

**ARLINGTON CIVIC FEDERATION RESOLUTION ON
VIRGINIA GROUNDS FOR DRIVER'S LICENSE SUSPENSION**

EXECUTIVE SUMMARY

PROCEDURAL HISTORY

This resolution was introduced to the membership at the Civic Federation meeting held on November 14, 2017 by Juliet Hiznay on behalf of the Legislative Committee. Members asked questions about the resolution at that time. This resolution of the Legislative Committee was passed unanimously, pending amendments, on September 26, 2017. Upon circulation of the resolution with amendments, these were accepted without objection. Voting members of the legislative committee were: John Seymour, Ronald Haddox, Takis Karantonis, Juliet Hiznay, Donald Gurney, and John Bloom. Based upon excellent feedback from members, further research of sources and the Virginia Code were carried out and 4 additional whereas clauses were added, as marked below.

BACKGROUND

Under Virginia Code § 46.2-395, the grounds for driver's license suspensions has steadily grown over the years. There are very many instances in which a driver's license can be suspended under state law without any relationship to the competency of a driver or to driving conduct. It is now linked to the payment of court costs, forfeitures, restitution and penalties for violations of local, state or federal law, both civil and criminal.

Many areas of the state have inadequate or limited public transportation systems, which means that loss of a driver's license can result in job loss. Most individuals, families and small businesses require the use of automobiles in order to carry out daily tasks.

Efforts to address the negative impact of this law on those who are unable to pay have been very limited in scope. Driving is treated legally as a privilege, when in fact it is most often a necessity. For this reason, even those who are convicted of driving under the influence of alcohol can request a judicial order permitting them to drive to and from work, if they meet conditions.

The suspension of a driver's license for non-driving behavior is coercive, limits options for obtaining and keeping employment, and bears no relationship to public safety.

For these reasons, the legislative committee of the ACCF unanimously voted in favor of the following resolution regarding reform of state law as to driver's license suspension.

RESOLUTION ON VIRGINIA GROUNDS FOR DRIVER'S LICENSE SUSPENSION

WHEREAS, Virginia Code § 46.2-395 provides for automatic driver's license suspension for failure to pay lawful fines, court costs, forfeitures, restitution, and penalties assessed against a person

for violations of the laws of the Commonwealth; of any county, city, or town; or of the United States;¹

WHEREAS, the Virginia Department of Motor Vehicles assesses fees ranging from \$125 to \$220 to reinstate a license that has been previously suspended, depending upon the basis for the suspended license;²

WHEREAS, Virginia Code § 46.2-395 lacks due process protections in advance of suspending a driver's license (FN1);

WHEREAS, according to the Governor's office an estimated 650,000 Virginians were without a license due to outstanding courts costs as of January 2017.³

WHEREAS, legislation providing for payment grace periods and payment plans does nothing to resolve due process concerns or concerns associated with removing the right to drive due to an inability to fees and fines;⁴

WHEREAS, a driver's license is necessary for most residents in order to work and carry out the tasks of daily life; and

WHEREAS, the provisions of Virginia Code § 46.2-395 disproportionately burden those living in poverty, those with low income and those with no income as a result of disability or unemployment,

NOW THEREFORE, THE ARLINGTON CIVIC FEDERATION recommends the following state legislative changes be made:

Repeal all provisions of state law that suspend or revoke a driver's license that have no relationship to driving offenses or competency to drive an automobile.

¹ <https://law.lis.virginia.gov/vacode/title46.2/chapter3/section46.2-395/>

² https://www.dmv.virginia.gov/drivers/#reinstate_fee.asp

³ http://www.dailyprogress.com/news/local/new-law-doesn-t-put-automatic-driver-s-license-suspension/article_553fee52-5d2a-11e7-900d-2bc9dfac71c2.html

⁴ <https://law.lis.virginia.gov/vacode/title19.2/chapter21/section19.2-354.1/>