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To provide grants to States that do not suspend, revoke, or refuse to renew a driver’s license of a person or refuse to renew a registration of a motor vehicle for failure to pay a civil or criminal fine or fee, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 13, 2023

Mr. COONS (for himself, Mr. WICKER, Mr. DURBIN, Mr. GRASSLEY, Mr. WHITEHOUSE, Mr. TILLIS, Mr. BLUMENTHAL, Mr. BOOZMAN, Mr. BOOKER, Mr. LANKFORD, Mr. VAN HOLLEN, Mr. CRAMER, Mr. WYDEN, and Mrs. CAPITO) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide grants to States that do not suspend, revoke, or refuse to renew a driver’s license of a person or refuse to renew a registration of a motor vehicle for failure to pay a civil or criminal fine or fee, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Driving for Oppor-
5 tunity Act of 2023”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Driving a vehicle is an essential aspect of
4 the daily lives of most people in the United States.

5 (2) Driving is often required to access jobs and
6 healthcare, take care of family, get groceries, and
7 fulfill other basic responsibilities.

8 (3) In many small cities, towns, and rural areas
9 that do not have public transportation and ride-
10 sharing alternatives, driving is often the only real-
11 istic means of transportation.

12 (4) In the United States, millions of Americans
13 have had their driver's licenses suspended for unpaid
14 court fines and fees.

15 (5) A person whose driver's license is suspended
16 or revoked for unpaid fines and fees will often find
17 it more difficult to earn a living and therefore pay
18 the debt owed to the government.

19 (6) Drunk and dangerous driving are some of
20 the leading causes of death and serious bodily injury
21 in the United States, and promoting safety on the
22 roads is a legitimate, necessary, and core govern-
23 mental function. Suspending a license for unsafe
24 driving conduct presents different considerations
25 than suspending a license for unpaid fines and fees.
26 Suspending a license for unsafe driving is an appro-

1 appropriate tool to protect public safety. Policymakers
2 also may consider alternatives to suspension of a li-
3 cense for unsafe driving such as ignition interlock
4 device programs.

5 (7) According to the National Highway Traffic
6 Safety Administration, every year on average, over
7 34,000 people are killed and 2,400,000 more people
8 are injured in motor vehicle crashes. Some of the
9 major causes of these crashes include speeding, im-
10 paired driving, and distracted driving. Nearly half of
11 passenger vehicle occupants killed in crashes are un-
12 restrained. The societal harm caused by motor vehi-
13 cle crashes has been valued at \$836,000,000,000 an-
14 nually. The enactment of, enforcement of, and edu-
15 cation regarding traffic laws are key to addressing
16 unsafe behavior and promoting public safety.

17 (8) However, most driver's license suspensions
18 are not based on the need to protect public safety.

19 (9) Between 2010 and 2017, all but 3 States
20 increased the amount of fines and fees for civil and
21 criminal violations.

22 (10) In the United States, 40 percent of all
23 driver's license suspensions are issued for conduct
24 that was unrelated to driving.

1 (11) One in three people in the United States
2 are affected by fines and fees debt.

3 (12) Arresting and prosecuting individuals for
4 driving on a suspended license consumes a signifi-
5 cant amount of law enforcement and prosecutorial
6 resources. Driving on a suspended license is one of
7 the most common criminal charges in jurisdictions
8 across the country.

9 (13) Seventy-five percent of those with sus-
10 pended licenses report continuing to drive.

11 (14) It is more likely that those people are also
12 driving without insurance due to the costs and re-
13 strictions associated with obtaining auto insurance
14 on a suspended license, thereby placing a greater fi-
15 nancial burden on other drivers when a driver with
16 a suspended license causes an accident.

17 (15) The American Association of Motor Vehi-
18 cle Administrators has concluded the following:
19 “Drivers who have been suspended for social non-
20 conformance-related offenses are often trapped with-
21 in the system. Some cannot afford to pay the origi-
22 nal fines, and may lose their ability to legally get to
23 and from work as a result of the suspension. Many
24 make the decision to drive while suspended. The sus-
25 pension results in increased financial obligations

1 through new requirements such as reinstatement
2 fees, court costs, and other penalties. While there is
3 a clear societal interest in keeping those who are
4 unfit to drive off the roads, broadly restricting li-
5 censes for violations unrelated to an individual's
6 ability to drive safely may do more harm than good.
7 This is especially true in areas of the country that
8 lack alternative means of transportation. For those
9 individuals, a valid driver's license can be a means
10 to survive. Local communities, employers, and em-
11 ployees all experience negative consequences as a re-
12 sult of social non-conformity suspensions, including
13 unemployment, lower wages, fewer employment op-
14 portunities and hiring choices, and increased insur-
15 ance costs.”.

16 (16) A report by the Harvard Law School
17 Criminal Justice Policy Program concluded the fol-
18 lowing: “The suspension of a driver's or professional
19 license is one of the most pervasive poverty traps for
20 poor people assessed a fine that they cannot afford
21 to pay. The practice is widespread. Nearly 40 per-
22 cent of license suspensions nationwide stem from un-
23 paid fines, missed child support payments, and drug
24 offenses—not from unsafe or intoxicated driving or
25 failing to obtain automotive insurance. Suspension of

1 a driver’s or professional licenses is hugely counter-
 2 productive; it punishes non-payment by taking away
 3 a person’s means for making a living. License sus-
 4 pension programs are also expensive for States to
 5 run and they distract law enforcement efforts from
 6 priorities related to public safety. License suspen-
 7 sions may also be unconstitutional if the license was
 8 suspended before the judge determined the defend-
 9 ant had the ability to pay the criminal justice debt.”.

10 **SEC. 3. GRANTS FOR DRIVER’S LICENSES REINSTATEMENT**
 11 **PROGRAMS.**

12 Subpart 1 of part E of title I of the Omnibus Crime
 13 Control and Safe Streets Act of 1968 (34 U.S.C. 10151
 14 et seq.) is amended—

15 (1) in section 501(a) (34 U.S.C. 10152(a)), by
 16 adding at the end the following:

17 “(3) GRANTS FOR DRIVER’S LICENSE REIN-
 18 STATEMENT PROGRAMS.—

19 “(A) IN GENERAL.—In addition to grants
 20 made under paragraph (1), the Attorney Gen-
 21 eral may make grants to States described in
 22 subparagraph (B) to cover costs incurred by the
 23 State to reinstate or renew driver’s licenses or
 24 motor vehicle registrations previously sus-

1 pended, revoked, or failed to be renewed for un-
2 paid civil or criminal fines or fees.

3 “(B) STATES DESCRIBED.—A State de-
4 scribed in this subparagraph is a State that—

5 “(i) does not have in effect any State
6 or local law that permits—

7 “(I) the suspension or revocation
8 of, or refusal to renew, a driver’s li-
9 cense of an individual based on the in-
10 dividual’s failure to pay a civil or
11 criminal fine or fee; or

12 “(II) the refusal to renew the
13 registration of a motor vehicle based
14 on the owner’s failure to pay a civil or
15 criminal fine or fee; and

16 “(ii) during the 3-year period ending
17 on the date on which the State applies for
18 or receives a grant under this paragraph,
19 has repealed a State or local law that per-
20 mitted the suspension or revocation of, or
21 refusal to renew, driver’s licenses or the
22 registration of a motor vehicle based on
23 the failure to pay civil or criminal fines or
24 fees.

1 “(C) CRITERIA.—The Attorney General
2 shall award grants under this paragraph to
3 States described in subparagraph (B) that sub-
4 mit a plan to reinstate or renew driver’s li-
5 censes or motor vehicle registrations previously
6 suspended, revoked, or failed to be renewed for
7 unpaid civil or criminal fines or fees—

8 “(i) to maximize the number of indi-
9 viduals with suspended or revoked driver’s
10 licenses or motor vehicle registrations eligi-
11 ble to have driving privileges reinstated or
12 regained;

13 “(ii) to provide assistance to individ-
14 uals living in areas where public transpor-
15 tation options are limited; and

16 “(iii) to ease the burden on States
17 where the State or local law described in
18 subparagraph (B)(ii) was in effect during
19 the 3-year period ending on the date on
20 which a State applies for a grant under
21 this paragraph in accordance with section
22 502.

23 “(D) AMOUNT.—Each grant awarded
24 under this paragraph shall be not greater than
25 5 percent of the amount allocated to the State

1 in accordance with the formula established
2 under section 505.

3 “(E) REPORT.—Not later than 1 year
4 after the date on which a grant is made to a
5 State under this paragraph, the State shall sub-
6 mit to the Attorney General a report that de-
7 scribes the actions of the State to carry out ac-
8 tivities described in subparagraph (A), including
9 with respect to—

10 “(i) the population served by the pro-
11 gram;

12 “(ii) the number of driver’s licenses
13 and motor vehicle registrations reinstated
14 or renewed under the program; and

15 “(iii) all costs to the State of the pro-
16 gram, including how the grants under this
17 paragraph were spent to defray such costs.

18 “(F) ADDITIONAL ANALYSIS.—Not later
19 than 2 years after the date on which a grant is
20 made to a State under this paragraph, the
21 State shall submit to the Attorney General an
22 analysis of the impact of the program on the
23 collections of civil or criminal fines or fees.”;
24 and

25 (2) in section 508—

1 (A) by striking “There” and inserting “(a)
2 IN GENERAL.—There”; and

3 (B) by adding at the end the following:

4 “(b) DRIVER’S LICENSE REINSTATEMENT PRO-
5 GRAMS.—There is authorized to be appropriated to carry
6 out section 501(a)(3) \$10,000,000 for each of fiscal years
7 2024 through 2028.”.

8 **SEC. 4. GAO STUDY.**

9 (a) STUDY.—The Comptroller General of the United
10 States shall conduct a study of the implementation of the
11 grant program in paragraph (3) of section 501(a) of the
12 Omnibus Crime Control and Safe Streets Act of 1968 (34
13 U.S.C. 10152(a)), as added by section 3(a) of this Act,
14 that—

15 (1) includes what is known about the effect of
16 repealing State laws, in selected States, that had
17 permitted the suspension or revocation of, or refusal
18 to renew, driver’s licenses or the registration of a
19 motor vehicle based on the failure to pay civil or
20 criminal fines or fees, including such factors, to the
21 extent information is available, as—

22 (A) the collection of fines and fees;

23 (B) the usage of law enforcement re-
24 sources;

25 (C) economic mobility and unemployment;

1 (D) rates of enforcement of traffic safety
2 laws through the tracking of number of sum-
3 monses and violations issued (including those
4 related to automated enforcement technologies);

5 (E) the use of suspensions for public safe-
6 ty-related reasons (including reckless driving,
7 speeding, and driving under the influence);

8 (F) safety-critical traffic events (including
9 in localities with automated enforcement pro-
10 grams);

11 (G) the rates of license suspensions and
12 proportion of unlicensed drivers;

13 (H) racial and geographic disparities; and

14 (I) administrative costs (including costs as-
15 sociated with the collection of fines and fees
16 and with the reinstatement of driver's licenses);
17 and

18 (2) includes what is known about—

19 (A) existing alternatives to driver's license
20 suspension as methods of enforcement and col-
21 lection of unpaid fines and fees; and

22 (B) existing alternatives to traditional driv-
23 er's license suspension for certain kinds of un-
24 safe driving, including models that allow drivers

1 to continue to drive legally while pursuing driv-
2 er improvement opportunities.

3 (b) REPORT.—Not later than 2 years after the date
4 of enactment of this Act, the Comptroller General of the
5 United States shall submit to the Committee on the Judi-
6 ciary and the Committee on Environment and Public
7 Works of the Senate and the Committee on the Judiciary
8 and the Committee on Transportation and Infrastructure
9 of the House of Representatives a report on the study re-
10 quired under subsection (a).

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