



Driving DC to Opportunity

Wealth Should Not Determine
Who Gets to Keep
Their Driver's License



TZEDEK DC
Legal Help for People in Debt

Driving DC to Opportunity

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Introduction



The District of Columbia’s “Clean Hands” Law disqualifies tens of thousands of DC residents from renewing their driver’s licenses solely because they owe more than \$100 in parking or traffic tickets that they cannot afford to pay. Without driver’s licenses, these residents struggle with critical daily activities, including purchasing food at the grocery store, attending medical appointments, getting kids to childcare, and finding and keeping jobs outside their homes. In effect, the Clean Hands Law punishes DC residents for their poverty.

In this report, Tzedek DC, in partnership with a pro bono team from the Venable law firm,

shares stories of DC residents affected by the Clean Hands Law, shows how the law penalizes poverty and disproportionately harms Black DC residents, highlights how perpetuating a wealth-based driver’s license system makes DC a regional and national outlier, and proposes practical, specific legislative options for reform. Three years ago, DC led the nation in moving away from reliance on wealth-based driver’s license systems. After DC ended suspensions of driver’s licenses for unpaid debts in 2018, Maryland, Virginia, and many other states followed suit. But by continuing to deny license renewals as punishment for unpaid fines and fees, DC is now behind the curve, joined by only two states in the country that continue to do so. To keep pace with the region and the nation, to stop punishing poor people, and to stop exacerbating racial inequalities, DC must change this law.

Stories from DC Residents

Salle is a Ward 5 resident, a parent of four school-age children, and a student at the University of the District of Columbia. Her dream is to go to medical school, but her outstanding debts to DC—for a single moving violation ticket and a slew of parking tickets—are holding her back. Because she was able to pay only a small fraction of her outstanding fines, the Clean Hands Law barred her from renewing her license when it expired in 2018, and she has not driven since because she does not want to risk arrest for driving without a license and the possibility of losing her children as a result. Forced to survive on \$500 per month in food stamps, Salle walks long distances to get to grocery stores, uses rideshare services to take her children to the doctor and buy essentials for her family, and takes three different buses to get her two-year-old twin daughters to daycare. In the era of COVID-19, these hour-long, one-way bus rides make Salle worry that she is exposing her children and herself to the dangerous coronavirus. “Until I get a license,” Salle explains, “I fear that I will continue to have an extremely hard time supporting my family and achieving my dreams.”



Salle, Ward 5 resident

Billiedee is a Ward 8 resident and a mother. A former security guard, she is now unemployed and disabled. After receiving parking tickets, she entered a payment plan and made timely payments, but she then lost her job. Billiedee began having circulation issues that required hospitalization, and she later became homeless for two years. During that time, Billiedee and her children often slept in her car to keep their valuables safe. The Clean Hands Law prevents her from renewing her now-expired license because she owes thousands of dollars in unpaid fines as well as penalties for missed payments. Without a license, she walks to and from the laundromat with a shopping cart to do her family's laundry, even though she has had a series of foot operations—including toe amputations—due to her diabetes. "The loss of my driver's license has an ongoing and significant impact on my family's life," Billiedee says. "If I were allowed, I would do everything in my powers to use my vehicle in ways



Billiedee, Ward 8 resident



Shawn, Ward 8 resident

that would enable me to provide for my children and take care of their health, and my own."

Shawn is a Ward 8 resident and a former plumbing specialist in the United States Air Force. After he received a medical discharge for post-traumatic stress disorder, he earned a certificate in building maintenance and moved to DC so he could work as a plumber and receive psychological care at the local Veterans Affairs hospital. But Shawn became homeless and slept in his car for six months to keep his plumbing tools safe. During this time, his car was often ticketed, even while he slept. Because he now owes \$3,070 in tickets and fines that he cannot pay, the Clean Hands Law bars him from obtaining

a DC driver's license. Shawn says, "If I had a license, I could seek plumbers' jobs in DC and surrounding areas. I would be able to drive to the grocery store and to the VA."

Evelyn is a Ward 7 resident who takes care of her disabled mother. After a pothole severely damaged her car, she paid to have it towed home and called the DC government to request compensation. She soon ran into a bureaucratic maze: the government took months to send a reimbursement form to her and then falsely told her she had already been reimbursed. Because of heavy snow, it took several more months for a mechanic to come to her house, take the photographs she needed for reimbursement, and repair the car. Throughout this time, the car sat idle outside her home. Once Evelyn's registration and inspection tags expired, the car was ticketed repeatedly. By the time her driver's license expired in 2019, Evelyn had accumulated over \$400 in parking tickets and related penalties. DC also rejected Evelyn's reimbursement claim, finding that she had filed it three days late. Without the money to pay her debt, Evelyn cannot renew her license and has not driven in nearly two years due to the Clean Hands Law. She no longer works and uses her limited Social Security income to pay others to drive her, assist her with errands, and take her mother to medical appointments.



Evelyn, Ward 7 resident

Anne is a Ward 5 grandmother. She used to work as a driver transporting people with disabilities. She has over \$1,000 in outstanding parking tickets for violations such as parking in a restricted zone too early in the day and for additional penalties and doubling of fines for missed payments. Unable to renew her now-expired driver's license under DC's Clean Hands Law due to the unpaid fines, Anne lacks eligibility to drive and earn money to pay off her debt. She now must pay rideshare fees to visit her elderly mother in Virginia and, even during the pandemic, sometimes goes without vital medications unavailable at her local pharmacy.



Anne, Ward 5 resident



Norris, Ward 5 resident

Norris is a Ward 5 resident and grandfather who once worked as a loan officer for a mortgage company. Norris was frequently ticketed between 2003 and 2005, and his unpaid tickets and related penalties more than doubled to \$2,795.

At first, Norris tried to pay off his debts under a payment plan, but medical expenses stemming from a heart attack eventually made it impossible to keep doing so. Diagnosed with lung cancer in 2017, Norris is now disabled and survives on \$814 in monthly Social Security and disability checks. Unable to pay his fines and penalties, the Clean Hands Law prohibits him from renewing his driver's license and leaves him unable to drive to visit his adult children and grandchildren in the DC region. Norris explains that DC's refusal to renew his license punishes him daily for mistakes he made nearly two decades ago. "Without a driver's license, I can no longer take care of myself, I now suffer from depression, and I feel like less than a full man." Ineligibility to drive, Norris says, "makes me feel that I now face a life sentence . . . for my mistakes."

These stories, and the others presented throughout this report, highlight the urgent need for reform. For Salle, Billiedee, Shawn, Evelyn, Anne, Norris, and tens of thousands of other DC residents, the Clean Hands Law punishes them for unpaid debts by denying them driver's licenses without any regard for their inability to pay. Any aggregate debt of more than \$100 owed to the DC government—even parking debt—deprives a DC resident of the right to renew their license. When this occurs, the resident faces an unfair choice: drive illegally and risk further punishment (including jail time), or forgo driving to pick up children from school, attend medical appointments, care for ill or disabled family members, and commute to the many jobs that require a car and can earn them the money necessary to pay off the debt.

The time for reform has arrived.

Report Overview

In this report, Tzedek DC, our allies, and our DC resident clients call on the Council and Mayor of the District of Columbia to reform the Clean Hands Law and end the automatic denial of driver's licenses to people unable to pay their fines and fees to DC.

In 2018, the DC Council took a vital first step toward eliminating its wealth-based driver's license system by ending suspensions of DC driver's licenses based on unpaid debt—an important acknowledgement that driver's licenses should be suspended only for public safety reasons. In the process that led to that reform, the Council briefly considered but did not address the Clean Hands Law, which prevents residents from obtaining or renewing a license if they owe more than \$100 to the District. The Council's failure to address the Clean Hands Law is undercutting the prior reform by continuing to allow what is, in effect, the slow-motion suspension of driver's licenses for currently licensed drivers who will be barred from renewing their licenses. In this regard, DC is an outlier—the only jurisdiction in the region and one of only three state-level jurisdictions in the nation with a law that disqualifies people from obtaining or renewing a driver's license as punishment for unpaid debts.

It does not take much to accumulate more than \$100 in debt to the District. Tickets for tailgating, parking in a loading zone, or turning right despite a “no turn on red” sign all result in fines of \$100. Failure to pay a ticket within 30 days (60 days for red light and speed cameras) results in a doubled fine, and failure to pay within 90 days prompts DC's Department of Motor Vehicles to send the fine to a collections agency, which assesses an additional 20% surcharge. As an example, a traffic ticket with a face value of \$100 would double to \$200 if not paid within 30 days, and another \$40 surcharge would be added if not paid within 90 days. Thus, for the exact same violation, a person with the means to pay on time will pay \$100, while a person without the money to pay on time may end up owing \$240 and facing a much higher barrier to renewing their license.

The harms of this wealth-based driver's license system fall disproportionately on Black DC residents. As detailed in this report, the median white DC household has 81 times more wealth than the median Black DC household. Meanwhile, Black adult drivers in DC are nearly four times more likely than white adult drivers to receive traffic tickets, and Black adult residents are 19 times as likely as white adult residents to be arrested for driving without a valid license. By denying tens of thousands of DC residents the ability to obtain or renew their driver's licenses, the Clean Hands Law criminalizes poverty and perpetuates systemic racism. These outcomes contradict the DC Council's important goal of eliminating racial inequities in the District, recently established in the Racial Equity Achieves Results (REACH) Amendment Act of 2020, which requires the Mayor to ensure that any proposed budget “advances racial equity in the District” and “reduces disparate outcomes.”

Our report proceeds in five parts.

Part I recaps the history and structure of DC's wealth-based driver's license system.

Part II recounts the harms that this system imposes on tens of thousands of DC residents as well as society at large. The exact number of individuals affected is unknown because DC's Department of Motor Vehicles and Office of the Chief Financial Officer refuse to collect data on the number or demographics of people denied driver's licenses due to the Clean Hands Law. The current “clean hands” system punishes poverty, exacerbates racial inequalities, exposes residents to criminal punishment where they pose no threat to public safety, undermines residents' efforts to become financially stable, hurts employers, diverts precious public safety resources, and makes DC vulnerable to expensive lawsuits challenging the enforcement of an unconstitutional law.

Part III shows how the Clean Hands Law makes DC a regional and national outlier by punishing residents for unpaid debts. Three years ago, DC led the nation in moving away from reliance on wealth-based driver's license schemes. After DC ended suspensions of driver's licenses for unpaid debts in 2018-2019, Maryland, Virginia, and many other states followed suit. But DC is now behind the curve. Reform is necessary to keep pace with the rest of the nation.

Part IV explains that DC is not well served by the current system. We show that the Clean Hands Law has no public safety benefit. We also explain why amending the Clean Hands Law will have no significant detrimental fiscal impact on DC, as drivers who can pay their debts will continue to have incentives to do so, and the vast majority of DC's unpaid traffic and parking debts are owed by non-DC residents who do not need (and are not eligible for) DC driver's licenses. The residents who would most benefit from reform are those who are currently unable to pay, so DC is unlikely to lose much, if any, revenue by ending the withholding of driver's licenses under the Clean Hands Law.

Part V concludes with a **call to action: The 2021-2022 legislative session presents DC policymakers with the opportunity to reform the Clean Hands Law and stop punishing DC residents for being too poor to pay their debts.** We propose two options for reform. The first option, a "clean fix," would revise the law to end the withholding of driver's licenses to all DC residents based on unpaid debts. The second option, a "narrow fix," would end the withholding of driver's licenses to those DC residents unable to pay their debts. DC would identify residents who are unable to pay by, for example, identifying residents who have already been deemed eligible for various government-administered, means-tested public benefits programs. Whichever proposal is adopted, the core principle is the same: wealth should not determine which DC residents get to keep their driver's licenses.

I. Background on DC's Wealth-Based Driver's License Scheme

Starting in 2017, the DC Council considered two sets of proposals to restore driver's licenses to people who lost their eligibility to drive. The first set passed and resulted in major gains for DC residents; the second set remains outstanding and is the subject of this report.

The first set of proposals, introduced by Councilmembers Anita Bonds, Mary Cheh, Kenyan McDuffie, Jack Evans, Vincent Gray, Brianne Nadeau, Elissa Silverman (who proposed key protections that were in substance reflected in the final bill), Robert White, Trayon White, and cosponsored by David Grosso and Charles Allen, ended the suspension of driver's licenses based on non-payment of traffic debt and civil court judgments.¹ These proposals, enacted in 2018 and supported by DC Attorney General Karl Racine,² (1) ended the suspension of driver's licenses for unpaid traffic debts and nonattendance at traffic court hearings; (2) required the DC Department of Motor Vehicles to restore all licenses suspended on those bases; and (3) barred insurance companies from registering civil court judgments with the Mayor and petitioning the Mayor to suspend the defendant's license until the money judgment was satisfied.³

The Council's reforms have proven significant and beneficial: 15,521 DC residents had their driver's licenses restored, and 50,401 non-residents (who are not eligible for a DC driver's license but can have DC driving privileges based on their having, for example, a Maryland license) had their DC driving privileges restored after their privileges were suspended for unpaid traffic debts or court nonattendance.⁴ Another 2,282 DC residents have gained the opportunity to restore their licenses now that insurance companies can no longer register civil court judgments.⁵

Also in 2018, Mayor Muriel Bowser launched an admirable pilot program through the Mayor's Office of Returning Citizens (MORCA) that enabled 250 DC residents returning from prison with unpaid traffic debt to have their licenses reinstated in exchange for entry into modest payment plans. In announcing the program, the Mayor's office stressed that "[t]he No. 1 reason for recently released men and women being re-incarcerated . . . is for driving without a valid license."⁶

68,000+

people have had their DC driver's licenses or driving privileges restored as a result of the Council's 2018 reforms.

Although these initial reforms were positive developments, they were only a first step. Ultimately, the thousands of residents who benefited immediately from them—and the thousands of others who have received fines or fees from DC since—remain disqualified from being able to renew their licenses if they cannot pay their debts. That's where the second proposal came in.

The second proposal sought to end DC's practice of withholding driver's licenses from residents under the Clean Hands Law,⁷ which, as noted above, prohibits DC residents from obtaining or renewing a driver's license if they owe more than \$100 to the DC government.⁸

That bill was introduced by Councilmembers Silverman, Gray, White (Trayon), Nadeau, and Bonds, cosponsored by Councilmember Grosso, and referred to committee, but it was never enacted. Reforming the Clean Hands Law remains critical unfinished business.⁹

When the Clean Hands Law originally passed in 1996, its purpose was much narrower: to deter littering, illegal dumping, and delinquent tax filing by withholding licenses and permits from people who committed those offenses and failed to pay their fines.¹⁰ The Council added moving and parking infractions to the list of Clean Hands Law-triggering violations in 2001. The amendment's timing—while DC was working to end the reign of the Financial Control Board, which Congress established in response to DC's budget crisis and endowed with the power to override the budgetary choices of DC's elected Mayor and Council¹¹—as well as the legislative history, suggest that its main purpose was to generate additional revenue for DC, not to enhance public safety by deterring people from committing traffic violations. The Council report accompanying the 2001 bill expressed no public safety reasons for amending the Clean Hands Law. Instead, it emphasized that 570,000 tickets dating back to 1979 and worth about \$53 million remained outstanding because DC motorists lacked a "compelling reason to respond to the notices of violations."¹² The report concluded that one way to address this backlog was to "condition[] the issuance of any District license or permit on the payment of outstanding fines owed to the District," such as fines for traffic and parking violations.¹³

DC's appetite for revenue from fines and fees—especially from traffic cameras—has only grown over the past 20 years. In 2010, when the District considered increasing traffic and parking fees as a way to stanch a revenue shortfall without raising taxes, one observer noted that the proposal "removed the veneer that this is about traffic or safety. It's about revenue. I genuinely worry that residents, motorists can become ATM machines."¹⁴

Since then, DC has continued to rely on "fines and forfeitures" for more than 2% of its annual budget.¹⁵ Though this amount may seem small, it has a significant impact on DC residents: as chronicled in an article aptly titled "No US City Fines People Like Washington Fines People", as of 2017, DC collected \$261 in fines and fees per resident, more than any other major U.S. city and more than twice the \$118 per resident collected by the next highest municipal collector, New York City.¹⁶ Notably, as detailed in Part IV below, DC's already tops-in-the-nation figure does not include the fines and fees that DC residents are assessed but are unable to pay—i.e., the fines and fees that disqualify them from obtaining driver's licenses under the Clean Hands law.

DC collects more fines and fees per resident than any other major U.S. city.



II. Assessing the Harms of DC’s Wealth-Based Driver’s License Scheme

A. Estimating the Number of DC Residents Harmed

The DC government refuses to collect data on the number and demographics of DC residents who are unable to obtain or renew a driver’s license due to the Clean Hands Law,¹⁷ despite calls for it to do so.¹⁸ Nonetheless, the fact that nearly 18,000 DC residents had their driver’s licenses or privileges restored after the 2018 reforms went into effect¹⁹ strongly suggests that tens of thousands of residents already are or soon will be at risk of triggering the law’s prohibition on renewing their licenses.

Data on unpaid fines corroborate this estimate. As of 2019, DC residents had 175,869 unpaid fines or fees of \$100 or more.²⁰ Some of these unpaid fines or fees may be held by the same person, and DC collects no

Angela, a Ward 8 resident, is the executive director of a day care and educational center for low-income families and holds degrees in nursing and education. Yet because she owes DC significant debt that she amassed years ago, she cannot legally drive. Angela could afford to pay her debt under a payment plan, but she has been told that she is ineligible for one. She is forced to rely on expensive rideshare services to get her two teenaged children to and from school or drives illegally, when she must. Almost all of her tickets from the DMV stem from non-moving violations.

data on how many unique individuals owe these debts. But even if one assumes a ratio of three fines per person, this would still mean that 58,623 adults—more than 10% of DC’s adult population (totaling 577,000)²¹—are disqualified from obtaining a driver’s license.

It is both unjust and bad public policy for the government to deprive District residents of something as fundamental to their livelihoods and quality of life as a driver’s license without knowing how many people are affected and whether the law disproportionately harms Black residents and other residents of color. DC’s refusal to collect data on “clean hands”-based denials of driver’s licenses is especially problematic in light of the Racial Equity Achieves Results (REACH) Amendment Act of 2020, which, among other things, requires the Mayor to assess how her proposed budget “advances racial equity in

the District” and “reduces disparate outcomes.”²² The Mayor will be unable to make these assessments unless and until the DMV and Office of the Chief Financial Officer start collecting data on who is denied a driver’s license due to the Clean Hands Law. Until DC has data showing that the Clean Hands Law has no racially disparate impact—a conclusion that would contradict all of the currently available evidence on the law’s impact—DC should stop denying driver’s licenses for failure to pay outstanding debts.

Even without precise data on the number of people harmed, the available evidence regarding the law’s impact demonstrates that depriving tens of thousands of DC residents of the right to drive lawfully precipitates numerous harms. As the next section of the report shows, the Clean Hands Law punishes residents for being poor and exacerbates racial inequalities. It exposes residents—particularly Black men—to criminal punishment and decreases opportunities for them to find and sustain employment, which in turn undermines their ability to pay off their debts. And it hurts employers, diverts public safety resources, and poses serious constitutional concerns.

*Regina Pixley, a Ward 8 resident, testified to councilmembers in 2017 that she was unable to renew her driver’s license, which had been suspended in 2012, because she still owed thousands of dollars in fines after her car was towed. Because Ms. Pixley could not pay her fines on time, they doubled. When her mother had a heart attack in 2015, she had to decide whether to drive illegally to be by her side. As she said at the time, “I believe in the law, I obey the law, but I had to make a decision. **This is a system that’s broken.**”*

Source: Justin William Moyer, *Bill Would Let Some DC Drivers Keep Licenses Despite Unpaid Parking Tickets*, WASHINGTON POST (Dec. 5, 2017), [ow.ly/jDtA30h6sRr](https://www.washingtonpost.com/news/energy-environment/wp/2017/12/05/dc-bill-would-let-some-dc-drivers-keep-licenses-despite-unpaid-parking-tickets/).

Harms from DC's Law Denying Driver's Licenses as Punishment for Unpaid Fines



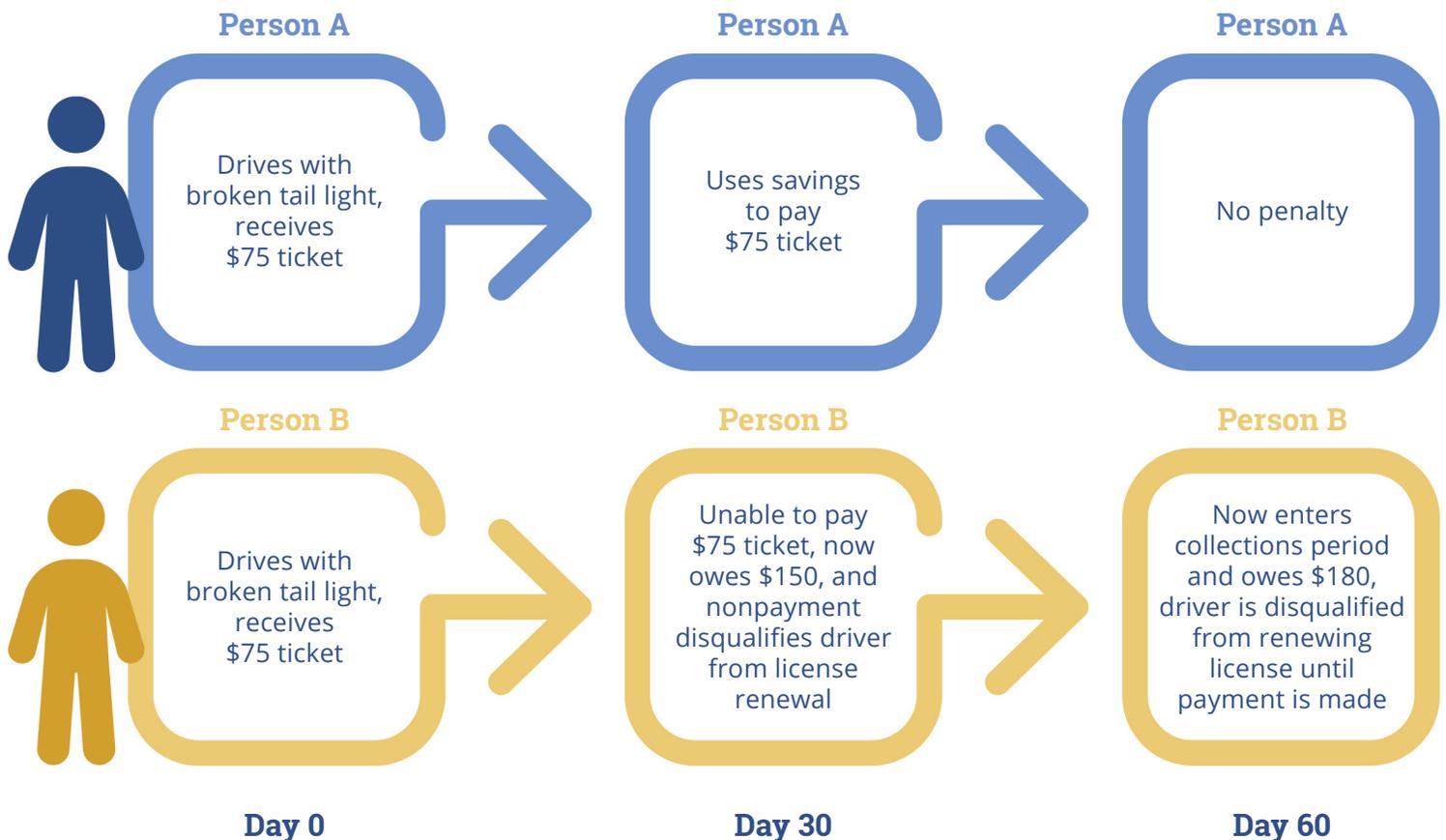
B. Punishing Poverty

All fines and fees operate as regressive taxes: they are set in flat amounts regardless of income or wealth. This means that a rich person who commits the same infraction as a poor person will pay a smaller portion of their income to eliminate their debt and regain their driver's license. The Clean Hands Law makes no exception for people who lack the ability to pay, so a poor person is simply out of luck if they cannot afford to buy back their right to drive. In both law and practice, DC makes no attempt to determine a person's ability to pay before disqualifying them from renewing a driver's license.

It is not hard to accumulate more than \$100 in debt to DC. For example, exceeding the speed limit by 11 miles per hour triggers fines of more than \$100.²³ And committing two or more of a broad array of offenses can also lead to total fines exceeding \$100, as many individual fines start at \$50 or more, including driving with a broken tail light (\$75), and parking within 25 feet of a stop sign (\$50).²⁴

Failure to pay a traffic or parking ticket by the 30-day deadline (60 days for red light and speed cameras) results in a doubled fine.²⁵ If the fine remains outstanding after 90 days, it is sent to a collections agency,²⁶ which imposes an additional 20% surcharge.²⁷ The consequence of this enforcement regime is that a resident with a higher income who drives with a broken tail light will be able to pay the \$75 ticket by the 30-day deadline, but someone with low or no income or wealth who is unable to pay by the deadline will face a \$150 fine after 30 days and a \$180 fine after 90 days. If that person's license expires and they are unable to pay their fines, they will be unable to renew it.

Disparate Impact of Unpaid Tickets for DC Residents with Fewer Economic Resources



Under DC's current rules, payment plans are available for a DC resident only if they (i) owe \$250 or more and (ii) can pay at least 25% of the total debt up front.²⁸ And, any payment plan must be completed within six months.²⁹ Residents may enter into only one payment plan at a time and only two payments plans each year.³⁰ The rules are harsh and often impossible for a person coping with the stresses of poverty to comply with. A single failure to successfully complete a payment plan bars a driver from entering into a new payment plan at any time in the future.³¹

Further, reports have surfaced of residents facing pressure to pay invalid tickets. This practice adversely affects less wealthy residents in particular, as wealthier residents have the means to pay and forgo the hassle



If you get a parking ticket, you are guilty until you have proven yourself innocent... That has worked well for us.

- A Senior DC Official



of navigating bureaucratic hurdles to challenge the validity of the tickets. One news story identified drivers who, because of the Clean Hands Law, “were forced to pay thousands of dollars in old tickets that they never knew about.”³² The imperative to obtain a license often forces drivers to pay for old tickets even if they doubt their validity. Yet under current law, a driver waives the right to challenge tickets they have already paid.³³ As a DMV spokesperson explained, “Your legal process is ended” once a ticket is paid,

and “by paying the tickets and going into a ticket payment plan, you have admitted guilt.”³⁴ DC law places drivers “over a barrel,” one resident noted. “You can fight it later [but] if you . . . want to drive, you have to do this.”³⁵

Some District officials have even celebrated this unfair state of affairs. One senior official was anonymously quoted as saying, “One of the beauties of parking, it’s like the [Internal Revenue Service]. If you get a parking ticket, you are guilty until you have proven yourself innocent. . . . That has worked well for us.”³⁶

And indeed, in its recent report, the DC Police Reform Commission called out the Clean Hands Law’s harmful impact on poor people, noting “the financial impact of fines for minor violations on District residents—particularly poorer residents who often cannot afford to pay and who, under current District law, are prohibited from renewing their driver’s licenses (essential for so many daily activities, including transportation to work) for traffic debts of over \$100.”³⁷

C. Exacerbating Racial and Other Inequalities

The available evidence strongly suggests that the DC residents harmed by the denial of driver’s licenses under the Clean Hands Law are disproportionately Black. More than 97% of the “fines and forfeitures” the DC government collects each year come from parking and traffic tickets,³⁸ and Black motorists in DC are ticketed disproportionately. At the same time, Black DC residents have, on average, fewer financial assets than white residents and are far more likely than white residents to have consumer, medical, and other types of debts and debts in collection.

Clean Hands Law Exacerbates Racial Inequalities in DC

Black drivers receive 65% of tickets, even though Black adults comprise 43% of DC's population.

70% of DC arrests for driving without a valid license are Black men, even though they comprise less than 20% of DC's adult population.

Black DC residents are 19x more likely than white residents to be arrested for driving without a valid license.

43% of people of color in DC have a debt in collections, versus only 9% of white people.

Black drivers are far more likely than white drivers to be ticketed during traffic stops. In 2020, Black adult drivers comprised 65% of motorists who received tickets during traffic stops,³⁹ even though Black adults comprise only 43% of DC's adult population⁴⁰—a statistically significant difference (that is, a difference too large to be due to chance).⁴¹ Black men comprised 44% of motorists who received tickets during traffic stops, even though Black men comprise only 19% of DC's adult population, another statistically significant difference.⁴² Black adult drivers in DC were nearly four times more likely than white adult drivers to receive traffic tickets.⁴³ Thus, regardless of why Black drivers are ticketed more often (whether due to racial profiling or more innocuous reasons like driving longer distances or driving more often), Black drivers receive the largest proportion of tickets from traffic stops, which comprise 35% of the “fines and forfeitures” collected by the DC government.⁴⁴ Even if Black drivers were to receive a proportionate share of tickets from red light and speed cameras, which together comprise 62% of revenue from fines and forfeitures,⁴⁵ this would still mean that the burden of paying traffic fines in DC falls disproportionately on Black drivers.

Even as Black drivers are more likely than white drivers to face fines that must be paid in order to receive or renew a driver's license, Black DC residents are also much less likely than white residents to have the resources to pay those fines. The median white household in DC has a net worth of \$284,000, 81 times the net worth of the median Black household, \$3,500.⁴⁶ And the median white household in DC brings in \$138,231 in annual income, three times as much as the median Black household, which earns \$45,072 annually.⁴⁷

Black DC residents are also more likely than white residents to be in debt: an Urban Institute study of 2017 data concluded that 43% of people of color in DC have debt in collections, but only 9% of white people do.⁴⁸ The median debt owed by people of color (\$1,374) is also nearly twice the median debt owed by white people (\$691).⁴⁹ As of 2014, 52.9% of Black DC households owed credit card debt, compared to 37.7% of white DC households.⁵⁰ Similarly, 29.3% of Black DC households owed student loan debt, compared to 19.4% of white DC households.⁵¹

As previously noted, the racially disparate impact of the Clean Hands Law is problematic under the recently passed REACH Amendment Act of 2020. That law requires the Mayor to evaluate how any proposed budget “advances racial equity in the District” and “reduces disparate outcomes.”⁵² Without reform of the Clean Hands Law, any DC budget that relies on fines collected because of the law is unlikely to meet that standard. The burden here is on the government, and because the DMV and the Office of the Chief Financial Officer have failed to collect—let alone publish—data on the people harmed by the Clean Hands Law, the Mayor should direct the DMV to immediately cease denying driver’s licenses to DC residents based on the law while the Council addresses the issue through the legislative process.

In addition and closely related to disproportionately affecting Black and other DC residents of color, DC’s wealth-based driver’s license scheme also disproportionately affects disabled DC residents. Adults with disabilities are more than twice as likely to experience poverty than non-disabled adults.⁵³ Disabled people are often on public assistance and have few assets, making it difficult to save for any financial crisis or emergency.⁵⁴ Disabled people are also more likely than their non-disabled peers to rely on non-bank borrowing, to experience medical debt, and to be contacted by debt collection agencies.⁵⁵ Disability cannot be examined separately from race: nearly 40% of Black/African American disabled individuals live in poverty,⁵⁶ compared to about 24% of White/Non-Hispanic disabled individuals.⁵⁷ For a disabled person, all it could take is parking in an accessible spot and forgetting to place a placard on their mirror once to receive a ticket far in excess of \$100.⁵⁸

Driving is of critical importance to disabled residents, particularly those who live in areas with more limited public transportation. While traveling nearly a mile to a bus or Metro station may be feasible for a non-disabled individual, it is often infeasible for a disabled person. In a 2018 Bureau of Transportation Statistics study, 60.4% of disabled respondents reported that they drive a car.⁵⁹ For disabled clients like Billiedee, who experiences difficulty walking long distances due to her toe amputations and surgeries caused by diabetes, having a license and being able to drive for something as basic as getting the family’s clothes laundered makes an enormous difference.

D. Exposing Residents to Criminal Punishment

Latika, a Ward 4 resident, once worked as a commercial truck driver who was authorized to drive dump trucks, snowplows, and D.C. Metro buses. But in 2018, another vehicle sideswiped her daughter’s car while she was riding in it as a passenger. Although the car was insured in Latika’s name, she was unable to promptly produce proof of the insurance and, as a result, was ticketed and briefly jailed. Latika participated in two payment plans related to other debts, but because of a dispute over the first payment plan, DC has barred her from entering into another plan to resolve her current debt. She now owes \$1,200 for an insurance-related ticket and another \$1,400 for parking tickets. Due to the Clean Hands Law, Latika, who is diabetic, unemployed, and surviving on food stamps, has little hope of regaining her right to drive or her prior job, and faces increased challenges finding new work.

In DC, driving without a valid license is a criminal misdemeanor punishable by up to a year in jail and a fine of up to \$2,500.⁶⁰ Yet because driving is so vital for accessing jobs, childcare, groceries, and other necessities, many people continue to drive without a license despite the risk of arrest, criminal charges, and conviction. Indeed, approximately three-fourths of drivers who used to have a valid license—but no longer do—drive at least occasionally.⁶¹

Driving without a license is by far the most common offense that leads to an arrest for a traffic violation in DC. As noted in Part I, driving without a license is also the most common reason why DC residents recently released from jail and prison are re-incarcerated.⁶² Of the nearly 30,000 arrests for traffic violations made by the DC Metropolitan Police Department between January 2013 and November 2020,⁶³ driving without a license was the most serious offense the motorist was arrested for nearly 80% of the time.⁶⁴ That is a staggeringly high rate, given that driving without a license is not, by itself, inherently dangerous.

The data also indicate that 70% of adult DC residents arrested for driving without a license were Black men,⁶⁵ even though Black men comprise less than 20% of DC's adult population.⁶⁶ One-quarter of these arrests of adult DC residents were of Black men between 18 and 29 years old; another quarter of arrests were of Black men between ages 30 and 44.⁶⁷ Black adult residents are 19 times more likely than white adult residents to be arrested for driving without a license.⁶⁸

There are no publicly available data showing precisely what fraction of DC residents who were arrested for driving without a valid license lacked a valid license due to the Clean Hands Law. Nevertheless, the evidence demonstrates that the Clean Hands Law exposes residents to criminal punishment because it prevents people from obtaining or renewing their license so that they may drive lawfully. The evidence also shows that DC residents who are arrested for driving without a license are overwhelmingly Black. The evidence is consistent with the conclusion that the Clean Hands Law contributes to the racially disparate arrest rates for driving without a valid license in DC.

E. Reducing Employment and Hurting Employers

DC's wealth-based driver's license scheme harms both DC workers and employers. Without a valid driver's license, it is hard for DC residents to find and sustain employment outside the home. As of 2019, 64% of DC residents used a car to get around.⁶⁹ These statistics may be explained by the fact that only about one in three jobs in the DC metro area is accessible via public transit within 90 minutes, fewer than one in five jobs is accessible within 60 minutes, and fewer than one in ten jobs is accessible within 45 minutes.⁷⁰ By necessity, driving remains the most common way for workers to commute to their jobs in the DC region.⁷¹ Before the pandemic, just under 50% of essential workers in DC drove a car to get to work.⁷² The pandemic has made commuting only more difficult, as social distancing can be challenging on public transit, and Metro has proposed permanent service cuts.⁷³

Holding a valid driver's license is often a requirement for jobs that provide a pathway out of poverty, such as those in construction, manufacturing, and security.⁷⁴ In 2019, there were approximately 100,000 security guard, construction, parking attendant, administrative assistant, custodian, home health aide, office clerk, fast food worker, and housekeeper positions in DC that paid a median hourly wage greater than \$13.⁷⁵ Nationwide, 26.5% of civilian jobs require driving some of the time.⁷⁶ And as nationwide demand for delivery and rideshare drivers grows, including in the DC region,⁷⁷ the need for workers with valid driver's licenses can only be expected to increase.

Stephanie is a disabled Ward 5 resident who moved to DC in 2007. At the time, she owed \$1,100 for tickets issued in Virginia. DC also issued her tickets, and it suspended her license when they went unpaid after the DMV sent notices to the wrong address. In March 2019, the DMV told Stephanie that her license had expired and demanded payment of her outstanding DC-based debt of \$325. Yet even after she paid in full, Stephanie was told that to drive in DC, she also had to resolve her Virginia debt. Because she does not live in Virginia, she is ineligible for a payment plan for that debt. She relies on her monthly \$783 Social Security disability check to feed, clothe, and house herself and her two children, including a disabled adult son. "I am not an unsafe driver," Stephanie says, "and I have always passed my driver's test on the first try." As long as the Clean Hands Law is on the books, however, Stephanie will "have an extremely hard time finding work and supporting my family."

Studies from around the country confirm the importance of a driver's license for sustaining employment. A survey from Phoenix found that reinstatement of driver's licenses had a major impact: 41.2% of people whose driver's licenses were reinstated reported an increase in income, with a median increase of \$24,000 per year.⁷⁸ A study from Milwaukee found that holding a valid driver's license was more important than having a high school equivalency diploma in predicting whether someone was able to sustain a job earning wages at or above the poverty line.⁷⁹ The same study found that public assistance recipients were twice as likely to find employment at or above the poverty line when they had a driver's license.⁸⁰

On the other hand, in a widely cited survey of New Jersey drivers whose licenses were suspended, 64% of low-income drivers (drivers whose annual household income was less than \$30,000 in 2004, or \$41,000 in 2020 dollars) reported that they were unable to keep their job after their license was suspended, and 51% of low-income drivers who lost their job were unable to find a new job.⁸¹ For these drivers, the lack of a license directly impeded their ability to keep or find work.⁸²

Denying driver's licenses as punishment for unpaid debt also hurts employers. Employees can't show up for their jobs, and after an employee loses a job due to loss of a driver's license, employers must hire and train new employees and potentially pay unemployment insurance for the employee who was terminated.⁸³ Led by the Fines and Fees Justice Center and its allies, including Tzedek DC and dozens of anti-poverty civil rights groups, and in response to the barriers that driver's license denials pose to employment, the U.S. Chamber of Commerce and major U.S. financial institutions, such as J.P. Morgan Chase, have called for abolishing laws across the country that deny driver's licenses based on unpaid fines.⁸⁴

In a Phoenix survey, 41.2% of people whose driver's licenses were reinstated reported an increase in income, with a median increase of \$24,000 per year.

A Milwaukee study found that a valid driver's license was more important than a high school equivalency diploma in predicting whether someone was able to earn wages at or above the poverty line and sustain a job.

F. Diverting Critical Public Safety Resources

By expanding the pool of residents at risk of arrest for driving without a valid license, the Clean Hands Law diverts significant public safety resources. DC Metropolitan Police Department officers spend an average of 20 minutes to complete a traffic stop in which the motorist is arrested for driving without a valid license.⁸⁵ In 2019 alone, DC police made 2,797 adult arrests for which the most serious offense was driving

without a license.⁸⁶ Just completing the traffic stops in these cases consumed 932 hours (38.8 days) of police time. This figure excludes the substantial time officers expended on processing paperwork associated with the arrests.

Enforcing driving without a valid license consumes nearly 932 hours, or 38.8 days, of DC police time annually.



Data from around the country further support the argument that by increasing the pool of residents at risk of being subject to enforcement of criminal prohibitions against driving without a license, the Clean Hands Law contributes

to the diversion of critical public safety resources. One county in Ohio found that it took an average of nine hours to arrest and prosecute an individual for driving with a suspended license: each police officer spent seven hours on the roadside stop, waiting for the tow truck, transporting the motorist to jail, completing paperwork, and/or attending court; the booking officer spent 30 minutes on the booking process; the prosecutor spent an hour preparing and presenting the case; and the judge spent 30 minutes hearing and adjudicating the case.⁸⁷ If the nine-hour figure were applied to the 2,797 adult arrests the Metropolitan Police Department made in 2019 for driving without a license, that would represent 25,173 hours—2.87 years—of police, booking officer, prosecutor, and judge time addressing conduct that, in and of itself, poses no risk to public safety. The chief of the Washington State Patrol has noted that “[r]educing law enforcement roadside encounters with suspended drivers . . . would result in significant time savings allowing officers to be available for calls for service and other proactive highway safety activities.”⁸⁸ The same logic applies here in DC.

Focusing on drivers who lack a valid license may also distract from law enforcement's time and ability to address violent crime. One study found that cities that collect a greater share of their revenue from fees solve violent crimes at significantly lower rates.⁸⁹ The researchers concluded that "institutional reforms, such as decreasing municipal government reliance on fines and fees for revenue, may also be an important step for reforming criminal justice systems and providing higher levels of public safety."⁹⁰

G. Violating the Constitution

By automatically barring DC residents with unpaid fines or fees to DC of more than \$100 from renewing their driver's licenses without considering their ability to pay, the Clean Hands Law does "little more than punish[] a person for his poverty."⁹¹ The law is therefore not only harmful public policy, but also unconstitutional, under both the Constitution's due process and equal protection clauses. As DC Attorney General Karl Racine recently emphasized, the DC government should correct laws of questionable constitutionality: "[I]t is in the public interest for state and local governments to proactively address potential constitutional issues present in their laws."⁹²

In the aftermath of the 2014 police killing of Michael Brown, a young Black man in Ferguson, Missouri, the U.S. Department of Justice published a report detailing how Ferguson's police and court practices trapped the city's residents in unending cycles of poverty, debt and incarceration by punishing the nonpayment of fines with additional fees, driver's license suspensions, and arrests.⁹³ The Department concluded that Ferguson's "focus on revenue rather than . . . public safety needs" had spawned a system that "raise[d] significant due process and equal protection concerns."⁹⁴

Since the release of the Ferguson report in 2015, lawsuits have been filed in more than a dozen states to challenge laws that automatically suspend or bar renewal of driver's licenses for unpaid debt without consideration of motorists' ability to pay.⁹⁵ These cases demonstrate that laws like DC's Clean Hands Law are constitutionally suspect. They also show that jurisdictions that fail to reform such laws risk time-consuming, resource-intensive litigation.

The Clean Hands Law has three constitutional defects. First, it violates what the Supreme Court calls the "converge[nce]" of "[d]ue process and equal protection principles."⁹⁶ In a series of decisions, the Court has sought to guarantee "equal justice" by striking down government practices that penalize people because of their poverty.⁹⁷ In one of these decisions, the Court ruled that the government may not revoke a criminal defendant's probation for failure to pay a fine without first determining that they "willfully refused to pay or failed to make sufficient bona fide efforts legally to acquire the resources to pay."⁹⁸ Because it automatically bars DC residents with unpaid debt from renewing their driver's licenses without inquiring into their ability to pay, the Clean Hands Law suffers from the same flaw. In the words of another Supreme Court case that invalidated a discriminatory, wealth-based scheme, DC's wealth-based driver's license scheme "embodies elements of punitiveness and discrimination which violate the rights of citizens to equal treatment under the law."⁹⁹

Second, the Clean Hands Law's prohibition on driver's license renewal disregards procedural due process principles. The law offers DC residents no procedure for challenging the non-renewal of their licenses based on their inability to pay their debts. The Supreme Court has made clear that such a procedure is constitutionally required: "[Driver's] licenses are not to be taken away without . . . procedural due process" because, once issued, "their continued possession may become essential in the pursuit of a livelihood."¹⁰⁰

A recent case from Virginia illustrates how wealth-based driver's license schemes like DC's violate procedural due process and invite long, drawn-out litigation. A Virginia law previously on the books required suspension of driver's licenses for unpaid debts. A federal court ruled—four years after the initial lawsuit had been filed—that the law likely violated procedural due process because it failed to provide motorists an adequate opportunity to show they were unable to pay.¹⁰¹ In reaching its decision, the court condemned the irrationality of the statute: "There is no indication that a loss of [a] license will incentivize individuals to pay court fines and costs where those individuals simply cannot afford to pay."¹⁰² The court continued: "In practice, the loss of a driver's license adversely affects people's ability to gain and maintain employment, often resulting in a reduction of income. This deprives individuals of means to pay their court debt, hindering the fiscal interests of the government."¹⁰³ Last year, after the state's defeat in court, the Virginia legislature repealed the statute and reinstated 626,000 previously suspended driver's licenses.¹⁰⁴ The state must now contend with a request for attorneys' fees that will likely be significant after nearly five years of litigation.¹⁰⁵

The Clean Hands Law's third constitutional defect is that it violates substantive due process principles. Depriving people of the ability to renew their driver's licenses based solely on their inability to pay is not rationally related to any legitimate government objective.¹⁰⁶ The only objective the Council ever articulated for the law's prohibition on issuing and renewing driver's licenses was to secure fine payments and thus generate revenue for the DC government. But as explained in Part IV.B below, withholding driver's licenses from indigent DC residents does not reasonably relate to, much less achieve, that purpose. Rather than securing payments and generating revenue, the law makes it more difficult for residents with low or no income to find and sustain employment that would enable them to satisfy their debts.

The DC government has never offered a public safety rationale for the Clean Hands Law, but even if it had, the statute is not rationally related to that objective either. Rather than promoting public safety, the law simply denies driver's licenses to people too poor to pay their debts. Drivers with thousands of dollars in tickets, even for more dangerous conduct like running red lights and speeding, generally can renew their licenses as long as they have the means to pay. The only difference between these drivers and drivers barred from renewing their licenses under the Clean Hands Law is poverty.

DC should not retain a law of doubtful constitutionality, especially when it is affirmatively harming District residents. If DC fails to reform the Clean Hands Law, Virginia's recent experience may forecast what is to come: time-consuming, costly litigation. There is no sound public policy reason for DC to invite such a lawsuit.

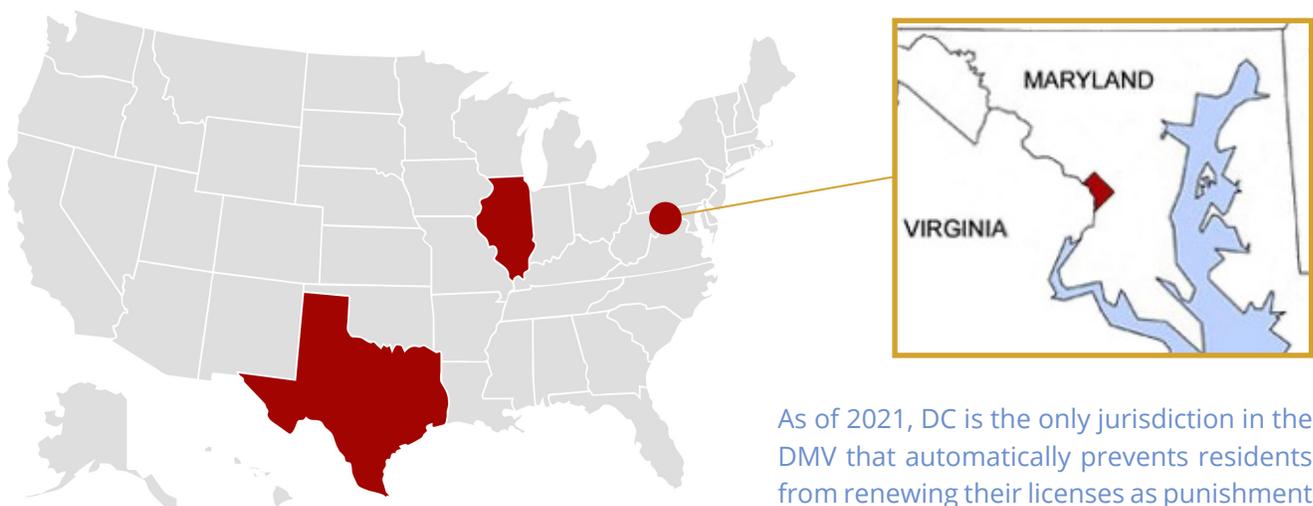
III. DC Is a Regional and National Outlier

The Clean Hands Law is part and parcel of DC's longstanding reliance on fines and fees to support its budget and avoid the politically more difficult task of raising taxes.¹⁰⁷ Yet reliance on fines and fees to fund government operations has come under increasing scrutiny since the U.S. Department of Justice published its report on Ferguson.¹⁰⁸ Several studies have found that cities with higher proportions of Black residents tend to rely more heavily on fines and fees.¹⁰⁹ In light of these studies, the fact that DC collects more than twice as many fines per capita as any major city in the nation—with most of those fines coming through traffic-related enforcement—is particularly troubling.¹¹⁰

After DC ended suspensions of driver’s licenses for unpaid debts in 2018, and spurred by a national “Free to Drive” coalition of anti-poverty and business groups, Maryland, Virginia, and West Virginia, as well as Hawaii, Mississippi, Montana, New York, and Oregon, followed suit.¹¹¹ In 2020, Maryland ended the suspension and nonrenewal of driver’s licenses due to unpaid traffic debt and judgments for motorists who enter into a payment plan.¹¹² As noted above, in 2020, Virginia also ended the suspension of driver’s licenses for outstanding fines and failure to appear in court.¹¹³ In addition, Virginia reinstated 626,000 driver’s licenses that were suspended for failure to pay fines and fees.¹¹⁴ The same year, West Virginia stopped suspending driver’s licenses for unpaid fines and required reinstatement of previously suspended licenses for motorists who enter into a payment plan.¹¹⁵ West Virginia’s policy change garnered widespread support from groups as diverse as the ACLU and the Koch family-funded Americans for Prosperity.¹¹⁶

Once a national leader in this important area of public policy, DC is now just the opposite, both nationally and in the region. DC remains one of only three state-level jurisdictions in the United States (Illinois and Texas are the others) that deny driver’s licenses to people who owe debt to the government.¹¹⁷ DC’s policy is especially problematic given that DC belongs to an integrated, compact regional economy—more than half of income earned in DC is earned by non-residents,¹¹⁸ and more than half of the jobs in DC are held by non-residents¹¹⁹—and Maryland and Virginia (and West Virginia) do not deny license renewals (or suspend licenses) for unpaid fines and fees, but DC still does, uniquely punishing its residents in this way for unpaid fines and fees.

DC Remains One of Only Three Jurisdictions with a Law that Denies Driver’s License Renewals to People Who Owe Debt to the Government



As of 2021, DC is the only jurisdiction in the DMV that automatically prevents residents from renewing their licenses as punishment for unpaid fines and fees.

By withholding driver’s licenses under the Clean Hands Law, DC disadvantages its own residents compared to Maryland and Virginia residents. As noted above in Part II.E, a driver’s license may be a job requirement or a necessity to commute to jobs inaccessible via public transit. Maryland and Virginia, which did not have a clean hands law, eliminated a further barrier to these jobs by ending the suspension of driver’s licenses for unpaid debt and reinstating revoked licenses. Urging reform in his state, Maryland’s Attorney General Brian Frosh explained that under the regime at the time before Maryland’s reform, people got “sucked into a vortex of punishment and poverty” because “[t]hey can’t afford to pay the fine or fee; they lose their driver’s license”¹²⁰ In the interest of regional coherence, consistency, and connectedness, and in the interests of DC’s own economic vitality, DC should sync up with Maryland and Virginia (and West Virginia) and amend the Clean Hands Law to enable residents to renew their driver’s licenses when debt is the only obstacle to renewal.

IV. The Costs of Doing Nothing Vastly Exceed Any Potential Concerns About the Reform

Skeptics may raise two main questions about reforming the Clean Hands Law: (1) whether reform will undermine public safety, and (2) whether the reform will be costly to DC because the Clean Hands Law is necessary to provide a continuing incentive for people to pay their fines. Both concerns are not only misplaced, but are massively outweighed by the benefits of reform.

A. Reform Will Not Undermine Public Safety

The Clean Hands Law is unnecessary to ensure that unsafe drivers do not receive driver's license renewals. First, nothing in the reforms proposed here are intended to or will in any way change the current rules that assign points or take away a license as a result of serious driving offenses. DC's current rules imposing penalties for seriously unsafe driving would remain unchanged. That is important and consistent with the reform proposed here.

Second, drivers with tickets and means to pay are currently able to buy the right to drive, even when they receive tickets for unsafe driving offenses. In contrast, the drivers who are punished under the current Clean Hands Law are those unable to pay. As the stories of DC residents shared in this report illustrate, their conduct may have been as innocuous as a parking violation over a decade ago. The Clean Hands Law serves no real public safety purpose.

In 2017, Ward 8 Councilmember Trayon White asked the DMV Director the following question: "I've heard a lot of conversations about revenue, revenue, revenue, revenue. Do you have data that reflects that as a result of this amount of money collected, DC is in fact safer?"

DMV Director Lucinda Babers' only answer was to refer the Council to the Metropolitan Police Department, which has never attempted to justify the denial of driver's licenses under the Clean Hands Law.

In fact, as explained in Part II.F, the Clean Hands Law undermines public safety because it leads to more people driving without a valid license and, therefore, to more arrests for that offense and more law enforcement time diverted away from actual threats to public safety.

Indeed, public safety was never the impetus for the Clean Hands Law and remains a red herring in the debate. When the Council introduced the law in 1996 and amended it in 2001 to include traffic and parking infractions, no one suggested a public safety rationale for denying driver's licenses to DC residents. The only rationale offered was that people needed a "compelling reason" to pay their tickets.¹²¹ More recently, when the Council held hearings on the legislation that resulted in the 2018 reforms, Ward 8 Councilmember Trayon White pointedly asked the DMV director, with understandable frustration, "I've heard a lot of conversations about revenue, revenue, revenue, revenue. Do you have data that reflects that as a result of this amount of money collected [approximately \$167 million in tickets in 2016], DC is in fact safer?"¹²² The DMV Director referred Councilmember White to the Metropolitan

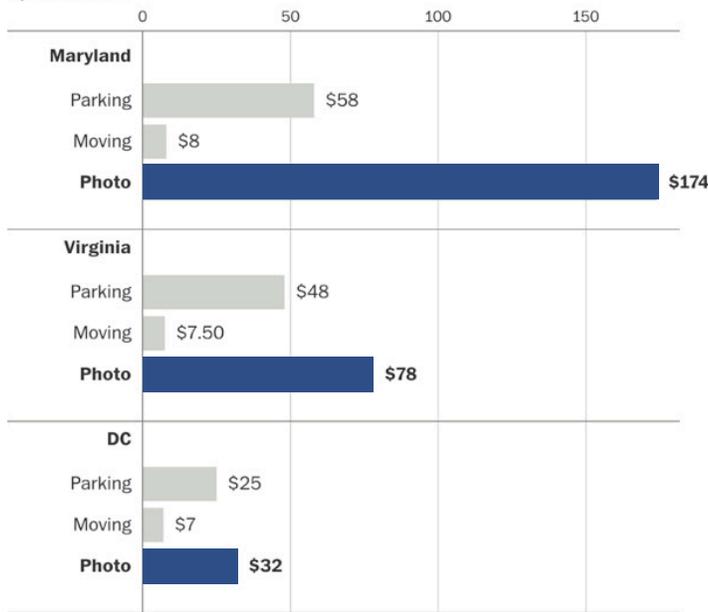
Police Department,¹²³ but, **MPD has never claimed that denial of driver's licenses under the Clean Hands Law is necessary for or beneficial to public safety.** As detailed above, the evidence from around the country reveals that it is not.

B. Reform Will Not Deprive DC of Revenue

The Clean Hands Law is also unnecessary to provide an incentive for people to pay their fines. **No evidence shows that withholding the driver's license of someone who is too poor to pay will somehow push them to come up with money they do not have.** As one study by a consortium of law enforcement agencies concluded, "The common belief that a driver[s] license suspension provides effective, sustainable motivation to encourage individuals to comply with court ordered or legislated mandates to avoid suspension is not supported by empirical evidence."¹²⁴

In DC: \$440 million in unpaid tickets

Drivers in the District, Maryland and Virginia accumulated more than 2 million in unpaid parking and traffic tickets from Jan. 1 2016 to Feb. 28 2020. Drivers owe more fines from tickets issued by cameras, than for parking violations or moving citations issued by a police officer.



Amount in millions

Source: D.C. Department of Motor Vehicles

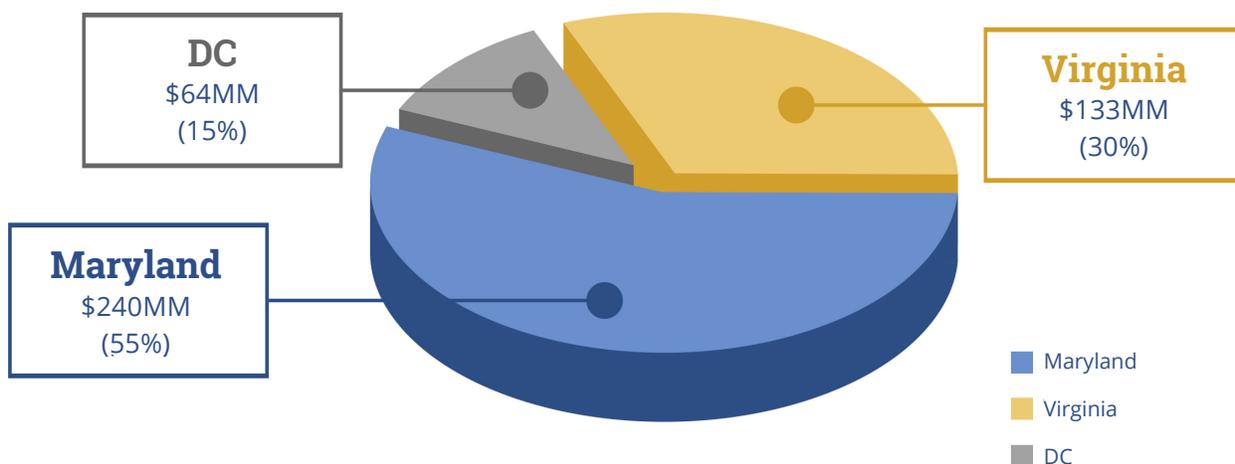
LUZ LAZO/THE WASHINGTON POST

Policymakers have recognized this truth as well. As then-California Governor Jerry Brown explained in 2017 when he came out in support of his state’s reforms, “There does not appear to be a strong connection between suspending someone’s driver[’]s license and collecting their fine or penalty. Often, the primary consequence of a driver[’]s license suspension is the inability to legally drive to work or take one’s children to school.”¹²⁵ Any fiscal impact analysis needs to acknowledge the evidence-based, empirical insight that “clean hands” regimes do not successfully coerce people who cannot afford to pay into paying.

Common sense reinforces this data-based insight. **The inability to find and maintain employment reduces income and therefore reduces the ability to pay off fines.** The Clean Hands Law may actually decrease the likelihood that the government will be able to collect the fines it is owed. As the saying goes, “You can’t get blood from a stone.”

Additionally, it is non-DC drivers who are the main culprits in the nonpayment of traffic and parking tickets, and the Clean Hands Law is irrelevant to them because they have out-of-state driver’s licenses.

85% of DMV-Based Fines Owed to DC Were Owed By Non-DC Drivers



The Clean Hands Law disproportionately injures DC residents while doing nothing to recoup the 85% of unpaid traffic and parking tickets that are owed by non-DC drivers.

Amount owed by each jurisdiction’s residents

Non-DC drivers from within the DMV owe 85% of unpaid traffic and parking fines owed to DC. Over the four years between January 2016 and February 2020, of more than two million unpaid traffic and parking tickets worth a total of \$440 million, Maryland drivers accounted for 55% of the value of those tickets—worth \$240 million—and Virginia drivers accounted for 30%—worth \$133.2 million.¹²⁶ By contrast, DC residents owed \$64 million, half of what Virginia drivers owed and a quarter of what Maryland drivers owed.¹²⁷

In other words, the only drivers who are punished by the Clean Hands Law owe only about 15% of the potential value of unpaid traffic and parking tickets owed DC. The law thus disproportionately injures DC residents while doing nothing to recoup 85% of unpaid fines. Reforming the Clean Hands Law to end the withholding of driver’s licenses would not undercut DC’s ability to go after the \$376 million in unpaid tickets currently owed by non-DC drivers.¹²⁸

The Clean Hands Law is also unnecessary to coerce payments of fines or fees from residents with the means to pay. Beyond the psychic benefit many feel when paying off their debts, at least four other incentives



The common belief that a driver[’s] license suspension provides effective, sustainable motivation to encourage individuals to comply with court ordered or legislated mandates to avoid suspension is not supported by empirical evidence.

- Best Practices Guide to Reducing Suspended Drivers, American Association of Motor Vehicle Administrators



remain to ensure payment by those who can afford to pay. First, failure to pay can lead to other problems, such as the denial of the ability to obtain a professional or business license or other permits requiring clean hands, including vehicle registration.¹²⁹ Second, debt collection agencies are notoriously unpleasant to deal with—sending notices and letters and making phone calls—and residents will want to avoid the hassle. Third, residents concerned about specialty credit reports and public records searches by landlords or employers will have incentives to pay.¹³⁰ Finally, failure to pay outstanding fines leads to the withholding of DC tax refunds.¹³¹

Recent data reinforces the conclusion that a “clean hands,” wealth-based driver’s license system is unnecessary to collect debt. The city of Dallas, Texas, like DC, uses a computer program that automatically places a hold on a driver’s license when someone fails to pay a fine or fee. The neighboring city of Fort Worth, Texas does not use this program. Yet the Fort Worth Municipal Court collects more per case (\$116) than the Dallas Municipal Court (\$113).¹³² Automatic license deprivations are simply unnecessary and ineffective.

For drivers who presently lack the means to pay, there are far better ways to promote debt repayment than to withhold driver’s licenses. The single most effective way to ensure repayment of debt is to reduce debt to an amount that drivers can afford. It is counter-productive to impose unmanageable sanctions on people who have no ability to pay them.¹³³

Empirical evidence shows that individuals who feel daunted by the challenges of paying significant debt on time—to say nothing of the penalties that come with untimely payments—may abandon their attempts to pay. By contrast, people are more likely to abide by the law when it treats them fairly.¹³⁴

Further, if Congress passes the now-pending Driving for Opportunity Act, DC could apply for a grant to recoup any losses it may incur as a result of reforming the Clean Hands Law. The Driving for Opportunity Act would authorize five years of annual grant payments of \$20 million to states (including DC) that repeal statutes that permit the refusal to renew driver's licenses based on failure to pay civil or criminal fines.¹³⁵ Grant recipients would then report on the number of driver's licenses reinstated as a result of repealing their license-restricting laws.¹³⁶

For residents unable to pay their fines or fees, the Clean Hands Law fails to either advance public safety or enhance revenue. To make matters worse, even as it fails to achieve these goals, it is inflicting disproportionate harms on DC's Black and brown community members; disabled residents; and the full array of residents without wealth or sufficient income to pay fines and fees. When a license is as fundamental to daily life as a driver's license is—and when the renewal of that license is conditioned solely on a driver's ability to pay their debts—the burden of proof rests with the government to show that its wealth-based licensing system is achieving valid public policy goals. In 2021, amidst DC's (and the nation's) heightened commitment to addressing racial inequities, the burden is greater than ever to show that the Clean Hands Law makes sense.

This is a showing the District cannot make.

Public safety was not a basis for the Council's 2001 decision to add moving and parking infractions to the list of Clean Hands Law-triggering violations. In all the years since 2001, neither the DMV nor MPD has ever maintained that denial of driver's licenses under the Clean Hands Law is necessary or beneficial to public safety.

And, while the law was intended to stimulate revenue by incentivizing the payment of outstanding tickets, the Council has never found that the current system of withholding the driver's license of those who are too poor to pay helps achieve this result. Instead, the current law punishes poverty, exacerbates racial inequalities, exposes poor people to criminal punishment, diverts public safety resources and hurts the economic well-being of drivers and employers alike. The continued application of the current Clean Hands Law to driver's licenses cannot be justified.

V. Call to Action

It is time for change. In the immediate term, the Mayor should direct the DMV to stop denying driver's licenses for failure to pay outstanding fines and fees. Meanwhile, the Council should introduce and enact legislative reform in the 2021-2022 session. In 2017-2018, the Council considered a reform that was ultimately stalled. It is time for the Council to follow through on its previous efforts.

We propose two alternative legislative options to end DC's wealth-based driver's license system: (1) a "clean" repeal that would end the withholding of driver's licenses from all DC residents, no matter their ability to pay; or (2) a more narrow repeal that would end the withholding of driver's licenses from DC drivers who lack the ability to pay, as confirmed by their receipt of public benefits.

Mikael, a Ward 1 resident with an expired driver's license, is a student at the University of the District of Columbia. At the start of 2020, Mikael had nearly \$8,200 in driving-related debt, including thousands of dollars of tickets issued to other people who were driving cars he owned. Mikael works three jobs in addition to going to school, and is trying to resolve his tickets through a payment plan. To date, he has paid off \$5,000, but the DMV has told him he must still pay approximately \$2,000 more to regain his license. In recent years, Mikael has been assaulted and robbed several times, and shot at least once while getting to and from the Metro. One time, as he walked from the Metro near his home, he was hit in the face with a pistol, which required him to get surgery and seek counseling. Due to this trauma, Mikael continued to drive when necessary, even without a license. To obtain a driver's license, Mikael recently moved from DC to Maryland where he now lives with his girlfriend.

A clean repeal is preferable because it is simpler to implement and provides the broadest relief. It is what was originally intended by the councilmembers who introduced the legislation that abolished driver's license suspensions in 2018.¹³⁷ Implementing a clean repeal would require no extra administrative costs and would even save resources the DC government currently expends to enforce the prohibition on issuing driver's licenses to people who owe more than \$100. And, for the reasons outlined in Part IV, it would not undermine public safety or have a significant detrimental fiscal impact, as evidence-based analyses have shown.

Alternatively, a narrow repeal would end the current system of punishing people who lack the ability to pay their fines. To identify people who lack the means to pay, the government could look at whether an individual receives public assistance, such as Temporary Assistance for Needy Families, Social Security Disability Insurance, Supplemental Security Income, or Medicaid. A narrow repeal would still enable the government to deny driver's licenses to people with the means to pay. Determining whether a DC resident receives some sort of public assistance to determine their ability to pay is preferable to a system in which all motorists would have to submit to a hearing at which ability to pay is decided, as such hearings would impose additional costs on both motorists and the DMV.

A narrow repeal, though far superior to the status quo, may be more problematic than a clean repeal in two respects. First, an individual might fall on hard times but still be ineligible for public assistance and thus unable to benefit from reform under a narrow repeal. Second, there would be administrative costs associated with the Office of the Chief Financial Officer and the DMV verifying a driver's receipt of public benefits.

Whichever path it takes, the Council should reform the Clean Hands Law's prohibition on obtaining and renewing driver's licenses. As Ward 8 resident Regina Pixley aptly put it, "[T]his is a system that's broken."¹³⁸

Withholding driver's licenses from people too poor to pay their debts is cruel, counterproductive, and racially inequitable. Wealth should not determine who can keep driving on DC's streets. DC has the opportunity to turn this principle into policy, and help residents get on—and stay on—the road forward.

Appendix 1: Model Bills

Clean Repeal

D.C. Code § 47-2862

(a) Notwithstanding any other provision of law, the District government shall not issue or reissue a license or permit, other than a license to drive or motor vehicle operator's permit, to any applicant for a license or permit if the applicant:

...

Narrow Repeal

D.C. Code § 47-2862

(a) Notwithstanding any other provision of law, the District government shall not issue or reissue a license or permit to any applicant for a license or permit, except as provided in subsection (e), if the applicant:

...

(e) The District government shall not withhold a license to drive or a motor vehicle's operator's permit from any applicant who is unable to pay any fine, penalty, interest, or past due tax to the District.

(1) For purposes of this subsection, any applicant who receives any of the following forms of public assistance shall be deemed unable to pay:

- (A) D.C. Healthcare Alliance, as authorized by D.C. Official Code § 7-1401 et seq.;
- (B) Emergency Shelter Family Services, as established by D.C. Official Code § 4-202.01;
- (C) General Assistance for Children, as established by D.C. Official Code § 4-202.01;
- (D) Housing assistance programs established by Section 8 of the United States Housing Act of 1937, approved September 1, 1937 (50 Stat. 888, 42 U.S.C. § 1437(f) et seq.);
- (E) Interim Disability Assistance, as established by D.C. Official Code § 4-202.01;
- (F) Low Income Home Energy Assistance Program or Utility Discount Program as established by D.C. Official Code §§ 8-1774.14-15;
- (G) Medicaid, as established by the Social Security Amendments Act of 1965;
- (H) Program on Work, Employment, and Responsibility, as established by D.C. Official Code § 4-202.01;
- (I) Social Security Disability Insurance, as established by Title II of the Social Security Act;
- (J) Special Supplemental Nutrition Program for Women, Infants, and Children, as established by section 17 of the Child Nutrition Act of 1966, approved September 26, 1972 (86 Stat. 729; 42 U.S.C. § 1786);
- (K) Supplemental Nutrition Assistance program, as established by section 4 of the Food Stamp Act of 1964, approved August 31, 1964 (78 Stat. 703; 7 U.S.C. § 2013);
- (L) Supplemental Security Income, as established by Title XVI of the Social Security Act;
- (M) Temporary Assistance for Needy Families, as established by D.C. Official Code § 4-202.01;

(2) The DMV may promulgate regulations to identify additional applicants to be deemed unable to pay.

- (3) Within one year of the effective date of this act, the OCFO shall develop and the DMV shall maintain a database of persons deemed unable to pay, including all persons who receive any form of public assistance set forth in § 47-2862(e)(1) and all persons who are deemed unable to pay as a result of any regulation promulgated pursuant to § 47-2862(e)(2).
- (4) Any applicant who self-certifies pursuant to § 47-2863(a)(3) shall be deemed unable to pay.
- (5) Nothing in this section shall be construed to affect the DMV's ability to promulgate regulations that suspend or revoke a person's driver's license after the accumulation of a set amount of points.

D.C. Code § 47-2863

(a)

- (1) This subchapter shall be enforced by self-certification by the applicant for a license or permit, provided that the veracity of the self-certification may be investigated upon the initiative of the District government at any time.
- (2) At the time of application for a license or permit the applicant shall be provided an opportunity to certify on a form provided by the District government that the applicant owes no outstanding debt over \$100 to the District government as a result of any fine, fee, penalty, interest, or past due tax as set forth in § 47-2862.
- (3) If an applicant owes outstanding debt over \$100 to the District government as a result of any fine, fee, penalty, interest, or past due tax as set forth in § 47-2862 and does not appear in the DMV's database of persons deemed unable to pay as set forth in § 47-2862(e)(3), the applicant shall be provided an opportunity to certify on a form provided by the District government that the applicant either receives any form of public assistance set forth in § 47-2862(e)(1) or has been deemed unable to pay as a result of any regulation promulgated pursuant to § 47-2862(e)(2).
- (4) Upon receipt of the applicant's certification that the issuance of the license or permit is not prohibited by this subchapter, the District government shall consider the application as otherwise provided by law, unless the government has information indicating that the applicant has not paid an outstanding debt under § 47-2862.

...

Appendix 2: Legislative History of DC's Clean Hands Law

Effective Date	Law	Title	Description of Change
05/11/1996	D.C. Law 11-118, § 3, 43 D.C. Reg. 1191	Clean Hands Before Receiving a License or Permit Act of 1996	Enacted Clean Hands Law.
04/09/1997	D.C. Law 11-254, § 2, 44 D.C. Reg. 1575	Title 47, D.C. Code Enactment Act of 1996	Made technical amendments.
03/24/1998	D.C. Law 12-81, § 59(j), 45 D.C. Reg. 745	Technical Amendments Act of 1997	Made technical amendments.
10/21/2000	D.C. Law 13-183, § 2(c), 47 D.C. Reg. 7062	Water and Sewer Authority Collection Enhancement Amendment Act of 2000	Added past-due water and sewer service fees as fines that trigger Clean Hands prohibitions.
04/27/2001	D.C. Law 13-289, § 601(c), 48 D.C. Reg. 2057	Motor Vehicle and Safe Driving Amendment Act of 2000	Added moving and parking infractions as fines that trigger Clean Hands prohibitions.
04/08/2005	D.C. Law 15-307, § 201, 52 D.C. Reg. 1700	Department of Motor Vehicles Reform Amendment Act of 2004	Added parking fines assessed by other jurisdictions as fines that trigger Clean Hands prohibitions, if DC has a reciprocity agreement with the other jurisdiction. Also added fines for car dealers and cab drivers as fines that trigger Clean Hands prohibitions.
03/02/2007	D.C. Law 16-191, §§ 81, 94, 53 D.C. Reg. 6794	Technical Amendments Act of 2006	Made technical amendments; removed fines for cab drivers as fines that trigger Clean Hands prohibitions because the legislation establishing fines for cab drivers had not been enacted.
03/02/2007	D.C. Law 16-192, §§ 1011(c), 1013, 53 D.C. Reg. 6899	Fiscal Year 2007 Budget Support Act of 2006	Added failure to file a DC tax return as conduct that triggers Clean Hands prohibitions.
03/14/2007	D.C. Law 16-279, § 209(b), 54 D.C. Reg. 1086	Department of Motor Vehicles Service and Safety Amendment Act of 2006	Made technical amendments; removed failure to file a DC tax return as conduct that triggers Clean Hands prohibitions.

Effective Date	Law	Title	Description of Change
03/20/2009	D.C. Law 17-303, § 2(c), 55 D.C. Reg. 12,803	Vehicle Towing, Storage, and Conveyance Fee Amendment Act of 2008	Added unpaid vehicle conveyance (towing) fees as fees that trigger Clean Hands prohibitions.
03/25/2009	D.C. Law 17-353, § 164(a)(1), 56 D.C. Reg. 1117	Technical Amendments Act of 2008	Made technical amendments.
09/20/2012	D.C. Law 19-168, § 1054(b)(1)(C), 59 D.C. Reg. 8025	Fiscal Year 2013 Budget Support Act of 2012	Added any unpaid “fines, penalties, or interest” of more than \$100 as debts that trigger Clean Hands prohibitions.
10/23/2012	D.C. Law 19-190, § 6, 59 D.C. Reg. 10,163	Block Party Act of 2012	Exempted block party permits from the Clean Hands Law.
12/24/2013	D.C. Law 20-61, § 7192(c), 60 D.C. Reg. 12,472	Fiscal Year 2014 Budget Support Act of 2013	Re-added failure to file a DC tax return as conduct that triggers Clean Hands prohibitions.
02/26/2015	D.C. Law 20-157, § 5(c), 61 D.C. Reg. 10,157	Wage Theft Prevention Amendment Act of 2014	Added failure to pay fines, penalties, and restitution related to wage theft as debts that trigger Clean Hands prohibitions.
06/22/2016	D.C. Law 21-124, § 501(f), 63 D.C. Reg. 7076	Transportation Reorganization Amendment Act of 2016	Made technical amendments.

Endnotes/Citations

¹ B22-0204 - Traffic and Parking Ticket Penalty Amendment Act of 2017, COUNCIL OF THE DISTRICT OF COLUMBIA, lims.dccouncil.us/Legislation/B22-0204 (last visited Apr. 4, 2021); B22-0618 - Driver's License Revocation Fairness Amendment Act of 2018, COUNCIL OF THE DISTRICT OF COLUMBIA, lims.dccouncil.us/Legislation/B22-0618 (last visited Apr. 4, 2021); B22-0618 - Driver's License Revocation Fairness Amendment Act of 2018, COUNCIL OF THE DISTRICT OF COLUMBIA, lims.dccouncil.us/Legislation/B22-0618 (last visited Apr. 4, 2021).

² Karl A. Racine (@AGKarlRacine), Twitter (July 6, 2018, 11:18 AM), twitter.com/AGKarlRacine/status/1015253726662144001.

³ Traffic and Parking Ticket Penalty Amendment Act of 2018, D.C. Law 22-175, § 2, 65 D.C. Reg. 9546 (enacted Sept. 6, 2018) (effective Oct. 30, 2018) (codified at D.C. CODE § 50-2302.08), lims.dccouncil.us/downloads/LIMS/37705/Signed_Act/B22-0204-SignedAct.pdf; Driver's License Revocation Fairness Amendment Act of 2018, D.C. Law 22-236, § 2, 66 D.C. Reg. 590 (enacted Jan. 15, 2019) (effective Mar. 13, 2019), lims.dccouncil.us/downloads/LIMS/39352/Signed_Act/B22-0618-SignedAct.pdf.

⁴ *2019 Performance Oversight Questions: Department of Motor Vehicles*, COUNCIL OF THE DISTRICT OF COLUMBIA 57, dccouncil.us/wp-content/uploads/2019/02/dmv19.pdf (last visited Apr. 4, 2021); see also Justin Wm. Moyer, *DC Restores Driving Privileges for More than 65,000 People*, WASHINGTON POST (Feb. 27, 2019), t.co/XCspeCpwma.

⁵ 2019 Performance Oversight Questions, *supra* note 4, at 55; Moyer, *supra* note 4.

⁶ Beth Schwartzapel, *43 States Suspend Licenses for Unpaid Court Debt, But that Could Change*, MARSHALL PROJECT (Nov. 21, 2017) (quoting the Office of DC Mayor Muriel Bowser), t.co/6O2cbmCsXz.

⁷ Driver's License Revocation Fairness Amendment Act of 2017, B22-618, § 17, COUNCIL OF THE DISTRICT OF COLUMBIA (introduced Dec. 5, 2017), lims.dccouncil.us/downloads/LIMS/39352/Introduction/B22-0618-Introduction.pdf.

⁸ D.C. CODE § 47-2862(a).

⁹ The DMV has announced that during the Public Health Emergency and 45 days thereafter, driver's licenses that would otherwise expire will remain valid. Mayor's Order 2020-127, Part VII (Dec. 18, 2020), coronavirus.dc.gov/sites/default/files/dc/sites/coronavirus/page_content/attachments/Mayor%27s%20Order%20127%2012-18-2020.pdf; *DC DMV Credential Extension Update*, DC DEPARTMENT OF MOTOR VEHICLES (July 16, 2020), dmv.dc.gov/sites/default/files/dc/sites/dmv/publication/attachments/DMV%20credential%20extension%20update.pdf. Even during the pandemic, however, the DC Government has made no exceptions for those who wish to apply for a license but are barred by the Clean Hands Law from obtaining one due to unpaid debt. Legislation is critical now to address this fundamental issue, affecting tens of thousands of residents in such a deep way.

We note that the Clean Hands Law prohibits the issuance or renewal of licenses and permits for a wide range of activities, including driving, based on the existence of fines and penalties in excess of \$100. This report and accompanying recommendations focuses on licenses to drive – the licensed activity that most DC residents require to get to work, the grocery store, childcare, and medical appointments.

In 2012, the Council exempted block party permits from the Clean Hands Law. D.C. Law 19-190, § 6, 59 D.C. Reg. 10,163. Without addressing the issue in this report, Tzedek DC encourages the Council in the future to give consideration to the efficacy and limitations of the Clean Hands Law's application to other areas in future years, following this critical reform regarding driver's licenses. For example, 486 contractors are registered as of April 5, 2021, as doing business with the DC Government. Contracts and Procurement Transparency Portal. Retrieved from <https://contracts.ocp.dc.gov/contracts/results?hash=iccx3os2m9rmlr9o>.

¹⁰ Clean Hands Before Receiving a License or Permit Act of 1996, D.C. Law 11-118, § 3(a), 43 D.C. Reg. 1191 (codified at D.C. CODE § 47-2862(a)(1)), code.dccouncil.us/dc/council/laws/docs/11-118.pdf; see also *Report on an Amendment in the Nature of a Substitute to Bill 11-260, the "Clean Hands Before Receiving a License or Permit Act of 1995,"* COUNCIL OF THE DISTRICT OF COLUMBIA, COMMITTEE ON PUBLIC WORKS AND THE ENVIRONMENT, 1-2, 16 (Sept. 20, 1995), lms.dccouncil.us/downloads/LIMS/4245/Committee_Report/B11-0260-CommitteeReport1.pdf.

¹¹ Yesim Sayin Taylor, *Twenty Years After the Revitalization Act, the District of Columbia Is a Different City*, DC POLICY CENTER (Dec. 19, 2017), dcpolicycenter.org/publications/twenty-years-revitalization-act-district-columbia-different-city; History of OCFO, OFFICE OF THE CHIEF FINANCIAL OFFICER, cfo.dc.gov/page/history-ocfo (last visited Apr. 4, 2021).

¹² *Report on Bill 13-828, the "Motor Vehicle and Safe Driving Amendment Act of 2000,"* COUNCIL OF THE DISTRICT OF COLUMBIA, COMMITTEE ON PUBLIC WORKS AND THE ENVIRONMENT, 5 (Oct. 18, 2000) (copy on file with Tzedek DC).

¹³ Report on Bill 13-828, *supra* note 12, at 5.

¹⁴ Nikita Stewart, *D.C. Mayor Fenty Counts on Fee Revenue to Close Gap*, WASHINGTON POST (Apr. 9, 2010), bit.ly/94cxA4.

¹⁵ See, e.g., *Fiscal Year 2021 Approved Budget and Financial Plan: Volume 1 – Executive Summary*, OFFICE OF THE CHIEF FINANCIAL OFFICER p. 3-8 (.pdf p. 93) tbl.3-3 (Aug. 27, 2020), cfo.dc.gov/sites/default/files/dc/sites/ocfo/publication/attachments/DC_OCFO_Budget_Vol_1-Bookmarked-9-1-2020.pdf (\$195.39 million in "fines and forfeits" out of \$8,314,850,000 in total revenue). "Forfeitures" refer to two sources of revenue: (1) civil penalties enforced by the Alcoholic Beverage Regulation Administration for violations of alcoholic beverage control laws; and (2) bonds paid by people claiming property seized by the Metropolitan Police Department pending the outcome of a civil forfeiture proceeding. See *District of Columbia Non-Tax Revenue Report*, OFFICE OF REVENUE ANALYSIS, OFFICE OF THE CHIEF FINANCIAL OFFICER 55-57 (Sept. 2015), cfo.dc.gov/sites/default/files/dc/sites/ocfo/publication/attachments/Non-Tax%20Revenue%20Report%20_September%202015.pdf; D.C. Code § 41-306(c)(1), (d)(1), (2)(E), (i) (governing payment of bond to claim seized property).

¹⁶ Dan Kopf & Justin Rohrlich, *No US City Fines People Like Washington Fines People*, QUARTZ (Jan. 29, 2020), t.co/n3GuAMZryQ.

¹⁷ 2019 Performance Oversight Questions, *supra* note 4, at 55-56.

¹⁸ See, e.g., Testimony of Ariel Levinson-Waldman, Founding President and Director-Counsel, Tzedek DC, to the Committee on Transportation & the Environment Regarding Performance Oversight of the District of Columbia Department of Motor Vehicles, TZEDEK DC 3 (Feb. 28, 2019), static1.squarespace.com/static/57056a9e0442629a7a43ca60/t/5c7b536b9b747a0e60a14349/1551586159206/2019.02.28+DMV+Oversight+Hrg+Testimony+Tzedek+DC.pdf.

¹⁹ 2019 Performance Oversight Questions, *supra* note 4, at 55, 57; Moyer, *supra* note 4.

²⁰ *Fiscal Year 2020 Budget and Financial Plan Questions*, OFFICE OF THE CHIEF FINANCIAL OFFICER 12 (April 12, 2019) (copy on file with Tzedek DC).

²¹ *QuickFacts: District of Columbia*, U.S. CENSUS BUREAU, [census.gov/quickfacts/DC](https://www.census.gov/quickfacts/DC) (last visited Apr. 4, 2021).

²² Racial Equity Achieves Results (REACH) Amendment Act of 2020, Act 23-503, § 202(a)(2), 67 D.C. Reg. 14,390 (to be codified at D.C. CODE § 47-308.01(h)(3)), [lims.dccouncil.us/downloads/LIMS/41629/Signed_Act/B23-0038-Signed_Act.pdf](https://www.lims.dccouncil.us/downloads/LIMS/41629/Signed_Act/B23-0038-Signed_Act.pdf).

²³ D.C. CODE § 31-2413(b)(1)(A); 18 DCMR § 2600. DC regulations set the fine amount at \$100 for speeding 11 to 15 miles per hour over the speed limit, 18 DCMR § 2600, but in November 2020, the Metropolitan Police Department issued 4,839 tickets, each worth \$200, to motorists going 11 to 15 miles per hour over the speed limit. *Moving Violations Issued in November 2020*, OPEN DATA DC (Feb. 2, 2021), opendata.dc.gov/datasets/moving-violations-issued-in-november-2020. To calculate this number, we filtered the “VIOLATION_PROCESS_DESC” column to include only “SPEED 11-15” entries and the “FINE_AMOUNT” to include only “\$200.”

²⁴ 18 DCMR §§ 2600, 2601.

²⁵ D.C. CODE § 50-2302.05(d).

²⁶ *Central Collection Unit*, OFFICE OF THE CHIEF FINANCIAL OFFICER, cfo.dc.gov/service/central-collection-unit (last visited Apr. 4, 2021).

²⁷ *Memorandum*, OFFICE OF THE CHIEF FINANCIAL OFFICER, cfo.dc.gov/sites/default/files/dc/sites/ocfo/publication/attachments/CCU%20Fee_Assignment.pdf (last visited Apr. 4, 2021).

²⁸ 18 DCMR § 3007.5.

²⁹ 18 DCMR § 3007.5.

³⁰ 18 DCMR § 3007.12.

³¹ 18 DCMR § 3007.13. Though not the focus of this report, DC should also reform its payment plan system to permit greater flexibility; otherwise, a single setback, like losing a job or incurring an unexpected medical bill, could prevent people without means from keeping current on their plans. In 2020, the Council considered legislation that would have lowered the threshold debt for entering into a payment plan from \$250 to \$100 and enabled someone who defaulted on a payment plan to enter into a new payment plan after a three-year waiting period (with an exception for people whose default was due to “exigent circumstances”). Ticket Payment Plan Amendment Act of 2019, B23-82, § 2(a) (introduced Jan. 22, 2019), [lims.dccouncil.us/downloads/LIMS/41714/Introduction/B23-0082-Introduction.pdf](https://www.lims.dccouncil.us/downloads/LIMS/41714/Introduction/B23-0082-Introduction.pdf). The bill never passed, however, because the Office of the Chief Financial Officer released a fiscal impact statement alleging that its Central Collections Unit would have to add 15 staff members to administer the increased number of payment plans. Jeffrey S. DeWitt, *Fiscal Impact Statement – Ticket Payment Plan Amendment Act of 2020*, COUNCIL OF THE DISTRICT OF COLUMBIA (JAN. 28, 2020), [lims.dccouncil.us/downloads/LIMS/41714/Other/B23-0082-Fiscal-Impact-Statement1.pdf](https://www.lims.dccouncil.us/downloads/LIMS/41714/Other/B23-0082-Fiscal-Impact-Statement1.pdf).

³² *Drivers Try to Fight Back Against Decades Old Tickets Issued by DC DMV*, FOX 5 DC (May 20, 2015), [fox5dc.com/news/drivers-try-to-fight-back-against-decades-old-tickets-issued-by-dc-dmv](https://www.fox5dc.com/news/drivers-try-to-fight-back-against-decades-old-tickets-issued-by-dc-dmv).

³³ D.C. CODE §§ 50-2302.05(e), 50-2303.05(d)(2); *Pay Tickets*, DEPARTMENT OF MOTOR VEHICLES, dmv.dc.gov/service/pay-tickets (last visited Apr. 4, 2021).

³⁴ Drivers Try to Fight Back, *supra* note 32.

³⁵ Drivers Try to Fight Back, *supra* note 32.

³⁶ Blanche L. Bruce, *Parking and Automated Traffic Enforcement Tickets – Part I: Ticket Issuance Practices*, OFFICE OF THE INSPECTOR GENERAL 7 (Sept. 2014), app.oig.dc.gov/news/PDF/release10/PATE_final_9-8-2014.pdf (alteration in original).

³⁷ *Decentering Police to Improve Public Safety: A Report of the District of Columbia Police Reform Commission*, April 1, 2021, at 101-02, img1.wsimg.com/blobby/go/dd0059be-3e43-42c6-a3df-ec87ac0ab3b3/DC%20Police%20Reform%20Commission%20-%20Full%20Report.pdf.1

³⁸ In Fiscal Year 2019, of the \$195.39 million in revenue from “fines and forfeitures,” 35% came from traffic tickets (\$68,433,000), 3.8% came from red light camera tickets (\$7,411,000), and 58.4% came from speed camera tickets (\$114,196,000). *Fiscal Year 2021 Approved Budget and Financial Plan: Volume 1*, *supra* note 15, pp. 3-35 to 3-36 tbl.3-15 (.pdf pp. 120-121); *see also id.* at p. 3-21 (.pdf p. 106) (“Fines and forfeitures . . . is mostly revenue from traffic fines[.]”).

³⁹ *Stop Data Summary: January 1 - June 30, 2020*, Metropolitan Police Department, mpdc.dc.gov/node/1523926 (Feb. 22, 2021); *Stop Data Summary: January 1 – December 31, 2020*, Metropolitan Police Department, mpdc.dc.gov/node/1526306 (Mar. 5, 2021; updated Mar. 31, 2021). Preliminarily, Tzedek DC combined the four quarterly data sets available on these webpages into one comprehensive spreadsheet. We then filtered the “stop_type” column to include only “Ticket Only” entries. It is possible that this operation excludes some traffic stops in which tickets were issued because it excludes entries marked “Ticket and Non-ticket Stop.” Because there were relatively few such entries (only 2,077 in 81,020 stops), however, excluding this small number of entries does not meaningfully alter the descriptive statistics discussed in this report.

Second, we filtered the “stop_reason_ticket” column to include only “Observed equipment violation,” “Observed moving violation,” and “Response to Crash” entries to ensure that all data were related to traffic enforcement stops rather than stops in which police had prior information about the vehicle or motorist. It is possible that this operation excludes some traffic enforcement stops because it excludes entries marked “Calls for Service.” (2,570), “Excessive noise” (1), “Observed a weapon” (6), “Observed traffic violation” (2), “Self-initiated: suspicion of a non-traffic crim. activity” (50), and “Warning” (1). Because there were relatively few such entries, however, excluding this small number of entries does not meaningfully alter the statistics discussed in this report. (Even though “Excessive noise” and “Observed traffic violation” suggest that these were traffic enforcement stops, the very small number of entries marked with these codes suggest that these are coding errors.)

Third, we filtered the “ticket_count” column to exclude “0” entries.

Finally, we filtered the “age” column to exclude “Juvenile” and “Unknown” entries. This left 26,826 unique traffic stops in which the adult motorist received a ticket. These data do not indicate whether the motorist was a DC resident and do not include red light and speed camera tickets.

⁴⁰ Tzedek DC used U.S. Census data from 2019 because those are the most recent data available. *See Sex by Age (Black or African American Alone): American Community Survey: 2019: ACS 1-Year Estimates Detailed Tables*, Table B01001B, U.S. CENSUS BUREAU, data.census.gov/cedsci/table?q=ACS1Y2019.B01001B&g=0400000US11&tid=ACS1Y2019.B01001B (last visited Apr. 4, 2021) *Sex by Age: American Community Survey: 2019: ACS 1-Year Estimates Detailed Tables*, Table B01001, U.S. CENSUS BUREAU, data.census.gov/cedsci/table?q=ACS1Y2019.B01001&g=0400000US11&tid=ACS1Y2019.B01001 (last visited Apr. 4, 2021).

⁴¹ The z-statistic is 72.5, which yields a p-value vanishingly close to zero.

⁴² See sources cited in *supra* notes 39-40. The z-statistic is 104.3, which yields a p-value vanishingly close to zero.

⁴³ See sources cited in *supra* notes 39-40 as well as *Sex by Age (White Alone): American Community Survey: 2019 ACS 1-Year Estimates Detailed Tables*, Table B01001A, U.S. CENSUS BUREAU, data.census.gov/cedsci/table?q=ACS1Y2019.B01001A&g=0400000US11&tid=ACS1Y2019.B01001A (last visited Apr. 4, 2021).

⁴⁴ See *supra* note 38.

⁴⁵ See *supra* note 38.

⁴⁶ Kilolo Kijakazi et al., *The Color of Wealth in the Nation's Capital*, URBAN INSTITUTE 58 tbl.12 (Nov. 2016), urban.org/sites/default/files/publication/85341/2000986-the-color-of-wealth-in-the-nations-capital.pdf (data from 2014). This disparity is even greater for the median DC Black African (as distinct from Black residents overall) household which only has a net worth of \$3,000, over 94 times less than median white household.

⁴⁷ *Median Household Income by State by Race of Householder*, U.S. CENSUS BUREAU, census.gov/search-results.html?searchType=web&cssp=SERP&q=household%20income%20by%20race (last visited Apr. 4, 2021) (data from 2019). (Click on the link for the table labeled "By State by Race of Householder.")

⁴⁸ *Debt Delinquency*, URBAN INSTITUTE (Dec. 17, 2019), apps.urban.org/features/debt-interactive-map/downloadable-docs/Urban_Inst_Debt_In_America.xlsx.

⁴⁹ Debt Delinquency, *supra* note 48.

⁵⁰ Kijakazi et al., *supra* note 46, at 50 tbl.5.

⁵¹ *Id.* at 5.

⁵² Racial Equity Achieves Results (REACH) Amendment Act of 2020, *supra* note 23, § 202(a)(2) (to be codified at D.C. CODE § 47-308.01(h)(3)).

⁵³ Nanette Goodman et al., Nat'l Disability Inst., *Financial Inequality: Disability, Race and Poverty in America* 12 (2017).

⁵⁴ Azza Altriraifi, *A Deadly Poverty Trap: Asset Limits in the Time of Coronavirus*, Ctr. for Am. Progress (Apr. 7, 2020), americanprogress.org/issues/disability/news/2020/04/07/482736/deadly-poverty-trap-asset-limits-time-coronavirus/.

⁵⁵ Goodman, *supra* note 53, at 46.

⁵⁶ *Id.* at 1

⁵⁷ *Id.* at 12.

⁵⁸ 18 D.C. Mun. Regs. § 2406.9.

⁵⁹ Stephen Brumbaugh, U.S. Dept. of Transp., *Travel Patterns of Americans with Disabilities* 4 (2018), available at bts.gov/sites/bts.dot.gov/files/docs/explore-topics-and-geography/topics/passenger-travel/222466/travel-patterns-american-adults-disabilities-11-26-19.pdf.

⁶⁰ D.C. CODE § 50-1403.01(e); see also *id.* § 22-3571.01(b)(5).

⁶¹ See, e.g., National Cooperative Highway Research Program, Report 500 – Volume 2: A Guide for Addressing Collisions Involving Unlicensed Drivers and Drivers with Suspended or Revoked Licenses, NATIONAL ACADEMIES, TRANSPORTATION RESEARCH BOARD at I-1 – I-2 (2003), onlinepubs.trb.org/onlinepubs/nchrp/nchrp_rpt_500v2.pdf; Driving for Opportunity Act of 2020, H.R. 8881, § 2(19), congress.gov/116/bills/hr8881/BILLS-116hr8881ih.pdf.

⁶² Schwartzapfel, *supra* note 6.

⁶³ *Adult Arrests*, OPEN DATA DC, opendata.dc.gov/datasets/adult-arrests (July 5, 2020) (data for 2013-2019). In 2013-2019, police made 27,304 adult arrests for traffic violations, a figure arrived at by restricting the “CATEGORY” column to “Traffic Violations.” Police made 1,650 adult arrests for traffic violations in 2020. E-mail from Heidi Fieselmann to Ariel Levinson-Waldman and Marian Messing [hereinafter Dec. 15, 2020 Fieselmann e-mail] (Dec. 15, 2020) (copy on file with Tzedek DC).

⁶⁴ *Adult Arrests*, *supra* note 63. In 2013-2019, police made 21,570 adult arrests for driving without a valid license, a figure arrived at by restricting the “DESCRIPTION” column to “No Permit,” “No Permit-2nd Offense,” “No Permit-3rd Offense,” “Operating After Revocation,” “Operating After Suspension,” “Operating After Suspension 2nd Offense,” “Permit Revoked-oar,” and “Permit Suspended-oas.” Police made 1,031 arrests for this group of offenses in 2020. Dec. 15, 2020 Fieselmann e-mail, *supra* note 63. Only the most serious offense for which the person was arrested is recorded in the data. Notes from Conversation with Matthew Bromeland and Heidi Fieselmann of the Metropolitan Police Department, Dec. 1, 2020 (copy on file with Tzedek DC).

⁶⁵ In 2013-2019, police arrested 13,824 adult DC residents for driving without a valid license, 9,720 of whom were Black men. *Adult Arrests*, *supra* note 63. The 13,824 figure was arrived at by restricting the “DEFENDANT_DISTRICT” column to the seven Metropolitan Police Department Districts and excluding “NA,” “Out of State,” “UNK,” and blank entries. In 2020, police arrested 676 adult DC residents for driving without a valid license, 498 of whom were Black men. Dec. 15, 2020 Fieselmann e-mail, *supra* note 63.

⁶⁶ See *Sex by Age (Black or African American Alone): American Community Survey: 2016: ACS 1-Year Estimates Detailed Tables*, Table B01001B, U.S. CENSUS BUREAU, data.census.gov/cedsci/table?q=ACS1Y2019.B01001B&g=0400000US11&tid=ACS1Y2016.B01001B (last visited Apr. 4, 2021); *Sex by Age: American Community Survey: 2016: ACS 1-Year Estimates Detailed Tables*, Table B01001, U.S. CENSUS BUREAU, data.census.gov/cedsci/table?q=ACS1Y2019.B01001&g=0400000US11&tid=ACS1Y2016.B01001 (last visited Apr. 4, 2021). We used the American Community Survey’s 1-Year Estimates rather than the 5-Year Estimates because the proportion of DC’s population that is Black has steadily declined in the past decade.

This difference is statistically significant, which means that police were not arresting motorists at random for driving without a license (though the data are insufficient to determine whether the difference in arrest rates is due to racial bias or some other reason) The z-statistic is 152.6, which yields a p-value vanishingly close to zero.

⁶⁷ Specifically, 3,532 Black male DC residents between ages 18 and 29 were arrested for driving without a valid license in 2013-2019, and another 169 were arrested in 2020. In addition, 3,458 Black male DC residents between ages 30 and 44 were arrested for driving without a valid license in 2013-2019, and another 164 were arrested in 2020. *Adult Arrests*, *supra* note 63; Dec. 15, 2020 Fieselmann e-mail, *supra* note 63.

⁶⁸ In 2013-2019, police arrested 646 white adult DC residents for driving without a license and arrested another 26 in 2020. Adult Arrests, *supra* note 63; Dec. 15, 2020 Fieselmann e-mail, *supra* note 63. For the Census data, see Sex by Age (White Alone): American Community Survey: 2016: ACS 1-Year Estimates Detailed Tables, Table B01001A, U.S. CENSUS BUREAU, data.census.gov/cedsci/table?q=ACSST1Y2019.B01001A&g=0400000US11&tid=ACSST1Y2016.B01001A (last visited Apr. 4, 2021).

License suspension can also increase a motorist's insurance premiums, creating the potential for more people to drive without insurance. Joshua Aiken, Reinstating Common Sense, PRISON POLICY INITIATIVE (Dec. 12, 2016), prisonpolicy.org/driving/national.html. Having more uninsured drivers hurts everyone because it raises the premiums of those who buy insurance policies. Teresa Wiltz, *States Look to Reduce Ranks of Uninsured Drivers*, PEW (Feb. 20, 2015), t.co/qbQXgl3qRW; see also Driving for Opportunity Act of 2020, *supra* note 61, § 2(20) ("It is more likely that those people [driving on a suspended license] are also driving without insurance due to the costs and restrictions associated with obtaining auto insurance on a suspended license, thereby placing a greater financial burden on other drivers when a driver with a suspended license causes an accident.").

⁶⁹ Luz Lazo & Emily Guskin, *The Car Is Still King in the Washington Region, Poll Finds*, WASHINGTON POST (June 7, 2019), t.co/A9rWAFiQ7i.

⁷⁰ Adie Tomer et al., BROOKINGS INSTITUTION, *Missed Opportunity: Transit and Jobs in Metropolitan America* 16 tbl.3, 46 app. 5 (2011), brookings.edu/wp-content/uploads/2016/06/0512_jobs_transit.pdf.

⁷¹ *2019 State of Business Report: Building a Competitive City*, DC CHAMBER OF COMMERCE 32 (Oct. 4, 2019), dcpolicycenter.org/wp-content/uploads/2019/10/Chamber-State-of-Business-Report-2019-FINAL-pages-1.pdf.

⁷² *2020 State of Business Report: Pivoting from Pandemic to Recovery*, DC CHAMBER OF COMMERCE 40 (Oct. 2, 2020), dcpolicycenter.org/wp-content/uploads/2020/10/2020-State-of-Business-Report_for-web_pages-1.pdf.

⁷³ Justin George, Metro Budget Cuts Weekend Service, Half of Bus Routes and Closes 19 Stations Amid Dire Financial Forecast, WASHINGTON POST (Nov. 30, 2020), t.co/w1SF0ltuw; Justin George, Metro Board Moves 'Doomsday' Budget Forward to Accept Public Comments, WASHINGTON POST (Dec. 10, 2020), t.co/0qv7LuZhNs.

⁷⁴ Alana Samuels, *No Driver's License No Job*, THE ATLANTIC (June 15, 2016), theatlantic.com/business/archive/2016/06/no-drivers-license-no-job/486653.

⁷⁵ *May 2020 State Occupational Employment and Wage Estimates: District of Columbia*, U.S. BUREAU OF LABOR STATISTICS, bls.gov/oes/current/oes_dc.htm (last visited Apr. 4, 2021) (occupation codes 31-1120, 33-9032, 35-2011, 35-3023, 37-2011, 37-2012, 43-6011, 43-6012, 43-6013, 43-6014, 43-9061, 47-2061, and 53-6021). In 2016, the Atlantic found that postings for similar jobs in Milwaukee often required a driver's license. Samuels, *supra* note 74.

⁷⁶ *BLS Data Viewer: Civilian Workers; % of All Workers; Driving Is Required*, U.S. BUREAU OF LABOR STATISTICS, beta.bls.gov/dataViewer/view/timeseries/ORUP1000000000001097 (last visited Apr. 4, 2021).

⁷⁷ See, e.g., Michelle Cheng, *Gig Jobs Are Suddenly Looking More Secure Amid Coronavirus*, QUARTZ (Mar. 18, 2020), t.co/NzNAFNPIju; Scott Broom, Delivery Drivers May Become the Most In-Demand New Hires, WUSA9 (Mar. 17, 2020), t.co/vA7BkiWc58.

⁷⁸ *The City of Phoenix Municipal Court's Compliance Assistance Program, 2016: An Economic Assessment*, L. WILLIAM SEIDMAN RESEARCH INSTITUTE, W.P. CAREY SCHOOL OF BUSINESS, ARIZONA STATE UNIVERSITY 23 (June 2, 2017), finesandfeesjusticecenter.org/content/uploads/2018/11/Phoenix-license-restoration-pilot-THE-CITY-OF-PHOENIX-MUNICIPAL-COURT%E2%80%99S-COMPLIANCE-ASSISTANCE-PROGRAM.pdf.

⁷⁹ John Pawasarat & Lois M. Quinn, *The EARN (Early Assessment and Retention Network) Model for Effectively Targeting WIA and TANF Resources to Participants*, UNIVERSITY OF WISCONSIN-MILWAUKEE, EMPLOYMENT TRAINING INSTITUTE 18 (2007), dc.uwm.edu/cgi/viewcontent.cgi?article=1059&context=eti_pubs.

⁸⁰ Pawasarat & Quinn, *supra* note 79, at 18.

⁸¹ Jon A. Carnegie & Alan M. Vorhees, *Driver's License Suspensions, Impacts and Fairness Study*, RUTGERS 55, 57 tbl.25 (August 2007), vtc.rutgers.edu/wp-content/uploads/2014/04/MVC-DL-Suspension-Study-Final-Report-Vol1_9-13-07_.pdf; CPI Inflation Calculator, bls.gov/data/inflation_calculator.htm (last visited Nov. 25, 2020).

⁸² A further consequence of causing economic harm to the individual is the harm that results from the associated defaults by that individual on payments that otherwise would have been made in economic transactions beneficial to the District's economy overall. Steven Mello, an economist at Dartmouth College and Faculty Research Fellow at the National Bureau of Economic Research, recently circulated a letter to lawmakers around the country recapping his empirical study of Alabama data. There, he noted two main ways that loss of a driver's license due to unpaid fines or fees can harm the economy. "First, defaults on bills induced by suspensions can directly harm other players in the economy. For every missed medical or utility bill, there is likely a decline in earnings for medical providers and utility workers. Defaults on credit card payments can reduce incomes for workers in the financial services industry and harm all borrowers by raising interest rates for everyone. Second, consumer spending is known to decline when individuals fall behind on their financial obligations." 2021 Open Letter from Steven Mello to Lawmakers (on file with Tzedek DC).

⁸³ Alex Bender et al., *Not Just a Ferguson Problem: How Traffic Courts Drive Inequality in California* 7 (2015), lccrsf.org/wp-content/uploads/Not-Just-a-Ferguson-Problem-How-Traffic-Courts-Drive-Inequality-in-California-4..20.15.pdf.

⁸⁴ *The Equality of Opportunity Agenda*, U.S. CHAMBER OF COMMERCE 5, https://www.uschamber.com/sites/default/files/equality_opportunity_agenda_onepagers.pdf (last visited Apr. 4, 2021); FFJC & 50 Groups Send Letter to AAMVA Calling For Emergency Measures to Stop Debt-Based License Suspensions (Apr. 6, 2020), finesandfeesjusticecenter.org/2020/04/06/ffjc-50-groups-send-letter-to-aamva-calling-for-emergency-measures-to-stop-debt-based-license-suspensions (letter co-signed by J.P. Morgan Chase, Tzedek DC, Koch Industries, the Center for Employment Opportunities, and dozens of other organizations).

⁸⁵ This statistic is based on a review of police-initiated traffic stops in 2020. See the four quarterly data sets available in the sources cited in *supra* note 39. To calculate this statistic, Tzedek DC filtered the "arrest_charges" column to include only those charges in which "No Permit," "Permit Revoked-oar," or "Permit Suspended-oas" appeared, which yielded 1,142 arrests for driving without a valid license. The traffic stops that led to these arrests took an average of 19.2 minutes to complete."

⁸⁶ *Adult Arrests*, *supra* note 63.

⁸⁷ See *Best Practices Guide to Reducing Suspended Drivers*, AMERICAN ASSOCIATION OF MOTOR VEHICLE ADMINISTRATORS 14 (Feb. 2013), aamva.org/Suspended-and-Revoked-Drivers-Working-Group. The American Association of Motor Vehicle Administrators represents law enforcement organizations in the United States and Canada that enforce motor vehicle laws. About AAMVA, AMERICAN ASSOCIATION OF MOTOR VEHICLE ADMINISTRATORS, aamva.org/about-aamva (last visited Apr. 4, 2021) (Click on “General Information.”)

⁸⁸ See *Best Practices Guide*, *supra* note 87, at 7.

⁸⁹ The study found that on average, every 1% increase in revenues from fines, fees, and forfeitures was associated with a 6.1 percentage-point decrease in the violent crime clearance rate and an 8.3 percentage-point decrease in the property crime clearance rate. (Clearance rates refer to the percentage of crimes that police consider to be resolved, usually through an arrest or the suspect’s death.) See Rebecca Goldstein, Michael W. Sances, & Hye Young You, “Exploitative Revenues, Law Enforcement, and the Quality of Government Service,” *Urban Affairs Review* 56, no. 1 (2020) 8, urbanaffairsreview.com/2020/06/23/exploitative-revenues-law-enforcement-and-the-quality-of-government-service. Although municipalities with small police departments account for most of the association between fines and fees and lower crime clearance rates, *id.*, this study’s finding is consistent with the sentiment of the chief of the Washington State Patrol, a large law enforcement agency. For a definition of clearance rates, see 2019 Crime in the United States: Clearances, FEDERAL BUREAU OF INVESTIGATION, ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019/topic-pages/clearances (last visited Apr. 4, 2021).

⁹⁰ Goldstein et al., *supra* note 89, at 9.

⁹¹ *Bearden v. Georgia*, 461 U.S. 660, 671 (1983).

⁹² AG Racine Leads Bipartisan Coalition Pushing to Incentivize Amending State and Local Laws Infringing Rights of Residents, OFFICE OF THE ATTORNEY GENERAL (Nov. 30, 2020), t.co/pMm4LRUIXJ.

⁹³ *Investigation of the Ferguson Police Department*, U.S. DEPARTMENT OF JUSTICE, CIVIL RIGHTS DIVISION 50-51 (Mar. 4, 2015), justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/04/ferguson_police_department_report.pdf.

⁹⁴ *Investigation of the Ferguson Police Department*, *supra* note 93, at 55.

⁹⁵ See, e.g., *Cook v. Taylor*, No. 2:18-cv-00977-WKW-SRW (M.D. Ala. filed Nov. 19, 2018); *Hernandez v. California Department of Motor Vehicles*, No. RG16836460 (Superior Court of Alameda County, California, filed Oct. 25, 2016); *Fowler v. Johnson*, No. 4:17-cv-11441-LVP-MKM (E.D. Mich. filed May 4, 2017); *Wright v. Family Support Division*, No. 4:19-cv-00398-RWS (E.D. Mo. filed Mar. 4, 2019); *DiFrancesco v. Fox*, No. 2:17-cv-00066-SEH (D. Mont. filed Aug. 31, 2017); *Johnson v. Jessup*, No. 1:18-cv-00467-TDS-LPA (M.D.N.C. filed May 30, 2018); *Mendoza v. Garrett*, No. 3:18-cv-01634-HZ (D. Or. filed Sept. 7, 2018); *Harold v. Richards*, No. 2:18-cv-00115-CMR (E.D. Penn. filed Jan. 10, 2018); *White v. Shwedo*, No. 2:19-cv-03083-RMG (D.S.C. filed Oct. 30, 2019); *Thomas v. Haslam*, No. 3:17-cv-00005 (M.D. Tenn. filed Jan. 4, 2017); *Robinson v. Purkey*, No. 3:17-cv-01263 (M.D. Tenn. filed Sept. 18, 2017); *Rodriguez v. March*, No. 5:18-cv-01265-XR (W.D. Tex. filed December 5, 2018); *Stinnie v. Holcomb*, No. 3:16-cv-00044-NKM-JCH (W.D. Va. filed July 6, 2016).

⁹⁶ *Bearden*, 461 U.S. at 665.

⁹⁷ *Griffin v. Illinois*, 351 U.S. 12 (1956).

⁹⁸ *Bearden*, 461 U.S. at 672 (emphasis added).

⁹⁹ *James v. Strange*, 407 U.S. 128, 141-42 (1972).

¹⁰⁰ *Bell v. Burson*, 402 U.S. 535, 539 (1971).

¹⁰¹ *Stinnie*, 355 F. Supp. 3d 514, 529-31 (W.D. Va. 2018). Tzedek DC, in partnership with the Virginia NAACP, participated in the litigation on the side of the plaintiffs. See Amici Curiae Brief of the Virginia State Conference of the National Association for the Advancement of Colored People and Eighteen Civil Rights and Poverty Law Organizations in Support of Appellants, *Stinnie v. Holcomb*, 734 F. App'x 858 (4th Cir. 2018) (No. 17-1740) (amicus brief of Virginia NAACP, Tzedek DC, and allied groups), justice4all.org/wp-content/uploads/2017/08/26-2-Va-NAACP-and-Civil-Rights-Amicus.pdf.

¹⁰² *Stinnie*, 355 F. Supp. 3d at 531.

¹⁰³ *Stinnie*, 355 F. Supp. 3d at 531 (citation omitted).

¹⁰⁴ 2020 Virginia Laws Ch. 965 (S.B. 1), §§ 2-3 (approved April 9, 2020) (repealing VIRGINIA CODE § 46.2-395 and reinstating driver's licenses suspended before July 1, 2019 solely for failure to pay fines), leg1.state.va.us/cgi-bin/legp504.exe?201+ful+CHAP0965+pdf; Moyer, *supra* note 4. In 2019, Virginia ended the practice of suspending driver's licenses for unpaid debts and reinstated suspended licenses, but only on a temporary basis. Virginia 2018-2020 Budget Bill Amendment 33: Driver's License Reinstatement Fee, FINES & FEES JUSTICE CENTER (April 3, 2019), finesandfeesjusticecenter.org/articles/virginia-2018-2020-budget-bill-amendment-33-drivers-license-reinstatement-fee-ends-drivers-license-suspension-for-fines-and-fees-for-1-year. The 2020 legislation made these changes permanent.

¹⁰⁵ *Stinnie v. Holcomb*, No. 3:16-cv-00044-NKM-JCH (W.D. Va.), ECF Nos. 234, 235, and 238 (plaintiffs' briefing on attorneys' fees).

¹⁰⁶ See *M.L.B. v. S.L.J.*, 519 U.S. 102, 115 (1996) (noting that rational-basis review applies where there is no fundamental interest at stake or a classification that would require heightened scrutiny of the government's objective and means of carrying it out). The American Bar Association has also advocated for reforms. See Report to the House of Delegates, AMERICAN BAR ASSOCIATION, WORKING GROUP ON BUILDING TRUST IN THE AMERICAN JUSTICE SYSTEM, SECTION ON CIVIL RIGHTS AND SOCIAL JUSTICE 5-7 (Aug. 2018), americanbar.org/content/dam/aba/images/abanews/2018-AM-Resolutions/114.pdf (“[I]ncarceration and other disproportionate sanctions, including driver's license suspension, should never be imposed for a person's inability to pay a fine or fee. Suspending a driver's license for nonpayment is . . . out of proportion to the purpose of ensuring payment and destructive to that end.”).

¹⁰⁷ See, e.g., *Targeted Fines and Fees Against Communities of Color*, U.S. COMMISSION ON CIVIL RIGHTS 7-10 (Sept. 2017), usccr.gov/pubs/2017/Statutory_Enforcement_Report2017.pdf.

¹⁰⁸ See, e.g., *Targeted Fines and Fees*, *supra* note 107, at 1, 12-14; see also Investigation of the Ferguson Police Department, *supra* note 93.

¹⁰⁹ See, e.g., Dan Kopf, *The Fining of Black America*, PRICEONOMICS (June 24, 2016), t.co/HURBPwhgww; Michael W. Sances & Hye Young You, “Who Pays for Government? Descriptive Representation and Exploitative Revenue Sources,” *Journal of Politics* 79, no. 3 (2017): 1090-92.

¹¹⁰ Kopf & Rohrlach, *supra* note 16. For traffic fines, see the explanation in *supra* note 38.

¹¹¹ 2020 Hawaii Laws Act 59 (S.B. 2630) §§ 3, 7-8 (amending HAWAII REVISED STATUTES §§ 286-109(c), 291D-5(d)(6), 291D-12 and repealing id. § 291D-10), capitol.hawaii.gov/session2020/bills/SB2630_SD1_.pdf (ending non-renewals for unpaid civil debts); 2019 Mississippi Laws Ch. 466 (H.B. 1352), §§ 29-30 (amending MISSISSIPPI CODE §§ 63-1-51, 63-1-53), billstatus.ls.state.ms.us/documents/2019/pdf/HB/1300-1399/HB1352SG.pdf (ending suspensions for non-payment of traffic debts); 2019 Montana Laws Ch. 348 (H.B. 217), §§ 1-2 (amending MONTANA CODE §§ 46-18-201(6)(b), 61-5-214(1)(b), (2)(a)), leg.mt.gov/bills/2019/sesslaws/ch0348.pdf (ending suspensions for failure to pay fines); 2020 Sess. Law News of N.Y. Ch. 382 (S.B. 5348) (amending N.Y. VEHICLE & TRAFFIC LAW §§ 226, 227, 510, 514, & 1802) (ending suspensions for non-payment of traffic fines and reinstating driver's licenses that were suspended due to non-payment of traffic fines), legislation.nysenate.gov/pdf/bills/2019/S5348B; Press Release: Gov. Cuomo Signs Driver's License Suspension Reform Act, FINES & FEES JUSTICE CENTER (Jan. 4, 2021), finesandfeesjusticecenter.org/2021/01/04/gov-cuomo-signs-drivers-license-suspension-reform-act; 2020 Oregon Laws 1st Special Session Ch. 10 (H.B. 4210), §§ 7, 10 (repealing OREGON REVISED STATUTES § 809.210 and amending § 809.416), olis.oregonlegislature.gov/liz/2020S1/Downloads/MeasureDocument/HB4210 (ending suspensions for non-payment of traffic tickets).

For a description of state driver's license suspension laws before September 2017, see Mario Salas & Angela Ciolfi, *Driven by Dollars: A State-by-State Analysis of Driver's License Suspension Laws for Failure to Pay Court Debt*, LEGAL AID JUSTICE CENTER 14-15 (Fall 2017), justice4all.org/wp-content/uploads/2017/09/Driven-by-Dollars.pdf. For the current state of driver's license suspension laws around the country, see Free to Drive, FINES & FEES JUSTICE CENTER, freetodrive.org/maps (last accessed Jan. 7, 2021).

¹¹² 2020 Maryland Laws Ch. 150 (S.B. 234), § 1, mgaleg.maryland.gov/2020RS/Chapters_noln/CH_150_sb0234t.pdf (repealing MARYLAND CODE, TRANSPORTATION § 17-207 and amending § 26-204(e)(1)). At present, motorists may request a payment plan only for fines that total at least \$150, id. § 1 (codified at MARYLAND CODE, COURTS & JUDICIAL PROCEEDINGS § 7-504.1(c)(1)), but the legislature directed the Department of Legislative Services to “study the feasibility of . . . eliminating the minimum amount of outstanding fines required for entering into an installment plan.” Id. § 3(a)(1).

¹¹³ 2020 Virginia Laws Ch. 965 (S.B. 1), § 2, leg1.state.va.us/cgi-bin/legp504.exe?201+ful+CHAP0965+pdf (repealing VIRGINIA CODE § 46.2-395).

¹¹⁴ 2020 Virginia Laws Ch. 965 (S.B. 1), § 3; Moyer, *supra* note 4.

¹¹⁵ 2020 W.V. Laws Ch. 227 (H.B. 4958) (codified at W.V. CODE §§ 8-10-2b(a), (g), 50-3-2a(b), (h), 62-4-17(a), (g)), wvlegislature.gov/Bill_Text_HTML/2020_SESSIONS/RS/signed_bills/house/HB4958%20ENR_signed.pdf. *But see* W.V. CODE § 17B-3-6(a)(7) (authorizing the DMV to suspend driver's licenses for failure to pay or default on a payment plan). It is possible that the West Virginia legislature's failure to amend West Virginia Code § 17B-3-6(a)(7) was an oversight.

¹¹⁶ *New WV Law Addresses Suspended Driver's Licenses*, ACLU OF WEST VIRGINIA (July 2, 2020), acluwv.org/en/news/new-wv-law-addresses-suspended-drivers-licenses; *Thank You for Opposing Driver's License Suspension!*, AMERICANS FOR PROSPERITY, americansforprosperity.ivolunteers.com/contactofficials/thank-you-for-opposing-license-suspension (last visited Apr. 4, 2021).

¹¹⁷ *See* 625 ILLINOIS COMPILED STATUTES § 5/6-306.6; TEXAS TRANSPORTATION CODE §§ 706.002, 706.004; *see also* *Driven by Dollars*, *supra* note 111, at 14-15.

¹¹⁸ In 2019, net earnings (subtracting out contributions to pensions and insurance plans) in DC were approximately \$54 billion for nonresidents and \$41 billion for residents. *SAINC4 Personal Income and Employment by Major Component*, U.S. BUREAU OF ECONOMIC ANALYSIS, apps.bea.gov/iTable/iTable.cfm?reqid=70&step=1#reqid=70&step=1 (last visited Apr. 4, 2021); see also *District of Columbia Economic and Revenue Trends: December 2020*, OFFICE OF THE CHIEF FINANCIAL OFFICER: OFFICE OF REVENUE ANALYSIS 6 tbl.9, cfo.dc.gov/sites/default/files/dc/sites/ocfo/publication/attachments/DC_Economic_and_Revenue_Trends_Report_December_2020.pdf (last visited Apr. 4, 2021) (showing that, in Fiscal Year 2019, non-residents earned \$53.4 billion in DC and residents earned \$40.8 billion).

¹¹⁹ As of October 2020, of the 753,700 jobs in DC, 363,390 (48.2%) were held by DC residents. *District of Columbia Economic and Revenue Trends: December 2020*, *supra* note 118, at 2-3 tbls.1, 5.

¹²⁰ Ovetta Wiggins, Md Attorney General Frosh Pushes for End to Drivers Losing Licenses Over Traffic Debt, WASHINGTON POST (Jan. 15, 2020), t.co/9wSXGI1LbC. Notably, in the midst of ongoing concerns about gentrification driving long-time DC residents out of DC to Maryland or elsewhere, as long as DC remains an outlier in the greater DMV region, the Clean Hands Law has one other unintended and adverse effect: it provides a motivation to license-less DC residents to move outside the District's boundaries to Maryland or Virginia, where greater opportunities to obtain a valid license now exist.

¹²¹ Report on Bill 13-828, *supra* note 12, at 5.

¹²² Joint Public Hearing, COUNCIL OF THE DISTRICT OF COLUMBIA (Oct. 27, 2017), 2:59:21-3:00:08, dc.granicus.com/MediaPlayer.php?view_id=2&clip_id=4178.

¹²³ Joint Public Hearing, *supra* note 122, at 3:00:08-3:00:12.

¹²⁴ Best Practices Guide to Reducing Suspended Drivers, *supra* note 87, at 4.

¹²⁵ *2017-18 Governor's Budget Summary*, STATE OF CALIFORNIA 84 (Jan. 10, 2017), ebudget.ca.gov/2017-18/pdf/BudgetSummary/FullBudgetSummary.pdf.

¹²⁶ Luz Lazo, Maryland and Virginia Drivers Owe D.C. *More than \$370 Million in Outstanding Traffic and Parking Fines*, WASHINGTON POST (Oct. 4, 2020), t.co/LIAjQoq7FT.

¹²⁷ Lazo, *supra* note 126.

¹²⁸ Legislation passed by the Council in late 2020 requires the Mayor to negotiate "reciprocal agreements" with Maryland and Virginia that will call on those states to suspend driver's licenses and vehicle registrations if motorists incur non-moving and automated enforcement camera fines in DC. Vision Zero Enhancement Omnibus Amendment Act of 2020, D.C. Law 23-158, § 11, 67 D.C. Reg. 13,057 (effective Dec. 23, 2020), lims.dccouncil.us/downloads/LIMS/42522/Signed_Act/B23-0288-Signed_Act.pdf.

¹²⁹ D.C. CODE § 47-2862(a)(1).

¹³⁰ About half of U.S. employers consider credit reports in determining whom to hire. Barbara Kiviat, *How Do Employers Use Credit Reports in Hiring Decisions – And How Can the Process Be Improved*, SCHOLARS STRATEGY NETWORK (July 9, 2018), scholars.org/contribution/how-do-employers-use-credit-reports-hiring-decisions-and-how-can-process-be-improved. Further, although a multi-state Attorneys General settlement with the three major credit reporting bureaus placed limits on which civil records may be placed on credit reports, consumerfinance.gov/about-us/blog/removal-public-records-has-little-effect-consumers-credit-scores/, those limitations where applicable govern the three major credit reporting bureaus and not specialty credit reporting bureaus, which are often relied on by, for example, prospective landlords.

¹³¹ D.C. CODE § 47-4431(a), (c)(4).

¹³² *Driven by Debt: How Driver's License Suspensions for Unpaid Fines and Fees Hurt Texas Families*, TEXAS FAIR DEFENSE PROJECT & TEXAS APPLESEED, stories.texasappleseed.org/driven-by-debt (last visited Apr. 4, 2021).

¹³³ In one pilot project, an Iowa county found that when it decreased civil fines by an average of \$40, based on ability to pay, the average amount collected jumped by more than \$160, from \$197 to \$360. Another pilot project in Maricopa County, Arizona (home to Phoenix) showed that criminal defendants who were sentenced to pay fines adjusted for income paid nearly twice as much per offense as defendants who were sentenced to pay traditional fines set within a specified range for each offense—even though the defendants sentenced to pay income-adjusted fines generally received lower fines. Moreover, 96% of defendants who were sentenced to pay income-adjusted fines paid something toward their fines, compared to 77% of defendants who were sentenced to pay traditional fines. Timeliness also improved: 52.7% of defendants sentenced to pay income-adjusted fines paid in full within a year, whereas only 20.3% of defendants sentenced to pay traditional fines paid within a year. See generally Beth Colgan, *Graduating Economic Sanctions According to Ability to Pay*, 103 IOWA LAW REVIEW 53 (2017), ilr.law.uiowa.edu/assets/Uploads/ILR-103-1-Colgan.pdf.

¹³⁴ Colgan, *supra* note 133, at 66 & n.91.

¹³⁵ Driving for Opportunity Act, *supra* note 61, § 3(a) (intended to be codified at 34 U.S.C. § 10152(a)(3)); see also 34 U.S.C. § 10251(a)(2) (defining “State” in § 10152 to include the District of Columbia).

¹³⁶ See Driving for Opportunity Act, *supra* note 61, § 3(a)(1) (intended to be codified at 34 U.S.C. § 10151(a)(3)(E)(ii)).

¹³⁷ Driver's License Revocation Fairness Amendment Act of 2017, *supra* note 7.

¹³⁸ Justin William Moyer, *Bill Would Let Some DC Drivers Keep Licenses Despite Unpaid Parking Tickets*, WASHINGTON POST (Dec. 5, 2017), [ow.ly/jDtA30h6sRr](https://www.washingtonpost.com/news/energy-environment/wp/2017/12/05/dc-bill-would-let-some-dc-drivers-keep-licenses-despite-unpaid-parking-tickets/).

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