



NATIONAL SAFETY COUNCIL

Position/Policy Statement

Focusing License Suspension on Roadway Safety Offenses

The National Safety Council (NSC) supports suspending driving privileges only for roadway and traffic safety-related behaviors. The primary goal for suspending licenses is to remove dangerous drivers from the road, change driving behavior and penalize unsafe drivers.¹ However, drivers across the country have been penalized for a growing number of unrelated behaviors including failure to pay child support, failure to pay fines and various non-moving violations.

Removing sanctions for non-traffic safety violations rightly restores the focus on safety and more accurately reflects each state's challenges related to aggressive driving, impaired driving and other risky driving behaviors.

Driver Suspension Trends

Data show drivers whose licenses are suspended for traffic safety violations tend to be more dangerous than drivers with license suspensions for other reasons. Nearly 19% of drivers with safety-related suspension are involved in a crash compared with less than 7% of drivers whose licenses are suspended for non-traffic safety reasons.² Even more startling, 20% of traffic fatalities involve an unlicensed driver or one with a suspended license.^{3,4}

Despite this difference, over 40 states use driver's license suspension as a punishment for court debt alone.⁵ Drivers suspended due to non-traffic safety violations make up 39% of all

¹ Best Practices Guide to Reducing Suspended Drivers. (2013). Suspended/Revoked Working Group. American Association of Motor Vehicle Administrators. <https://www.aamva.org/WorkArea/DownloadAsset.aspx?id=3723>

² Ibid.

³ Reducing Suspended Drivers and Alternative Reinstatement Best Practices. (2018). Suspended Driver Alternative Reinstatement Working Group. American Association of Motor Vehicle Administrators. <https://www.aamva.org/ReducingSuspendedDriversAlternativeReinstatementBP/>

⁴ This percentage does not distinguish between non-traffic safety suspensions, traffic safety suspensions, or unlicensed drivers.

⁵ Conley, Danielle and Levinson-Waldman, Ariel. Discriminatory Driver's License Suspension Schemes. (2019). American Constitution Society. <https://www.acslaw.org/wp-content/uploads/2019/03/License-Suspension-Issue-Brief-Final.pdf>

suspended drivers.⁶ The time and effort spent on non-traffic safety suspensions diverts resources away from traffic safety violations, which pose a clear danger for the driving public. In Washington state, police estimate that each arrest for driving with a suspended license can occupy up to nine hours of an on-duty officer's time.⁷ This is time that could be used to focus on offenses that present public safety risks.

Research indicates that suspending a driver's license as a penalty for non-traffic safety related offenses is ineffective and has little to no impact on addressing the underlying issue.⁸ Seventy-nine percent of individuals with suspended licenses continue to drive despite potential consequences, including the risk of additional fines or imprisonment. Additionally, sanctioning non-traffic safety violations negatively affects job prospects and the driver's ability to pay the related fines.⁹ More than 85% of Americans drive to work, and many jobs require a valid driver's license as a condition of employment.¹⁰ When a person loses his or her license, he or she could lose his or her livelihood as well.^{11,12} One study in New Jersey found that nearly 45% of drivers who had their licenses suspended lost their jobs, with 45% of those individuals unable to find another one while their license was suspended.¹³

The Rise of Non-Traffic Safety Sanctions

License suspensions were initially used by states as a punishment for violating traffic safety laws. However, states have moved away from limiting these violations to road safety alone. Table 1 demonstrates some of the most common reasons for a non-traffic safety license suspension. Among these myriad reasons, with the exception of use of controlled substances and alcohol, many have little to no effect on the driver's capacity for safe motor vehicle operation. In some cases, a driver's license can be suspended prior to licensure due to an unpaid fine.¹⁴ Many current sanctions punish drivers without consideration of their driving behavior.

⁶ Reducing Suspended Drivers and Alternative Reinstatement Best Practices. (2018). Suspended Driver Alternative Reinstatement Working Group. American Association of Motor Vehicle Administrators.

<https://www.aamva.org/ReducingSuspendedDriversAlternativeReinstatementBP/>

⁷ Rethinking Driver's License Suspensions for Nonpayment of Fines and Fees. (2017). Trends in State Courts – Fines, Fees, and Bail Practices: Challenges and Opportunities. National Center for State Courts.

<https://www.ncsc.org/~media/Microsites/Files/Trends%202017/Rethinking-Drivers-License-Suspensions-Trends-2017.ashx>

⁸ Eger III, Robert. Ph.D. "Enhanced Analyses of Suspended/Revoked Drivers Related to Crashes." (2011). Florida State University.

⁹ Conley, Danielle and Levinson-Waldman, Ariel. Discriminatory Driver's License Suspension Schemes. (2019). American Constitution Society. <https://www.acslaw.org/wp-content/uploads/2019/03/License-Suspension-Issue-Brief-Final.pdf>

¹⁰ National Center for State Courts. (2017). Trends in State Courts: Fines Fees, and Bail Practices: Challenges and Opportunities: <https://www.ncsc.org/~media/Microsites/Files/Trends%202017/Trends-2017-Final-small.ashx>

¹¹ Not all people lose their license due to poor driving behavior, and this statistic accounts for those non-traffic safety related revocations as well

¹² Best Practices Guide to Reducing Suspended Drivers. (2013). Suspended/Revoked Working Group. American Association of Motor Vehicle Administrators. <https://www.aamva.org/WorkArea/DownloadAsset.aspx?id=3723>

¹³ National Center for State Courts – 2017 Trends in State Courts: Fines Fees, and Bail Practices: Challenges and Opportunities: <https://www.ncsc.org/~media/Microsites/Files/Trends%202017/Trends-2017-Final-small.ashx>

¹⁴ Shapiro, Joseph. *Can't Pay Your Fines? Your License Could Be Taken*. (2014). NPR.

<https://www.npr.org/2014/12/29/372691960/cant-pay-your-fines-your-license-could-be-taken>

Table 1 Best Practices Guide to Reducing Suspended Drivers. (2013)

Source: *Suspended/Revoked Working Group. American Association of Motor Vehicle Administrators.*

Reason for Suspension	# of jurisdictions who suspend for reason <i>(out of 43 respondents)</i>
Failure to comply with a child support order	43
Minor – alcohol possession/consumption	26
Fuel piracy / theft	23
Failure to pay a non-moving violation	21
Fraud / Misuse of a Driver License	21
Truancy / fail to attend school	15
Controlled substances	14

Impact on Law Enforcement, Courts and Departments of Motor Vehicles

Non-traffic safety sanctions impose a cost on law enforcement, courts, and corrections agencies, which impact government budgets and public safety.¹⁵ In 2017, the Arkansas Department of Finance and Administration found that more than \$20,000 was spent in postage alone for non-highway safety suspensions. The Oregon Department of Motor Vehicles found that it had spent approximately \$73,000 on related forms and postage in the same year.¹⁶ In 2015, Georgia expected that by removing several non-highway safety suspensions, it would save approximately \$80,000 in postage annually.¹⁷ The lengthy time required to process a person who has been arrested for driving on a suspended license should be reserved for those who pose the most risk to the safety of roadway users. Across all states, law enforcement and motor vehicle agencies lose thousands of personnel hours and spend millions of dollars overseeing non-highway safety suspended driver enforcement.¹⁸

Non-traffic safety suspensions are also a significant burden on the criminal justice system. The National Center for State Courts (NCSC) found that state courts handled 44.9 million traffic violation cases nationwide in 2016, representing 53% of the total cases for that year.¹⁹ While several jurisdictions have invested in re-licensing programs, some are reconsidering the

¹⁵ Rethinking Driver's License Suspensions for Nonpayment of Fines and Fees. (2017). Trends in State Courts – Fines, Fees, and Bail Practices: Challenges and Opportunities. National Center for State Courts. <https://www.ncsc.org/~media/Microsites/Files/Trends%202017/Rethinking-Drivers-License-Suspensions-Trends-2017.ashx>

¹⁶ Reducing Suspended Drivers and Alternative Reinstatement Best Practices. (2018). Suspended Driver Alternative Reinstatement Working Group. American Association of Motor Vehicle Administrators. <https://www.aamva.org/ReducingSuspendedDriversAternativeReinstatementBP/>

¹⁷ Mitchell, Mike. Non-Driver Violations: Impact on Courts, Law Enforcement and DMVs Presentation. (July 2015). 2015 AAMVA Regional Conference.

¹⁸ Reducing Suspended Drivers and Alternative Reinstatement Best Practices. (2018). Suspended Driver Alternative Reinstatement Working Group. American Association of Motor Vehicle Administrators. <https://www.aamva.org/ReducingSuspendedDriversAternativeReinstatementBP/>

¹⁹ Ibid.

circumstances and related authorization behind license suspensions.²⁰ The Department of Justice released a letter in 2016 stating that courts should not use license suspensions as a debt collection tool but instead should reserve suspensions for cases that would increase public safety.²¹ The differences between the two types of suspensions indicate that traffic safety violations should be the main consideration for driver's license suspensions.

Economic Impacts on Individuals Receiving Non-Traffic Safety Suspensions

As previously indicated, license suspensions impact job opportunities and can contribute to an ongoing debt cycle. Employers often require a valid driver's license even when the occupation doesn't necessarily require the employee to drive. Additionally, a license is often needed in non-urban areas for commuting,²² severely limiting mobility of suspended drivers in areas with limited or non-existent public transportation.

A study on the unintended impacts of suspended drivers in New Jersey found that suspended drivers who lost their jobs faced lower income prospects at all income levels.²³ Table 2 (below) further demonstrates the economic impacts on individuals with suspended licenses. Housing applications also often require a copy of the applicant's driver's license, further undermining the economic stability of drivers with nonpayment suspension. In addition, license suspensions also may impact the ability for individuals to access healthcare, worsening already existing health disparities.²⁴ One reason for this is that low-income and minority drivers are more likely to lose their licenses for non-driving related reasons. In New York, one study found that non-driving related suspensions were nine times greater in the poorest zip codes when compared with the wealthiest zip codes.²⁵

²⁰ Rethinking Driver's License Suspensions for Nonpayment of Fines and Fees. (2017). Trends in State Courts – Fines, Fees, and Bail Practices: Challenges and Opportunities. National Center for State Courts. <https://www.ncsc.org/~media/Microsites/Files/Trends%202017/Rethinking-Drivers-License-Suspensions-Trends-2017.ashx>

²¹ Gupta, V. and Foster, L. (2016). "Dear Colleague Letter." U.S. Department of Justice. <https://www.courts.wa.gov/subsite/mjc/docs/DOJDearColleague.pdf>

²² Conley, Danielle and Levinson-Waldman, Ariel. Discriminatory Driver's License Suspension Schemes. (2019). American Constitution Society. <https://www.acslaw.org/wp-content/uploads/2019/03/License-Suspension-Issue-Brief-Final.pdf>

²³ Ibid.

²⁴ Nina R. Joyce, Andrew R. Zullo, Jasjit S. Ahluwalia, Melissa R. Pfeiffer, Allison E. Curry, "Driver's License Suspension Policies as a Barrier to Health Care", American Journal of Public Health 109, no. 12 (December 1, 2019): pp. 1692-1693. <https://ajph.aphapublications.org/doi/10.2105/AJPH.2019.305383>

²⁵ Ibid.

Table 2: Economic impacts of license suspension across income groups; New Jersey
 Source: *Motor Vehicles Affordability and Fairness Task Force – Final Report. (February 2006). New Jersey Motor Vehicle Commission.*

Economic Impact	Low Income (Under \$30,000) (N=102)	Middle Income (\$30,000 to \$100,000-) (N=174)	High Income (Over \$100,000) (N=52)
Job status: Not able to keep job after suspension	64%	33%	17%
Job search: Unable to find new job after suspension (if not able to keep job after suspension)	51%	37%	13%
Income: negatively affected income (if not able to keep job after suspension)	96%	87%	86%
Job performance: Suspension negatively affected job performance	66%	50%	60%
Insurance costs: Not able to pay increased insurance costs	65%	48%	21%
Other costs:			
Experienced other costs related to suspension	64%	61%	51%
Not able to pay other costs?	90%	68%	33%

Across just five states – Michigan, North Carolina, Tennessee, Texas and Virginia – 4.2 million driver’s licenses were suspended or revoked in 2017 due to the driver’s inability to pay court fees.²⁶

Beyond the risk of imprisonment, suspended drivers may also face an additional period of suspension and additional reinstatement requirements if caught driving.²⁷ The American Association of Motor Vehicle Administrators (AAMVA) believes that this process can have a multiplier effect of successive suspensions for drivers who, because of limited financial resources, cannot meet compounding reinstatement requirements.²⁸ For example, driving with a suspended or a revoked license in California carries a penalty of up to six months imprisonment and/or a fine between \$300 and \$1000 for a first offense.²⁹ Additionally, a person convicted more than once in a 12 month period is considered a habitual traffic offender and faces mandatory incarceration.³⁰ Those whose licenses are suspended because they cannot afford to pay fines and fees are at risk of being punished as severely as drunk drivers whose licenses were suspended to protect public safety. Eliminating suspensions for non-traffic safety violations would avoid many unnecessary economic and societal costs.

Conclusion

Non-traffic safety violations account for about 39% of all suspensions. Non-traffic safety suspensions divert public resources from correcting dangerous driving behaviors and are an unnecessary burden for law enforcement, the courts and society. License suspension is a

²⁶ Salas, Mario and Ciolfi, Angela. Driven by Dollars. (2017). Legal Justice Center. <https://www.justice4all.org/wp-content/uploads/2017/09/Driven-by-Dollars.pdf>

²⁷ Reducing Suspended Drivers and Alternative Reinstatement Best Practices. (2018). Suspended Driver Alternative Reinstatement Working Group. American Association of Motor Vehicle Administrators. <https://www.aamva.org/ReducingSuspendedDriversAternativeReinstatementBP/>

²⁸ Ibid.

²⁹ Bannon, Alicia; Nagrecha, Mitali; and Diller, Rebekah. Criminal Justice Debt: A Barrier to Reentry. (2010). Brennan Center for Justice. <https://www.brennancenter.org/sites/default/files/legacy/Fees%20and%20Fines%20FINAL.pdf>

³⁰ Ibid.

drastic step with many consequences for a person's personal and professional life. This sanction should be limited to roadway offenses only.

Limiting license suspension to traffic safety violators allows for a focus on justification of drivers who are among the most dangerous on the roadways and returns the program to its fundamental purpose. The National Safety Council supports limiting license suspension to dangerous driving behavior in the interest of roadway safety.

This position statement reflects the opinions of the National Safety Council but not necessarily those of each member organization.

Adopted by the National Safety Council, 2020