

SB 2219

House Transportation Committee
Testimony submitted by Sally Holewa
State Court Administrator
March 23, 2023

Chairman Ruby and members of the committee, for the record my name is Sally Holewa. I am the state court administrator. The court has been asked to provide information on how many driver's licenses are suspended due to unpaid fines and fees and what the remedies are to collect those fees.

All 53 district courts and 14 municipal courts use the same case management system. This system is programmed to automatically send a notice of failure to comply to individuals who have not paid a citation within 14 days from the date it is issued. That notice provides them an additional 14 days to pay and warns that their license will be suspended if payment is not received. If we do not receive payment during that time, our system automatically sends a request to the Department of Transportation to suspend for non-payment. Upon receipt of our automated notice, the DOT also sends a warning notice and opportunity to pay the citation to the individual before actually suspending the license. With that procedural process in mind, here is the data we were able to pull for citations filed in calendar years 2021 and 2022:

In those two years, we sent DOT 33,955 unpaid bond requests (suspension requests). Of those, requests:

- 20,782 of those are now paid and a paid bond (suspension reversal) was sent to DOT
- This leaves 13,173 citations still in "suspension"
 - 7,648 of these suspensions were for a North Dakota driver's license
 - 5,525 involve out of state licenses (top 4 below)
 - Texas 775
 - Minnesota 755
 - South Dakota 416
 - California 257
- The average time between when a suspension was sent and a reversal (paid in full) happened was 76 days with a median of 27 days

- The average fine was \$53 and the median fine was \$26

Note that these suspension numbers are based on citations, not individuals. An individual could have multiple unpaid citations. Because of that, the actual number of individuals who have a driver's license suspended for unpaid tickets is something less than 13,173. It should also be noted that we can only recommend suspension for citations issued to an operator, not a passenger. It is also my understanding that the DOT does not suspend for non-moving violations. With those additional caveats, it is likely the actual number of individuals with suspended licenses due to unpaid fines and fees is substantially less than the number of suspensions requested.

The Court can only recommend suspension of licenses for unpaid non-criminal traffic violations under ch. 39-06.1 of the Century Code or unmet sentencing convictions on criminal traffic violations under NDCC 39-06-32(2). Suspensions for non-payment of a non-criminal traffic citation happen regularly and are generally short-term. Suspensions for unpaid fines and fees for criminal traffic offenses are rare and would have to be done manually. We do not have any numbers related to those.

We cannot suspend licenses for unpaid fines and fees in other types of cases. Instead, we rely on court appearances, civil judgments and tax refund interceptions to enforce payment in those cases. Because we don't capture specific data elements as to why a hearing is scheduled or the underlying charge when a criminal judgment is converted to a civil judgment. I do not have any data in regard to court appearances or civil judgments. In regard to tax interception, the average amount intercepted is \$161. The average total amount intercepted is \$147,516. We intercept around 900 refunds per year.