrollment in school. They are also unable to meet family obligations. Meanwhile, incarceration costs taxpayers tremendous amounts of money, clogs court dockets, and uses limited police resources.
- The use of driver's license suspension, jail, and fines for non-safety-related driving infractions does not make society safer. Rather, these tools are used in an attempt to collect revenue, but are counterproductive in doing so.
- Reasonable payment plans and alternatives to monetary fines, such as community service, can help drivers avoid suspension, reinstate their licenses, and increase the amount that courts recoup in fines.

However, these alternatives must be tailored to an individual's circumstances, so that the likelihood of success is increased.

For example, payment amounts must be set low enough so that a person is not forced to choose between buying food, paying rent, or paying fines. Additionally, people must have transportation to community service sites, and community service opportunities must be offered on evenings and weekends to allow people to continue to work or search for work.

- Many suspended drivers lack basic life skills, such as budgeting, organization, and time management. Further, many are confused and overwhelmed by the court system. Increased education regarding basic life skills and navigating the legal system could help drivers avoid the cycle of fines, suspension, and DWLS 3 convictions. Courts, prosecutor's offices, and local governments should increase the number of relicensing programs offering classes that teach these skills and should provide reasonable payment plans, community service, and/or work crew as options to satisfy traffic fines.
- Because jail does not coerce payment and because nonpayment of fines does not pose a danger to society, driving while license suspended should be decriminalized. However, this does not solve the entire problem. Even if driving on a suspended license for nonpayment is decriminalized, drivers may still have their licenses suspended under current law simply because they are unable to pay their fines.

The authors of this report strongly support ending the policy of revoking driver's licenses for nonpayment of fines issued for non-safety-related infractions. It is counterproductive for both drivers and taxpayers, and does nothing to make us safer on the roads.

Endnotes

ⁱ See Austen Jenkins, *Nearly 300,000 Wash. Drivers Suspended for Failure to Pay Tickets*, National Public Radio, Jul. 22, 2011, available at <http://www.npr.org/templates/story/story.php?storyId=138627811>.

ⁱⁱ See *id.*; see also Joanne I. Moore & David K. Chapman, Washington State Office of Public Defense, *Driving While License Suspended 3rd Degree Survey of District and Municipal Courts*, 1 (2008), available at http://www.opd.wa.gov/TrialDefense/090602_DWLS3Survey.pdf.

ⁱⁱⁱ See RCW 46.20.391(2)(b).