

January 14, 2020



**Testimony of ACLU of Wisconsin  
In Opposition to Assembly Bill 696 / Senate Bill 626**

The American Civil Liberties Union of Wisconsin is a non-partisan, non-profit organization working to protect civil liberties and civil rights, and is submitting this testimony opposing AB 696.

AB 696 has many components, including increasing penalties for operating a vehicle without sufficient liability insurance or operating a vehicle without a license, allows for impoundment of vehicles, and requires a valid driver's license to register a motor vehicle. We believe that these increased penalties will disproportionately and adversely impact people of color, people in poverty, Milwaukee residents, and immigrant populations – and will not make our communities safer or economically stronger.

The American Legislative Exchange Council (ALEC) in 2017 passed a "[Resolution in Support of Limiting Driver's License Suspensions to Violations that Involve Dangerous Driving](#)," encouraging state policymakers to revise laws so that there would be fewer grounds to suspend licenses, because a person whose driver's license is suspended will often find it more difficult to earn a living and therefore to pay any debts they owe to the government. This is certainly true in Wisconsin, where the absence of a robust, regional public transportation system connecting workers to suburban job opportunities makes it extremely difficult for workers to access jobs where their skills are much needed unless they drive. The bills at issue here will make those problems worse.

As ALEC also points out, having large numbers of individuals with suspended licenses also places a burden on the limited resources of law enforcement. For example, as the ALEC resolution notes, "the American Association of Motor Vehicle Administrators estimated that arresting someone for driving with a suspended license can take nine hours of an officer's time, including waiting for a tow-truck, transporting an individual to jail, filling out paperwork, making a court appearance, and other administrative duties." The ALEC resolution also states that "nationally 40% percent of all driver license suspensions are issued for conduct that was unrelated to driving." AB 696 will exacerbate these burdens without any concomitant increase in public safety. In addition, the provisions of AB 696 regarding the immediate impoundment of vehicles will constitute an extreme and excessive kind of civil asset forfeiture.

A research report by the University of Wisconsin-Milwaukee Employment and Training Institute, [The Driver License Status of the Voting Age Population in Wisconsin](#) confirmed that similar burdens exist in Wisconsin, especially in the Milwaukee area.

Minorities and poor populations are the most likely to have driver's license problems. Less than half (47 percent) of Milwaukee County African American adults and 43 percent of Hispanic adults have a valid driver's license compared to 85 percent of white adults in the balance of the state. (i.e., outside Milwaukee County). The situation for young adults ages 18-24 is even worse -- with only 26 percent of African Americans and 34 percent of Hispanics in Milwaukee County with a valid license compared to 71 percent of young white adults in the balance of the state.

A large number of licensed drivers have had their licenses suspended or revoked, many for failure to pay fines and forfeitures rather than traffic points violations. The driver's license file shows 39,685 individuals in Milwaukee County who have driver's licenses but also recent suspensions or revocations on their licenses. Another 49,804 Milwaukee County adults had a recent suspension/revocation but no license with the DOT. Only 65 percent of adults in Milwaukee County have a current and valid Wisconsin driver's license, compared to 83 percent of adults in the balance of the state (pages 1-2).

The Southeastern Wisconsin Regional Planning Commission (SEWRPC)'s recent ["Equitable Analysis of the Fiscally Constrained Transportation Plan"](#) for Vision 2050 (2016, page 260), confirms that these disparities still exist, with only 60% of Black adults and 50% of Latinx adults in the region having driver's licenses. Increasing penalties, as this law proposes, will only exacerbate these problems.

Wisconsin also should make it easier for immigrants to obtain driving permits. According to research from Kids Forward, ["Widen the Road: Removing Barriers to Driver License Eligibility Will Improve Safety, Support Families, and Boost Businesses"](#) (2018), removing the prohibition on undocumented immigrants obtaining driver's licenses would result in an estimated 32,000 residents of Wisconsin gaining driver's licenses. This would improve highway safety, because it would obligate these residents to undergo the same kind of knowledge and skills testing as other drivers (page 8). Allowing immigrants to obtain licenses also would reduce the number of Wisconsin drivers who lack insurance by an estimated 28,000 people, while already-insured drivers would save an estimated \$16 million in insurance premiums (page 10). "Allowing all immigrants to obtain licenses will make Wisconsin highways safer, result in insurance savings for a broad pool of drivers, and help businesses connect with workers who have skill sets that match employer needs." (page 1).

While uninsured motorists and individuals driving without licenses do present a legitimate concern for our communities, there are smarter ways to deal with these problems than to further criminalize and penalize this conduct. Instead, penalties imposed on drivers should focus on dangerous driving, not other kinds of problems. Penalties that address these types of driving violations already exist. The concerns that AB 696 raises can be addressed in better and less harmful ways that help Wisconsin residents and increase public safety without increasing burdens on our communities.

We urge you to vote no on AB 696 / SB 626.