

HOUSE JOINT RESOLUTION NO. 69

Establishing a joint subcommittee to study the use of driver's license suspension as a collection method for unpaid court fines and costs. Report.

Agreed to by the House of Delegates, March 8, 2016

Agreed to by the Senate, March 9, 2016

WHEREAS, the possession of a valid driver's license is often essential for persons to secure and maintain employment, and the loss of a driver's license often results in personal and familial hardship; and

WHEREAS, pursuant to § 46.2-395 of the Code of Virginia, the failure of a person to pay fines, costs, forfeitures, restitution, or penalties assessed against him results in the suspension of such person's driver's license; and

WHEREAS, in order to remove a license suspension, a person must either pay all fines and costs in full or establish a payment plan pursuant to § 19.2-354 of the Code of Virginia; and

WHEREAS, there are significant hurdles to removing a license suspension, as unpaid fines and costs accrue interest at a rate of six percent per year and, if a person owes fines and costs to multiple courts, each court's judgment must be satisfied or each court must agree to the establishment of a payment plan; and

WHEREAS, courts have adopted different guidelines for payment plans, including some that require payment plans to be established within a certain period of time from the imposition of the fines and costs and some that require large initial payments that are beyond the means of many individuals, and such guidelines are not easily accessible to the public; and

WHEREAS, in fiscal year 2012, of the 401,504 suspension orders issued by the Department of Motor Vehicles, approximately 37.3 percent were for unpaid fines and costs, which constitutes the single largest cause of license suspensions; and

WHEREAS, the Supreme Court of Virginia reports that in fiscal year 2012, over \$352 million in fines and costs were assessed but over \$164 million in fines and costs were uncollected; and

WHEREAS, the use of license suspension as a collection method may in fact adversely affect the ability to collect unpaid fines and costs, as such suspensions may limit a person's ability to obtain or retain employment and, therefore, his ability to pay; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a joint subcommittee be established to study the use of driver's license suspension as a collection method for unpaid court fines and costs. The joint subcommittee shall have a total membership of 14 members that shall consist of seven legislative members and seven nonlegislative citizen members. Members shall be appointed as follows: four members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; three members of the Senate to be appointed by the Senate Committee on Rules; four nonlegislative citizen members, one of whom shall be a judge of a general district court, one of whom shall be a clerk of a circuit court, one of whom shall be a licensed attorney in the Commonwealth, and one of whom shall be a representative of the Supreme Court of Virginia, to be appointed by the Speaker of the House of Delegates; and three nonlegislative citizen members, one of whom shall be a clerk of a general district court, one of whom shall be a licensed attorney in the Commonwealth, and one of whom shall be a representative of the Department of Motor Vehicles, to be appointed by the Senate Committee on Rules. Nonlegislative citizen members of the joint subcommittee shall be citizens of the Commonwealth of Virginia. Unless otherwise approved in writing by the chairman of the joint subcommittee and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth of Virginia for the purpose of attending meetings. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required. The joint subcommittee shall elect a chairman and vice-chairman from among its membership, who shall be members of the General Assembly.

In conducting its study, the joint subcommittee shall review the current law regarding the use of driver's license suspension as a method for the collection of unpaid fines and costs and the relevant law in other states and (i) determine whether the current law negatively affects the employment opportunities of persons whose licenses are suspended; (ii) consider alternative methods for improving the rate of collection of unpaid fines or costs by lowering obstacles to removing license suspensions, including allowing for the compromise or waiver of unpaid fines, costs, and accrued interest thereon; (iii) consider whether fines assessed as part of a criminal penalty should be treated differently than administrative court costs for purposes of license suspensions; (iv) consider whether there should be greater consistency

among courts regarding payment plan guidelines and whether such guidelines should be more accessible; and (v) make recommendations for improvements to the current law.

Administrative staff support shall be provided by the Office of the Clerk of the House of Delegates. Legal, research, policy analysis, and other services as requested by the joint subcommittee shall be provided by the Division of Legislative Services. Technical assistance shall be provided by the Department of Motor Vehicles. All agencies of the Commonwealth shall provide assistance to the joint subcommittee for this study, upon request.

The joint subcommittee shall be limited to four meetings for the 2016 interim, and the direct costs of this study shall not exceed \$15,560 without approval as set out in this resolution. Approval for unbudgeted nonmember-related expenses shall require the written authorization of the chairman of the joint subcommittee and the respective Clerk. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required.

No recommendation of the joint subcommittee shall be adopted if a majority of the House members or a majority of the Senate members appointed to the joint subcommittee (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the joint subcommittee.

The joint subcommittee shall complete its meetings by November 30, 2016, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2017 Regular Session of the General Assembly. The executive summary shall state whether the joint subcommittee intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and the report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or delay the period for the conduct of the study, or authorize additional meetings during the 2016 interim.