

# Traffic Safety Facts

## Laws

DOT HS 810 880

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## Vehicle and License Plate Sanctions

### Background

Revoking or suspending a driver's license is a common penalty for many traffic infractions, including those related to impaired driving. Unfortunately, many offenders continue to drive despite a license suspension or revocation. It is not unusual for drivers with suspended licenses to receive additional traffic citations or to be involved in crashes when their licenses have been suspended. To reduce this problem, NHTSA encourages States to enact vehicle or license plates sanctions to hinder future driving while the offender is under license suspension or revocation.

Some States now allow vehicles owned by drivers convicted of certain impaired driving offenses to be impounded or immobilized (with a club or boot), forfeited, and sold. Other States allow the license plates to be removed and impounded, mandate the use of specially marked license plates or provide for the installation of alcohol ignition interlock devices.

greater relative risk of fatal crash involvement.

- Many second- and third-time DWI offenders who had their licenses suspended accumulated traffic offenses or were involved in crashes during the suspension period.
- Many drivers do not reinstate their licenses even when eligible to do so.
- Nearly 18 percent of all fatal crashes involve at least one improperly licensed driver. Many of these offenders drive without auto insurance.

### Key Facts

- In 2006, there were 17,602 alcohol-related fatalities in motor vehicle crashes.
- Of these 17,602 fatalities, 15,121 died in crashes in which at least one driver or non-occupant had a blood alcohol concentration (BAC) of .08 grams per deciliter or higher.
- In 2006, 41 percent of fatal motor vehicle crashes nationwide were alcohol-related.
- Inpatient rehabilitation costs for motor vehicle injuries average \$11,265 per patient.
- About one-third of all drivers arrested or convicted of DWI each year are repeat DWI offenders.
- Drivers with prior DWI convictions are over-represented in fatal crashes and have a

### How Effective Are Vehicle and Plate Sanctions?

- **Maryland ignition interlock program lowered the re-arrest rate for repeat alcohol offenders:** A Maryland study involving 1,380 repeat alcohol offenders randomly assigned participants to either an ignition interlock group or a control group who did not receive the sanction. Alcohol-related traffic re-arrest rates were tabulated for a full year. Only 2.4 percent of the interlock group was re-arrested, while 6.7 percent of the control group was re-arrested. This statistically significant difference

### Inside This Issue

- Background
- Key Facts
- How Effective Are Vehicle and Plate Sanctions?
- What Types of Vehicle Sanction Laws Do States Have?
- Vehicle Impoundment: laws that permit long-term impoundment based on a DWI offense
- Section 164
- References

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indicates that the interlock program reduced the risk of an alcohol traffic violation within the first year by about 65 percent. There were no differences between groups *after* the interlocks were removed.

- **Canadian studies:** A 1999 study describing an ongoing evaluation of a provincewide interlock program in Alberta, Canada, reported that while offenders had interlocks on their vehicles, DUI recidivism was substantially reduced. Once the interlock was removed and the participants' licenses were reinstated, their DUI rates were the same as other offenders, indicating the interlock reduced recidivism only when in place. The Alberta program was limited by the number of eligible offenders participating in the study, and the overall provincewide reduction in recidivism was small (5%). A close examination of the offenders' data (actual case-by-case breath test data when the interlock was in use) indicated that repeat offenders who had multiple failures on the interlock BAC tests were good predictors of future DUI offenses with a false positive rate of 28 percent (as much as 64% of future DWI offenses with a false positive rate of 28%) (Voas et al., 1999; Marques et al., 1999; Marques et al., 2001). Future work in Alberta and Quebec will further clarify how interlocks aid in predicting recidivism. Eventually, these studies may offer research-based recommendations about how test performance in the early months of interlock use might be

used to extend interlock use for poorly performing offenders.

- **Maryland Two-Year Evaluation:** NHTSA is supporting a follow-up study in Maryland where repeat DUI offenders are randomly assigned to interlock and control groups, and interlocks remain on the car for two full years. The study is examining whether the longer period of interlock use will result in greater reductions in recidivism and whether any carry-over effects exist after the interlock is removed.
- **International Developments:** The Traffic Injury Research Foundation of Ottawa, Canada, published a study, "Best Practices for Alcohol Interlock Programs." Also, the International Council of Alcohol, Drugs, and Traffic Safety, an international organization of researchers in the field, published a brief, policy-oriented study, "Alcohol Ignition Interlock Devices: Position Paper," available at [www.icadts.com](http://www.icadts.com). These documents summarize key research and issues of interest to U.S. jurisdictions. Research programs are also underway in Sweden, the European Community, and Australia. These programs and associated research will further elucidate interlock effectiveness in a wider range of jurisdictions.
- **Minnesota License Plate Impoundment Study:** In Minnesota, violators incurring three DWI violations in 5 years, or four or more in 10 years, may have their license plates impounded and destroyed. An evaluation of the effects of the law found a significant decrease in recidivism for violators who had their plates impounded.

Violators whose license plates were impounded by the arresting officers showed a 50-percent decrease in recidivism over a two-year period (when compared with DWI violators who did not experience impoundment).

- **Ohio Impoundment and Immobilization Program:** In Franklin County (Columbus), Ohio, researchers (Voas et al., 2000) conducted a field test to study the deterrent effects that a combined impoundment and immobilization program has on crashes and violations for multiple DUI and suspended license offenders. From September 1993 to September 1995, the vehicles of nearly 1,000 offenders were impounded and then immobilized. The recidivism rates of these offenders were compared to eligible offenders who did not receive vehicle sanctions. Offenders whose vehicles were impounded and immobilized had lower rates of DUI recidivism both during and after the termination of the sanctions. Similar findings were obtained in Hamilton County, where only vehicle impoundment was used.
  - **California Impoundment Program:** NHTSA, in conjunction with the California State Department of Motor Vehicles, conducted a research effort to study the impact of California's 1995 vehicle impoundment law as applied to unlicensed and suspended license offenders. The innovative 30-day impoundment law involves a civil action independent of a criminal Driving While Suspended (DWS) conviction
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for those caught driving without a valid license. More than 6,300 unlicensed drivers and those with suspended or revoked licenses whose vehicles were impounded were compared with a similar number of drivers in 1994 whose vehicles would have been eligible had the 1995 impoundment law been in effect. Driving records of both groups were compared during a one-year period on subsequent traffic violations and crashes. First-time offenders whose vehicles were impounded had an average rate of subsequent DWS or driving while unlicensed (DWU) that was 24 percent lower than those whose vehicles were not impounded. Repeat offenders whose vehicles were impounded had 34 percent fewer DWS or DWU convictions. Also, both first-time and repeat offenders whose vehicles were impounded had fewer crashes. For first-time offenders, there was a 25 percent crash reduction rate, and for repeat offenders, there was a 38 percent crash reduction rate.

■ **Zebra Tag Program in Oregon and Washington States:** The States of Oregon and Washington enacted the “zebra tag” law that allowed law enforcement officers to take the driver’s vehicle registration when apprehending a driver without a valid license. In each case, the driver was given a temporary registration certificate, and a striped (“zebra”) sticker was placed over the annual sticker on the vehicle license plate. This zebra tag law was applied to about 7,000 offenders in Washington State and 31,000 in Oregon, a large enough number

to evaluate both the general and specific deterrent effects of these laws on illegal driving by convicted DWI offenders. In Oregon, suspended license offenders whose vehicle plates were “zebra tagged” had fewer subsequent DWI and DWS violations than suspended offenders who did not receive the special tags. Also, among suspended license offenders, the possibility of receiving a zebra tag if re-arrested appears to reduce subsequent violations and crashes. A similar law in Washington State did not affect subsequent violations or crashes for these types of offenders. That law, however, was not applied to nearly as many drivers /vehicles and was not as strongly enforced. The zebra tag laws in both States are now expired.

■ **NHTSA Vehicle Sanction Study:** In 2002, NHTSA initiated a study to update and synthesize information about State laws and current practices regarding vehicle sanctions both in the U.S. and abroad. This study will also provide legislative and procedural recommendations to States that want to enact or modify legislation. Three publications are planned during 2008: (1) a synthesis report, summarizing key research and activities conducted since the last update, including recommendations; (2) a vehicle sanctions guide containing key descriptive information about promising vehicle and license plate sanction programs; and (3) an update of the literature on vehicle sanctions, containing detailed information on past and ongoing programs.

## What Types of Vehicle Sanction Laws Do States Have?

***Vehicle Impoundment: laws that permit long-term impoundment based on a DWI offense***

**Suspension of Vehicle Registration:** vehicle registration may be withdrawn for a DWI offense (in some States, enforcement agencies retrieve license plates from the offender’s vehicle; in general, however, this type of sanction is poorly enforced).

**Vehicle Confiscation:** laws that permit confiscation of vehicles of DWI offenders (usually for multiple offenses); confiscation differs from impoundment in that the vehicle becomes the property of the State and the State can dispose of the property.

**Vehicle Immobilization:** DWI offenders are prevented from using their vehicle when the vehicles become immobilized, through use of a bar-type locking device (“club”) on the steering wheel or locking device on a wheel (“boot”).

**Special License Plates or Plate Markings:** special license plates are issued for the vehicle to permit its use by family members of convicted DWI offenders.

**Ignition Interlock:** the purpose of an ignition interlock is to prevent a person who has consumed alcohol from operating a vehicle; the device measures alcohol concentration in the breath and is attached to a vehicle’s ignition system. Before the vehicle can be started, the driver must blow a sample of his or her breath into the interlock device; if the driver’s breath contains alcohol above a

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specified concentration, the driver is unable to start the vehicle.

To increase the use and effectiveness of vehicle sanction laws, States should consider the following:

- Laws should provide for administrative impoundment of vehicle license plates and/or vehicles.
- Laws should allow for seizure at the time of arrest if officers impound either the vehicle or license plate. It is more difficult and costly to track down the offender's vehicle later, and the delay gives the offender the opportunity to transfer vehicle ownership.
- Laws should prohibit the owner of a motor vehicle from allowing another person to drive the vehicle unless the owner determines that person holds a valid driver's license. Also, non-offender owners should be required to sign an affidavit stating they will not allow the offender to drive the vehicle again while the suspension is in effect.
- State record-keeping systems should be upgraded or established to ensure computerized documentation of vehicle (impoundment and forfeiture) and license plate actions. This would allow States to monitor the use of the sanctions.
- Impoundment laws should be applied to all repeat DWI offenders and to all persons who have been convicted of driving with suspended or revoked licenses where the offenders' original suspension or revocation was for a DWI

offense (e.g., DWS --driving while suspended). This would encourage an increase in the use of impoundment since many courts do not apply this sanction to first-time or second-time DWI offenders.

- Laws that provide for special license plates (e.g., license plate sticker laws or family plates) should incorporate provisions that permit officers to stop vehicles for the sole purpose of checking whether the drivers have suspended licenses.

## Section 164

Section 164 of title 23 of the United States Code requires that States have certain repeat intoxicated driver laws in place or transfer of Federal-aid highway construction funds. Under the program, a repeat intoxicated driver is defined as a person convicted of driving while intoxicated or driving under the influence of alcohol more than once during any 5-year period. Transferred funds may be used for alcohol-impaired driving countermeasures, enforcement of impaired driving laws, or hazard elimination activities, under Section 152.

To comply with the Federal program under Section 164, a State's laws regarding second and subsequent convictions for driving while intoxicated or driving under the influence of alcohol (DWI)

### **must at a minimum:**

- Require a minimum one-year driver's license suspension for repeat intoxicated drivers;
- Require impoundment or immobilization for all motor vehicles of repeat intoxicated drivers for a specified period

during the license suspension period, or require the installation of an ignition interlock system on all motor vehicles of such drivers for a specified period after the suspension is completed;

- Require the mandatory assessment of the repeat intoxicated driver's degree of alcohol abuse and referral to treatment as appropriate; and
- Establish a mandatory minimum sentence for repeat intoxicated drivers:
  - ▲ Of not less than 5 days of imprisonment or 30 days of community service for a second offense; and
  - ▲ Of not less than 10 days of imprisonment or 60 days of community service for a third or subsequent offense.

The transferred amount for non-compliant States is 3 percent.

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Reports and additional information are available from your State Highway Safety Office, the NHTSA Regional Office serving your State, or from NHTSA Headquarters, Impaired Driving and Occupant Protection Office, ATTN: NTS-111, 1200 New Jersey Avenue SE., Washington, DC 20590; 202-366-2683; or NHTSA's Web site at [www.nhtsa.gov](http://www.nhtsa.gov).