



Oct. 5, 2018

***Via email***

Meridith Barnes, AEA  
Meridith.Barnes@alea.gov  
Special Counsel  
Alabama Law Enforcement Agency  
201 South Union Street  
Montgomery, Alabama 36104

Re: Hardship driver's license proposed regulations

Dear Ms. Barnes,

We, the undersigned non-profit organizations, are writing in response to AEA's request for public comment regarding the proposed regulations for hardship driver's licenses in the state of Alabama.

We applaud the legislature's decision to expand the class of individuals eligible to receive hardship licenses to include people who have had their licenses suspended or revoked. This decision is an important first step in giving all Alabamians a fair chance at fully participating in society. However, we are concerned that the proposed regulations unduly limit the functionality of hardship licenses, thus undermining the intent of the authorizing legislation.

**Who We Are**

Alabama Appleseed is a public policy organization whose mission is to achieve justice and equity for all Alabamians, which together with several other organizations spent the better part of the past year surveying nearly 1,000 Alabamians about their experience with court debt – court costs, fines, and fees. In the course of conducting that research, Appleseed spoke with many people whose licenses had been suspended due to unpaid fines, and who described suspended licenses as the single greatest obstacle preventing them from getting and keeping jobs, from fulfilling their duties as parents and caretakers, and causing them great anxiety and fear.

Greater Birmingham Ministries is a multi-faith, multi-racial organization that provides emergency services for people in need and engages the poor and the non-poor in systemic change efforts to build a strong, supportive, engaged community and pursue a more just society for all people.

YWCA of Central Alabama works to empower women and promote peace, justice, freedom, and dignity for all.

The Alabama Non-Violent Offender Organization, Aid to Inmate Mothers, and Hope Inspired Ministries work with individuals seeking to re-enter society. Nearly all of their clients must in some way deal with issues of license reinstatement as a crucial early step in the re-entry process.

### Why We Are Concerned

Driver's licenses are key to many aspects of everyday life, critical not only for legal driving but as a prerequisite for most well-paying jobs. Therefore, it is crucial that the bar to holding them be as low as reasonable, and not tied to an individual's economic circumstances. Yet for too many poor Alabamians, licenses are out of reach because they cannot save the money required to get them reinstated.

In June 2018, Appleseed spoke with a single mother in Montgomery whose license had been suspended pursuant to unpaid court debt in both Montgomery and Elmore counties. Both judges had put her on payment plans, but after she missed a single payment, one of them revoked the plan and said she had to pay in full or not at all. She owed \$1,400 in that court, and was also paying off student debt for a loan she took out to get an associate degree in business, which she hoped would better enable her to support her small children. Because her license was suspended, she could not tell prospective employers that she had a valid license, and she was therefore categorically barred as a candidate for many of the jobs her degree would otherwise enable her to take. Instead, she worked a retail job at a store that sometimes offered her fewer than 12 hours a week. She had no way of saving the \$1,400 lump sum the judge required to reinstate her license. She didn't think she would ever save up that money. This woman is exactly the kind of person a hardship license could help, but the proposed regulations mean that any help she could get would be extremely limited.

People re-entering society after periods of incarceration face a slightly different set of problems. Many of them find they cannot get their licenses reinstated because of unpaid court debt that predated their incarceration. On top of that, many formerly incarcerated individuals have outstanding warrants for failing to appear at court dates that they missed they were incarcerated.

Despite the fact that it would have been impossible for them to show up at those court dates, ANVOO's clients know they will be arrested for Failure to Appear if they show up at the Department of Transportation to get their state IDs or driver's licenses renewed. As a result, many of them choose not to apply to have their licenses reinstated, meaning they are barred from participating in the many routine activities for which a driver's license is a prerequisite.

Aid to Inmate Mothers' clients face similar circumstances. One current resident of their halfway house has to walk or get a ride anywhere she needs to be because her license is suspended pursuant to a court

date she missed while incarcerated. The municipal court that issued the warrant told her that the only way she can work things out is to appear in court, but even if she could get a ride to the court (which is about two hours away from her home in Montgomery), she's afraid to go because she knows she will be jailed and likely lose the job as a church housekeeper she was able to get after her release.

Another story that recently came to our attention was that of a man who was released from a county jail, only to learn that there was an outstanding Failure to Appear warrant from a nearby municipality. He showed up with documents proving that he had been incarcerated at the time of his court date, but was locked up after a municipal employee told him that he should have scheduled his incarceration around his court date. He sat in jail for days until the next docket day came and he was released.

Even short periods of incarceration can be devastating -- all the more so for people who are trying to put their lives back together, establish themselves as reliable employees, rebuild trust with their families, and otherwise take the steps necessary to re-enter society. Expanded hardship licenses will help some people, but not those with Failure to Appear warrants for court dates they missed while in government custody. It is a waste of state resources to lock people up for missing court dates they could not possibly have attended. Therefore, in addition to our comments regarding the proposed regulations on hardship licenses, we would like to use this letter as an opportunity to ask ALEA to reconsider its practice regarding failures to appear.

The proposed regulations are problematic for a number of reasons, including but not limited to:

1. They expire after a year and can never be renewed, even though it would take many people more than a year to pay off what they owe;
2. Each person can only get one hardship driver's license in their lifetime, even though many poor Alabamians have ongoing, lifelong struggles with the kind of issues, such as maintaining insurance, that lead to driver's license suspensions;
3. They can only be used for a very limited range of purposes that excludes essential activities such as driving children or sick relatives to medical appointments, driving children to and from school, daycare, or other places where they need to be, driving to job interviews or the grocery store, using one's driver's license as evidence of a "valid license" for purposes of obtaining a job, and other purposes;
4. The proposed regulations allow for revocation at any time without notice or a hearing, and there is no mechanism for appeal.

These regulations so limit the functionality of hardship licenses as to make them nearly useless for caregivers, parents of small children, and people seeking employment. They also fail to account for the everyday realities of poor people who may not be able to save the money necessary to get their standard licenses reinstated within a year, particularly if they owe court debt on top of the reinstatement fees.

To maximize their usefulness, hardship licenses should be:

1. Considered a "valid driver's license" for purposes of applying for jobs;
2. Renewable, so that people who cannot pay off their debt within a year can keep their hardship licenses as long as necessary;

3. Not restricted to once-in-a-lifetime; and
4. Usable for a wider range of purposes, including driving related to job interviews, medical appointments for children and family, to and from school or daycare, and for all other activities the caretaker of children or sick or elderly individuals might need to engage in.

Regarding Failure to Appear warrants, which are integrally related to driver's license issues, we would further ask that:

1. Law enforcement officers be instructed to assist judges in determining whether an individual is in custody prior to issuing an FTA warrant;
2. Law enforcement officers accept paperwork proving that an individual was in custody at the time of their missed court date as a facially valid excuse, and decline to jail people who arrive at court carrying such paperwork.

Thank you very much for your attention to our concerns.

Sincerely,

Alabama Appleseed Center for Law and Justice  
Greater Birmingham Ministries  
YWCA of Central Alabama  
Alabama Non-Violent Offender Organization  
Aid to Inmate Mothers  
Hope Inspired Ministries (Montgomery)