Testimony for the House Transportation Committee for SB166, partial DRA repeal, 9/28/11

Mr. Chairman and members of the Committee, this is the fourth time the National Motorists Association has asked for repeal of the Driver Responsibility Act. We testified against this terrible law before it was passed, and have written many letters asking for repeal.

The DRA has helped to create two classes of drivers that are separate and very unequal. One class is licensed, insured and legal. The other class is unlicensed, uninsured, illegal … and growing. Large financial fines serve no purpose whatever for many low income and unemployed citizens, because they cannot pay them, and many will never be able to pay them. It varies from year to year, but 40% to 60% of all assessments go unpaid and licenses get suspended because the amounts are absolutely impossible for these people to pay. The very concept of a fine schedule that half of all drivers cannot pay makes no sense. We don't know exactly what proportion of the several hundred thousand license suspensions among our 7 million drivers are from the DRA, but it is undoubtedly a high percentage.

In the December 2006 House Transportation Subcommittee Hearing this level of fines many drivers cannot pay was likened to creating a "Debtors Prison". Representative Casperson told the audience that he "apologized for what the Legislature has done". Representative Pearce apologized for "creating a monster we need to fix". Many legislators have said they regretted their original votes for this bad law and would not vote for it again. The Fiscal Analysis done by the Senate in 2006 showed that many types of serious violations the law was supposed to reduce were UP, not down, so the law does not accomplish its stated goals.

At the close of an original hearing for the law before it was passed in 2003, one Senator said something under his breath to the effect that the law would have heavy consequences for some minorities, many of whom are inner city residents. This is true. What was also true but not recognized at the time is the law has equally terrible consequences for people in small towns and rural areas, many of whom are not minorities, because the chances of being cited are actually higher in lower traffic areas and where people are individually known.

Many, if not most, of the drivers caught by the DRA must continue to drive because there are no viable public transportation systems in much of the state. Then they get caught again while suspended and get pushed further into the financial death spiral of the DRA with fines they cannot pay. The DRA has financially destroyed hundreds of thousands of Michigan citizens. It is to the point that some officers won't issue citations when they know the driver is in this group. Many judges refuse to accept guilty pleas that push people further down the financial spiral, they plead them to something else. Michigan judges repeatedly ask for repeal of this terrible law because they have no options for alternative sentences.

(over)

The moral, judicial, and social problems caused by the DRA are so devastating that the fiscal impact should not matter anymore. The damage we are doing to thousands of our citizens and to our society as a whole is unacceptable ... and must stop.

Many previous attempts to repeal this law have failed. Please don't let this one fail.

Please set this bill on a course for rapid passage. And I hope the committee members will use every power of moral persuasion with other legislators to get it passed ... and signed.

I would be happy to take any questions.

Respectfully submitted,

James C. Walker
For the National Motorists Association

2050 Camelot Road
Ann Arbor, MI 48104
734-668-7842