

PROPOSAL TO ELIMINATE ADMINISTRATIVE SUSPENSIONS UNDER THE SAFETY RESPONSIBILITY LAW

The proposal being presented by the Center for Driver's License Recovery and Employability is to repeal those provisions in Chapter 344 of the Statutes which provide for a one-year administrative suspension of the driving privileges of motorists involved in uninsured accidents where the motorists are believed to be at fault and the damages are believed by law enforcement officials to exceed \$1,000, a low threshold that has not been adjusted in almost eighteen years. In 2012, 2,553 motorists were suspended for this reason; that total was only .57% (less than one percent) of all license suspensions ordered in 2012.

The rationale for this change is as follows:

- **The current law does not promote traffic safety**, but instead constitutes a state-sponsored collection mechanism for private insurers at a time when we must control spending to help grow our economy.
- **The SR program is an unnecessary expense.** The DOT will realize a significant budget savings by the elimination of staff needed to process the tens of thousands of covered accidents each year.
- **SR suspensions are no longer necessary.** The justification for having a Safety Responsibility Law – the need to provide recovery in accidents caused by uninsured drivers – has been greatly weakened by the passage of the mandatory insurance law in 2009.
- **There is a local court process already in place.** Aggrieved parties in accidents where the damages are below \$5,000 can pursue claims in the Small Claims Court where the procedures are inexpensive, swift, and local. Those parties, if successful, can obtain a suspension of the uninsured driver's license under sec. 344.05, Wis. Stats. by paying a nominal fee of \$5.00. *Defendants who are suspended are required to obtain SR-22 insurance policies as a condition of reinstating their driving privileges.*
- **The SR hearings are not accessible to many.** Drivers who wish to challenge threatened administrative suspensions must attend hearings held in Madison and sometimes in Milwaukee.
- **The SR hearings do not have procedural protections.** Often, SR cases are decided by the Wisconsin Department of Transportation (DOT) without sufficient evidence, sometimes solely on hearsay evidence, which calls into question the merits of those decisions.
- **The law disproportionately affects low-income drivers.** The current law affects only uninsured drivers, who are more likely to be low-income drivers.
- **The Wisconsin State Legislature has passed five major bi-partisan driver's license reforms over the past six years.** Legislative changes over the past several years demonstrate the intent of the Legislature to eliminate unnecessary obstacles for low-income drivers to obtain and retain valid driver's licenses.

