

116TH CONGRESS
2D SESSION

S. 4186

To provide grants to States that do not suspend, revoke, or refuse to renew a driver's license of a person or refuse to renew a registration of a motor vehicle for failure to pay a civil or criminal fine or fee, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 2, 2020

Mr. COONS (for himself and Mr. WICKER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To provide grants to States that do not suspend, revoke, or refuse to renew a driver's license of a person or refuse to renew a registration of a motor vehicle for failure to pay a civil or criminal fine or fee, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Driving for Oppor-
5 tunity Act of 2020”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Driving a vehicle is an essential aspect of
2 the daily lives of most people in the United States.

3 (2) Driving is often required to access jobs and
4 healthcare, take care of family, get groceries, and
5 fulfill other basic responsibilities.

6 (3) In many small cities, towns, and rural areas
7 that do not have public transportation and ride-
8 sharing alternatives, driving is often the only real-
9 istic means of transportation.

10 (4) Even in cities with public transportation
11 and ridesharing options, individuals vulnerable to in-
12 fection during the COVID–19 pandemic and those
13 complying with public health guidance regarding so-
14 cial distancing are increasingly reliant on driving as
15 their primary means of transportation for essential
16 travel.

17 (5) In the United States, millions of Americans
18 have had their driver’s licenses suspended for unpaid
19 court fines and fees.

20 (6) A person whose driver’s license is suspended
21 or revoked will often find it more difficult to earn a
22 living and therefore pay the debt owed to the gov-
23 ernment.

24 (7) The barrier to employment posed by driver’s
25 license suspensions and revocations is especially

1 problematic during the COVID–19 pandemic, when
2 the unemployment rate is the highest it has been
3 since the Great Depression.

4 (8) Drunk and dangerous driving is one of the
5 leading causes of death and serious bodily injury in
6 the United States, and promoting safety on the
7 roads is a legitimate, necessary, and core govern-
8 mental function.

9 (9) However, most driver’s license suspensions
10 are not based on the need to protect public safety.

11 (10) In the State of Florida, 1,100,000 resi-
12 dents received a suspension notice for unpaid fines
13 and fees in 2017 alone.

14 (11) Between 2010 and 2017, all but 3 States
15 increased the amount of fines and fees for civil and
16 criminal violations.

17 (12) In the United States, 40 percent of all
18 driver’s license suspensions are issued for conduct
19 that was unrelated to driving.

20 (13) In 2015, the State of Washington cal-
21 culated that State troopers spent 70,848 hours deal-
22 ing with license suspensions for non-driving offenses.

23 (14) The American Association of Motor Vehi-
24 cle Administrators estimated that arresting a person
25 for driving with a suspended license can take 9

1 hours of an officer’s time, including waiting for a
2 tow truck, transporting an individual to jail, filling
3 out paperwork, making a court appearance, and
4 other administrative duties and accordingly Wash-
5 ington State Patrol Chief John Batiste called non-
6 driving suspensions a “drain on the system as a
7 whole”.

8 (15) The Colorado Department of Motor Vehi-
9 cles determined that suspending driver’s licenses for
10 offenses unrelated to driving consumed 8,566 hours
11 per year of staff time in the Department.

12 (16) Many States impose a significant fee for
13 reinstating a suspended driver’s license, such as Ala-
14 bama, where the fee is \$275.

15 (17) Driving on a suspended license is one of
16 the most common criminal charges in jurisdictions
17 across the country.

18 (18) Seventy-five percent of those with sus-
19 pended licenses report continuing to drive.

20 (19) It is more likely that those people are also
21 driving without insurance due to the costs and re-
22 strictions associated with obtaining auto insurance
23 on a suspended license, thereby placing a greater fi-
24 nancial burden on other drivers when a driver with
25 a suspended license causes an accident.

1 (20) The American Motor Vehicles Association
2 has concluded the following: “Drivers who have been
3 suspended for social non-conformance-related of-
4 fenses are often trapped within the system. Some
5 cannot afford to pay the original fines, and may lose
6 their ability to legally get to and from work as a re-
7 sult of the suspension. Many make the decision to
8 drive while suspended. The suspension results in in-
9 creased financial obligations through new require-
10 ments such as reinstatement fees, court costs, and
11 other penalties. While there is a clear societal inter-
12 est in keeping those who are unfit to drive off the
13 roads, broadly restricting licenses for violations un-
14 related to an individual’s ability to drive safely may
15 do more harm than good. This is especially true in
16 areas of the country that lack alternative means of
17 transportation. For those individuals, a valid driver
18 license can be a means to survive. Local commu-
19 nities, employers, and employees all experience nega-
20 tive consequences as a result of social non-con-
21 formity suspensions, including unemployment, lower
22 wages, fewer employment opportunities and hiring
23 choices, and increased insurance costs.”.

24 (21) A report by the Harvard Law School
25 Criminal Justice Policy Program concluded the fol-

1 lowing: “The suspension of a driver’s or professional
 2 license is one of the most pervasive poverty traps for
 3 poor people assessed a fine that they cannot afford
 4 to pay. The practice is widespread. Nearly 40 per-
 5 cent of license suspensions nationwide stem from un-
 6 paid fines, missed child support payments, and drug
 7 offenses—not from unsafe or intoxicated driving or
 8 failing to obtain automotive insurance. Suspension of
 9 a driver’s or professional licenses is hugely counter-
 10 productive; it punishes non-payment by taking away
 11 a person’s means for making a living. License sus-
 12 pension programs are also expensive for States to
 13 run and they distract law enforcement efforts from
 14 priorities related to public safety. License suspen-
 15 sions may also be unconstitutional if the license was
 16 suspended before the judge determined the defend-
 17 ant had the ability to pay the criminal justice debt.”.

18 **SEC. 3. GRANTS FOR DRIVER’S LICENSES REINSTATEMENT**

19 **PROGRAMS.**

20 (a) IN GENERAL.—Subpart 1 of part E of title I of
 21 the Omnibus Crime Control and Safe Streets Act of 1968
 22 (34 U.S.C. 10151 et seq.) is amended—

23 (1) in section 501(a) (34 U.S.C. 10152(a)), by
 24 adding at the end the following:

1 “(3) GRANTS FOR DRIVER’S LICENSE REIN-
2 STATEMENT PROGRAMS.—

3 “(A) IN GENERAL.—In addition to grants
4 made under paragraph (1), the Attorney Gen-
5 eral may make grants to States described in
6 subparagraph (B) to cover costs incurred by the
7 State to reinstate driver’s licenses previously
8 suspended for unpaid fines and fees.

9 “(B) STATES DESCRIBED.—A State de-
10 scribed in this subparagraph is a State that—

11 “(i) does not have in effect any State
12 or local law that permits—

13 “(I) the suspension or revocation
14 of, or refusal to renew, a driver’s li-
15 cense of an individual based on the in-
16 dividual’s failure to pay a civil or
17 criminal fine or fee; or

18 “(II) the refusal to renew the
19 registration of a motor vehicle based
20 on the owner’s failure to pay a civil or
21 criminal fine or fee; and

22 “(ii) during the 3-year period ending
23 on the date on which the State applies for
24 or receives a grant under this paragraph,
25 has repealed a State or local law that per-

1 mitted the suspension or revocation of, or
2 refusal to renew, driver’s licenses or the
3 registration of a motor vehicle based on
4 the failure to pay civil or criminal fines or
5 fees.

6 “(C) CRITERIA.—The Attorney General
7 shall award grants under this section to eligible
8 States that submit a plan to reinstate driver’s
9 licenses previously suspended for unpaid fines
10 and fees—

11 “(i) to maximize the number of indi-
12 viduals with suspended driver’s licenses eli-
13 gible to have driving privileges reinstated
14 or regained;

15 “(ii) to provide assistance to individ-
16 uals living in areas where public transpor-
17 tation options are limited; and

18 “(iii) to ease the burden on States
19 where the State or local law described in
20 subparagraph (B) was in effect during the
21 3-year period ending on the date on which
22 a State applies for a grant under this
23 paragraph in accordance with section 502.

24 “(D) AMOUNT.—Each grant awarded
25 under this paragraph shall be not greater than

1 5 percent of the amount allocated to the State
 2 in accordance with the formula established
 3 under section 505.

4 “(E) FUNDS NOT USED.—If the amount
 5 awarded to a State under this paragraph is
 6 greater than the cost to the State described in
 7 subparagraph (A), the funds shall be trans-
 8 ferred to the general fund of the Treasury.

9 “(F) REPORT.—Not later than 1 year
 10 after the date on which a grant is made to a
 11 State under this paragraph, the State shall sub-
 12 mit to the Attorney General a report that de-
 13 scribes the program implemented under sub-
 14 paragraph (A), including with respect to—

15 “(i) the population served by the pro-
 16 gram;

17 “(ii) the number of driver’s licenses
 18 reinstated under the program; and

19 “(iii) all costs to the State of the pro-
 20 gram, including how the grants under this
 21 paragraph were spent to defray such
 22 costs.”; and

23 (2) in section 508—

24 (A) by striking “There” and inserting “(a)

25 IN GENERAL.—There”; and

1 (B) by adding at the end the following:

2 “(b) DRIVER’S LICENSE REINSTATEMENT PRO-
3 GRAMS.—There is authorized to be appropriated to carry
4 out section 501(a)(3) \$20,000,000 for each of fiscal years
5 2021 through 2025.”.

6 (b) REPEAL.—

7 (1) IN GENERAL.—Section 159 of title 23,
8 United States Code, is repealed.

9 (2) CLERICAL AMENDMENT.—The analysis for
10 chapter 1 of title 23, United States Code, is amend-
11 ed by striking the item relating to section 159.

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