

# STALLED

How Alabama's Destructive Practice of Suspending Driver's Licenses for Unpaid Traffic Debt Hurts People & Slows Economic Progress



**Across Alabama, tens of thousands of people have had their driver's licenses suspended because they are unable to pay for tickets for violations like driving with a busted headlight or an expired tag.** Often, a single unpaid ticket spirals into many, as people who are forced to continue driving – to get to work, get to school, care for their children, and otherwise live life in a state where public transportation is scarce or nonexistent – are ticketed repeatedly for driving with licenses that are suspended or revoked.

**ALABAMA MUST  
STOP WEAPONIZING  
DEBT AGAINST ITS  
RESIDENTS.**

Lacking reliable transportation and the most common form of identification, many struggle to find and keep jobs. Despite the fact that debtors' prison is unlawful, many go to jail because they cannot pay. And people who have previously been locked up after coming to court with less than the total they owed often avoid court altogether, incurring Failure to Appear warrants that set them further behind.

# Suspended driver's licenses are holding Alabama back.

**When poor people do pay their tickets, it comes at a terrible cost.** Many forgo basic necessities or take out high-interest payday loans to pay what they owe. Some Alabamians commit felonies to get the money necessary to get their licenses back, endangering public safety. Lawmakers and judges can take steps to address this crisis. Unless they act, traffic debt will continue to drive crime, harm families, keep Alabamians out of the workforce, and hold our state and its residents back from achieving their full potential.

A 2018 survey of Alabamians whose licenses were suspended due to unpaid tickets found that:

- **89% had to choose between basic needs** like food, utilities, or medicine and paying what they owed.
- **73% were forced to request charity** that they wouldn't otherwise have needed.
- **48% took out a high-interest payday loan** to pay off their tickets.
- **64% were jailed in connection with unpaid traffic debt**, disrupting their family lives and employment and costing the state for every day they spent in lockup.
- **30%** admitted to committing crimes like selling drugs or stealing to pay off their tickets.

**The median they owed was \$869.**

Society pays too. In interviews, many people described being unable to find work or being fired from jobs that had nothing to do with driving because their licenses were suspended, driving a workforce shortage that threatens Alabama's economic growth.

## Failure to Pay & Failure to Appear: Two sides of the same coin.

Courts treat failure to pay (FTP) and failure to appear (FTA) as two entirely distinct things, but that's not how they are experienced by Alabamians who cannot come up with the money to pay off their traffic debt.

As of April 20, 2018, according to the Alabama Law Enforcement Agency, 22,735 Alabamians had their licenses suspended for nonpayment of fines and costs. On top of that, a staggering 80,593 Alabamians had suspended licenses for failure to appear at hearings regarding their nonpayment of traffic tickets.

In interviews, some Alabamians said they missed court because they could not get there. Many said they had previously been arrested and jailed after showing up to court with less cash on hand than the total amount they owed. Some of those people, fearful of being placed back in debtor's prisons, take a calculated risk and skip court altogether. Either way, most find themselves with Failure to Appear warrants that further jeopardize their liberty. But as one Montgomery man put it, "I don't have the money to pay. They're gonna lock me up, so I just don't go. Every time I get some money, I send it down though – by mail."

## Hardship Licenses are not the solution.

In 2019, Alabama introduced an expanded hardship license program, extending the availability of limited-use hardship licenses to individuals whose licenses had been suspended or revoked due to unpaid court debt.

But hardship licenses are only valid for one year, and can only be renewed three times. **In Alabama, where economic mobility remains sluggish, many poor people are poor for a lifetime.** What's more, people who carry hardship licenses must pay for expensive insurance for high-risk drivers, a cost that makes it even harder for them to accumulate money to pay off outstanding traffic tickets and get their regular licenses back.

## A single mother, young children, and no way to get around.



Teon Smith cannot seem to get ahead of her traffic debt. A few years ago, the 43-year-old single mother received a few tickets from police who set up a roadblock along her way to work in Elmore County. She was put on a payment plan and permitted to keep driving, but got into a car accident and missed a few payments. Desperate to stay current on her debt, she gave up basic necessities and took out a payday loan, but it was too late. She didn't realize her license had been suspended until she was pulled over in Montgomery County.

The judge in Montgomery put Teon on a payment plan, but couldn't clear her to get her license back because of her outstanding debt in Elmore. So Teon wrote to the judge there explaining her situation. She received a court date and gathered

documentation showing her desperate financial circumstances. Teon showed up to court, but the judge did not – and the clerks he'd apparently deputized to evaluate people's ability to pay refused to look at Teon's financial documents or put her back on a payment plan.

Determined to pay off the roughly \$1,400 dollars she owed, Teon sought work at Hyundai, one of the largest employers in the region. But without a valid license, she was not even allowed onto plant property for an interview. She has applied to multiple other jobs but cannot find reliable employment, despite holding an associate's degree. "All I need is my driver's license and an interview, and I definitely say to myself, I would get a job. I'm just determined – I'm not gonna be a statistic. And I want my kids to see what it takes. You have to be determined to get out there and get it," Teon said.

"Nothing is given to you, and I don't expect anything to be given to me. I'm not seeking for that. I just want you all to understand how hard it is for lower-income people to just grasp all these fines and fees. It's just constantly building up on them. And if you don't know the story, you've never lived it, then you won't know. I don't feel that you just don't care. It's just that you've never been in that position."

# Recommendations for the Legislature

**End the practice of suspending driver's licenses for anything but dangerous driving.** Right now, Alabamians' driver's licenses can be suspended for failure to pay traffic tickets, failure to appear at a court hearing regarding non-payment of traffic tickets, and also for certain drug offenses. Lawmakers should change these laws and only suspend drivers' licenses for dangerous driving.

**Prohibit debtor's prisons,** or at the very least establish thorough ability-to-pay standards that account for the totality of an individual's financial circumstances, not just their income. Under our current system, someone can be declared indigent and therefore too poor to pay an attorney, yet still be ordered to pay thousands of dollars in fines and fees.

**Adopt proportionate sanctions that scale the amount each individual is fined** for a given offense to their financial circumstances, rather than using one-size-fits-all fines that put poor people in desperate straits.

**Mandate the creation of a system making it possible for judges to easily see the totality of court debt owed across jurisdictions, and require all jurisdictions, including municipal courts, to participate.** A payment plan of \$25/month might not sound like a lot, but many people are on payment plans in multiple jurisdictions. At present, judges are not able to quickly determine the totality of a person's court debt owed each month, leading each jurisdiction to impose sanctions as though operating in a vacuum. Creating a clearinghouse for this information and requiring all jurisdictions to participate would go a long way in enabling judges to make informed decisions about the debt obligations of defendants.

# Recommendations for Judges & Courts

**Conduct thorough ability-to-pay inquiries** that account for the totality of an individual's financial circumstances, including outstanding debt, recurring bills, and monthly household budgets, and create realistic payment plans scaled to each person's ability to pay. Make community service an alternative whenever possible, and work with people so they can complete service on a reasonable schedule.

**Whenever possible, waive fees and court costs** for indigent individuals.

**Be willing to periodically reconsider people's ability to pay,** so that people whose financial circumstances change aren't crushed by expectations left over from better days.

**For people on payment plans, minimize required compliance hearings and do not jail people for failure to appear at compliance hearings.** Conduct as much compliance-related business by phone or online as possible, so people do not have to miss work or find childcare in order to remain compliant with payment plans.

