

PROPOSAL TO REDUCE THE SUSPENSION PERIOD FOR THE NONPAYMENT OF TRAFFIC FORFEITURES

The Center for Driver's License Recovery and Employability is proposing that the State of Wisconsin amend statute sections 345.47(1)(b) and 800.095(1)(a) to reduce the driver's license suspension period of defendants who fail to make timely payment of traffic forfeitures from two years to one. In 2012, there were 244,072 suspensions for failure to pay forfeiture ("FPF") which constituted 55.10% of all license suspensions ordered that year in the state. *This proposal is to reduce the suspension time to one year.*

The rationale for this change is as follows:

- **FPF suspensions are not safety-related. They exist solely as a forfeiture collection mechanism for the courts.**
- **The current suspension period of two years is unnecessary and ineffective in coercing payments after a period of one year.** This is demonstrated by an analysis of payment patterns at Milwaukee Municipal Court, which reveals that, on average, nearly 80% of all payments are made within one year of the date on which judgment is ordered. *A similar finding has been made in other municipalities as well.*
- **Suspensions beyond one year only serve to penalize low-income drivers who are unable to pay during the balance of the two-year period and are thus unable to drive legally during that period.**
- **The FPF 2-year suspensions are longer than suspensions or revocations ordered for many drunk driving cases, for all demerit point accumulations, and for failure to pay after an uninsured motor vehicle accident.**
- **For forfeitures which are still owing at the end of the one-year suspension period there is an alternative, more effective, method for collection of forfeitures** - the Tax Refund Interception Program of the Wisconsin Department of Revenue which enables the courts to intercept state tax refunds to pay overdue forfeitures. Analysis of payment patterns at Milwaukee Municipal Court over a period of six years demonstrates that, over time, a very high percentage of unpaid traffic forfeitures is collected through tax interception.