



**FINES & FEES  
JUSTICE  
CENTER**

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## **WRITTEN TESTIMONY IN SUPPORT OF**

**MARYLAND SB 139 / HB 813 (Driver's Licenses - Suspension for Child Support  
Arrearages – Exception)**

**&**

**MARYLAND SB 174 / HB 311 (Child Support - Suspension of Driver's Licenses)**

**TO:** Members of the Maryland Senate Judicial Proceedings Committee  
Members of the Maryland House Judiciary Committee

**FROM:** Mary Mergler, National Advocacy & Campaigns Deputy Director  
Fines and Fees Justice Center

**DATE:** February 6, 2024

Dear Members of the Maryland Senate Judicial Proceedings Committee and Members of the Maryland House Judiciary Committee:

**We write in support of Senate Bill 139 / House Bill 813 and Senate Bill 174 / House Bill 311.**

These bills would make meaningful reforms to reduce the use of driver's license suspensions for unpaid child support in Maryland, preventing low-income people from becoming trapped in a cycle of debt and removing counterproductive barriers to employment.

The Fines and Fees Justice Center is a national hub for information, advocacy, and collaboration for the reform of fines and fees, including eliminating the onerous collateral consequences that result from nonpayment like driver's license suspensions. Not having a valid driver's license makes life nearly impossible for most people in Maryland, preventing them from going to work, getting a new job, taking their child to school or childcare, and going to medical appointments. Because most people require a car to access the most basic necessities, they have no choice but to continue driving. When they do, they risk additional fines and fees, as well as arrest and jail time for driving with an invalid license.

To accelerate reform nationwide to end debt-based driver's license suspensions, FFJC along with more than 130 ideologically diverse joined forces in 2019 to launch the Free to Drive Campaign.<sup>1</sup> This national campaign brings together policy advocates, research organizations, and businesses committed to the principle that restrictions on driving privileges should only be used for dangerous driving—not to coerce debt payment or to punish people who miss a court appearance.

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<sup>1</sup> For more information, visit [www.freetodrive.org](http://www.freetodrive.org).

**The same is true in Maryland as is true across the country: debt-based suspensions harm Black, Brown and low-income communities at disproportionate rates.** In Maryland, Black people are nearly five times more likely to have their license suspended than white people.<sup>2</sup> Moreover, these racial disparities have worsened, rather than improved, over a period of five years analyzed.<sup>3</sup>

The Maryland legislature has already recognized the significant harms and inequities associated with debt-based suspensions with the passage of SB 234 in 2020, which ended certain suspensions for nonpayment of fines and fees in Maryland. **The same principles, evidence and values that led the Maryland legislature to end one form of debt-based driver's license suspension with the passage of SB 234 apply in the context of unpaid child support as well.**

While federal law prevents any state from completely eliminating license suspensions in the child support context, the law is clear that the state may only impose those suspensions in "appropriate cases."<sup>4</sup> The legislation being considered would limit debt-based suspensions for child support and prevent them from being imposed inappropriately on people whose noncompliance is due to a lack of financial resources, not willfulness. Specifically, SB 139 / HB 813 would ensure that people who are low income do not have their licenses suspended for nonpayment of child support by prohibiting the suspension of licenses for those with an income less than 250% of the federal poverty level. SB 174 / HB 311 would require a hearing before suspension and prevent suspension in inappropriate circumstances, such as when the person owing child support has a disability or is unable to pay.

**Finally, there is no evidence that supports driver's license suspension as an effective method to collect debts, whether that debt is unpaid fines and fees or unpaid child support.** In fact, debt-based driver's license restrictions make it more difficult to pay one's fines and fees by reducing access to employment. Studies examining the impact on collection have found no significant difference in collection rates as a result of license suspensions and restrictions. In Texas, one study found that municipal courts that did *not* use driver's license restrictions as a collection tool collected \$45 *more* per case, on average, than courts that did use them.<sup>5</sup> In another study comparing data from the years Tennessee did suspend licenses for unpaid fines and fees with the years that Tennessee did not do so, researchers found no statistically significant difference in collection rates during the time periods despite the change in practice.<sup>6</sup>

**Senate Bill 139 / House Bill 813 and Senate Bill 174 / House Bill 311 would advance fairness and equity, as well as remove barriers to work for people who lack the financial resources to resolve their child support debt.** We urge the Committees to support these two important pieces of legislation.

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<sup>2</sup> Testimony of Univ. of Baltimore School of Law Legal Data and Design Clinic in Support of Maryland HB 580 (2020), available at <https://drive.google.com/file/d/1931YyasJqJz1E3L1XUMEALgRfDsPsaGU/view?usp=sharing>.

<sup>3</sup> *Id.*

<sup>4</sup> 42 U.S.C.A. § 666(a)(16).

<sup>5</sup> Texas Fair Defense Project & Texas Appleseed, *Driven by Debt: The Failure of the OmniBase Program* (Aug. 2021), available at <https://www.texasappleseed.org/sites/default/files/OmniBaseRevenueReport-Aug11-Final.pdf>.

<sup>6</sup> ThinkTennessee, *Reducing the Harms of Court Debt: Driver's License Revocations are an Ineffective Policy for Increasing Court Collections* (Nov. 2022), available at <https://www.thinktennessee.org/wp-content/uploads/2022/11/drivers-license-revocation-report.pdf>.