

Introducing NM Senate Bill 7: The Free to Drive Act

THE ISSUE

Today, thousands of safe drivers across New Mexico cannot legally drive solely because they are trapped in a cycle of debt. New Mexico suspended over 215,000 driver's licenses between 2016 to 2018 alone — all because the person could not afford to pay court debt, or because they missed a court hearing.¹

Debt-based license suspensions force people to make an impossible choice: stop driving and lose access to work & basic necessities— or keep driving, and risk more fines and fees, arrest and event incarceration. It's time to end this backwards policy and restore the freedom to drive.

THE FREE TO DRIVE ACT

Sponsored by Senator Peter Wirth, The Free to Drive Act is our opportunity to improve our economy, make our communities safer, and get hard-working New Mexicans back on the road.

The Free to Drive Act will:

- End driver's license suspension for missed court hearings and overdue fines and fees payments owed in traffic and criminal cases.
- Allow driver's license reinstatement without a \$27 reinstatement fee.
- **Not eliminate** suspensions and revocations based on dangerous driving (DUI, accrued points, etc.) or relating to overdue child support.
- **Not limit** the court's discretion to impose sanctions in criminal and traffic cases.

WHY NEW MEXICO NEEDS THIS REFORM

01

License suspensions should be used to get dangerous drivers off the road.

Yet, 88% of driver's license suspensions (over 215,000 licenses) between 2016-2018 were for unpaid court debt or missed court hearings.²

02

Debt-based suspensions make it impossible to work, take care of your family, and pay your debts. When people lose their license, over 40% also lose their job, and those who are able to find jobs take significant pay cuts.³

¹ Based on license suspension data from 2016-2018, provided by the New Mexico Motor Vehicle Division (MVD).

² Id.

³ <https://www.nj.gov/transportation/business/research/reports/FHWA-NJ-2007-020-V1.pdf>

03

Ending debt-based license suspensions will improve New Mexico's economy and increase employment. In Phoenix, over 50% of people whose licenses were suspended lost their jobs, with a median decrease of \$36,800 to their annual income. Restoring just 7000 licenses increased GDP by \$149.6 mill.⁴

04

Debt-based suspensions waste law enforcement resources and clog courts. In 2019, "driving on a suspended license" accounted for 6.17% of public defender magistrate and metro court cases.⁵ **The vast majority of suspensions** are debt-based, or for missing a court appointment, not for dangerous driving. This bill improves cost-efficiency and allows courts, and police, who additionally serve as prosecutors on these cases, to make better use of the state's public safety resources.

05

This bill helps protect drivers from uninsured motorists and makes our roads safer. Suspended licenses increase insurance premiums and prevent many drivers from getting insurance at all. The Free to Drive Act will help ensure all drivers can get and keep insurance, while bringing down costs and promoting road safety.

06

Ending this practice will save money and improve efficiency at the MVD. Every time someone misses a court payment, the court clerk sends the MVD a notice to suspend. An MVD clerk must then process court paperwork, both on the front and back end, with reinstatement. With roughly 72,000 suspensions per year, the MVD is losing valuable time and resources processing debt-based suspensions.

07

Debt-based suspensions disproportionately harm rural and minority communities. Traveling by car is especially important for self-sufficiency in rural New Mexico. Nationally, only 11% of rural residents have access to public transportation services. Black and Hispanic people are more likely to be the subject of traffic enforcement and have their licenses suspended, despite comparable traffic violation rates.

⁴ <https://finesandfeesjusticecenter.org/content/uploads/2018/11/Phoenix-license-restoration-pilot-THE-CITY-OF-PHOENIX-MUNICIPAL-COURT'S-COMPLIANCE-ASSISTANCE-PROGRAM.pdf>

⁵ Based on data provided by the Law Offices of the Public Defender and their "FY19 Fourth Quarter/End of Fiscal Year Report."

BIPARTISAN NATIONAL SUPPORT

In the last three years, 13 states have passed reforms to curb license suspensions for unpaid fines and fees, missed hearing dates, or both:

Texas, Mississippi, Maine, Idaho, Montana, California, Maryland, Oregon, Virginia, West Virginia, Hawaii, New York, Michigan and the District of Columbia.

The Driving for Opportunity Act:

Introduced by Senators Chris Coons (D-DE) and Roger Wicker (R-MS), the Driving for Opportunity Act provides grants to states that do not suspend, revoke, or refuse to renew a driver's license of a person or registration of a motor vehicle for failure to pay a civil or criminal fine or fee. The grants would cover the cost of reinstating a driver's license previously suspended for unpaid fines and fees. It has bipartisan support from elected officials and over 50 key stakeholders including:

- U.S. Senators John Boozman (R-AR), Kamala Harris (D-CA), Chuck Grassley (R-IA), Chris Van Hollen (D-MD), Sherrod Brown (D-OH) and Joni Ernst (R-IA). Twenty-four State Attorneys General also signed on to support this innovative approach to ending debt-based license suspensions.
- The U.S. Chamber of Commerce, the National District Attorneys Association, the Federal Law Enforcement Officers Association, the National Urban League, Vision Zero, JPMorgan Chase, Instacart, and more have signed on in support of ending debt-based driver's license suspensions.

President Joseph Biden's 2021 platform includes driver's license suspension and fines and fees reform. Vice President Kamala Harris was a co-sponsor the Driving for Opportunity Act.⁶

LEARN MORE

Contact Fines and Fees Justice Center New Mexico State Director, Monica Ault mault@ffjc.us. Visit <https://finesandfeesjusticecenter.org/campaigns/new-mexico>

⁶<https://joebiden.com/justice/>