SB 609 – SB 615

Testimony of Judge William G. Kelly
Judge, 62B District Court (Kentwood)

Thank you for allowing me to speak this morning on these bills on behalf of the Michigan District Judges Association (MDJA). I have submitted the written testimony of Judge William Buhl of Van Buren County with which I totally agree.

MDJA strongly supports SB 609 through SB 615. The Driver Responsibility Fee (DRF) is unfair in many ways. The DRF is a tax on the poorest people in our state, it is a second punishment for the same offense, it is very costly to local units of government, and it has nothing to do with traffic safety. If enacted, these bills will have little effect on the revenue for the General Fund because the DRF is being phased out.

On May 21, 2014, the House passed HB 5414 108-0 to stop assessing the DRF as of October 1, 2017, ten days ago. Unfortunately, the compromise in the Senate provided that the DRF would be assessed until October 1, 2019. Today's bills will terminate the assessment of the DRF as of October 1, 2018 and will also eliminate the uncollectible mountain of debt which has accrued.

The District Judges have seen firsthand the heavy burden that the DRF has had on the poorest people in the state. On Monday, a homeless man with a family of five was in front of me. He owes more than $7,000 in DRF and would have to pay $331 per month to clear the DRF suspensions on his driving record. Yesterday, a mother of four who is living in a motel appeared before me and she has two DRFs.

Thousands of Michiganders have given up hope of ever obtaining a valid license. Without hope of obtaining a valid license, they continue to drive without a valid license which undermines the purpose of a drivers license and respect for the law.

Many of the people who appear before us are charged with Driving While License Suspended (DWLS). Most of them have had their licenses suspended for failure to pay traffic tickets or an unpaid DRF. Between August 29 and September 26, 82 people were scheduled to appear in the 62B District Court for DWLS. Of these, 37 people (45%), owed 176 DRFs and 8 of them have had their licenses suspended for more than 5 years for failure to pay a DRF. Only 21 (26%) were suspended for bad driving (Unsatisfactory Driving Record, a drunk driving conviction, a reckless driving conviction, or revocation of a license).

People who are convicted of the traffic offenses subject to the DRF pay fines and costs which are proportionate to the offense committed. The judge can take into account various aggravating and mitigating factors and ability to pay. The DRF does not take these factors into account.

The DRF punishes people twice for the same offense. This is double jeopardy.

Many people plead not guilty to offenses hoping that they will be able to plead to an offense which carries a lesser DRF or no DRF. The court then has to set the case for a pretrial and trial. This is a burden on the local counties and cities who have to pay more for attorneys and court costs.

Because of the DRF, courts have more difficulty in collecting fines and costs. Many people are confused thinking that if they pay the DRF, they have satisfied the penalty for their offense and don't have to pay fines and costs to the court or vice-versa.

About half of the DRF which is assessed is not collected. If people have the money they will pay the DRF and grumble and complain. You in the legislature have heard that grumbling and complaining. If they don't have the money, however, their drivers license is suspended indefinitely until it is paid. Currently, more than 300,000 Michiganders owe about $600 million. That means about 4% of the licensed drivers in Michigan owe a DRF.

Traffic courts are not courts of revenue but rather revenue is a by-product of the traffic court system. The DRF tries to generate revenue out of traffic offenses and has nothing to do with safety. Traffic offenses are punished appropriately by judges in the courts. With the DRF eliminated, the courts and the police and the prosecutors will be able to focus on the *bad* drivers rather than the *financially poor* drivers.

The taxes generated by the growth in Michigan's economy should replace any monies lost by the termination of the DRF. Even if the growth in the economy does not replace the money, the state should no longer rely on the unconscionable DRF.