

END DEBT-BASED DRIVER'S LICENSE SUSPENSIONS IN MONTANA

Rep. Casey Knudsen

Suspending Driver's Licenses for Unpaid Court Debt Punishes the Working Poor and is Counterproductive

CURRENT LAW

Montana's Motor Vehicle Division suspends the driver's licenses of people who fail to pay court-ordered fines and fees *even if they are too poor to pay*.

THE ISSUE

Montana has a two-tiered justice system where rich and poor people with otherwise identical records receive different punishments solely because of their ability to pay court debt.

- Debt-based driver's license suspensions are a poverty penalty that punish people solely because they are poor. An estimated 10,000 Montana residents have their licenses suspended annually because of unpaid court debt.¹
- Debt-based driver's license suspensions force the working poor into an impossible position: choose to drive illegally (and risk incarceration and more fines) in order to get to work or meet personal/family needs, or choose not to drive and lose needed income and access to education and other services. This penalty is not connected to a driving related offense and thus has no public safety justification. Instead, it unnecessarily places hurdles in front of people seeking to support themselves and their family.
- The cycle of poverty and getting entangled with the criminal justice system is vicious and sometimes unescapable: In Montana, driving with a suspended license carries a penalty of between 2 days and 6 months in jail in addition to additional fines and a longer period of suspension.

A valid driver's license is essential for most adults, particularly those who live in rural areas.

- Public transportation in Montana is spotty and unreliable. Less than 1 percent of Montanans use public transport to get to work². A driver's license is essential for getting to school, work, the doctor, and the grocery store. Montana makes it harder on people to get or keep a job by taking away their only means of reliable transportation.
- This practice also harms employers, who lose access to a sufficient workforce when their employees cannot get to work.

¹ <https://equaljusticeunderlaw.org/difrancesco-v-bullock>

² "Commuter Transportation," Montana, Data USA, <https://datausa.io/profile/geo/montana> (last visited Aug. 31, 2017).

The current law undermines the fairness and integrity of our legal system. It is also unconstitutional:

- Criminalizing poor people and balancing budgets on the backs of the poor is inherently unfair and it undermines the fairness and legitimacy of our legal system.
- Numerous lawsuits around the country, including a 2017 lawsuit filed in Montana³, argue that this practice violates the Equal Protection and Due Process rights of the U.S. Constitution. Montana could avoid possible future costly litigation by changing this law.

THE SOLUTION

We support the bill filed by Rep. Casey Knudsen (R-Malta). This bill would repeal the part of Montana law that permits driver's licenses to be suspended for failure to pay court fines and fees. Access to a valid driver's license is essential to countless Montanans, and drivers' licenses should not be suspended unless the suspension is directly connected to a driving related offense.

GROUPS SUPPORTING THIS BILL

As introduced, this bill enjoys the support of a large network of advocacy organizations and interest groups as well as bipartisan support from the Montana Legislature. Organizations in support of this bill include: The ACLU of Montana, ALEC, Americans for Prosperity, Montana Building Industry Association, Montana Chamber of Commerce, Montana Collision Repair Association,

³<https://bloximages.chicago2.vip.townnews.com/helenair.com/content/tncms/assets/v3/editorial/7/a5/7a538f31-87ba-509c-8521-4b49e8299835/59b1937cb600e.pdf.pdf>