



American Association of  
Motor Vehicle Administrators

reinstatement  
*privilege* Sanction  
Compliance  
VIOLATIONS  
*behavior* SAFETY  
SUSPENSION



# Reducing Suspended Drivers and Alternative Reinstatement Best Practices

*Edition 3*



May 2021

SUSPENDED DRIVER ALTERNATIVE REINSTATEMENT WORKING GROUP

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# Executive Summary

In 2013, the American Association of Motor Vehicle Administrators (AAMVA) published “Reducing Suspended Drivers Best Practices.” Since that publication, several jurisdictions have made driving privilege suspension policy changes. Some have been in effect long enough to realize measurable positive outcomes. Notwithstanding these changes, the topic of driving privilege suspension has remained in the public eye because of increased media and legislative attention, legal action, and other events.

As a result of these developments, in 2017, AAMVA created the Suspended Driver Alternative Reinstatement Working Group, hereinafter referred to as the Working Group, to update the 2013 document to include consideration of alternative reinstatement practices with emphasis on young drivers. This new document is titled “Reducing Suspended Drivers and Alternative Reinstatement Best Practices.”

In response to additional legislative and jurisdictional activity, the issues of Failure to Appear (FTA) and Failure to Pay (FTP) have been considered separately and more thoroughly. This 2021 edition contains a new chapter (7) titled *License Suspension Considerations* which provides a more robust discussion and additional recommendations.

The suspension of driving privileges has long been used to address poor driving behavior, and research has proven that it can be effective in reducing traffic crashes. Across North America, at any given time, approximately 7% of all drivers are suspended. However, what was originally intended as a sanction to address poor driving behavior is now used as a mechanism to gain compliance with non-highway safety obligations. Today, drivers are commonly

suspended for reasons such as failure to pay a fine or to appear in court, non-driving-related drug violations, school truancy, library and parking fines, and so on.

When licenses are suspended for non-highway safety reasons, the suspension becomes less serious in the minds of law enforcement, the courts, and the public. The National Cooperative Highway Research Program, Report 500, Volume 2, has estimated that as many as 75% of suspended drivers continue to drive, indicating license suspension is not the sole solution to gaining compliance. Data shows that drivers suspended for highway safety reasons are three times more likely to be involved in a crash than drivers suspended for non-highway safety reasons. With the expectation that limited highway safety resources should be focused on reducing the risk of dangerous drivers, using a driver’s license suspension for non-highway safety violations should be avoided.

The research outlined in Chapter 2 reveals that for the states studied, more than one third of all driving privilege suspensions are for non-highway safety reasons. If these non-safety suspension actions were eliminated, the consequent reduction in citations for driving while under suspension would partially alleviate clogged court dockets. These individuals would retain their driving privileges and improve their ability to earn a living and contribute to the economy. Eliminating non-safety suspension actions would also reduce the administrative burden on motor vehicle agencies (MVAs) and allow law enforcement to focus on drivers with safety-related suspensions.

For jurisdictions that want to explore legislative, administrative, and policy changes for alternatives to license suspension, Chapter 8 offers potential

alternatives to suspension and alternative reinstatement practices. In addition, the report explores special considerations for young drivers in Chapter 9.

Although it is in the public's interest to keep unsafe drivers off the roads, broadly restricting licenses for reasons unrelated to an individual's ability to drive safely may do more harm than good by diverting law enforcement resources and compounding the costs

of getting a license reinstated. In this report, it is recommended that jurisdictions consider repealing laws requiring the suspension of driving privileges for non-highway safety reasons. They should also consider alternative reinstatement practices to allow individuals to reinstate their legal driving privilege more quickly when appropriate. These recommendations are of particular importance to younger drivers.

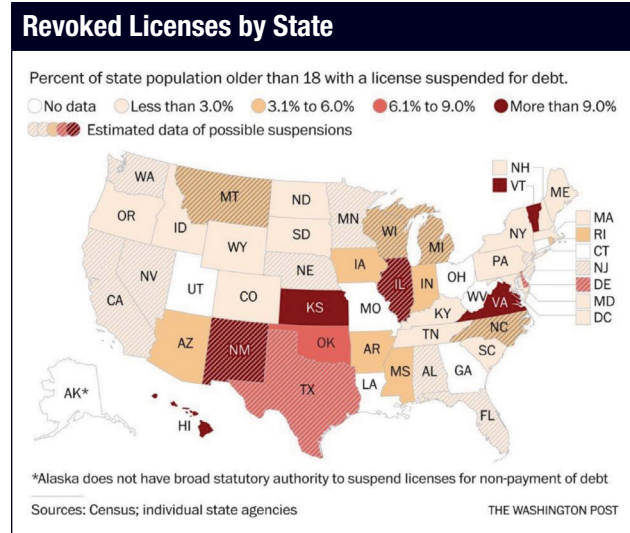
# Chapter One Introduction

The three primary public safety goals for suspending driving privileges are to remove dangerous drivers from the road, to change driving behavior, and to punish unsafe drivers. A fourth goal subsequently emerged—to change non-highway safety-related behavior, such as underage drinking, truancy, vandalism, unlawful possession of firearms, and many more (a list based on survey responses may be found in Appendix D). However, there is reason to believe that this is not the most effective tactic to gain compliance with desired non-driving behaviors. Research indicates that approximately 75% of all suspended drivers continue to drive.<sup>1</sup> Moreover, 19% of all fatal crashes involve an unlicensed or suspended driver.<sup>2</sup> The addition of suspensions for non-highway safety-related reasons has, however, dramatically increased the number of suspended drivers on our roads, resulting in a tremendous burden on law enforcement, departments of motor vehicles, the courts, and local communities. Moreover, recent studies indicate there may be a disproportionate impact on certain populations.

According to a 2018 *Washington Post* article, more than 7 million people nationwide may have had their driver's licenses suspended for failure to pay court or administrative debt, a practice that advocates say unfairly punishes the poor. The total number nationwide could be much higher based on the population of states that did not or could not provide data. At least 41 states and the District suspend or revoke driver's licenses after drivers fail to pay traffic fines or appear in court when required.

1 NCHRP Report 500, Volume 2, 2003.

2 NHTSA Traffic Safety Facts, October 2014.



## Highway Safety Suspensions

A driving privilege and the possession of a valid driver license is vitally important. Throughout the U.S. and Canada, on an increasingly frequent basis, driver licenses are suspended for non-highway safety-related violations. A suspension usually remains in place until proof of compliance is provided. After a person's license is suspended, the individual may be required to satisfy not only the original obligation but also fulfill additional requirements before driving privileges are reinstated (e.g., pay a reinstatement fee).

Under the auspices of AAMVA's 2013 Suspended and Revoked Working Group a research study titled "Enhanced Analysis of Suspended/Revoked Drivers Related to Crashes"<sup>3</sup> was commissioned to analyze driver record data from eight geographically and demographically diverse states.

3 Robert Eger III, PhD "Enhanced Analyses of Suspended/Revoked Drivers Related to Crashes." Florida State University, 2011.

A total of 114,626 driver records were analyzed for highway safety and non-highway safety-related suspensions. The research identified significant driving behavior differences between drivers suspended as a result of driving reasons and those suspended for non-highway safety-related reasons. The study concluded that despite the seriousness of failure to comply or driving while suspended consequences, individuals do in fact continue to drive while suspended.

*Drivers suspended for highway safety-related reasons are almost three times more likely to be involved in a crash than drivers suspended for non-highway safety related reasons.*

The study validated the fact that violation recidivism and crash involvement vary between the two groups (those suspended for driving violations versus those suspended for non-driving reasons), and recidivism is more pronounced for individuals suspended for driving violations. Taking suspension action for dangerous driving behavior is appropriate. The research indicates the premise that imposing a driver license suspension as a penalty for non-highway safety-related offenses is ineffective.<sup>4</sup>

Currently, all 50 states, the District of Columbia, and many Canadian provinces have laws that either require or permit a court or other authority to withdraw driving privileges for non-highway safety reasons. To determine the prevalence of these suspensions, AAMVA completed a survey of its members in the summer of 2011. This survey was repeated in 2018 (39 jurisdictions responded

*“Data supports that jurisdictions should seriously consider not suspending driving privileges for non-highway safety reasons.”—Spencer Moore, Commissioner, Georgia Department of Driver Services*

to the 2018 survey). All indicated that they suspend for non-highway safety-related reasons.

## Increased Suspension for Non-Highway Safety Reasons

Each year state, provincial, and territory governments impose new mandates for the suspension of driving privileges for various non-highway safety reasons. Many of these suspensions have no relationship to an individual’s ability to safely drive, their moving violation history, or any other factors related to the operation of a motor vehicle.

This significant increase in legislated non-highway safety-related suspensions has diluted the effectiveness of driving sanctions and increased the burden on law enforcement, driver licensing authorities, and the courts. Consequently, law enforcement, courts, and society in general view suspensions less seriously. In addition, suspensions for non-highway safety-related reasons disproportionately impact certain populations.

## Impact on Suspended Drivers

Drivers who have been suspended for non-highway safety reasons often become trapped within the system. Some cannot afford the original fines and may lose their ability to drive legally as a result of a suspension. If the suspension was for a non-highway safety reason, the person, who may otherwise be a safe driver, loses his or her ability to drive to and from work, school, and other essential destinations that require driving. A suspension also results in increased financial obligations through new requirements such as reinstatement fees, court costs, and other penalties.

Although there is a clear societal interest in keeping unsafe drivers off the roads, broadly restricting licenses for reasons unrelated to an individual’s ability to drive safely may do more harm than good. This is especially true in areas that lack alternative means of transportation. Local communities, employers, and employees all experience negative consequences as a result of non-highway safety suspensions, including

<sup>4</sup> Robert Eger III, PhD, Florida State University.



unemployment, lower wages, fewer employment opportunities and hiring choices, and increased insurance costs.<sup>5</sup> People who are able to legally drive are more likely to have stable employment.<sup>6</sup>

*Local communities, employers, and employees all experience negative consequences as a result of social non-conformity suspensions . . . People who are able to legally drive are more likely to have stable employment.*

A 2006 report authored by the *Motor Vehicles Affordability and Fairness Task Force*, created by New Jersey statute, to study the impact of non-highway safety-related suspension of driving privileges, reflects these negative economic effects. In New Jersey, 42% of drivers lost their job after their driving privilege was suspended. Of these drivers, 45% were unable to find new employment. Of those who were able to find another job, 88% reported a decrease in income.<sup>7</sup>

## Impact on Younger Drivers

Young drivers present a unique challenge to licensing authorities because of their immaturity and lack of experience in operating motor vehicles. In addition, many of these young drivers have not yet had financial management training or experience and have not developed a broader appreciation of the true costs and responsibilities required for motor vehicle ownership and responsible operation. Even with a good understanding of the financial requirements associated with obtaining a license and of vehicle ownership, young people have the added challenge of typically experiencing lower employment rates and lower

paying jobs. Significantly, many states have eliminated subsidized driver education programs from public schools, leaving instruction primarily to the parents or legal guardians of these youth or to private driver instruction entities.

Another aspect common to most young drivers is the lack of sufficient financial resources caused by part-time employment, educational obligations, lack of professional qualifications, and other factors. Many of these drivers, because of their inexperience, commit traffic violations that result in driver license suspension and costs related to attaining full licensure.

National Highway Traffic Safety Administration (NHTSA) crash analysis consistently shows drivers under age 26 are overrepresented in crashes (high risk). However, when younger drivers are suspended for non-driving reasons, the suspensions have collateral consequences such as financial responsibility filing requirements. The compounding effect of these consequences may have a long-term and substantial impact on a young person's ability to pursue educational opportunities and to secure and maintain future employment. In many jurisdictions, minors are subject to license suspension for truancy, underage drinking, alcohol or drug offenses, and a myriad of other offenses not involving motor vehicle operation or traffic safety offenses. This can inhibit a minor's ability to qualify for commercial motor vehicle credentials or employment as a driver for compensation. For a young person on the cusp of pursuing a career, this can be devastating.

With the advent of new technology (and a young population familiar with the use of electronic devices and social media), jurisdictions have a unique opportunity to proactively educate, inform, and monitor young drivers, with a goal of instilling safe driving habits at an early age. Young people have their own ever-evolving methods of communication, and jurisdictions that acknowledge this and transform approaches to communicating may find better and more effective methods to reach and engage young audiences.

5 Alan M. Voorhees Transportation Center. *Motor Vehicles Affordability and Fairness Task Force: Final Report*. Edward J. Bloustein School of Planning and Public Policy, Rutgers University and New Jersey Motor Vehicle Commission, 2006.

6 Margy Waller. "High Cost or High Opportunity Cost? Transportation and Family Economic Success." *The Brookings Institution Policy Brief*, Center on Children and Families, no. 35, December 2005.

7 Alan M. Voorhees, Transportation Center, 2006.

Although safe driving is important for everyone, the reality is there are many young drivers facing suspension for safety and non-highway safety reasons. Therefore, jurisdictions should explore alternatives to license suspension or restriction for younger drivers and pursue efforts to reduce or eliminate the long-term impact of various offenses and reinstatement requirements for this population. Some jurisdictions have instituted amnesty programs to permit suspended drivers to attain legal licensure by eliminating or mitigating certain reinstatement requirements. Courts in other areas offer community service or driver training requirements in lieu of reinstatement fees or

*Moreover, drivers suspended for highway safety reasons are six times more likely to be involved in a crash than drivers who have never been suspended for any reason.*

expunge certain license actions unique to young drivers after a period of violation-free driving. Regardless of the approach, reducing the cost, complexity, and collateral consequences of license suspension for young drivers can produce dividends beyond safer drivers.

## Impact on Highway Safety

It is estimated that up to 75% of suspended drivers continue to drive.<sup>8</sup> The *Enhanced Analysis of Suspended Drivers Related to Crashes* (Appendix B) shows that approximately 34% of drivers suspended for highway safety reasons commit a moving violation while under suspension compared to approximately 7% of drivers suspended for non-highway safety reasons.<sup>9</sup> Almost 19% of drivers suspended for highway safety reasons are involved in a crash compared with less than 7% of drivers suspended for non-highway safety reasons, so they are nearly three times more likely to be involved in a crash. One in five traffic fatalities in the U.S.

8 National Cooperative Highway Research Program, Report 500, Volume 2.

9 Robert Eger III, PhD, Florida State University, 2011.

involves a driver who is operating a motor vehicle while suspended or who has no license at all, according to the Transportation Research Board of the National Academies.<sup>10</sup> Findings show drivers suspended for bad driving are indeed bad drivers. However, those suspended for non-highway safety reasons may not be unsafe drivers at all, and therefore alternatives to suspension should be considered.

## Impact on Motor Vehicle Agencies (MVAs), Law Enforcement, and the Courts

The dramatic increase in non-highway safety suspensions creates a burden for law enforcement, MVAs, and courts. The impact of non-highway safety violations on these entities are discussed in detail in Chapters 4 to 6. Law enforcement, MVAs, and the courts could better focus on drivers arrested for impaired driving, aggressive driving, serious traffic violations, and other risky behavior if they were not required to take action against individuals suspended for non-highway safety reasons.

According to Chief John Batiste of the Washington State Patrol, “A roadside encounter with a suspended driver is a time consuming endeavor for officers. Drivers suspended for non-driving reasons represent 39% of all suspended drivers and are not the threat to the motoring public as other suspended drivers.”

*Reducing law enforcement roadside encounters with suspended drivers by up to 39% would result in significant time savings allowing officers to be available for calls for service and other proactive highway safety activities.*

10 National Cooperative Highway Research Program, Report 500, Volume 2, 2003.

## Chapter Two Research Overview

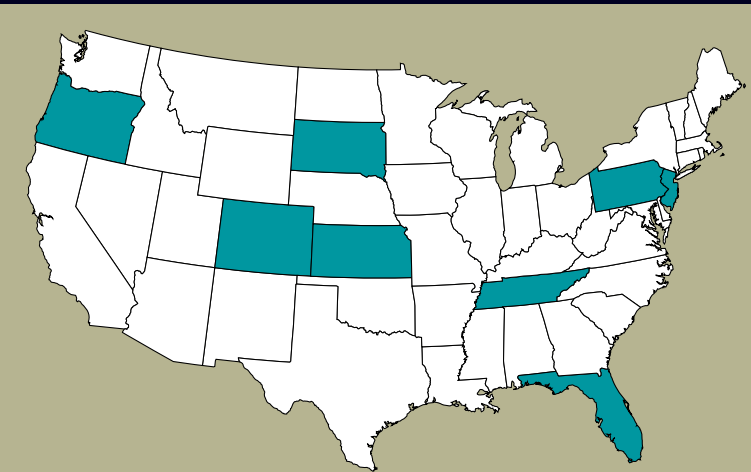
In 2005, the original Suspended Driver Working Group commissioned Robert Eger III, PhD, Florida State University, to analyze driver record data from six states. In 2011, additional data from two more states were added to provide validation of the findings. The research focused on driver license suspensions, categorized by those resulting from highway safety violations and non-highway safety reasons and subsequent driving behavior. The research analyzed post-suspension activity to determine whether driver license suspension is effective in achieving compliance with non-highway safety obligations.

Driver records from Colorado, Florida, Kansas, New Jersey, Oregon, Pennsylvania, South Dakota, and Tennessee, were analyzed. The eight states were geographically and demographically representative of the entire nation.

Researchers applied the AAMVA Code Dictionary (ACD) to provide consistent category definitions of all driver record violations. The ACD provides guidelines for the uniform exchange of violation information between state MVAs.

The study outcome revealed that the two groups of suspended drivers—those suspended for highway safety violations and those suspended for non-highway safety reasons—differ from the national percentage of licensed drivers involved in crashes. Those suspended for highway safety reasons have a much higher percentage of crashes than drivers suspended for non-highway safety reasons. The two groups also differ in the length of driver license suspension and the relationship between the length of suspension and the frequency of crashes. It follows that less traffic enforcement of highway safety violations occur as

**Researchers reviewed nearly 115,000 driver records from eight (8) geographically and demographically representative states.**



*These results validate the finding that the two groups of suspended drivers appear to behave differently and thus should not be treated as a homogenous group in regard to highway safety policy.*

suspensions for non-highway safety reasons increase. These analyses support a repeated call for suspended driver policy options that address the differences between the two groups. See Appendix B for the full study.

Both groups of suspended drivers (highway safety and non-highway safety) negatively affect highway safety, but clearly those suspended for highway safety reasons present a bigger risk to roadway users.

Data from 2002 to 2006 was analyzed to assess activities of drivers whose licenses had been suspended. The total number of suspended drivers during the study period decreased from approximately 25,000 in 2002 to approximately 20,000 in 2006. This

represents a 21% decrease over the time period. However, the study revealed an increasing proportion of drivers suspended for non-highway safety reasons. In 2002, drivers suspended for non-highway safety reasons represented 29% of all suspended drivers. By 2006, this group represented 39% of all suspended drivers.

Findings indicate that 75,948 drivers, or about 66% of the sample population, were suspended for highway safety violations, and 38,678 of drivers, or about 34% of the sample, were suspended for non-highway safety reasons. More than one third of the drivers with suspended licenses lost their driving privileges for reasons that were completely unrelated to driving.

Of those suspended for highway safety violations, 9.2% committed a subsequent non-highway safety offense compared with 24.2% of drivers suspended for non-highway safety reasons. This shows that more drivers suspended for non-highway safety reasons committed subsequent non-driving offenses than those suspended for highway safety reasons. In fact, the data indicate that more than two thirds of drivers with a suspended license commit a subsequent non-highway safety offense, suggesting that suspending their license does not compel compliance with non-highway safety obligations.

Regarding crashes, study results show that whereas 18.9% of drivers (14,318 of 75,948) suspended for highway safety violations are involved in a crash during the suspension period, 6.9% of drivers (2,669 of 38,678) suspended for non-highway safety reasons are involved in a crash. When looking at repeat offenders, the results show that whereas 44.2% of drivers (11,786

of 26,689) suspended for highway safety violations are involved in a crash, 21.1% of drivers (2,427 of 11,499) suspended for a non-highway safety reason are involved in a crash (Table 2-3). Bottom line: Drivers suspended for driving reasons are involved in more crashes. If after reviewing this document policymakers agree that there should be a direct nexus between license suspensions and highway safety, then state laws requiring suspensions for non-highway safety reasons should be reconsidered and alternatives to achieving compliance that offer a direct connection to the offense identified. To explore the relationship between suspended driver crashes and crashes involving all drivers, the number of crashes were analyzed.

More than 3.1% of licensed drivers were involved in a crash during the study period. The percentage of drivers suspended for non-highway safety reasons who were involved in a crash was 6.9%, more than double the crash involvement rate of drivers who have never been suspended for any reason. The number of drivers suspended for highway safety reasons involved in a crash was 19%: six times the rate of crash involvement of all drivers. Both groups of suspended drivers appear to negatively affect highway safety, but clearly those suspended for highway safety violations are the higher risk group.

The outcome of this research indicates that driver license suspension for non-highway safety reasons is ineffective in achieving compliance with non-highway safety obligations. Study results confirm that the two groups should be treated differently when formulating highway safety policy. These analyses support a repeated call for a suspended driver policy that emphasizes suspension only for highway safety reasons.

## Chapter Three Impact on the Driving Public

Suspending a person's driving privilege can have a profound impact on that person's ability to function in modern society. Many people rely on their driving privilege to handle everyday tasks—going to school or work, transporting family members, seeing the doctor, and more. Suspending a person's driving privilege means taking away their ability to meet those obligations legally—often, without a readily available alternative. A person's path to reinstatement is further complicated if his or her suspension is for non-payment of a financial obligation.

### Young Drivers

MVAs have long paid special attention to young drivers because of their disproportionate highway safety risk. Young drivers are inexperienced, and this lack of experience leads to disproportionate involvement in crashes, long known to be the leading cause of death for teens.<sup>11</sup> In response to teen crash rates, most jurisdictions instituted Graduated Driver's License (GDL) systems to allow younger drivers to adjust to the responsibility of driving. Data have proven the efficacy of GDL systems.

Young drivers may also be disproportionately impacted by non-highway safety suspensions. Census data suggest that the economic condition of many young people has worsened. For example, in 2016, 41% of young men between the ages of 25 and 34 had incomes below \$30,000 (up from 25% in 1975).<sup>12</sup> Likewise, the census reported in 2017 that one in three young people between the ages of 18 and 34 lived in

their parents' home, and of them, one in four were neither working nor attending school.<sup>13</sup> Low income can make young people more vulnerable to suspension for economic reasons. It can also make it more difficult for these individuals to appear for a court case, resulting in a loss of driving privilege.

Many jurisdictions suspend the driving privilege of those who commit offenses and crimes even when the offense did not involve operating a motor vehicle. This is a trend that affects all ages but can be exacerbated when a person falls into this trap at a young age.

*Virginia State Police data showed that 47% of the people arrested in 2015 for a drug crime were between the ages of 15 and 24.*

For example, in Virginia, where a person can be suspended for non-driving drug crimes, Virginia State Police data showed that 47% of the people arrested in 2015 for a drug crime were between the ages of 15 and 24.<sup>14</sup> Additionally, many jurisdictions have offenses that apply only to the younger population, such as truancy or underage drinking, subjecting them to a heightened risk of being suspended for a non-highway safety reason.

### Financial Obligations

Many non-highway safety suspensions result from failing to pay financial obligations such as child support (as mandated by federal law), court fines, costs, and reinstatement fees. A significant problem

<sup>11</sup> Centers for Disease Control and Prevention, 2015.

<sup>12</sup> United States Census Bureau. The Changing Economics and Demographics of Young Adulthood From 1975 to 2016. <https://www.census.gov/newsroom/press-releases/2017/cb17-tps36-young-adulthood.html>

<sup>13</sup> Ibid.

<sup>14</sup> Crime in Virginia, 2015, Uniformed Crime Reporting Section, Va. Dep't. of State Police, at 66, [http://www.vsp.state.va.us/downloads/Crime\\_in\\_Virginia/Crime\\_in\\_Virginia\\_2015.pdf](http://www.vsp.state.va.us/downloads/Crime_in_Virginia/Crime_in_Virginia_2015.pdf).



for drivers suspended for non-payment of financial obligations is that the amount due can increase over time because of non-payment of penalties, interest, and other reinstatement requirements. Although continuing accrual of interest and other costs would happen whether or not the driving privilege is suspended, the accrual of interest can make it harder for suspended persons to be reinstated because of the increasing balance due.

A federal court in Virginia described the dilemma of one individual suspended for failure to pay fines and costs as follows:

Damian Stinnie owes fees, fines, and costs to Virginia's courts. He cannot pay them, so Virginia law requires that his driver's license be suspended until he pays. But the suspension makes it difficult to get and keep a job. In other words, because he cannot pay the fees, his license is suspended, but because his license is suspended, he cannot pay the fees.

*Damian Stinnie owes fees, fines, and costs to Virginia's courts. He cannot pay them, so Virginia law requires that his driver's license be suspended until he pays. But the suspension makes it difficult to get and keep a job. In other words, because he cannot pay the fees, his license is suspended, but because his license is suspended, he cannot pay the fees.*

As illustrated by Mr. Stinnie's case, suspending someone's driving privilege for a non-highway safety reason sends a double message—that the state wants the individual to meet his or her obligations but it is taking away one of the most viable means

for doing so, driving legally. Suspending a person's driving privilege makes it less likely that fines will be paid if the person is unable to get to work and to pursue other daily activities such as attending school, going to medical appointments, and so on. This is compounded for individuals who live in areas where other transportation options are not readily available.

## Recipients of Payments

The non-payment of financial obligations also has negative impacts on the intended recipient. Court fines and costs fund a variety of activities and interests, often including those that indirectly benefit the public. For example, fines may benefit victims of crime or other groups earmarked to receive a portion of the funds. When an individual does not pay his or her obligation, the money is not available to assist the members of the public it was meant to benefit. Accordingly, failure to pay a financial obligation can have a negative impact on the people who would benefit from the payment.

## Multiplier Effect

If a suspended driver is cited and convicted of driving while suspended, the driver is subject to an additional period of suspension and additional reinstatement requirements. When a driver is suspended, substantial court and MVA resources are required to collect fees, generate notices of suspension, monitor reinstatement requirements, and maintain proof of insurance records. This process may also have a multiplier effect of successive suspensions for drivers, who, because of limited financial resources, cannot meet compounding reinstatement requirements. The multiplier effect not only impacts suspended drivers, but the entire system, including the MVA, law enforcement, and the courts.

## Chapter Four Impact on Motor Vehicle Agencies

### Introduction

A critical mission of MVAs is to help ensure the safety of the nation's roads and highways. To that end, they are charged with ensuring that individuals behind the wheel of a motor vehicle know the driving laws of the jurisdiction and that they qualify for a driver's license by demonstrating their ability to safely operate a motor vehicle. When an individual fails to follow the rules of the road, he or she may lose the privilege to drive.

Over the past two decades, governments have increasingly looked to suspend the driving privilege to help solve non-highway safety issues. Suspending the driving privilege has become the preferred method to leverage compliance with jurisdiction laws that have nothing to do with highway safety in the belief that suspension will leverage compliance with other public laws. The reality however, is quite different because there is no empirical evidence suggesting that people comply with requirements because their driving privilege was suspended as a result.

New laws requiring license suspension generally result in MVAs having to modify information technology (IT) systems to incorporate the new suspension on the driving record, train central office and field staff to process suspensions and reinstatements and respond to inquiries, and develop or revise forms. In addition to staff time, expenses to implement the suspension may include IT processing costs, stakeholder training, increased postage, and supply costs. In other words, implementing such a suspension draws resources away from the MVA's core mission of public and highway safety.

Today all 50 states, the District of Columbia, and many Canadian provinces and territories have laws

that require the suspension of driving privileges for non-highway safety reasons, and more are proposed each legislative session. As a result, the entities responsible for administering suspensions and enforcing subsequent actions—the MVAs, law enforcement, and the courts—are increasingly burdened with non-driving compliance actions. A 2002 study conducted by the California DMV showed that suspending driving privileges for non-highway safety reasons is not effective. The costs of arresting, processing, administering, and enforcing non-highway safety driver license suspensions create a significant strain on budgets and other resources and detract from highway and public safety priorities.

### Leading Non-Highway Safety Suspension Reasons

A survey was conducted by the *Working Group* in 2018 to update the previous survey highlighting the non-highway safety reasons for which jurisdictions suspend driving privileges. Thirty-nine (of 69) jurisdictions responded to the survey. Among the 39 responses, below are the five non-highway safety reasons resulting in the most actions of suspension.

1. Failure to pay (a court fine or traffic ticket)
2. Failure to pay child support
3. Failure to appear (for a scheduled court date)
4. Drug violations
5. Minor in possession of alcohol (not driving)

It was common for a jurisdiction to report very low volumes, or even zero suspensions for a particular violation. A more complete view of survey results can be found in Appendix D.

## Fiscal Impact on Motor Vehicle Agencies (MVAs)

Significant time and resources are spent each year in the administration and enforcement of non-highway safety-related suspensions. MVAs do not always receive the funding necessary to implement and support new suspensions. Even when funded, these costs pose a significant burden on the jurisdiction.

After the legislature passes the requirement for driver license suspension for a non-highway safety reason, the MVA must implement the suspension. The fact that the suspensions are sometimes not used makes the process even more cumbersome and costly. For example, 23 jurisdictions reported in the original survey fuel theft as a suspension type. Four jurisdictions reported zero suspensions. Fourteen jurisdictions reported imposing 258 total suspensions for fuel theft. Applying time estimates provided by Colorado (shown below), for development of a new suspension type, the 14 jurisdictions spent 2,800 hours of developer staff time to suspend 258 drivers for fuel theft. This equates to 10 hours of developer time per suspension.

Following are examples of the various resources required by MVAs to impose a new suspension:

### ARKANSAS

In 2017, the Arkansas Department of Finance and Administration processed approximately 40,000 suspensions for non-highway safety reasons. Nearly four full-time employees (FTEs) were required for administrative processing, and more than \$20,000 was spent in postage alone.

### COLORADO

The Colorado Division of Motor Vehicles (DMV) completed an analysis of its resource allocation to create and administer a new non-highway safety-related suspension code. The DMV projected that 8,566 hours of manual employee processing time is needed on an

annual basis to process 16,800 anticipated suspensions. That equates to 4.22 full FTE.

In addition to processing staff, Colorado projected that 10,080 hours of hearing officer time would be needed on an annual basis to hold hearings and issue findings. That total is based on the assumption that 60% of suspended drivers will request a hearing and that each hearing is an hour in length. That equates to 4.84 hearing officers.

IT staff is required to enhance the driver license computer system to create the new suspension action and accommodate data entry, data access, and forms generation. It is estimated that 200 hours of IT staff time is required to create the action.

### MISSOURI

In 2017, the Missouri Department of Revenue Driver's License Bureau employed two full-time staff to process non-highway safety suspensions. Processing responsibilities include examination of the non-compliance documents, keying information into the computer system, mailing information, processing reinstatements, and handling phone calls and written inquiries. In addition to staff salaries and supervisory support, the Department spent \$24,000 on postage, envelopes, and paper to communicate with drivers suspended for non-highway safety reasons.

### OREGON

In 2017, the Oregon Department of Motor Vehicles had 22 employees and spent approximately \$73,000 on forms and postage costs for communication with suspended drivers for non-highway safety suspensions.

## Savings Realized by Jurisdictions That Have Reduced Non-Highway Safety Suspensions

### WASHINGTON STATE

In July 2013, as a result of E2SSB 6284, Washington stopped suspending driving privileges for failure to appear/pay (FTA) for non-moving violations.



Suspension still occurs for FTA on moving violations (and five select non-moving related violations). Nearly five years after the implementation of the law change (March 2018), an analysis revealed a drop of approximately 12,000 suspensions per month and a 51% reduction in total FTA suspensions. For a complete view of Washington's success story, see Appendix C.

The suspended population in Washington State will be further reduced by additional legislation that passed under SSB6529 in 2017, which changed suspension for offenses committed by minors relating to firearms, alcohol, and drugs. For these violations, minors are now suspended on the second offense; previously, suspension occurred after first offense.

## GEORGIA

During the 2015 to 2016 Regular Session of the Georgia State Legislature, SB 100 was passed, which repealed the requirement to suspend on many non-highway safety-related reasons. In the first three fiscal years following passage of this law, Georgia documented administrative printing and mailing cost savings of more than \$100,000, in addition to allowing reallocation of staff time to other priorities.

*The creation and implementation of suspensions for non-highway safety reasons generate cost to jurisdictions and creates a burden on MVA's, law enforcement, and the courts that are not supported by measurable highway safety outcomes.*

## Chapter Five Impact on Law Enforcement Agencies

### Introduction

The cost of handling non-highway safety driver's license suspensions by law enforcement diverts law enforcement resources from other enforcement priorities. The research discussed in Chapter 2 reveals that 39% of suspended drivers lost their driving privilege for a non-highway safety reason(s). Eliminating 39% of suspended drivers would result in fewer citations for driving while suspended and allow law enforcement to repurpose the hours currently being diverted by these cases toward traffic law enforcement activities focusing on crash-causing violations.

*If a driver is suspended and involved in a crash, whether the driver is at fault or not, he or she may not wait for law enforcement response, contributing to a number of drivers who flee from the scene of crashes (hit and run).*

In most jurisdictions, actions taken by law enforcement for individuals driving while suspended do not differ based on the underlying reason for the suspension. Whether the person is suspended for impaired driving or littering, the officer must follow the established procedure for processing the offender. Moreover, when a law enforcement officer encounters a suspended driver, his or her ability to help ensure the safety of drivers on the roadways and availability to respond to calls for service are reduced. The officer must take appropriate action for the violation at roadside, which often includes waiting for a tow truck for impound and in some cases transporting the

individual to jail if a booking offense. Often the officer has to appear in court later for adjudication of the violation(s) during which time there may be little or no enforcement presence in their patrol area. During these times, officers are not available for 911 responses, crash investigation, criminal interdiction, and other enforcement activities, potentially increasing the threat to public safety.

Roadside contacts with suspended drivers is also an officer safety concern. What may have been a ten-minute contact is extended considerably when it is discovered the driver is suspended. In the U.S. in 2017, 129 law enforcement officers were killed or died as a result of injuries received in the line of duty. According to the National Law Enforcement Officers Memorial Fund, a nonprofit that tracks police deaths, 2017 statistics show that traffic fatalities were a leading cause of officer deaths, with 44 officers killed. Each time an officer stops a driver who is suspended, it increases the officer's exposure and increases the possibility of an incident that may lead to injury or death.

### Fiscal Impact on Law Enforcement

Law enforcement agencies throughout the country face significant resource challenges and difficult choices about where to best focus limited resources.

The Tennessee Highway Patrol reported that in 2017, 25% of their arrests made were for driving while license suspended. Assuming 39% of those were suspended for non-highway safety reasons, approximately 10% of arrests made were non-highway safety related.

Law enforcement agencies spend millions of dollars and lose thousands of personnel hours each year in the

administration of non-highway safety suspended driver enforcement.

To provide further context, one example is extrapolated from data provided by the Washington State Patrol (WSP). In 2017, WSP troopers issued 20,248 citations for driving while suspended or revoked. Applying a national average of 39% of all suspensions being for non-highway safety reasons, 7,896 drivers were cited for driving while suspended for non-highway safety-related reasons.

Although a precise accounting of the number of roadside, administrative, and court hours spent on each case is not available, a conservative estimate is four hours per event as the case/time multiplier. Using this figure, in Washington State, more than 31,584 personnel hours, or the equivalent of approximately

15 FTEs, are expended every year in the arrest and adjudication of drivers caught driving while suspended for non-highway safety reasons.

*“A roadside encounter with a suspended driver is a time-consuming endeavor for officers. Drivers suspended for non-driving reasons represent 39% of all suspended drivers and are not the threat to the motoring public as other suspended drivers. Reducing law enforcement roadside encounters with suspended drivers by up to 39% would result in significant time savings allowing officers to be available for calls for service and other proactive highway safety activities”*—Chief John Batiste, Washington State Patrol

## Chapter Six Impact on the Courts

### Introduction

The cost of handling non-highway safety suspensions by the criminal justice system is a significant burden. Traffic offenses represent the largest number of charges prosecuted in many state and local courts. According to the National Center for State Courts (NCSC), 44.9 million traffic violation cases were handled by state courts nationwide in 2016, representing 53% of the total cases processed by state courts in that year.

*“In every one of the 77 municipal divisions that I supervise, the judges, prosecutors, defense attorneys, and staff spend an inordinate amount of time dealing with suspended driver license cases at every docket. The process to get someone reinstated is onerous and complicated, and it only gets worse when a person has multiple suspensions. Attempting to help drivers get reinstated often means countless continuances and time spent (wasted) sending the drivers from one court to another.”—Hon. Douglas R. Beach, Presiding Judge, St. Louis County, Missouri*

Subject matter experts agree that traffic offenses, and driving while suspended cases specifically, are viewed by the general public as less serious than other crimes and do not receive an equal degree of focus despite the finding that such offenses indicate the driver is at greater risk of a crash resulting in injuries or death. The high number of non-highway safety suspensions may contribute to the misperception that driving while suspended is not a danger to public safety.

### Consideration of Court Alternatives

Courts should be aware of and consider alternatives to license suspension, which may include flexible scheduling, improved access to fine payment and adjudication, and reduced penalties for low-risk offenders. In lieu of compelling offenders to appear in court, there are many innovative methods to incentivize people to comply with their obligation(s).

Flexibility in court practices, such as providing a weekly docket or night courts, allows offenders to pick a time and date that works best for their schedule. Other flexible practices include providing convenient locations where a court may convene, providing interactive plea or payment kiosks in public places to transact court business, or allowing central processing for offenses committed in various jurisdictions. Other court provided incentives include reducing the amount of the fine or court cost assessed if an offender satisfies the obligation early, or permitting “0” point assessment for early compliance.

Courts and MVAs and other stakeholders should collaborate to identify solutions. For example, in Maryland, kiosks are used in every MVA branch office where people under suspension can pay court fines and complete their reinstatement process in one location. A DMV office in Oxnard, California, offers a “court window” where drivers can pay fines or conduct other court business. Improving accessibility to satisfying a penalty can improve compliance.

Courts may also consider a uniform procedure for determining a person’s ability to pay and allow

alternative sanctions in lieu of license suspension. Examples of alternative sanctions include:

- Community service in lieu of fines or costs
- Payment plans or license restrictions in lieu of mandatory suspension periods. License restrictions can include limiting operation of a vehicle within a certain mile radius of residence, limiting operation to certain types of roadways, daylight driving only restrictions, or vehicle operation for employment or education purposes only.
- Wage garnishment or state tax refund offset to cover outstanding fines and costs

In 2016, the Conference of Chief Justices and the Conference of State Court Administrators established the National Task Force on Fines, Fees, and Bail Practices. The task force produced its “Principles on Fines, Fees, and Bail Practices” in January 2018, encouraging courts to not initiate a license suspension procedure until an “ability to pay” hearing is conducted by the court and a determination made that the failure to pay was willful. The task force further recommended that courts not engage in automatic license suspension

policies and permit judges to modify the amount of the fine and costs based on an offender’s income and ability to pay. The group also recommended that courts acknowledge in their policies that their fines, fees, and bail practices may have a disparate impact and collateral consequences on poor or ethnic populations. Courts are also encouraged to seek alternatives sanctions, such as payment plans tailored to the needs of an indigent driver, reduced fines, community service, or successful completion of an online or in-person driving class.

*The task force further recommended that courts not engage in automatic license suspension policies and permit judges to modify the amount of the fine and costs based on an offender’s income and ability to pay.*

As discussed in the MVA and Law Enforcement chapters, by using alternatives to license suspension, courts improve a person’s ability to resolve the obligation and reduce the strain on their resources so they can be repurposed. An additional benefit may be improved public perception of courts.

## Chapter Seven License Suspension Considerations

### Introduction

Addressing unsafe driving behavior through education and enforcement is a proven strategy for reducing traffic crashes. As part of sanctioning drivers who violate these laws, jurisdictions may employ fines as one means of changing dangerous driving behaviors. The administration of traffic courts and adjudication of traffic citations is supported by both fines and court costs. Failure to pay either fines or court costs can result in the loss of driving privileges through license suspension.

In earlier editions of this report, recommendations were limited to addressing suspension for highway safety versus non highway safety violations—including fines associated with each. The prior Best Practice recommended that jurisdictions only suspend for highway safety related reasons, and only suspend for failure to appear in court (FTA) or failure to pay a fine(s) (FTP) if the underlying offense was for a highway safety violation.

In this chapter, the recommendation is expanded to consider the disproportionate impact FTA and FTP may have on individuals who are economically disadvantaged.

### Failure to Appear (FTA)

Jurisdictions should consider suspending a person's driving privilege for FTA only if the underlying offense was for a highway safety related violation. Jurisdictions should avoid suspending a person's driving privilege for FTA if the underlying offense did not relate to highway safety.

### Failure to Pay (FTP)

Jurisdictions should consider suspending a person's driving privilege for FTP only if the underlying offense was for a highway safety related violation. In addition, jurisdictions should take into consideration the driver's ability to pay and whether the driver has otherwise complied with applicable rules, obligations, and orders of the court. Regardless of underlying offense type, jurisdictions should consider avoiding suspending driving privileges for FTP if the otherwise compliant driver demonstrates a need for relief from paying part or all of a fine or court cost based on indigency.

Most jurisdictions have existing mechanisms in place to determine which defendants meet the jurisdiction's definition of indigency. Drivers who cannot fully pay fines or court costs on demand may receive additional time to pay and/or waivers of some or all the amount. In this way, sanctions do not disproportionately impact economically disadvantaged drivers. Clear policies will enable courts to apply sanctions consistently and fairly.

### Special Considerations for Commercial Drivers License (CDL) Holders

As jurisdictions consider policies related to sanctioning drivers, specifically the appropriate license sanctions for drivers who fail to appear in court in response to a traffic violation ticket, citation, or charge, it is important for jurisdictions to be aware of the CDL status of each driver. It is common for drivers to receive a Failure to Appear notation on their driving record, and this is often accompanied by related

license actions including suspension of privileges. However, for each driver with a CDL (or who was operating a commercial motor vehicle at the time of the underlying offense), the MVA may need a separate analysis and action.

Certain federal motor carrier rules or Federal Motor Carrier Safety Regulations (FMCSRs) apply if CDL

holders are charged with violations and fail to appear in court on the charge. In some circumstances, the FMCSRs require the CDL-holder's failure to appear to be treated as a conviction for the underlying offense. Jurisdictions should conduct an analysis of federal requirements for CDL holder sanctioning to inform any consideration of FTA relief policies or legislation.

## Chapter Eight Considerations for Young Drivers

### Introduction

Young, inexperienced drivers are significantly overrepresented in fatal crashes, according to NHTSA. Young drivers are more likely to take risks, underestimate dangerous situations, or recognize hazardous situations while driving and are more likely to make critical decision errors leading to serious crashes than adults. In response, states, provinces, and territories have passed legislation addressing driver education, distracted and impaired driving, and leading issues that contribute to young driver crash involvement.

Most jurisdictions currently have some form of GDL to provide instruction and experience for youthful drivers before full licensure. However, for young drivers who commit driving violations, jurisdictions must determine how to sanction these offenders. The commission of a traffic violation is likely evidence that further driver training or education is necessary for novice drivers, and license suspension is not always the most appropriate action to change this behavior. Jurisdictions should also implement alternative reinstatement practices for those who have been suspended.

*“Jurisdictions should implement prevention programs and suspension alternatives for younger drivers so they can retain their driving privilege if not a traffic safety risk.”*—James Fackler, Director of Office of Program Support, Michigan Department of State

Jurisdictions may suspend the driving privilege of young drivers for reasons common to that age group such as underage drinking, drug possession, bringing

a weapon to school, and truancy. A driving privilege suspension is not an appropriate punishment, and there is no empirical evidence that it reduces the likelihood of recidivism for non-driving offenses. It may actually subject young drivers to the multiplier effect, placing them into the never-ending cycle of driving privilege suspensions.

It can also be more difficult for young people to gain employment because of lack of experience. Adding loss of licensure can exponentially make it more difficult to gain and retain employment.

In under resourced communities where demographics show greater numbers of single-parent households, with adults often working multiple jobs and where vehicle ownership may be a luxury, the barriers for a young person to fulfill the license requirements are greater than in more affluent areas. This is especially true because cutbacks and fiscal challenges in public school districts have made driver’s training classes scarcer. These barriers appear to have a disproportionate impact based on race and income level. The University of Wisconsin–Milwaukee Employment and Training Institute found that 83% of black male teens (ages 16 to 17) in Milwaukee did not have a driver’s license, but only 36% of white male teens in the Milwaukee county suburbs lacked a license. Nationally, a 2012 survey by the AAA Foundation for Traffic Safety found that the likelihood of having a license increased with income and that black and Latino respondents were less likely to have a license than white respondents.

This resource provides additional ideas for jurisdictions to consider to assist young drivers to retain their driving privilege while navigating corrective measure requirements.



## Programs to Prevent Violations from Occurring

Prevention programs should educate young drivers before the issuance of a license or permit, increasing their driving skills and decision making ability. These programs should also educate young people as to the consequences of committing violation(s) that in isolation or in combination could result in license privilege suspension.

### VIRGINIA

Reality Check is a program in which students participate in a realistic, interactive program that includes an overview by a trauma surgeon of the traumatic life-changing effects of unsafe driving, a visit to the trauma unit to witness a simulation of a trauma victim resuscitation, an interview with local paramedics, and a presentation by a recent crash survivor about his or her injuries and rehabilitation.

## Suspension Alternatives

Suspending driving privileges of young drivers for non-highway safety reasons has an undue adverse impact on their educational and employment opportunities. Jurisdictions should implement alternatives to suspension for non-highway safety reasons that encourage positive decision making among young drivers.

### TENNESSEE

Tennessee uses the National Safety Council's Alive at 25 program as a suspension alternative. Individuals 14 to 19 years of age who accumulate too many points must complete an eight-hour course and upon successful completion are allowed to retain their driving privilege in lieu of suspension or a reduction in suspension time.

### NEW JERSEY

Drivers convicted of two or more moving violations must enroll in a program to correct improper or

dangerous driving practices. Successful completion of the program reinstates the driving privilege.

## Diversion Programs

Diversion programs can be structured as an alternative to suspension. For young people, diversion programs are often successful in modifying behavior and should be considered as a model in the development of alternatives for the suspension of driving privileges. Following are examples of diversion programs that could focus on younger drivers (even if it was not the original intent of the described programs).

### SOUTH CAROLINA

South Carolina has implemented a diversion program designed for first-time offenders for certain underage drinking offenses in lieu of license suspension. This program allows the defendant to be diverted into a program consisting of counseling and guidance. Successful completion of the program requirements allows the participant to process an Order for the Destruction of Arrest Record on the charge.

### VERMONT

The Truancy Project helps students and their families address school attendance issues, diverts cases from family court, and avoids suspension of driving privileges. After being enrolled, participants are assigned a case manager who gets to know the person and the factors leading to the offense and serves as a guide throughout the program. A total of 81% of youth participating have successfully completed the program.

## Post-Violation Recidivism Prevention Programs

Implementing specialized programs to assist younger drivers when cited or convicted for non-highway safety-related reasons assists in avoiding future violations. It is important to consider a full continuum of alternative programs to include restricted licenses,

driver education and financial responsibility training, and behavioral based driving programs and potentially monitoring younger drivers via telematics devices.

Enhanced driver training assists young drivers to become safer and more responsible behind the wheel, reducing their risk of committing additional violations. To reach young drivers, jurisdictions should incorporate new technology and digital media, which provides a low-cost and effective alternative to traditional training methods.

Behavioral based prevention programs focus on the decision-making processes and behaviors that young drivers display in a motor vehicle. This helps young drivers understand the impact of their choices and accept responsibility for their actions.

For many young drivers, appearing in court for a traffic offense is typically their first contact with the criminal justice system. The majority of young drivers are not knowledgeable of the process, and unless they are supported by legal counsel, they receive little to no guidance in this regard. Jurisdictions should consider incorporating aspects of the court system into their educational programs so they are better prepared to navigate the process.

## MASSACHUSETTS

A behavioral prevention program, Dynamics of Driving, targets drivers between the ages of 15 and 24 years old. The program includes a community coalition of various agencies and driving experts to work together to educate students about what can happen if they practice risky behavior or make other poor decisions while driving. The program has shown statistically significant reductions in driving offenses after completion of the training. Participants younger than 21 years of age experienced 2.46 minor traffic violations compared with 0.42 three years after completion of the training, a reduction of 83%.<sup>15</sup>

<sup>15</sup> National Safety Council, Incident Experience of Massachusetts Drivers Before and After Participation in the Dynamics of Driving Course.

## VERMONT

The Youth Safety Substance Abuse Safety Program helps youth ages 16 to 20 years of age who have been cited for underage drinking or possession of marijuana receive screening, education, and treatment for identified substance abuse problems. After the young driver successfully completes the program, her or his ticket is voided, thus avoiding a fine and license suspension.

## Other Programs for Young Drivers

Some jurisdictions have younger person intervention strategies that could be converted into driving privilege suspension alternatives.

## VIRGINIA (FAIRFAX COUNTY)

SAFE (Substance and Alcohol Focused Education) is a mandatory juvenile court-ordered program designed for teens ages 15 to 18 years who are charged with a first-time alcohol or substance abuse offense. Participating teenagers take part in a program overview and group discussion, discuss alcohol and drug-related fatalities with a medical examiner, and then spend three hours in the Inova Fairfax Hospital trauma intensive care unit on a weekend with a trained counselor observing patients and talking with victims of impaired driving-related crashes.

## FLORIDA

Florida has established a civil citation program for youth related to non-serious misdemeanor offenses as an efficient and innovative alternative to criminal prosecution. The program requires community service, intervention services, and other sanctions such as school progress monitoring, letters of apology, and restitution. Referral is only available for a first offense. After it is completed, no juvenile record is created. The program has been recognized as a success in modifying behavior in youth. Furthermore, the recidivism rate for youth participating in this program was 4% compared with 42% for those participating in a residential program.

## Chapter Nine Outreach and Education

### Introduction

Over time, jurisdictions have expanded the use of driving privilege suspensions to deter and punish various non-highway safety behaviors. Many drivers have experienced the negative impact of being suspended for non-highway safety reasons and have suffered other longer term consequences as a result. Often, people, especially younger drivers, are unaware of the link between non-driving behaviors and their driving privilege. A concerted effort to reduce the population of drivers subject to suspension requires education and outreach to key stakeholder groups, including the MVAs, law enforcement, state lawmakers, court officials, and the public with an emphasis on younger drivers.

### Motor Vehicle Agency (MVA)

MVA employees provide knowledgeable and skilled customer service to the public and are best positioned to educate customers on understanding sometimes complex reinstatement requirements following the suspension of their driving privilege. Employees are trained to provide information on reinstatement requirements such as suspension duration and other relevant information related to their suspension. Non-highway safety suspensions increase the amount of training required for employees.

When multiple suspension actions are taken against a driver, reinstatement requirements are more complex. Non-highway safety suspensions compound this issue. Each additional suspension may have unique reinstatement requirements, further complicating the driver's understanding of the process. It is important that MVAs effectively communicate reinstatement requirements; otherwise, the driver could remain

suspended indefinitely. Likewise, when alternatives to suspensions exist, it is imperative that employees accurately convey that information to drivers.

Often it is a challenge to assist a driver when they are in the cycle of driver license suspensions, which proves difficult to overcome. The need to look for other means to assist drivers, such as educating the public and working closely with external stakeholders, will help to change the landscape to alternative reinstatement programs in lieu of a suspension and benefit the jurisdictions by placing more focus on highway safety.

### Targeted Outreach to Suspended Persons

Outreach can provide benefits before a driver is cited for the offense of driving while suspended, either by preventing the action from occurring or educating the person of the options to reinstate. One example from Virginia requires those with two convictions for driving while suspended to report to the Virginia Alcohol Safety Action Program for an intervention interview. During this interview, the driver is informed of all applicable laws, provided guidance regarding court fines and cost and advised of the consequences of future offenses.

### External Stakeholders

As reform efforts grow, progress toward repealing laws requiring suspensions of driving privileges for non-highway safety reasons coupled with implementing suspension alternatives is best accomplished through partnering with stakeholders. Representatives from the legislative, judicial, and executive branches of government along with youth and community groups, and employers, to name a few, can offer ideas, training resources, and support for implementing new policies and procedures.

Each stakeholder has a vested interest in ensuring that reform efforts minimize the adverse impact on the public. Education and outreach, tailored to each stakeholder group, is critical to implementing suspension alternatives. Obtaining legislative support requires advocacy highlighting the positive outcomes that are gained by passing suggested legislation. For example, when a bill was introduced in Washington State to reduce the number of non-highway safety suspension, officials projected future workload reductions for the Department of Licensing (DOL) and the WSP. After passage and implementation, the anticipated savings as detailed in Chapters 4 and 5 were realized.

The NHTSA has found that peer-to-peer training, education, and outreach are most effective in promoting proven and promising practices to address highway safety issues. Toward that end, NHTSA has developed a network of criminal justice professionals who work peer to peer, including administrative law judges, prosecutors, and law enforcement officials who work together on traffic safety-related issues. This national model has also been implemented at the state level by creating judicial outreach liaisons to tackle state specific issues related to traffic safety. Specific duties of these liaisons include coordinating between court and policymakers, providing training and education, sharing information with other professionals, and promoting evidence-based promising practices.

*Jurisdictions that continue to have non-highway safety suspensions need to educate drivers on the nexus between behaviors and their driving privilege and the costs associated with suspensions.*

### *Targeted Outreach to Suspended Persons*

Outreach can provide benefits before a suspended driver risks driving and being cited for the offense of driving while suspended, either by preventing the action from occurring or educating the person of

the options to reinstate. One example from Virginia requires those with two convictions for driving while suspended to report to the Virginia Alcohol Safety Action Program for an intervention interview. During this interview, the driver is informed of all applicable laws, provided guidance regarding court fines and cost, and advised of the consequences of future offenses.

Similarly, some states have established other outreach and education mechanisms to address cross cutting issues involving new and existing laws, policies, and procedures. In Maryland, the MVA meets annually with administrative law judges to discuss new legislation and procedures. MVA staff also meets quarterly with district court staff to discuss common errors, lessons learned, and process enhancements. In Kansas, the DOR conducts quarterly Webinars with court representatives to address processing errors. In South Carolina, the DMV conducts monthly networking meetings with law enforcement regarding DMV process changes and other issues affecting law enforcement. In Missouri, the DOR conducts quarterly criminal justice task force meetings to review proposed and passed legislation and its impact on those groups. Collaboration with stakeholder groups such as those described above will help gain acceptance of alternatives to suspension of driving privileges for non-highway safety reasons.

## **Public Outreach**

Jurisdictions use communication mechanisms such as television media, newspapers, social media, renewal notices, and driver license handbooks to communicate with the public. Jurisdictions should use innovative social media platforms to reach a larger audience than by traditional media only. Increased and enhanced outreach is necessary to inform the public of the risks associated with the various actions that will result in suspension.

Driver education and training, traffic school, defensive driving, and impaired driving programs should include an educational component on the sanctions associated with suspensions for non-highway safety reasons and reinstatement of a driving privilege.

# Conclusion

The suspension of driving privileges has long been used to address poor driving behavior, and research has proven that it can be effective in reducing traffic crashes. When licenses are suspended for non-highway safety reasons, the suspension becomes less serious in the minds of law enforcement, the courts, and the public.

Data show that drivers suspended for highway safety reasons are three times more likely to be involved in a crash than drivers suspended for non-highway safety reasons. With the expectation that limited highway safety resources should be focused on reducing the risk of dangerous drivers, using a driver's license

suspension for non-highway safety violations should be avoided.

It is recommended that jurisdictions consider repealing laws requiring the suspension of driving privileges for **non-highway safety reasons**. As existing laws requiring suspension of driving privileges are reconsidered and modified, this process should incorporate a consideration of economically disadvantaged drivers. Jurisdictions should also consider alternative reinstatement practices to allow individuals to reinstate their legal driving privilege more quickly when appropriate. These recommendations are of particular importance to younger drivers and to those who may be economically disadvantaged.

# Appendix A Sample Legislation

## Introduction

The following Preamble and Definitions were prepared by the 2013 SRWG. Several strategies were added by the 2018 SDAR WG for Jurisdictions to use as a starting template for discussing a specific legislative proposal. Although it may not be possible to repeal all non-driving suspensions in one legislative sweep, jurisdictions should attempt to remove as many as possible, even if it requires multiple legislative sessions to accomplish.

### § 1: Preamble

1. Highway safety is the primary goal of driver licensing and sanctioning laws.
2. Suspending a driving privilege is an effective deterrent and enforcement tool for compliance with highway safety laws and regulations.
3. Suspending a driving privilege has also been used as an enforcement tool for compliance with non-highway safety related laws and regulations.
4. The increase in legislated non-highway safety related suspensions has diluted the effectiveness of driving sanctions, created inefficiencies and inequities, and increased the burden on law enforcement, driver licensing authorities and the criminal justice system.
5. On average, 39 percent of license suspensions are for non-highway safety related reasons.

6. Drivers suspended for highway safety related reasons are three times more likely to be involved in a crash than a driver suspended for non-highway safety related reasons.
7. Maintaining full valid driving privileges should be contingent on compliance with highway safety related laws.
8. Suspending driving privileges for civil, criminal, or administrative offenses that involve neither the operation of a motor vehicle, nor the knowledge, skills, or physical qualifications to drive, is not related to highway safety.
9. To best serve highway safety, penalties for non-highway safety related reasons should avoid the suspension or revocation of driving privileges.
10. Alternatives exist to suspension or revocation of driving privileges for non-highway safety related reasons.
11. These alternatives should be used in lieu of suspending the driving privilege of a person for a non-highway safety related reason.

### § 2: Definitions

“Failure to Appear” means the failure of a person who has received a summons for an offense to either appear in court to answer the charge or to comply with an alternative method of appearance permitted by the court.



“Failure to Pay” means the failure of a person who has been convicted of an offense or found liable for a traffic violation to pay any court fines, costs, or restitution ordered by the court of conviction pursuant to the judgment of the court.

“Highway Safety Related Suspension” means any driving privilege suspension which is issued because of an individual’s operation of a motor vehicle, or the knowledge, skills, or physical qualifications to operate a motor vehicle, or maintaining the financial responsibility required for the operation of a motor vehicle.

“Mandated Suspension” means any driving privilege suspension which 1) is not a highway safety related suspension and 2) the jurisdiction is either required to impose by federal law (for American jurisdictions) or an act of parliament (for Canadian jurisdictions) or which, if the jurisdiction were not to impose the suspension, would result in the loss of funding.

“Non-Highway Safety Related Suspension” means a driving privilege suspension which is not a mandated suspension or a highway safety related suspension.

### **§ 3: Suspensions**

1. Jurisdictions should repeal statutes imposing a non-highway safety related suspension, and should repeal jurisdictional statutes imposing a mandated suspension if and when Congress (for American jurisdictions) or Parliament (for Canadian jurisdictions) repeals the mandate requiring the suspension.
2. Jurisdictions should repeal statutes imposing a suspension for failure to appear or failure to

pay when the underlying offense for which the person failed to appear or pay is not directly related to the operation of a motor vehicle.

### **§ 4: Failure to Pay**

1. Any person whose driving privilege is at risk of suspension for failure to pay should be able, prior to the suspension taking effect, to apply to an appropriate authority to determine whether it is appropriate to impose the suspension in light of the facts of the case and the individual’s personal circumstances.
2. For those individuals suspended for failure to pay, states should make available alternative methods of reinstatement other than payment in full of the obligation. Such methods could include payment plans, participation in community service, or other alternative methods approved by the appropriate authority.

### **§ 5: Waiver of Reinstatement Fees**

1. Jurisdictions should consider waiving driving privilege reinstatement fees for those individuals who are indigent.
2. Jurisdictions should develop guidelines for determining which drivers are indigent. Such guidelines could include the use of objective measures for determining indigence—for example, whether the person receives certain social services benefits.
3. Jurisdictions which do not currently evaluate indigence are encouraged to consult with their jurisdiction’s social services agency or with other jurisdictions which do, to develop an effective evaluation program.

## Appendix B Enhanced Analyses of Suspended or Revoked Drivers Related to Crashes

### Introduction

The SRWG commissioned Robert Eger III, PhD, Florida State University, to analyze driver record data from six states. In 2011, two states were added to provide validation of the findings. The research focused on driver license suspensions, categorized by highway safety-related and non-highway safety-related violations and subsequent driving behavior. Dr. Eger acknowledges Spencer Brien for his exemplary research assistance and data analysis.

This report is composed of four sections adding to the prior research found in DOT HS 811 092. In the first section, the ACD is applied to non-commercial vehicles found in DOT HS 811 092. A re-evaluation of all the outcomes found in DOT HS 811 092 using the ACD application is presented. In section two, Pennsylvania and Oregon are added to the suspended and revoked data to complete the representative sample of states within the contiguous United States. After adding the two states, a complete analysis of suspended and revoked drivers in the eight representative states is undertaken. The third section assesses suspended and revoked drivers using the length of initial suspension or revocation for drivers within the eight states, which is followed by section four, which provides an enhanced analysis based on a non-sampled data set of suspended and revoked drivers.

All four sections of analyses follow the DOT HS 811 092 methodology by separating suspended or revoked drivers into two categories. The two categories are defined as “highway safety related” and “non-highway safety related” following the descriptions of “highway safety” and “non-highway safety” articulated in the

ACD Manual, Release 3.0.0, June 2008 (effective November 3, 2008). This provides consistent category definitions of all data to the metrics offered in the ACD manual. This report begins with an overview of the prior research found in DOT HS 811 092, “Reasons for Drivers License Suspension, Recidivism and Crash Involvement among Suspended/Revoked Drivers.”

### *Enhanced Analyses of Suspended or Revoked Drivers Related to Crashes*

This report incorporates four analyses that advance understanding into the effects of suspended or revoked drivers on highway safety issues in a nationally representative sample of eight states. Section one identifies and applies the ACD to the prior results found in DOT HS 811 092, “Reasons for Drivers License Suspension, Recidivism and Crash Involvement among Suspended/Revoked Drivers.” This is followed by section 2, which adds two states to the DOT HS 811092 data and then evaluates the outcomes found in DOT HS 811 092. Section 3 investigates the representative sample states through an evaluation of crash occurrences and the number of days (length) of suspension or revocation. Section 4 provides an enhancement and robustness test for the length of suspension and crashes by examining a large data set of suspended or revoked drivers. The results of these analyses are summarized as follows:

- Recoding of the data from DOT HS 811 092 into ACD codes indicates that prior conclusions from the DOT HS 811 092 are consistent across the ACD coding; however, they are not identical. The ACD coding has improved measurement



of all traffic safety events because the coding is consistent across all states.

- Applying the ACD coding to the DOT HS 811 092 crash data indicates that whereas about 13.1% of drivers suspended for highway safety-related reasons are involved in a crash, 1.9% of drivers suspended for a non-highway safety reason are involved in a crash. This differs from the results found in the DOT HS 811 092 report that indicated the percentages at 3.4% and 0.9%, respectively. The resulting outcome indicates that the ACD coding provides for a more refined outcome allowing an improved focus on crashes.
- Adding the two states to complete the representative sample of states, the results show that whereas about 18.9% of drivers suspended for highway safety-related reasons are involved in a crash, 6.9% of drivers suspended for a non-highway safety reason are involved in a crash. As noted in DOT HS 811 092, the lack of data available from states linking crash data to drivers' licenses information provided a caution because of crash reporting differences. (Some states report all crash involvement regardless of fault determination.) The additional data incorporating all eight states has increased the crash data compared with the DOT HS 811 092 report. The result is an enhanced linking of the suspended driver's license to the improved data across the eight states. This should provide a better picture of the crash behavior of suspended drivers. The states added to the report are consistent in linking crash, regardless of fault, to the driver's licensure information; however, caution is repeated regarding at-fault crash behavior because "at fault" is not determined in many states.
- Using data available from the Federal Highway Administration (FHWA), the data indicate that nationally, more than 3.1% of licensed drivers were involved in a crash during the time

period 2002 to 2006. Comparing this national percentage of crashes with the suspended drivers for the representative states, the percentage of drivers suspended for highway safety reasons and involved in a crash was approximately 19%. Therefore, the percentage of drivers involved in a crash who are suspended for highway safety reasons was more than six times the percentage of national drivers involved in a crash for this time period.

- Turning attention to drivers suspended for non-highway safety reasons in the representative states, about 6.9% of these drivers were involved in a crash during the time period. When compared with the national percentage of drivers involved in a crash, the percentage of drivers suspended for non-highway safety reasons that are involved in a crash was about 2.2 times that of the national average.
- Using the initial suspension date to the restoration date, the result shows that drivers suspended for highway safety reasons have longer average suspension lengths in days. This outcome is further evidenced by looking at the percentage differences between the two suspended driver groups in which 60% of drivers suspended for highway safety reasons have restoration dates of one year or less, but 69% of drivers suspended for non-highway safety reasons have restoration dates of one year or less.
- The suspension category of 30 days or less has a higher crash percentage for non-highway safety suspended drivers than those suspended for highway safety reasons, which may indicate a short-term behavioral response to driving by those suspended for highway safety reasons.
- Some crash trends are observed for drivers suspended for highway safety reasons and length of initial suspension in days. The first trend is that the percentage of crashes associated with

drivers suspended for highway safety reasons increases as the length of suspension increases for suspension lengths up to a 180 days. This trend ends at suspension length of 181 to 210 days and then is repeated in the 211- through 300-day suspension length. A suspension in excess of 301 days through four years (1,460 days) indicates a constant crash percentage for highway safety-related suspensions. Suspension length beyond four years indicates a precipitous increase in the percentage of crashes for this group's drivers.

- Drivers suspended for non-highway safety reasons see a decline in the percentage of crashes for the first 180 days of suspension. This group's trend is a constant percentage of crashes through 300-day suspensions, with an increase occurring from 366 days of suspension through four years, with a precipitous decline in the percentage of crashes for suspensions exceeding four years.
- The overall outcome is that the two groups of suspended drivers differ from the national percentage of licensed drivers who are involved in a crash. The two groups have large differences in their crash percentages, indicating that the two groups have differing effects on traffic safety issues. Those suspended for highway safety reasons have a much higher percentage of crashes than drivers suspended for non-highway safety reasons. The two groups differ in length of suspensions and the relationship between length of suspension and crashes. These results support the findings in DOT HS 811 092 that the two groups of suspended drivers appear to behave differently and thus should not be treated as a homogenous group with regard to traffic safety policy. These analyses support a repeated call for suspended or revoked driver policy options that address the differences between the two groups.

## Overview of Prior Research in DOT HS 811 092

In DOT HS 811 092, "Reasons for Drivers License Suspension, Recidivism and Crash Involvement among Suspended/Revoked Drivers," the objectives focused on the number of drivers that are suspended under state laws allowing a driver's license to be suspended for non-driving offenses, determining the number of suspended drivers that are subsequently cited for driving while suspended, determining the extent of crash involvement by those drivers, and exploring the relationship between driving behavior and violations of suspended driver laws. The analysis focused on six states in the contiguous United States, providing 78,123 individual driver's records based on each state's motor vehicle coding. The data were then separated into two groups, driver's suspended for driving reasons and driver's suspended for non-driving reasons. The coding of the groups was based on the research team's review of suspension reasons in each of the six jurisdictions and interpretation of the description of the suspensions recorded for each driver. Similar to DOT HS 811 092, for convenience, "suspended" is used to indicate both suspended and revoked drivers within the data analysis.

The results indicated that 53,875 drivers, or about 69% of the sample, were suspended for driving reasons, and 24,248 drivers, or about 31% of the sample, were suspended for non-driving reasons. In the suspended for driving reasons group, about 42% (22,424) of the drivers were subsequently convicted of a driving or non-driving violation while their driving privileges were suspended. This was compared with drivers suspended for non-driving reasons, of whom about 38% (9,288) were subsequently convicted of a driving or non-driving violation while their driving privileges were suspended. The two groups were compared with regard to moving violations in which the results indicated that approximately 30% of drivers suspended for driving reasons (15,850 of 53,875) commit a moving violation while under suspension

compared with approximately 15% of drivers suspended for non-driving reasons (3,613 of 24,248).

Two additional comparisons were assessed in DOT HS 811 092, driving on a suspended license and crashes. The findings show that approximately 3.4% of drivers suspended for driving reasons (1,832 of 53,875) are convicted of driving while suspended compared with 2.7% of drivers suspended for non-driving reasons (656 of 24,288). Regarding crashes, the results are that less than one% (0.90%) of drivers suspended for non-driving reasons (218 of 24,248) are involved in a crash while their driver's license is suspended compared with more than three% (3.4%) of drivers suspended for driving reasons (1,835 of 53,875).

Recidivism for the two groups was assessed by observing the number of days until a crash, a moving violation, a non-moving violation, or a driving while suspended offense. The outcome was that differences were found between the two groups except for the number of days until a crash. The results of the analysis indicated that the two groups were different, thus raising the policy question of whether or not the two groups should be treated the same with regard to traffic safety policy.

This section re-evaluates the analyses prepared for DOT HS 811 092 to assess the application of the ACD regarding non-commercial vehicles. The application of ACD codes begins by comparing the ACD coding with the description provided in DOT HS 811 092.

This report follows the DOT HS 811 092 report methodology of separating suspended or revoked drivers into two categories, highway safety related and non-highway safety related. To define highway safety related and non-highway safety related, this report uses the descriptions found in the ACD Manual, Release 3.0.0, June 2008 (effective November 3, 2008).

## Comparing DOT HS 811 092 and ACD Application

Comparing the ACD coding to the description provided in DOT HS 811 092 finds that many of the ACD code definitions are applicable or identical to the wording in the six states descriptions contained in the DOT HS 811 092 data.

The first non-comparison that arises is that crashes, not identified within the Hit & Run Behavior after crashes (HRB) Group of the ACD codes, lack enough information to assess the underlying violation to allow identification within the ACD codes. The effect is that only 12% of vehicle crashes within the database can be coded using the ACD coding. This issue is addressed by considering all crashes highway safety related following the same definition as found in DOT HS 811 092.

The next non-comparison that arises is for failure to appear (FTA) and failure to pay a fine (FTP). In DOT HS 811 092, FTA and FTP were considered driving offenses if the data indicated that the FTA or FTP was related to a traffic violation. This was accomplished by looking at the description of the driver's history. The ACD codes look at the FTA/FTP differently. Because the ACD codes require further detail, this analysis codes the violation preceding the FTA/FTP offense as the violation related to the FTA/FTP, thereby providing an indicator of the FTA/FTP violation.

The next non-comparisons that arise are for ACD code B41, possess or provide counterfeit or altered driver license (includes Identification Cards, and Instruction Permits), and D16, show or use improperly—driver license (includes DL, CDL, and Instruction Permit). In DOT HS 811 092, obtaining driver's license by fraud and improper use of DL or ID card were considered a non-driving offense. The ACD codes allow for a more detailed classification.

## Re-evaluation of Results

Table A1.1 shows the total number of suspended drivers by year in the sample population and the proportion of total suspended drivers by suspension type for the years 2002 to 2006. As shown in the table, the total number of suspended drivers decreases over the analysis period from approximately 19,000 in 2002 to approximately 14,000 in 2004-2006. This represents a 26% decrease over the time period. A concurrent result of the downward trend in suspensions over the analysis period is the increasing proportion of drivers suspended for non-highway safety reasons in the population of all suspended drivers over the time period. In 2002, drivers suspended for non-highway safety reasons represented 21% of all suspended drivers. By 2006, they represented 29% of all suspended drivers. This outcome is very similar to the outcome for Table 9 in the DOT HS 811 092 report.

noted in the driver's license, vehicle registration and title, miscellaneous duties (DRM), misrepresentations (MIS), financial responsibility and insurance other than filing (FRI), and failure to appear or pay (FTAP) groups of which several categories in the DOT HS 811 092 report were considered non-driving suspension and are considered highway safety suspensions using the ACD coding.

After grouping the events into highway safety and non-highway safety based on the ACD manual, the analyses examined the driving records of suspended drivers over the period of time to document how frequently the four types of events, crash, moving violation, non-highway safety, and driving after withdrawal (DAW) occurred for each suspended driver's record. The database consists of 60,059 drivers suspended for highway safety reasons of whom about 42% (25,073) are subsequently convicted of a violation while their driving privileges are suspended. Of the 18,835 drivers

suspended for non-highway safety reasons, about 33% (6,181) are subsequently convicted of a violation while their driving privileges are suspended. This outcome of the ACD coding is consistent with the DOT HS 811 092 report.

As shown in Table A2.2, the total number of events entered on suspended driver records is relatively higher for highway safety-related suspensions compared with non-highway safety suspended drivers. On average, over the five-year time period, drivers suspended for highway safety reasons logged 2.9 events, and drivers suspended for non-highway safety reasons logged 2.1 events. This outcome differs from the DOT HS 811 092 report, which found that the suspended for driving reasons group was 2.7, and the non-driving reasons group was 2.6. This is due to the changes provided within the ACD coding in which highway safety codes differ from the suspended for driving or non-driving reasons in the DOT HS 811 092 report.

**Table A2.1: Highway Safety vs. Non-Highway Safety Suspensions**

Year	Total Suspended Driver Records in Sample		Suspended for Highway Safety Reasons		Suspended for Non Highway Safety Reason	
	Number	Number	% of total	Number	% of total	
2002	19,104	15,014	79%	4,090	21%	
2003	17,669	13,872	79%	3,797	21%	
2004	14,262	10,946	77%	3,316	23%	
2005	13,764	10,197	74%	3,567	26%	
2006	14,095	10,030	71%	4,065	29%	
<b>Total</b>	<b>78,894</b>	<b>60,059</b>	<b>76%</b>	<b>18,835</b>	<b>24%</b>	

Differences are noted between the DOT HS 811 092 report in the number of drivers, an increase from 78,123 as found in DOT HS 811 092 to 78,984 in this report. The difference in the number of drivers found in the DOT HS 811 092 report is due to updates of the dataset by several states since the 2009 report and a proportional change due to the ACD coding of highway safety versus non-highway safety suspensions. This change in categories is particularly

As shown in Table A2.2, the total number of events entered on suspended driver records is relatively higher for highway safety-related suspensions compared with non-highway safety suspended drivers. On average, over the five-year time period, drivers suspended for highway safety reasons logged 2.9 events, and drivers suspended for non-highway safety reasons logged 2.1 events. This outcome differs from the DOT HS 811 092 report, which found that the suspended for driving reasons group was 2.7, and the non-driving reasons group was 2.6. This is due to the changes provided within the ACD coding in which highway safety codes differ from the suspended for driving or non-driving reasons in the DOT HS 811 092 report.

Table A2.3 shows the mean and median number of days until an event is recorded in the database. Drivers suspended for highway safety reasons receive a moving violation within 8 months (259 days) compared with more than 1 year (381 days) for drivers suspended for non-highway safety reasons. Those suspended for highway safety reasons were involved in a subsequent crash within about 10 months (10.1 months or 312 days), and drivers suspended for non-highway safety reasons were involved in a crash within about 11 months of suspension

(11.4 months or 351 days ). Drivers who were suspended for highway safety reasons were subsequently convicted of driving while suspended within about 13 months (13.4 or 411 days) compared with about 11 months (11.2 months or 344 days) for drivers suspended non-highway safety reasons. The two groups differ when considering the number of days until the moving violation, non-driving

offense, and driving while suspended events. This table is consistent with the results found in the DOT HS 811 092 report.

Examining violation recidivism among drivers suspended for highway safety reasons versus those suspended for non-highway safety reasons, Table A2.4 shows both the number of events and the percentage of events occurring after the initial drivers' suspension during the period of study. As shown in the table, whereas moving violations are committed by 29.3% of drivers suspended for highway safety reasons after their initial suspension, 14.5% of those suspended for non-highway safety reasons commit a moving violation after their initial suspension. Looking at non-driving offenses, we see that 15.3% of drivers suspended for non-highway safety reasons

**Table A2.2: Average Number of Times Drivers are Observed during Their Period of Suspension**

Type of Suspended Driver	Average Times Observed in Database
Suspended for Highway Safety Reason (N=60,059)	2.9
Suspended for Non-Highway Safety Reason (N=18,835)	2.1

**Table A2.3: Days to Event Occurrence Among Suspended Drivers**

Type of Event	Drivers Suspended for Highway Safety Reasons			Drivers Suspended for Non-Highway Safety Reasons		
	Mean	Median	95% Confidence Interval	Mean	Median	95% Confidence Interval
Crash	312	213	(298, 326)	351	283	(297, 406)
Moving violation	259	129	(254, 263)	381	248	(367, 395)
Non-driving offense	411	301	(398, 424)	354	270	(342, 366)
DAW	401	303	(388, 414 )	344	240	(314, 373)

**Table A2.4: Drivers Subsequently Convicted of an Event during Their Suspension Period**

Type of Event	Drivers DAW for Highway Safety Reasons (n = 60,059)		Drivers DAW for Non-Highway Safety Reasons (n = 18,835)	
	Number of events	Percentage	Number of events	Percentage
Moving Violation	17,595	29.3	2,735	14.5
Non-Driving Offense	3,067	5.1	2,884	15.3
DAW	2,641	4.4	432	2.3



commit a subsequent non-driving offense compared with 5.1% of those suspended for highway safety reasons. When considering driving on a suspended license, 4.4% of drivers suspended for highway safety reasons are convicted of this offense while 2.3% of drivers suspended for non-highway safety reasons are convicted of this offense. This table is consistent with the results found in the DOT HS 811 092 report.

The final table, Table A2.5, examines crash involvement among suspended drivers to determine if patterns of crash involvement differed between drivers suspended for highway safety vs. non-highway safety reasons. Table A2.5 shows that whereas about 13.1% of drivers suspended for highway safety-related reasons are involved in a crash, 1.9% of drivers suspended for a non-highway safety reason are involved in a crash. Focusing on only those who have been involved in any of the events after suspension of their driver’s license, the results are that about 9.1% of drivers suspended for a non-highway safety reason are involved in a crash, but 33.5% of drivers suspended for highway safety-related reasons are involved in a crash. This table differs with the results found in the DOT HS 811 092 report, indicating that the ACD coding provides for a more refined outcome.

<b>Table A2.5: Suspended Drivers Involved in a Crash during Their Suspension Period</b>			
<b>Repeat Offenders</b>			<b>All Suspended Drivers</b>
<i>n</i>	<b>Number of events</b>	<b>Percentage</b>	<i>n</i>
17,907	6,006	33.5	60,059
3,775	342	9.1	18,835

### Re-evaluation Conclusion

Results using the recoding of the data from DOT HS 811 092 into ACD codes indicates that prior conclusions from the DOT HS 811 092 are consistent across the ACD coding; however, they are not identical. The ACD coding has improved

measurement of all traffic safety events because the coding is consistent across all states.

As offered in the DOT HS 811 092 report, the state case study groupings are derived by AAMVA regions. In DOT HS 811 092, only one state was analyzed from Region I, two states were analyzed from Region II, two states were analyzed from Region III, and one state was analyzed from Region IV. The underrepresentation from both Regions I and IV were noted in DOT HS 811 092. To address this limitation, data were requested from the states of Pennsylvania and Oregon following the identical methodology as presented in DOT HS 811 092. These analyses add to the prior analyses as found in Section 1 of this report while incorporating the additional states of Pennsylvania and Oregon. Adding these two states allows for an assessment of the suspended driver data and provides for full representation of AAMVA’s four regions with each region represented by two states. Table 1 identifies each state used in this analysis. Bolded states in Table A2.6 indicate those states added in this report to those analyzed in DOT HS 811 092.

### Additional States Results

Table A2.7 shows the total number of suspended drivers by year in the sample population and the proportion of total suspended drivers by suspension type for all eight states for the time period 2002 to 2006. The states of Pennsylvania and Oregon provided samples of 20,000 suspended drivers, following the methodology presented in DOT HS 811 092. Of the 40,000 sampled, about 36,000 records were usable. The unusable records were distributed equally among the two states and were found to lack the initial identification of why the original suspension occurred or the data were incomplete within the records.

Region I	Region II	Region III	Region I
New Jersey (large)	Florida (large)	Kansas (medium)	New Jersey (large)
Pennsylvania (large)	Tennessee (medium)	South Dakota (small)	Pennsylvania (large)

As shown in table A2.7, the total number of suspended drivers decreases over the analysis period from approximately 25,000 in 2002 to approximately 20,000 in 2006. This represents a 21% decrease over the time period. A concurrent result of the downward trend in suspensions over the analysis period is the increasing proportion of drivers suspended for non-highway safety reasons in the population of all suspended drivers. In 2002, drivers suspended for non-highway safety reasons represented 29% of all suspended drivers. By 2006, they represented 39% of all suspended drivers. Differences are noted between the DOT HS 811 092 report and this analyses in the proportional change in the two groupings. This is due to the ACD coding of highway safety versus non-highway safety suspensions.

This change in categories is particularly noted in the driver's license, vehicle registration and title, DM, MIS, financial responsibility and insurance other than filing (FRI), and FTAP groups of which several categories in the DOT HS 811 092 report were considered non-driving suspensions and are considered highway safety suspensions using the ACD coding.

After grouping the events into highway safety and non-highway safety based on the ACD manual, the analyses examined the driving records of suspended drivers over the period of time to document how frequently any of the four types of events, crash, moving violation, non-highway safety, and DAW occurred for each

suspended driver's record. The database consists of 75,948 drivers suspended for highway safety reasons of whom about 47% (35,362) are subsequently convicted of a violation while their driving privileges are suspended. Of the 38,678 drivers suspended for non-highway safety reasons, about 43% (16,729) are subsequently convicted of a violation while their driving privileges are suspended. This outcome of the ACD coding is consistent with the DOT HS 811 092 report.

As shown in Table A2.8, the total number of events entered on suspended driver records is relatively higher for highway safety-related suspensions than non-highway safety suspended drivers. On average over the five-year time period, drivers suspended for highway safety reasons logged 3.4 events, and drivers suspended for non-highway safety reasons logged 2.8 events. This outcome differs from the DOT HS 811 092 report, which found that the suspended for non-driving reasons group was 2.6 and the driving reasons group was 2.7, but it is a consistent outcome for Table A2.2. This is due to the changes provided within the ACD coding in which highway safety codes differ from the

Year	Total Suspended Driver Records in Sample		Suspended for Highway Safety Reasons		Suspended for Non-Highway Safety Reasons
	Number	% of Total	Number	% of Total	Number
2002	25,249	71	17,978	29	7,271
2003	25,015	70	17,597	30	7,418
2004	22,780	65	14,709	35	8,071
2005	21,543	62	13,396	38	8,147
2006	20,039	61	12,268	39	7,771

Type of Suspended Driver	Average Times Observed in Database
Suspended for highway safety reason (n = 75,948)	3.4
Suspended for non-highway safety reason (n = 38,678)	2.8

**Table A2.9: Days to Event Occurrence among Suspended Drivers**

Type of Event	Drivers Suspended for Highway Safety Reasons			Drivers Suspended for Non-Highway Safety Reasons		
	Mean	Median	95% Confidence Interval	Mean	Median	95% Confidence Interval
Crash	313	211	(302, 325)	330	236	(304, 355)
Moving violation	254	120	(250, 258)	301	173	(293, 310)
Non-driving offense	337	185	(328, 346)	273	178	(267, 279)
DAW	389	297	(375, 404)	332	218	(302, 361)

**Table A2.10: Drivers Subsequently Convicted of an Event during Their Suspension Period**

Type of Event	Drivers DAW for Highway Safety Reasons (n = 75,948)		Drivers DAW for Non-Highway Safety Reasons (n = 38,678)	
	Number of Events	Percentage	Number of Events	Percentage
Moving violation	25,528	33.7	6,458	16.7
Driving offense	6,930	9.2	9,342	24.2
DAW	2,904	3.8	929	2.4

suspended for driving or non-driving reasons in the DOT HS 811 092 report.

Exploring the number of days until an event occurs, Table A2.9 shows the mean and median number of days until an event is recorded in the database. Drivers suspended for highway safety reasons receive a moving violation within 8 months (254 days) compared with more than 10 months (301 days) for drivers suspended for non-highway safety reasons. Both groups were in a subsequent crash within about 10 months (10.3 months or 313 days for those suspended for highway safety reasons vs. 10.9 months or 330 days for drivers suspended for non-highway safety reasons). Drivers who were suspended for highway safety reasons were subsequently convicted of driving while suspended within 12.8 months (389 days) compared with 10.9 months (332 days) for drivers suspended for non-highway safety reasons. The two groups differ when considering the number of days until the moving violation, non-driving offense, and driving while suspended events. This table is consistent with the

results found in the DOT HS 811 092 and Table A2.3.

Examining violation recidivism among drivers suspended for highway safety reasons versus those suspended for non-highway safety reasons, Table A2.10 shows both the number of events and the percentage of events occurring after the initial drivers' suspension during the period of study. As shown in the table, moving violations

are committed by 33.7% of drivers suspended for highway safety reasons after their initial suspension, and 16.7% of those suspended for non-highway safety reasons commit a moving violation after their initial suspension. Looking at non-driving offenses, we see that 9.2% of those suspended for highway safety reasons commit a subsequent non-driving offense compared with 24.2% of drivers suspended for non-highway safety reasons. When considering driving on a suspended license, 3.8% of drivers suspended for highway safety reasons are convicted of this offense, but 2.4% of drivers suspended for non-highway safety reasons are convicted of this offense. This table is consistent with the results found in the DOT HS 811 092 and Table A2.4. The final table, Table A2.11, examines crash involvement among suspended drivers to determine if patterns of crash involvement differed between drivers suspended for highway safety versus non-highway safety reasons.

Table A2.11 shows that whereas about 18.9% of drivers suspended for highway safety-related reasons are involved in a crash, 6.9% of drivers suspended for



a non-highway safety reason are involved in a crash. Focusing on only those that have been involved in any of the events after suspension of their driver's license, that is, the driver is driving after withdrawal of his or her driver's license, the results are that about 44.2% of drivers suspended for highway safety-related reasons are involved in a crash, but 21.1% of drivers suspended for a non-highway safety reason are involved in a crash. As noted in DOT HS 811 092, the lack of data available from states linking crash data to drivers' licenses information provided a caution because of crash reporting differences (some states report all crash involvement regardless of fault determination). The enhanced data in this analysis section have increased the crash data compared with the DOT HS 811 092 report. Table A2.11 differs with the results found in both the DOT HS 811 092 report and Table A2.5 because of enhanced linking of the suspended driver's license and database improvements across the eight states. This should provide an improved picture of the crash behavior of suspended drivers. The states added to the report are consistent in linking crash, regardless of fault, to the driver's licensure information; however, caution is repeated regarding at fault crash behavior because "at fault" is not determined in many states.

## Overview Estimating National Crashes

To explore the relationship between suspended drivers crashes and crashes across the nation, the analysis estimates the percentage of licensed drivers who have crashed during the time period 2002 to 2006. Using data available from the FHWA's Highway Statistics

Table DLIC, Table A2.12 offers the total number of crashes nationally as a percentage of the number of licensed drivers nationally. To provide a similar context, data are analyzed for the same time period. Caution must be observed because these aggregate data are estimated, not observed; a licensed driver may be involved in more than one crash per year, and the number of licensed drivers varies across the year, but the count is a point in time during the year. Moreover, the state data incorporated in this report are assumed as representative of the 48 contiguous states, but the national data includes all 50 states.

## Comparing Suspended Driver Crashes to National Crashes

Given the caution presented regarding the estimates of national crashes over the time period, Table A2.12 indicates that nationally, more than 3.1% of licensed drivers are involved in a crash during the time period.

**Table A2.11: Suspended Drivers Involved in a Crash during the Period of Suspension**

Type of Suspended Driver	Repeat Offenders Percentage		All Suspended Drivers Percentage	
	Number of Events	Percentage	Number of Events	Percentage
Suspended for highway safety reason	25,528	33.7	6,458	16.7
Suspended for non-highway safety reason	6,930	9.2	9,342	24.2
DAW	2,904	3.8	929	2.4

**Table A2.12: Estimated National Crashes and Licensed Drivers from 2002 to 2006**

Year	Fatal	Injury	Property Damage Only	Total Crashes	Total Licensed Drivers	Percentage of Licensed Drivers in Crashes	Number
2002	38,491	1,929,000	4,348,000	6,315,491	194,295,633	3.25%	
2003	38,477	1,925,000	4,365,000	6,328,477	196,165,666	3.23%	7,271
2004	38,444	1,862,000	4,281,000	6,181,444	198,888,912	3.11%	7,418
2005	39,252	1,816,000	4,304,000	6,159,252	200,548,922	3.07%	8,071
2006	38,588	1,746,000	4,189,000	5,973,588	992,409,571	2.95%	5,973,588

Comparing this with the suspended drivers, the percentage of drivers suspended for highway safety reasons involved in a crash is approximately 19%. Therefore, the percentage of drivers involved in a crash who are suspended for highway safety reasons is more than six times the percentage of national drivers involved in a crash for this time period. Turning attention to drivers suspended for non-highway safety reasons, about 6.9% of these drivers are involved in a crash during the time period. When compared with the national percentage of drivers involved in a crash, the percentage of drivers suspended for non-highway safety reasons that are involved in a crash is about 2.2 times that of the national average. Thus, both groups of suspended drivers appear to negatively affect highway safety, but their impacts differ.

### Additional States Conclusion

In this analysis, two states are added to provide for a representative and balanced sample based on AAMVA regions. The outcome of the analyses have resulted in few changes outside the crash data outcomes when compared with DOT HS 811 092 or the ACD coding analyses presented in Analysis 1. Concerning are the changes found in the crash data, which are extremely important in traffic safety. Given the changes and the reporting propensity of the states (some provide no crash data, some provide at-fault crash data, and some provide crash data regardless of fault), similar to that found in DOT HS 811 092, caution in interpreting the crash data is appropriate here. Crash data can be misconstrued because of differentials in reporting across states. Because states define “at fault” differently, with some states not determining fault, crash data are suspect. It appears, regardless of reporting style by the states, that those suspended for highway safety reasons are involved in crashes at a much higher rate than drivers suspended for non-highway safety reasons. Although this conclusion is consistent across reports, drivers suspended for non-highway safety reasons appear to be involved in crashes at a high percentage when compared with the percentage of licensed

drivers involved in crashes across the United States. In this analysis, the focus is on the length of individual suspensions, not the aggregate time of suspension as offered in DOT HS 811 092 and Analyses 1 and 2 in this report. This analysis uses the initial suspension to explore crashes based on the provided restoration date. All data are for initial suspension with subsequent suspensions for drivers over the 2002 to 2006 time period removed. Methodologically, the two groups are not the same as in the prior analyses offered in DOT HS 811 092 and Analyses 1 and 2 in this report. This is because restoration dates are not provided consistently among states. Some states offer an exact day of the restoration, some states offer a month only, and some states do not provide the restoration date (the suspended driver exits the data base in that year). In this analysis, the focus is on the two groups of drivers in which the exact day of restoration is present in the databases. Although the percentage of driver’s who crash is provided, the focus is to look at the pattern associated with the crash percentages and not the percentage itself. This differs from the previous analyses, which focused on the percentage and numerical outcomes specifically.

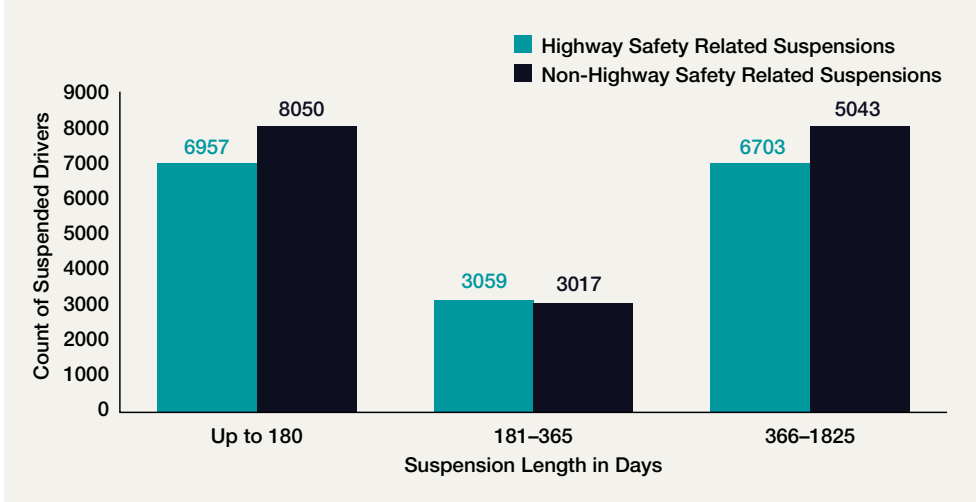
### Length of Suspension by Suspension Group

To begin the analysis, this section looks specifically at the initial length of suspension for the two groups, highway safety-related suspended drivers and non-highway safety-related suspended drivers. Figure A2.1 provides the numerical count of drivers within each of the three lengths of suspension categories, up to 180 days, from 181 to 365 days, and from 366 days to 1825 days. The first observation is that of the two groups, highway safety-related suspended drivers ( $n = 16,719$ ) and non-highway safety-related suspended drivers ( $n = 16,110$ ) have about the same number of represented drivers. This differs from the previous analyses in which the highway safety suspended drivers were approximately 66% of the total observations. Next observe that although the groups are about

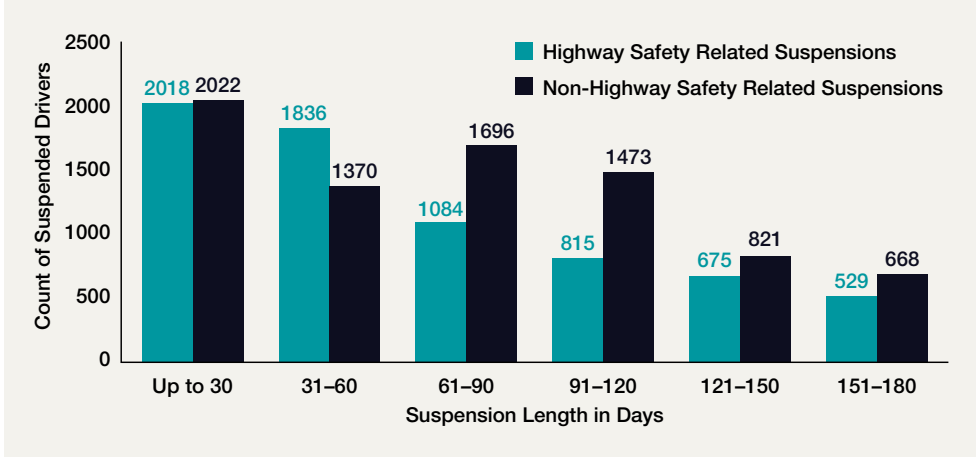
equal in size, there are more non-highway safety suspended drivers in the up to 180 day category and less non-highway safety suspended drivers in the 366- to 1,825-day category, indicating that drivers suspended for highway safety reasons have longer suspensions. This outcome is further evidenced by looking at the percentage differences between the two suspended driver groups in which 60% of drivers suspended for highway safety reasons have restoration dates of one year or less, but 69% of drivers suspended for non-highway safety reasons have restoration dates of one year or less.

To provide insight into the different number of drivers within the suspension length categories, Figures A2.2 and A2.3 break down each suspension length category into 30-day periods. The findings indicate that the two suspended driver groups are similar in days to restoration in the up to 30-day category, accounting for about 12% of the total drivers in each of the suspension groups. The two suspended driving groups differ in both lengths of suspension categories 61 to 90 days and 91 to 120 days, which incorporate about 20% of the entire group of suspended drivers for non-highway safety reasons. Figure A2.2 indicates a downward trend in the number

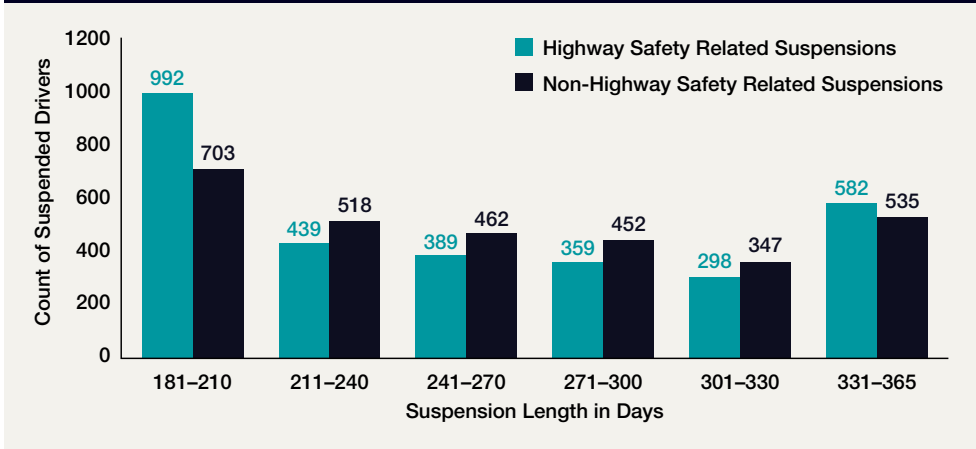
**Figure A2.1: Suspended Drivers Involved in a Crash during the Period of Suspension**



**Figure A2.2: Suspended Drivers with Restoration Dates within 180 Days**



**Figure A2.3: Suspended Drivers with Restoration Dates between 181 Days and One Year**



**Figure A2.4: Suspended Drivers with Restoration Dates between 366 Days and Five Years**

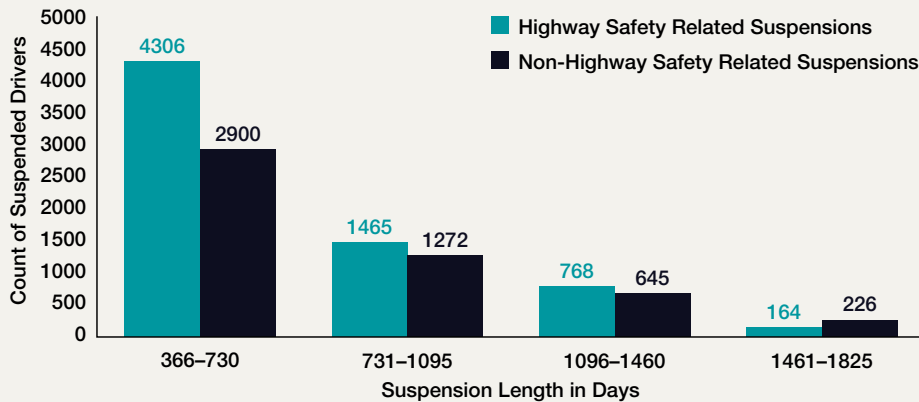
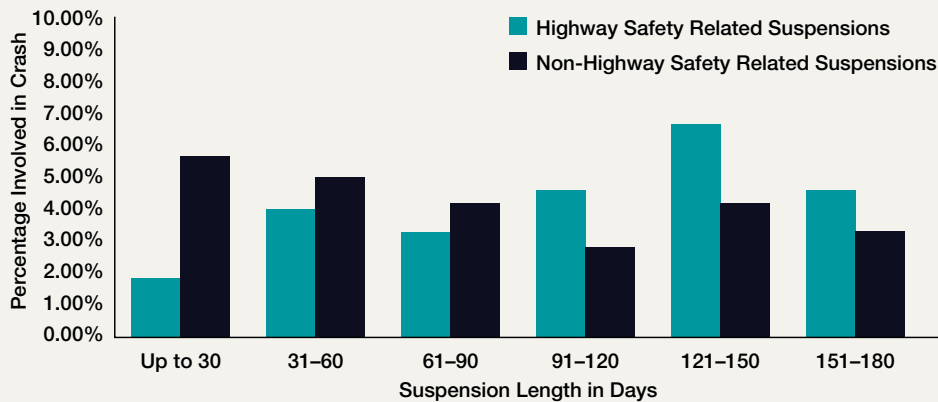


Figure A2.4 changes from a 30-day length of suspension into 360 day categories. Looking at suspensions exceeding one year until restoration, Figure A2.4 illustrates that more than 57% of the driver suspensions exceeding one year are for the category 366 to 730 days with a large drop for suspension 366 days through 1460 days. A very small fraction of total suspended drivers, about 0.1%, are suspended for more than 1460 days (4 years).

**Figure A2.5: Percentage of Suspended Drivers Involved in Crashes with Restoration Dates within 180 Days**



### Length of Suspension and Traffic Crashes

This analysis focuses on the percentage trend in crashes as suspension length changes between the two groups, highway safety suspended drivers and non-highway safety suspended drivers. Figure A2.5 indicates that over suspension lengths of up to 180 days, the percentage of crashes associated with non-highway safety-related suspended drivers decrease as suspension

length increases. The opposite is observed for drivers suspended for highway safety reasons in which increases in the length of suspension in days leads to an increase in the percentage of crashes involving this group of suspended drivers.

of drivers suspended for highway safety reasons as the length of suspension increases to 180 days. Figure A2.3 shows that for those suspended for a period of 181 days through 1 year (365 days), about one third (32.4%) are drivers suspended for highway safety reasons in the category of suspension length between 181 day and 210 days. Figure A2.4 shows a similar result to Figures A3.2 and A2.3, indicating that the beginning of these lengths of suspension categories incorporates the largest number of drivers suspended for highway safety reasons or non-highway safety reasons.

Figure A2.6 offers a different interpretation from the suspended drivers found in Figure A2.5. Figure A2.6 indicates that the percentage of crashes by drivers suspended for highway safety reasons continue to increase until 300 days and then fall as a percentage from 331 days through 365 days. The percentage of crashes by drivers suspended for non-highway safety

reasons stay relatively flat for suspension lengths of 181 days through 330 days and then decline rather dramatically in the 331 to 365 days category. A large increase, or spike, is found in suspension lengths of 271 days through 300 days for both suspended driver groups for the length of suspension period 181 days through 365 days (one year). Looking at the raw number of drivers associated with this suspension length, Figure A2.3 indicates that the number of drivers in each group is relatively similar between suspension lengths of 211 days and 330 days; thus, the number of drivers does not appear to be motivating the outcome.

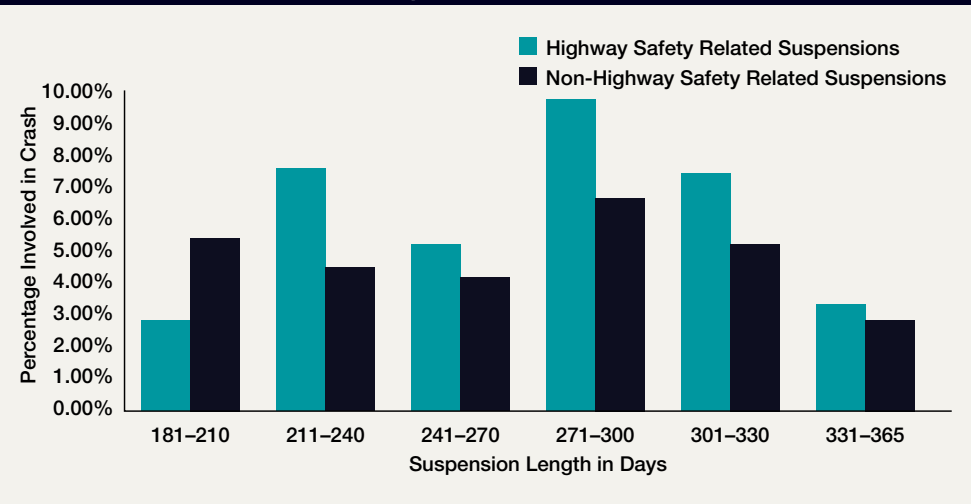
The final figure, Figure A2.7, focuses on suspended drivers with restore dates longer than one year. Note that in both suspension groups, there is little variation in the percentage of crashes by suspended drivers until the suspension period exceeds 1460 days (four years) in which a spike indicating a positive increase in the percentage of crashes occurs for drivers suspended for highway safety reason. Simultaneously, in the 1461 days through 1825 days (five years) category, a precipitous decline in the percentage of crashes associated with drivers suspended for non-highway safety reasons is observed.

### Length of Suspension and Traffic Crashes Conclusion

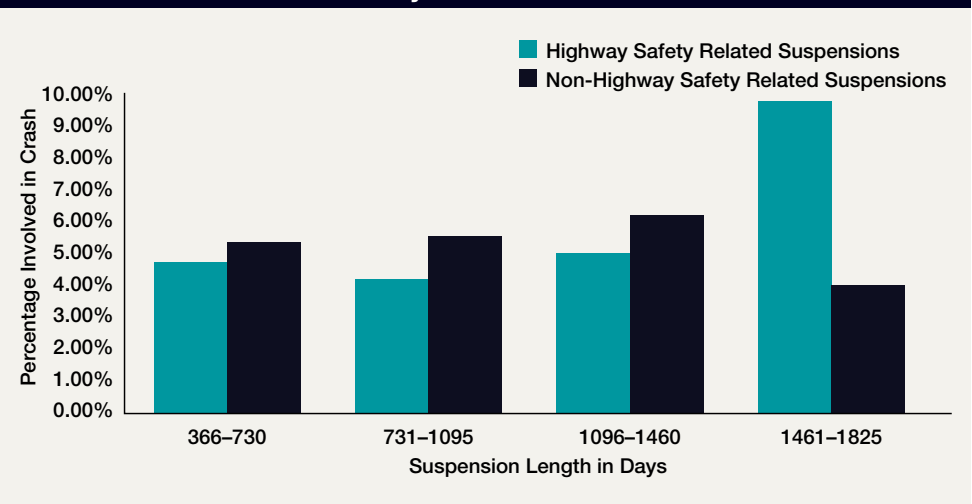
This analysis has focused on the initial suspension, in days, for the two suspended driver groups, those suspended for highway safety reasons and

those suspended for non-highway safety reasons. The data in this analysis are limited in that the two groups are roughly represented by the same number of suspended drivers. The findings lead to the conclusion that the percentages of suspended drivers who crash differ between the two groups based on the length of suspension. There is a trend found that as the length of suspension increases from up to 180 days of suspension, the percentage of crashes associated with drivers suspended for highway safety reasons also increases. This trend is repeated through 300 days of suspension for this group. The percentage of crashes for highway safety suspended drivers' declines until the end of 1,460 days (four years) when

**Figure A2.6: Percentage of Suspended Drivers Involved in Crashes with Restoration Dates between 181 Days and One Year**



**Figure A2.7: Percentage of Suspended Drivers Involved in Crashes with Restoration Dates between 366 Days and Five Years**





a precipitous increase is noted in the percentage in crashes as the suspended period exceeds four years. The opposite outcome is found for drivers suspended for non-highway safety reasons for the first 180 days of suspension, and then this group's trend is a constant percentage of crashes through 300-day suspensions, with an increase occurring from 366 days of suspension through four years, with a precipitous decline for suspensions exceeding four years. The final outcome is that support is found for the findings in DOT HS 811 092 and Analyses 1 and 2 in this report that the two groups of suspended drivers appear to behave differently and thus should not be treated as a homogenous group.

This analysis enhances the prior analyses by departing from the sampled data used in DOT HS 811 092 and Analyses 1 to 3, focusing instead on all data collected for the period 2002-2006. These data are not restricted to the equal sampling process used in DOT HS 811 092 and the subsequent Analyses 1 to 3. Within this large data set, the number of observations differs by state with some states contributing 20,000 suspended drivers but other states providing more than the 20,000 suspended driver samples. The analysis graphically explores whether or not the relationship presented in Analysis 3 is robust across the entire data set.

The data set consists of 350,779 initial suspended drivers whose restoration date is complete. This includes restoration month, day, and year. The data are coded identically to those found in Analysis 2 in which all suspended drivers are placed into two groups based on ACD coding. The two groups are identified as drivers suspended for highway safety reasons and drivers suspended for non-highway safety reasons. There are 224,736 suspended drivers whose driver's licenses were suspended for highway safety reasons and 126,043 suspended drivers whose driver's licenses were suspended for non-highway safety reasons. The result is that 64% of the observed drivers are suspended for highway safety reasons, reflecting a similar composition of the data as found in DOT HS 811 092 and the subsequent Analyses 1 and 2.

## Length of Suspension by Suspension Group

To begin the analysis, the initial length of suspension for the two groups, highway safety-related suspended drivers and non-highway safety-related suspended drivers, is offered. Figure A4.1 provides the numerical count of drivers within each of the three lengths of suspension categories, up to 180 days, from 181 to 365 days, and from 366 days to 1825 days (more than 1 year to 5 years). The first observation is that about 39% of highway safety-related suspended drivers are suspended for 180 days or less, but about 50% of non-highway safety-related suspended drivers are suspended for 180 days or less. This 11% difference is similar to the 9% difference in this category found in Figure A2.8. About 37% of highway safety-related suspended drivers are suspended for 366 days or more compared with 28% of non-highway safety-related suspended drivers who are suspended for 366 days or more, supporting the prior outcome indicating that those suspended for highway safety reasons have a longer average suspension period. Suspended drivers in both groups have about the same number of represented drivers in the suspension length of 181 to 365 days. The grouping, by percentage, in the suspension length of 181 days through 365 days is very similar to Figure A2.8 in the prior analysis. The shorter suspension length and the longer suspension length follow each groups overall percentage of the total observations.

## Length of Suspension and Traffic Crashes

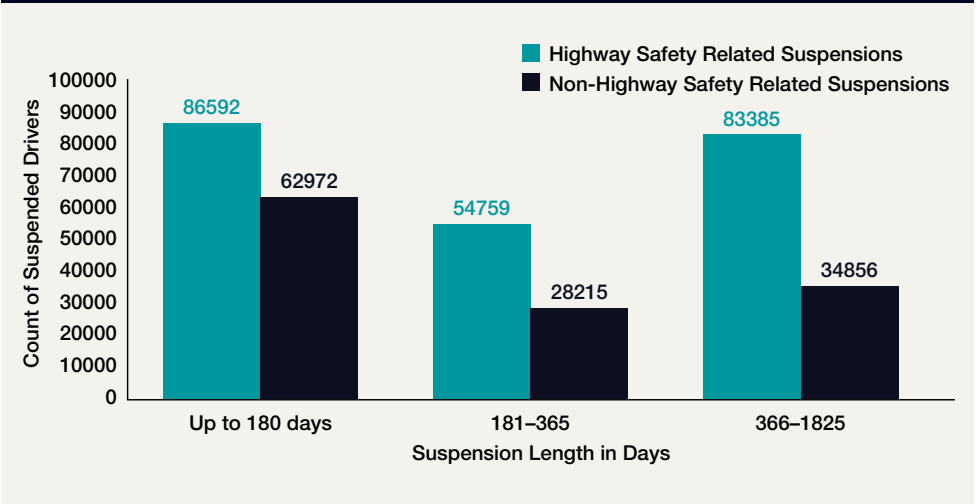
This analysis, similar to the prior analysis, focuses on the percentage trend in crashes as suspension length changes between highway safety and non-highway safety suspended driver groupings. The outcomes, although more pronounced in this analysis, support the outcomes presented in Analysis 3, indicating that Analysis 3 is robust when the data are changed. Figures A2.9, A2.10, and A2.11 follow a similar outcome as that found in Figures A2.5 through A2.7. Driver suspension lengths affect the two groups differently. For lengths of suspension up to 180 days

(six months) the percentage of crashes associated with drivers suspended for highway safety reasons increase across the 180-day suspension period. The suspension category, 30 days or less, has a higher crash percentage for non-highway safety suspended drivers than those suspended for highway safety reasons, which could indicate a short term behavioral response to driving by those suspended for highway safety reasons. Again, a peak is found at suspension lengths of 271 days through 300 days for both suspension groups. A drop for the percentage of crashes for both groups is noted at 3,31 days through 365 days of suspension length. A crash percentage increase is noted for drivers suspended for highway safety reasons whose suspension length is beyond four years, but the opposite, that is a noted decline in the percentage of crashes, is associated with drivers whose driving privilege was suspended for non-highway safety reasons at the same suspension length.

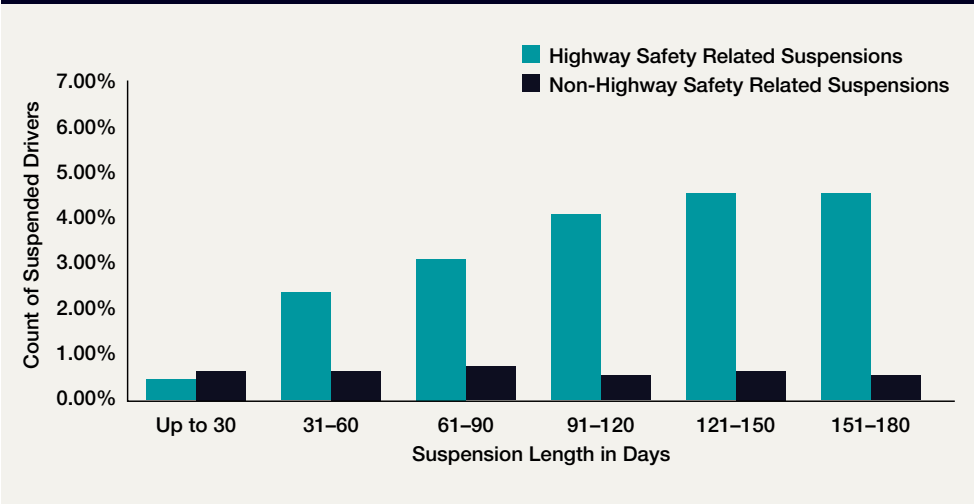
### Enhancement Conclusion

This analysis indicates robust support for the outcomes of Analysis 3. The findings lead to the conclusion that the percentages of suspended drivers who crash differ between the two groups based on the length of suspension. There is a trend found that as the length of

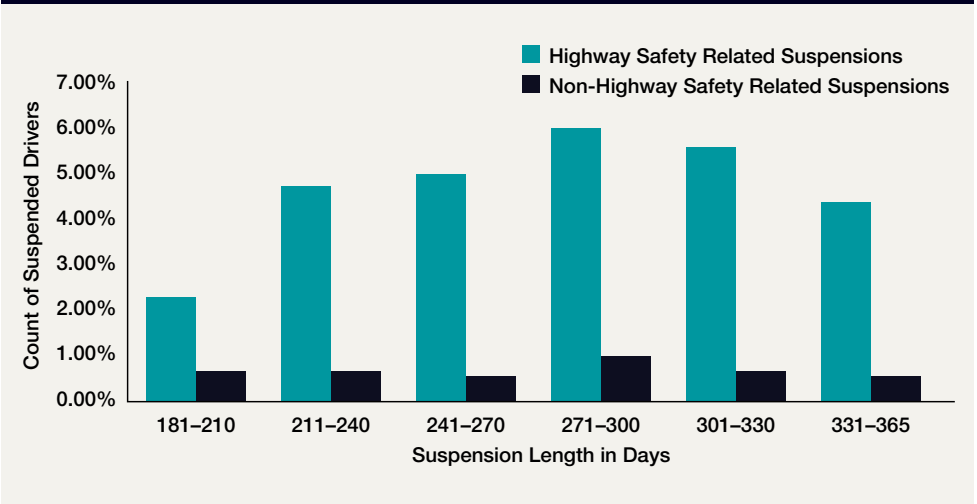
**Figure A2.8: Suspended Drivers with Restoration Dates by Suspension Length in Days**



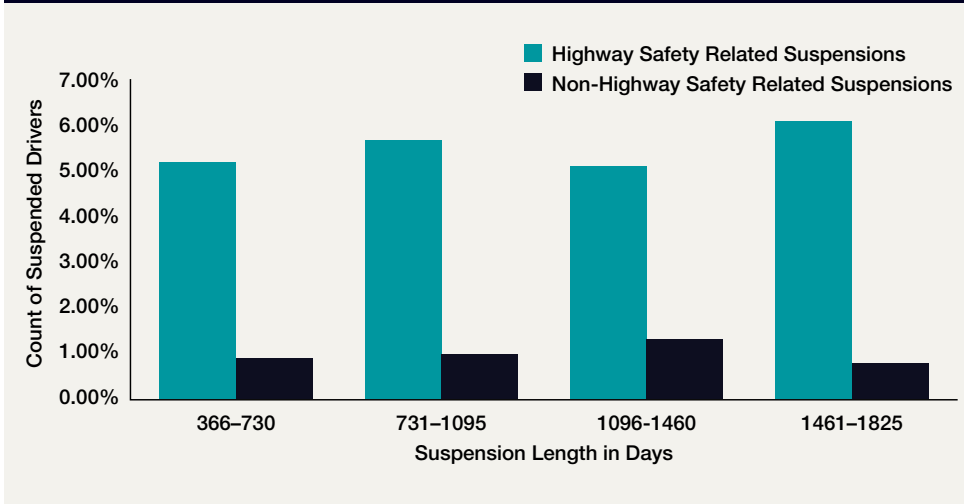
**Figure A2.9: Percentage of Suspended Drivers Involved in Crashes with Restoration Dates within 180 Days**



**Figure A2.10: Percentage of Suspended Drivers Involved in Crashes with Restoration Dates between 181 Days and One Year**



**Figure A2.11: Percentage of Suspended Drivers Involved in Crashes with Restoration Dates between 366 Days and Five Years**



suspension increases for the suspension length of up to 180 days, the percentage of crashes associated with drivers suspended for highway safety reasons also increases.

This trend is repeated through 300 days of suspension for this group at which time the percentage of crashes for highway safety suspended drivers' declines until the

end of a four-year suspension time period. A noted increase in the percentage of crashes for highway safety suspended drivers is observed for the suspension period exceeding four years. The opposite outcome is found for drivers suspended for non-highway safety reasons for the first 180 days of suspension, with an increase occurring from 366 days of suspension through four years followed by a noted decline in the percentage of crashes for the suspension period exceeding four years. The final outcome is

that the robustness enhancement provides support for the findings in DOT HS 811 092 and Analyses 1 to 3 in this report that the two groups of suspended drivers appear to behave differently and thus should not be treated as a homogenous group with regard to traffic safety policy.

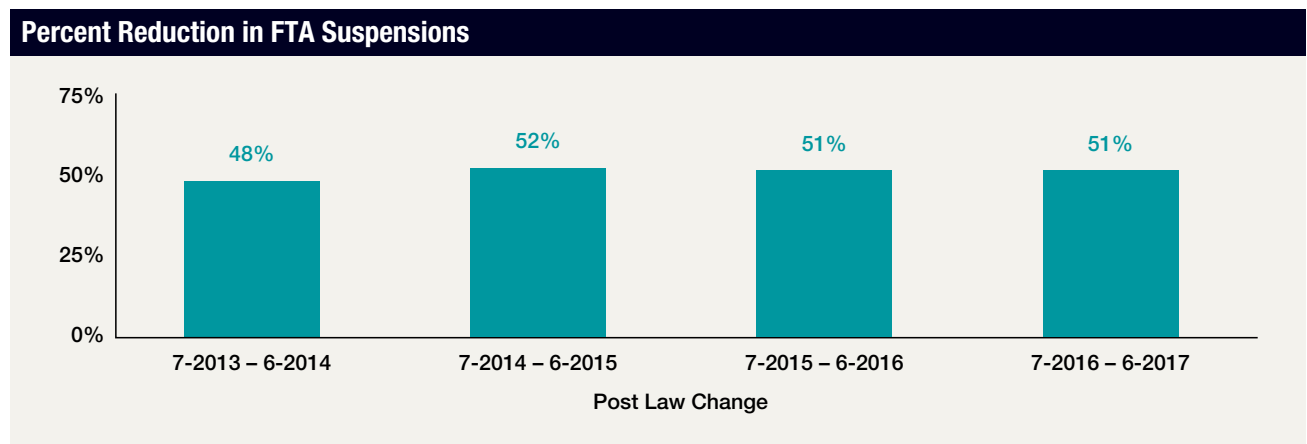


# Appendix C Washington State 2018 Analysis of Post-Legislation Impacts

## Introduction

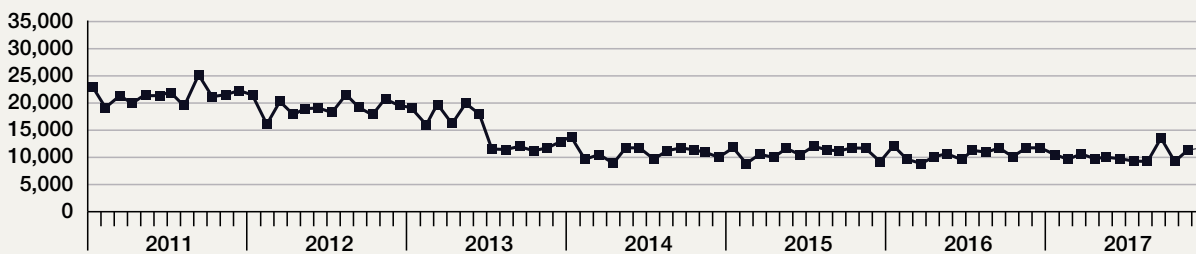
In July 2013, Washington stopped suspending drivers for FTA non-moving violations. Suspension still occurs for FTA on moving violations and for five select non-moving related fines.

A significant resulting change was a drop of approximately 12,000 suspensions per month and a 51% reduction in total FTA suspensions.

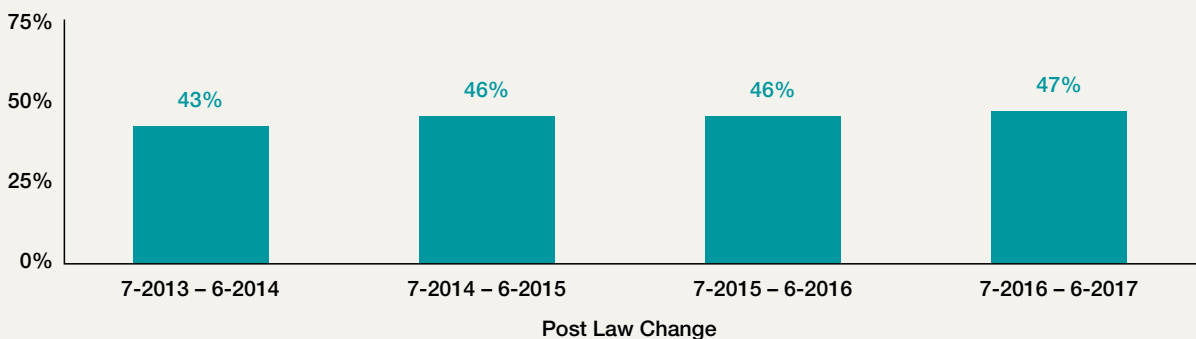


The reduction of individual drivers suspended was 47%, or approximately 9,400 per month that were suspended for FTA each month.

**Number of Individual Drivers with FTA Suspensions Jan 2011 - Dec 2017**



**Percent Reduction in Drivers with FTA suspensions**



# Appendix D Jurisdiction Survey Results

## Introduction

A survey was conducted on behalf of the Working Group in 2018 to update the survey contained in the 2013 report. The compilation of these survey results appear below:

Are you under statutory mandate to suspend or revoke the driving privilege of individuals for violations not related to driving behavior (non-highway safety reason(s) excluding suspensions for failure to appear/pay)?	Do you suspend for failure to appear or pay (FTA/P) on infractions/ citations related to driving behavior?	Do you suspend for failure to appear or pay (FTA/P) on infractions/ citations not related to driving behavior?	If the answer to #1 and/or #3 was Yes, please list all non-highway safety reasons for which your state takes suspending action along with the length of suspension and # of suspensions issued for that offense in calendar year 2017.	What steps have been taken (policy or legislation changes) since 2013 to reduce your number of non-highway safety related suspension reasons?
<b>Total jurisdictions responding: 38</b> Yes (33 responded); No (5 responded)	<b>Total jurisdictions responding: 30</b> Yes (26 responded); No (4 responded)	<b>Total jurisdictions responding: 30</b> Yes (16 responded); No (14 responded)	<b>Total jurisdictions responding: 30</b>	<b>Total jurisdictions responding: 28</b>
<b>AB</b> Yes  <b>COMMENTS:</b> <ul style="list-style-type: none"> <li>In conjunction with the Maintenance Enforcement Act, Alberta’s Traffic Safety Act (TSA) administers restrictions of Motor Vehicle Services and the suspension of driving privileges for individuals who have failed to pay court mandated child support, and</li> <li>The TSA also allows for the suspension of driving privileges for individuals who are assessed as not medically fit to operate a motor vehicle.</li> </ul>	No  <b>COMMENTS:</b> <p>Alberta does not suspend driving privileges for failure to appear or pay on infractions/ citations related to driving behavior. Alberta does restrict motor vehicle services for unpaid monetary fines.</p>	No  <b>COMMENTS:</b> <p>Alberta does not suspend driving privileges for failure to appear or pay on infractions/ citations related to driving behavior. Alberta does restrict motor vehicle services for unpaid monetary fines.</p>	<ol style="list-style-type: none"> <li>Maintenance Enforcement Suspension— Indefinite until compliance with order</li> <li>Medical Suspension— Indefinite until compliance or cancellation</li> </ol> <p>The number of these suspensions in 2017 was 25,459</p>	None, Alberta implemented their changes in 2003, and stopped allowing new types of these suspensions

<b>AK</b>	Yes  <b>COMMENTS:</b> Driving privileges may be suspended for failure to pay child support	No	No	No Response Provided	No Response Provided
<b>AL</b>	Yes	Yes	No	No Response Provided	No Response Provided
<b>AR</b>	Yes	Yes	Yes	<ul style="list-style-type: none"> <li>• Theft of motor fuel Illegal possession of drugs</li> <li>• Minor in possession of drugs (controlled substances)</li> <li>• Possession of open alcohol container Illegal possession of alcohol</li> </ul>	None
<b>CA</b>	Yes	Yes  <b>COMMENTS:</b> The California Department of Motor Vehicles (DMV) currently suspends the driving privilege for failure to appear (FTA) violations related to driving behavior. Effective June 27, 2017, California law repealed DMV's authority to update a failure to pay violation and place a hold on a driver license (DL). The law also repeals DMV's authority to suspend a person's DL upon receipt of a failure to pay (FTP) violation, whether related or not related to driving behavior.	Yes  <b>COMMENTS:</b> DMV currently suspends the driving privilege for FTA violations not related to driving behavior. Effective June 27, 2017, California law repealed DMV's authority to update an FTP violation and place a hold on a DL. The law also repeals DMV's authority to suspend a person's DL upon receipt of an FTP violation, whether related or not related to driving behavior.	In 2017, DMV took the following non-highway safety suspension/revocation actions: <ul style="list-style-type: none"> <li>• Family support—88,398 (indefinite or until clearance provided by the County Support Agency)</li> <li>• Dishonored check—776 (indefinite or until the dishonored check is paid)</li> </ul>	Effective June 27, 2017, California law repealed DMV's authority to update an FTP and place a hold on a DL. The law also repeals DMV's authority to suspend a person's DL upon receipt of an FTP violation, whether related or not related to driving behavior.

CO	<p>Yes</p> <p><b>COMMENTS:</b></p> <p>Colorado has several statutorily required removals of driving privileges for non-driving offenses.</p>	<p>Yes</p> <p><b>COMMENTS:</b></p> <p>Colorado receives notification from courts regarding failure to pay fines and failure to appear which may result in the cancellation of the driving privilege until such time that they meet court requirements, pay, appear, etc. and the court provides a clearance to the DMV.</p>	<p>Yes</p> <p><b>COMMENTS:</b></p> <p>Colorado receives notification from courts regarding failure to pay fines and failure to appear which may result in the cancellation of the driving privilege until such time that they meet court requirements, pay, appear, etc. and the court provides a clearance to the DMV. In addition, Colorado suspends driving privileges upon notification from Child Support enforcement entities when a person is not in compliance with child support payments.</p>	<p>RCMT Revocation for Criminal Mischief / Theft 42-2-125(1)(o)(I)(II)</p> <p>RDPP Revocation for Defacing Public / Private Property 42-2-125(1)(n)</p> <p>RFEL Revocation Felony Motor Vehicle Used (Can be driving related) 42-2-125(1)(c)</p> <p>RFSR Revocation for Failing to Stop and Render Aid 42-2-125(1)(d)</p> <p>R1BP Revocation for Buy Possess Controlled Substance (Under 21) 1st 42-2-125(1)(m), 42-2-131; 12-47-901(1)(b)or(1)(c), 18-13-122(3)</p> <p>R2BP Revocation for Buy Possess Controlled Substance (Under 21) 2nd R3BP Revocation for Buy Possess Controlled Substance (Under 21) 3rd +</p> <p>RNRD Revocation for Controlled Substance 42-2-125(1)(b)</p> <p>RPER Revocation for Perjury / False Statement 42-2-125(1)(e)</p> <p>SFTC Suspension for Failure to Pay Child Support 42-2-127.5</p> <p>S1CS Suspension for Controlled Substance— 1st offense 42-2-127.3(1)(a)</p> <p>SMCS Suspension for Multiple Controlled Substance—2nd or more offenses 42-2-127.3(1)(a)</p> <p>SPAI Suspension for Providing Alcohol / ID to Minor 42-2-127.6</p> <p>SSRO Suspension for SR-22 Required by Owner 42-7-406(1)(I)</p>	<p>I am unaware of any specific policy or legislative changes since 2013 to further reduce the number of non-highway safety related suspensions.</p>
DE	No	No	No	No Response Provided	No Response Provided
FL	Yes	Yes	Yes	<p>Non Compliance School Attendance/Education— until school requirements are met or 18 years of age—5179</p> <p>Child Support Suspensions—until support requirements are met— 170781</p> <p>Violation Chapter 893 Controlled Substance—up to two years— 17232</p> <p>Possession/Sell/Traffic Consp Controlled Substance—up to two years—21</p> <p>Possession of Tobacco/Nicotine/Misrepresenting Age by Minor—up to 60 days— 138</p> <p>Possession of Alcohol Beverage/Minor—up to 1 year—7</p> <p>Worthless Checks—until in compliance with court—38</p> <p>Providing alcohol to persons under 21 years of age—up to 6 months for a first violation and 1 year for any subsequent violation—1</p> <p>Petit Theft of Gas or Retail Theft— first suspension is for a period up to 6 months and subsequent is one year— 176</p> <p>Theft of motor vehicle or parts or components -Until the expiration of the full term of the sentence imposed, whether served during actual imprisonment, probation, parole, or suspension—439</p> <p>Under 18 Court Directed Unlawful possession of a firearm—up to 2 years —32</p> <p>Perjury/False Affidavit/Oath— DL Application— 13</p> <p>Fail to Pay Court Financial Obligations—102928</p>	None.

IA	<p>Yes</p> <p><b>COMMENTS:</b></p> <p>*Failure to pay child support *Conviction for drug possession *Failure to maintain SR-22 insurance *Theft of motor fuel (very rare)</p>	<p>Yes</p> <p><b>COMMENTS:</b></p> <p>See Iowa Code sections 321.210A and 321.210B.</p>	<p>No</p>	<p>(Statistics for State fiscal year 2017, not calendar year)</p> <p>Non-safety related sanctions:</p> <ul style="list-style-type: none"> <li>• Nonpayment of fines: 69,010 = 47% of all Iowa sanctions</li> <li>• Nonpayment of Child Support: 13,345 = 9% of all Iowa sanctions</li> <li>• Failure to have Insurance, post security following an accident and/or Judgments: 10,995 = 7% of all sanctions</li> <li>• Drug possession: 4,646 = 3%</li> </ul> <p>For comparison here are the safety related sanction statistics.</p> <ul style="list-style-type: none"> <li>• OWI: 16,815 = 11% 22%</li> <li>• Habitual violator, offender, reckless, drag racing, serious, eluding: 11,850 = 8%</li> <li>• Physical or mental incapability: 3,206 = 2%</li> <li>• Driving while revoked or suspended: 3,063 = 2%</li> <li>• All other safety sanctions: 13,773.00 = 9%</li> </ul> <p>Grand total of all Iowa sanctions: 146,703 = 100%</p>	<p>The Iowa legislature is currently contemplating a resolution and bill this legislative session to eliminate driver's license revocations for convictions for drug possession.</p>
ID	<p>Yes</p>			<p>Failure to attend school 82 for 2017</p> <p>Family responsibility (child support) 1,816 for 2017</p>	<p>None</p>
IL	<p>Yes</p>			<p>Parking suspension</p> <p>Automated traffic suspension</p> <p>Illegal consumption suspension</p>	<p>N/A</p>
IN	<p>Yes</p> <p><b>COMMENTS:</b></p> <p>Example: School Behavior</p>	<p>Yes</p>	<p>Yes</p> <p><b>COMMENTS:</b></p> <p>Example: Child Support</p>	<p>I would recommend searching Indiana Code. All request for data must go through the Indiana BMV data request committee as resources will need to be devoted to compile this information.</p>	<p>Indiana Bureau of Motor Vehicles has no authority in legislation to change Indiana Code.</p>
KS	<p>Yes; Misrepresentation of identity, insufficient funds, weapons/drugs at school for ages 13-18, MIP, controlled substances, failure to complete required alcohol education program</p>	<p>Yes, any major or minor charges from in state and minors from out of state</p>	<p>Yes, failure to comply with anhydrous ammonia regulations, bicycle violations, MIP, pedestrian offenses, registration/tag violations (expired or illegal)</p>		<p>None</p>

LA	Yes	Yes	Yes	<ul style="list-style-type: none"> <li>• Theft of fuel 1st or 2nd</li> <li>• Recommended by the Court,</li> <li>• Failure to Pay Criminal Fines,</li> <li>• Failure to Pay Income Tax,</li> <li>• FTP Child Support,</li> <li>• Purchase/Poss of Alcohol &lt;21, purchase alcohol for &lt;21, school truancy, school disciplinary, NSF, Denial of Driving Privileges (convicted for poss of controlled substance)</li> </ul>	N/A
MD	Yes	Yes	Yes	<ul style="list-style-type: none"> <li>• Upon death of a co-signor—TR 16-109</li> <li>• Failure to pay child-support—TR 16-203</li> <li>• Outstanding arrest warrant—TR 16-204</li> <li>• Non-payment of judgement—TR 17-204</li> <li>• Dispensing of motor fuel into dirt bike in Baltimore City—TR 21-1128</li> <li>• Failure to appear or failure to comply—TR 26-204</li> <li>• Failure to pay—TR 27-103</li> <li>• Possession of alcohol by a minor—CR 10-114</li> <li>• Failure to pay for motor fuel—CR 7-104 and TR 16-207.1</li> <li>• Improper use of a driver's license or ID card by a minor to obtain alcohol—CR 10-113 and Cts &amp; Jdl 3-8a-19</li> <li>• Non-compliance with traffic citation issued under federal law—TR 26-206</li> <li>• Rejection by MAIF—TR 17-105</li> <li>• The length of suspension is based customer's resolution of the issue.</li> <li>• Under the new MD expungement law, non-driver safety related charges are expunged, therefore numbers cannot be provided.</li> </ul>	During the legislative session, MVA attempts to deter the passing of any legislation that suspends a driving privilege for non-driving related issues.
ME	Yes	Yes	Yes	<p>Maine has a statutory provision to suspend for FPF Contempt (7020 in 2016) as deemed by a court so could be for a variety of violations (e.g. dog at large). Others are (all 2016 data):</p> <ul style="list-style-type: none"> <li>• Failure to Appear at Hearing—5</li> <li>• Failure to Complete DEEP—181</li> <li>• Judgment (as the result of a MV accident)—81</li> <li>• Protested Check/Delinquent Account—265</li> <li>• Signature Withdrawal (minor)—8</li> </ul>	No Response Provided
MN	Yes	Yes	No	No Response Provided	No Response Provided



MO	Yes	Yes	No	<ul style="list-style-type: none"> <li>False Insurance; 1 year revocation; 17 issued.</li> <li>Child Support; indefinite (until compliance is received and reinstatement fee paid); 7,614 issued.</li> <li>Motor Fuel Theft; first offense—60 days, second offense—90 days subsequent offenses—180 days; 6 issued.</li> <li>Minor in Possession; first offense—90 days, subsequent offenses—1 year revocation; 83 issued.</li> <li>Abuse &amp; Lose; under 21 and alcohol involved first offense—90 days; over 21, drugs involved, or 2nd offense under 21 and alcohol involved—1 year revocation; 455 issued.</li> <li>Fraud Denial; 1 year revocation; 24 issued.</li> <li>Juvenile Denial; remains active until parental release, or 18th birthday; 18 issued.</li> <li>Instate FTA 43,740 issued</li> </ul>	n/a
MS	No	No Response Provided	No Response Provided	No Response Provided	No Response Provided
MT	Yes	Yes	Yes	<p>Child Support— indefinite</p> <ul style="list-style-type: none"> <li>746 suspensions in 2017</li> </ul> <p>Unsatisfied Judgment—6 years or until lifted by plaintiff/court, whichever is earlier</p> <ul style="list-style-type: none"> <li>26 suspensions in 2017</li> </ul> <p>Failure to Comply—Indefinite for all convictions sentenced under the general sentencing statute. This includes criminal misdemeanor, city ordinance, fish and game violations. We do not separate out these suspensions from traffic related suspensions</p> <ul style="list-style-type: none"> <li>19644 suspension in 2017</li> </ul> <p>Theft of Fuel—Suspend for 30 days, 6 months, 1 year for 1st, 2nd, 3rd offense</p> <ul style="list-style-type: none"> <li>2 suspensions in 2017</li> </ul>	The courts have worked to increase the types of violations that are eligible for driver license suspensions.

NC	<p>Yes</p> <p><b>COMMENTS:</b></p> <p>Failure to pay Child Support Court order not to operate Juvenile orders not operate Unsatisfied Judgment Unsatisfied Judgment Out of State Failure to Deposit Security Failure to Deposit Security Out of State Bad Check Suspension Adjudicated Incompetent Dropout Suspension Failure to Complete Community Service—Suspension Failure to Give Correct Information Issue Error</p>	Yes	No	<ul style="list-style-type: none"> <li>• Child Support Issue—Indef until cleared by court (259)</li> <li>• Court order not to operate—For the time period set by the court (12)</li> <li>• Stop issue for Juvenile—For the time period set by the court (13)</li> <li>• Unsatisfied Judgment—Indef. until cost of accident complied with (1,912)</li> <li>• Unsatisfied Judgment Out of State—Indef. until cost of accident complied with (142)</li> <li>• Failure to Deposit Security—Indef. until complied or up to 3 years (7,119)</li> <li>• Failure to Deposit Security Out of State—Indef. until complied or up to 3 years (49)</li> <li>• Bad Check Suspension—Indef. until cleared—(110)</li> <li>• Adjudicated Incompetent—Indef. until cleared by court system (3,546)</li> <li>• Dropout Suspension—Indef. until proof of graduation or grades are at a satisfactory level (1,048)</li> <li>• Failure to Complete Community Service—Suspension—For the time period set by the court (14)</li> <li>• Failure to Give Correct Information—Indef. til the customer corrects information (732)</li> <li>• Issue Error—Indef. til a customer is issued license correctly (206)</li> </ul>	<p>To help reduce the number of non-highway safety related suspensions NC has attempted to provide adequate training to examiners and front line employees. to ensure license are issued correctly.</p>
ND	<p>Yes</p> <p><b>COMMENTS:</b></p> <p>Non-payment of child support, stopping payment of drivers license reinstatement fees or issuance fees.</p>	Yes	No	<p>Non-payment of child support—driver is suspended until our office is notified by the court or child enforcement unit that payment has been made or a payment plan set up.</p> <p>Stopping payment of drivers license reinstatement fees or issuance fees—driver is suspended until our office is notified that proper payment has been received.</p>	<p>No Response Provided</p>
NE	<p>Yes</p> <p><b>COMMENTS:</b></p> <p>Suspensions for child support</p>			<p>No Response Provided</p>	<p>No Response Provided</p>
NH	<p>No</p>		<p>No Response Provided</p>	<p>No Response Provided</p>	<p>No Response Provided</p>

<b>NJ</b>	Yes  <b>COMMENTS:</b> The New Jersey Motor Vehicle Commission is required to follow the directions of the New Jersey Courts. There are instances where a driver may be suspended for issues not related to driving, examples of which are suspensions for Drug Convictions, Juvenile Court Sentences, Child Support Delinquency, Under Age Drinking and Under Age Gambling.	Yes  <b>COMMENTS:</b> Yes, the New Jersey Judiciary has automated and manual processes that ensure the MVC is notified when a driver is delinquent on answering or paying a citation/ticket and the courts direct the action to be taken.	Yes  <b>COMMENTS:</b> Yes. As stated in #1, New Jersey Courts may suspend regarding non-driving related issues should a defendant fail to appear and or pay the citation.	The length of suspension is not a defined period as it would be for a court-imposed sentence. Suspensions for failure to appear, failure to pay or non-compliance with court instructions are indefinite until the driver complies. Common reasons are Drug Convictions, Juvenile Court Sentences, Child Support Delinquency, Under Age Drinking and Under Age Gambling or any other citation/ticket that the court declares as outstanding for not appearing or paying	This question would be best answered by the Administrative Office of the Courts who have recently enacted bail reform measures that may or may not reduce possible suspension matters that are sent to the MVC. The MVC takes direction from the court when imposing a suspension.
<b>NM</b>	No	No	No Response Provided	No Response Provided	No Response Provided
<b>NY</b>	Yes	Yes	No	Assault on a traffic enforcement agent, drug possession convictions, certain convictions of the alcoholic beverage control act, juvenile adjudications of falsely reporting an incident, failure to pay child support, \$10,000 or more in state tax arrears, conviction of advocating the overthrow of the U.S. government, violations for a vehicle abandoned in the City of New York. Some result in mandatory revocations, others a suspension of various terms.	None
<b>OH</b>	Yes	Yes	No	Child support. The length is until they are in compliance with child support. Number of suspensions 31,805.	No steps taken
<b>ON</b>	Yes  <b>COMMENTS:</b> Under section 198.1 of the Ontario Highway Traffic Act, the Ministry of Transportation (MTO) can suspend a driver's licence for unpaid family support payments when directed by Ontario's Family Responsibility Office (FRO).	Yes	Yes  <b>COMMENTS:</b> Yes, as per question #1.	<ul style="list-style-type: none"> <li>In Ontario, driver's licences can be suspended for non-payment of family support. A driver's licence will be suspended indefinitely until FRO advises MTO that family support payments have been paid in full.</li> <li>In 2016 we issued approximately 2,500 suspensions. 2017 data is not yet available.</li> </ul>	N/A

<b>OR</b>	Yes	Yes	No	<ul style="list-style-type: none"> <li>• Alcohol/Drug offenses (minors)</li> <li>• Drug offenses (adults)</li> <li>• Delinquent child support</li> <li>• Dishonored check</li> <li>• Failure to appear for re-examination</li> <li>• Failure to pass re-examination</li> <li>• Theft of gasoline</li> <li>• Failure to pay traffic ticket</li> <li>• False Information on application</li> <li>• False Information to law enforcement</li> <li>• Financial responsibility</li> <li>• School truancy</li> <li>• School misconduct</li> <li>• Withdrawal of parental signature for minor</li> </ul>	Legislation introduced in 2017 to eliminate suspensions for non-driving related offenses. The bill did not pass but is being introduced again in 2018.
<b>PA</b>	Yes	Yes	No		Policy and legislation have moved in the direction of supporting the elimination of driving privilege suspensions for non-highway safety related reasons.
<b>RI</b>	Yes	Yes	Yes	Please see attached spreadsheet. All FTP/FTA suspensions are indefinite—meaning they are in effect until you pay.	None—it actually seems like it is increasing.
<b>SC</b>	Yes			<ol style="list-style-type: none"> <li>1. Alcohol Violation</li> <li>2. Altering or Defacing Signs or Signals</li> <li>3. Cancellation of Insurance</li> <li>4. Court Administration Cancellation</li> <li>5. Court Ordered Suspension</li> <li>6. Delinquent Child Support</li> <li>7. Departmental Suspension</li> <li>8. Dishonored Check</li> <li>9. Failure to Appear for Re-Examination</li> <li>10. Failure to Pass Re-Examination</li> <li>11. Failure to Make Payment for Gasoline</li> <li>12. Failure to Pay Property Tax</li> <li>13. Failure to Pay Traffic Ticket</li> <li>14. Failure to Remit Fees</li> <li>15. False Information on Application</li> <li>16. Financial Responsibility</li> <li>17. Minor Signature Withdrawal</li> </ol>	None
<b>SD</b>	No			N/A	N/A

TN	<p>Yes</p> <p><b>COMMENTS:</b></p> <p>There are two: Child Support Failure to satisfy non-driving criminal offenses.</p>	<p>Yes</p>	<p>Yes</p> <p><b>COMMENTS:</b></p> <p>Failure to Pay on any criminal offense can result in Suspension</p>	<p>Failure to Satisfy Fines/Costs/Taxes on a Criminal Offense</p> <ul style="list-style-type: none"> <li>• 01/01/17-12/31/17</li> <li>• 79,783 revocations</li> </ul> <p>Failure to Pay Child Support</p> <ul style="list-style-type: none"> <li>• 01/01/17-12/31/17</li> <li>• 10.371 revocations</li> </ul>	<p>There have been no steps take nor reductions since 2013.</p>
TX	<p>Yes</p>	<p>No Response Provided</p>	<p>Yes</p>	<p>The total of all non-driving related suspensions for FY 2017 was 1,410,115. The total of suspensions for those offenses listed as “both” was 52,601 – both offenses can be non-driving and driving, but we don’t have them broken out within the offense category.</p> <p>Spreadsheet attached listing the non-driving and both offenses.</p>	<p>N/A</p>
VA	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>	<ol style="list-style-type: none"> <li>1. Unpaid fines and costs—suspension lasts until fines and costs are paid—337,188 suspensions issued in CY 2017.</li> <li>2. Failure to appear—7,811 suspensions issued in CY 2017.</li> <li>3. Receiving a drug related conviction— suspension lasts six months—39,665 suspensions issued in CY 2017. This number does not include individuals convicted of driving while under the influence of drugs.</li> <li>4. Unpaid judgment arising out of a motor vehicle crash—suspension lasts until judgment is paid, or a statutory minimum is paid, or the court orders a payment plan, or creditor releases the debtor’s driver’s license suspension—3,673 suspensions issued in CY 17.</li> <li>5. Non-payment of Alcohol Safety Action Program Fees—suspension lasts until fees are paid—3,118 suspensions issued in FY 17 (figures not available for CY 17).</li> <li>6. Failure to pay child support—suspension lasts until child support is paid or debtor enters into payment plan with Department of Social Services—8,050 suspensions issued in CY 17.</li> <li>7. Failure to Pay Local or Regional Jail Fees—suspension lasts until fee is paid or arrangements are made with the jail—no suspensions issued in CY 17.</li> <li>8. Juvenile buying alcohol—at least six months, up to one year— 143 suspensions issued in FY 17 (figures not available for CY 17).</li> </ol>	<ol style="list-style-type: none"> <li>1. Passed legislation in 2017 standardizing terms of court payment plans in all Virginia state courts. Persons on court payment plans can avoid a suspension for unpaid fines and costs; the legislation was intended to make it easier to avoid suspension by getting on a payment plan.</li> <li>2. Passed legislation in 2017 to permit some first time offenders of marijuana possession to complete an additional 50 hours of community service in lieu of six months driver’s license suspension. This is at the judge’s discretion, and does not apply to those who committed the offense while operating a motor vehicle.</li> </ol>

VA	(continued)			<p>9. Juvenile with unexcused absences from 10 or more consecutive school days—any period of time up to the 18th birthday—1 suspension issued in FY 17 (figures not available for CY 17).</p> <p>10. Juvenile is truant—up to 18th birthday—39 suspensions issued in FY 17 (figures not available for CY 17).</p> <p>11. Delinquent children—between 30 days and two years—87 suspensions issued in CY 17, plus 933 licenses denied (unlicensed individuals prohibited from applying to become licensed) in FY 17 (figures not available for CY 17). Note—Virginia law permits the suspension of a juvenile’s license as a consequence of being convicted of any offense, driving related or not driving related. As a result of this, all such suspensions are reported together, and we cannot break out non-highway safety related reasons.</p>	<p>3. Passed legislation in 2016 to allow individuals required to pay \$500 fee for driving uninsured to obtain a payment plan to pay that fee.</p>
VT	Yes	Yes	No	<p>Failure to pay child support. They get issued an indefinite suspension and remain under suspension under the child support is paid.</p>	<p>Removed suspension issuance for cigarette, tobacco, unsatisfied judgements, and littering.</p>
WA	Yes	Yes	Yes	<ul style="list-style-type: none"> <li>• Non-payment of child support (Indefinite)</li> <li>• Theft of motor vehicle fuel (Six Months)</li> <li>• Fraudulent use of a license (One Year)</li> <li>• Leaving children in a running car—Second Offense (One Year)</li> <li>• Minors and firearm, alcohol, and drug violations—Second Offense (One year or 17th birthday, whichever longer; Subsequent offenses two years or 18th birthday, whichever longer)</li> <li>• Perjury, false affidavit, or false statement under oath to DOL relating to ownership or operation of a motor vehicle (One Year)</li> <li>• FTA/P for a “littering—abandoned vehicle” citation</li> <li>• CY17 data unavailable at this time</li> </ul>	<p>Minors and firearm, alcohol, and drug violations were changed to require suspension on second offense instead of the first.</p>

## Appendix E Relevant Court Cases

Following is a sample of court cases showing the national trend wherein suspension for failure to pay or failure to appear is being legally challenged:

***Damian Stinnie v. Richard Holcomb, W.D. Va., 3:16-cv-00044-NKM*** (July 6, 2016)

In this Class-Action Complaint, Mr. Stinnie and other similarly situated plaintiffs alleged due process and equal protection violations when their licenses were suspended for failing to pay outstanding court fees. Mr. Stinnie contended that his license was suspended for not being able to pay the fees but that without his license, he was unable to maintain employment and therefore would not be able to pay the fees. Although the court noted the vicious cycle presented by this scenario, it ultimately dismissed the case on jurisdictional grounds.

***James Thomas v. Bill Haslam, M.D. Tenn., 3:17-cv-00005*** (July 2, 2018)

In this class-action complaint, plaintiffs allege Tennessee's laws mandating license suspension for failing to pay court fines violate their rights to due process and equal protection under the law. On July 2, 2018, U.S. Federal District Court ruled in the plaintiff's favor. As of September 2018, this ruling was under appeal by the State of Tennessee.

***Adrian Fowler v. Ruth Johnson, E.D. Mich., 2:17-cv-11441-LVP*** (May 4, 2017)

This case alleges Michigan's statutory scheme requiring automatic license suspension for failure to pay court fines violates plaintiffs' rights to due process and equal protection under the law. Although the case is ultimately still pending, plaintiffs were successful in having the Court issue a preliminary injunction enjoining the defendants from any further license suspensions on the basis of non-payment of court fines without initially providing notice and an opportunity to be heard with regard to ability to pay and instituting alternatives to full payment of debt for those who are found to be unable to pay.

***Rubicon Programs v. Superior Court of California, County of Solano, Sup. Ct. Ca., FCS047212*** (June 15, 2016)

This case, challenging the failure of the Solano County Superior Court to advise motorists of their right to request a hearing to determine their ability to pay fines, resulted in a settlement agreement between the parties. As a result of the agreement, the Court made numerous changes to its notices to inform motorists of their right to request a hearing regarding ability to pay. The Court also instituted changes to allow alternatives to payment in the case of motorists who were deemed unable to pay.



## Appendix F Working Group Roster

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*Safe drivers  
Safe vehicles  
Secure identities  
Saving lives!*



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