



FOR IMMEDIATE RELEASE

June 29, 2021

Contact: Courtney McKinney, cmckinney@wclp.org, (214) 395-2755

California Department of Motor Vehicles Reports Lifting 554,997 Improperly Imposed Driver's License Suspensions

DMV filing follows Court of Appeal ruling, marking an important step in the ongoing fight for fair traffic laws in California

SACRAMENTO, CA -- In compliance with a California Court of Appeal ruling, the California Department of Motor Vehicles [reported to the court](#) that it lifted 554,997 improperly imposed driver's license suspensions. The DMV action was the result of a statewide lawsuit, [Hernandez v. CA Department of Motor Vehicles](#), in which several Californians challenged the DMV's suspension of licenses based on drivers' failure to pay traffic citations or appear in court. The plaintiffs were represented by Bay Area Legal Aid, Western Center on Law & Poverty, The ACLU of Northern California, East Bay Community Law Center, The USC Gould School of Law Access to Justice Practicum, The Lawyers' Committee for Civil Rights of the San Francisco Bay Area (LCCRSF), and the law firm of Pillsbury Winthrop Shaw Pittman LLP.

In June 2020, the Court of Appeal agreed with the plaintiffs that state law only allows a license to be suspended for a failure to appear in court when the traffic court notifies the DMV that the failure to appear was willful. In November 2020, the parties reached an agreement under which the DMV would clear failure-to-appear suspensions that did not include the required notification of a willful failure to appear. The DMV also agreed to change its policies going forward and now will only suspend a license where a court notifies the DMV that the failure to appear was willful.

The DMV reported to the court that it cleared 554,997 suspensions in December 2020. Previously during the plaintiffs' lawsuit, California ended the legal basis for suspending a license based on a driver's failure to pay a traffic fine, and in 2018 the DMV lifted several hundred thousand existing failure-to-pay suspensions.

"A driver's license is essential to one's economic security," said Rebecca Miller, an attorney with Western Center on Law & Poverty who represented the plaintiffs. "In the majority of cases, California suspended licenses of people who could not afford to pay their traffic tickets. The result did very little to make our roads safer, but it imposed a severe penalty on drivers with low incomes, making it harder for them to work and care for their families."

The lead plaintiff, Guillermo Hernandez, had difficulty paying a traffic ticket in 2016 for expired registration and failing to update his license with the DMV. The unpaid ticket then prevented him from renewing his driver's license and impacted his ability to work and earn money to support his two kids. "I am happy that our lawsuit helped so many people like me who could not afford their traffic tickets get their driver's licenses back," he said.

While the result in Hernandez provided critical relief to hundreds of thousands of Californians, it is important to note the significant issues that remain.

End Failure-to-Appear Suspensions

Despite the limitation affirmed by the Court of Appeal, California law still allows license suspensions based on a driver's failure to appear in court before the due date on their traffic citation. The DMV's filing stated more than 600,000 failure-to-appear suspensions remained as of January 2021.

In the overwhelming majority of cases, a driver's failure to appear is the result of financial circumstances, for example, not being able to pay their ticket, afford legal assistance, or get time off work to go to traffic court. California should end failure-to-appear suspensions.

State law does not require courts to notify the DMV of a driver's failure to appear. During the COVID-19 pandemic, some courts, including Marin County, have temporarily halted this practice. "The harms caused by California's expensive traffic tickets and punitive license suspensions existed before and will continue to exist after the pandemic," said Elisa Della-Piana, Legal Director at Lawyers' Committee for Civil Rights of the San Francisco Bay Area. "Now is the time to end this counterproductive practice."

At a minimum, courts should use willful failures to appear sparingly in the small subset of cases where the driver is a repeat offender and the failure to pay traffic tickets or come to court is not due to financial circumstances. Traffic courts are not in a position to conclude that a driver's failure to come to court is willful if the court is not providing drivers with information about how to request a fine reduction based on income and how to resolve their ticket online, or by mail.

End Civil Assessments

In California, drivers who don't go to court or pay their traffic tickets by the deadline are hit with \$300 civil assessments. This penalty and other later fees can exponentially increase the cost of a traffic ticket and can turn a \$250 ticket into close to \$900 within just a few months. While state law provides that traffic courts "may" impose this penalty "up to" \$300, in most counties the full amount is assessed automatically by the court's case management system with no consideration of the individual circumstances or the underlying violation. Advocates have also raised concerns about conflict of interest because most of the money from civil assessments goes to fund the courts. Trial courts that collect civil assessment revenue beyond a threshold amount are rewarded with an apparent proportional return of that money from the trial court trust fund.

"The widespread trial court practice of automatically imposing the full \$300 amount reflects the questionable incentives set up by the current funding system," said Novella Coleman, Litigation Director at Bay Area Legal Aid. Furthermore, the [Judicial Council Trial Court Budget Advisory Committee acknowledged this problem as recently as April 2020](#) when it proposed changes to the current funding system to reduce the "perceived conflict of interest" and to reduce reliance on this "[u]nstable funding" stream, which "makes it impossible to provide fair, equitable and timely justice to all litigants." The state Department of Finance rejected the proposal.

"We believe that it is essential to reform a funding system that is currently based on the racialized extraction of wealth from the most economically challenged Californians, predominantly Black and brown communities," said William Freeman, Senior Counsel at the ACLU of Northern California.

Reform Driver's License Suspensions for Child Support Arrears

California has made important strides to end driver's license suspensions that are not based on unsafe driving. However, one significant area that still needs reform is driver's license suspensions for child support arrears. California's suspension process is one of the most punitive in the country and does not consider individual circumstances. As a result, many driver's license suspensions make it harder for parents to work and support their children.

"California should continue the moratorium on license suspensions for child support arrears until the process can be reformed," said Michael Herald, Legislative Director for Western Center. "Suspending licenses to reimburse the government for public benefits, for example, causes unnecessary harm to parents and stresses family relationships without sending any additional money to the children whose well-being the system is supposed to protect."

###

The [ACLU of Northern California](#) is an enduring guardian of justice, fairness, equality, and freedom, working to protect and advance civil liberties for all Californians.

[Bay Area Legal Aid](#) is committed to providing meaningful access to the civil justice system through quality legal assistance regardless of a client's location, language or disability. As the only regional poverty law firm in the Bay Area, we work with 20,000 or more low-income Bay Area residents each year, opening access to the civil justice system and providing high quality legal assistance in areas of law that most significantly affect low-income people's self-sufficiency: economic security/public benefits, housing stability and homelessness prevention, family law and domestic violence prevention, health care access and equity, and consumer law. Our litigation and advocacy practice extends this impact beyond our clients to improve health, safety, and stability for tens of thousands more low-income Californians per year.

The [East Bay Community Law Center](#) was founded in 1988 by Berkeley Law students committed to addressing the intractable social determinants that contribute to poverty and inequity. Today, the organization operates 8 nationally recognized anti-poverty clinics that provide free legal services to over 8,000 Alameda County households and train over 150 law students annually, while advancing policy solutions to disrupt systemic racism.

The [Lawyers' Committee for Civil Rights of the San Francisco Bay Area](#) (LCCRSF), one of the West Coast's oldest civil rights organizations, protects and promotes the rights of people of color, immigrants, and low-income people in California.

[Pillsbury Winthrop Shaw Pittman](#) LLP is an international law firm with a particular focus on the technology & media, energy, financial, and real estate & construction sectors. The firm's pro bono caseload is as varied as our lawyers' interests, ranging from affordable housing to civil liberties, advocacy for victims of abuse and voting rights.

The Access to Justice Practicum at [USC Gould School of Law](#) in Los Angeles provides a hands-on opportunity for law students to work as colleagues with public interest lawyers and supervising faculty on civil rights and anti-poverty advocacy and litigation.

Through the lens of economic and racial justice, [Western Center on Law & Poverty](#) fights in courts, cities, counties, and in the Capitol to secure housing, health care and a strong safety net for Californians with low incomes.