

To: Joint Interim Committee on the First Special Session of 2020  
From: Alicia Temple, Oregon Law Center  
Date: June 23, 2020  
Re: HB 4210

Co-Chairs Courtney and Kotek, and members of the committee:

Thank you for the opportunity to support HB 4210. Ending debt-based driver license suspensions is an important step this legislature can take during the pandemic to help ensure the economic instability people are experiencing right now does not last for years to come.

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 that is made exponentially worse by the pandemic.

HB 4210 ends debt-based driver license suspensions. These are suspensions you get when you receive a fine for a minor traffic violation, but are unable to pay it. This bill does not change any safety-related suspension. If the direct consequence for the driving behavior was a suspension, for example, from a DUI, that will remain in place. It also leaves in place suspensions as a result of failure to appear. If, once courts open back up, you are required to appear in court to address your traffic fine, you will still be required to and can have your license suspended if you don't. This bill only changes those suspensions that are a result of not being able to pay.

Let's say you get a traffic ticket, for \$165, which is a fairly standard amount. If you can't pay in 35 days, it is considered late, and you'll receive a notice of suspension. By about the 90<sup>th</sup> day, your license is suspended and that ticket now costs you \$390, plus \$75 to get your license back. Your license is suspended for 20 years, or until you can pay.

The Oregon Law Center and our partners have been concerned for years about the impact these suspensions have on communities of color and low-income communities. It has always been true that the inability to pay a traffic fine should not deprive a person of the ability to lawfully drive to the hospital, grocery store, or their job. Now we are in a pandemic, the unemployment rate has skyrocketed and we've had an economic recession like we've never seen before. More and more Oregonians don't have \$165 immediately if they get a ticket, and they are at risk of losing their license and therefore losing their ability to meet their daily needs. And because the suspension can last for 20 years, it will not just be a temporary barrier, but one that has repercussions for years to come on their employment prospects, their ability to take care of their families. A suspension right now

might stem from the temporary economic instability faced by so many, but the reality is when things start to stabilize that suspension will continue and it becomes the cause of economic instability.

Access to transportation is even more critical than usual, as people have limited options due to social distancing and more and more employment options are tied to access to a car. Our rural legislators know this has always been true in their districts, and now it is increasingly true everywhere. Even if a job doesn't require driving, it often requires a driver license, so a suspended license has a direct impact on one's ability to find work.

Some courts in our state have recognized that due to the state of emergency and the economic instability that has accompanied it, these debt-based license suspensions are detrimental and could create long-term barriers for individuals who are struggling to make ends meet, and they have temporarily suspended the practice. OLC was grateful to see the Oregon Judicial Department change a variety of their collections practices during the state of emergency. Unfortunately, that isn't true in all courts, and we've seen many courts continue with business as usual, or worse, provide less options to individuals. Legislation is needed to stop this practice once and for all. We must ensure people are not falling deeper into poverty during this pandemic because they can't afford to pay their traffic tickets immediately.

A significant part of the conversation we had in February's session was around the Oregon State Police data that pointed to these suspensions as a driver of the disproportionate racial impact seen in citations for driving while suspended, specifically for black Oregonians. On OLIS you'll find a slide from a presentation given by Superintendent Travis Hampton, about this driving while suspended data. While Black Oregonians make up just 2% of the state population, 13% of black drivers stopped by the police have suspended licenses. Superintendent Hampton draws a straight line from these debt related suspensions to this data. He shared, and I quote, *"I fear as a profession, and now as a system, we may be unwittingly ushering citizens into the criminal justice system into long-term economic hardship, possibly generational hardship, if we disallow them from having a driver's license."*

Finally, I want to point you to Angela Donley's testimony on OLIS. Some of you have heard her story before. Her mother had her license suspended 25 years ago in Bend, after she got a ticket while on the way to the hospital, following the ambulance carrying her husband, who died just a couple weeks later. She is still today trying to get her license back. The details of her story are a powerful example of how one ticket, in a time of extreme duress and economic instability can trap someone in poverty for decades. 2020 is that time for so many Oregonians. This legislature is taking many steps to try to alleviate the pain of this pandemic and economic turmoil. Ending debt-based license suspensions is one critical way we can do that.