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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

MARCH 25, 2021

Mr. COONS (for himself, Mr. WICKER, Mr. DURBIN, Mr. GRASSLEY, Mr. VAN HOLLEN, Mr. BOOZMAN, Mr. BLUMENTHAL, Ms. ERNST, Mr. WYDEN, and Mr. LANKFORD) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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 2021”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

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

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

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

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

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

22 (6) A person whose driver’s license is suspended
23 or revoked for unpaid fines and fees will often find
24 it more difficult to earn a living and therefore pay
25 the debt owed to the government.

1 (7) The barrier to employment posed by driver's
2 license suspensions and revocations for unpaid fines
3 and fees is especially problematic during the
4 COVID-19 pandemic, when the unemployment rate
5 is the highest it has been since the Great Depres-
6 sion.

7 (8) Drunk and dangerous driving are some of
8 the leading causes of death and serious bodily injury
9 in the United States, and promoting safety on the
10 roads is a legitimate, necessary, and core govern-
11 mental function. Suspending a license for unsafe
12 driving conduct presents different considerations
13 than suspending a license for unpaid fines and fees.
14 Suspending a license for unsafe driving is an appro-
15 priate tool to protect public safety. Policymakers
16 also may consider alternatives to suspension of a li-
17 cense for unsafe driving such as ignition interlock
18 device programs.

19 (9) According to the National Highway Traffic
20 Safety Administration, every year on average, over
21 34,000 people are killed and 2,400,000 more people
22 are injured in motor vehicle crashes. Some of the
23 major causes of these crashes include speeding, im-
24 paired driving, and distracted driving. Nearly half of
25 passenger vehicle occupants killed in crashes are un-

1 restrained. The societal harm caused by motor vehi-
2 cle crashes has been valued at \$836,000,000,000 an-
3 nually. The enactment of, enforcement of, and edu-
4 cation regarding traffic laws are key to addressing
5 unsafe behavior and promoting public safety.

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

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

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

14 (13) In the United States, 40 percent of all
15 driver's license suspensions are issued for conduct
16 that was unrelated to driving.

17 (14) In 2015, the State of Washington cal-
18 culated that State troopers spent 70,848 hours deal-
19 ing with license suspensions for non-driving offenses.

20 (15) The American Association of Motor Vehi-
21 cle Administrators estimated that arresting a person
22 for driving with a suspended license can take 9
23 hours of an officer's time, including waiting for a
24 tow truck, transporting an individual to jail, filling
25 out paperwork, making a court appearance, and

1 other administrative duties and accordingly Wash-
2 ington State Patrol Chief John Batiste called non-
3 driving suspensions a “drain on the system as a
4 whole”.

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

9 (17) Many States impose a significant fee for
10 reinstating a suspended driver’s license, such as Ala-
11 bama, where the fee is \$275.

12 (18) Driving on a suspended license is one of
13 the most common criminal charges in jurisdictions
14 across the country.

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

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

23 (21) The American Association of Motor Vehi-
24 cle Administrators has concluded the following:
25 “Drivers who have been suspended for social non-

1 conformance-related offenses are often trapped with-
2 in the system. Some cannot afford to pay the origi-
3 nal fines, and may lose their ability to legally get to
4 and from work as a result of the suspension. Many
5 make the decision to drive while suspended. The sus-
6 pension results in increased financial obligations
7 through new requirements such as reinstatement
8 fees, court costs, and other penalties. While there is
9 a clear societal interest in keeping those who are
10 unfit to drive off the roads, broadly restricting li-
11 censes for violations unrelated to an individual's
12 ability to drive safely may do more harm than good.
13 This is especially true in areas of the country that
14 lack alternative means of transportation. For those
15 individuals, a valid driver license can be a means to
16 survive. Local communities, employers, and employ-
17 ees all experience negative consequences as a result
18 of social non-conformity suspensions, including un-
19 employment, lower wages, fewer employment oppor-
20 tunities and hiring choices, and increased insurance
21 costs.”.

22 (22) A report by the Harvard Law School
23 Criminal Justice Policy Program concluded the fol-
24 lowing: “The suspension of a driver’s or professional
25 license is one of the most pervasive poverty traps for

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

16 **SEC. 3. GRANTS FOR DRIVER’S LICENSES REINSTATEMENT**
 17 **PROGRAMS.**

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

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

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

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

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

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

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

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

20 “(ii) during the 3-year period ending
 21 on the date on which the State applies for
 22 or receives a grant under this paragraph,
 23 has repealed a State or local law that per-
 24 mitted the suspension or revocation of, or
 25 refusal to renew, driver’s licenses or the

1 registration of a motor vehicle based on
2 the failure to pay civil or criminal fines or
3 fees.

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

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

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

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

22 “(D) AMOUNT.—Each grant awarded
23 under this paragraph shall be not greater than
24 5 percent of the amount allocated to the State

1 in accordance with the formula established
2 under section 505.

3 “(E) REPORT.—Not later than 1 year
4 after the date on which a grant is made to a
5 State under this paragraph, the State shall sub-
6 mit to the Attorney General a report that de-
7 scribes the program implemented under sub-
8 paragraph (A), including with respect to—

9 “(i) the population served by the pro-
10 gram;

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

13 “(iii) all costs to the State of the pro-
14 gram, including how the grants under this
15 paragraph were spent to defray such
16 costs.”; and

17 (2) in section 508—

18 (A) by striking “There” and inserting “(a)
19 In General.—There”; and

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

21 “(b) DRIVER’S LICENSE REINSTATEMENT PRO-
22 GRAMS.—There is authorized to be appropriated to carry
23 out section 501(a)(3) \$20,000,000 for each of fiscal years
24 2021 through 2025.”.

1 **SEC. 4. GAO STUDY.**

2 (a) STUDY.—The Comptroller General of the United
3 States shall conduct a study of the implementation of the
4 grant program in paragraph (3) of section 501(a) of the
5 Omnibus Crime Control and Safe Streets Act of 1968 (34
6 U.S.C. 10152(a)), as added by section 3(a) of this Act,
7 that—

8 (1) includes what is known about the effect of
9 repealing State laws, in selected States, that had
10 permitted the suspension or revocation of, or refusal
11 to renew, driver’s licenses or the registration of a
12 motor vehicle based on the failure to pay civil or
13 criminal fines or fees, including such factors, to the
14 extent information is available, as—

15 (A) the collection of fines and fees;

16 (B) the usage of law enforcement re-
17 sources;

18 (C) economic mobility and unemployment;

19 (D) rates of enforcement of traffic safety
20 laws through the tracking of number of sum-
21 monses and violations issued (including those
22 related to automated enforcement technologies);

23 (E) the use of suspensions for public safe-
24 ty-related reasons (including reckless driving,
25 speeding, and driving under the influence);

1 (F) safety-critical traffic events (including
2 in localities with automated enforcement pro-
3 grams);

4 (G) the rates of license suspensions and
5 proportion of unlicensed drivers;

6 (H) racial and geographic disparities; and

7 (I) administrative costs (including costs as-
8 sociated with the collection of fines and fees
9 and with the reinstatement of driver's licenses);
10 and

11 (2) includes what is known about—

12 (A) existing alternatives to driver's license
13 suspension as methods of enforcement and col-
14 lection of unpaid fines and fees; and

15 (B) existing alternatives to traditional driv-
16 er's license suspension for certain kinds of un-
17 safe driving, including models that allow drivers
18 to continue to drive legally while pursuing driv-
19 er improvement opportunities.

20 (b) REPORT.—Not later than 2 years after the date
21 of enactment of this Act, the Comptroller General of the
22 United States shall submit to the Committee on the Judi-
23 ciary and the Committee on Environment and Public
24 Works of the Senate and the Committee on the Judiciary

- 1 and the Committee on Transportation and Infrastructure
- 2 a report on the study required under subsection (a).

