

News

ACLU of Washington Files Lawsuit Against Washington Department of Licensing for Suspending Licenses of Individuals Who Cannot Afford to Pay Fines for Moving Violations

10.07.20 Foster Garvey Newsroom

The ACLU of Washington has filed a lawsuit on behalf of individuals who have had their driver's licenses suspended by the Washington Department of Licensing (DOL) because they were unable to pay fines and fees for moving violations. The lawsuit claims that Washington's law authorizing automatic and mandatory license suspensions for failure to pay moving violation fines violates the state constitution's rights to due process and equal protection, due to the additional punishments it levies on individuals with low or no income. The lawsuit also alleges that license suspension for failure to pay a ticket is an unconstitutionally excessive punishment.

"When my license was suspended, I was living in my car and unable to pay the ticket. I had to drive to work though, and so the tickets for driving without a license and thousands of dollars in additional fines, fees, and interest piled on over the years. I can't afford to get my license back, but need it to go to my job and take my daughter to school," said Danielle Pierce, an Everett resident who is a plaintiff in the case.

The plaintiffs in the case come from throughout Washington and have suffered a variety of negative consequences due to the loss of their license—consequences that individuals with an ability to pay traffic fines would not face. These include loss of employment and income; the inability to take children to school; and the inability to care for family members. These additional barriers compound the root problems that make it difficult for people with low or no income to pay fines and fees.

- **Danielle Pierce:** A 33-year-old resident of Everett whose driver's license has been suspended since 2011 for failure to pay traffic fines and costs. This makes commuting to work and transporting her daughter to and from school difficult. She currently owes about \$12,100 due to traffic fines and costs - almost half of which is a result of additional fees, interest, and collections costs - and cannot pay due to lack of financial resources. The size of her traffic-related debt is an insurmountable barrier to regaining her license.
- **Amanda Gladstone:** A 29-year-old resident of Everson and an enrolled member of the Nooksack tribe who has never had a driver's license because of limited means. Her driving privilege has been suspended

since 2009 for failure to pay traffic fines and costs. She has children to support and her full-time employment is probationary until she acquires a driver's license, which debt and income considerations will prevent.

- **Janie Comack:** A 31-year-old resident of Sedro Wooley and an enrolled member of the Upper Skagit tribe. Her driver's license has been suspended since 2010 for failure to pay traffic fines and costs that she could not afford. She needs a driver's license to access her treatment facility and take care of her basic needs.
- **Lacy Spicer:** A 45-year-old resident of Marysville whose driver's license has been suspended since 2012. Lacy has been unable to pay fines and fees from moving violations due to health and family issues. The suspended license has also made it difficult for her to maintain employment. She recently had a job offer and start date in dental office management, but she was not able to start the job because of the suspended license. Lacy currently owes over \$12,000 in fines and fees.

"Washington's law authorizing automatic and mandatory license suspensions not only violates basic fairness for people with low or no income, it violates the state constitution," said ACLU of Washington Staff Attorney Lisa Nowlin. "Ability to pay must be considered when suspending a license, because no one should suffer additional penalties for a moving violation because of poverty."

A growing coalition of advocates have been pursuing legislation that would end these practices outright for several years, but legislation has not yet passed. Legislative efforts will continue in the upcoming session. There is also national momentum for reforming these types of laws. Read more at <https://www.freetodrive.org/>.

"The American legal system is founded on the principle that everyone, regardless of means, is treated the same under the law. Washington's license suspension laws violate that principle," said Donald Scaramastra, cooperating attorney from Foster Garvey, PC.

The plaintiffs are represented by [Donald Scaramastra](#), [Eryn Karpinski Hoerster](#) and [Kelly Mennemeier](#) of Foster Garvey PC; Hathaway Burden of Summit Law Group PLLC and Lisa Nowlin, Mark Cooke and John Midgley of the ACLU of Washington.

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