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HOUSE JOINT RESOLUTION NO. 598

Offered January 14, 2015

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

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Referred to Committee on Rules

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 do not approve any payment plans after a certain period of time from the imposition of the fines and costs has passed and some that require large initial payments that are beyond the means of many individuals, and such guidelines are not easily accessible by the public; and

WHEREAS, in fiscal year 2012, of the 401,504 suspension orders issued by the Virginia 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 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 26 members that shall consist of 14 legislative members, eight nonlegislative citizen members, and four ex officio members. Members shall be appointed as follows: eight 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; six 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 an attorney for the Commonwealth, and one of whom shall be a criminal defense attorney, to be appointed by the Speaker of the House of Delegates upon consideration of the recommendation of the Chairs of the House Committee for Courts of Justice and the House Committee on Transportation, if any; and four nonlegislative citizen members, one of whom shall be a judge of a circuit court, one of whom shall be a clerk of a general district court, one of whom shall be a public defender, and one of whom shall be a defense attorney who defends persons for traffic offenses to be appointed by the Senate Committee on Rules upon consideration of the recommendation of the Chairs of the Senate Committee for Courts of Justice and the Senate Committee on Transportation, if any. The Executive Director of the Virginia Indigent Defense Commission or his designee, the Tax Commissioner or his designee, the Executive Secretary of the Supreme Court or his designee, and the Commissioner of the Virginia Department of Motor Vehicles or his designee shall serve ex officio with voting privileges. 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

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59 chairman and vice-chairman from among its membership, who shall be members of the General
60 Assembly.

61 In conducting its study, the joint subcommittee shall review the current law regarding the use of
62 driver's license suspension as a method for the collection of unpaid fines and costs and the relevant law
63 in other states and (i) determine whether the current law negatively impacts the employment
64 opportunities of persons whose licenses are suspended; (ii) consider alternative methods for improving
65 the rate of collection of unpaid fines or costs by lowering obstacles to removing license suspensions,
66 including allowing for the compromise or waiver of unpaid fines, costs, and accrued interest thereon;
67 (iii) consider whether fines assessed as part of a criminal penalty should be treated differently than
68 administrative court costs for purposes of license suspensions; (iv) consider whether there should be
69 greater consistency among courts regarding payment plan guidelines and whether such guidelines should
70 be more accessible; and (v) make recommendations for improvements to the current law.

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

76 The joint subcommittee shall be limited to four meetings for the 2015 interim, and the direct costs of
77 this study shall not exceed \$28,720 without approval as set out in this resolution. Approval for
78 unbudgeted nonmember-related expenses shall require the written authorization of the chairman of the
79 joint subcommittee and the respective Clerk. If a companion joint resolution of the other chamber is
80 agreed to, written authorization of both Clerks shall be required.

81 No recommendation of the joint subcommittee shall be adopted if a majority of the House members
82 or a majority of the Senate members appointed to the joint subcommittee (a) vote against the
83 recommendation and (b) vote for the recommendation to fail notwithstanding the majority vote of the
84 joint subcommittee.

85 The joint subcommittee shall complete its meetings by November 30, 2015, and the chairman shall
86 submit to the Division of Legislative Automated Systems an executive summary of its findings and
87 recommendations no later than the first day of the 2016 Regular Session of the General Assembly. The
88 executive summary shall state whether the joint subcommittee intends to submit to the General
89 Assembly and the Governor a report of its findings and recommendations for publication as a House or
90 Senate document. The executive summary and the report shall be submitted as provided in the
91 procedures of the Division of Legislative Automated Systems for the processing of legislative documents
92 and reports and shall be posted on the General Assembly's website.

93 Implementation of this resolution is subject to subsequent approval and certification by the Joint
94 Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or
95 delay the period for the conduct of the study, or authorize additional meetings during the 2015 interim.