

# Reviewing the Issue of the Suspended and Revoked (S/R) Driver



*A Working Group Discussion*  
Hosted by the  
American Association of Motor Vehicle Administrators  
Law Enforcement Committee

Albuquerque, NM  
February 8-9, 2005

## Table of Contents

<b>Reviewing the Issue of the Suspended and/or Revoked Driver</b> .....	<b>3</b>
<b>The <i>Suspended &amp; Revoked Working Group</i></b> .....	<b>4</b>
<b>The First Meeting of the <i>Suspended &amp; Revoked Working Group</i></b> .....	<b>4</b>
<b>Defining the Scope of the Problem</b> .....	<b>5</b>
Characteristics of Suspended & Revoked (S/R) Drivers.....	5
National .....	5
State .....	5
<b>Considering the Scope of the Problem from an Organizational Perspective</b> .....	<b>6</b>
Law Enforcement .....	6
Sheriff .....	6
DMV .....	6
Prosecution .....	7
Legislative .....	8
Judges .....	8
Federal .....	9
Engineering .....	9
<b>Reducing the Number of Drivers Who Drive While Suspended &amp; Revoked – A Discussion</b> .....	<b>10</b>
Clarify the Definition of Suspended and Revoked Driving .....	10
Revoked .....	10
Suspended .....	10
Unlicensed .....	10
<b>Solving the Problem – The Challenge</b> .....	<b>10</b>
<b>Research Questions</b> .....	<b>10</b>
<b>Developing a Working Hypothesis to Consider the Problem</b> .....	<b>11</b>
<b>Researching the Issue</b> .....	<b>11</b>
<b>Possible Solutions</b> .....	<b>12</b>
<b>Next steps</b> .....	<b>12</b>
<b>Time line</b> .....	<b>12</b>
<b>Appendix</b>	
<i>i.</i> Mapping the Problem .....	14
<i>ii.</i> Working Group Membership .....	17
<b>Attachments</b>	
1. <i>Unlicensed Drivers in the United States</i> - AAA Foundation .....	23
2. <i>Unlicensed to Kill (2000)</i> – AAA Foundation Research Summary .....	26
3. <i>Unlicensed to Kill – The Sequel (2003)</i> – AAA Foundation Research Summary .....	32
4. NCHRP Research Summary .....	44
5. <i>Enforcement Strategies for Suspended &amp; Revoked Drivers</i> – NHTSA .....	50
6. <u>Rutgers Survey Seeks Hidden Consequences of License Suspension</u> – NJ DMV press release.....	53
7. <u>NJ Driver’s License Suspensions, Impacts and Fairness Study</u> Jon A. Carnegie, AICP/PP.....	55
8. <u>Work Permits for Suspended/Revoked Drivers</u> – An AAMVA Survey.....	65
9. <u>Driver in Crash Lost License 5 Times</u> – a press release, <i>The Wichita Eagle</i> .....	69

## Reviewing the Issue of the Suspended and/or Revoked Driver

For years, law enforcement officers have complained about frequency with which they confront a driver during a traffic stop when the driver was driving while under suspension or revocation. There is continuous media coverage highlighting traffic crashes involving death or serious injuries where at least one of the drivers was under suspension or revocation. Many court cases or civil actions require some sort of punishment less than imprisonment, but suspending a driver's license is not a desirable option for non-driving offenses and may force people to drive while their licenses are suspended or revoked. Licenses are sometimes suspended for failure to pay parking tickets, taxes, library fines or child support. Suspension of a driver's license is also invoked as punishment for school truancy or bad grades; misuse of tobacco products; driving without insurance; or, malicious conduct such as graffiti or gang participation.

There is little comprehensive research establishing the scope of the suspended and revoked driver problem. What research that does exist (*Attachments 1-8*) that has been conducted combines those drivers who are not only suspended or revoked with those who are unlicensed. The unlicensed category includes people who are determined to be undocumented aliens, illegal immigrants, uninsured motorists, underage, or those who have just not bothered to obtain a valid license. This limited existing research indicates as many as twenty-three percent (23%) of highway fatalities involve a driver who is suspended or revoked. One statistic indicates that as many as 75% of those who have had their driving privileges withdrawn continue to drive.

The top priority of the Secretary of the United States Department of Transportation (DOT) is improvement of highway safety. President Bush has challenged DOT to develop creative ways to reduce the number of fatalities on the Nation's highways. The Secretary has accepted this challenge and has established a goal to reduce the highway fatality rate to not more than 1.0 per 100 million vehicle miles traveled by 2008, down from 1.7 per 100 million vehicle miles traveled in 1996. The Secretary has reached out to all organizations involved in promoting highway safety to support this goal. The AAMVA Board of Directors supports this initiative. To this end, AAMVA's Law Enforcement Committee assembled a *Working Group* to review the problem of suspended and revoked drivers.

This document reviews the initial findings of the *Working Group* and provides recommendations for future action.

## **The *Suspended & Revoked Working Group***

The problem of the suspended and revoked driver touches many constituencies. To consider the scope of the problem, AAMVA Law Enforcement Committee (LE) Chair, Rick Maag, and Board Advisor, Colonel Mark Trostel, Colorado, invited representatives from the highway safety community to address a broad range of perspectives. The convened *Working Group* represented:

- Court administrators
- Federal agencies
- Highway engineers
- Judges
- Law Enforcement officials
- Motor vehicle administrators focusing on the driver's license function
- Motor vehicle administrators focusing on the insurance and financial responsibility function
- Prosecutors
- Researchers
- State legislatures
- AAMVA Staff

Organizations represented on the *Working Group*:

- AAMVA Driver's License & Control Committee (DL&C)
- AAMVA Financial Responsibility and Insurance Committee (FR&I)
- AAMVA Law Enforcement Committee (LE)
- American Association of State Highway Transportation Officials (AASHTO)
- Edward J. Bloustein School of Planning & Public Policy, Rutgers University
- Federal Highway Administration (FHWA)
- Federal Motor Carrier Safety Administration (FMCSA)
- Governors Highway Safety Association (GHSA)
- International Association of Chiefs of Police (IACP)
- National Center for State Courts (NSCS)
- National Conference for State Legislators (NCSL)
- National Cooperative Highway Research Program (NCHRP)
- National Highway Traffic Safety Administration (NHTSA)
- National Sheriffs Association (NSA)
- National Traffic Law Center (NTLC)
- Transportation Research Board (TRB)

## **The First Meeting of the *Suspended & Revoked Working Group***

A first meeting was held in Albuquerque, NM, February 8 & 9, 2005. This document highlights the findings and recommendations of those discussions.

A roster (*Appendix ii*) of those in attendance is included in this paper. Complete minutes of the meeting are available upon request.

## Defining the Scope of the Problem

The problem can be illustrated using some of the information available at both national and state levels:

### Characteristics of Suspended / Revoked (S/R) Drivers

- One study shows the majority of suspended drivers are African American males. It also shows that insurance related suspensions are at an estimated 73.4%, while alcohol-related suspensions are significantly lower.
- Surveys and data prove that urban males in the very low income bracket tend to have the highest rate of S/R group and are most likely to be repeat offenders.
- The majority of suspended drivers have no points on their license

### National

- A study by the NCHRP study says that as many as 21% of drivers are suspended & revoked (S/R).
- The study further showed that of 42,828 motor vehicle fatalities (FARS 2003) due to motor vehicle related accidents and an estimated 3,769 involve unlicensed, suspended and revoked drivers. Across the board, as many as 80% of S/R drivers continue to drive.
- 33 states report suspended licenses for non driving reasons
- 13 states track the number of license suspensions
- 37 states offer conditional and/or restricted licenses (Note: This figure represents the number of states responding affirmatively in the NJ survey. AAMVA data indicates that 41 states offer some form of conditional/restricted license.)
- There is a problem of people who are driving under some sort of restriction who move out of the state and are no longer tracked
- As many as 30% of the people currently being housed in county jails are there for traffic reasons – this causes a housing shortage for other major types of crimes
- Studies also show that license suspension can be used in discouraging negative social behaviors
- There were 60 bills introduced in state legislatures in 2004 dealing with the issue of the suspended and revoked driver (NCSL)

### State

- Louisiana; An estimated 28% of drivers who are active and suspended, and in 2002, 265,985 motor crashes
- New Jersey; There are currently 6.1 million drivers in of which 289,600 of which are suspended active drivers
- New Jersey; drivers are being suspended for various reasons, many non-driver-related, such as failure to pay insurance surcharge, failure to pay parking tickets, not appearing in court, and failure to comply with court ordered installment plan(s). These reasons compile 75-80% of all suspension orders in NJ, and 20% of suspended drivers are subsequently convicted of driving while suspended.
- Arizona; In 2004 alone, 52,000 people were suspended or revoked
- Washington; Vehicle impound laws don't work for those considered habitual offenders.
- Washington; 42% of those suspended and revoked are considered habitual offenders
- Colorado; 265,000 driver licenses are suspended or revoked annually and another 95,000 are cancelled each year
- New Mexico; There are 1.7 million drivers, of which 97,000 are designated suspended or revoked.

## **Considering the Scope of the Problem from an Organizational Perspective**

This section addresses opinions and observations made in the opening session of the *Working Group* meeting. These observations represent the feelings of the specific constituency and are, in most cases undocumented. This section is intended to offer different sides of the problem to those considering solutions.

### Law Enforcement

One of the most pressing problems is that of notification to the suspended/revoked driver. In many states, the DMV used to send a return/receipt – request costing \$2 to each person notifying them of S&R. This soon became fiscally prohibitive. Without the physical proof that a defendant charged with driving while suspended or revoked actually *knew* of his invalid driving status, the courts routinely dismiss these cases in many jurisdictions. Because of this, many law enforcement officers use their own discretion to issue warnings instead of arresting or ticketing the driver. This is especially true in cases where the driver is suspended for non-driving offenses, which, of course, is the basis for the majority of suspensions.

One estimate indicates that as many as 134,000 people have their driving privileges suspended as a result of failure to pay parking fines annually. This procedure eliminates discretion of local law enforcement, which then spends an inordinate amount of time on financial responsibility issues rather than highway safety issues.

In some states Individuals are allowed to obtain ‘provisional licenses’ following DUIs in order to go to work. It appears this same option is not available for other types of suspensions or revocations, most notably for compliance issues. Because this option is not available, the S/R driver is forced to drive illegally in order to work to pay the fine, make restitution, etc.

### Sheriff

Sheriffs also have a responsibility to keep the community safe. This often starts with highway safety. Some statistics show that up to seventy-eight percent (78%) of people arrested and incarcerated are not residents of the jurisdiction, or even local to the area, which creates additional jail overcrowding issues. Because of overcrowding, some jurisdictions are considering alternatives to incarceration. Sheriffs must take a more active role in balancing jail overcrowding issues with promoting highway safety.

### DMV

Many S/R drivers do not receive notification of the changed status of their driving privileges due to unreported relocation or other circumstances. Even though the driver is responsible for notifying the DMV of address changes, the Arizona DMV is in the process of taking a proactive approach by tracking address changes in cooperation with the U.S. Postal Service.

Suspensions need to be classified by degree of severity. Frequent, serious offenders should be handled differently than first time offenders suspended for minor, non-driving offenses i.e. a drunk driver should have a more severe punishment than the driver who can't pay insurance or parking fines.

Inconsistency between states in dealing with suspensions allows a driver who is suspended in one state to drive legally in another. Information needs to be shared among states in order to resolve that issue.

Notifying employers and insurance companies of a driver's S/R/ status are methods used to control these illegal drivers and raise compliance with the law. Some ways of dealing with S/R drivers are: use of an electronic traffic citation, improvement of the information network, communication with and among law enforcement agencies, and insurance tracking on all vehicles in the state.

Auto insurance related suspensions cannot be lumped in with the "other financial" group of reasons for suspending licenses for which some suggest an alternative other than suspension or revocation. All jurisdictions require a motorist to be able to meet their obligations to others in the event of a crash. It is a fundamental pre-requisite of being on the highways in the first place and people, through their legislators insist that it be so. Suggesting that when people can't meet the obligation, it is okay to sentence to an alternative is not something that should be supported.

If the conversation lends itself to say that whenever a person doesn't have insurance, but there is no uncovered damage to any other party, then something else, other than license suspension or withdrawal should be considered, may jurisdictions already address this by attaching the insurance issue primarily to the uninsured vehicle. It is the vehicle that can't be operated on the highways but the motorist is allowed to operate any insured vehicle for which they are qualified. In these jurisdictions it is only when the driver continues to operate a vehicle that is not insured that action is taken against the DL as a progression in the severity of penalties.

### Prosecutors

In North Carolina, all suspended or revoked driving offenses are considered misdemeanors, regardless of the reason the suspension occurred or the number of prior convictions for driving during a suspension or revocation. If the case is in front of a judge who does not view this issue as a priority, the driver is less likely to comply with the suspension/revocation.

There are three basic categories of suspension:

- Bad drivers
- Failure to Appear (FTA)
- Financial
- (NOTE: This is not a category of suspension, but a problem of improperly suspended drivers)

Repeat offenders often are drivers who fall within the first two categories: bad drivers and failure to appear. Education and information can help the people who do not or cannot meet their financial obligations as DMV and courts are usually unable or too busy to help these people get their licenses reinstated.

In many cases, the local prosecutor uses his/her discretion in determining whether or not and how a S/R driver is punished. Rather than further punish a person who is suspended for financial reasons, a prosecutor may request the court give that defendant time to rectify the problem. For this reason, education and training of traffic prosecutors are key elements in finding a solution for the problem of S/R drivers. The prosecutors, as well as the courts must be able to distinguish between a dangerous S/R driver and one who is substantially compliant with traffic safety laws but for the suspension. Communication between the courts, law enforcement agencies, and lawmakers could help separating the criminals from the financially strapped S/R drivers.

Educating prosecutors on how to deal with traffic cases and plea-bargaining will be effective in dealing with both classifications of S/R drivers. Prosecutors must back-up law enforcement, minimizing community risk and advocating deterrence. Penalties for more dangerous drivers, such as treating some S/R/ offenses as felonies along with vehicle forfeiture could be effective in resolving the S/R driving problem.

Enforceable financial compliance orders could be effective for habitual financial offenders. Key issues in making this an effective solution relate to the consistency of enforcement of the order and accepting no less than full compliance from the offender. In those situations where an S/R driver is so financially strapped that he/she cannot pay outstanding financial obligations in order to rectify the basis for the suspension, alternatives must be considered and prosecutors empowered to allow them. Some such alternatives may be public service work in lieu of the fines or judicially and/or administratively granted restricted driving permits to assist the individual in getting to work.

Highway safety continues to be the number one issue as S/R drivers are the main reason for fatalities on the highway. (Is this true? –possible research question).

Echoing the opinion of law enforcement, ‘proof of service’ is a key issue in a successful prosecution.

We need to consider stiffer penalties than administrative sanctions. We need to overcome the attitude of... “It’s just a driving offense”. (NOTE: what do you mean by “administrative sanction”? The driver has been charged with driving during a suspension

To assist the prosecution in one state, it would help to have a complete record of past convictions from all other states, not just the one where the court is located. This requires exchange of data across state and county lines, and among all agencies and courts involved.

### Legislative

“Traffic safety” issues are popular amongst state legislatures; however, many proposed statutes regarding the suspension of driving privileges have nothing to do with traffic safety. Accurate information needs to be presented to state legislatures to educate them of the problem created when they choose to suspend driver’s licenses for non-driving related reasons. Recently, one state legislature voted to authorize the suspension of driving privileges for nonpayment of taxes. The result of this will be to create yet another group of suspended drivers whose suspension has nothing to do with their driving habits. It will cause law enforcement to spend more time on non-traffic safety infractions, the sheriff’s department to find more space in jails, and the courts to struggle through even more cases coming through the system. This is just one example of how a state legislature can divert the purpose of suspensions and revocations away from traffic safety.

### Judges

Resolving the problem is going to mandate multiple solutions and it is important to match the most appropriate solution to the problem. Judges need to be aware of the scope and importance of the problem. An evaluation is necessary to determine what sentencing alternatives are available, and which work best for a variety of different offenders. Courts and judges need to be aware of sentencing alternatives. Are specialized courts more capable of handling some of the suspension cases? Research is critical to assist the courts in the decision making process.

Information on suspended drivers being in accidents needs to be compiled by the reason for the suspension. One alternative is to address the civil and financial reasons for suspension separately from bad driving suspensions. The courts then, knowing that a suspension or revocation is based on bad or dangerous driving habits, would be motivated to attack the problem more seriously on a consistent basis.



### Federal

Enforcement, adjudication, education and training are going to be the best way to successfully attack the problem of S/R drivers. The National Crash Causation Study will track crashes and the elements of those crashes. This study is investigating and documenting the reason for the crash, the record of drivers involved, and any correlation between a driver's record and cause of the crash.

Use of technology (biometrics) could be effective verifying a driver's identity and his/her record. The use of biometric technology is one under consideration and investigation to assist in attacking the problem of the S/R driver. OnStar® and interlock devices are other types of technology worth considering.

### Rural vs. Urban

In considering solutions, we also must consider the offender who lives 40 miles from his/her job and doesn't have access to public transportation. This is also a state court issue.

### Engineering

Is there really a positive correlation between an S/R driver being involved in a crash or is the answer more likely to be found in the engineering of a particular roadway itself? It is a question of whether the roads are unsafe, or whether the drivers are unsafe, independent of the roadway engineering. Also, it must be considered that even if S/R individuals are less than ideal drivers, that perhaps a different road outlay could eliminate or reduce the problem of the crashes on the road, regardless of bad driving habits.

## Reducing the Number of Drivers Who Drive While Suspended & Revoked – A Discussion

### Clarify the Definition of Suspended and Revoked Driving

In the past several years, those who have discussed this issue have blended the terms “suspended” and “revoked” so that they are regularly used interchangeably; additionally, the “unlicensed” driver is also included in the discussion.

For the sake of these and any future discussions, the *Working Group* agreed on these definitions:

Revoked – a person who has had his/her driving privileges withdrawn for an indeterminate period of time or even permanently. While it is understood that some states allow an appeal after a certain period of time, the term revoked presumes that the driver may never again have a legal right to drive.

- Permanent revocation of licenses
- Indefinite period of time
- Revocation records are kept on file
- Habitual offender
- Media attention tends to focus on revoked license as the more dangerous driver

Suspended – a person who has had his/her driving privileges withdrawn for a specific and fixed period of time, typically 30, 60, 90 or 120 days, after which the DMV Administration may require additional action (driving school, payment of fees, successful completion of a rehab program, probation hearings, etc) in order to reinstate driving privileges.

- Definite period of time
- Suspension appears to be more financially based
- Civil sanctions resulting from implied consent chemical testing
- Doesn't require re-issuance of license
- “Suspended” means you can get your license back after certain standards are met

Unlicensed – those who have never been formally tested as to their ability to drive, issued a drivers license or have met all the legal requirements associated with obtaining a license, including proof of insurance, medical exams, driving school, etc. This population is unknown because they have never entered the system.

In lieu of a clear and consistent definition, the *Working Group* created a new term – **Driving Privileges Withdrawn (DPW)**. This term combines the suspended and revoked group and excludes the unlicensed group. It is this group, **DPW**, which the *Working Group* focused its attention.

## Solving the Problem – The Challenge

- Protect citizens – highway safety
- Obtain compliance with the law.
- Get people back on the road legally.

## Researching the Issue

It is clear from the first *Working Group* meeting that no one has a true understanding of the width and breadth of the problem. Depending on what one reads, statistics indicate that anywhere between 9% to more than 30% of the people driving today are doing so while either suspended or revoked. The problem is compounded when one considers the issue of unlicensed drivers.

It has been accepted that there are major differences in why people have their driving privileges withdrawn, those who are bad drivers and have a bad driving record and those who have their privileges withdrawn for non-driving infractions. Bad drivers may not be technically and skill-wise “bad”. They may just tend to drive illegally a lot. That is, they consistently drive well above the speed limit, but don’t have a lot of crashes in their records. In this way they can be seen by some as similar to drivers who violate other laws (financial responsibility laws and who don’t have crashes) the difference is that there is a presumed connection between repeated violation of traffic laws and risk of crash. Is that true, or are most people involved in crashes, people who have not had one in some time (or ever) and are they people with or without traffic convictions?

A Research Protocol Perspective sub-Committee was established to pursue additional comprehensive research of the issues discussed by the *Working Group* meeting. The sub-committee will develop research protocol and investigate opportunities to solicit funding for further research.

The sub-committee consists of:

Elizabeth Earleywine, Esq.	Garrett Morford	Mike Acree	Robert Eger, PhD.
Gene Flango, PhD.	Hadi Shirazi, PE	Jon Carnigie, PhD.	Selden Fritschner
Janice Dluzynski			

## Developing a Working Hypothesis to Consider the Problem

“Drivers with their privileges withdrawn (DPW) are involved disproportionately in fatal/serious injury crashes.”

- This hypothesis and solution focuses strictly on DPW and not on unlicensed drivers
- Highway safety issues occur when drivers are being stopped while suspended or revoked. Should there be a focus on certain groups of drivers, i.e. - drivers who cause fatal/serious injuries and then focus on whether or not these drivers are inappropriately licensed? (NOTE: Inappropriately licensed or illegally driving during a suspension or revocation?)
- Why are charges being dismissed in court?
- Sentencing alternatives - what are effective sentencing strategies that lead to compliance?
- Accurate, updated driving records are necessary to determine how to handle cases of driving while DPW.
- People who successfully complete a program or requirements contingent to reinstatement need to have that information shared with the DMV
- Notification - A solution to drivers not receiving notice of withdrawn privileges is to notify the individual through first class mail. If the notification is not returned, it is considered legally received.
  - Improve method of notification
  - Proof of receipt (signed proof)
  - DMV needs to update records frequently
  - Driver needs to change address with DMV
  - Language in statutes pertaining to notification should be changed to make DWP a strict liability offense. In other words, the defendant’s “knowledge” of his suspension is irrelevant.
  - Lack of successful prosecution due to notification problems in states that require proof of notification.

## Research Questions

- Research the complete extent of the problem.
- What percent of the serious/fatal crashes are caused by DPW for bad driving records, not civil imposition of penalties? If we find that a small percent of those involved in fatal/serious injury crashes are DPW, do we still have a problem?
- Do people who are S/R and drive anyway then move in to a more deadly category because they run when they see blue lights and then cause a crash where innocent bystanders are injured or killed?
- Is jail the answer for people driving while suspended and revoked for financial reasons rather than bad driving habits?

## Possible solutions

- Establish allies in partner organizations i.e. MADD
- Establish initiatives within NHTSA similar to Click-it or Ticket
- Identify alternative sentencing for non-dangerous suspended/revoked drivers
- Explore the feasibility of establishing specialty courts
- Improve education to courts/prosecution/legislatures
- Delineate between DPW due to social behavior and threat to highway safety
- Consider options in prosecution and sentencing for the differences in rural vs. urban areas
- Research statistics that show the effectiveness of different sentencing options
- Vehicle impoundment
- Unique identifier on the license plates
- Investigate the differences in how different states handle DPW
- Study the variables that highlight fiscal impact for DPW both from a personal and societal point-of-view
- Identify effective tactics and solutions geared toward preventing S/R drivers from continuing to drive.
- Put in place an identifying tool to focus on invalid drivers
- As the research criteria are developed, they will be presented to the various insurance industries.
- Accurately map out the process as a guide to where to focus a study
- Develop intervention methods to prevent the driver's license from being suspended or revoked for financial reasons.
- Improve public awareness of the problem.
- Educate state legislatures in order to allow them to make informed decisions to enact appropriate and effective laws.
- Research the various reasons why DPW prosecutions involving bad driving history are dismissed from the bench. Is it lack of notification, for example?
- Create a system that provides one driver/one record/one history (DriVERS – CDLIS 2)
- Improve and expand accurate timely transfer of information between courts, DMV and law enforcement.
- Time spent by courts and law enforcement-is it cost effective? Is there a way to prove that there is too much money and time being spent on drivers who do not pose a highway safety threat?

## Next steps

- Assemble notes from the *Working Group* meeting (*completed*)
- Disseminate notes for review and comment (*completed*)
- IACP - S&P Meeting briefing – Mark (*completed*)
- Create “White Paper” / *Working Group* report (*completed*)
- IACP - Highway Safety Agenda Screening – Jessie / Doug (*completed*)
- NSA Traffic Safety Committee – Mike (*completed*)
- AAMVA Board of Directors – Mark (*April*)
- NDAA-APRI Newsletter – Elizabeth (*April*)
- Police Chiefs Magazine – Rick / Selden (*May*)
- Sheriffs Magazine – Mike / Selden (*May*)
- Research Design sub-group meeting (*scheduled*)

## Time line

- Draft summary review - March 1 (*completed*)
- White paper finalized - April 15 (*completed*)
- Board meeting presentation – April 29
- Research sub-Committee meets (*July*)

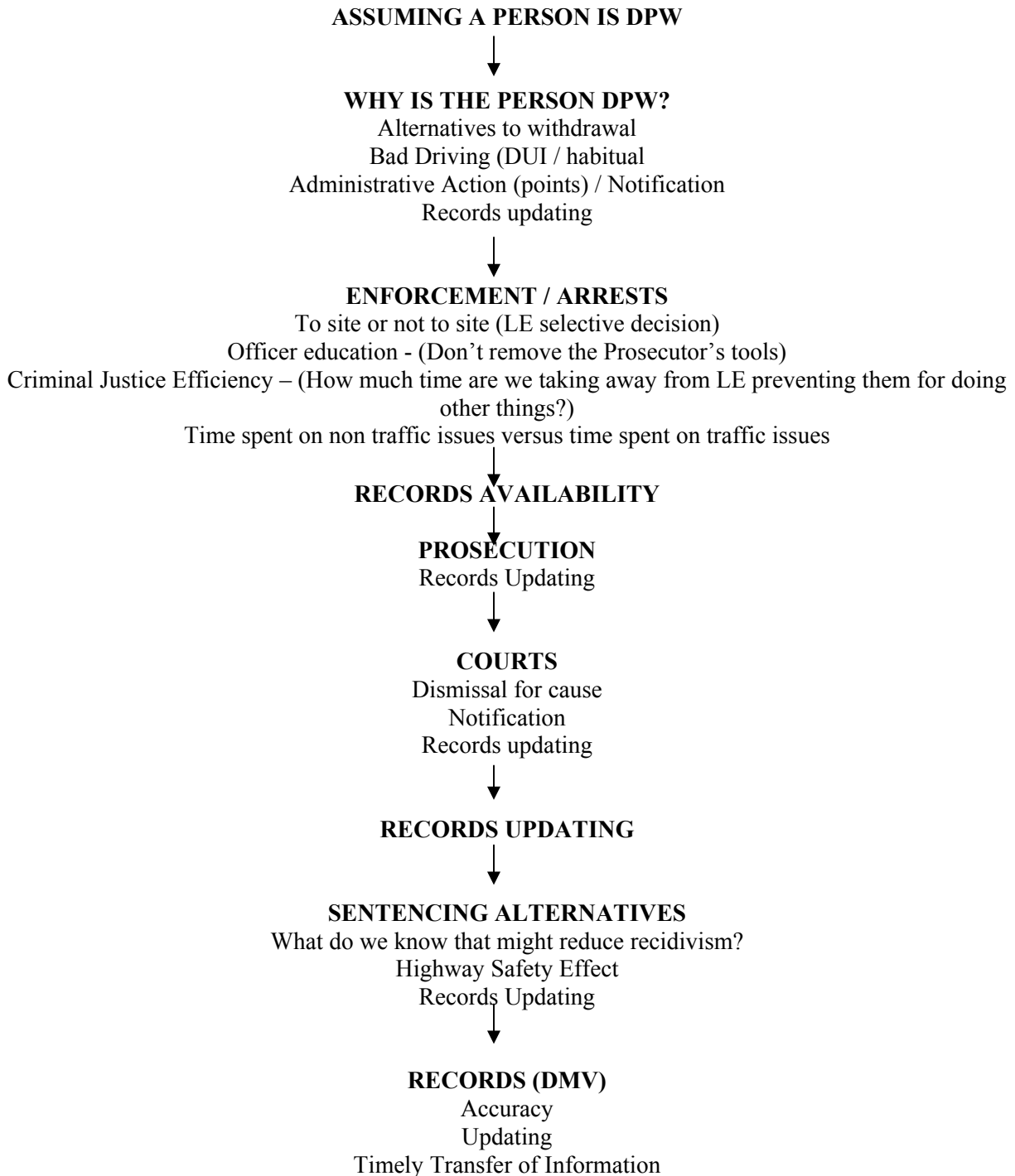
# APPENDICIES

## *Appendix i*

# **Mapping the Problem**

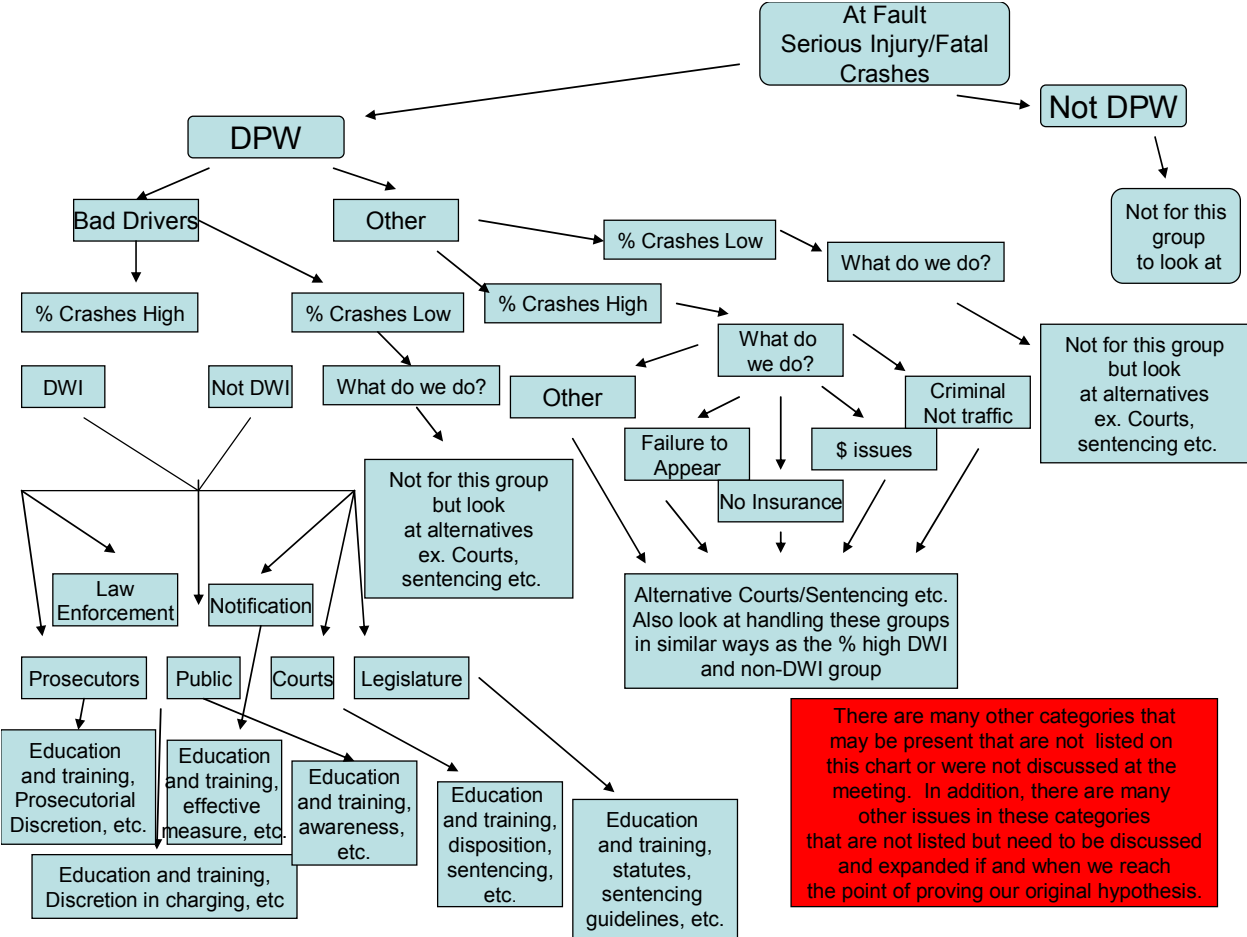
*Appendix i*

**Mapping the Problem**



- What are the Choke Points Throughout This Process?**
- Notification – sentencing
  - Training – LE – whether to issue a citation or not
  - Show there is a waste of time in some areas

# A Graphic Model of the Mapping Questions



There are many other categories that may be present that are not listed on this chart or were not discussed at the meeting. In addition, there are many other issues in these categories that are not listed but need to be discussed and expanded if and when we reach the point of proving our original hypothesis.



*Appendix ii*

**Suspended & Revoked Drivers**

*Working Group*

## *Appendix ii*

### **Suspended & Revoked Drivers - Working Group**

#### **AAMVA LE Committee**

Mr. Rick Maag, Inspector General  
Taxation & Revenue Department  
P.O. Box 5188  
Santa Fe, NM 87504 USA  
T: 505-827-0570 / F: 505-827-6883  
Email: [richardm@state.nm.us](mailto:richardm@state.nm.us)

Tom Clinkenbeard  
Arizona Motor Vehicle Division  
PO Box 2100,  
Mail Drop-514M  
Phoenix, AZ 85001  
T: (602) 712-8180 / F: (602) 212-1330  
E-mail: [tclinkenbeard@dot.state.az.us](mailto:tclinkenbeard@dot.state.az.us)

Col. Mark Trostel, Chief  
Colorado State Patrol  
700 Kipling Street  
Suite 3000  
Denver, CO 80215 USA  
T: 303-239-4494 | F: 303-239-4481  
Email: [mark.trostel@cdps.state.co.us](mailto:mark.trostel@cdps.state.co.us)

Selden Fritschner  
Sr. Director, Law Enforcement  
AAMVA  
4301 Wilson Blvd.  
Suite #400  
Arlington, VA 22203  
T: 703.908.5855 / F: 703.908.2868  
E-mail: [sfritschner@aamva.org](mailto:sfritschner@aamva.org)

#### **AAMVA DMV Representatives**

Susan Woods  
General Profession IV  
Motor Vehicle Business Group  
136 State Capitol Bldg.  
Denver, CO 80203-1792  
E-mail: [swoods@spike.dor.state.co.us](mailto:swoods@spike.dor.state.co.us)

Lorraine Brown  
Deputy Assistant, Division Director  
Arizona Department of Transportation  
Motor Vehicle Division  
1801 W. Jefferson St.  
Phoenix, AZ 85007  
T: (602) 712-8159 / F: (602) 712-3081  
E-mail: [lbrown@dot.state.az.us](mailto:lbrown@dot.state.az.us)

Denise Movius  
Assistant Director  
Washington Department of Licensing  
1125 Washington Street, SE  
Olympia, WA 98507-9030  
T: (360) 902-3850 / F: (360) 586-8351  
E-mail: [dmovius@dol.wa.gov](mailto:dmovius@dol.wa.gov)

Ernie Kitchen, Director  
Consumer Protection & Auto Business  
Regulation  
Department of Motor Vehicles  
6 Empire State Plaza  
Albany, NY 12228  
T: (518) 473-3347 / F: (518) 473-7037  
E-mail: [EKitc@dmv.state.ny.us](mailto:EKitc@dmv.state.ny.us)

#### **National Sheriffs Association**

Michael L. Acree, Sheriff  
Douglas County Sheriffs Department  
Justice Center  
4000 Justice Way  
Castle Rock, CO 80109  
T: (303) 660-7505  
E-mail: [macree@dcsheriff.net](mailto:macree@dcsheriff.net)

Craig Webre, Sheriff  
Lafourche Parish  
PO Box 5608  
Thibodaux, LA 70302  
T: 985.449.2255 / F: 985.447.1854  
E-mail: [craig-webre@lpso.net](mailto:craig-webre@lpso.net)

**IACP**

Douglas Scherzer, Chief  
Morris Plains Police Department  
P.O. Box 383  
Morris Plains, NJ 07950  
(973) 538-2284  
E-mail: [dscherzer@morrisplainsboro.org](mailto:dscherzer@morrisplainsboro.org)

Capt. J. F. Bowman, Commander  
Traffic Division  
Fairfax County Police  
3911 Woodburn Road  
Annandale, VA 22003  
T: 703.280.0551 / 703.280.0624  
E-mail: [jf.bowman@fairfaxcounty.gov](mailto:jf.bowman@fairfaxcounty.gov)

**National Traffic Law Center**

Kimberly N. Overton  
National Association of Prosecutor  
Coordinators  
Conference of District Attorneys  
P.O. Box 25546  
Raleigh, NC 27611-5546  
T: 919-733-3484 / F: 919-715-0138  
E-mail: [Kimberly.n.overton@nccourts.org](mailto:Kimberly.n.overton@nccourts.org)

Elizabeth Earleywine  
APRI Senior Attorney  
99 Canal Center Plaza  
Suite 510  
Alexandria, VA 22314  
T: 703-519-1645 / F: 703.836.3195  
E-mail: [Elizabeth.earleywine@ndaa-apri.org](mailto:Elizabeth.earleywine@ndaa-apri.org)

**NHTSA**

Garrett Morford – Division Chief  
Traffic Law Enforcement Division  
NHTSA  
400 7<sup>th</sup> Street, SW – NTS-13  
Washington, DC 20590  
T: 202 366-4295 / F: 202.366.7721  
E-mail: [garrett.morford@nhtsa.dot](mailto:garrett.morford@nhtsa.dot)

**National Center for State Courts**

Victor Eugene Flango, PhD  
VP-Research Division  
National Center for State Courts  
300 Newport Ave.  
Williamsburg, VA 23185  
T: (757) 259-1823 / F: (757) 564-2081  
E-mail: [gflango@ncsc.dni.us](mailto:gflango@ncsc.dni.us)

Lynda Howell, Judge  
Phoenix Municipal Court  
300 West Washington Ave.  
Phoenix, AZ 85003  
T: 602.495.5741 / F: 602.495.7364  
E-mail: [Lynda.howell@phoenix.gov](mailto:Lynda.howell@phoenix.gov)

Steve Leifman, Judge  
Associate Administrative Judge  
11th Judicial Circuit of Florida  
1351 N.W. 12th St. - Rm. 617  
Miami, FL 33125  
T: (305) 548-5394 /  
E-mail: [sleifman@jud11.flcourts.org](mailto:sleifman@jud11.flcourts.org)

**Education / Research Participant**

Jon A. Carnegie, AICP/PP, Asst. Director  
Alan M. Voorhees Transportation Center  
Edward J. Bloustein School of Planning &  
Public Policy  
Rutgers University  
33 Livingston Ave. - Fifth Floor  
New Brunswick, NJ 08901  
T: 732.932.6812 x606 / F: 732.932.3714  
E-mail: [Carnegie@rci.rutgers.edu](mailto:Carnegie@rci.rutgers.edu)

**Governors Highway Safety Association**

Michael Sandoval, Acting Chief  
NM Highway Safety Bureau  
P.O. Box 1149  
604 W. San Mateo  
Santa Fe, NM 87504-1149  
T: 505-827-1584 / F:  
E-mail:  
[michael.sandoval@nmshtd.state.nm.us](mailto:michael.sandoval@nmshtd.state.nm.us)

**AASHTO / Federal Highways**

Keith W. Sinclair  
Highway Safety Programs Manager  
FHWA Liaison to AASHTO  
444 N. Capitol Street, NW, Suite 249  
Washington, DC 20001  
T: 202-624-3648 / F: 202-624-5469  
E-mail: [KSinclair@aaashto.org](mailto:KSinclair@aaashto.org)

**Transportation Research Board**

Robert J. Eger, III  
Assistant Professor  
Department of Public Administration  
Georgia State University  
PO Box 3992  
Atlanta, GA 30302-3992  
T: 404.654.5811 / F: 404.651.1378  
E-mail: [reger@gsu.edu](mailto:reger@gsu.edu)

Capt. Glen Hansen  
Howard County Police Department  
Northern District  
3410 Courthouse Drive  
Ellicott City, Maryland 21043  
T: 410.313.3203 / F: 410.313.3295  
E-mail: [ghansen@co.ho.md.us](mailto:ghansen@co.ho.md.us)

**National Cooperative Highway Research Program**

Steve Eagan  
Safety Project Planning Engineer  
New Mexico Department of Transportation  
Programs Division, Planning Bureau,  
PO Box 1149  
Santa Fe, NM 87504-1149  
T: (505) 827-3248 / F: (505) 989.4983  
E-mail: [Steve.Eagan@nmshtd.state.nm.us](mailto:Steve.Eagan@nmshtd.state.nm.us)

Franklin Garcia  
New Mexico Department of Transportation  
Traffic Safety Bureau  
PO Box 1149  
Santa Fe, NM 87504-1149  
T: (505) 827-3200  
E-mail: [Franklin.Garcia@nmshtd.state.nm.us](mailto:Franklin.Garcia@nmshtd.state.nm.us)

Hadi H. Shirazi, P.E.,  
Traffic Safety Engineer  
Louisiana Department of Transportation and  
Development  
1201 Capitol Access Road  
PO Box 94245  
Baton Rouge, LA 70802  
T: (225)379-1929  
E-mail: [HadiShirazi@dotd.louisiana.gov](mailto:HadiShirazi@dotd.louisiana.gov)

**National Council of State Legislators**

Melissa Savage  
Senior Policy Specialist  
National Conference of State Legislatures  
7700 East First Place  
Denver, CO 80230-0000  
T: 303-364-7700 (1527) / F: (303) 364-7800  
E-mail: [Melissa.Savage@ncsl.org](mailto:Melissa.Savage@ncsl.org)

**New Mexico Insurance Fraud Bureau**

Alan Rackstraw  
New Mexico Insurance Fraud Bureau  
P. O. Box 1269  
Santa Fe, NM 87504-1269  
T: (505) 476-0560 / F: (505) 476-0479  
E-mail: [alan.rackstraw@state.nm.us](mailto:alan.rackstraw@state.nm.us)

**AAMVA Staff**

Harold Kocken  
Program Director, ID Security Services  
FR&I Liaison  
AAMVA  
4301 Wilson Blvd., Suite 400  
Arlington, VA 22203  
T: 703.908.5774  
E-mail: [hkocken@aamva.org](mailto:hkocken@aamva.org)

**Working Group Observers**

Karen Sanders  
Louisiana Highway Safety Commission  
7919 Independence Blvd.  
Baton Rouge, Louisiana 70806  
T: 225-925-6991  
E-mail: [KSanders@dps.state.la.us](mailto:KSanders@dps.state.la.us)

Phyllis Bowman  
New Mexico Insurance Fraud Bureau  
P. O. Box 1269  
Santa Fe, NM 87504-1269  
T: (505) 476-0560 / F: (505) 476-0479  
E-mail: [Phyllis.bowman@state.nm.us](mailto:Phyllis.bowman@state.nm.us)

Bonnie Bass  
FMCSA  
State Programs Division  
400 7th Street, SW  
Room 8306  
Washington, DC 20590  
T: (202) 366-9579 / F:  
E-mail: [bonnie.bass@fmcsa.dot.gov](mailto:bonnie.bass@fmcsa.dot.gov)

Juan Cardona  
Program Director, Traffic Safety  
National Sheriffs Association  
1450 Duke Street  
Alexandria, VA 22134-3490  
(703) 838-5343  
E-mail: [jcardona@sheriffs.org](mailto:jcardona@sheriffs.org)

Tom Henderson, PhD  
Executive Director, Associations  
National Center for State Courts  
2425 Wilson Boulevard  
Arlington, Virginia 22201  
T: (703) 841-5600  
E-mail: [thenderson@ncsc.dni.us](mailto:thenderson@ncsc.dni.us)

Barbara Harsha, Executive Director  
Governors Highway Safety Association  
750 First St. NE  
Suite 720  
Washington DC 20002  
T: 202.789.0942  
E-mail: [bharsha@ghsa.org](mailto:bharsha@ghsa.org)

John Balsler  
FHWA  
Office of Safety Programs  
HSA-20, Room 3407  
400 Seventh Street, SW  
Washington, DC 20590  
T: 202.366.1795  
E-mail: [john.balsler@fhwa.dot.gov](mailto:john.balsler@fhwa.dot.gov)

Earl M. Sweeney  
Asst. Commissioner of Safety  
NH Department of Public Safety  
17 Fan Road  
Concord, NH 03301-5098  
T: (603) 271-2559 / F: 603.271.1785  
E-mail: [esweeney@safety.state.nh.us](mailto:esweeney@safety.state.nh.us)

John Brophy  
Special Crash Investigations  
NHTSA – NPO-122  
400 7<sup>th</sup> Street SW  
Washington, DC 20590  
T: 202.366.0328 / F: 202.366.5374  
E-mail: [John.Brophy@nhtsa.dot.gov](mailto:John.Brophy@nhtsa.dot.gov)

Dwight Radcliff, Sheriff  
Pickaway County  
P.O. Box 710  
600 Island Road  
Circleville, Ohio 43113  
T: 740.477.6000 / F: 740.474.1798  
E-mail: [dradcliff@pickawaysheriff.com](mailto:dradcliff@pickawaysheriff.com)

# **ATTACHMENTS**

*Attachment 1*

*Unlicensed Drivers in the  
United States*

A Study by the AAA Foundation

## *Attachment 1*



### **Unlicensed Drivers in the United States**

#### **Did you know?**

- Drivers who operate a motor vehicle without a driver's license are believed to be the most dangerous drivers on the road.
- About 20% of fatal crashes involve at least one unlicensed driver.
- According to one AAA study, nearly one death an hour from 1993–1999 can be attributed to unlicensed drivers.
- One study found that 30 to 70 percent of drivers whose licenses have been suspended or revoked continue to drive.
- Some unlicensed drivers are actually more careful because getting stopped may have severe consequences.
- Many unlicensed drivers are also uninsured.
- In contrast to insured drivers, if you are in a collision with an uninsured driver, even if it's their fault, you may not be reimbursed for damages.

#### **Major findings from AAA Foundation Reports: The Problem**

- One in five fatal crashes involved at least one driver who did not have a license.
- The proportion of invalidly licensed drivers varied widely by state, from 6% in Maine to 23% in New Mexico. Other high-risk jurisdictions included the District of Columbia, Arizona, California, and Hawaii.
- Not only were their licenses invalid, 28 percent of them had received three or more license suspensions or revocations in the three years before their crashes.
- Drunk driving is associated with unlicensed driving.



## Best Practices (Solutions)

### Laws

- Implement and enforce administrative license revocation and suspension laws - *This is effective because justice is swift and certain.*
- Vehicle immobilization or impoundment for drivers who have had their licenses taken away has been shown to be effective in multiple states – *To impound any vehicle used by a DWS, DWR, or DWU drivers, regardless of ownership.*
- An electronic "smart-card" driver's license - *This credit card-like device contains a computer chip, without which a car can't be started. If the license were taken away by the licensing agency, the violator would be prevented from driving.*
- Establish a separate law enabling license status checkpoints – *This law may be beneficial in states where DUI checkpoints have been ruled invalid.*
- Block registration of vehicles by drivers lacking a valid license – *The state can be sure that drivers whose licenses have been suspended or revoked cannot avoid punishments of plate removal or vehicle impoundment by obtaining another vehicle.*
- Establish mandatory jail time for drivers who continue to drive without a license – *A last resort for people where all other sanctions have been ineffective. To achieve this goal, the level of repeat DWI, DWR, and DWU offense must be raised to a criminal offense and then educate judges as to the dangers to the community posed by these offenders.*

### Enforcement

- *Implement plate removal at the scene* – This variation of vehicle impoundment is most effective when the law enforcement officer removes the plates at time of arrest.
- *Implement special plates or stickers as an automatic probable cause for a traffic stop* – This variation of vehicle impoundment gives the officer justification to stop the vehicle because it is displaying special plates.

### Encouraging compliance with laws

- *Establish driver assistance programs and informational campaigns* – There is strong evidence that confusion over the proper procedures is one of the chief reasons for drivers' failure to reinstate their license, even though they meet all the requirements to do so. At a minimum, giving drivers who are suspended a simple, easy-to-follow set of instructions on how to get their license back (or to receive a hardship license) is worthwhile. Going further, providing personalized assistance over the telephone or in person is a better way to help ensure that drivers get back into the system as soon as they are eligible.
- *Reduce the possibility and use of plea bargaining through additional information and education* - Education of prosecutors and judges is probably the most effective way to reduce the possibility that DWS and DWR charges will be reduced or dismissed. This is a procedural solution that the DMV and the administrative office of the courts should work on together to ensure that the message gets out in the most effective manner possible.

# *Attachment 2*

## *Unlicensed to Kill (2000)*

### AAA Foundation Research Summary

# UNLICENSED TO KILL



Prepared by:  
Lindsay I. Griffin, III  
Sandra DeLaZerda  
Safety and Structural Systems Division  
Texas Transportation Institute  
The Texas A&M University System  
College Station, Texas

Prepared for  
**AAA Foundation for Traffic Safety**  
1440 New York Avenue, N.W., Suite 201  
Washington, D.C. 20005  
202/638-5944  
[www.aafts.org](http://www.aafts.org)

June 2000

# Foreword

This study was funded by the AAA Foundation for Traffic Safety. Founded in 1947, the AAA Foundation is a not-for-profit, publicly supported charitable research and educational organization dedicated to saving lives and reducing injuries by preventing traffic crashes.

This peer-reviewed report documents the alarming numbers of fatal traffic crashes involving unlicensed drivers. It should be of interest to state legislators, licensing agencies, law enforcement officials, and traffic safety organizations. It is also available online at [www.aaafoundation.org](http://www.aaafoundation.org).

Funding for this study was provided by voluntary contributions from the American Automobile Association, the Canadian Automobile Association, and their affiliated motor clubs; from individual AAA members; and from AAA-club-affiliated insurance companies.

This publication is being distributed by the AAA Foundation for Traffic Safety at no charge, as a public service. It may not be resold or used for commercial purposes without the explicit permission of the Foundation. It may, however, be copied in whole or in part and distributed for free via any medium, provided the AAA Foundation is given appropriate credit as the source of the material. The opinions, findings, and conclusions expressed in this publication are those of the authors and are not necessarily those of the Foundation or of any individual who peer-reviewed the report. The AAA Foundation for Traffic Safety assumes no liability for the use or misuse of any information, opinions, findings, or conclusions contained in this report.

© 2000, AAA Foundation for Traffic Safety

EE Committee Working Group on Suspended & Revoked Drivers

This draft document is intended for dissemination within the AAMVA member jurisdiction community only.

Any additional or unauthorized use is prohibited.

© Pending - AAMVA 2005

# Abstract

Five years of fatal traffic crash data (FARS 1993-1997) were analyzed to learn more about the license status of drivers involved in fatal crashes. This data set included 278,078 drivers who were involved in 183,749 fatal crashes. Of particular interest were drivers in three aberrant categories:

- (1) drivers with an invalid license (i.e., a suspended, revoked, expired, or canceled/denied license)—20,596 (7.4%);
- (2) drivers with no known license —10,228 (3.7%); and
- (3) drivers of unknown license status—7,632 (2.7%)

It was found that 20 percent of all fatal crashes—one fatal crash in five— involves at least one improperly licensed driver as defined above. Further analyses sought to show the involvement of these aberrant drivers in fatal crashes as a function of several variables: age, sex, vehicle type, previous DWI's, previous suspensions and revocations, and so forth.

A brief review of the literature considered three vehicle sanctions or modifications that have been developed to reduce unlawful driving: vehicle impoundment, electronic driver licenses, and ignition interlocks.

# Introduction

The title of this report comes from “Unlicensed to Kill,” a small article that appeared in the June 13, 1994 issue of *Time*. In that article, the following statistics were cited:

- ... 6,484 people in New York City have had their license suspended for the 20<sup>th</sup> time or more.
- In Southern California, which leads the U.S. in hit-and-run cases, police believe many of the people who flee the scene do so because they are driving without a license.
- More than 36,000 Texas drivers involved in accidents last year (1993) had no license.

Findings from the current study indicate that:

- Of the 278,078 drivers involved in fatal crashes in the United States between 1993 and 1997, 3.7 percent were unlicensed, 7.4 percent were driving on an invalid (e.g., suspended, revoked, etc.) license, and 2.7 percent were of unknown license status.
- 20 percent of all fatal crashes in the United States—one fatal crash in five—involves at least one driver who is unlicensed, driving on an invalid license, or of unknown license status.
- Between 1993 and 1997 some 42,049 people were killed in crashes involving at least one driver who was unlicensed, driving on an invalid license, or of unknown license status.

It is clear from these summary statistics that a large number of drivers in the United States are operating their vehicles without the benefit of a valid operator’s license. Some have no license to drive while others are driving in defiance of state-imposed sanctions. Still others, often hit-and-run drivers, are of unknown license status.

In the paragraphs that follow, data collected on all fatal crashes recorded in the United States between 1993 and 1997 will be analyzed to define and describe those individuals who are involved in fatal traffic crashes but who do not have a valid operator’s license. Subsequent to the presentation of these analyses, three vehicle sanctions or modifications that have been proposed to address the problem of “unlicensed drivers” (including drivers operating with suspended and revoked licenses) will be considered in light of the data presented.

# Fatal Traffic Crashes in the United States

(FARS 1993-1997)

Between 1993 and 1997, some 279,537 vehicles were involved in fatal crashes in the United States. For 22 of these vehicles, driver presence was unknown. Another 1,437 vehicles were “driverless,” defined as not having a person in the driver’s seat who was operating the vehicle. (“Driverless” cars would include, for example, a parked car with someone sitting in the front seat.) For the remaining 278,078 vehicles, information was available about driver. The driver license status of these 278,078 drivers is reported in Table 1.<sup>1</sup> If a driver with a suspended or revoked license is in compliance with the restrictions on that license (e.g., “travel to and from work permitted”) at the time of his or her fatal crash, that driver is coded as having a valid license. [1993 FARS Coding and Validation Manual, page 300] Of the 238,547 valid license holders in Table 1, 40 were operating under, and in compliance with, a suspended or revoked license at the time of their fatal crash.

Vehicles	Number		License Status	Number	Percent
Driver Operated	276,577	278,078	Not Licensed	10,228	3.7
			Suspended	13,094	4.7
			Revoked	3,719	1.3
			Expired	3,348	1.2
			Canceled/Denied	435	0.2
Driver Left Vehicle at Scene	1,501		Valid	238,547	85.8
			Learner’s Permit	951	0.3
			Temporary	124	0.0
			Unknown	7,632	2.7
Driverless	1,437		1,459		
Unknown	22				
Total	279,537	279,537	Total	278,078	100.0

<sup>1</sup>All fatal crash statistics cited in this report were produced from the National Highway Traffic Safety Administration’s Fatality Analysis Reporting System (FARS) for calendar years 1993-1997. License status (L\_STATUS) refers to non-commercial driver license status. “This element (L\_STATUS) is used to establish the driver’s license status for all license classes except the commercial driver’s license (CDL). It also captures the status of the non-CDL driving privilege for drivers with CDLs.” [1993 FARS Coding and Validation Manual, page 299]

# *Attachment 3*

## *Unlicensed to Kill – The Sequel* (2003)

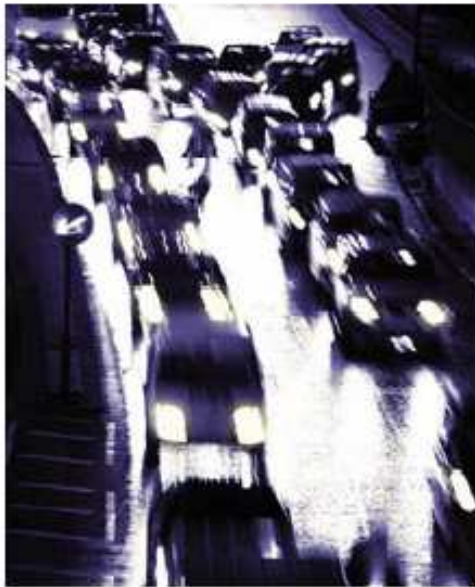
### AAA Foundation Research Summary



*Attachment 3*

# UNLICENSED TO KILL

**The  
Sequel**



---

*Prepared by*

Robert A. Scopatz  
Clayton E. Hatch  
Barbara Hilger DeLucia  
Kelley A. Toys

*Data Nexus, Inc.*

*Prepared for*

**AAA Foundation for Traffic Safety**  
1440 New York Avenue, NW, Suite 201  
Washington, DC 20005  
Tel: 202-638-5944  
Fax: 202-638-5943  
[www.aaafoundation.org](http://www.aaafoundation.org)

*January, 2003*

# EXECUTIVE SUMMARY

In 2000, the AAA Foundation for Traffic Safety published the report *Unlicensed to Kill*, which was based on a study that examined the license status of drivers involved in fatal crashes during the period 1993-97. The results showed that 20% of all fatal crashes in the United States involved at least one driver who did not have a valid license at the time of the crash.

This report gives the results of a new study of state practices regarding drivers involved in fatal crashes that also has updated and extended the findings of the original *Unlicensed to Kill* report. The new study's reanalysis of the data in the first report (using data on fatal crashes from 1993 to 1999) confirmed its results: Approximately 20% of fatal crashes involve at least one driver who did not have a valid license at the time of the crash. These data also show a wide variation across states in the proportion of drivers involved in fatal crashes who lacked a valid license—from a low of 6.1% in Maine to a high of 23.1% in New Mexico.

Furthermore, trend analyses show that the proportion of drivers involved in fatal crashes who lack a valid license showed small but steady declines during the 7-year study period. The proportion of suspended drivers (those whose licenses were suspended at the time of the crash) involved in fatal crashes increased slightly, from 4.5% in 1993 to 5% in 1999. But the proportion of drivers who were unlicensed; whose licenses had been revoked, expired, or canceled; or who had an unknown license status all declined by a small amount during the 7 years.

## The Issues

The original *Unlicensed to Kill* report raised serious issues about states' ability to control the unlicensed driving situation. First, to find out if unlicensed drivers are over-represented in the fatal crash statistics, it would be good to have a reliable estimate of the population of drivers who are unlicensed or driving under an invalid license. Second, to help states better understand and address the problem of drivers who operate a motor vehicle without a valid license, it is important to explain the reasons why states differ so much in their overall experience on this issue, and why they differ in particular types of license status violations among drivers involved in fatal crashes. The questions to be answered include:

- Why are some states' proportion of drivers involved in fatal crashes who have an aberrant license status so much lower than the national average?
- Why do even states with very good records appear to have problems with particular classes of license violations?
- For offenders driving under the influence of alcohol, how do the state's laws affect a motorist's willingness to drive without a valid license?

- What effect is there, if any, of recent laws suspending the licenses of people who fail to pay child support or commit other offenses not related to driving?
- How do state procedures for notification of changes in license status affect the way courts and drivers behave?
- How do the enforcement of penalties for serious traffic violations and the prosecution of repeat offenders affect the state's proportion of drivers without a valid license?
- Are there other factors to consider, such as residency or citizenship status and insurance costs?

This report seeks to answer each of these questions by presenting the results of research in the context of the available literature, data, and expertise of practitioners at the state and national levels. Chapter 1 introduces the issues and reviews the literature. Chapter 2 presents the methods followed in conducting the research. Chapter 3 presents information on the laws, driver-control practices, and procedures of six states that seek to reduce a person's ability to drive without a valid license. Chapter 4 presents recommendations gleaned from successful state practices that could be emulated by other states and promoted by AAA clubs.

To introduce the research problem, chapter 1 defines terms, reviews the literature, highlights findings of various researchers, and explains limitations on data and methods. For instance, by setting the involvement rate of validly licensed drivers as the norm, one group of researchers calculated that drivers whose license has been suspended or revoked are 3.7 times more likely to be involved in a fatal crash than are validly licensed drivers and that unlicensed drivers are 4.9 times more likely to be involved in a fatal crash. Their methodology has limitations, however, most notably the need to establish the identity of the driver at fault in a fatal crash. Another problem is that it is hard to arrive at reliable findings for unlicensed drivers simply because so little is known about them.

Another aspect of the problem examined is the "paradox of reinstatement": Drivers who have lost their license and have not had it reinstated may behave in a safer fashion than those who have had it reinstated or those who are granted a hardship license. Still another aspect is the evidence that suspensions and other sanctions can help bring drivers back into compliance. For instance, researchers found that Florida drivers who were convicted of operating their vehicles while under the influence of alcohol and fail to "resolve" their behavioral issues before license reinstatement had 75% higher violation rates and 97% higher crash rates than drivers who were reinstated after resolving their behavioral issues.

Overall, studies thus far of drivers whose licenses have been suspended or revoked or who are unlicensed have been linked to recidivism of drivers suspended for driving under the influence of alcohol. More recent work has begun to look more closely at drivers who were suspended for other reasons, but data on these drivers are lacking.

It is clear that well-crafted, aggressively enforced laws can have an effect on the behavior of drivers suspended for driving under the influence of alcohol. It also seems probable that suspension of driving privileges is generally interpreted (by the drivers) to mean something short of a total ban. The majority of them still drive at least some of the time.

It is important to note that there are sizable gaps in the data available on drivers' behavior in general and that these gaps cause a corresponding lack of completeness in the literature on traffic safety. Moreover, though it makes good logical sense that license sanctions do work, the lack of complete data makes it impossible to be certain just how much of a deterrent is possible with license sanctioning programs. Because people continue to drive while their license is suspended or revoked (and while they are completely unlicensed), the general deterrent effect of license sanctions is not as strong as it could be. This report therefore seeks to answer the question of how best to develop programs to keep these drivers from behind the wheel—because if they do not drive, they do not contribute to traffic safety problems.

## Research Methods

In developing a list of sample states for the research, an attempt was made to identify states that have enacted and studied the effects of laws such as administrative license suspension and vehicle actions such as impoundment. In particular, those states that were lower than the national average in the proportion of crashes involving drivers with any type of aberrant license status were considered candidates. The selection process was biased toward states with a large population so that any changes in the measures reported in the earlier *Unlicensed to Kill* report and updated in this report could be viewed as real and not as an artifact of relatively small shifts in the population. There was no attempt to select states perceived as representative. Instead, a deliberate decision was made to focus on the states that appeared to have had some success at reducing the fatal crash involvement of drivers with an aberrant license status.

Once candidate states were identified, officials of each state were informed of the level of effort required to participate and were asked to provide written documentation of their problem of drivers operating vehicles with suspended or revoked licenses or while unlicensed and of their laws and procedures for dealing with problem drivers. Each state also identified key personnel that could be interviewed as the project progressed. Six states ultimately agreed to participate: California, Florida, Iowa, Michigan, Minnesota, and Oregon.

The laws of the six participating states were thoroughly reviewed. Then members of the project research team visited the states to gain a thorough understanding of the state's laws and practices regarding licensure, loss of license, reinstatement, and penalties for violating the licensure provisions of the law. Standard practices in the enforcement and adjudication arenas were also explored through interviews with key personnel in each state's driver-control and -licensing branch of the department of motor vehicles.

coded properly, and thus drivers may legitimately claim that they did not know that their license had been canceled.

In Oregon, local lists of scofflaws are useful in targeting recidivist or problem drivers. One main barrier is that local agencies are reluctant to implement a vehicle seizure program, partly because the law now requires a conviction before a vehicle can be seized.

## **Recommendations**

The report's recommendations, which are based on the interviews with experts in the six participating states, fall into three broad categories. The first includes laws that are effective in combating driving without a valid license:

- Implement and enforce administrative license revocation and suspension laws
- Establish vehicle impoundment, seizure, and immobilization programs
- Implement plate removal at the scene
- Implement special plates or stickers as an automatic probable cause for a traffic stop
- Establish mandatory jail time for multiple offenders
- Establish strictly circumscribed ignition interlock programs
- Establish a separate law enabling license status checkpoints
- Block registration of vehicles by drivers lacking a valid license

The second category of recommendations pertains to procedures that encourage compliance with the laws:

- Establish strong administrative control of license actions
- Establish driver assistance programs and informational campaigns
- Reduce the possibility and use of plea bargaining through additional information and education
- Create links between driver and vehicle registration files

The third category of recommendations concerns systems and procedures that help law enforcement officers, prosecutors, and courts effectively sanction violators:

- Create citation-tracking systems
- Convert to easy-to-use driver history records for police, prosecutors, and courts
- Provide timely and accurate information in driver history records
- Simplify the laws regarding license suspension

# 1. INTRODUCTION TO THE ISSUES

A reanalysis of the data in the original *Unlicensed to Kill* report (which used data on fatal crashes from 1993 to 1999) confirmed the results of that study: Approximately 20% of fatal crashes involve at least one driver who did not have a valid license at the time of the crash (see appendix A). These data also show a wide variation among the 50 states plus Washington, D.C., in the proportion of drivers involved in fatal crashes who lacked a valid license—from a low of 6.1% in Maine to a high of 23.1% in New Mexico.

Trend analyses (discussed in appendix A) show that the proportion of drivers involved in fatal crashes who lack a valid license (which will be referred to as having an “aberrant license status”) showed small but steady declines during the 7-year study period. The proportion of *suspended* drivers (those whose licenses were suspended at the time of the crash) involved in fatal crashes increased slightly from 4.5% in 1993 to 5% in 1999. But the proportion of drivers who were unlicensed and those whose licenses were *revoked*, *expired*, *canceled*, or who had *unknown* license status all declined by a small amount during the 7 years (see figure A.12). (The terms used in this paragraph and other terms used throughout the report are further defined in the next section.)

The original *Unlicensed to Kill* report raised some serious issues about states’ ability to control the unlicensed driving situation. First, to find out if unlicensed drivers are overrepresented in the fatal crash statistics, it would be good to have a reliable estimate of the population of drivers who are unlicensed or driving under an invalid license. Second, to help states better understand and address the problem of drivers who operate a motor vehicle without a valid license, it is important to explain the reasons why states differ so much in their overall experience on this issue, and why they differ in particular types of license status violations among drivers involved in fatal crashes. The questions to be answered include:

- Why are some states’ proportion of drivers with an aberrant license status who are involved in fatal crashes so much lower than the national average? Do they have effective programs in place that might work well in other states?
- Why do even states with very good records appear to have problems with particular classes of license violations?
- For offenders driving under the influence of alcohol, how do the state’s alcohol laws and administrative procedures affect a person’s behavior with respect to the willingness to drive without a valid license?
- What effect is there, if any, of recent laws suspending the licenses of people who fail to pay child support, library fines, or commit other offenses that are not related to driving?
- How do state procedures for notification of changes in license status affect the way courts and drivers behave?
- How do the enforcement and adjudication of penalties for serious traffic viola-

license is revoked is not eligible for a new license until a minimum period of time has elapsed. Typically, revoked drivers also cannot regain their driving privilege unless they go through the full license application process.

- *Unlicensed:* These are drivers who, to the best of the state's knowledge, have never held a valid driver's license.

- *Expired:* These are drivers who, when their license was due for renewal, failed to complete the renewal process.

- *Canceled:* These are drivers whose driving privileges have been removed but typically not because of a pattern of violations in the state. Cancellations may be imposed for medical reasons (i.e., on a doctor's advice or because of a failed eye exam at the department of motor vehicles) or because, after issuance, the state identified problems in the driver's history when that driver transferred his or her license from another state.

- *Denied:* These are drivers who were denied driving privileges by the state for whatever reason. Many states keep track of license denials using "dummy records" tied to the individual so that individuals cannot easily attempt to obtain a valid license by going to a different licensing location in the same state.

- *Unknown:* This category is only meaningful as a notation in a data file (such as crashes) and was included in the analyses presented in appendix A. It is not relevant for discussions of license sanctions with state experts as discussed in the main body of the report.

Several terms having to do with state laws, licensing practices, and driver-control programs are used in the report. These are defined as follows:

- *Administrative per se:* This term describes the laws establishing an administrative process for dealing with violations of the maximum allowable blood alcohol content (BAC) for drivers in a state. States with administrative per se laws also have a set of procedures in place for suspending the driving privileges of a person who violates the BAC limit without the need for a court trial—that is, the responsible state agency can suspend a driver for a BAC violation even if the court does not convict him or her on the corresponding DUI offense.

- *Administrative license sanctions:* This term refers to any sanctions legally imposed by state agencies *without first requiring court orders*. The exact scope, procedures, and limitations of administrative license sanction programs vary among states. In general, they are used to provide rapid, consistent treatment of offenders against the state's DUI laws or its DWS, DWR, and DWU laws. Typical administrative sanctions include license suspension, mandatory evaluation or treatment, fees, and education.

- *Court-ordered license sanctions:* This term describes any license action ordered by

a judge. In some states, for example, only a judge can revoke a license, but the state's department of motor vehicles (DMV) can administratively suspend. In some states, judges also order suspensions.

- *DUI or DWI:* These acronyms refer to "driving under the influence (of alcohol or other drugs)" and "driving while intoxicated." State laws define DUI or DWI differently but always with reference to the state's maximum allowable BAC. This is typically considered a serious moving violation and will often result in a mandatory court appearance. In states with an administrative per se law, the fact that a driver was cited for DUI or DWI will also initiate the administrative penalties independent of the court case.

- *DWS, DWR, or DWU:* These acronyms refer to "driving while suspended," "driving while revoked," and "driving while unlicensed." The term is used to denote the DWS, DWR, or DWU citation (a moving violation) and/or the license status of the driver at the time of a crash or other event.

- *Ignition interlock:* This is a device that renders a car inoperative unless one or more preconditions are met. In DUI driver-control programs, the typical ignition interlock device requires the driver to give a breath sample which is then analyzed for the presence of alcohol. If there is alcohol present (above some minimum threshold value), the car will not start. Other variations are used to ensure that an individual does not operate the vehicle, or is the only operator of a vehicle.

- *Implied consent:* States' implied consent laws typically define the rights and responsibilities of drivers holding a state-issued drivers license. In particular, there is an implied consent to a blood, breath, or urine test for BAC. Violations of implied consent laws typically lead to automatic (administrative or court-ordered) suspension of driving privileges.

## **Characterizing the Problem**

Drivers who operate a motor vehicle without a valid license are believed to be among the worst drivers on the road. This makes good logical sense from the point of view that to drive under suspension or revocation, one must first have done something to earn that suspension or revocation. The case is harder to make, paradoxically, for unlicensed drivers, simply because so little is known about them (how many there are, what proportion of them are cited or convicted, and what proportion are involved in crashes).

DeYoung, Peck, and Helander (1997) attempted to estimate the exposure and fatal crash rates of suspended, revoked, and unlicensed drivers in California. Using a quasi-induced exposure method with data from two-vehicle fatal crashes, they were able to estimate the relative overinvolvement in fatal crashes of drivers without a valid license. The method developed a ratio (the involvement rate) of the proportion of driv-



Hagen did not report whether the suspended drivers actually did reinstate; however, the duration of the effectiveness of the suspension action seems to coincide with the end of mandatory proof of financial responsibility imposed on suspended drivers at the time in California. Hagen supposed that the drivers had reinstated and that this requirement for 3-year mandatory proof of insurance served as a reminder to drive safely.

Jones (1989) found a general deterrent effect for the state's implied consent law in that the proportion of alcohol-related fatalities and night-time crash-related serious injuries both dropped in close temporal proximity to the passage of the law in 1983. California (Rogers 1995, 1997) found both a general and specific deterrent effect of the state's administrative per se law (which became effective January 1, 1990). The general effect was shown through overall reductions in the accident rate timed to the implementation of the per se law. The specific effect was found through a similarly timed reduction in recidivism among DUI offenders.

Grosz, Zeller, and Klein (2001) reported compelling evidence of a specific deterrent effect of "alcohol problem resolution" (defined by the researchers as completion of mandatory courses and payment of fines). Florida law allows DUI offenders to reinstate by showing proof of *enrollment* in an approved advanced driver improvement or DUI course. Some drivers reinstate at this point, whereas others reinstate once they have actually completed the course(s) and paid any fines. Florida DUI offenders who fail to "resolve" their behavioral issues before reinstatement had 75% higher violation rates and 97% higher crash rates than drivers who reinstated after resolving their behavioral issues.

Wells-Parker and others (1995) performed a meta-analysis on the effectiveness of remedial interventions with DUI offenders. They concluded—on the basis of the results of 215 published research reports—that a combined approach of education, counseling, and "contact" probation was 7-9% effective in reducing later DUI recidivism and later crash involvement. They also concluded that a combination of license actions and remediation provided the most effective program for improving the traffic safety of drivers with prior DUI offenses. They did not look at the effects of more recent types of driver-control practices such as vehicle impoundment or ignition interlock.

Rodgers (1994) indicated that administrative plate impoundment reduced recidivism of multiple DUI offenders in Minnesota. Moreover, drivers whose plates were impounded at the time of arrest were less likely to be cited for another DUI offense than those whose plates were impounded at a later date, through a mailed notice from the Department of Public Safety, thus giving some credence to the notion that immediacy of the punishment may play a role in later behavior.

California studied the effectiveness of vehicle impoundment programs for first-time and multiple DWS, DWR, and DWU offenders (DeYoung 1997, 1998). The specific deterrent effect of vehicle impoundment was a 20-35% reduction in DWS

convictions, other traffic convictions, and crashes for drivers whose vehicles were impounded. This effect was strongest among recidivist offenders, who typically are considered the most difficult group to affect with traffic safety programs. There was no strong evidence of a statewide general deterrent effect of the impoundment sanction in California.

Voas, Tippetts, and Taylor (1998) found a specific deterrent effect of vehicle impoundment for multiple DUI offenders in Ohio, both during the vehicle impoundment period and after the vehicle was returned to the driver or owner. During the impoundment period, DWS offenses were reduced by as much as 84% and DUI offenses were reduced by as much as 100%. Following the return of the vehicle, subsequent DWS offenses were reduced by as much as 53% and subsequent DUI offenses were reduced by as much as 58%.

Voas and Tippetts (1995) evaluated the deterrent effect of “zebra sticker” laws in Oregon and Washington. These laws created an administrative procedure under which an officer making an arrest for DWS, DWR, or DWU could seize the registration of the vehicle being driven. The DMV would then issue a zebra tag, which is a distinctive, striped sticker that must be placed over the “year” portion of the vehicle’s license plate. The presence of a zebra sticker was ruled to provide probable cause for law enforcement officers to stop that vehicle any time it was seen moving on a public roadway. In practice, the zebra stickers were given to DUI offenders who were later caught driving without a valid license. In Oregon, where the law was implemented much more aggressively, there was evidence for both general and specific deterrent effects.

## **Summary**

The studies performed to date on DWS, DWR, and DWU are obviously closely linked to studies of DUI recidivism. More recent work has begun to look more closely at drivers who were suspended for reasons other than DUI violations, but details describing these “other” subpopulations and statistically valid evaluations of programs designed to address their specific needs are lacking at this time. The National Highway Traffic Safety Administration (NHTSA) has funded a study in California that may shed light on some of these issues.

It is clear that well-crafted, aggressively enforced laws can have an effect on the behavior of suspended DUI offenders. It also seems probable that suspension of driving privileges is generally interpreted (by the drivers) to mean something short of a total ban. The majority of them still drive at least some of the time. They may drive less and drive with greater care while under suspension, but they still drive.

The reinstatement paradox remains unresolved. The NHTSA has funded a follow-up study to the work by Voas and his colleagues, and it is hoped that they will be able to offer some concrete suggestions to help states implement effective changes in their suspension and revocation practices.

It is important to note that there are sizable gaps in the data available on drivers' behavior in general and that these gaps cause a corresponding lack of completeness in the literature on traffic safety. The reinstatement paradox makes it clear that suspended and revoked drivers who choose not to reinstate often drive more cautiously than the same individuals would have had they not reinstated.

It is logical to assume, however, that the same drivers were probably less safe in the months leading up to the point when the state took action. The Fatality Analysis Reporting System data on fatal crashes indicate that drivers with past suspensions and who currently drive under suspension are more likely to be involved in fatal crashes than are drivers who are not suspended. But this is not to say that there may not be a large number of unsafe drivers who have yet to be caught. The use of only data on fatal crashes may also mean missing important clues to driver behavior that might become evident if data for crashes of all levels of severity were routinely available for analysis.

In addition, while it makes good logical sense that license sanctions do work, the lack of complete data makes it impossible to be certain just how much of a deterrent is possible with license sanctioning programs. The fact that people continue to drive while their license is suspended or revoked (and while they are completely unlicensed) means that the general deterrent effect of license sanctions is not as strong as it could (or should) be. The question addressed in the remainder of this report is how best to implement and manage programs aimed at keeping these drivers from behind the wheel because if they do not drive, they are not contributing to traffic safety problems.

It is also possible to look at this issue by assuming that the sanctioned drivers will continue to operate a motor vehicle and then seek programs to make these scofflaws as safe as possible. The goal of the research reported here is not to improve sanctioned motorists' driving behavior but to identify the most effective ways to keep them from driving at all. The following chapters fill in some of the gaps in the current literature by examining successful practices, including the experiences of safety practitioners in several states.

# *Attachment 4*

## National Cooperative Highway Research Programs (NCHRP)

### Research Summary

NATIONAL COOPERATIVE HIGHWAY RESEARCH PROGRAM

---

---

**NCHRP REPORT 500**

---

---

**Guidance for Implementation of  
the AASHTO Strategic Highway  
Safety Plan**

***Volume 2: A Guide for Addressing  
Collisions Involving Unlicensed  
Drivers and Drivers with  
Suspended or Revoked Licenses***

TIMOTHY R. NEUMAN  
CH2M HILL  
Chicago, IL

RONALD PFEFER  
Maron Engineering, Ltd.  
Zikhron Yaacov, Israel

KEVIN L. SLACK  
KELLY KENNEDY HARDY  
CH2M HILL  
Herndon, VA

PATRICIA WALLER  
Chapel Hill, NC

SUBJECT AREAS  
Safety and Human Performance

---

Research Sponsored by the American Association of State Highway and Transportation Officials  
in Cooperation with the Federal Highway Administration

---

**TRANSPORTATION RESEARCH BOARD**

WASHINGTON, D.C.  
2003  
[www.TRB.org](http://www.TRB.org)

## FOREWORD

By Charles W. Niessner  
Staff Officer  
Transportation Research  
Board

The goal of the AASHTO Strategic Highway Safety Plan is to reduce annual highway fatalities by 5,000 to 7,000. This goal can be achieved through the widespread application of low-cost, proven countermeasures that reduce the number of crashes on the nation's highways. This second volume of *NCHRP Report 500: Guidance for Implementation of the AASHTO Strategic Highway Safety Plan* provides strategies that can be employed to reduce the number of crashes due to unlicensed drivers and drivers with suspended or revoked licenses. The report will be of particular interest to safety practitioners with responsibility for implementing programs to reduce injuries and fatalities on the highway system.

---

In 1998, AASHTO approved its Strategic Highway Safety Plan, which was developed by the AASHTO Standing Committee for Highway Traffic Safety with the assistance of the Federal Highway Administration, the National Highway Traffic Safety Administration, and the Transportation Research Board Committee on Transportation Safety Management. The plan includes strategies in 22 key emphasis areas that affect highway safety. The plan's goal is to reduce the annual number of highway deaths by 5,000 to 7,000. Each of the 22 emphasis areas includes strategies and an outline of what is needed to implement each strategy.

NCHRP Project 17-18(3) is developing a series of guides to assist state and local agencies in reducing injuries and fatalities in targeted areas. The guides correspond to the emphasis areas outlined in the AASHTO Strategic Highway Safety Plan. Each guide includes a brief introduction, a general description of the problem, the strategies/ countermeasures to address the problem, and a model implementation process.

This is the second volume of *NCHRP Report 500: Guidance for Implementation of the AASHTO Strategic Highway Safety Plan*, a series in which relevant information is assembled into single concise volumes, each pertaining to specific types of highway crashes (e.g., run-off-the-road, head-on) or contributing factors (e.g., aggressive driving). An expanded version of each volume, with additional reference material and links to other information sources, is available on the AASHTO Web site at <http://transportation1.org/safetyplan>. Future volumes of the report will be published and linked to the Web site as they are completed.

While each volume includes countermeasures for dealing with particular crash emphasis areas, *NCHRP Report 501: Integrated Management Process to Reduce Highway Injuries and Fatalities Statewide* provides an overall framework for coordinating a safety program. The integrated management process comprises the necessary steps for advancing from crash data to integrated action plans. The process includes methodologies to aid the practitioner in problem identification, resource optimization, and performance measurements. Together, the management process and the guides provide a comprehensive set of tools for managing a coordinated highway safety program.

## Summary

---

### The Problem

No matter how well our highways and vehicles are designed and maintained, ultimately highway safety depends upon the behavior of users, especially drivers. Every state has a driver-licensing program that is charged with ensuring that drivers who are issued a license are competent to operate on the roadway system. There are strong pressures on licensing programs to limit imposition, including costs, on renewal applicants. At the same time, licensing agencies have a legal responsibility to the greater public to license only qualified drivers and to keep unqualified drivers off the road.

There are two groups of drivers who continue to drive without proper licensure. First, there is a small number of drivers who appear immune to countermeasures that have proved effective for most highway users. These "hard-core offenders" continue to drive even after losing a license and are overrepresented in subsequent violations and crashes. It is estimated that as many as three-fourths of suspended and revoked (S/R) drivers continue to drive, although they apparently drive less often and more carefully (van Oldenbeek and Coppin, 1965; Hagen et al., 1980; Ross and Gonzales, 1988; DeYoung, 1990). Even so, they are overrepresented in subsequent violations and crashes and, based on estimated exposure, are greatly overrepresented in fatal crashes (DeYoung et al., 1997). In California, based on an analysis of two-vehicle fatal crashes in which only one driver was judged to be at fault, compared with validly licensed drivers, S/R drivers were found to be overinvolved by a factor of 3.7:1.

A second group of drivers is those who have never held proper licensure. In at least some regions of the country, these are often illegal aliens who fear detection if licensure is sought. In the same California study, this driver group is reported to be even more overrepresented in crashes than S/R drivers by a factor of 4.9:1 (DeYoung et al., 1997). The threat of detection and deportation are believed to be a major reason this group avoids seeking licensure, and often their driving provides transportation for other illegal alien workers (DeYoung, personal communication, 2000). Because of the increasing numbers of these workers, as well as the dependence of significant segments of the economy on their labor, this issue is one that cries out for innovative solutions.

A recent report (Griffin and DeLaZerda, 2000) analyzing 5 years of Fatality Analysis Reporting System (FARS) data found that one out of five fatal crashes involves at least one driver who is not properly licensed (unlicensed, S/R, expired, canceled or denied, unknown). Because exposure data were not available, mileage rates of involvement could not be calculated for each category or for validly licensed drivers.

Exhibit I-1 shows the proportion of unlicensed or improperly licensed drivers in fatal crashes for the year 2000, the most recent year for which data are available. Here about 17 percent of drivers in fatal crashes are not properly licensed, a proportion far higher than

estimated for all drivers. It should be noted that this table is based on drivers, not on number of crashes.

**EXHIBIT I-1**  
Proportion of Drivers Not Licensed or Holding No Valid License for this Class of Vehicle, Fatal Crashes, 2000

First Harmful Event in Crash	Unlicensed/No Valid License, Percent
Overturn	18
Pedestrian	10
Pedal cycle	8
Motor vehicle in transport	17
Parked motor vehicle	24
Bridge abutment, rail; guardrail; concrete barrier	20
Sign, post, pole	22
Culvert, curb, ditch, embankment	22
Fence, wall	21
Tree, other fixed object	19
Involvement in any crash type listed above*	17

\* Not every first harmful event is included, but for all events in original table, 17% of the total drivers were unlicensed or held no valid license for the class of vehicle operated.

Based on the Fatality Analysis Reporting System (FARS) Web-based encyclopedia, available at <http://www-fars.nhtsa.dot.gov/> (Accessed August 12, 2002).

Despite the marked over-involvement of improperly licensed drivers in fatal crashes, traffic violations are often not treated seriously in the court system, where prosecutors and others consider burglaries, assaults, and other crimes of greater import (even though people are at much greater risk of a crash injury than of being the victim of a crime). The use of separate traffic courts that handle only traffic offenses will increase the likelihood of appropriate sanctions.

These unlicensed/suspended/revoked (U/S/R) drivers are especially difficult to reach and to influence. However, there are some interventions that have shown promise and are worthy of further implementation.

The most severe sanctions have been evaluated primarily on the basis of driving-under-the-influence (DUI)<sup>1</sup> offenders, not drivers who are S/R for other reasons. However, DUI offenders have proved to be some of the most intractable, so that measures showing impact on this group are likely to be effective with other U/S/R drivers.

<sup>1</sup> Some jurisdictions use DWI, for driving while intoxicated, instead, and some states use both DUI and DWI, relating the terms to level of intoxication. In this document, DUI is used, even when a particular state may use DWI. The use of DUI in this report does not imply a particular level of alcohol intoxication.



## **The Type of Problem Being Addressed**

It is estimated that as many as three-fourths of S/R drivers continue to drive, although they apparently drive less often and more carefully (van Oldenbeek and Coppin, 1965; Hagen et al., 1980; Ross and Gonzales, 1988; DeYoung, 1990). Even so, S/R drivers who continue driving are overrepresented in subsequent violations and crashes.

In at least some regions of the country, drivers who have never held proper license are often illegal aliens who fear detection if licensure is sought. In a California study, this driver group is reported to be even more overrepresented in crashes than drivers with S/R licenses by a factor of 4.9:1 (DeYoung et al., 1997). The threat of detection and deportation are believed to be a major reason this group avoids seeking licensure, and often their driving provides transportation for other illegal alien workers (DeYoung, personal communication, 2000). Because of increasing numbers of these workers, as well as the dependence of significant segments of the economy on their labor, this issue is one that cries out for innovative solutions.

A recent report (Griffin and DeLaZerda, 2000) analyzing 5 years of FARS data found that one out of five fatal crashes involves at least one driver who is not properly licensed (U/S/R, expired, canceled or denied, unknown). Because exposure data were not available, mileage rates of involvement could not be calculated for each category or for validly licensed drivers.

Convicted drunken drivers (i.e., DUI or DWI offenders) probably represent the group of U/S/R drivers of greatest concern. These drivers are overrepresented in serious and fatal crashes. For all crashes, the risk is about sevenfold for drivers at 0.10 percent blood alcohol content (BAC) compared with drivers with zero alcohol, and for drivers at 0.15 percent BAC, the risk is twenty-five-fold (see Exhibit III-1). This is also the group that has been the focus of major interventions, so that there is solid evidence concerning the effectiveness of countermeasures. It should be noted that the most severe sanctions have been evaluated primarily on the basis of DUI offenders, not drivers who are U/S/R for other reasons. However, DUI offenders have proved to be some of the most intractable, so that measures effectively applied to that group are likely to be effective with other U/S/R drivers.

Based upon analyses of California data (DeYoung et al., 1997), and assuming these estimates are applicable to national data, of the 56,688 drivers in fatal crashes in 1998 (National Highway Traffic Safety Administration, 1999), 23.7 percent were driving with S/R licenses or none (see Exhibit III-2). Of drivers considered to be at fault in crashes, the percentage increases to 35.4. If all S/R and unlicensed drivers stayed off the road, there would have been 13,435 fewer drivers in fatal crashes. On average, there is 0.732 fatality per driver in fatal crashes, suggesting that there would have been about 9,834 fewer fatalities had these drivers not been on the road. (These figures are based on a number of assumptions and should be considered no more than rough estimates at best.)

# *Attachment 5*

## ***Enforcement Strategies for Suspended & Revoked Drivers***

**NHTSA**



## *Enforcement Strategies for Suspended or Revoked Licenses*

A primary mission of law enforcement is to provide society with a safe and secure highway system by reducing traffic crashes, injuries, and deaths. This is accomplished through fair, impartial, and reasonable enforcement of traffic laws. However, media reports detailing serious crashes involving drivers operating on suspended or revoked licenses is frustrating to traffic safety officials and the public.

Driving with a suspended or revoked license is not a new phenomenon. Currently, there exists a general disregard for compliance with suspension or revocation orders. In addition, operating with a suspended or revoked license is an “undetectable” offense to the eye of law enforcement officers because no clues exist to draw attention to the violator. Officers call this an “invisible traffic violation.” Speeding, non-use of safety belts, or driving while impaired can be clearly seen by law enforcement officers, but driving with a suspended or revoked license is undetectable unless the driver commits an observable traffic violation that causes the vehicle to be stopped. To justify a stop, enforcement personnel need personal knowledge that a driver with suspended or revoked license is operating a vehicle. Unfortunately, as more states pass legislation invoking administrative license sanctions, the number of drivers operating with suspended or revoked licenses will continue to grow.

Some state motor vehicle officials have estimated that almost 80 percent of persons with suspended or revoked licenses are continuing to operate motor vehicles. This revelation prompted a nationwide research project by the National Highway Traffic Safety Administration (NHTSA) and the National Sheriffs’ Association (NSA) to investigate what law enforcement agencies were doing to enforce suspension and revocation sanctions.

NSA reviewed several innovative programs that focused on the operator of the vehicle. A particularly effective enforcement program, called the *Hot Sheet* program, is being used by both the Ohio and Florida Highway Patrols.

The law enforcement agencies obtain computer printouts containing the names of sanctioned drivers from the Department of Motor Vehicles. Officers highlight the names of the most chronic offenders and then sort them by patrol area, ZIP code, or street location (using what worked best in a particular area). The lists, or *Hot Sheets*, are then distributed to patrol units in these areas. Usually the individual Hot Sheets are one page of the most flagrant violators in specific patrol areas.

This program requires minimum amount of resources, and it works. Patrol personnel find the Hot Sheet program to be useful and informative. When officers receive their Hot Sheet, they frequently saw names they recognized.

After 6 months of working with the *Hot Sheet* program, officers involved in the pilot test program increased arrests for revocation or suspension by 14 percent. One driver actually pleaded with officers to have his name removed from the list because he was scared to drive. This program proved effective in reducing the number of individuals driving after their licenses were suspended or revoked.

Following the successes experienced in the two pilot test sites, Ohio County, West Virginia and Salt Lake County, Utah, NSA developed *Guidelines for a Suspended or Revoked Operator Enforcement Program*. It is available from NHTSA and includes a step-by-step procedure that describes how to decide whether a problem exists; how to evaluate personnel and equipment needs; how to plan and start the program; how to evaluate the program; and how to gain community support. Further, the guide contains some effective vehicle license plate markings and vehicle immobilization programs that have proved effective.

For a copy of *Guidelines for a Suspended or Revoked Operator Enforcement Program*, write to:

Media and Marketing Division  
National Highway Traffic Safety Administration  
NTS-21  
400 Seventh Street, SW  
Washington, DC 20590  
Fax: (202) 493-2062

*Guidelines* is also on the NHTSA Web site (<http://www.nhtsa.dot.gov>).

# ***ATTACHMENT 6***

## **Rutgers Survey Seeks Hidden Consequences of License Suspension**

*A New Jersey DMV press release*

## Attachment 6



**New Jersey  
Motor Vehicle Commission**

P.O. Box 160  
Trenton, New Jersey 08666-0160

STATE OF NEW JERSEY

**Sharon Harrington**  
Chief Administrator

### \*\*\*NEWS ADVISORY\*\*\*

**Contact:**

Gordon Deal, 609-292-4711  
Rick Remington, 732-932-6812 x. 552

December 1, 2004

### **Rutgers Survey Seeks Hidden Consequences of License Suspension**

(TRENTON) - The New Jersey Motor Vehicle Commission (MVC) and the Alan M. Voorhees Transportation Center (VTC) at Rutgers University have partnered to survey New Jersey drivers whose driving privileges have been suspended.

The purpose is to determine if New Jersey's driver license suspension system produces unintended consequences. Questionnaires have been mailed to 7,500 New Jersey motorists in the past week.

Rutgers experts will compile and study the responses, and will keep respondents' answers and identities anonymous. Results will be available later this year.

Along with an on-going VTC research study into driver license suspension data and other information that began in September 2003, this survey will supplement the work of MVC's Fairness and Affordability Task Force, whose members will begin meeting this winter.

Specific recommendations for change to the state's driver license suspension system could result.

"The goal of the Motor Vehicle Commission is fairness and equity," MVC Chief Administrator Sharon Harrington said. "The purpose of this survey - and the related research study and task force - is to make sure we are achieving that goal."

"The Voorhees Transportation Center is eager to lend its expertise to MVC," said Jon Carnegie, Assistant Director of VTC. "The state needs an accurate account of how motorists are being affected by suspensions in order to alleviate any inequities and avoid creating new ones," he added.

A fairness and affordability study is required under a 2003 state law, the Motor Vehicle Security and Customer Service Act. This law created MVC and abolished the old DMV. It also set in motion a series of on-going reforms to enhance security and improve customer service.

###

On the Road to Excellence  
[www.njmvc.gov](http://www.njmvc.gov)  
New Jersey is an Equal Opportunity Employer

American Association of Motor Vehicle Administrators  
LE Committee Working Group on Suspended & Revoked Drivers

54

This draft document is intended for dissemination within the AAMVA member jurisdiction community only.

Any additional or unauthorized use is prohibited.

© Pending - AAMVA 2005

# ***ATTACHMENT 7***

## New Jersey Driver's License Suspensions, Impacts & Fairness Study

By: Jon A. Carnegie, AICP/PP

*Attachment 7*

**Alan M. Voorhees Transportation Center  
Edward J. Bloustein School of Planning and Public Policy**



**NJ Motor Vehicle Commission  
Driver's License Suspensions, Impacts  
and Fairness Study**

**Research in Progress**

**Presented by: Jon A. Carnegie, AICP/PP  
Assistant Director  
Alan M. Voorhees Transportation Center**

**AAMVA - Suspended and Revoked Working Group  
February 8-9, 2005  
Albuquerque, New Mexico**





## Background

- “Fix DMV” Commission created by Executive Order of the Governor in 2002
- In January 2003, the NJ Legislature passed the Motor Vehicle Security and Customer Service Act
  - Abolished the NJ Dept. of Motor Vehicles Services and created the semi-autonomous NJ Motor Vehicle Commission (MVC)
  - Improve customer service
  - Modernize MVC technology
  - Enhance security and implement digital licensing
  - Improve MVC efficiency and processes
  - Establish task force to examine the fairness and affordability of license suspensions
- In September 2003, MVC hired Voorhees Transportation Center at Rutgers University to conduct *Driver’s License Suspensions, Impacts and Fairness Study*

## Study Approach

- National literature review
- State agency outreach
  - General email survey
  - Detailed follow up interviews
- MVC driver history database analysis
  - 1 million + records
  - 289,000 “active” suspended drivers
- Mail survey of suspended drivers
  - 5,000 suspended drivers / 2,500 never suspended

## Profile of Suspension in NJ

- 6,173,192 licensed drivers
  - 289,600 “active” suspended drivers
- Most frequent reasons for suspension
  - Failure to pay insurance surcharge
  - Failure to pay parking tickets
  - Failure to appear in court
  - Failure to comply with a court ordered installment plan
  - Operating while suspended or revoked
- These five reasons account for 75-80% of all suspension orders in NJ

## Profile of Suspension in NJ

- Suspension rates by geography and income

	Suspension Rates		
	Male	Female	Total
<b>Statewide</b>	7%	3%	5%
<b>By Population Density</b>			
Urban (>800 p/sq mi)	10%	4%	7%
Suburban (200-800 p/sq mi)	4%	2%	3%
Rural (<200 p/sq mi)	4%	2%	3%
<b>By Household Income</b>			
High (>\$85,000)	2%	1%	1%
Middle High (\$65,001 - 85,000)	3%	1%	2%
Middle (\$40,001 - \$65,000)	6%	3%	4%
Low (\$20,000 - \$40,000)	16%	7%	12%
Low Low (<\$20,000)	35%	14%	24%

## Profile of Suspension in NJ

- Frequency of multiple suspensions

# of Suspensions	Frequency	Percent
1	105,020	36%
2	37,603	13%
3	22,575	8%
4	16,772	6%
5	13,166	5%
6	10,865	4%
7	9,249	3%
8	7,819	3%
9	6,673	2%
10	5,863	2%
11	4,989	2%
12	4,583	2%
13	3,959	1%
14	3,658	1%
15 or more	36,806	13%
<b>Total</b>	<b>289,600</b>	<b>100%</b>

## Profile of Suspension in NJ

- Incidence of driving while suspended/revoked

Suspensions for Operating while susp/revoked	Frequency	Percent
0	230,874	80%
1	36,285	13%
2	14,730	5%
3	5,449	2%
4	1,629	1%
5 or more	633	0%
<b>Total</b>	<b>289,600</b>	<b>100%</b>

## Profile of Suspension in NJ

- Driver safety history

# of points	Frequency	Percent
0 points	170,407	59%
1-6 points	74,087	26%
7-12 points	25,970	9%
> 12 points	19,136	7%
Total	289,600	100%

## Literature Review

- The use of license suspension as a penalty for non-driving offenses has increased over the last 10-15 years
- “Ability to pay” appears to play a significant role in suspension patterns
- Some studies have found that license suspension can be a useful tool in changing negative social behavior (e.g., discouraging DUI/DWI and encouraging compliance with child support payments)
- There are few comprehensive studies of license suspension/revocation and its impacts

## Recent Studies

- Oregon Department of Transportation (Joerger, 2002)
  - Most frequent reasons for suspension:
    - failure to pay fine
    - failure to comply with court order
    - failure to appear in court
  - Suspensions are more frequent in rural areas
  - Suspensions are more frequent among male drivers
  - 25% of suspended drivers are subsequently convicted of driving while suspended
  - Researchers concluded that license suspension is not effective in preventing people from driving

## Recent Studies

- California Department of Motor Vehicles (Gebers & DeYoung, 2002)
  - Most frequent reason for suspension – failure to appear in court
  - Relative traffic safety risk of suspended drivers depends on the reason for suspension
    - Drivers suspended for negligent operation or serious traffic offenses = highest traffic safety risk
    - Drivers suspended for failure to pay child support = lowest traffic safety risk
    - Drivers suspended for other non-driving offenses = traffic safety risk comparable to validly licensed drivers

## State Agency Outreach

- General email survey:
  - Has your agency recently or is it currently involved in updating your state's drivers license suspension program or laws?
  - Does your state suspend licenses for non-driving related reasons?
  - Does your state offer any mitigation or remedial programs aimed at addressing the unintended consequences of driver's license suspension?
  - Does your agency monitor/track driver's license suspensions?
  - Are you aware of any recent studies examining the geographic or socio-economic distribution of driver's license suspensions in your state?
- Detailed follow-up interviews with states reporting the use of conditional/restricted license programs

## State Agency Outreach

- 41 states responded to the survey
  - No responses were received from 9 states (FL, IN, MA, MS, NH, NM, RI, SC & UT)
- 14 states reported recent changes to state laws and/or regulations related to license suspension
  - Most changes related to licensing in general and/or complying with federal mandates
- 33 states reported suspending licenses for non-driving reasons

## State Agency Outreach

- 37 states reported issuing conditional and/or restricted licenses
- 13 states reported monitoring/tracking license suspension
  - Most produced only statistical abstracts documenting the number of suspended drivers on a periodic basis
- Only 4 states (CA, OR, WI, & VT) reported any knowledge of recent detailed studies examining suspension patterns and/or the impact of suspensions

## State Agency Outreach

- Of the 37 states reporting the use of conditional and/or restricted licenses:
  - All but 5 distinguish between suspension and revocation of driving privileges
  - All but 3 require suspended drivers to surrender their license at the time of suspension
  - More than ½ (23) make use of Ignition Interlock Devices (IID) for DUI/DWI offenders with conditional or restricted licenses

## State Agency Outreach

- Rates of suspension in select states:

State	# of Licensed Drivers	# of Suspended Drivers	Rate
Alabama	480,000	27,213	6%
Arkansas	1,900,000	101,500	5%
Connecticut	2,300,000	134,000	6%
Delaware	570,000	78,660	14%
Idaho	1,000,000	70,000	7%
Illinois	8,400,000	258,511	3%
Iowa	2,000,000	57,000	3%
Kansas	1,900,000	103,000	5%
Minnesota	3,600,000	163,500	5%
Missouri	3,500,000	320,344	9%
Montana	450,000	31,931	7%
Nebraska	1,300,000	53,539	4%
North Dakota	457,000	27,000	6%
Ohio	8,728,546	611,064	7%
Oklahoma	2,300,000	81,040	4%
Pennsylvania	8,300,000	600,000	7%
Tennessee	4,200,000	246,000	6%
Texas	15,000,000	430,000	3%
Washington	4,300,000	364,000	8%
Wisconsin	3,700,000	403,586	11%
Wyoming	455,000	15,000	3%

## Next Steps in New Jersey

- Complete analysis of suspended driver survey
  - 700 suspended drivers / 400 never suspended drivers
- Prepare draft & final reports (Spring '05)
- Provide technical support to “Fairness & Affordability Task Force”
  - First meeting to be held in March 2005
  - Task force findings and recommendations to be presented to Governor and Legislature in March 2006



# ***ATTACHMENT 8***

## **Work Permits for Suspended/Revoked Drivers**

### **An AAMVA Survey**

*Attachment 8*

**Title: Work Permits for Suspended/Revoked Drivers**  
**AAMVA Survey Results # 24**  
**Total Responses: 15**

---


**1 - Does your state issue work permits to people convicted of driving under suspension or revocation?**

Yes  53%

No  40%

---

**2 - If your state has authority to issue a work permit to someone convicted of driving under suspension or revocation, who is the work permit issued by?**

The court system  7%


The administrative agency that issues the revocation or suspension  47%

---

**3 - If a work permit is issued, under what condition is the permit issued? Choose all that apply.**

Successful completion of driver improvement course  7%

Successful completion of aggressive driving course 0%

Proof of insurance paid in advance for full period of suspension/revocation  33%

No future traffic violations  27%

---

**4 - If the administrative Agency or the court system issues a work permit, is the permit issued under other conditions in addition to those listed in the question above? If so, what are those conditions?**

1 - **DE.** Successful completion of applicant hearing along with completion of the mandatory type course improvement.

2 - **IL.** The petitioner must have an administrative hearing and show by clear and convincing evidence that: 1) the inability to drive creates an undue hardship for educational, employment, or medical reasons; and 2) the petitioner will not endanger the public safety and welfare. To do that, the petitioner will have to submit various documents/evidence at the hearing depending upon the reason for the loss of driving privileges, i.e., alcohol/drug evaluation & treatment documentation, ignition interlock installation, remedial education, etc.

3 - **MI.** Statutory authority

4 - **MO.** Limited driving privileges (aka, work permit) can be issued for operating a vehicle under numerous conditions other than for purposes of employment. Section 302.309 of the Revised Statutes of Missouri, allows the limited driving privilege to be issued for the operation of a vehicle in connection with any of the following: 1. Business, occupation, or employment; 2. Seeking medical treatment for the operator; 3. Attending school or other institution of higher education; 4. Attending alcohol or drug treatment programs; or 5. Any other circumstance that the court or the director of revenue finds would create an undue hardship on the operator.

5 - **ND.** Normally 1st time DUI offenders are able to get a work permit after serving 30 days of their suspension period (the full suspension period for the 1st DUI is normally 90 days). On the permit, the time frames and days of the week are identified during which the applicant can drive for work purposes only. They are normally required to also file and SR22 proof of insurance form w/DL division.

6 - **NE.** only available after 30 days of no drive if person is subject to an administrative license revocation of 90 days; persons under 1 year ALR cannot get work permit

7 - **OR.** Oregon does not suspend specifically for DWS or DWR. However, it's possible a person may be suspended, such as for a DUII and have a DWS on their record, and Oregon will issue a work permit. In addition to no future traffic violations, conditions include: 1. The person can not drive outside the permit restrictions. 2. If suspended for DUII, must maintain Ignition Interlock Device, DUII treatment recommendation, and court recommendation. 3. Maintain proof of insurance with our agency.

8 - **WI.** If eligible under many statutory conditions, maximum of 12 hours per day/60 per week of operation. No operation for recreation/pleasure. Must list occupation and employer and area of operation. SR22 required throughout time period.

9 - **WY.** Alcohol evaluation and class if alcohol was involved.

---

**5 - Does your Governor or the administrative agency responsible for processing suspensions and revocations have the authority to reduce or waive a suspension or revocation? If so, are there specific terms or conditions required in order to have the suspension waived?**

1 - **AR.** No.

2 - **DE.** No

3 - **IL.** Illinois has both mandatory and discretionary suspensions and revocations. Mandatory sanctions are established and implemented by statute, whereas discretionary sanctions are established by statute yet implemented by agency rules. Discretionary sanctions can be rescinded or modified only if the petitioner requests and is successful at a formal administrative hearing. The guidelines for modifying a sanction are also established by rule.

4 - **MI.** At certain time our agency may reduce the term or eliminate a suspension, not a revocation. No specific terms or conditions required. Governor does not.

5 - **MO.** No

6 - **ND.** Not to my knowledge.

7 - **OH.** No

8 - **OR.** There is no authority to reduce a suspension or revocation.

9 - **VA.** No

10 - **VT.** No.

11 - **WI.** No.

12 - **WY.** No

---

**6 - Does your court or administrative agency have the authority to issue a work permit for any of the following?**

Failure to pay a fine  13%

Suspension for failure to pay a judgment  7%

Suspensions for lack of SR22 on file  7%

Suspension for vandalism committed from a motor vehicle  7%

*Posted on Sun, Feb. 20, 2005*

# ***ATTACHMENT 9***

## **Driver in Crash Lost License** **Five Times**

**The Wichita Eagle**  
**By: Tim Potter**

## *Attachment 9*

# **Driver in crash lost license 5 times**

**Misty Redburn's license had long been suspended at the time of the crash that killed her nephew. Since 1999, convictions in Kansas for driving with a suspended license have doubled.**

## **The Wichita Eagle**

**BY TIM POTTER**

The Wichita woman whose young nephew died Monday after their car hit a tanker truck did not have a valid driver's license -- it had been suspended five times since 2000, records obtained by The Eagle show.

Because her license had been suspended, Misty Redburn shouldn't have been driving the day her nephew, 5-year-old Santiago Serna, was fatally injured. According to the state Division of Vehicles, the 22-year-old's license has been repeatedly and continuously suspended for more than four years, since she was 18.

Driving with a suspended license is a common and apparently growing problem.

Statewide, the number of convictions for driving with a suspended license has almost doubled since 1999, records show. The increase began the year the Legislature made it a lesser crime to repeatedly drive with a suspended license.

A member of the Senate Judiciary Committee called the increase a serious problem Saturday. "It's obviously something we need to take a quick look at," said Sen. Les Donovan, R-Wichita.

In Wichita, police arrest an average of about 2,000 drivers a year for suspended licenses.

Redburn declined to comment for this report. She has not been arrested or charged in the accident. Police spokeswoman Janet Johnson said police are continuing to investigate.

Redburn's public driving record shows her license was first suspended in September 2000 for failure to comply with a traffic citation; it does not appear to have been reinstated. Since then, four suspensions have been added to her record, most recently in June 2003 after she refused to take a test to determine if she was under the influence of alcohol or drugs.

She has been convicted at least twice in Wichita Municipal Court of failing to have liability insurance.

In the accident Monday, on West Street near 30th Street South, the boy was found wearing only a lap belt, police and witnesses said.

His mother, Tiffany Howell, told The Eagle that doctors said pressure from the lap belt caused fatal internal injuries. She said her sister told her that she turned to look at the boy in the back seat right before the Ford Taurus slammed into the rear of a slowing gasoline tanker.

A woman who saw the collision, Lizabeth Bonner, said that before the accident she called 911 to report that the Taurus was moving erratically on I-235 and nearly hit a guardrail.

### **Increase in convictions**

Driving with a suspended license is a widespread problem in Kansas.

The number of convictions reported to the state for driving with a suspended license rose from 6,339 in 1999 to 12,343 last year, records show.

It's unclear how many accidents involve suspended licenses.

Officers are asked to check a box on accident report forms saying whether a driver had an invalid license, a designation that would include a suspended license.

The number of accidents involving invalid licenses has averaged around 3,000 annually the past five years, according to the Kansas Department of Transportation.

Marcy Ralston, manager of the Department of Revenue's Driver Control Bureau, said she wondered if the increase in convictions for a suspended license could stem from law enforcement using more checkpoints. Unless motorists are stopped for other violations, a suspended license could go undetected.

### **No longer a felony**

Repeatedly driving with a suspended license used to be a higher-level crime, said Lt. John Eichkorn, spokesman for the Kansas Highway Patrol. But the Legislature amended the law in 1999 so that it was no longer a felony, only a misdemeanor.

The change was part of a larger bill that focused on restructuring the way Kansas sentences habitual violent offenders.

"I remember thinking... that's kind of a shame, because it used to have teeth in it, that would hopefully prevent people from driving... or make them think twice," Eichkorn said.

Legislators apparently made it a lesser crime, he said, because of concerns that too many people were going to prison.

In Wichita Municipal Court, the penalty for a first offense now carries a minimum of five days in jail and a \$100 fine, and a maximum of six months in jail and a \$500 fine; a second conviction would bring at least five days in jail and a \$250 fine and up to one year in jail and a \$2,500 fine.

Sen. Phil Journey, R-Haysville, a lawyer who has represented thousands of traffic defendants, said even though driving with a suspended license is no longer a felony, there's still jail time - enough to keep violators from driving without using prison space.

But Donovan, who served on the judiciary committee in 1999 and continues to serve on it, said Saturday that he will raise the matter with other committee members.

Legislators can go back to fix individual parts of a sentencing bill if they need to, he said.

"When you see that current law is not working like you'd like to see it, when you see an influx of crime, it makes you go back and take another look at it," he said.

**Contributing:** Fred Mann of *The Eagle*