



**House Judiciary Committee**  
**HB 5802-5804**  
**Drivers License Decriminalization Legislation**  
**Position: Support**  
**June 11, 2020**

---

The ACLU of Michigan supports HB 5802-5804. Over the past three years, 100,000 of people in Michigan have lost their driver's licenses - and in many cases, their ability to work - for reasons that have nothing whatsoever to do with unsafe driving and simply because they are too poor to pay court costs and fines. Increasingly, driver's license suspensions are imposed not as a punishment for moving violations but as a tool for the government to try to collect revenue from people who have fallen behind on payment of parking tickets or other fines and fees. Unsurprisingly, the impact of these heavy-handed collection tactics falls most heavily upon low-income communities and people of color.

**Driving a car is a privilege, but for many people in Michigan it is also a necessity to live and provide for their families.**

It makes sense that the government should have the authority to set qualifications for who can operate a motor vehicle and to suspend or revoke the licenses of unsafe drivers. Most Michiganders drive to work, and a valid driver's license is a prerequisite just to apply for many jobs, whether or not the job involves driving. License suspensions also punish families, because people need to drive in order to get their kids to school, to care for the needs of their elderly relatives, and much more.

**Drivers License Suspensions Are Ineffective and Present Constitutional Concerns.**

Although Michigan's automatic suspension of driver's licenses is designed to coerce payment, for people who are unable to pay, Michigan's practice will never accomplish its intended goal; no incentive or punishment will increase the likelihood of a person paying a debt if they do not have the money. Penalizing people for being unable to pay court debts violates the Equal Protection Clause of the Fourteenth Amendment, the Due Process guarantee of fundamental fairness, Plaintiffs' right to intrastate travel, and longstanding Supreme Court precedent.

First, it is fundamentally unfair to suspend a person's driver's licenses for their failure to pay court debts that they are unable to pay—this raises significant due process concerns. There is also a fundamental right to both interstate and intrastate travel, and without meaningful alternatives to driving, the lack of a valid license necessarily impedes those rights without being narrowly tailored to a compelling government interest. As the practice currently stands, driver licenses suspensions present equal protection issues. The state's suspension scheme lacks any rational basis. Suspending the driver's licenses of people too poor to pay court debt has a demonstrably negative effect on a person's ability to pay court debts, thus directly undermining the only possible governmental interest.

**Driver's License Suspensions Disproportionately Impact Low Income Communities and People of Color**



For 12% of Black men and 15% of Black women, the most serious charge at jail admission was driving with a suspended license.<sup>1</sup> This is significant because, in many cases, officers have no way of knowing whether a driver possesses a valid permit at the time they order the driver to pull over—evidencing the use of racial profiling in traffic stops, which is a primary contributor to the racial disparities seen in jail admissions data.

Debt for unpaid tickets disproportionately impacts the state's lowest-income residents, and the highest rates of accumulated ticket debt per adult are concentrated overwhelmingly in majority African American communities. The relative lack of jobs in low-income neighborhoods means that people from these communities often need to commute to other parts of the city or the suburbs in order to work. Those who live or work in "transit deserts" can be left without any viable transportation options when they lose their driving privileges.

The frequency of detention for such minor offenses should not be taken lightly. Remaining in jail before trial has devastating effects on people facing charges and their families, including jeopardizing an individual's employment, housing stability, child custody, and access to healthcare.<sup>2</sup> Over half of pretrial detained defendants are parents, and pretrial detention disrupts the housing stability of over 40% of children whose parents are locked up.<sup>3</sup> Michigan traps people in an inescapable cycle of poverty by suspending their licenses, thereby narrowing or eliminating their job opportunities and impeding their ability to take care of their children and obtain necessary medical treatment.

Our current suspension mechanism doesn't make the roadways any safer. Instead, they force people to choose between unemployment, bankruptcy, or risking going to jail for driving on a suspended license. These bills are a good step towards changing our faulty system and combatting racial disparities.

Respectfully submitted,

Kimberly S. Buddin  
Policy Counsel  
American Civil Liberties Union of Michigan  
[kbuddin@aclumich.org](mailto:kbuddin@aclumich.org)

---

<sup>1</sup> Jails Task Force, Statewide arrest data, 2008 to 2018 (Sept. 20, 2019), citing Michigan State Police.

<sup>2</sup> *Barker v. Wingo*, 407 U.S. 514, 532–33 (1972) ("The time spent in jail awaiting trial has a detrimental impact on the individual. It often means loss of a job; it disrupts family life; and it enforces idleness. Most jails offer little or no recreational or rehabilitative programs. The time spent in jail is simply dead time. Moreover, if a defendant is locked up, he is hindered in his ability to gather evidence, contact witnesses, or otherwise prepare his defense. Imposing those consequences on anyone who has not yet been convicted is serious. It is especially unfortunate to impose them on those persons who are ultimately found to be innocent.").

<sup>3</sup> Prison Policy Initiative, *How does unaffordable money bail affect families?* (2018), citing Kimbrell, Catherine S. and Wilson, David B., George Mason University Department of Criminology, Law and Society, *Money Bond Process Experience and Perceptions* (2016).