



The Disparate Impact of Driver's License Suspensions on Communities of Color

By Karen Robinson

It is estimated that 11 million people across the United States have their driving privileges suspended for failure to pay fines and fees or for failure to appear in court.¹ With 86% of Americans driving to work, debt-related restrictions on driving privileges force people to either jeopardize their employment or risk more fines, criminal charges, and even jail time by continuing to drive in order to keep their job.²

According to Free to Drive, “34 states and D.C. still suspend, revoke, or refuse to renew driver’s licenses for unpaid traffic, toll, misdemeanor and felony fines and fees.”³ New Jersey is one of those states.

In New Jersey, there are more than 500 reasons a driver’s license can be suspended. In 2018, 91% of people with suspended licenses in New Jersey were for a “non-driving-related event” such as failure to pay fines or appear in court.⁴ These license suspensions cost people their livelihoods. Many jobs require a license, even when the job responsibilities do not require driving. Without a valid license, it is difficult to work, perform daily tasks, and maintain economic stability, let alone prosper.⁵ In a startling statistic, 42% of people in New Jersey lose their job after their license is suspended.⁶ Of those, nearly half could not secure another job.⁷

Racial Disparities Stemming from Traffic Stops

Research shows drivers who are racial minorities are stopped, arrested, and convicted more than white drivers.⁸ Black Americans are three times more likely to face police force than white Americans.⁹ “Routine” traffic stops can also lead to driver’s license suspension, disproportionately affecting communities of color. Suspension rates were seven times higher for those who live in New Jersey’s lowest income neighborhoods and five times higher in areas with predominantly Black and Hispanic residents.¹⁰

Driving with a suspended license can then lead to fines, arrests and incarceration, further reinforcing systemic racism and the cycle of poverty. Nine out of ten employers, four out of five landlords, and three out of five colleges use criminal backgrounds in decision-making.¹¹ These are some of the very real consequences of the racial disparities stemming from traffic stops.

The most tragic consequence of traffic stops is death. As seen with Daunte Wright, something as innocuous as a dangling air freshener can spiral into violence and death for minority drivers, a fate that can be avoided by facilitating access to a valid driver’s license.¹²



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Consequences Can Keep Families in Perpetual Poverty

Driver’s license suspensions place an undue financial burden, particularly on communities of color, and force families to depend upon unreliable at times public transportation to complete everyday essential tasks like grocery shopping, health care appointments, and going to school. Driver’s licenses are also an essential form of identification. One client of Volunteer Lawyers for Justice (VLJ), A.G. shared, “I had difficulty obtaining my COVID-19 vaccine without a driver’s license as proof of identification.” Access to legal justice, including access to a valid driver’s license, increases stressors leading to decreased quality of health, mental well-being, and economic output within these impacted communities.¹³

New Jersey also has one of the highest racial wealth gaps in the nation with the median net wealth for Black families of \$17,000, compared to \$26,100 for Latinx families, and \$322,500 for white families.¹⁴ With numbers like these, it is no surprise that a greater percentage of Black, Indigenous and People of Color (BIPOC) families

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are unable to pay the fees, fines, and surcharges in order to get a suspended license restored.

The Power of Advocacy

A recent legislative victory in New Jersey expanded access to standard driver's licenses, including to immigrants without status, survivors of violence, individuals experiencing housing instability, and formerly incarcerated people. A4743 expands driver's rights and offers greater access to opportunity for traditionally marginalized communities.¹⁵ The New Jersey Legislature also proposed, but did not pass, A1376 which will eliminate driver's license suspension for failure to pay parking tickets and instead will require registration suspension for drivers who fail to make more than five required court appearances related to outstanding parking tickets or fail to pay more than five of those tickets.¹⁶ The New Jersey Motor Vehicle Commission (MVC) would be responsible for providing notice to the municipal court that the registration is to be suspended.¹⁷

What many people do not realize is that a person's driving privileges can be suspended pursuant to N.J.S.A. 39:3-10 and N.J.S.A. 39:3-40 without ever having possessed a valid driver's license.¹⁸ Drivers can also have their license suspended without their knowledge or understanding. Advocates for immigrants regularly report that immigrant New Jerseyans continue to face barriers because of these issues.¹⁹ Advocacy in municipal court can remove these hurdles that many drivers do not even know are there. Although attorneys are not guaranteed for civil legal issues, like municipal traffic matters, attorneys can be tremendously helpful in addressing these suspensions and advocating on a driver's behalf.²⁰ An attorney at the Judicial Council of California explained, "A fair shot at justice is a bedrock value of the American legal system, yet litigants who represent themselves against attorneys are unlikely to

win their cases or settle on beneficial terms...[t]his reinforces the reality that America is split into two camps—the haves and the have-no-lawyers."²¹ Unfortunately, individuals most likely to be impacted by driver's license suspensions are least likely to be able to afford an attorney to help. The true need is an army of *pro bono* volunteers, particularly given the high volume of municipal cases resolved per year—almost 6 million.²²

So, What Can be Done?

Volunteer Lawyers for Justice, New Jersey Reentry Corporation, and Legal Services of New Jersey are organizations that have similar missions to help New Jersey residents access justice. VLJ is a nonprofit legal services organization whose mission is to ensure access to justice for people experiencing poverty. VLJ's mission cannot be fulfilled without volunteers (attorney and non-attorney), and VLJ mobilizes its volunteers to work alongside staff to address critical civil legal needs across New Jersey, advancing racial, social, and economic justice for the most vulnerable members of our community. VLJ helps drivers with suspended licenses restore their privileges and get back on the road safely and legally.

Lawyers can help VLJ clients with suspended licenses determine what steps can be taken to restore their driving privileges. Lawyers hone advocacy skills by assisting clients in obtaining dismissals of unadjudicated tickets and vacating fines, and develop negotiation skills by establishing reasonable payment plans with the NJ Motor Vehicle Commission. Those interested in volunteering can learn more by visiting vljnj.org/become-a-pro-bono-volunteer.

Lawyers can also partner with VLJ for mentorship, training, and support. VLJ holds trainings to recruit volunteers and provide them with the level of knowledge needed to be successful advocates in this area of law. Of the 7.6 million

licensed drivers in New Jersey, 424,869 drivers—or 5.5%—had a suspended license in 2018.²³ Let’s change that statistic together. Help make an impact on important civil legal issues that are at the intersection of race, poverty, and policing, and remove barriers to justice, stability, and security. ■

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