



*Via Electronic Mail*

April 6, 2020

ATTN: Anne Ferro  
American Association of Motor Vehicle Administrators  
4401 Wilson Boulevard  
Suite 700  
Arlington, VA 22203

**Re: COVID-19 and Driver's License Suspensions**

Dear Ms. Ferro:

The undersigned members of the *Free to Drive* coalition urge the American Association of Motor Vehicle Administrators to ask its U.S.-based member agencies to immediately stop suspending, and refusing to renew, driver's licenses for reasons other than unsafe driving, and to reinstate licenses currently suspended for reasons other than unsafe driving, for at least the duration of the public health and economic crisis wrought by COVID-19.

Driver's license suspensions and non-renewals should be used for the limited purpose of ensuring safe roads, and not for reasons such as failure to pay fines and fees, or failure to appear in court.<sup>1</sup> The majority of people living in the United States have limited or no access to reliable public transportation. The ability to drive is often necessary to get to work, or to court, and taking away that ability only makes it more difficult for people to comply with fines and fees payment obligations. The ability to drive is also often necessary to get to pharmacies, grocery stores, hospitals and other essential services. The COVID-19 pandemic has greatly exacerbated some of those pre-existing hardships and created new concerns on top of them.

Public health experts recommend social distancing as a critical way to curb the spread of COVID-19. Social distancing requires at least six feet of physical space from one person to another.<sup>2</sup> The majority of states and many local governments have made social distancing mandatory.<sup>3</sup> Others have recognized the health risk of heavily populated public transportation

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<sup>1</sup> The *Free to Drive* campaign is comprised of more than 130 ideologically diverse legal, policy, advocacy, grassroots, and research organizations committed to the principle that restrictions on driving privileges should only be used for dangerous driving, and not to coerce debt payment or to punish people who miss a court appearance.

<sup>2</sup> *Coronavirus, Social Distancing, and Self-Quarantine*, available at: <https://www.hopkinsmedicine.org/health/conditions-and-diseases/coronavirus/coronavirus-social-distancing-and-self-quarantine>

<sup>3</sup> <https://www.nytimes.com/interactive/2020/us/coronavirus-stay-at-home-order.html>

and advised people to avoid it if possible. As a result, the number of people using public transportation has dropped, leading to a drastic decrease in service in some cases.<sup>4</sup> People with suspended or expired driver's licenses are left with no other options.

Despite the call for social distancing, a significant number of people in America are still expected to go to work. Some work in essential services and others might not have the option of paid leave. People struggling to pay court fines and/or fees are usually middle or low-income, and unlikely to be able to afford to take unpaid leave. With increasingly limited access to public transportation, and the current health risks of using public transportation, it is more critical than ever that people are able to drive themselves and their dependents to work, hospitals, pharmacies, and grocery stores, regardless of their income. Research is clear that driving in one's personal vehicle is the safest, most public health-conscious way to travel long distances; we must make this option available to as many people as possible during this time of crisis.

In some jurisdictions, AAMVA members are legally or judicially obligated to effectuate non-safety related suspensions and/or non-renewals. In several others, doing so is within their discretion. We believe the following AAMVA members retain the authority to stop suspending driver's licenses for non-safety related reasons: District of Columbia Department of Motor Vehicles, Idaho Transportation Department, Maryland Motor Vehicle Administration, New Jersey Motor Vehicle Commission, New Mexico Motor Vehicle Division, New York Department of Motor Vehicles, North Dakota Department of Transportation, South Carolina Department of Motor Vehicles, South Dakota Department of Public Safety Driver Licensing Program, and the Utah Driver License Division.<sup>5</sup>

In other states, the executive branch may pause suspensions and non-renewals using other authorities. In those jurisdictions not listed, we urge state Departments of Motor Vehicles to work with the Governor to end driver's license suspension during this crisis and reinstate those licenses that are currently suspended or ineligible for renewal because of unpaid debt. [Across the country](#), agencies at all levels of government are taking steps to mitigate the harms of COVID-19. Some local authorities have at least temporarily stopped suspending licenses, as in Florida's [Palm Beach](#) and [Broward](#) Counties. DMVs can play a key role in advancing public health during this time.

Prior to COVID-19, 15 states across the country introduced bills to address debt-based driver's license suspensions this year. Many of these bills have been thrown into limbo as state legislatures abruptly shutter, but Virginia and Maryland passed bills that are waiting to be signed by the Governor, and West Virginia's bill is now signed into law. Momentum on this

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<sup>4</sup> <https://wtop.com/dc-transit/2020/03/local-and-regional-transit-services-adjust-to-coronavirus-presence/>

<sup>5</sup> 18 D.C.M.R. § 304; Id. Code § 49-326; 2018 Maryland Laws Ch. 792 (H.B. 1448) (amending Md. Code, Trans. § 27-103, effective October 1, 2018); N.J.S.A. §39:4-139.10 (the court and the Commission have discretion. If the court chooses to order a suspension, then the Commission must comply); N.M.S.A. § 66-5-30; N.Y. Veh. & Traf. § 510(4-a); N.D.C.C. § 39-06-32; S.C. Code Ann. § 56-25-20; S.D.C.L. § 32-12-49; U.C.A. § 53-3-221.

issue is already underway, and during this epidemic it is even more important for the sake of our country's public health.

Given the widespread harm caused by driver's license suspensions and the new public health and economic concerns caused by the COVID-19 virus, we hope that the AAMVA will work with its members to immediately end unnecessary driver's license suspensions and non-renewals for the duration of the public health crisis. We are happy to answer any questions and provide any assistance necessary.

Signed,

ACLU National  
ACLU of Illinois  
ACLU of Maryland  
ACLU of Washington  
Alabama Appleseed  
ALEC Action  
American Friends Service Committee-WV  
Americans For Prosperity  
Center for Employment Opportunities  
Chicago Jobs Council  
Civil Rights Corps  
Due Process Institute  
Equal Justice Under Law  
Fines and Fees Justice Center  
FreedomWorks  
Georgia Justice Project\*  
Good + Foundation  
Harvard Undergraduates for Bipartisan Solutions  
Human Rights Defense Center  
Insight Center for Community  
Economic Development  
JP Morgan Chase & Co.  
Justice & Accountability Center of Louisiana  
Juvenile Law Center  
Kansas Appleseed Center for Law and Justice\*  
Koch Industries  
LatinoJustice PRLDEF  
Law Enforcement Action Partnership

Legal Aid Justice Center\*  
Legal Aid Society\*  
Libertas Institute  
Maryland Consumer Rights Coalition  
Minnesota Asset Building Coalition  
National Association of Criminal Defense Lawyers  
National Center for Law and Economic Justice  
National Center for Youth Law  
National Consumer Law Center  
National Legal Aid & Defender Association  
New Mexico Center on Law and Poverty  
North Carolina Justice Center  
Ohio Poverty Law Center  
Oklahoma Women's Coalition  
Prison Policy Initiative  
Shriver Center on Poverty Law  
Southern Legal Counsel, Inc.  
Still She Rises, Tulsa  
Texas Appleseed  
Texas Civil Rights Project  
Texas Fair Defense Project  
The Bail Project  
The Bronx Defenders  
The Institute for Justice  
The San Francisco Financial Justice Project  
Tzedek DC\*  
UC Berkeley School of Law, Policy Advocacy Clinic  
Washington Association of Criminal Defense Lawyers  
Washington Defender Association



\*Organizations added after this letter was sent to AAMVA