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# REENTRY COALITION OF NEW JERSEY

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July 16, 2018

The Honorable Sandra B. Cunningham  
New Jersey State Senate  
New Jersey Legislature, 31<sup>st</sup> District  
1738 Kennedy Blvd.  
Jersey City, NJ 07305

RE: Driver License Suspensions

Dear Senator Cunningham-

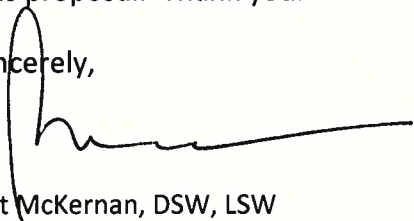
Thank you very much for meeting with us to discuss strategies to address legal financial obligations of individuals leaving prison and the use of arrest warrants. Per our discussion, you expressed interest in reforming New Jersey's driver's license suspension practices. For many individuals leaving prison, driver's license suspension is a significant problem.

Losing one's driver's license complicates employment prospects post incarceration. The New Jersey Motor Vehicle Affordability and Fairness Task Force reported in 2006 that more than 20,000 people lose their driver's license due to a drug conviction on an annual basis. Moreover, most drivers' license suspensions have nothing to do with poor driving. The suspension of drivers' licenses is commonplace in municipal court practices across New Jersey and was mandatory under the Comprehensive Drug Reform Act of 1987. The law was amended in 2007 but driver's license suspension remains an expensive and difficult barrier to repair for ex-offenders. The loss of a driver's license limits one's employability as well as mobility and is counterintuitive to the payment of fines related to driver's license suspension and other legal financial obligations.

It is time to repeal the automatic suspension of drivers' licenses under the Comprehensive Drug Reform Act of 1987. Additionally, it is time to review commonsense recommendations that have been made regarding drivers license suspensions. A summary of these recommendations is attached for your review.

I can be reached at [pmckernan@voadv.org](mailto:pmckernan@voadv.org) or at 609-315-0971 with any questions related to this proposal. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Pat McKernan', with a long horizontal flourish extending to the right.

Pat McKernan, DSW, LSW  
President

## **Formal Recommendations Related to Drivers License Suspension:**

The New Jersey Institute of Social Justice, a non-partisan urban research and advocacy organization, released landmark recommendations related to drivers' license suspension in 2001. Their publication entitled *Roadblock on the Way to Work: Driver's License Suspension in New Jersey* made recommendations related to this important issue. Several of the recommendations appear pertinent to your interest in drafting legislation to make improvements in this system. They include:

- **Provide for conditional or job-related licenses.** This would permit individuals to hold a limited license permitting them to drive for work, job training, or health reasons while paying off outstanding fees.
- **Set up license reinstatement programs.** Reinstatement programs through the courts and the MVC would work with individuals to set up realistic payment plans, scaled to income, for outstanding fines, insurance surcharges, and other penalties owed to the state or municipalities. Driving under a regular or job related license would be allowed during the payment period.
- **Reform the insurance surcharge system.** Realistic payment plans must be adopted and the statutory requiring payment plans be limited to one year must be revised.
- **Permit full or partial waiver of fines or surcharges as an incentive.** Fines and surcharges could be reduced or waived for individuals based on income or effort to improve their financial status.
- **Reduce discretionary suspensions.** Suspensions for certain traffic violations are not mandatory but are imposed at the discretion of the MVC. Other suspensions are imposed at the discretion of the municipal courts. Using alternatives to achieve enforcement goals could reduce overall suspension rates.
- **Provide legal or lay assistance for low-income individuals facing suspension.**

In 2006, the **Motor Vehicles Affordability and Fairness Task Force** released its final report to then Governor Corzine and the NJ State Legislature. The Task Force Recommendations include:

1. Provide judges with more discretion when establishing time payment orders.
2. Make payment of court-administered fines and time payment orders easier for drivers.
3. Amend the parking Offenses Adjudication Act to permit suspension of vehicle registration as an alternative to license suspension.
4. Provide courts with greater discretion to provide payment plans in excess of 12 months for those failing to pay child support arrears and support initiatives to increase compliance with child support payments using driver's license suspension as a remedy of last resort.
5. Amend N.J.S.A. 39:3-40 to provide courts with greater discretion regarding the imposition of additional mandatory suspension time when drivers are convicted of driving while suspended for non-driving reasons. Consider whether the current fine amounts defined in the statute are appropriate given the nature for each offense.
6. Make payment of outstanding MVC insurance surcharges and restoration fees easier and more affordable for low income drivers.
7. Conduct a revenue impact study to determine if lowering current surcharge amounts would increase overall collection rates and maintain or increase overall revenue from the insurance surcharge program.
8. Rename the insurance surcharge program to reflect its current purpose as a driver responsibility assessment.

9. Increase public awareness and understanding of the insurance surcharge program and the potential consequences of not paying the surcharges.
10. Develop informational materials to increase public awareness and understanding of the potential consequences of motor vehicle violations, including: fine amounts (for frequent violations), point accumulation, insurance surcharges and potential license suspension.
11. Conduct a comprehensive review of New Jersey's current point system and driver improvement programs to determine the effectiveness of the programs relative to ensuring highway safety.
12. Address issues that contribute to license suspensions for failing to maintain insurance.
13. Regulate and/or limit insurance premium increases that are based on license suspensions for non-driving reasons.
14. Consider creating a restricted-use license program for drivers suspended for financial reasons.
15. Change license suspension notification documents to make them easier to understand and include supplemental education materials to communicate the seriousness of license suspension and its potential consequences.
16. Improve communication with the public and increase awareness among drivers facing license suspension that MVC has an administrative hearing process available to address the individual circumstances of their suspensions.
17. Undertake a sustained and systemized effort to provide social service agencies, employment counseling agencies, One-Stop Career Centers, Department of Corrections personnel, parole officers and support staff at transitional facilities with the information, training and tools they need to more effectively assist clients to address license suspension and restoration issues.
18. Elevate the importance of dealing with license restoration issues as part of the Department of Corrections discharge planning process.
19. Increase awareness among social service agencies that public assistance funds (e.g., TANF and other federal programs permitting the use of funds for transportation purposes) can be used to pay for such surcharges, fees and fines associated with license suspension as a means to promote employment opportunities among eligible recipients and increase collections.
20. Amend existing laws, policies, and procedures governing address change notification to increase the accuracy of MVC mailing address data.