

Traffic Safety Facts

Laws

April 2004

Vehicle and License Plate Sanctions

Revoking or suspending a driver's license is a common penalty for many traffic infractions, especially those related to impaired driving. Unfortunately, many offenders continue to drive. It is not unusual for drivers with a suspended license to receive additional traffic citations or to be involved in crashes when their license has been suspended. To reduce this problem, many States have passed laws that directly affect the offender's vehicle or license plates as a sanction for an impaired driving offense or for driving with a suspended license.

In addition, some States now allow vehicles owned by drivers convicted of certain impaired driving offenses to be impounded or immobilized (with a club or boot), or forfeited and sold.

Other States allow the license plates to be removed and impounded. Still others allow for the use of specially marked license plates, or permit installation of alcohol ignition interlock devices.

Key Facts

- In 2001, 1.4 million people were arrested in the United States for driving under the influence of alcohol or narcotics, more than all other reported criminal offenses combined, excluding larceny and theft.
- About one-third of all drivers arrested or convicted of DWI each year are repeat DWI offenders.
- Drivers with prior DWI convictions are also over-represented in fatal crashes and have a greater relative risk of fatal crash involvement.
- Many second- and third-time DWI offenders who had their licenses suspended accumulated traffic offenses or were involved in crashes during the suspension period. In one study, 32 percent of suspended second-time DWI offenders and 61 percent of third-time offenders received violations or crash citations on their driving records during their suspensions.
- Many drivers do not reinstate their licenses even when eligible to do so. In one study involving first-time DWI offenders who had their licenses suspended for 90 days, 50 percent had not reinstated their licenses three years after they were eligible

to be re-licensed. Also, many of these offenders drive without auto insurance and do not attend treatment programs when required for reinstatement. Nearly 18 percent of all fatal crashes involve at least one improperly licensed driver.

Legislative Status

Forty-four States have laws that can affect the vehicles or vehicle plates of offenders.

- **Vehicle Impoundment:** Overnight impoundment of the vehicle of an individual arrested for impaired driving is a typical practice in most States. Thirteen States have laws that permit longer-term impoundments based on a DWI conviction. These States are California, Florida, Illinois, Iowa, Kentucky, Mississippi, Missouri, Montana, Nebraska, Ohio, Oregon, Vermont, and Wisconsin.
- **Suspension of Vehicle Registration:** In 19 States and the District of Columbia, vehicle registration may be withdrawn for a DWI offense. States that can withdraw vehicle registrations for a DWI offense are Alabama, Arizona, Hawaii, Indiana, Kansas, Maine, Minnesota, Nevada, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oregon, Rhode Island, South Carolina, South Dakota, Virginia, and Wyoming. Some of these States have their own enforcement departments that send out investigators to retrieve the license plates from

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these offenders' vehicles. In general, however, this type of sanction is poorly enforced.

- **Vehicle Confiscation:** Twenty-seven States *permit* vehicles of DWI offenders (usually multiple offenders) to be confiscated for DWI offenses. These States are Alaska, Arizona, Arkansas, California, Georgia, Illinois, Louisiana, Maine, Michigan, Minnesota, Mississippi, Missouri, Montana, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Washington, and Wisconsin.
- **Vehicle Immobilization:** Courts can prevent a DWI offender from using his or her car by immobilizing the steering wheel (by using a club) or locking a wheel (with a boot). Currently, only Ohio uses this type of sanction.
- **Special License Plates or Plate Markings:** Three States issue special license plates to permit the use of the vehicle by the family members of convicted DWI offenders. Those States are Iowa, Minnesota, and Ohio.
- **Ignition Interlock:** The purpose of an ignition interlock is to prevent a person who has consumed alcohol from operating a vehicle. The device measures alcohol concentration in the breath and is attached to a vehicle's ignition system. Before the car can be started, a driver must blow a sample of his or her breath into the interlock device. If the driver's breath alcohol is below a specified concentration, the driver will be able to start the vehicle's engine. However, if the driver has a breath alcohol concentration above the established level, the vehicle will not start. Forty-three States have laws providing for either the *discretionary* or *mandatory* use of ignition interlock devices for repeat and chronic DWI offenders. The ignition interlock sanction is considered discretionary in the following States:

Alaska, Arkansas, California, Florida, Georgia, Indiana, Kentucky, Louisiana, Maine, Minnesota, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Dakota, Ohio, Oregon, Rhode Island, South Carolina, West Virginia, and Wisconsin.

- In 20 States, the interlock sanction is mandatory in some situations (e.g. repeat DWI offenses). The States are Arizona, Colorado, Connecticut, Delaware, Idaho, Illinois, Iowa, Kansas, Maryland, Michigan, Missouri, New York, North Carolina, Oklahoma, Pennsylvania, Tennessee, Texas, Utah, Virginia, and Washington. In addition some States may require interlock use for first-time DWI Offenders.

Recommendations for Strengthening and Increasing the Use of Vehicle and Vehicle Plate Sanctions

Interviews with State and local officials, members of the judiciary, and law enforcement officers suggest that while impoundment and forfeiture legislation is common, these laws are grossly under utilized. The reasons cited include: (1) these laws often are reserved for the relatively few multiple DWI offenders rather than the more numerous first offenders; (2) there are difficulties in dealing with non-offender owners; (3) it is costly to store junked vehicles that are not reclaimed by their owners; and (4) judges are reluctant to punish innocent family members.

Yet some States have developed innovative ways for dealing with these problems. For example, Minnesota experienced a twelve-fold increase in the use of its license plate impoundment law when the State switched from court-based to administrative enforcement of the impoundment law.

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

- Laws should provide for administrative impoundment of plates and/or vehicles.

- Laws should allow for seizure at the time of arrest if officers impound either the vehicle or license plate. It is more difficult and costly to track down the offender's vehicle later, and the delay gives the offender the opportunity to transfer vehicle ownership.
- Laws should prohibit the owner of a motor vehicle from allowing another person to drive the vehicle unless the owner determines that person holds a valid driver's license. Also, non-offender owners should be required to sign an affidavit stating they will not allow the offender to drive the vehicle again while the suspension is in effect.
- State record-keeping systems should be upgraded/established to ensure computerized documentation of vehicle (impoundment and forfeiture) and license plate actions. This would allow States to monitor the use of the sanctions.
- Impoundment laws should be applied to all repeat DWI offenders and to all persons who have been convicted of driving with suspended or revoked licenses where the offenders' original suspension or revocation was for a DWI offense (e.g., DWS-driving while suspended). This would encourage an increase in the use of impoundment since many courts do not apply this sanction to second-time DWI offenders or to first-time DWI offenders.
- Laws that provide for special license plates (e.g., family plates or license plate sticker laws), should incorporate a provision that permits officers to stop the vehicle for the sole purpose of checking whether the driver has a suspended license.

Research and Evaluation Regarding the Effects of Vehicle and Plate Sanctions

- **Maryland ignition interlock program lowered the re-arrest rate for repeat alcohol offenders:** A Maryland study involv-

ing 1,380 repeat alcohol offenders randomly assigned participants to either an ignition interlock group or a control group that did not receive the sanction. Alcohol-related traffic re-arrest rates were tabulated for a full year. They showed that only 2.4 percent of the interlock group was re-arrested, while 6.7 percent of the control group was re-arrested. This represents a statistically significant difference and indicated that the interlock program reduced the risk of an alcohol traffic violation within the first year by about 65 percent. However, there were no differences between groups after the interlock was removed.

■ **Illinois ignition interlock program evaluated:** The Illinois Secretary of State's Office, with NHTSA grant support, is completing an evaluation of the States interlock program. The re-arrest records of 1,352 multiple DUI offenders in the interlock group are being compared to a control group of 938 offenders.

■ **Canadian studies:** A series of publications describing an ongoing evaluation of a province-wide interlock program in Alberta reported that while the offenders had interlocks on their vehicles, DUI recidivism was substantially reduced. Once the interlock was removed and the participants were reinstated, their DUI rates were the same as other offenders, indicating that the interlock reduced recidivism only when in place. The limitation of the Alberta program was that only a limited number of eligible offenders participated in the study, so that the overall province-wide reduction in recidivism was small (5.0 percent). A close examination of the offenders' data (actual case-by-case breath test data when the interlock was being used) indicated that repeat offenders who had multiple failures on the interlock BAC tests were good predictors of future DUI offenses with a false positive rate of 28 percent (as much as 64% of future DUI offenses with

a false positive rate of 28%). (Voas, et al., 1999; Marques, et al., 1999; Marques, et al., 2001). Future work in Alberta and Quebec will further clarify how well this information will predict future recidivism. Eventually, these studies may offer research-based recommendations about how test performance in the early months of interlock use might be used to extend interlock use for poorly performing offenders.

■ **Maryland two-year evaluation:** NHTSA is funding a follow-up study in Maryland where repeat DUI offenders are being randomly assigned to interlock and control groups, and the interlock is being kept on the car for two full years. The study will examine whether the longer period of interlock use will result in greater reductions in recidivism and whether there are any carry-over effects after the interlock has been removed.

■ **International Developments:** The Traffic Injury Research Foundation (TIFR) of Ottawa, Ontario, Canada, published a study, "Best Practices for Alcohol Interlock Programs." Also, the International Council of Alcohol, Drugs and Traffic Safety (ICADTS), an international organization of researchers in the field, has published a brief, policy-oriented study, "Alcohol Ignition Interlock Devices: Position Paper," that is available at www.icadts.com. Both of these documents summarize key research and issues of interest to U.S. jurisdictions. Research programs are also underway in Sweden, The European Community, and Australia. These programs and associated research will further elucidate interlock effectiveness in a wider range of jurisdictions.

■ **Minnesota License Plate Impoundment Study:** In Minnesota, violators incurring three DWI violations in five years, or four or more in ten years, may have their license plates impounded and destroyed. An evaluation of the effects of the law

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

■ **Ohio Impoundment and Immobilization Program:** In Franklin County (Columbus), Ohio, researchers (Voas, et al., 2000) conducted a field test to study the deterrent effects that a combined impoundment and immobilization program has on crashes and violations for multiple DUI (Driving Under the Influence) and suspended license offenders. From September 1993 to September 1995, the vehicles of nearly 1,000 offenders were impounded and then immobilized. The recidivism rates of these offenders were compared to eligible offenders who did not receive a vehicle sanction. Offenders whose vehicles were impounded and immobilized had lower rates of DUI recidivism both during and after the termination of the sanction. Similar findings were obtained in Hamilton County where only vehicle impoundment was used.

■ **California Impoundment Program:** NHTSA, in conjunction with the State Department of Motor Vehicles, conducted a research effort to study the impact of California's new vehicle impoundment law as applied to unlicensed and suspended license offenders. The innovative 30-day impoundment law is unlike those found in most States because it involves a civil action independent of a criminal DWS conviction for those caught driving without a valid license. More than 6,300 unlicensed drivers and those with suspended or revoked licenses whose vehicles were impounded were compared with a similar number of drivers in 1994 whose vehicles would have been eligible had the 1995 impoundment law been in ef-

fect. Driving records of both groups were compared during a one-year period on subsequent traffic violations and crashes. First-time offenders whose vehicles were impounded had an average rate of subsequent DWS or driving while unlicensed (DWU) that was 24 percent lower than those whose vehicles were not impounded. Repeat offenders whose vehicles were impounded had 34 percent fewer DWS or DWU convictions. Also, both first-time and repeat offenders whose vehicles were impounded had fewer crashes. For first-time offenders there was a 25 percent crash reduction rate and for repeat offenders there was a 38 percent crash reduction rate.

■ **Zebra Tag Program in Oregon and Washington States:** In Oregon, suspended license offenders whose vehicle plates were “zebra tagged” had fewer subsequent DWI and DWS violations than suspended offenders who did not receive the special tags. Also, among suspended license offenders, the possibility of receiving a zebra tag if re-arrested appears to reduce subsequent violations and crashes. A similar law in Washington State did not affect subsequent violations or crashes for these types of offenders. That law, however, was not applied to nearly as many drivers and vehicles and was not as strongly enforced by the police. Legislators in both States allowed the zebra tag law to expire.

■ **Vehicle Seizure and Forfeiture Programs in Nassau and Suffolk Counties in New York State:** Programs implemented in February 1999 in both counties are being evaluated. The results of these evaluations will include detailed descriptions of how the programs were implemented and operated, which includes an identification of barriers to a smooth implementation of the laws in those jurisdictions and an assessment of the general deterrent effects of the programs. A report is expected in July 2004.

■ **NHTSA Vehicle Sanction Study:** In 2002, NHTSA initiated a research study to update and synthesize information about State laws and current practices regarding vehicle sanctions both in the U.S. and abroad. This study will also provide legislative and procedural recommendations to States that want to enact or modify legislation. Three products are planned during 2005: (1) a Synthesis Report, summarizing key research and activities conducted since the last update, including recommendations; (2) a Vehicle Sanctions Guide containing key descriptive information about promising vehicle and license plate sanction programs; and (3) an Update of the Literature on Vehicle Sanctions, containing detailed information on past and ongoing programs.

Information Sources

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Marques, Paul R., *et al.* *Alcohol Ignition Interlock Devices: Position Paper.* Utrecht, The Netherlands: International Council of Alcohol Drugs and Traffic Safety, 2001. (See also www.icadts.org)



The reports and additional information are available from your State Highway Safety Office, the NHTSA Regional Office serving your State, or from NHTSA Headquarters, Impaired Driving and Occupant Protection Office, ATTN: NTS-110, 400 Seventh Street, S.W., Washington, DC 20590; 202-366-4913; or NHTSA's web site at www.nhtsa.dot.gov