

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2022-61

INTRODUCED BY:

Councilor Carol Romero-Wirth

Councilor Jamie Cassutt

Councilwoman Renee Villarreal

A RESOLUTION

**CALLING ON THE NEW MEXICO STATE LEGISLATURE TO TAKE ACTION
DURING THE 2023 LEGISLATIVE SESSION TO END DRIVER'S LICENSE
SUSPENSIONS FOR FAILURE TO PAY AND FAILURE TO APPEAR.**

WHEREAS, New Mexico currently permits suspending a person's driver's licenses for nonpayment of fines and fees unrelated to dangerous driving, with no assessment of a person's ability to pay; and

WHEREAS, according to the New Mexico office of the Fines and Fees Justice Center ("FFJC"), as of August, 2022, well over 249,000 individuals cannot legally drive in New Mexico because of a suspended license for failure to appear or failure to pay from 2018 to the present; and

WHEREAS, according to data from the FFJC, the overwhelming majority of driver license suspensions bear no relation to the driver's ability or skill to continue driving, but, rather, are due to nonpayment of court-related fees, service charges, fines, and associated court costs; and

WHEREAS, thirty (30) days after a person fails to (i) make a payment on court fees or fines, (ii) appear at a scheduled hearing, or (iii) comply with the terms of a payment plan entered

1 into with the court, the person faces an indefinite suspension of their driver’s license; and

2 **WHEREAS**, New Mexico’s suspension policies are counterproductive to the ostensible
3 purpose of ensuring payment and attending court hearings; and

4 **WHEREAS**, once a person’s license is suspended, employment opportunities are difficult
5 to access, making it harder to pay off the fines and fees that triggered suspension in the first place;
6 and

7 **WHEREAS**, businesses suffer when workers cannot reliably get to their jobs or are forced
8 to quit because they cannot do their jobs without a license; and

9 **WHEREAS**, according to a New Jersey Department of Transportation report, driver’s
10 license suspension can lead to total job loss and severely impact a person’s ability to undertake
11 essential tasks, such as attending school, caring for children, accessing medical care, or meeting
12 basic needs like grocery shopping; and

13 **WHEREAS**, suspending driver’s licenses for unpaid fines and fees does not have a known
14 relationship to increased traffic safety or public safety; and

15 **WHEREAS**, evidence suggests the contrary: rather than being used directly on public
16 safety enforcement, resources are used to arrest and prosecute people who drive while their license
17 is suspended for non-payment or a missed court hearing; and

18 **WHEREAS**, according to American Association of Motor Vehicle Administrators
19 (“AAMVA”) data, reforms to driver’s license suspension policies in other states have resulted in
20 significant savings, for example in Georgia, a state that has documented a savings of \$100,000 in
21 the first three years following repeal of its suspension law; and

22 **WHEREAS**, according to data compiled by the FFJC, analysis of said data demonstrates
23 that low-income individuals and people of color are most affected by driver’s license suspensions;
24 and

25 **WHEREAS**, pursuant to NMSA 1978, Section 66-5-32(C), people returning to their

1 communities from incarceration must pay off what can amount to hundreds, and sometimes
2 thousands, of dollars in fines, fees, and costs before they are eligible to have their driver's license
3 reinstated, and often leave custody with their licenses already suspended; and

4 **WHEREAS**, eliminating license suspensions for non-highway safety violations will
5 significantly reduce the administrative and fiscal burden on state and local agencies, law
6 enforcement, and the courts, by reducing caseloads and administrative time, and lessen the
7 unintended harmful impact on our communities; and

8 **WHEREAS**, several states, including, but not limited to, California, Kentucky, Oregon,
9 Virginia, and Wyoming, do not penalize drivers by suspending their licenses for failure to pay fees,
10 fines, and costs; and

11 **WHEREAS**, many other states and jurisdictions such as Georgia, Maine, Colorado,
12 Vermont, Nevada, Arizona, Texas, and Washington, D.C. have enacted legislation, many of them
13 recently, eliminating the automatic suspension of licenses due to non-payment of fees, fines, and
14 costs that are unrelated to traffic violations; and

15 **WHEREAS**, systems of justice should not be funded by counterproductive fees and fines
16 that undermine justice, fairness, and equity; and

17 **WHEREAS**, on July 13th, 2022 the Governing Body adopted Ordinance No. 2022-11 that
18 prohibits Santa Fe Municipal Court from notifying the New Mexico Motor Vehicle Division when
19 a person fails to pay a penalty assessment within the required period of time.

20 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
21 **CITY OF SANTA FE** that the Governing Body calls on the Governor of New Mexico and the
22 New Mexico State Legislature to take action during the 2023 legislation session to end driver's
23 license suspensions for failure to appear and failure to pay.

24 **BE IT FURTHER RESOLVED** that the City Clerk shall forward a copy of this resolution
25 to the Governor of New Mexico, the Santa Fe Legislative Delegation, the New Mexico Municipal

1 League, and the City's lobbyist.

2 PASSED, APPROVED, and ADOPTED this 26th day of October, 2022.

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6 ALAN WEBBER, MAYOR

7 ATTEST:

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10 KRISTINE MIHELIC, CITY CLERK

11 APPROVED AS TO FORM:

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14 ERIN K. McSHERRY, CITY ATTORNEY

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25 *Legislation/2022/Resolutions/2022-61 Driver's License Suspension Reform Support*