

## **HIA Case Study: Driver's License Suspensions for Drug Arrests in PA (PA HB 163)**

*PHA Link: Maternal Child Health and Mental Health and Substance Use Disorders*

### **Background:**

A 2016 Prison Policy Initiative report estimated that up to 20,000 Pennsylvanians annually may lose drivers' licenses as a result of drug convictions that are not related to unsafe driving.<sup>1</sup> More recent numbers were provided by PennDOT to the ACLU: an average of 24,822/year and 26,919 in 2016.

These suspensions impact the lives of individuals and their families in a number of ways, including their ability to seek and obtain gainful employment and housing, contributing to higher recidivism. Pennsylvania is one of only 12 states in the US where these suspensions are still occurring, and this policy disproportionately impacts people of color.

Section 1532 of the PA Vehicle Code (Title 75) states that PennDOT will suspend the operating privileges of any person convicted of possession, sale, delivery, offering for sale, holding for sale, or giving away Controlled Substances. This suspension can occur from a conviction in any Pennsylvania court, any federal court<sup>2</sup> or any conviction in any state court within the United States. When PennDOT receives notice of a conviction, they suspend the individual's license for six (6) months if a first-time offender, one (1) year for a second offense, and two (2) years for a third offense or more. There is also a fee for license reinstatement.<sup>3</sup> Depending on the circumstances, this fee could absolutely exceed the official maximum of \$500 when added to other costs, like restitution, associated with reinstatement.<sup>4</sup>

---

<sup>1</sup> At the time of the report's release, the PA Department of Transportation denied Right to Know requests for specific numbers because they could not produce data in the format requested.

<sup>2</sup> However, it does seem that the federal government has discontinued ordering these suspensions

<sup>3</sup> While some attorneys have challenged the constitutionality of this suspension, Pennsylvania's Commonwealth Court has found it to be constitutional because Pennsylvania has a legitimate interest in deterring or protecting its citizens against the proliferation of drug use.

<sup>4</sup> <https://www.licenserestoration.com/restoration-requirements-letter>

Pennsylvania courts have found that each conviction can and should result in a suspension - so multiple convictions means multiple suspensions unless the individual's attorney can show that they all came from a single criminal incident.

The American Association of Motor Vehicle Administrators also collected data from its members on the hidden costs of suspending driver's licenses:

- Colorado found that suspending driver's licenses for offenses unrelated to driving consumed 8,566 hours per year of staff time — the equivalent of four full-time employees.
- Washington State in 2015 calculated that state troopers spent 70,848 hours dealing with license suspensions for non-driving offenses.
- Florida estimated that \$72,000 a year is spent on paper, envelopes, and postage in order to correspond with people whose licenses were suspended for non-driving reasons.
- Arkansas found that their postage bill for non-driving suspensions amounted to \$20,000 a year.
- Georgia expected that reforming its non-driving suspension laws would save \$80,000 a year in postage costs alone.

HB 163 would eliminate these suspensions and others, giving thousands of Pennsylvanians the opportunity to obtain gainful employment post-conviction.<sup>5</sup> It would also eliminate significant costs associated with motor vehicle accidents that occur when individuals drive without a license (and therefore without insurance).

---

<sup>5</sup> Note that although this case study is focused on HB 163, another bill, HB 1777 would establish a traffic violation amnesty program.

From Representative Rick Saccone's Co-Sponsorship Memo:

*Although it is currently prohibited for a state to not have a license suspension associated with these crimes, a state can pass a resolution notifying the Federal Government of its intention to do away with this overly harsh penalty. If and when such a resolution is passed, it is my hope this legislation will be the final step in allowing individuals who have paid their debt to society to fully make amends for their decisions, and become a productive member of the public.*

### **Decision-makers and Decision-Making process:**

HB163 was referred to the House Transportation Committee on Jan 23, 2017. After favorable consideration by the committee and some amendments before being voted out, it was laid on the table on March 12<sup>th</sup>, 2018 and its future is uncertain.<sup>6</sup>

### **History of Concerns in the impacted community:**

From a recent news article, “**Close to 150,000 people** have lost driving privileges in Pennsylvania between 2011 and 2016 because of that policy. This is “irrational,” argues the legal non-profit Equal Justice Under Law, which is suing the state of Pennsylvania on behalf of Russell Harold and another man, Sean Williams, whose employment and family responsibilities are also jammed up due to a driver's license suspension from a drug crime conviction. The state has not responded to the lawsuit yet, and declined comment to CityLab about it.” Pennsylvania mandates at least a 6-month license suspension, and then requires a minimum \$70 fee to reinstate one's license.

Anna Hollis of Amachi Pittsburgh, which assists children of incarcerated parents, said this bill would “end the costly, destructive and ineffective practice of suspending driver's licenses for individuals whose crimes were unrelated to the unsafe operation of a vehicle.

---

6

<http://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2017&sInd=0&body=H&type=B&bn=163>

They have already paid their debt to society and need gainful employment to care for their children.”

The executive director of the Builder’s Guild of Western Pennsylvania testified at a legislative recent hearing on the bill that “the biggest issue we face is recruiting people into the construction trades. One of the barriers we face is the lack of a driver’s license.”

In a recent Post-Gazette article, Steve Shelton, the Executive Director of the Trade Institute of Pittsburgh said: “With a driver’s license in their pocket... career possibilities expand tremendously.”

**Stakeholders:**

- Individuals and families impacted, concerned citizens
- Legislators who are co-sponsoring the bill
- PA House and Senate Members who will vote on its passage
- PA House and Senate leaders
- PA DMV
- PA Attorney General
- Pennsylvania courts
- Allegheny County Jail Collaborative
- Driven to Work Campaign members
- Allegheny County District Attorney
- Probation officers
- Allegheny County Public Defenders’ Office
- Amachi Pittsburgh - <http://www.amachipgh.org/>
- ACHD and DHS
- Treatment and recovery community
- Builder’s Guild of Western PA
- Trade Institute of Western PA
- ACLU
- NAACP

- [Equal Justice Under Law](#)
- [Wesley Family Services](#)

**Resources for looking further into the policy/project:**

Text of HB 163:

<http://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2017&sInd=0&body=H&type=B&bn=163>

[Governor's memo accompanying the bill:](#)

<http://www.legis.state.pa.us/cfdocs/Legis/CSM/showMemoPublic.cfm?chamber=H&SPi ck=20170&cosponId=21971>

Article in CityLab about the policy: <https://www.citylab.com/equity/2018/01/taking-the-high-road-on-drivers-license-suspensions/550688/>

<http://www.post-gazette.com/news/state/2016/12/23/Report-questions-driver-s-licenses-suspensions-in-PA-for-drug-crimes/stories/201612210009>

<http://www.post-gazette.com/news/politics-state/2017/11/06/Pennsylvania-drivers-license-convictions-suspension-State-Rep-Rick-Saccone/stories/201711060003>

Prison Policy Initiative Report: <https://www.prisonpolicy.org/driving/national.html>

Rep. Jake Wheatley co-sponsor memo on HB 1777 (amnesty program):

<http://www.legis.state.pa.us/cfdocs/Legis/CSM/showMemoPublic.cfm?chamber=H&SPi ck=20170&cosponId=21126>