

**EVALUATION OF ADMINISTRATIVE LICENSE REVOCATION
AS A DWI COUNTERMEASURE**

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DISCLAIMER

The conclusions and opinions expressed in this document are those of the author, and do not necessarily represent those of the State of Texas, the Texas Department of Transportation (TxDOT) or any political subdivision of the State or Federal government.

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INTRODUCTION

On January 1, 1995 Texas began enforcing Administrative License Revocation (ALR) as a means to further reducing the number of alcohol-related traffic fatalities and injuries that continue to occur in Texas each year. Some formulation of ALR is currently in force in the large majority of states in the United States (NHTSA, 1995). ALR laws allow police and state driver licensing officials to suspend the driver's license of drivers who fail or refuse a chemical test for alcohol. In some states (other than Texas), the law gives authority to the police to confiscate a driver's license on-the-spot at the time of arrest for driving under the influence of alcohol or other drugs. In Texas, the driver is served with a suspension notice following arrest and, if the motorist does not request a hearing, the license suspension begins on the 41st day after the date of notice. Effectively, the offender's driving privileges are removed within about 6 weeks of arrest. Thus, by virtue of the administrative procedure, the suspension process is conducted without the usual long delays experienced while waiting for a criminal trial. The ALR proceeding affects only the driver's licensing status, and an administrative appeals process protects the driver's right to due process under the law. The driver may still face any pending criminal charges filed in the case.

ALR has been shown to be effective as both a general, and specific, deterrent to driving while intoxicated (DWI) in other states (Sweedler & Stewart, 1993). From an enforcement perspective, it is generally agreed that the best way to maximize the general deterrence effects

of a law is to increase the certainty and swiftness of punishment for the crime committed. However, prior to ALR, the penalties applied through the judicial system in Texas have proven far from swift or certain. The judicial process is often very slow, and delaying tactics can postpone punishment almost indefinitely. DWI offenders have been allowed to plea bargain down to a lesser offense, or the charges may be dismissed completely because of technical problems with the case. In the meantime, the persistent drinking driver remains on the road, and the DWI problem is allowed to continue.

In addition to being a means of preventing the persistent DWI offender from continuing his behavior, research has shown that ALR is effective in discouraging people in the general public from driving after drinking. In one study conducted for the Insurance Institute for Highway Safety (Zador et al., 1989), it was concluded that administrative revocation laws had reduced nighttime fatal crashes (i.e., those most likely to involve alcohol) by about 9 percent. Moreover, Ross (1991) found a 14 percent reduction in these crashes in the state of Delaware following imposition of ALR.

Additional research has demonstrated that suspending or revoking a person's license is the most effective penalty for reducing traffic crashes and offenses among arrested offenders (Peck, 1991). However, in the State of Texas, mandatory license suspension has in the past been applied primarily to multiple DWI offenders. Thus, the drinking-and-driving behavior may continue for years before the driver's license is finally suspended. In contrast, research has indicated that ALR reduces the likelihood of a subsequent DWI arrest, and that the decrease in

rearrest continues beyond the period of revocation (Stewart et al., 1989). Indeed, in an extensive meta-analysis of DWI literature from 1960 to 1991, Wagenaar et al. (1995) found that administrative license suspension and illegal *per se* laws were the policies most consistently associated with reduced injury and death in the United States.

STUDY SCOPE AND OBJECTIVES

In October 1994, Texas Transportation Institute (TTI) contracted with Texas Department of Transportation (TxDOT) to conduct an evaluation of the effectiveness of ALR in more swiftly and certainly removing impaired drivers from Texas roadways. The scope of this first year's study centered primarily on obtaining the driver records (i.e., citation and accident history for a period of 3 years) for drivers whose licenses had been suspended for DWI prior to imposition of the new law. A comparison of the driving records for DWI suspendees prior to ALR (for the years 1992, 1993, 1994) with the driving records of persons whose licenses are suspended following the imposition of ALR, will provide a reasonable assessment of the effectiveness of the new law in improving the overall safety on Texas roadways.

The scope of this first year's effort also included the identification of the appropriate demographic variables as well as the establishment of the data collection mechanisms and data analyses to be used in future evaluations. The succeeding years of the evaluation of ALR as a DWI countermeasure will include an extensive comparison of the demographic characteristics, DWI arrests, and driving records of each group of drivers (i.e., pre-ALR license suspendees and

post-ALR license suspendees) with a group of drivers whose licenses have **not** been suspended for DWI. A measure of the rate of DWI recidivism prior to, and following, the introduction of ALR will be used as an indication of the effectiveness of the law in discouraging the persistent drunk driver. For purposes of this interim report, the number of ALR license suspensions, hearings held, etc. are provided for January 1, 1995 to July 31, 1995.

METHODOLOGY

Driver Records

Driver records for licensees whose licenses had been suspended for DWI prior to the enactment of ALR were retrieved from the DPS Driver Records Bureau on magnetic tape. Figure 1 presents a representative driver record retrieved from these files. Several of the fundamental elements contained in each record are presented in the key in the lower portion of the box. The dates indicated on the record may be used to establish important information on each driver. For example, by subtracting "a" from "c", one can determine the age at which the driver first obtained a license. Similarly, subtraction of "a" from "d" (date of citation/accident) can be used to determine the age of the driver at the time of the incident.

name	address	PAMPA	790650000 TX
a 01/31/77 00126601 CLEAR	CLASS C	01/31/95 b	09/21/92 c
APPROVED AUTOMOBILE DRIVER EDUCATION COURSE COMPLETED d			
L I V I S E R V I C E			
T3-2			
COMPLETED DRIVERS ED PGM			
THIS TYPE RECORD WILL NOT REFLECT COMPLETION OF A DRIVING SAFETY COURSE.			
07/07/93 CHANGED LANE WHEN UNSAFE		PAMPA	
07/12/93 SPEEDING		PAMPA	
10/09/93 ACCIDENT NON-INJURY		PAMPA	
END 3 YEAR RECORD			
a	Date of Birth		
b	License Expiration Date		
c	Date of First License		
d	Citations Received in Past 3 Years		

Figure 1. Representative driver record (upper portion of figure). The key for important elements of the driver record is presented in the lower portion of the figure.

The DPS driver record files are maintained for purposes of storing a sequential listing of traffic citations and accidents. Information from these records is used to determine driver status, identify and locate persons, evaluate eligibility for insurance, and substantiate court cases. Approval for use of the information contained in these files for purposes of this study was obtained from the Human Subjects Committee of the Institutional Review Board of Texas A&M University.

The DPS driver records are dynamic files maintained primarily for purposes of producing hard-copy "snap-shots" of a person's driving history over a 3-year period for clients such as automobile insurance agencies. There are a number of drawbacks to using this type of record for a study such as this one. Firstly, the records we received contain no indication of the specific offense which resulted in the license suspension, nor the date upon which the license was actually suspended. Secondly, the files do not provide the gender or ethnicity of individual drivers. Lastly, approximately one-fourth of the records indicated that license status was "Clear," and there was no record of suspension or DWI citation. According to DPS, these drivers' licenses had been suspended at some time during the 1992-1994 period, but these persons' license suspensions had since been lifted, and it had been more than 3 years since their last DWI. Moreover, about one-third of the driver records we received indicated "Suspe" license status, but there were no citations for DWI on the 3-year record. Again, the DWI citation had likely been purged from the files.

About one-half of the records had at least one DWI citation on record with license status indicating "Suspe". Accordingly, the sample of driver records used for this first year's study was drawn only from the records contained in this final group, since these were the only drivers for whom we could be certain that license suspension for DWI had occurred during the years sampled. These drivers' records were read into a file and a sample of 500 drivers were randomly selected so that descriptive statistics (e.g., age, gender, ethnicity) could be provided. For this analysis, the gender, age and ethnicity of this sample of drivers was coded and tallied by hand to produce the demographic profile of this sample of offenders.

The complete file has been maintained so that the drivers' records can be more extensively analyzed with respect to the impact that the license suspension action has on their subsequent driving records (i.e., crashes, citations, rearrest for DWI, driving while license suspended/revoked) in future years. Similar files will be created for drivers whose licenses are suspended for DWI after ALR, as well as a sample of drivers sustaining no DWI license suspension.

Descriptive Statistics for License Suspendees

The descriptive statistics for this sample of license suspendees were tallied by hand for this year's study. The gender and ethnicity of the drivers were coded by hand, and were based on the author's subjective determination of "female" names and "Hispanic" names.

Driver age was calculated by subtracting the birth year from the year 1993 (the midpoint of the sample years 1992-1994), and the number of drivers in each age category (reported here

as "Under 21", 21-29, 30-39, 40-49, 50-59, 60-69, 70 and older) was tallied. Again, a more accurate determination of each driver's exact age at the time of license suspension would require an indication of the date upon which the driver's license was suspended, and this information is not available in this type of file. The number of citations and accidents sustained by this sample of drivers was also calculated.

License Suspension Statistics

The number of pre-ALR DWI convictions and driver license suspensions for DWI for the years 1992, 1993, and 1994 was obtained from the DPS Driver Improvement division. A comparison of these numbers with the number of license suspensions per year post-ALR will provide an indication of the number of additional DWI offenders whose driving privileges are being rescinded under the new law.

The division of Legal Services handling the processing of license suspensions under ALR provided us with their most current accounting of the number of ALR suspension notices that have been served, the number of administrative hearings that have been requested, etc. Since ALR has been in effect for less than one year, the numbers reported here are for the period from January 1, 1995 through July 31, 1995.

RESULTS

Driver Records

More than 150,000 driver history records were received from DPS. Of these, about 45 percent had both a DWI conviction and current license suspension indicated on the driver record. A sample of 500 drivers was randomly selected from this group of records and subjected to further analysis. The age, gender, ethnicity, number of accidents, and number of citations for these drivers are reported below.

Descriptive Statistics for License Suspendees

Of the sample of 500 drivers drawn from the 1992-1994 driver records, about 10 percent of the drivers who lost their licenses for DWI were female. Within the sample of 500 license suspendees, 32.4 percent of the drivers were of Hispanic origin. Only a couple of the Hispanic DWI offenders were female. Based on the 1990 census figures, 25.5 percent of the population in Texas is Hispanic. Thus, according to the sample of drivers used, Hispanics are overrepresented in DWI license suspensions. The overrepresentation of Hispanics in DWI in the State of Texas has previously been reported (Schrunk & Mounce, 1993), and TTI has just completed a study to better determine the factors that may be contributing to this overrepresentation.

Approximately 11 percent of the license suspendees whose records were analyzed for this study were minors arrested for DWI, and only about 5 percent of the sample was over the age

of 60. By far, the 30-39 age group had the largest number of DWI suspensions, with 36 percent of the suspensions. Persons in their twenties comprised about 19 percent of the sample population, and another 20 percent of the population was between the ages of 40 and 49. Nine percent of the drivers sampled were in their fifties around the time their licenses were suspended for DWI.

The driver histories for this sample of drivers contained 864 citations and 175 recorded accidents, or 1.76 citations per person and .36 motor vehicle accidents per person for the 3-year period of time. Forty-three percent of the sample had only one citation (DWI) on their current record, and 27 percent of the drivers had two citations and/or accidents on record. Another 16 percent of the sample had 3 recorded citations/accidents, and 8 percent had 4 such incidents on their driver records. The remaining 6 percent of the drivers had 5-8 citations and/or accidents on record at the time the files were retrieved for analysis. Not surprisingly, the largest number of citations (other than DWI) were issued for speeding, followed by driving without insurance, and driving while license suspended (or, driving without a license).

License Suspension Statistics

The following information on the number of DWI convictions and DWI license suspensions for the years just prior to the introduction of ALR was provided by the DPS Driver Improvement program.

DWI Convictions		DWI Suspensions	
1992	100,603	1992	41,709
1993	93,157	1993	44,870
1994	84,063	1994	35,555

As one can see, the number of DWI convictions dropped from 100,603 in 1992 to 84,063 in 1994. However, the percentage of DWI convictions that resulted in license suspension for DWI remained relatively constant during this same time period. In 1992, 41 percent of the DWI convictions also included license suspension. That percentage rose to about 48 percent in 1993, and dropped back to about 42 percent in 1994. It cannot be determined from these numbers how many of these drivers were multiple DWI offenders whose **final** (i.e., third?, fourth?, tenth?) conviction resulted in license suspension.

By subtracting the number of suspensions from the number of convictions each year, the number of probated cases can be determined. Presumably, these drivers were allowed to retain their licenses and continue to drive during the probation period. It is possible that many of these drivers are repeat DWI offenders who have yet to sustain a license suspension. Following the imposition of ALR, all DWI arrests will result in license suspension unless the offender is found innocent of the charge.

The following numbers provide an overview of the ALR activity thus far this year:

**Administrative License Revocation Statistics
(January 1, 1995 through July 31, 1995)**

Total ALR Suspension Notices Served	45,406
Total Suspensions Processed	32,097
Hearings Requested	9,009
Total Hearings Held	4,756
Hearings with Affirmative Findings	3,886
Hearings with Negative Findings	870
Defaults (Failure to Appear)	848
Reinstatement Fees Paid	6,742

According to the information provided above, about 20 percent of those persons served suspension notices requested that an administrative hearing be held prior to license suspension, and about 15 percent of the license suspensions processed thus far this year have involved an administrative hearing. Of the administrative hearings that have been held thus far in 1995, only 18 percent have produced negative findings (i.e., the license was not suspended, most likely because probable cause to stop the driver was insufficient). An additional 18 percent of the hearings requested have resulted in a default (i.e., the driver failed to appear at the hearing and the license was subsequently suspended).

CONCLUSIONS AND IMPLICATIONS

Summary of Findings

The number of suspension notices (45,406) served during the seven months since ALR became effective already surpasses the number of suspensions for each year (1992-1994) preceeding ALR. Based on the activity of ALR thus far this year, it is projected that a total of 78,000 suspension notices could be served under the new law during 1995. This figure could conceivably be higher as DWI arrests typically increase during the holiday season. It is likely that many of the motorists whose licenses have been suspended under ALR are first-time offenders who would previously have been allowed to continue uninterrupted driving privileges (and, perhaps, commit additional DWI offenses).

Fewer than one-fourth of the drivers whose suspensions have been processed this year have paid the fees necessary to have their licenses reinstated. Driving without a license is already a major problem in Texas, with more than 36,000 unlicensed drivers involved in accidents during 1993 (from the Texas Accident Tabulations). It is conceivable that many more Texans will choose to drive "outside the law" in the future rather than pay the fees required for license reinstatement. The number of drivers charged with driving without a license since the ALR law has become effective will likely increase. Indeed, as Voas & Tippetts (1994) reported, one-half to two-thirds of suspended DWI offenders fail to apply for licenses when they become eligible for reinstatement.

Prior to the introduction of ALR, minors convicted for DWI automatically lost their driver licenses. Moreover, typically only the multiple offender over the age of 21 was subjected to license suspension as a sanction for DWI in Texas. Conceivably, the age distribution of drivers whose licenses are suspended under ALR could change dramatically as first-time offenders of any age will have their licenses suspended for failure or refusal of the chemical test for driving under the influence of alcohol.

Recommendations for Future Study

One of the primary goals of any DWI-related legislation is to reduce the blood alcohol concentration (BAC) of persons who are killed in alcohol-related crashes as well as those persons who are arrested for DWI. TTI updates the information on the BAC levels in Texas alcohol fatalities every other year, and will be able to provide that information in the future.

Although the evaluation of ALR will, in the ensuing years of study, include an indication of any changes in the number of alcohol-related fatalities since ALR came into effect, it would be impossible to attribute a reduction in fatalities solely to the effectiveness of the new law, as several other factors may be involved.

Similarly, any changes in the number of DWI arrests during 1995 would be difficult to interpret. That is, if DWI arrests go down following imposition of ALR, one could argue that it is because the law was having a general deterrent effect on drivers who might otherwise commit this offense. Likewise, if DWI arrests should increase, one could argue that police are

more apt to enforce DWI laws because they know that the offenders will receive at least some form of penalty in the loss of their driver's licenses for a period of time. Alternatively, the number of DWI arrests could remain stable as the general deterrence and enforcement factors cancel out one another.

A surrogate measure that is often used to gauge the success of DWI-related legislation is reduction in night-time single vehicle accidents, as these crashes often involve intoxicated drivers. Changes in the numbers of such crashes following the enforcement of ALR will be reported in future evaluations as the data become available.

Specific deterrence refers to the impact of a sanction on the subsequent behavior of individuals on whom it was imposed (Mann et al., 1991). It could be several years before an adequate measure of ALR's effect on DWI recidivism is available. However, in the short term, all efforts will be made to track the DWI arrest records of persons whose licenses were suspended during this first year of ALR. The appropriate comparison, if possible, will involve obtaining the complete arrest histories for the sample of drivers used in this year's study. The files obtained from DPS for this year's study contain only those DWI convictions that occurred in the past three years, thus all drivers with 2 or more DWI convictions on record could readily be identified as belonging to the group of multiple offenders.

According to a study conducted by Williams et al. (1984), multiple DWI offenders who received a licensing sanction, such as license suspension, in addition to other penalties (i.e., fines, jail time, etc.) had at least 30 percent fewer accidents and convictions than similar drivers

without suspension. Future evaluation of the effectiveness of ALR will include comparisons of indicators of dangerous driving habits as indexed by crashes and violations (Ross & Gonzales, 1988). The driving records of samples of DWI offenders for 3 years following license suspension, both pre-ALR and post-ALR, will be used as a measure of the extent and duration of the suspension effect.

As mentioned previously, it will be interesting to note the number of citations issued for "driving while suspended" (or, driving without a license/insurance) since ALR has come into effect. If possible, the number of drivers who are cited for driving while suspended (i.e., during the time the license suspension is in effect) could be compared with the number of citations issued to drivers who fail to have their licenses reinstated once the suspension has been lifted.

It is anticipated that future evaluations will also provide a measure of the efficiency and effectiveness of the administrative process for dealing with DWI that has recently been implemented. A visit to one or more ALR administrative hearings is planned for the coming year to get a first-hand look at the process and procedures. In a similar vein, it would also be interesting to examine the perceptions of police regarding the effect, if any, that the new law has had on their propensity to stop potential offenders.

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