



JOHN SPIROS

State Representative • 86th Assembly District

Assembly Bill 604

January 28, 2016

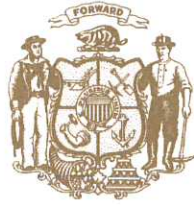
Testimony from Rep. Spiros

Good morning and thank you Mr. Chairman and members of the Assembly Committee on Criminal Justice and Public Safety for allowing me to have the opportunity to talk to you today regarding Assembly Bill 604, a bill that would change the maximum time a court may suspend an individual's driver license for a failure to pay forfeiture violation from two years to one year.

Reducing the maximum penalty for failure to pay forfeiture violations is a common sense reform to establish a more appropriate penalty than what exists under current law. Two-year failure to pay suspensions are not safety-related, yet they are longer than suspensions for a number of safety-related violations, such as those for OWIs, which can be six months to one year AND demerit point accumulations, which can be three months to one year. Furthermore, nearly 60% of suspended Wisconsin drivers are suspended due to failure to pay.

Additionally, a prolonged license suspension for failure to pay forfeiture violations may hinder the ability of an individual to get to work and earn the necessary income to pay the forfeiture. If an individual still owes forfeiture after the one-year suspension period, there is already an effective system in place to ensure collection of forfeitures; the Tax Refund Interception Program (TRIP) through the Wisconsin Department of Revenue. TRIP enables the courts to intercept an individual's state tax refund in order to pay overdue forfeitures.

Thank you again for allowing me the opportunity to testify in support of this bill, and I would welcome any questions.



JERRY PETROWSKI

WISCONSIN STATE SENATOR

Assembly Bill 604

January 28, 2016

Mr. Chairman and members of the committee, thank you for the opportunity to provide written testimony on Assembly Bill 604, which reduces the suspension of an individual's operating privilege for failure to pay monetary judgements from 2 years to 1 year.

Currently, individuals whose license is suspended for failure-to-pay violations can have their license suspended for up to 2 years. Two-year failure-to-pay suspensions are not safety related, yet they are longer than suspensions for much more serious safety-related violations. A suspension for OWI can be anywhere from six months to a year. Suspension due to demerit point accumulations can be anywhere from three months to a year. But at the same time, a person who has not committed a safety-related violation but may not be able to afford to pay a monetary judgement can have their license suspended for 2 full years.

Additionally, a prolonged license suspension negatively affects an individual's ability to repay the original monetary judgment. Without a driver's license, many people facing failure-to-pay suspensions find it difficult if not impossible to get to work and earn the necessary income to pay the forfeiture and get back their license.

This bill establishes a much more appropriate penalty than what exists under current law. It simply reduces the maximum time a license may be suspended from 2 years to 1 year. The bill also takes into account the fact that an effective system already exists to ensure full collection if an individual still owes forfeiture after the one year suspension. The Tax Refund Interception Program (TRIP) through the Department of Revenue allows the court to intercept an individual's state tax refund in order to pay overdue forfeitures.

Simply put, Assembly Bill 604 reduces the undue burden a failure-to-pay suspension has on those who are unable to pay these monetary judgments for reasons beyond their control.

29TH SENATE DISTRICT

STATE CAPITOL: P.O. BOX 7882 • MADISON, WISCONSIN 53707-7882
SEN.PETROWSKI@LEGIS.WISCONSIN.GOV • TELEPHONE: (608) 266-2502 • FAX: (608) 282-3569



STATE REPRESENTATIVE
CORY MASON

WISCONSIN STATE ASSEMBLY
66TH ASSEMBLY DISTRICT
REPRESENTING THE RACINE COMMUNITY

To: Members, Assembly Committee on Criminal Justice and Public Safety
From: Representative Cory Mason
Date: January 28, 2016
Re: Senate Bill 462/Assembly Bill 604, suspension of operating privilege for failure to pay monetary judgment.

Chairman Kleefisch and Members of the Committee, thank you for holding this public hearing today on Assembly Bill 604, which reduces suspension of driver's licenses due to a failure to pay forfeiture from two years to one year. I am pleased to cosponsor this bipartisan bill with Senator Jerry Petrowski, Representative John Spiros, and Senator Nikiya Harris Dodd. I was also pleased to cosponsor similar legislation, 2013 Assembly Bill 829/Senate Bill 653, last legislative session with then-Rep. Garey Bies and then-Sen. Glenn Grothman. This legislation is critically important to the Racine community I represent, which has many low-income drivers subject to suspended licenses due to a failure to pay a forfeiture.

The number of licenses suspended for failure to pay forfeiture is staggering; in 2014 there were 221,362 licenses suspended in Wisconsin for this reason alone. Individuals who have their licenses suspended due to a failure to pay traffic forfeiture lose the ability to drive for two years. This inhibits the ability of working Wisconsinites to travel to a job, attend to urgent medical needs, and fully participate in our state's economy and society. Many more significant infractions, such as fleeing a law enforcement officer or operating a vehicle while intoxicated, carry a significantly shorter license suspension than failure to pay forfeiture. This bill reduces the suspension from two years to one.

While many outstanding not-for-profit organizations are working in southeast Wisconsin to help lift the burden of a suspended license off of working-class motorists, the disproportionate sanction for this offense remains a significant barrier to employment and safety for many. Too many in my community go from being unable to pay traffic tickets, to being unable to drive and therefore unable to work. Assembly Bill 604 is a step in the right direction to begin to alleviate this growing problem.

Thank you again for the opportunity to testify on this legislation. It is my hope that this bipartisan legislation is adopted soon.



Support for Assembly Bill 604

To: Assembly Committee on Criminal Justice and Public Safety
From: Ken Taylor, Executive Director
Re: Support for AB 604 relating to suspension of operating privileges
Date: January 28, 2016

Thank you for this opportunity to testify in support of AB 604 on behalf of the Wisconsin Council on Children and Families. For those of you not familiar with WCCF, we are the only multi-children's issues advocacy organization in the state. We provide research and policy recommendations on health care, juvenile justice, early care and education and the state budget. WCCF's mission is to ensure that all children grow up in a safe and nurturing environment.

With that mission in mind, we are very interested in legislation that helps low-income parents support their families. AB 604 is such a bill because it reduces a barrier to work by decreasing the length of driver's license suspensions for people who are unable to pay a state or municipal citation.

There are many ways that people can get trapped in poverty, and that should concern all of us. I'm pleased to say that the general public and legislators in both parties all want low-income Wisconsinites to be able to work their way out of poverty and climb an economic ladder into the middle class. Nevertheless, state and local policy decisions sometimes prevent poor residents of our state from being able to even get onto the first rung of that ladder. A vivid illustration of that is the current statute providing for a two-year suspension of driving privileges for people with unpaid fines or forfeitures.

One might guess that such suspensions would be relatively rare, but that is definitely not the case. As you may know, the UW Milwaukee Employment and Training Institute has studied the data on suspensions, and they found that out of 418,000 suspensions and revocations in Wisconsin in 2013, three-fifths were for failure to pay forfeitures, compared to just 40% for driving-related reasons.

The UWM study found that suspensions are often applied on a deferred basis before someone has even gotten a license, and in Milwaukee County that has particularly affected African Americans. Their analysis shows that from 2008 through 2011 a total of more than 103,000 suspensions of that type were issued to African Americans in Milwaukee County, which was more than 7 times the number of imposed on unlicensed whites.

Suspensions for failing to pay fines or forfeitures are generally much more substantial than those for driving offenses, which sometimes don't involve suspensions at all. For example, there's no suspension for passing a school bus with red lights flashing, and not more than 6 months for first-offense reckless driving. Even for a driver found guilty of a hit-and-run

accident that injures someone, the maximum suspension is one-year, and that driver is eligible for an occupational license after 15 days. Yet someone who fails to pay a ticket for a relatively trivial offense can have their license suspended for two years, without any option for an occupational license.

I applaud the authors of AB 604 for beginning to address this problem. This bill is a very important measure, but also a relatively modest change. The bill still allows suspensions for a whole year for failure to pay fines and forfeitures, and if a monetary judgment isn't paid by the end of that year, a judge may extend the suspension.

Ultimately, I hope the legislature will go further to help low-income adults get to jobs by allowing and encouraging judges to impose alternative sentences for people who cannot afford to pay fines, and also by authorizing "occupational" licenses that enable people with suspended licenses to drive to work.

In closing, I would note that we have heard a lot over the past year or two about a shortage of workers. We are also hearing more from legislators on both sides of the aisle about the need to tackle poverty and help low-income families become self-sufficient. These two issue areas are very important, and there is a lot of overlap between the two. We can help make a dent in the worker shortage and help boost the state economy by removing barriers that are trapping low-income adults and their families in poverty. AB 604 does just that. It's a small step, but nevertheless a very important one.

I hope legislators, advocates, and the business community can work together to remove other barriers that trap people in poverty and suppress participation in the workforce. And I hope you will be very careful in the closing months of this session not to adopt legislation that creates new or steeper barriers for people trying to climb out of poverty.

YWCA IS ON A MISSION

January 28, 2016

Dear Assembly Committee on Criminal Justice and
Public Safety,

We strongly support Assembly Bill 604 and ask you to approve this important, bi-partisan bill. AB 604 reduces the maximum time that an individual's driver's license can be suspended due to failure to pay a monetary judgment, from two years to one year.

The YWCA Madison runs Dane County's only Driver' License Recovery Program. To qualify for our program, individuals must meet two requirements: First, they must have had their driver's license suspended because of an unpaid traffic ticket or lien and be unable to pay those fees. Second, they need a license to meet a basic need, such as getting to and from work or school, transporting a child to daycare or school, or obtaining employment for a job they otherwise qualify for but for the lack of a driver's license.

In 2014, we served 297 individuals through our program. All of our clients lost their drivers licenses because of unpaid civil fines, most unrelated to the act of driving a car. All of our clients live in poverty. Some are homeless, and most are housing-unstable. The majority of our clients have families to support, and all are unable to pay the fines because they are struggling to meet the basic needs of shelter, clothing, and food for themselves and their families.

We know there are many more that could benefit from our program, but our staff is already working at capacity. Our program staff recently expanded from part-time to full-time because of such demand, and the program immediately grew to fill the full capacity of that staff member.

Individuals struggle to provide for their families, find and maintain employment, and support their children's education without the ability to drive a car. Punishing these individuals for failure to pay a civil fine by suspending their driver's licenses substantially impacts their ability to maintain employment. This punishment is much more severe than the wrongdoing and actually reduces an individual's ability to replay the debt. Suspending a driver's license for failure to pay a fine is counterintuitive.

By passing AB 604 and reducing the suspension time in half, you will support these individuals who want to work and want to support their children and families but face barriers because of their inability to legally drive in Wisconsin. We would also greatly support an amendment to eliminate entirely any option to suspend a driver's license for unpaid civil fines.

Thank you for your consideration of AB 604. We urge you to vote yes. Please do not hesitate to contact me or Carousel Bayrd, our Policy and Partnership Coordinator, at (608) 395-2196.

Sincerely,


Rachel Krinsky
CEO

eliminating racism
empowering women
ywca

Race &
Gender Equity

Job Training &
Transportation

Housing &
Shelter

YWCA Madison

101 E. Mifflin Street, Suite 100 | Madison | WI 53703

P 608.257.1436

F 608.257.1439

ywcamadison.org



To: Members, Assembly Committee on Criminal Justice & Public Safety
 From: Vicky Selkove, Legislative Director, Legal Action of Wisconsin
 Re: AB 604, Reducing Length of Drivers' License Suspensions for Failure to Pay Forfeitures
 Date: January 28, 2016

Legal Action of Wisconsin is a nonprofit law firm. Our attorneys and staff provide free civil legal services to low-income people in 39 Wisconsin counties, across a territory that extends from the southeastern corner of the state up through Brown County in the east and La Crosse County in the west. For nearly 20 years, we have helped to restore driver's licenses in Milwaukee. We have also represented clients in driver's license restoration cases in Madison, Green Bay, Racine, Stevens Point, and Wausau at various times. As well, since 2007, we have partnered with Wisconsin Community Services in a highly successful collaborative project: the Center for Driver's License Recovery & Employability (CDLRE).

Since 2007, the CDLRE has helped more than 3,000 low-income Milwaukee residents restore their driver's licenses, and has provided legal advice and information to more than 4,300 additional Milwaukee residents.

We support Assembly Bill 604 and appreciate Representative Spiros, Representative Mason, Senator Petrowski, and Senator Harris Dodd's leadership in authoring this bill. AB 604 will help more Wisconsin residents obtain and maintain employment, and will redress a longstanding inequity in our state's driver's license penalties.

According to the Wisconsin Department of Transportation (DOT), in 2014 alone, there were 221,362 suspensions for failure to pay forfeitures. (Forfeitures, in this context, result from traffic tickets.) **In fact, nearly 60% of all suspensions and revocations in Wisconsin in 2014 were due to failure to pay forfeitures.** This number far exceeds any other suspension or revocation.

Under current law, when your license is suspended for inability to pay a traffic forfeiture, you lose your license for two full years, leading to the result that those who cannot afford to pay traffic tickets have their licenses suspended for far longer than drivers who have committed safety-related violations.

As the table below illustrates, the current two-year suspension for failure to pay a traffic ticket is longer than many safety-related suspensions and revocations:

Violation	Is This a Safety-Related Violation?	Length of Suspension or Revocation
Failure to pay forfeitures	NO	Two years
Accumulate 12 demerit points	YES	2-6 months
Fleeing an officer	YES	6 months
Operating While Intoxicated (First violation)	YES	Maximum 9 months
Accumulate 31+ demerit points	YES	One year
Fleeing an officer and causing bodily harm or property damage	YES	One year

The table above, as well as the table below from the *Milwaukee Journal Sentinel*, provide examples of punishments for poor driving. **Failure to pay forfeitures is not a safety-related violation, yet it is currently punishable by a license suspension that is at least two times longer than the suspensions for safety-related violations. AB 604 would address this current injustice and reduce the length of the suspension for failure to pay forfeitures to one year.**

AB 604 does not impact any safety-related suspensions; those convicted of serious, safety-related violations will still have their licenses suspended or revoked. Nor does this legislation eliminate a driver's responsibility and obligation to pay forfeitures owed: **Drivers will still be subjected to a one-year suspension of their licenses if they do not pay on time. It is important to note that the Wisconsin Department of Revenue's Tax Refund Intercept Program (TRIP) collected more than \$21 million in 2014 for our state and municipal courts from state income tax refund intercepts. This means that our courts can still collect these forfeitures – if necessary, well after the suspension is over.**



This legislation will simply reduce the length of time Wisconsin's low-income drivers will have their licenses suspended if they are unable to pay their tickets. The current two-year suspension for failure to pay forfeitures seriously harms Wisconsin's low-income drivers. A one-year suspension, as proposed in AB 604, is a more reasonable penalty, and is more in line with other Wisconsin driver's license suspensions and revocations.

A valid driver's license is vital for our low-income clients. They need valid licenses to obtain employment, to maintain employment, and to safely and validly get to and from jobs located outside of core urban areas. As the *Milwaukee Journal Sentinel* noted in its August 15, 2015 article, "Ticket to Nowhere: The Hidden Cost of Driver's License Suspensions":

“Without valid driver's licenses, they lose job opportunities and fall deeper into financial straits. Some even end up in jail — a cost to the community — for not paying their traffic fines. In an already deeply segregated city, a disproportionate number of those affected are minorities.”

AB 604 will greatly benefit our clients and other low-income Wisconsin drivers throughout our state who are losing their licenses for two years simply due to poverty.

Thank you for the opportunity to testify about this legislation. Please do not hesitate to contact me if you have additional questions. I can be reached at (608) 620-2011 or vss@legalaction.org.