

# **Driver's License Suspension Task Force Report**

**To the House and Senate Committees on Judiciary**

**December 30, 2015**

## Table of Contents

|   |         |
|---|---------|
| <b>I. Introduction</b>  | Page 2  |
| <b>II. Executive Summary</b>  | Page 4  |
| <b>III. Background</b>  | Page 5  |
| <b>IV. Current Issues</b>   | Page 6  |
| <b>V. Findings</b>  | Page 7  |
| <b>VI. Recommended Solutions</b>  | Page 8  |
| <b>Appendix A</b><br>List of Offenses That Trigger Driver’s License Suspensions for Non-Moving Violations                       | Page 10 |
| <b>Appendix B</b><br>Draft Bill Summary (12/11/15)  | Page 12 |
| <b>Appendix C</b><br>Executive Summary of American Association of Motor Vehicle Administrators (AAMVA) Report, October 28, 2014 | Page 13 |

## **I. Introduction**

The purpose of this report is to provide the findings and recommendations on the potential costs and benefits of various approaches for reducing the number and duration of Driver's License Suspensions (DLS) as charged by the chairs of the Judiciary Committees in a letter to Sue Minter, then Secretary of VTrans, on February 25, 2015. These recommendations and findings are based on the efforts of the workgroup assembled for this purpose.

This report analyzes the variety of purposes for Driver's License suspensions and their effect on those whose non-driving offenses restrict their ability to contribute to the economy. It reviews the pros and cons of various penalties and makes recommendations to mitigate the collateral consequences of such suspensions particularly as they impact low income citizens. Consideration has been given to the costs of managing such suspensions and the funding benefits of the income generated by them.

Participants in the Working Group:

*Vermont Agency of Transportation*

Chair, Sue Minter, Secretary (through 09/10/15); Chris Cole, Secretary  
Michele Boomhower, Director, Office of Policy, Planning, and Intermodal Development  
Rob Ide, Commissioner of the Vermont Department of Motor Vehicles (DMV)  
Chauncey Liese, Motor Vehicle Section Chief  
Glen Button, Director, DMV Enforcement and Safety Division (through 09/30/15)  
William "Jake" Elovirta, Interim Director, DMV Enforcement and Safety Division  
Barbara Donovan, Public Transit Administrator

*Vermont Attorney General's Office*

Michael Duane, Assistant Attorney General  
Willa Farrell, Director of the Court Diversion Program

*Governor's Office*

Sarah London, Attorney to the Governor  
James Pepper, Assistant Attorney to the Governor

*Office of Legislative Counsel*

Helena Gardner, Legislative Counsel

*Judicial Bureau*

Judge Michael Pratt, Chief Hearing Officer  
Gabrielle LaPointe, Clerk of the Court  
Tari Scott, Trial Court Operations  
Matt Riven, Chief Financial Officer  
DCF-Office of Child Support – Robin Arnell, Jeff Cohen

*VT Legal Aid*

Chris Curtis, Attorney  
Grace Pazdan, Attorney

*Vermont Department of State's Attorneys and Sheriffs*

David Cahill, Executive Director

Meetings: Held in Montpelier on May 13, June 10, July 29, October 28, November 18, December 17; 2015.

## II. Executive Summary

**Initial Charge** - February 25, 2015 letter from Senator Richard Sears, Chair, Senate Committee on Judiciary and Representative Maxine Grad, Chair, House Committee on Judiciary to then Secretary of Transportation Sue Minter – “...To convene and lead a working group to study the potential costs and benefits of various approaches for reducing the number and duration of driver’s license suspensions in Vermont, and for mitigating the collateral consequences of such suspensions in our rural State...” This charge was partially based on the 2014 Pathways from Poverty Council Recommendations to “Complete a high level study of transportation issues affecting low income people that examine existing vehicle and ridership programs, public transportation, and regulations relating to fines, fees and repairs that are barriers.”

A Task Force was convened by Secretary Minter to review existing activities, resources and ideas to reduce the incidence of driver’s license suspensions which are determined to be one factor affecting poverty as well as the cost to various government agencies including the court system. While no study had been conducted to determine the exact cost of this complex issue, it was agreed that the court system was overloaded with processing these initial offenses and the subsequent penalties stemming from unpaid fines. This lack of a driver’s license is also cited by the Vermont Child Poverty Council Report of last year as “a crushing debt for a parent struggling to make ends meet.” It affects the ability to access jobs, housing and resources especially in rural areas.

There are 7 vehicle related, but non-moving, violations which result in suspended licenses and 5 unrelated to motor vehicle offenses (see Appendix 1). Only one is a federal requirement, suspension for failure to pay child support, the rest are state imposed. There were also inequities identified in the amount and duration of penalties for these offenses compared to those for moving violations such as speeding and driving under the influence (DUI). In addition to the fines for the offenses, there are reinstatement fees which must be paid to the Vermont Department of Motor Vehicles (DMV) before a person regains their license. There are currently only three remedies outside of paying the fines - the “30/30” plan which allows payments of \$30 every 30 days, the Diversion Program which balances payments with a person’s ability to pay, and the ‘Restoration Day’ activities, a recent program in a few counties whereby a person with a suspended license may pay \$25 per delinquent ticket to get their license reinstated.

The Task Force identified the following actions which should be taken to address the issues identified:

- 1) Reduction in cost to those with a lower ability to pay based on verifiable indigent criteria;
- 2) A simplified method for administering the penalties;
- 3) Improved access to alcohol and driving education programs;
- 4) Reduction in suspension duration for conduct that does not threaten public safety;
- 5) Elimination of license suspension for underage violations related to tobacco;
- 6) Alternative revenues to make up for lost penalties and fees;
- 7) Changing the laws that require these penalties;
- 8) All Vermont drivers will continue to remain responsible for their driving behaviors under the Vermont points system; these proposed modifications are not intended to provide relief from the consequences of reckless driving; and

9) Any programmatic or statutory changes must be revenue neutral; the Task Force lacked adequate time to analyze the budget implications of the recommendations in this report, a full fiscal analysis should be performed.

The Task Force agreed on a number of approaches to the above actions, to take the form of legislation. The highlights of such legislation would be:

- 1) Establishing indigent waiver penalties and reductions that are both verifiable and can be readily administered;
- 2) Making any changes retroactive;
- 3) Reducing the duration of license suspensions for conduct that does not threaten public safety;
- 4) Limiting the non-driving offenses for which suspension is a penalty;
- 5) Eliminating license reinstatement fees and authorize a surcharge on all tickets to compensate for the loss of revenue;
- 6) Increasing DUI fines; and
- 7) Changing the current system of civil and criminal suspensions.

While the study charge asked for an analysis of the costs and benefits of various approaches for reducing the number and duration of driver's license suspensions in Vermont, this information could not be generated without a major study. We do know the following:

- In Vermont there are approximately 59,000 people under suspension of privilege to operate a motor vehicle, including non-Vermonters who were ticketed while in Vermont.
- 34,000 licenses are currently suspended for failure to pay tickets
- 2261 licenses are currently suspended for underage tobacco use
- 3900 licenses are currently suspended for underage alcohol possession or consumption
- 208 licenses are currently suspended for underage marijuana possession or consumption
- 4 for licenses are currently suspended juvenile bomb threat
- 41 for licenses are currently suspended failure to pay child support (federal law)
- 16% of drivers who are charged with civil DLS accumulate 5 more charges and graduate to criminal DLS
- 50% of those charged with the 5 civil DLS charges move on to the 6<sup>th</sup>, now criminal, DLS charge
- There are \$54,000 worth of pre-1990 criminal convictions for driving without a license (which would require legislative action to address)
- 800 plates per year are seized from drivers whose license has been suspended
- 1990's price of prosecution for DLS was \$4,800 per case
- The State of Washington saw a 50% reduction in DLS after instituting reforms per NY Times article of 4/15/2015

### **III. BACKGROUND**

License suspension has been identified as a contributing factor to poverty in Vermont. It affects a person's ability to work, to get to medical treatment and to take care of one's family, often shifting the costs to anti-poverty and social support programs. The current system that leads to license suspension is a complex one involving multiple reasons for DLS including both safety related factors, speeding, DUI, failure to stop, etc. and non-safety related factors, failure to pay fines, underage use of alcohol and tobacco, etc. There are many more non-driving and non-safety reasons for suspending licenses which have grown over the years. Vermont ranks as one of the states with the most reasons for DLS. Many of these are related to poverty, so-called 'status

violations', no license, no registration, no insurance, no inspection, failure to pay a variety of fines. The penalties for these are encoded in law and require a change in law to remove them from the repertoire of penalties required for these violations. This issue has been studied extensively over the years and the Task Force decided the main initiative needed for change is corrective legislation.

There is a complex web of income and expenses involved in this issue which often aren't connected. These fines represent income to the state when they are paid and also represent extensive costs which aren't often included in analyses due to their complex nature and varied locations in the state systems. The court systems likely bear the brunt of these expenses, clogging the court dockets with hearings and reinstatement issues. The law enforcement community is also affected; needing to spend an inordinate amount of time and energy enforcing these non-safety penalties which may be better spent on more important safety concerns. At the same time, they are reluctant to give up this tool which is useful when related to non-driving safety issues. While DMV receives the most funding from the reinstatement fees, they also must dedicate staff time to processing these complex activities.

None of the efforts recommended by the Task Force are directed toward changes in criminal charges for safety issues such as DUI, speeding, etc. There is a need for more outreach to the law enforcement community in order to ensure their understanding and support and to understand their use of this tool for enforcement of other issues. This was expressed in a general philosophical approach from the law enforcement community that all wrongdoing needs to have an appropriate punishment attached to it. This is why the bill has been carefully crafted to focus on the non-driving, non-safety issues.

#### **IV. Current Issues**

The Task Force reviewed existing activities, resources, ideas and other states' effective initiatives which may be used to reduce the incidence of driver's suspensions which are determined to be one factor affecting poverty as well as cost to various government agencies including the court system. The Task Force was able to use the American Association of Motor Vehicle Administrators (AAMVA) Best Practices Guide to Reducing Suspended Drivers of 2013 as a significant resource. This comprehensive report was invaluable in supporting the conclusions of the Task Force as stated "Eliminating 39 percent of suspended drivers will result in fewer citations for driving while under suspension and partially alleviate clogged court dockets. Individuals whose offense is unrelated to highway safety will retain their driving privileges, their ability to earn a living, and their ability to contribute to the economy." See AMMVA Best Practices Guide to Reducing Suspended Drivers, 2013 (Full Report <http://www.aamva.org/WorkArea/DownloadAsset.aspx?id=3723>).

One example of the need to resolve the backlog of unpaid tickets was the turnout for the recent restoration days in Chittenden and Windsor Counties. The Chittenden County States Attorney's Office 'Restoration Day' provided a one-day event which allowed those with unpaid tickets to pay off those fines at the dramatically reduced rate of \$20. This event, while highly successful for the 1236 people who participated, and the 631 licenses which were restored, was a burdensome event to administer requiring considerable efforts on the part of DMV and the court system; the State recouped \$148,379 in fees. The cost saved in court and DMV time in future was not calculated.

These events were an effective but labor intensive way to restore driver's licenses for the extensive back log of people whose licenses were suspended and who could not afford the fines and reinstatement fees. People were aided in navigating the legal issues associated with restoring their licenses and were also educated regarding the process of getting them restored through DMV.

The DLS Court Diversion Program provides another avenue for individuals to regain their driving privileges. Through this program, participants' licenses are reinstated after the Vermont Judicial Bureau approves a reduction of fines and a payment plan. During FY 2015, approximately 400 people regained their license through Diversion. This program is also labor intensive for its three partners, Diversion, DMV, and the Vermont Judicial Bureau.

The Task Force discussed the concept of lowering, eliminating, or creating an income sensitive fee for Project Crash. In 2014 there were 1,972 participants in the program. The course expense is \$400-\$525 depending on whether an individual takes a multi-week course or a single weekend course. There is currently no wait time to take a week day course, however, weekend courses book up quickly and there is currently a two month wait to get into a weekend course. The costs for operating the course including program administration, course materials, instructors and facilities fees are currently paid for by the course registration fee. If this fee were to be modified, there would need to be a new revenue source to cover these costs.

Feedback from VT Chief's and Sheriff's Winter Meeting (12/17/15):

- The group as a whole agrees points and suspension of privileges should be related to safety.
- They believe points and fines assessed should be used for deterrence.
- The current fine structure for non-moving violations is too high; officers do not want to write these tickets.
- They would like to know what happens to all of the individuals who have gone through the restoration process, reoffend and then get back into the same cycle – have we changed anything?
- There is general opposition to income sensitivity eligibility – they believe it is a fairness issue.
- There are strong opinions that the Task Force was created with a desired outcome already decided and that law enforcement was not adequately represented at the table through the process.

## **V. Findings**

Agreement by Task Force Members:

1. People living in poverty cannot afford traffic fines and end up on the DLS treadmill
2. Failure to pay fines is the primary reason leading to license suspension
3. Criminal courts are clogged with criminal DLS charges
4. The Judicial Bureau has been tasked with significant additional responsibilities in recent years
5. Many people do not realize that after paying Vermont Judicial Bureau fines that they need to pay a DMV reinstatement fee prior to their driver's license being re-issued; this often leads to a subsequent suspension
6. Solutions must be
  - a. administratively simple
  - b. not incur new state expenses
  - c. provide savings to offset any lost revenue
7. The costs of special required auto insurance (SR22) can be prohibitive for people with multiple traffic violations
8. Many people do not know about the option of the 30/30 plan which, if requested, allows a person to pay \$30 every 30 days which can lead to faster reinstatement; there should be a mechanism developed whereby all organizations (Law Enforcement, Judicial, DMV, etc.) promote and inform citizens of this option

9. The Judicial Bureau is currently over burdened with administrative processing functions and any solutions proposed should be carefully evaluated in terms of the labor required to implement
10. There are two goals:
  - a. assist people struggling to pay Vermont Judicial Bureau fines and/or meet other requirements to regain driving privileges
  - b. minimize future suspensions

Disagreement by Task Force Members:

What is the value of the threat of suspension?

1. Does the threat of license suspension encourage other desired behaviors? (e.g. payment of child support and participation in the Youth Substance Abuse Safety Program)
2. Should suspension relate only to driving violations?

The Task Force discussed the issue of elimination of license suspension for underage violations related to tobacco, alcohol and marijuana extensively. In the end there was agreement with regards to removing license suspension as a penalty for underage tobacco possession. With regards to the removal of violations for underage alcohol and marijuana use, there was a minority viewpoint that this violation should remain in place.

The Task Force also discussed repealing the civil driving with license suspended statute, amending the criminal driving with license suspended statute to require referral of certain criminal DLS cases to Diversion, and establishing a new crime for a second violation of the law prohibiting driving without obtaining a license. There was not unanimous support by the Task Force for these revisions

Strategies suggested that appear to have agreement

1. Bundle reinstatement fee into Vermont Judicial Bureau fines
2. If suspension remains a consequence for non-payment of fines, make the 120-day suspension (part of 2014 legislation) retroactive, thereby eliminating indefinite suspensions for many people

## **VI. Recommended solutions**

Many participants agreed on the need for legislative reform. The highlights of such a bill could be:

- Establishing a schedule of indigent waiver penalties that is ½ of the normal traffic violation penalties
- Establishing verifiable indigent criteria that are simple to determine, i.e. proof of receipt of Reach Up, Medicaid, Three Squares, or fuel assistance or income
- Making this applicable retroactively at the time of the bill's effective date
- Reducing the duration of suspensions for nonpayment from 120 days to 30; for underage tobacco, marijuana or alcohol from 90 to 30 when Diversion is not completed; and from 180 days to 60 for a subsequent violation if Diversion is not completed
- Eliminating license reinstatement fees and authorize a surcharge on all traffic tickets to make up for the lost revenue
- Authorize accelerated expungement for prior convictions for driving while under suspension where the underlying conduct would not be considered criminal under the new bill

In addition, the Task Force recommends reform of the current civil and criminal statutes related to suspended licenses. The group did not reach a unanimous recommendation, but options for reform include those listed below; none of these recommendations are intended to apply to a commercial driver's license, or to impact any multi-state compacts in which Vermont is a member.

- Repealing the civil violation for driving with a suspended license and amending the criminal statute to require a referral to Diversion for certain cases
- Establish a new crime for a second violation of driving without obtaining a license for people who choose not to obtain a license but who continue to drive

## Appendix A

### List of Offenses That Trigger Driver's License Suspensions for Non-Moving Violations

1. Failure To Obtain Corrected CDL License
2. Failure To Pay Penalty For Furnishing Tobacco Product To A Minor
3. Fail To Pay Fine For Minor's Possession Of Tobacco Products-First Offense-No License
4. Fail To Pay Fine For Minor's Possession Of Tobacco Products-Subsequent Offense-No License
5. Display As Own License Not Issued
6. Permit Unlawful Use Of License
7. Fraud In Obtaining Or Attempting To Obtain Documents
8. Loaning Identity Documents To Aid In Applicant's Attempted Fraud
9. Attempt To Or Obtain Any License/Permit Or Special Privilege From DMV By False Information
10. Commercial Vehicle Carrier Non Compliance
11. Court Order
12. Cancellation Of Dealer Registration
13. Diversion/Reparative Board Recall
14. False Public Alarms - Licensed - First Offense
15. False Public Alarms - Licensed - Subsequent Offense
16. False Public Alarms - Underage- First Offense
17. False Public Alarms -Underage - Subsequent Offense
18. Failure To Appear/Pay Fine To The Court For The Offense Of Leaving Scene Of Accident
19. Failure To Appear/Pay Fine To The Court For Operating A School Bus W/.02 Or More BAC
20. Failure To Appear/Pay Fine To The Court For Driving A CMV With .04 Or More BAC
21. Failure To Appear/Pay Fine To The Court For The Offense Of Driving While Suspended
22. Failure To Appear For A Special Written Examination
23. Failure To Pay Fine
24. Failure To Appear/Pay Fine To The Court For Leaving The Scene Of An Accident - Fatal
25. Failure To Appear/Pay Fine To The Court For Operating Under The Influence
26. Failure To Appear/Pay Fine To The Court For Leaving The Scene Of Accident W/Injuries
27. Failure To Appear In Court, Major
28. Failure To Appear/Pay Fine To The Court For The Offense Of Negligent Operation
29. Failure To Appear/Pay Fine To The Court For Operating W/Out Owners Consent
30. Failure To Appear In Court
31. Failure To Appear/Pay Fine To The Court For Refusing To Obey An Officer
32. Failure To Appear/Pay Fine To The Court For Refusal To Take The Evidentiary Test
33. Failure To Appear For The Special Exam Road Test
34. Failure To Appear/Pay Fine To The Court For Negligent Operation - Fatal Resulting
35. Failure To Appear/Pay Fine To The Court For Driving W/Out Owners Consent - Aggravated
36. Failure To Appear/Pay Fine To The Court For Excessive Speed
37. Failure To Appear/Pay Fine For The Offense Of Operating .08 Or More Bac
38. Dealer's Display Violation
39. Failure To Appear For Initial Special Exam
40. Failure To Pass Special Written Examination
41. Failure To Pass The Special Exam Road Test
42. Failure To Pass The Special Road Test-Third Failure
43. Failure To Submit Eye Report
44. Failure To Surrender CDL W hazmat Per Patriot Act
45. Failure To Submit Psychiatric Report
46. Failure To Submit Medical Report
47. Failure To Schedule The Special Road Test Within Thirty Days
48. Impersonating Another In An Application, Or Aiding An Applicant By False Representation
49. Improper Person
50. Minor Failure To Complete Alcohol Screening/Counseling/Therapy

51. Minor Failure Of Timely Completion Of Other Diversion Condition(S)
52. 2nd/Subsequent Violation Of T. 7, Section 656 Or Section 657
53. Non-Resident Violator Compact (State Specific)
54. Obtained License Fraudulently (Revocation)
55. Perjury In Applying For A License
56. Perjury In Applying For A Registration
57. Protested Check
58. Physical Disability
59. Physical Disability-Medical Report
60. Physical Disability-Psychiatric Report
61. Physical Disability-Visual Acuity
62. Protested Check - Cvo - Pto
63. Privilege To Operate
64. A Violation Of Conditions Of Your Total Abstinence Reinstatement
65. Failure To Correct Social Security Number Discrepancy With The Social Security Admin
66. Suspension For Non-Payment Of Child Support
67. Failure To Pay Fine For Minor's Possession Of Tobacco Products-First Offense-Licensed
68. Fail To Pay Fine For Minor's Possession Of Tobacco Products, Sub. Offense, Licensed
69. Unsatisfied Judgment
70. Withdrawal Of Parental Consent
71. Under Suspension In The State (State Specific)
72. Minor (Over 16 Yrs. Old) Misrepresenting Age To Procure Alcoholic Beverage
73. Minor (Over 16 Yrs. Old) In Possession Of Alcoholic Beverage
74. Minor (Over 16 Yrs. Old) Consumed Alcoholic Beverage

## Appendix B

### Draft Bill Summary (12/11/15)

#### **BILL TO AMEND LAWS RELATED TO DRIVER'S LICENSE SUSPENSIONS, DRIVING WITH LICENSE SUSPENDED OFFENSES, AND DUI PENALTIES**

##### **Background**

Rep. Maxine Grad's bill to amend laws related to the imposition of driver's license suspensions, the penalties for driving with a suspended license, and penalties for driving under the influence, is the outgrowth of the work of a working group convened in the Spring of 2015 and chaired by the Secretary of Transportation. The bill follows years of Legislative and Executive Branch efforts, and recommendations by advocates for persons who live in poverty, to reduce the number and duration of driver's license suspensions in Vermont and to mitigate the collateral consequences of such suspensions, while maintaining laws that deter unsafe driving and incent defendants to pay amounts due on judgments for traffic violations.

##### **Overview of bill**

The bill proposes to:

- (1) Require the establishment of a schedule of indigent waiver penalties for traffic violations that is one-half the rate of regular waiver penalties.
- (2) Require traffic tickets to be reduced in accordance with the indigent waiver penalty, and require judgments for traffic violations to be reduced by one-half, if the defendant applies for the reduction and qualifies as indigent.
- (3) Establish the criteria to qualify as indigent as follows:
  - (a) income at or below 150% of federal poverty guidelines; or
  - (b) receipt of Reach Up, Medicaid, Three Squares, or Fuel Assistance, or like assistance if the applicant is a resident of another state.
- (4) Specify that indigent persons issued a pending ticket or against whom judgment has been entered for a traffic violation prior to the effective date of the bill will be eligible to apply for and obtain an indigent waiver penalty or reduced judgment to the same extent as persons to whom a ticket is issued or against whom judgment is entered on or after the effective date of the bill.
- (5) Reduce the duration of license suspensions:
  - (a) from 120 days to 30 days, in the case of nonpayment of a judgment on a traffic ticket;
  - (b) from 90 days to 30 days, in the case of violation of 7 V.S.A. § 1005 (underage tobacco violation), or of a first violation of 7 V.S.A. § 656 (underage alcohol violation) or of 18 V.S.A. § 4230b (underage marijuana violation), when Diversion is not completed;
  - (c) from 180 days to 60 days in the case of second or subsequent violation of 7 V.S.A. § 656 or of 18 V.S.A. § 4230b when Diversion is not completed.
- (6) Require the Commissioner of DMV to reinstate the license of a person whose license was suspended prior to the effective date of the bill for the reasons described in item 5 above, according to the same terms and process as if the person's suspension was imposed on or after the effective date of the bill.
- (7) Eliminate license reinstatement fees and authorize an additional surcharge on all traffic tickets estimated to be sufficient to recover lost reinstatement fee revenues.
- (8) Repeal the civil driving with license suspended statute, amend the criminal driving with license suspended statute to require referral of certain criminal DLS cases to Diversion, and establish a new crime for a second violation of the law prohibiting driving without obtaining a license.
- (9) Increase authorized fines for DUI violations and eliminate fees for participating in the Alcohol and Driving Education Program.
- (10) Clarify who will qualify for accelerated expungement of past convictions for driving with a suspended license where the underlying conduct would no longer be criminal under the bill.

## Appendix C

### Executive Summary of American Association of Motor Vehicle Administrators (AAMVA) Report October 28, 2014

#### **Suspended & Revoked Drivers – Overview**

The suspension of driving privileges has been used for decades to address poor driving behavior. However, what was originally intended as a sanction to address poor driving behavior is now used as a mechanism to gain compliance with non-highways safety, or social non-conformance, reasons. Drivers are now commonly suspended for reasons such as bounced checks, fuel theft, truancy, vandalism, and many other non-traffic, safety related violations. To best serve public safety, while using our limited resources more effectively, AAMVA's Suspended & Revoked Best Practice recommends that legislatures repeal laws requiring the suspension of driving privileges for non-highway safety related violations.

- Nearly 4 of every 10 suspended drivers were suspended for non-highway safety reasons.
- Drivers suspended for highway safety related reasons are almost 3 times more likely to be involved in a crash than drivers suspended for social non-conformance reasons.
- To reduce the number of suspended drivers by up to 40%, states are encouraged to repeal state laws requiring or allowing driver license suspension for non-highway safety reasons.
- All 50 states, the District of Columbia, as well as many Canadian provinces, have laws that either require or permit the courts to withdraw driving privileges for non-conformance reasons.
- The common belief is that a driver license suspension provides effective, sustainable motivation to encourage individuals to comply with court ordered or legislated mandates to avoid suspension is not supported by empirical evidence. Rather, suspended driver licenses for non-highway safety related reasons take resources from law enforcement and the legal and administrative system that could be used to keep the right drivers off the road – those that commit highway safety violations that cause fatal, injury and property damage crashes.
- 1 out of 5 traffic fatalities nationally involves a driver who is operating a motor vehicle while suspended or who has no license at all. Almost 19% of drivers suspended for highway safety related reasons are involved in a crash. Approximately 34% of drivers suspended for highway safety related reasons commit a moving violation while under suspension. These statistics support the notion that drivers suspended for social non-conformance reasons pose a comparatively lower safety risk compared to those who are suspended for driving related reasons.
- In addition to the issue of highway safety, law enforcement and the legal and administrative system is burdened by the process of suspending and revoking licenses for social non-conformance violations. Eliminating social non-conformance violations would allow resources to be better focused on highway safety efforts.