

**TESTIMONY IN SUPPORT OF 19-S 78,
RELATING TO SUSPENSION OF REVOCATION OF LICENSES
February 26, 2019**

The ACLU of Rhode Island supports this legislation, which would make clear that individuals could not lose their driver's licenses because of their failure to pay traffic fines without having an ability to pay hearing. As presently worded, the statute makes no accommodation for indigent drivers. They thus can be put in a true Catch-22 situation: they lose their license because they can't pay the fines, they lose their ability to work because they can't drive, and their loss of a job means that they are not making money that might allow them to pay the fines.

Courts have also recognized that this situation, and its impact on poor residents, raises serious constitutional concerns. In recently striking down a similar scheme in Tennessee, a federal court noted:

"[T]he ability to drive is crucial to the debtor's ability to actually establish the economic self-sufficiency that is necessary to be able to pay the relevant obligations. [The plaintiffs] have previewed substantial evidence demonstrating the necessity of driving to the ability to earn a living in Tennessee, but one needs only to observe the details of ordinary life to understand that an individual who cannot drive is at an extraordinary disadvantage in both earning and maintaining material resources. Suspending a driver's license is therefore not merely out of proportion to the underlying purpose of ensuring payment, but affirmatively destructive of that end." *Robinson v. Purkey*, 2017 WL 4418134 (M.D. Tenn. 2017).

The Senate passed this legislation last year, and in order to help avoid the destructive cycle cited above, the ACLU urges the Committee's passage of this legislation again.