



Jim Howell

***Commissioner – Fifth District
Board of County Commissioners
Sedgwick County, Kansas***

Proponent In-part Testimony for SB 275

01/30/2020

To Chairman (Sen) Petersen, Vice Chair (Sen) Goddard, Senator Petty and other members of the Senate Transportation Committee:

As a Sedgwick County Commissioner, I have discovered that there is an excessive number of suspended drivers in Sedgwick County. KAKE TV recently did several news stories that exposed the high number of suspended driver's licenses and presented some of the difficulty people are experiencing trying to overcome the challenge they created for themselves. The info in this news story is eye opening and shocking.

<http://www.kake.com/story/41246594/kake-news-investigates-suspended-drivers-licenses-raise-costs-for-all-drivers> is the link to the story.

Here is a Tiny URL that goes to the same story: <https://tinyurl.com/suspended-drivers>.

The KAKE news story explains that on the day the story aired (10/29/2019), according to the KDOR, there were more than 213,000 suspended drivers' licenses in Kansas and about half of those reside in Sedgwick County. More than 20% of Sedgwick County drivers have their licenses suspended right now according to some estimates. Obviously, one-fifth of our residents are not waiting at home for their suspension to expire despite the fact that about one-fifth of our licensed drivers have their license suspended.

More than likely, out of desperation and lack of alternatives, most suspended drivers are continuing to drive and I speculate that most of them probably do not have current auto insurance. In large cities, public transportation options are prevalent but that is not a viable option for most suspended drivers in Kansas.

Some drivers may rack up traffic infraction fines that become financially overwhelming. If they fail to pay their fine on time, they have to appear in court. Things get bad quickly. Yes, the driver is making bad choices but the escalation of their penalties ratchets up and quickly becomes nearly impossible to solve. Further, parents that fail to pay their child-support tasks may have their drivers' license suspended by KDOR law as punishment to get the parent to stay responsible.

Many of these folks add to their burden if/when they make a bad choice to drive on a suspended license. I am not making excuses for the bad decisions but I can understand the plight these people are trying to overcome. For example, the statutory minimum fines for Driving While Suspended can range from \$100 all the way to \$1,500 and that bad choice alone also automatically adds another 90 days to their suspension period. Moreover, this 90-day suspension period only begins to run once they settle all outstanding fines and other impediments to their valid driver's license. While they are suspended, they likely cannot maintain auto insurance. How often do we hear that someone gets into a fender-bender and the 'other driver does not have insurance'?

Many of these people live in fear of losing their jobs because they cannot find alternate affordable transportation to/from work. Many of these people cannot reasonably pay their fines because they cannot get to work, struggle to put food on the table for their family, or pay child support. If the person succumbs to these pressures, they might make a very bad choice to drive on a suspended license. If they are caught, the penalties become overlapping and exponential. They might even end up in County Jail. Is this what we want?

A few months ago, I had a constituent that received a 'reckless driving' charge for making some sort of error while turning left at an intersection. The fine was \$250 plus \$110 in court costs. She was also issued an automatic 90-day driver's license suspension, not from the DA or the Judge. KDOR administratively issued by this suspension. This was an extreme hardship. She could not afford an attorney. This story is typical and there are many, many thousands of suspended driver's licenses for similar reasons.

This Kansan lives in Oaklawn (in my district) and is very low income. She had to choose between two terrible options: lose her job or drive on a suspended license. How would she make the money to pay her fine if she lost her job? She could not afford Lyft, Uber, or a taxi and there is not adequate public transportation. This is a catch-22 and there is no good solution without some grace in the law. SB275 is a step in that direction.

I do not know the best answer but I trust this committee to reflect on this story and make a great new law to help people like this constituent. A **Suspended License makes sense when someone is failing to show responsibility**. If they miss court and/or fail to make payments on their fines, then suspension is appropriate.

However, **once the person is demonstrating responsibility** by making their court dates and making payments towards their fines (*i.e.*, someone that is doing all the right things), then a **procedurally-available Restricted License is more appropriate**. A Restricted License would allow them to continue to be law-abiding and do responsible things such as earn income and take care of their children. Obtaining a restricted license should be as easy and accessible as obtaining a diversion, if not more so. Information about such options should be made readily available to each suspended driver, both by the prosecutor and the KDOR. Additionally, the process should be speedy and affordable. After all, if it takes more than 30 days to obtain a restricted driver's license, any worker adhering to the law and without alternate travel options will have most certainly lost their job while awaiting their restricted

driver's license. The entire point here is to help people who properly take responsibility for their past traffic infractions and misdemeanors remain productive, working Kansans. Why continue overly harsh punishments? Do we embrace effective correction, or is punishment the right strategy?

As the Legislature discusses "**Criminal Justice Reform**", addressing the enormous number of suspended licenses is low-hanging fruit. Please find a way to give grace to citizens when appropriate so they can keep their jobs, pay for their children, and keep the lights on and food on the table. Help them legally keep their jobs so that they can pay their fines and child-support. This regressive law may have been well-intentioned but with more than 20% of Sedgwick County's drivers on suspended licenses, perhaps it's time make this punitive law more effective.

A handwritten signature in blue ink that reads "Jim Howell". The signature is fluid and cursive, with a large initial "J" and "H".

Jim Howell
Sedgwick County Commissioner, District 5