

## **HB115: Vehicle Laws – Canceled, Revoked, and Suspended Driver’s Licenses – Penalties**

Supporting documents provided to the House Environment and Transportation Committee

Documents provided by Delegate David Moon

January 21st, 2021

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### **Supporting documents include:**

- 2020 *Office of the State's Attorney for Baltimore City* Testimony in support of HB884
- 2020 *Job Opportunities Task Force* Testimony in support of HB884
- 2020 *Maryland Consumer Rights Coalition* Testimony in support of HB884

\*HB884 is the 2020 introduction of this bill

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Delegate Luke Clippinger  
Chair, Judiciary  
House Office Building  
6 Bladen Street  
Annapolis, MD 21401

February 26, 2020

Re: Support for – HB884 – Vehicle Laws – Canceled, Revoked, and Suspended Driver's Licenses – Penalties

Dear Chairman Clippinger and Committee Members:

As a prosecutor in Baltimore City, I have dealt with more traffic offenses than I can count. However, one particular law stands out amongst the many that I deal with in court every day. Under Transportation Article 16-303 (C), an individual who drives on a license that is suspended due to the failure to pay a civil judgment faces a maximum penalty of a \$1000 fine, 1 year of incarceration, and 12 points on their license. Yes, this is for failing to pay a civil judgment. To put this law in perspective, a first time defendant that is driving while impaired by alcohol only faces a maximum penalty of 60 days of incarceration and a \$500 fine. To bring the point home more clearly, moreover, the crime of possession of a controlled dangerous substance carries the same maximum penalty as driving license suspended: 1 year of incarceration.

While preparing my docket for court, I have tried on numerous occasions to wrap my head around this concept and convince myself that it makes sense. Alas, that time has still not arrived. The deleterious effect that this law has had on defendants throughout the city is troubling. For example, I can remember defendants with full-time jobs and families facing the risk of incarceration because they were cited for this offense while driving. Moreover, the points attached to their license if they are found guilty places them in a hole that is almost impossible to climb out of. The many stories that I would hear as I greeted defendants at the trial table were heart wrenching. What is more, even if the defendant was constantly paying down the debt—which is usually the case—they still could not rid themselves of this suspension from their license.

The reality is that Transportation Article 16-303 (C) criminalizes defendants for being poor. HB884, however, would provide a much needed change to this problem. With this law, a defendant would not face this risk of incarceration; rather, they would be subject to a fine of \$500. As a law student we are taught that the penalty should decrease recidivism. In other words, the defendant should be involved in less of a crime of a similar nature after receiving the penalty. Yet, the law as it currently stands does not promote that cause. Enacting HB884 would make the penalty proportionate to the crime. Furthermore, it would give a defendant the opportunity to pay down their civil judgment while being held responsible if they choose to drive with a suspended license.

As a prosecutor who is fighting every day to help bring justice to the citizens of Baltimore City, I urge you to support HB884. Thank you for your consideration.

Respectfully submitted,

Thomas E. Woods IV



**TESTIMONY IN SUPPORT OF HOUSE BILL 884:**

**Vehicle Laws - Canceled, Revoked, and Suspended Driver's Licenses - Penalties**

TO: Hon. Luke Clippinger, Chair, and Members of the House Judiciary Committee

FROM: Christopher Dews, Policy Advocate

DATE: February 26, 2020

The Job Opportunities Task Force (JOTF) is an independent, nonprofit organization that develops and advocates policies and programs to increase the skills, job opportunities, and incomes of low-skill, low-wage workers and job seekers in Maryland. We support House Bill 884 as a means to repeal the term of imprisonment and reduce the points assessed for a person convicted of possessing any canceled, revoked, or suspended license.

A 'Driving While Suspended' conviction in Maryland for an individual whose license has been suspended for failing to pay a ticket is subject to a 60-day jail term and a \$500 fine. The policy of driver's license suspension for failure to pay traffic fines has disproportionate and highly negative impacts on the poor. It is a policy that further impoverishes poor people who face income and job loss as a result of their inability to drive to work and can lead to criminal charges simply due to the inability to pay a traffic fine.

Mobility is essential for employment, as the majority of Maryland workers must drive to reach their jobs. In this regional economy, nearly 50 percent of Marylanders travel outside of their county for employment. This makes access to a driver's license essential to the livelihood of nearly half of Maryland's working population. Additionally, many of the jobs available to low-wage workers require a valid driver's license for employment. As such, Maryland's low-wage workers, oftentimes, must weigh the risks of driving without a license against the need to earn income.

At JOTF, we routinely encounter those who are directly impacted by Maryland's use of driver's license suspension and revocation as a debt collection practice. We encounter it through the stories of our Project JumpStart participants or from the millions of low-wage workers who we advocate for in Annapolis. In every instance, the case is the same – a debt is owed, there is no ability to pay, a driver's license is revoked or suspended – creating a cycle of lost employment, income, and even your freedom. Communities of color are impacted the most, due to over-policing and motor vehicles law steeped in racial profiling.

On this issue, it is best to compare the state to states that have adequately monitored and documented this issue. In New Jersey, the Motor Vehicles Affordability and Fairness Task Force, which was created by statute, studied the negative impact of the revocation or suspension of licenses for "social

# JOTF JOB OPPORTUNITIES TASK FORCE

*Advocating better skills, jobs, and incomes*

non-conformance” offenses, like unpaid parking tickets. The study showed that 42% of New Jersey drivers lost their jobs after their license was revoked. Of those drivers, 45% of them were unable to regain employment, and of those that did, 88% reported a decrease in income. The correlation is clear and the adverse effects are damaging for low-income workers and their families.

House Bill 884 is essential to moving the state away from punitively punishing the poor for their volatile economic state. For these reasons, we urge a favorable report of House Bill 884.

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American Community Survey. 2010-2015 estimates for Maryland. Economic characteristics data profile.

<https://www.census.gov/acs/www/data/data-tables-and-tools/data-profiles/2015/>

“Drivers License Suspensions Create A Cycle of Debt,” April 4, 2015, New York Times,

<https://www.nytimes.com/2015/04/15/us/with-drivers-license-suspensions-a-cycle-of-debt.htm>

“Vehicle Asset Limits and License Suspensions, Disproportionate Impact on Low-Income Communities and Communities of Color,” CLASP, October 2016,

<https://www.clasp.org/sites/default/files/public/resources-and-publications/publication-1/vehicle-asset-limit-brief-final-draft.pdf>



Maryland Consumer Rights Coalition

**Testimony to the House Judiciary Committee  
HB 884: Vehicle Laws - Canceled, Revoked, and Suspended Driver's Licenses - Penalties  
Position: Favorable**

February 26, 2020

The Honorable Luke Clippinger, Chair  
House Judiciary Committee  
Room 101, House Office Building  
Annapolis, MD 21401  
cc: Members, House Judiciary Committee

Honorable Chair Clippinger and Members of the Committee:

The Maryland Consumer Rights Coalition (MCRC) is a statewide coalition of individuals and organizations that advances financial justice and economic inclusion for Maryland consumers through research, education, direct service, and advocacy. Our 8,500 supporters include consumer advocates, practitioners, and low-income and working families throughout Maryland.

We are writing today in support of bill HB 884. Through our organizational work, we witness the impact that fines and fees have on low-income families who are already in financial distress. As our report, *No Exit: How Maryland's Debt Collection Practices Deepen Poverty & Widen the Racial Wealth Gap*, details those who can afford to pay a fine, do not go to jail, while those who cannot afford to pay remain in jail.<sup>1</sup>

HB 884 would protect low-income Marylanders by 1) reducing the maximum fine for a person convicted of driving with a suspended license; and 2) removing imprisonment as a potential penalty for displaying a canceled, revoked, or suspended license or driving with a license that is suspended due to an unsatisfied judgment.

For many low-income individuals, the inability to pay a fine can have dire consequences resulting in unemployment, disruption of child care, loss of housing, or incarceration further.

For all these reasons, we strongly support HB 884 and urge a favorable report.

Best,

Marceline White  
Executive Director

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<sup>1</sup> [http://www.marylandconsumers.org/penn\\_station/folders/about/annual\\_report/No\\_Exit\\_Report.pdf](http://www.marylandconsumers.org/penn_station/folders/about/annual_report/No_Exit_Report.pdf)