

# Non-Driver Violations: Impact on Courts, Law Enforcement and DMVs

Tuesday, July 14, 2015  
9:00 a.m. to 10:30 a.m.

## Speakers:

Brian Ursino, American Association of Motor Vehicle Administrators  
Julie Knittle, Washington Department of Driver Licensing  
Mike Mitchell, Georgia Department of Driver Services

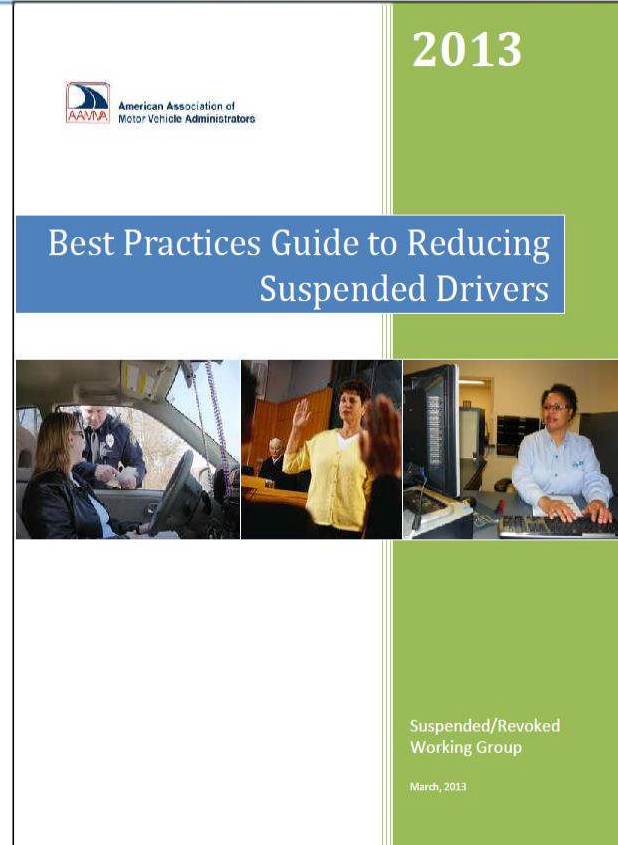
# Non-Driver Violations: Impacts on Courts, Law Enforcement and DMVs

July 14, 2015

Brian Ursino, AAMVA, Director of Law Enforcement

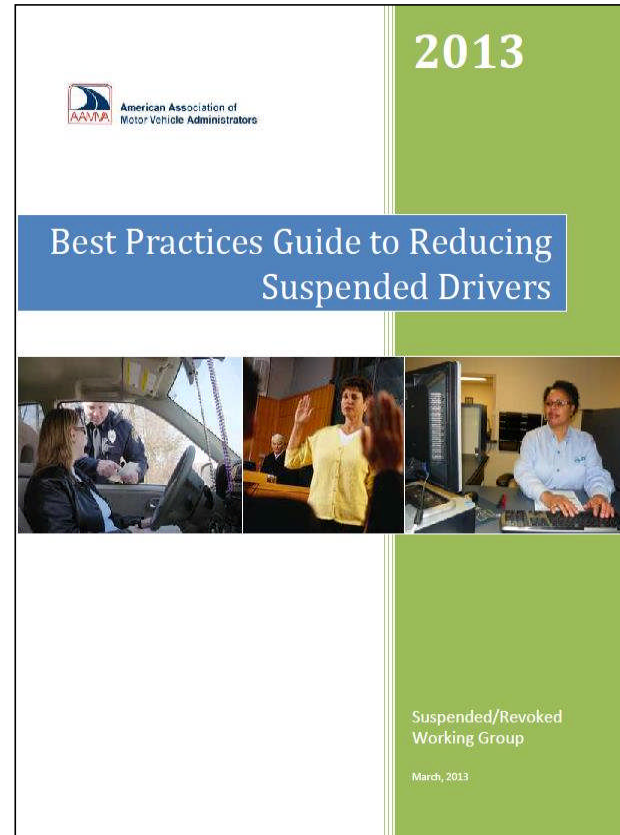


- Recommends legislatures repeal laws requiring suspension of driving privileges for non-highway safety related violations
- Adoption of these recommendations would reduce the burden on DMVs, Law Enforcement & Courts
- The Best Practice Guide includes:
  - the research behind the recommendation
  - a model legislation template jurisdictions can use to craft their own legislation



The Best Practices Guide contains the following sections:

- Executive Summary
- 1.0 Introduction
- 2.0 Research Overview
- 3.0 Impact to Criminal Justice System
- 4.0 Impact to Motor Vehicle Agencies
- 5.0 Alternatives to Driver License Suspension
- 6.0 Appendices
  - A: Model Legislation Template
  - B: Full Research Report
  - C: Jurisdiction Survey Results



When suspending driving privileges were first instituted, there were three primary goals:

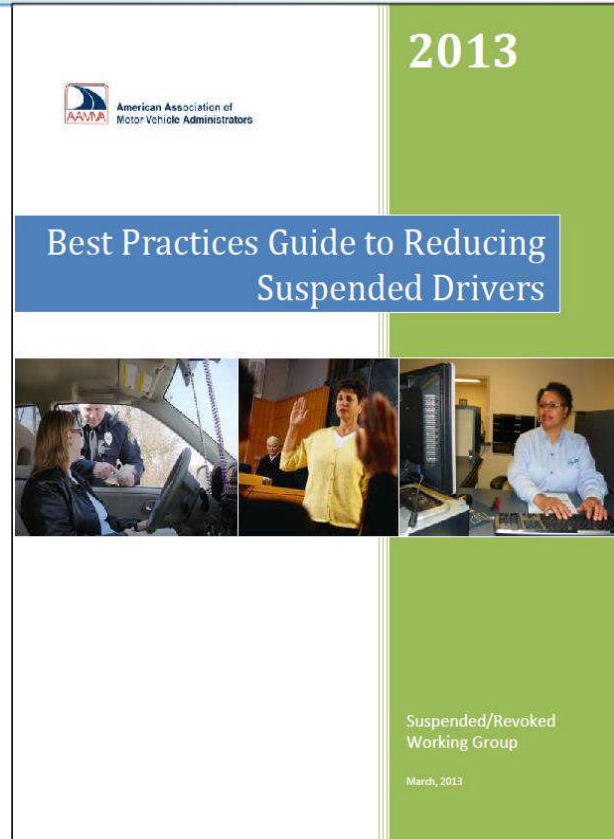
- to remove dangerous drivers from the road
- to change driver behavior
- to punish unsafe drivers

### The Growing Problem

Every year, many state legislatures pass additional laws requiring suspensions as a mechanism to gain social compliance for non-highway safety reasons.

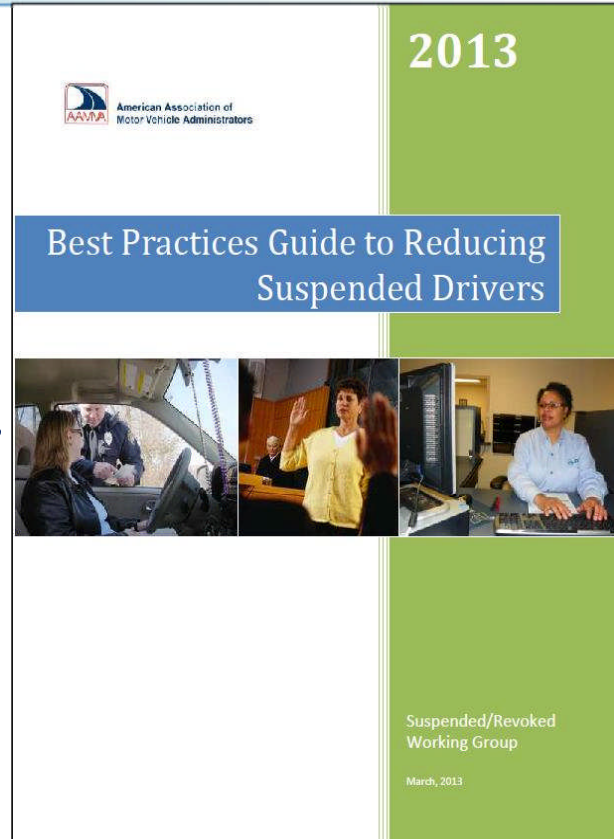
Research revealed that suspensions for non-driving reasons rose from 29% to 39% of total suspensions in just 4 years [2002 – 2006]

**Now nearly 4 of every 10 suspended drivers are suspended for non-driving reasons!**



## Research Overview

- Research indicates drivers suspended for driver behavior are involved in crashes 3X more frequently than drivers suspended for non-driving reasons, and 6X more frequently than drivers who have never been suspended
- If policy makers agree there should be a direct nexus between license suspensions and traffic safety, then licenses should be suspended only for driving related reasons
- Finally, the common belief that a license suspension provides sustainable motivation for individuals to pay outstanding fees or comply with court orders to avoid suspension is not supported by empirical evidence



# Video Executive Summary



## Contact Information:

Brian Ursino, AAMVA, Director of Law Enforcement

[bursino@aamva.org](mailto:bursino@aamva.org)

703-350-5103





# Reducing Suspended Drivers



July 14, 2015

Presenter: Julie Knittle

WA Department of Licensing

- Suspending driving privileges used for decades to address poor driving behavior
- Research has shown it is effective in reducing crashes
- 3 goals to suspending drivers:
  - Remove dangerous drivers from roadways
  - Change driving behavior
  - Punish unsafe drivers
- 4<sup>th</sup> goal emerged over time
- Gain compliance for social non-conformance (non-highway) violations

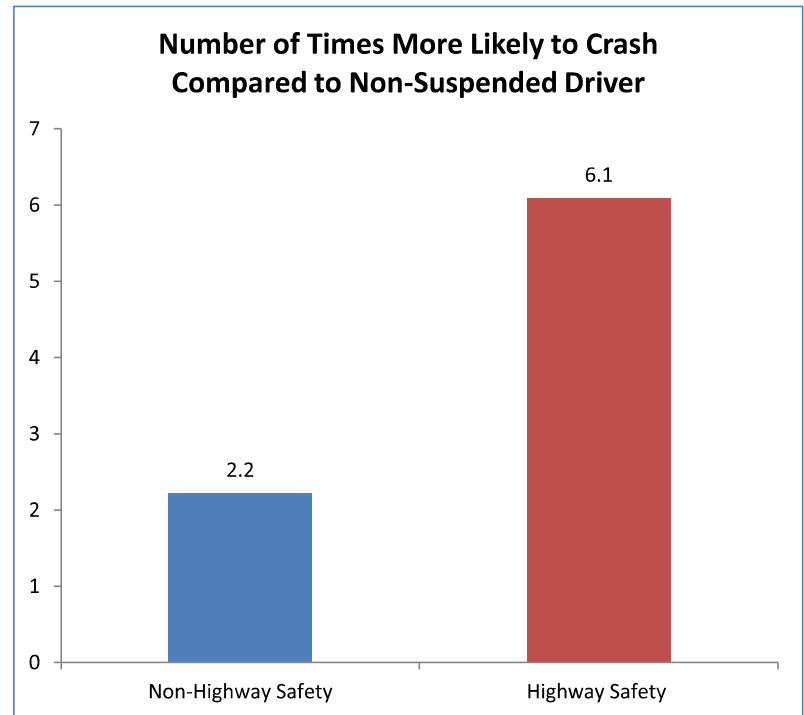
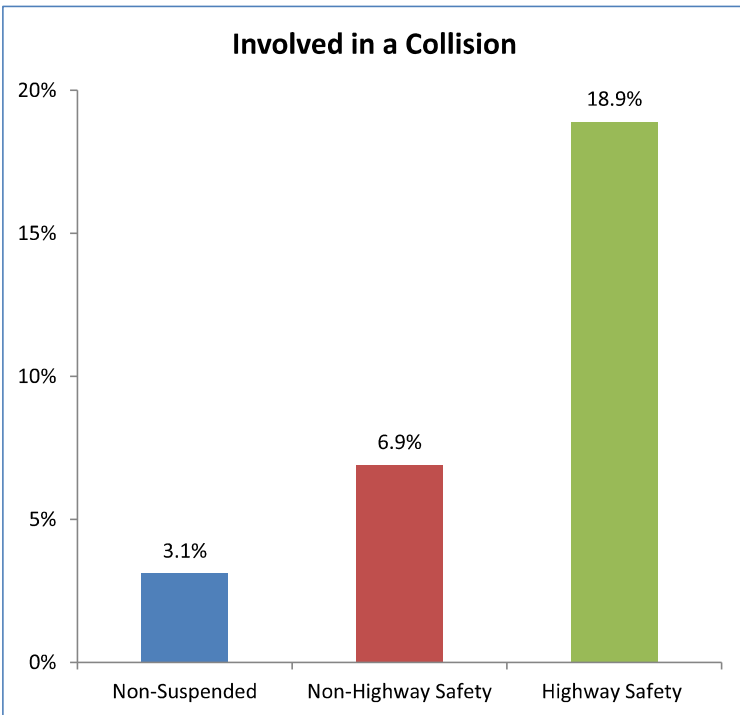
- Costs of arresting, processing, administering, and enforcing creates a strain on resources and budgets
- Detracts from highway and public safety priorities

- AAMVA working group and best practice objective
  - Reduce number of suspended drivers on the road
  - Identify violations impacting highway safety
  - Find other ways to address non-highway safety actions
  - Limit suspensions to those who pose risk to the public
- Study conducted
- Recommendation: Repeal state laws for non-highway safety related violations
- Resulting in reduction of 39% suspended drivers clogging the system

- Failure to pay for a ticket has resulted in suspension in Washington
- If a suspended person drives anyway, they're arrested/cited for Driving with a License Suspended (DWLS 3<sup>rd</sup>)
- AAMVA's Best Practice advocates suspending only for tickets that pose a risk to the public

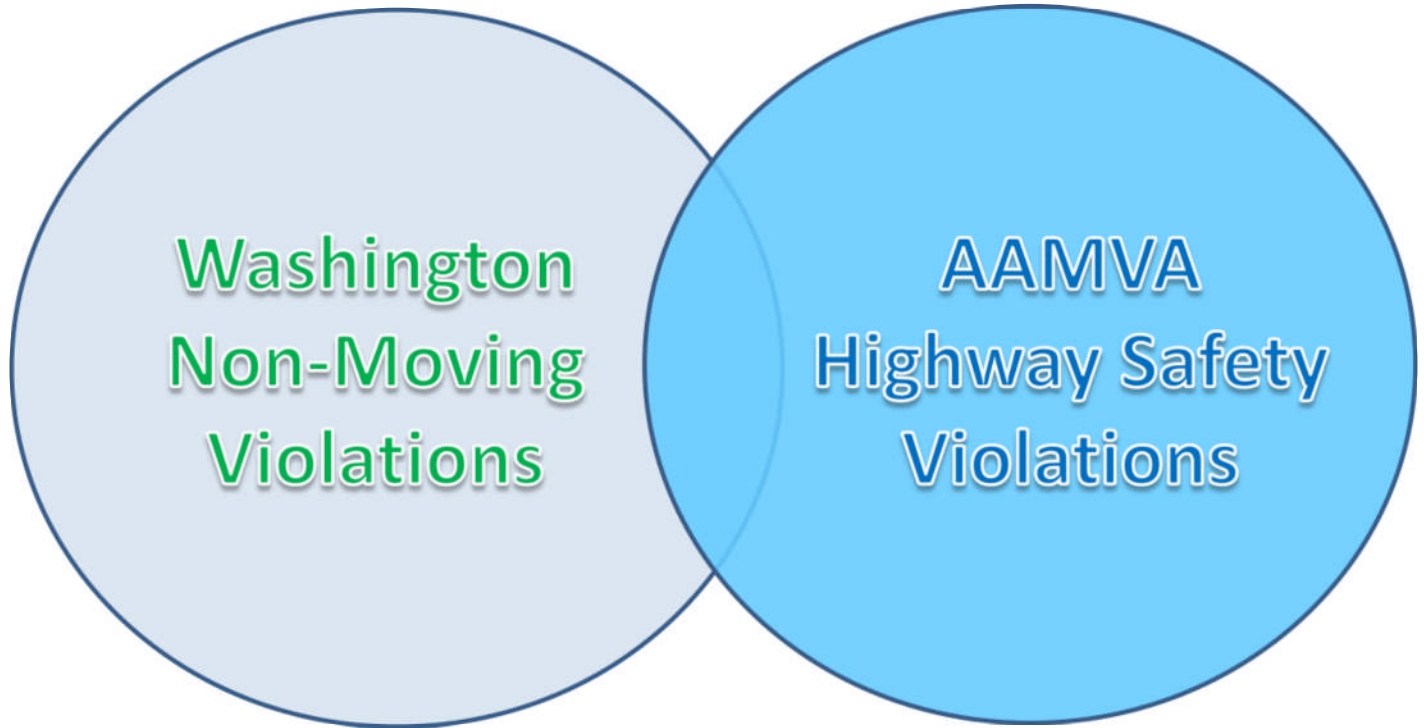
# Why focus on highway safety?

- Data shows they are the greatest threat to the public
- Non-suspended drivers have a collision rate of 3.1%
- Highway safety rate is 18.9%--a 6 fold increase



- AAMVA took the total of 8 state's violations and codified them by the AAMVA Code Dictionary (ACD)
- Washington's approach was similar using Moving and Non-Moving violations including SNC
- There are a few Non-Moving violations in Washington that AAMVA termed Highway safety

Moving Violations mostly equal  
Highway Safety





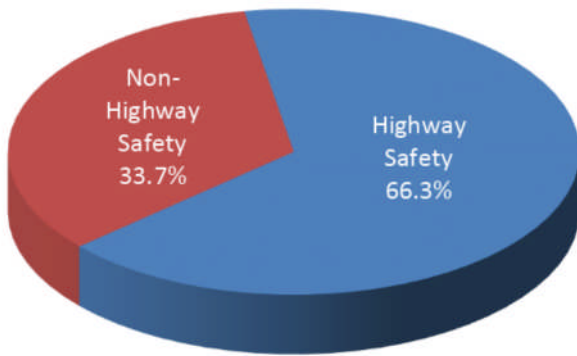
- Implemented legislation in 2012 (E2SSB 6284) limiting suspensions for failure to appear/pay (FTA) for moving violations only
- Nearly identical to the Best Practice Recommendation
- Washington has only 5 SNC violations that we still suspend for:
  - Minor in Possession
  - Leaving child in running vehicle
  - Non-payment of child support
  - Fuel theft
  - Fraudulent license

## Overview of Washington Drivers

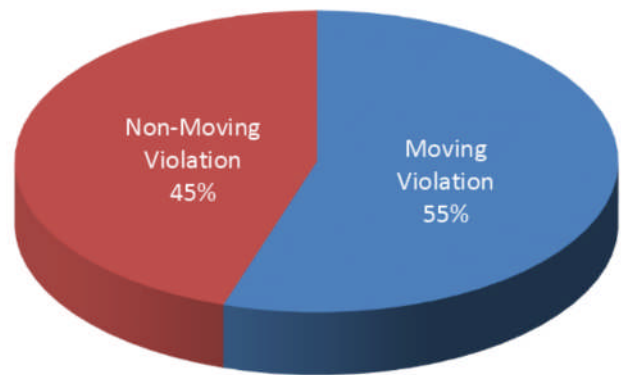
- 418,000 Suspensions/revocations/cancellations a year
- 5.3 million drivers

- Studying 8 states, AAMVA determined that about 2/3 of their violations fit the Highway Safety definition
- Washington's split was similar

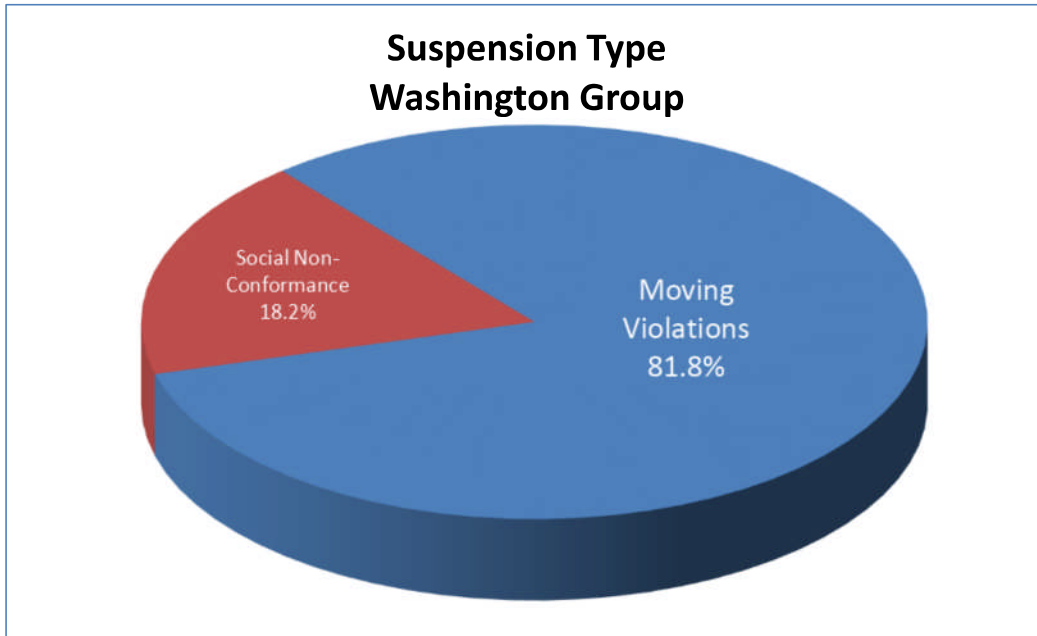
**Violation Type**  
**AAMVA Study Group**



**Violation Type**  
**Washington Group**

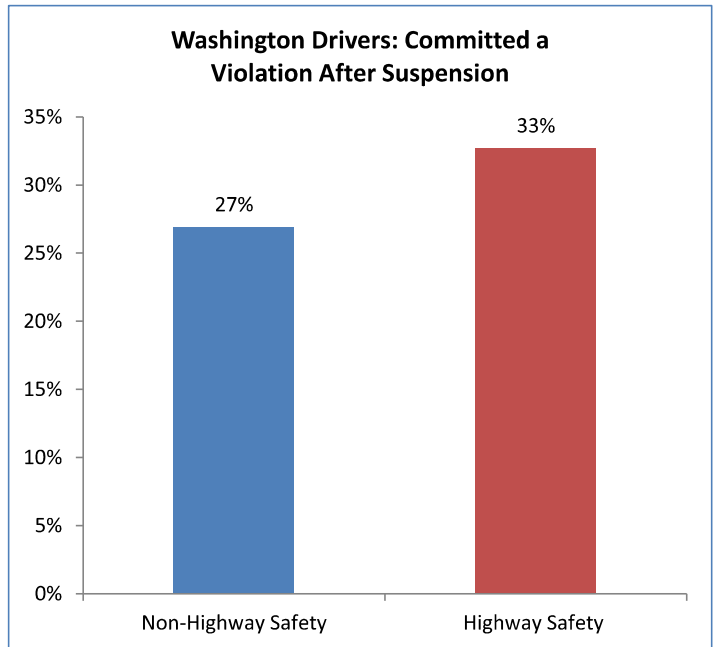
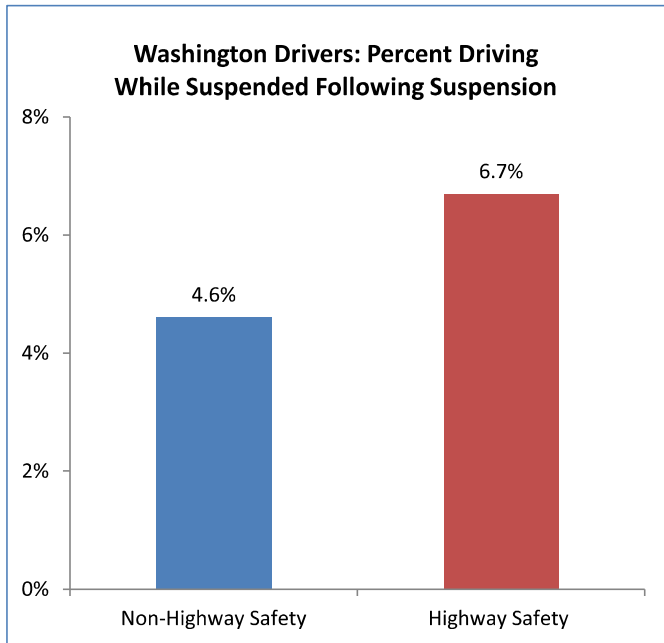


- Washington is essentially only suspending for FTAs of Moving Violations
- 5 non-moving/SNC violations—which make up about 18% of FTAs



Washington drivers suspended for highway safety reasons are more likely to:

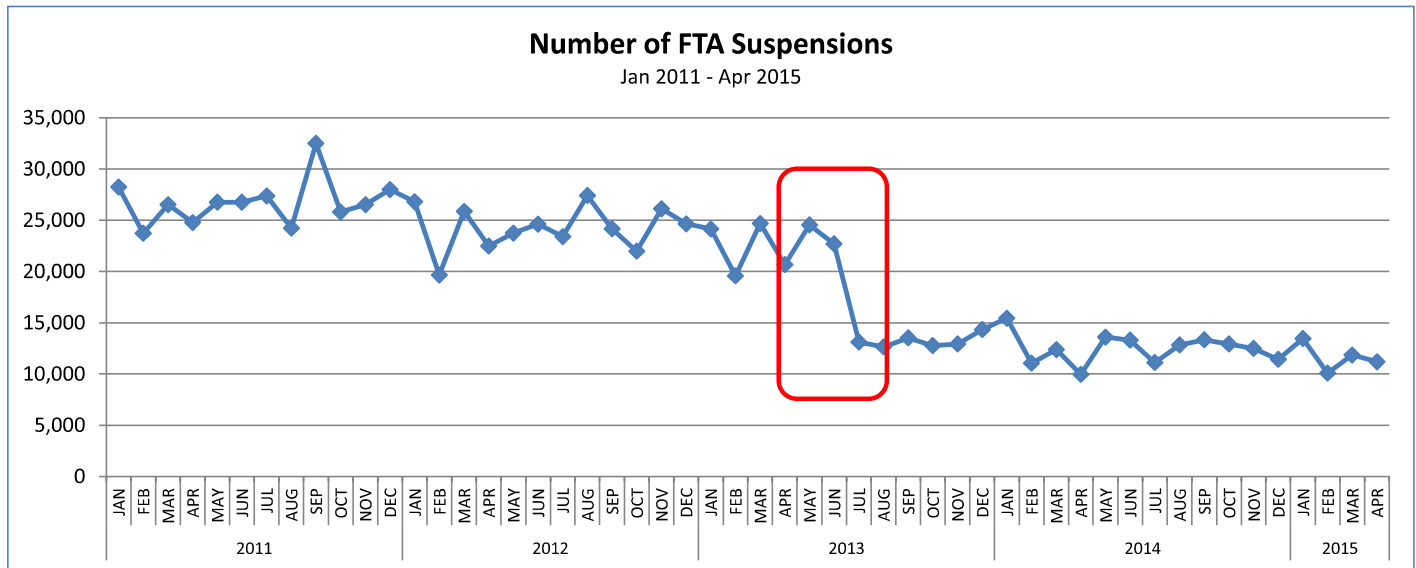
- Drive while suspended
- Receive violations following suspension



- 18 months since implementation
- Changes with most impact:
  1. Illegal, missing, improper or defective equipment
  2. No registration and no insurance

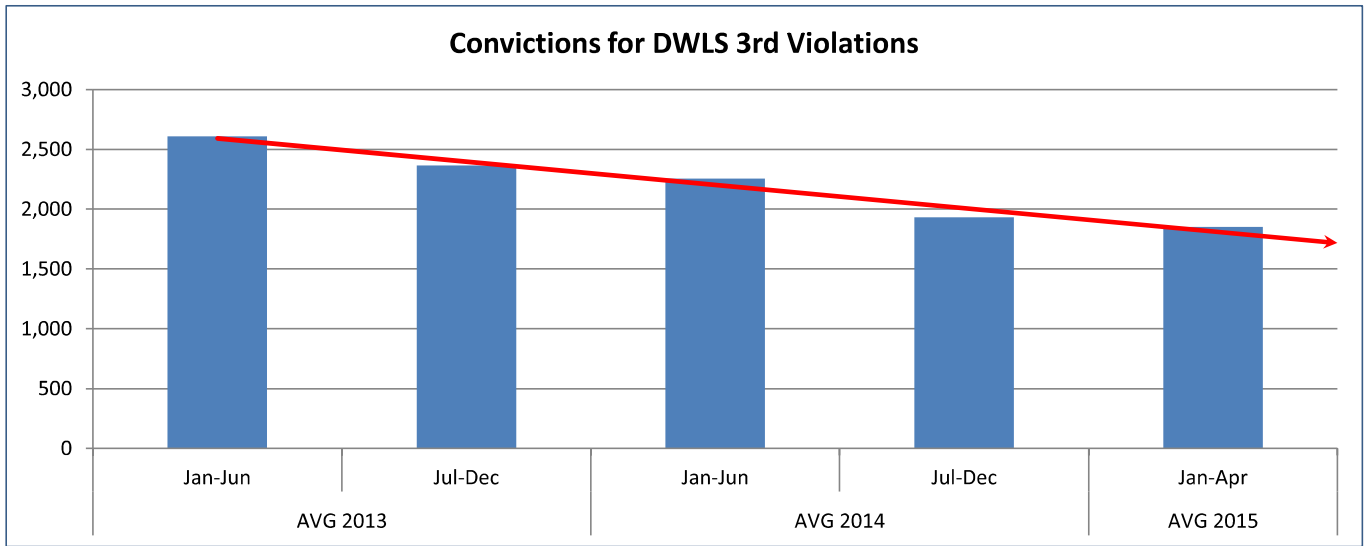
# Washington FTA reductions

- Upon implementation, the number of suspensions immediately dropped
- Over 12,000 FTA per month were eliminated
- A decrease of about 50%



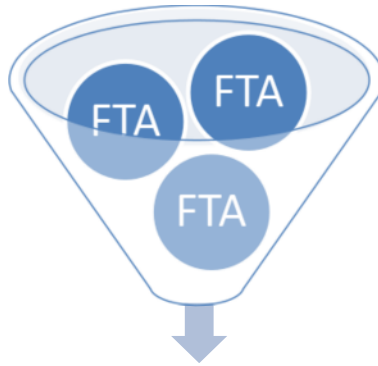
# Washington DWLS 3<sup>rd</sup> violations

- Law is not retro-active—all the previous suspensions remain until they pay their fines
- We're beginning to see some decline
- Current reduction is 656 DWLS 3<sup>rd</sup> per month
- A 24% reduction in DWLS 3<sup>rd</sup>

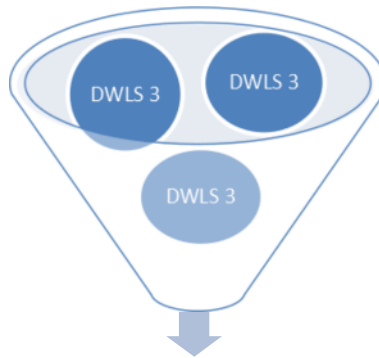




# Net monthly results



12,000 Suspensions Not Imposed



656 Fewer DWLS 3<sup>rd</sup> Arrests

## So what does that mean?

- The WSP estimates that 9 hours of Trooper time is used to arrest, book, jail, complete paperwork, submit reports, and appear in court for a DWLS 3<sup>rd</sup> case
- The average reduction post E2SSB 6284 in DWLS 3<sup>rd</sup> arrests is 656 per month as of April 2015
- 9 hours x 656 monthly arrests x 12 months = 70,848 annual law enforcement hours not spent processing DWLS 3<sup>rd</sup> cases under the new law
- This frees up the WSP to pursue true Highway Safety issues that pose a real threat to public safety

- DOL staff are not processing 12,000 suspensions per month in the records unit
- For the first time in many years they have no backlog
- The courts are freed up from over 650 mandatory court appearances/prosecution for DWLS 3<sup>rd</sup> violators
- The FTAs for non-moving have been moved to collections agencies

- DOL has had a reduction in reinstatement fees but an increase in occupational restricted license fees
- Postage reduced due to fewer FTA suspension notices being mailed  
(\$17k annually)
- Projected revenue loss to local government offset by workload decreases

- Predicting court filings and convictions
- Jail/bed reductions
- Quantifying local government workload decreases – redirected efforts rather than reduction in staff
- Occupational Driver License applications fell short of estimates by 5%

For More Information  
Contact:

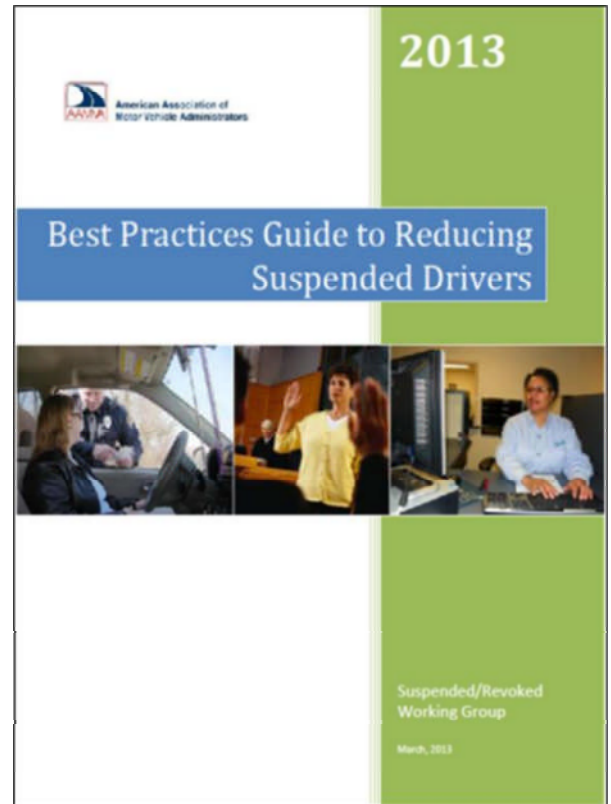
Julie Knittle, Assistant Director  
WA Department of Licensing  
jknittle@dol.wa.gov; (360) 902-3850

## **Non-Driver Violations: Impact on Courts, Law Enforcement and DMV's**

**July 14, 2015**

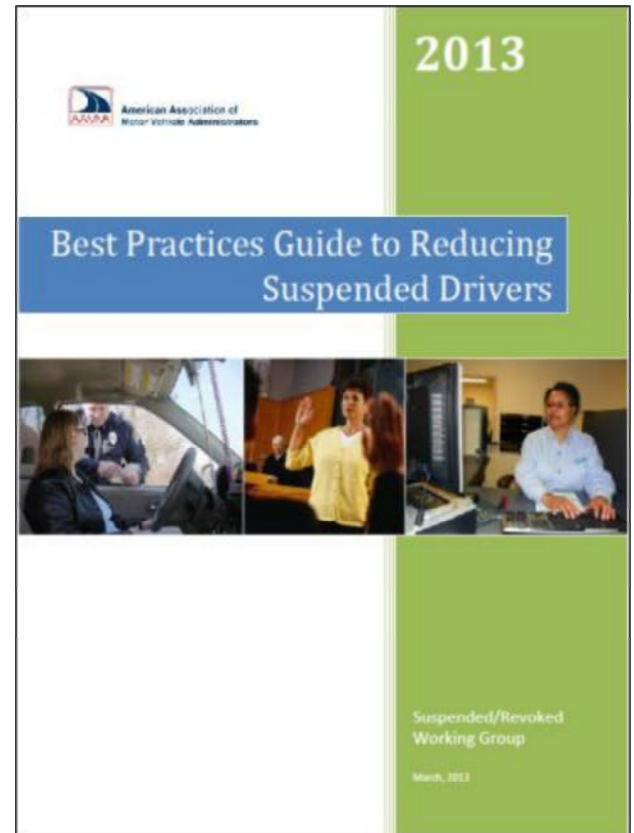
**Mike Mitchell, Legislative Liaison  
Georgia Department of Driver Services**

- **AAMVA Suspended & Revoked Working Group**
- **Funded by NHTSA**
- **Chaired by Commissioner Rob Mikell, Georgia Department of Driver Services**
- **AAMVA Staff Liaisons:**  
    **Sheila Prior, Regional Director, Regions III & IV**  
    **Brian Ursino, Director of Law Enforcement**
- **First working group published its best practice guide in 2013.**
- **Continuation working group convened in 2014 to develop strategies for implementing recommendations.**



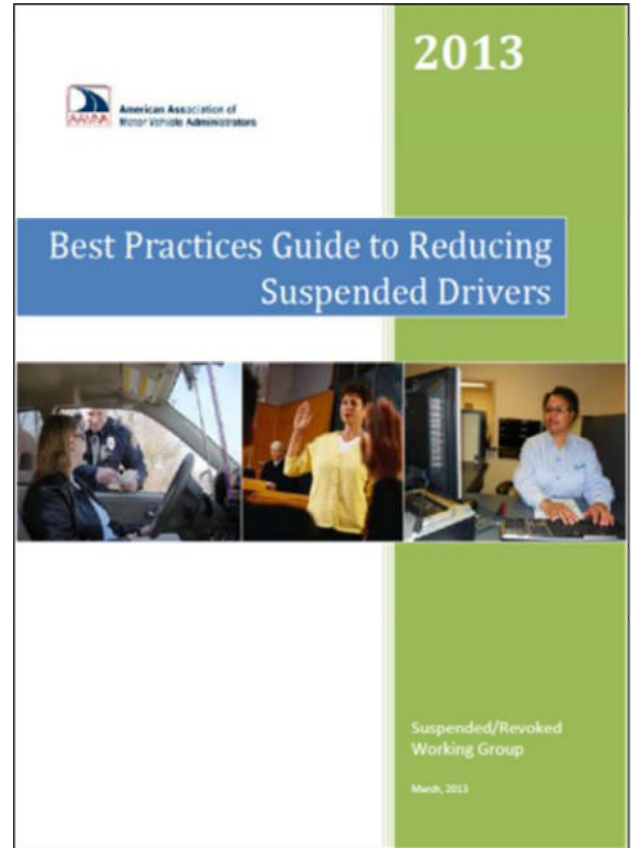


- **Overarching objectives:**
  - ☑ **To reduce number of suspended/ drivers on the road/.**
  - ☑ **To identify violations impacting highway safety.**
  - ☑ **To find/ other ways to address non-highway safety actions.**
  - ☑ **To limit suspensions to those who pose risk to the public**
- **Study conducted: Between 2002 and 2006, suspensions for non-driving reasons rose from 29% to 39% of total suspensions.**
- **Recommendation: Repealing state laws for non-driving related suspensions could result in a 39% reduction of suspended driving cases clogging the system.**

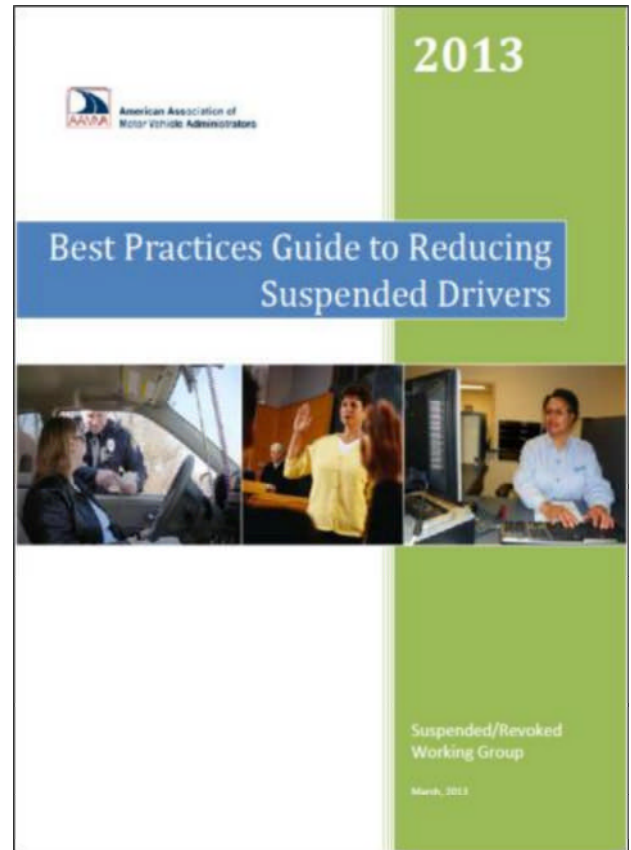


## Background

- Driver's license suspensions have been used for decades as to reduce crashes and as punitive measure to address poor driving behavior.
- When first instituted, there were three primary goals for suspending driving privileges:
  - ☑ to remove dangerous drivers from the road
  - ☑ to change driver behavior
  - ☑ to punish unsafe drivers
- A fourth goal emerged over time:
  - ☑ To compel compliance for social non-conformance (non-driving) violations.

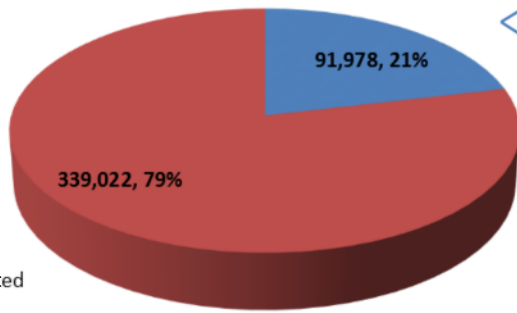


- **Every year, state legislatures pass additional laws requiring suspensions as a mechanism to gain compliance with non-highway safety (or social non-conformance) reasons, i.e., bounced checks, fuel theft, graffiti, truancy, etc. Now nearly 4 of every 10 suspended drivers are suspended for non-driving reasons!**
- **Costs of arresting, processing, administering, and enforcing creates a strain on resources and budgets.**
- **Detracts from highway and public safety priorities.**

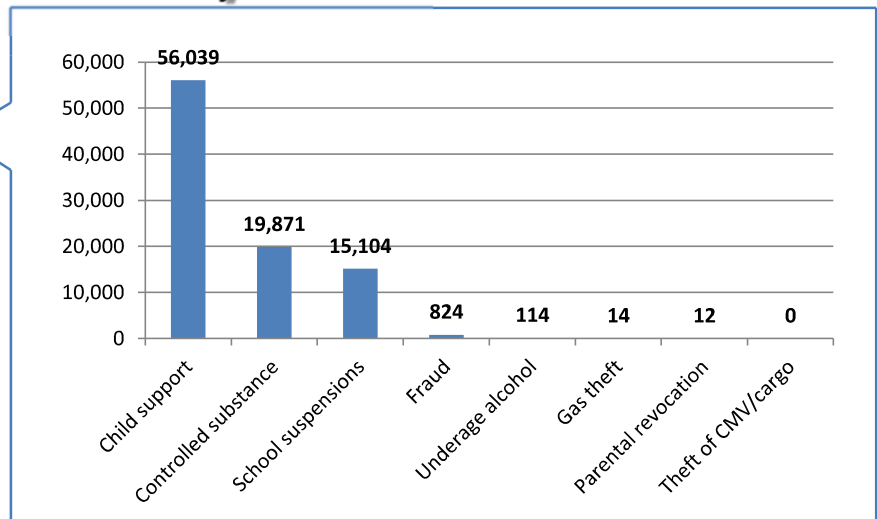


- **Georgia identified 8 non-driving related suspensions:**
  - **Child support non-compliance**
  - **Controlled substance**
  - **School misconduct (i.e. truancy, weapon possession)**
  - **Underage alcohol violations**
  - **Gas theft**
  - **Fraud/fraudulent use of license**
  - **Theft of commercial motor vehicle/cargo**
  - **Parental revocation**

- In FY2014, Georgia imposed over 431,000 driver's license suspensions.
- Of that total, almost 92,000, or over 21%, were for non-driving related offenses.
- If FTA suspensions were included (160,720), this total would increase to approximately 60%.



■ Non-driving related  
 ■ Driving related



## Senate Bill 100

- Sponsored in Senate by Sen. Tyler Harper (R-Ocilla, GA), Chair of Public Safety Committee.
- Sponsored in the House of Representatives by Rep. Gerald Greene (R-Cuthbert, GA), member of the Public Safety and Homeland Security Committee.

## Senate Bill 100

- Eliminates all controlled substance suspensions, except DUI drugs.
- Eliminates license suspensions for purchasing//attempting to purchase alcohol underage, misrepresenting age//identity for the purpose of purchasing alcohol underage, or using a fake ID for the purpose of purchasing alcohol underage.
- Eliminates license suspensions and certified notices for truancy, dropping out of school, threatening//causing bodily harm to a teacher or another student, possession or sale of alcohol//drugs at school or school sponsored event, possession of firearm at school or school sponsored event, or any sexual offense.

## Senate Bill 100

- Eliminates gas theft suspensions.
- Eliminates fraud/false swearing suspensions.
- Does not touch child support suspensions, but does mandate that the Georgia Department of Human Services provide individuals whose license is suspended for child support with alternative methods of restoring their driving privileges (other than paying lump sum of arrears) .
- Does not touch FTA suspensions. Georgia law already prohibits courts from ordering FTA suspensions for non-driving violations.
- Parental revocation and commercial cargo theft suspensions remain.



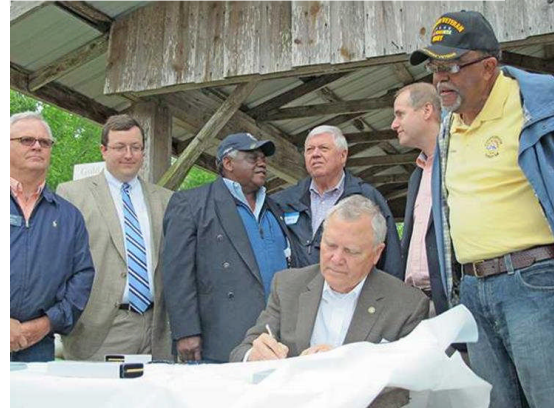
## **Senate Bill 100**

- **Passed in the Senate overwhelmingly by a vote of 51-2.**
- **Passed in the House of Representatives unanimously by a vote of 165-0.**
- **Enacted into law April 26, 2015.**
- **Becomes effective July 1, 2015.**

## Senate Bill 100

“Those of you who are responsible for traffic enforcement across the state know many times you’re asked to do things that have absolutely nothing to do with traffic safety. We have utilized the licensing process for driver’s licenses to try to leverage other activities. Many times you find someone whose license has been suspended for something that has nothing to do with their driving. You have to take the time and the effort to have those individuals booked and a citation issued.”

Georgia Governor Nathan Deal  
Comments at signing ceremony for SB 100  
April 26, 2015



**“It’s about time.”**



**Rep. Tom McCall**

**Comment from the floor during House vote on SB 100**

**March 26, 2015**

- **Immediate cost savings of approximately \$80,000 annually on postage.**
- **Anticipated reduction in number of suspensions processed.**
- **Anticipated reduction in number of DWLS cases that stem from one of the underlying non-driving suspensions.**

## Georgia's approach

- Nearly identical to the Best Practice Recommendation .
- Identified driving and non-driving related suspensions.
- The vast majority of Georgia's non-driving related suspensions correspond with AAMVA's identification.
- Beginning July 1, 2015, Georgia will have only three non-driving violations that we will still suspend for—due to legal requirements or legislative wishes:
  - Non-payment of child support
  - Parental revocations
  - Theft of commercial vehicle//cargo

## In our favor:

- **Timing**
  - Governor's Strategic Goal of criminal justice reform
  - When Governor Nathan Deal took office in 2010, the prison population in Georgia was nearly double of what it was in 1990 (56,000 inmates).
  - At the time, the State of Georgia was spending more than \$1 billion annually on corrections, up from \$492 million in 1990.
  - Special Council on Criminal Justice Reform.
- **Perseverance**
  - Recurring item on annual wish-list of legislative proposals submitted to Governor's office.
- **Stakeholder support**
  - Governor's Office
  - Georgia Department of Public Safety
  - Georgia Department of Driver Services
  - Administrative Office of the Courts
  - Prosecuting Attorney's Council

## Safe: Protecting the public's safety and security

- Implement alternative sentencing options to improve offender rehabilitation
- Promote successful offender re-entry and compliance
- Reduce injury and loss of life on Georgia's roads
- Promote safe communities and stable families where children thrive



**Vision:** A lean and responsive state government that allows communities, individuals and businesses to prosper

### Governor's Strategic Goals for Georgia

- Educated:** Developing life-, college-, and work-ready students
- Increase percentage of students reading at or above grade level by the completion of 3<sup>rd</sup> Grade – a strategic benchmark for lifelong learning
  - Increase percentage of Georgians who hold a postsecondary credential
  - Improve and expand science, technology, engineering and mathematics (STEM) education
  - Increase teacher and school leader effectiveness
  - Increase the percentage of high school graduates who are college and career ready
  - Empower citizens with public school options and local flexibility for the purpose of improving student achievement
- Mobile:** Transporting people and products in a 21st century Georgia
- Improve the movement of people and goods across and within the state
  - Expand Georgia's role as a major logistics hub for global commerce
  - Leverage public-private partnerships and improve intergovernmental cooperation for successful infrastructure development
- Growing:** Creating jobs and growing businesses
- Implement strategic tax and regulatory reforms that make Georgia more competitive
  - Promote small business growth and entrepreneurship
  - Maximize access to capital for startups and growing businesses
  - Conserve and enhance natural resources, with an emphasis on increasing state water supplies and security
- Healthy:** Accessible care and active lifestyles
- Reduce childhood obesity in Georgia
  - Increase access to health services throughout the state
  - Increase consumer choice and personal responsibility in health care
  - Improve access to treatment and community options for those with disabilities
- Safe:** Protecting the public's safety and security
- Implement alternative sentencing options to improve offender rehabilitation
  - Promote successful offender re-entry and compliance
  - Reduce injury and loss of life on Georgia's roads
  - Promote safe communities and stable families where children thrive
- Responsible and Efficient Government:** Fiscally sound, principled, conservative
- Maintain Georgia's AAA bond rating
  - Increase availability of state services through innovative technology solutions
  - Build and maintain a quality state government workforce
  - Focus state resources on essential services and employ enterprise solutions
  - Enlist community support and public-private partnerships to leverage available resources

## Operational changes with child support suspensions

### Driver's License Release

#### New Statewide Standard

*Effective April 1, 2015*

If the Non-Custodial Parent contacts DCSS to make payment arrangements, the following options are available:

- Payment of the full arrears balance on **all** cases that meet the criteria for suspension;
  - Payment of 20% of the total arrears balance on **all** cases that meet the criteria for suspension;
  - Payment of three (3) times the current support and arrears payments;
- Or*
- Verification of the Non-Custodial Parent's newly employed status and a signed Enforcement Deferral for future payments.

**Exceptions:** If the Non-Custodial Parent asserts a hardship with the four options above due to unemployment or underemployment, a referral is made to the Fatherhood Program.



### GEORGIA DEPARTMENT OF HUMAN SERVICES Division of Child Support Services

*90-120 days for the Fatherhood Program.*

Strengthening Georgia by ensuring children receive support from both parents.

## 533,252 Helping Parents Support their Children

children were served financially through child support orders in Georgia for FY14.

if every noncustodial parent paid on time each month, it would provide

**\$1 billion**  
 per year on behalf of the state's children.



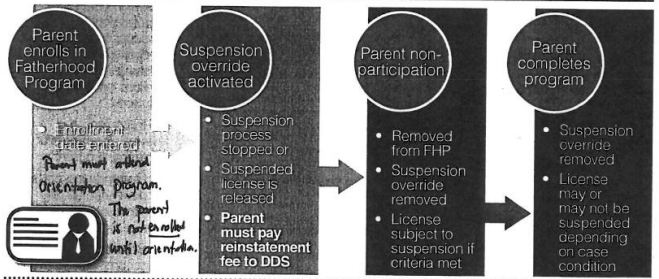
#### FATHERHOOD PROGRAM

The Division of Child Support Services wants to help non-custodial parents support their children. Through the Fatherhood Program, DCSS works with parents who are unemployed or underemployed, and are, as a result, unable to pay their full child support obligation. The program assists parents with locating resources leading to careers or employment paying above minimum wage, increased self-sufficiency, and increased emotional, parental and financial involvement in the lives of their children. Georgia has the only statewide fatherhood program in the country.

#### PROBLEM SOLVING COURT

The DCSS Problem Solving Court Program, also known as Parental Accountability Court, works with Superior Court Judges to help non-custodial parents overcome barriers to supporting their children and to save taxpayers on the cost of incarcerating those who are out of compliance with their child support orders. Through intense monitoring, judicial oversight and partnerships with public and private agencies, the program focuses on personal responsibility and utilizes rehabilitation services to address the barriers a parent faces in successfully supporting his or her children.

### Fatherhood Program Driver's License Release Process



#### CONTACT INFORMATION

Custodial and non-custodial parents may check payment information, enter and receive information about their case, apply for services or make a payment online by using the Customer Online Services at [www.dcss.dhs.georgia.gov](http://www.dcss.dhs.georgia.gov).

Users receive a password to protect confidentiality. For information about the Georgia Fatherhood Services Program and other Community Outreach Services, please call 1-844-MYGADHS (1-844-694-2347).

DHS Commissioner Keith Horton | Director Tanguel Gray | Deputy Director Reed Kimbrough



Questions?