

**Effective:[See Text Amendments]**

Code of Federal Regulations Currentness

Title 23. Highways

Chapter I. Federal Highway Administration,  
Department of Transportation

▣ Subchapter B. Payment Procedures

▣ Part 192. Drug Offender's Driver's License Suspension (Refs &amp; Annos)

**→ § 192.4 Adoption of drug offender's driver's license suspension.**

(a) The Secretary shall withhold five percent of the amount required to be apportioned to any State under each of sections 104(b)(1), 104(b)(3), and 104(b)(5) of title 23 of the United States Code on the first day of fiscal years 1994 and 1995 if the States does not meet the requirements of this section on that date.

(b) The Secretary shall withhold ten percent of the amount required to be apportioned to any State under each of sections 104(b)(1), 104(b)(3), and 104(b)(5) of title 23 of the United States Code on the first day of fiscal year 1996 and any subsequent fiscal year if the State does not meet the requirements of this section on that date.

(c) A State meets the requirements of this section if:

(1) The State has enacted and is enforcing a law that requires in all circumstances, or requires in the absence of compelling circumstances warranting an exception:

(i) The revocation, or suspension for at least 6 months, of the driver's license of any individual who is convicted, after the enactment of such

law, of

(A) Any violation of the Controlled Substances Act, or

(B) Any drug offense, and

(ii) A delay in the issuance or reinstatement of a driver's license to such an individual for at least 6 months after the individual otherwise would have been eligible to have a driver's license issued or reinstated if the individual does not have a driver's license, or the driver's license of the individual is suspended, at the time the individual is so convicted, or

(2) The Governor of the State:

(i) Submits to the Secretary no earlier than the adjournment sine die of the first regularly scheduled session of the State's legislature which begins after November 5, 1990, a written certification stating that he or she is opposed to the enactment or enforcement in the State of a law described in paragraph (c)(1) of this section relating to the revocation, suspension, issuance, or reinstatement of driver's licenses to convicted drug offenders; and

(ii) Submits to the Secretary a written certification that the legislature (including both Houses where applicable) has adopted a resolution expressing its opposition to a law described in paragraph (c)(1) of this section.

(d) A State that makes exceptions for compelling circumstances must do so in accordance with a State law, regulation, binding policy directive or Statewide published guidelines establishing the

conditions for making such exceptions and in exceptional circumstances specific to the offender.

SOURCE: 57 FR 35999, Aug. 12, 1992; 60 FR 50100, Sept. 28, 1995, unless otherwise noted.

AUTHORITY: 23 U.S.C. 159 and 315.

23 C. F. R. § 192.4, 23 CFR § 192.4  
Current through September 24, 2009; 74 FR 48844

© 2009 Thomson Reuters  
END OF DOCUMENT

# Access to Driving and License Suspension Policies for the Twenty-First Century Economy

---

Sandra Gustitus, Melody Simmons, and Margy Waller

June 2008



The  
**Mobility**  
Agenda

The Mobility Agenda  
1707 L Street NW, Suite 750  
Washington, DC 20036  
[www.mobilityagenda.org](http://www.mobilityagenda.org)

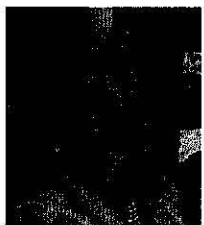
## CONTENTS

<i>Introduction: The Economy Requires Access to Driving</i>	4
<i>Employment and Access to Driving in Ten Cities</i>	5
<i>The Impact of License Suspensions</i>	6
<i>Number of States Suspending for Non-Driving-Related Reasons</i>	7
<i>Reasons for Driver's License Suspension in New Jersey</i>	8
<i>State and Local Initiatives for License Reinstatement</i>	10
<i>Recommendations</i>	13
<i>Conclusion</i>	16
<i>References and Resources</i>	17

## ABOUT



**Sandra Gustitus** is from Washington, DC and graduated with honors and distinction from the University of North Carolina at Chapel Hill in 2007 with a B.A. in Public Policy and a minor in Spanish. Sandra is interested in pursuing a career in public policy with a concentration in economic and social policy and plans to attend law school in the future. She currently serves as Research Associate at The Mobility Agenda.



**Melody Simmons** is a journalist who has covered Maryland issues for nearly three decades. While a staff writer for *The Sun* in Baltimore, she wrote a weekly column, "Intrepid Commuter," about the joys and perils of commuting in the metro area.



**Margy Waller** is Executive Director of The Mobility Agenda and Senior Fellow at the Community Service Society. Previously she was Visiting Fellow at the Brookings Institution, with a joint appointment in the Economic Studies and Metropolitan Policy programs. Prior to Brookings, she was Senior Advisor on domestic policy in the Clinton-Gore White House. She also served as a Congressional Fellow in the office of U.S. Rep. Eric Fingerhut (D-OH). Margy has written extensively on low-wage work and transportation issues. She received her B.S. in Communication Studies at Northwestern University and a law degree from The Ohio State University.

The  
**Mobility**  
Agenda

The **Mobility Agenda** is a think tank in Washington, DC that seeks to stimulate and shape a dialogue to build public support for strengthening the labor market, benefiting our economy, workers, and communities.

## ACKNOWLEDGMENTS

The Mobility Agenda thanks the Annie E. Casey Foundation for its support of our research and policy analysis on transportation and low-wage work. For their helpful comments, The Mobility Agenda also thanks: Dr. Evelyn Blumenberg, *UCLA*; Craig Levine and Laurel Dumont, *New Jersey Institute for Social Justice*; Nancy Fishman, formerly with *New Jersey Institute for Social Justice*; Jon A. Carnegie, *Alan M. Voorhees Transportation Center, Rutgers University*; Dan Hatcher, *University of Baltimore School of Law*; Kisha Brown, formerly with *Baltimore Legal Aid Bureau, Inc.*; Vicki Turetsky, *Center for Law and Social Policy*; Nichole Yunk and Judge Jim Gramling, *Center for Driver's License Recovery and Employability*; Dave Pifer, *Legal Action of Wisconsin*; Jeff Hild, *Office of United States Representative Pete Stark*; and Selden Fritschner, *American Association of Motor Vehicle Administrators*. In addition, the authors wish to thank Jonny Finity and Sarah Sattelmeyer, *The Mobility Agenda*, for their assistance.



## INTRODUCTION: THE ECONOMY REQUIRES ACCESS TO DRIVING

Access to driving—including a reliable, affordable vehicle and a valid driver’s license—is vital to economic security, strong communities, and a healthy economy. Changes in the location of work and residence in the last century have dramatically altered the landscape of our nation and changed the transportation needs of communities and workers. In the first half of the 20th century, transportation to work primarily involved traveling from a dense residential area, on foot, in a bus, or in a streetcar, to nearby factories or warehouses. By the 1950s, as a result of a pattern of decentralization in the United States, workers were separated from jobs and services by both distance and travel time. In the beginning of the 20th century, only 25 percent of residents lived in suburbs. By the end of the century, suburbs were home to nearly two out of three residents and 57 percent of metropolitan-area jobs.<sup>1</sup>

As a result, most communities now depend on private vehicle access to ensure that workers can fill and retain jobs by effectively managing the distance and travel time between work and home, as well as access goods and services not well served by public transit.<sup>2</sup> Workers commuting from center city to suburb often find that mass transit does not go where or when they need to go. Driving offers more flexibility than public transit, especially since bus and subway stops are not located within a reasonable distance of every employer, and many transit providers do not offer service during off-peak hours. Access to driving also saves time lost to long waits and transfers on public transit, allows travel door-to-door, increases safety, offers more protection in bad weather, and permits people to transport heavy or bulky items like groceries.<sup>3</sup>

The necessity of cars is evident in the commuting modes chosen by workers. In 2000, less than five percent of workers took public transportation to work, while 88 percent commuted in a private vehicle. In fact, 92 percent of households own or have access to a vehicle<sup>4</sup> and 88 percent of working-age adults have a valid driver’s license.<sup>5</sup> It is not surprising that people with a car are more likely to be employed, earn more, work more hours, and have more stable employment. Private vehicle access is acknowledged by scholars to be a better predictor of employment than mass transit, in part because job applicants with access to driving can reach many more jobs than those dependent on public transit.<sup>6</sup> For example, in one Los Angeles neighborhood, residents with a car can reach 59 times as many jobs within a half-hour as those dependent on public transit.<sup>7</sup>

While access to a car is important for better employment outcomes, 86 percent of *all* trips are made in a car.<sup>8</sup> People have many other important needs for transportation, including care of family members,

---

1 Blumenberg, Evelyn and Margy Waller. “The Long Journey to Work: A Federal Transportation Policy for Working Families.” *The Brookings Institution Series on Transportation Reform*. Center on Urban & Metropolitan Policy, July 2003.

2 Averaged across all households, commuting takes more than twice as long on public transit as it does by car.

3 Waller, Margy. “High Cost or High Opportunity Cost? Transportation and Family Economic Success,” *The Brookings Institution Policy Brief*, Center on Children and Families, no. 35, December 2005.; Blumenberg and Waller, 2003.

4 Blumenberg and Waller, 2003.

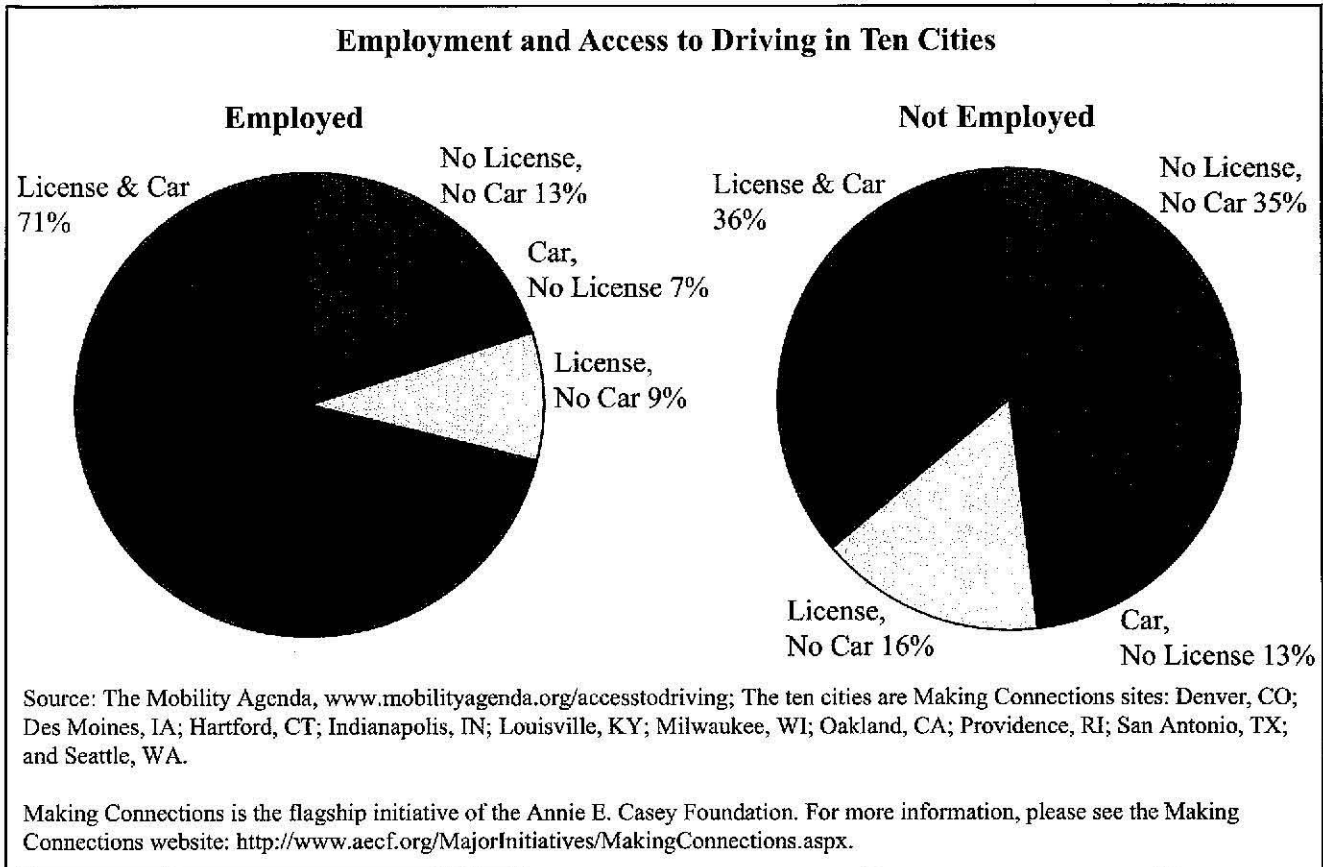
5 United States Department of Transportation, Federal Highway Administration. “Licensed Drivers by Sex and Ratio to Population,” *Highway Statistics 2006*.; United States Census Bureau, *Census 2000*. [www.census.gov/main/www/cen2000.html](http://www.census.gov/main/www/cen2000.html). Last modified April 24, 2008.

6 Waller, 2005.; after controlling for the possibility that other factors could be causing positive employment outcomes, scholars find the positive relationship between a car and work persists.

7 Blumenberg, Evelyn and Michael Manville. “Beyond the Spatial Mismatch: Welfare Recipients and Transportation Policy,” *Journal of Planning Literature*, 19, no. 2 (November 2004), 182-205.

8 Pucher, John and John Renne. “Socioeconomics of Urban Travel: Evidence from the 2001 NHTS,” *Transportation Quarterly*, 57, no. 3 (2003).

participation in community and civic activities, and travel to school, worship, health care, and shopping.<sup>9</sup>



While the geography of metropolitan life has changed, the nation’s transportation policy has not yet evolved in ways that recognize the shift. Today, strong communities and a strong economy require policies that support affordable, reliable, and convenient transportation options. Unfortunately, recent changes in policies regarding driver’s license suspension increase the chances that employers, communities, and workers will experience the detrimental effect of license suspension or revocation for reasons that have nothing to do with road safety.<sup>10</sup> Decisionmakers and stakeholders—including representatives of law enforcement agencies, courts, academics, policy analysts, highway officials, policymakers, national transportation organizations, and departments of motor vehicles—should encourage use of the best transportation option for economic security and strong communities, which, in many cases, will mean supporting access to private vehicles driven by a worker with a valid license.

**Recent Changes in License Suspension Policies Create Barriers to Economic Security**

State policymakers originally created driver’s license requirements, which set certain standards for

9 Blumenberg and Waller, 2003.

10 In this report, we use the term license suspensions to refer to both suspensions and revocations, a term used in other literature and many policies. Both terms refer to removal of driving privileges. There is generally a more temporary connotation associated with suspension, whereas revocation denotes a permanent removal until the reasons for revocation have been satisfied, at which point the driver is required to reapply. Thirty of 41 states’ licensing agencies included in a survey by the Alan M. Voorhees Transportation Center reported defining suspension and revocation in a comparable manner.; Alan M. Voorhees Transportation Center. *Motor Vehicles Affordability and Fairness Task Force: Final Report*. Edward J. Bloustein School of Planning and Public Policy, Rutgers University, and New Jersey Motor Vehicle Commission, 2006.

driving competency, to ensure public safety. They designed license suspensions as a legal mechanism to remove unsafe drivers from the road. In recent decades, policymakers have created new barriers to economic strength and employment by adopting legislation that makes license holding, and therefore access to legal driving, more tenuous—particularly for low-wage employees.

Beginning in the 1980s, federal policymakers began adopting legislation that encouraged license suspension for non-payment of child support. In 1996, Congress took the next step, requiring that states suspend the licenses of people unable or unwilling to pay child support. Over the past 15 years, state officials responded to this federal signal by authorizing license suspension as punishment for other non-driving offenses, including economic offenses such as failure to pay parking fines.

A survey of 14 local communities across the country reveals that failure to pay a fine or appear in court is the most likely cause of license suspension.<sup>11</sup> Consistent with these findings, reviews of suspensions in three states reveal that the most common reasons for license suspension are not related to bad driving.<sup>12</sup> Other economic reasons for license suspension include failure to comply with a child support order and failure to maintain insurance. Low-wage workers are more likely to experience suspension for these reasons.<sup>13</sup>

## THE IMPACT OF LICENSE SUSPENSIONS

After federal lawmakers set a precedent for using license suspension as a deterrent to non-driving offenses, officials in all 50 states established similar laws. Stakeholders, including the academic community and public agencies, have not yet provided public analysis of the impact of such changes in all places. However, analysts conclude that policymakers no longer use suspension only to improve safety and driving behavior, but also increasingly to discourage or sanction offenses unrelated to citizen safety on the roads. Academic reviewers agree that suspensions do have negative economic and social effects.<sup>14</sup> Recently, a working group of national organizations noted the significant burden of enforcing suspension laws and commissioned research on the changes in license suspension policy goals, reasons for suspension, and the impact of suspension on road safety. An executive summary of the commissioned research notes that drivers suspended for non-driving-related reasons present a comparatively lower safety risk than those suspended for driving reasons.<sup>15</sup> In addition, officials in several states reviewed the impact of suspensions and provided important specific examples of impact on the community and the economy.

---

11 Waller, Margy, Jennifer Doleac, and Ilsa Flanagan. *Driver's License Suspension Policies*. The Brookings Institution, 2005.

12 Gebers, Michael and David DeYoung. *An Examination of the Characteristics and Traffic Risk of Drivers Suspended/Revoked for Different Reasons*. California Department of Motor Vehicles, November 2002.; Pawasarat, John and Frank Stetzer. *Removing Transportation Barriers to Employment: Assessing Driver's License and Vehicle Ownership Patterns of Low-Income Populations: Initial Findings*. Employment and Training Institute, University of Wisconsin-Milwaukee, July 1998.; Carnegie, Jon A. *Driver's License Suspensions, Impacts, and Fairness Study: Final Report*. Alan M. Voorhees Transportation Center, Rutgers University. New Jersey Department of Transportation, August 2007.

13 Corkrey, Barbara. "Restoring Driver's Licenses Removes a Common Legal Barrier to Employment," *Clearinghouse Review Journal of Poverty Law and Policy*, January-February, 2004.; Pawasarat and Stetzer, 1998.; Carnegie, 2007. In New Jersey, 59 percent of suspensions were made exclusively for non-driving-related reasons. In Wisconsin, state law changes made in the 1980s permit local courts to suspend licenses, and a review of suspensions in Milwaukee county found that more than half were suspended solely for non-payment of fines.

14 Carnegie, 2007.; Fritschner, Selden. "Executive Summary," *Reasons for Driver's License Suspension, Recidivism, and Crash Involvement among Suspended/Revoked Drivers: A Study*. American Association of Motor Vehicle Administrators, 2008.; Gebers and DeYoung, 2002.

15 Carnegie, 2007.; Gebers and DeYoung, 2002.; Fritschner, 2008.

Number of States Suspending for Non-Driving-Related Reasons	
Failure to pay a motor vehicle fine, surcharge, or fee	31
Failure to pay court fines, fees, or surcharges	31
Failure to appear in court to satisfy a moving violation summons	43
Failure to appear in court to satisfy a parking ticket	8
Failure to comply with a child support order	47
Failure to maintain insurance	45
Truancy	15

Source: Presentation by Jon Carnegie, Ph.D., Alan M. Voorhees Transportation Center, Rutgers University. The Mobility Agenda Roundtable, March 5, 2008.

### Community Impact—Higher Cost Reduces Public Services

All residents of the community feel the impact of driver's license suspensions. Public officials and police officers can be distracted from road safety, their primary responsibility related to licensing. And when suspensions begin to increase the cost of license enforcement, community members may see a reduction in public resources dedicated to other important public works.

Academic reviewers in two states developed information about the burden of processing suspensions under the newer laws. Milwaukee officials observed an increase in suspensions when state lawmakers gave localities the option of suspending driver's licenses for non-driving offenses. In 1997, judges in the Milwaukee County Municipal Courts ordered 62,466 suspensions, an increase of 13,579, or 28 percent, from the previous year.<sup>16</sup> More than half of the suspensions in Milwaukee were for failure to pay fines—economic suspensions unrelated to driving safety. Suspensions ordered by judges can overburden courts, as the suspended driver may be required to appear in court to address the suspension, even if it is only for non-payment of a fine.<sup>17</sup> In New Jersey, policymakers acknowledged the community impact of license suspension when they created a Motor Vehicles Affordability and Fairness Task Force, charged with developing recommendations to control the significant increase in suspensions.<sup>18</sup>

While the number of state-level reviews is relatively limited, national attention to this issue reflects a growing concern about the burden on communities.<sup>19</sup> Leaders of the American Association of Motor Vehicle Administrators created a working group to address concern about the cost and time involved in dealing with persons found to be driving with a suspended license. The working group, comprised

16 Pawasarat and Stetzer, 1998.

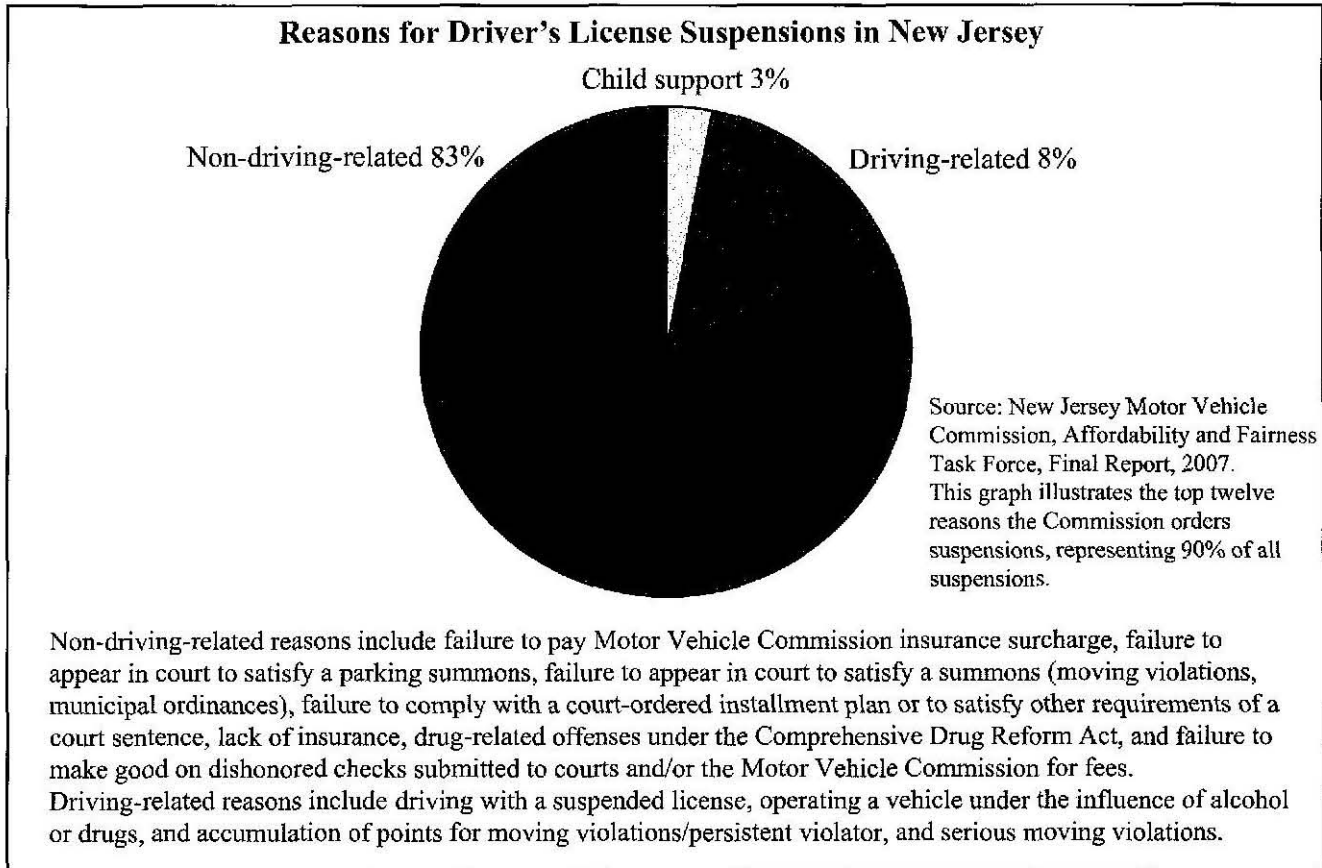
17 Ibid.

18 Alan M. Voorhees Transportation Center, 2006.

19 Carnegie, 2007.



of motor vehicle agency representatives, law enforcement and court officials, academics, highway safety professionals, and federal officials, commissioned research on the relationship between the reasons for suspension and road safety. The group learned that suspensions for non-driving reasons increased as a percentage of all suspensions over a four-year period ending in 2006.<sup>20</sup>



Members of the group report that there is growing frustration within the law enforcement community over the practice of suspending driver's licenses for non-safety reasons, which increases the administrative workload of officers and causes law enforcement to spend a large amount of time and energy focusing on financial responsibility instead of highway safety.<sup>21</sup>

Community residents might readily support the additional cost of this workload if drivers whose licenses have been suspended for economic reasons posed a safety risk when on the road. However, the national working group determined that drivers whose licenses were suspended for non-driving reasons differ from those being punished for driving violations. Among the latter group, safety violations after suspension are much more likely, while the former pose a lower safety risk.<sup>22</sup> When an inability to pay leads to suspension for a non-driving offense, everyone suffers the consequences of this ineffective policy lever.<sup>23</sup>

20 Fritschner, 2008.

21 American Association of Motor Vehicle Administrators, Law Enforcement Committee. "Reviewing the Issue of the Suspended and Revoked (S/R) Driver." *A Working Group Discussion*. Albuquerque, New Mexico, February 8-9, 2005.

22 Fritschner, 2008.

23 Community residents might also consider revenue raised as a direct result of license suspension policies a benefit. However, analysts have provided very little information about the effectiveness of license suspension as a means to compel payment. Limited available information suggests some additional revenue may be raised as a result of selected suspension policies. However, not all drivers are able to pay (Carnegie, 2007). Some community leaders have encouraged more study of the effectiveness of alternative approaches like partial amnesty or payment plans to determine their effectiveness at collecting payments that would otherwise go unpaid (Milwaukee

In addition, because driving is so critical to living and working in most places, many drivers continue to drive even after their licenses are suspended.<sup>24</sup> Driving while under suspension is hard to detect, so it is difficult to enforce, which undermines the public policy. When it is detected, the consequences are usually more severe, costly, and time-consuming for all involved than the original suspension.<sup>25</sup>

### **Economic Impact—Fewer Options Mean a Weaker Labor Market**

Local communities, employers, and employees experience negative consequences as a result of license suspensions, including unemployment, lower wages, fewer employment opportunities and hiring choices, and increased car insurance costs.<sup>26</sup> Low-wage workers are likely to be disproportionately affected by license suspensions that arise from their inability to pay fines and fees. Suspending these workers' licenses can lead to additional economic distress both for them and the extended community when they are unable to get to or apply for jobs inaccessible by public transit.<sup>27</sup> Workers may experience lower wages or unemployment, while employers face the high cost of replacing workers as well as reduced hiring choices. All community residents feel the burden of a weaker economy resulting from a decrease in household expenditures and a simultaneous increase in the cost of community services.

A survey of New Jersey drivers supports these economic conclusions. Forty-two percent of drivers were not able to keep their jobs when their driver's license was suspended. Of those drivers, 45 percent could not find another job. Among those surveyed who were able to find another job, 88 percent experienced a decrease in wages.<sup>28</sup>

In addition to such impacts, individual drivers may contribute to a larger community economic downturn when faced with other costs associated with license suspension, including license reinstatement, court appearances, and legal assistance. In some states, automobile insurance costs automatically increase after a suspension, even when the suspension is for non-driving reasons. More than half of the drivers surveyed in New Jersey could not afford the increased insurance costs resulting from the license suspension.<sup>29</sup>

Employment and training providers report that suspensions contribute to difficulty in filling local job openings with qualified, trained workers. Non-driving-related economic suspensions can prevent students from filling positions for which they were trained, undermining community investments in the education system.<sup>30</sup> In addition, some employers, particularly in the construction and health care fields, require a driver's license as a precondition for employment—either because driving is part of the job, or as a way to screen applicants.<sup>31</sup> Qualified workers cannot apply for these jobs without a valid license, which limits hiring options for employers as well.<sup>32</sup>

---

presentation at The Mobility Agenda Roundtable). Finally, policymakers in some jurisdictions face the need to replace or forgo significant revenue from fees and fines that would be lost if policy changes eliminated them (Alan M. Voorhees Transportation Center, 2006). While these fines are not usually related to the policy goals of suspension, they can become an effective barrier to legislative action when policymakers cannot agree on a replacement for the fine revenue.

24 Gebers and DeYoung, 2002.; Pawasarat and Stetzer, 1998.

25 Gebers and DeYoung, 2002.

26 Alan M. Voorhees Transportation Center, 2006.

27 Pawasarat and Stetzer, 1998.

28 Alan M. Voorhees Transportation Center, 2006.

29 Carnegie, 2007.

30 Zimmerman, Ken and Nancy Fishman. *Roadblock on the Way to Work: Driver's License Suspension in New Jersey*. New Jersey Institute for Social Justice, October 2001.

31 Alan M. Voorhees Transportation Center, 2006.; Zimmerman and Fishman, 2001.

32 Alan M. Voorhees Transportation Center, 2006.

## STATE AND LOCAL INITIATIVES FOR LICENSE REINSTATEMENT

The Mobility Agenda conducted a national review and identified a limited number of local efforts to address the community and economic impacts of license suspension. Representatives from Milwaukee, Baltimore, and New Jersey presented information about the development and goals of local initiatives, which are described below, at the Economic Driver's License Suspension and Reinstatement Roundtable (The Mobility Agenda Roundtable), hosted by The Mobility Agenda staff at the Annie E. Casey Foundation in Baltimore, in March 2008.<sup>33</sup>

### **Milwaukee—License Reinstatement Initiative<sup>34</sup>**

Seventy-five percent of jobs in the Milwaukee area are located in the suburbs, making a driver's license and access to a car critical for employment, since public transit is insufficient for commuting to those jobs. By 2006, as a result of changes in state law permitting local courts to suspend licenses for failure to pay fines, one in six, or 89,000, Milwaukee County residents had a suspended license, many for reasons unrelated to safety on the road.<sup>35</sup>

Milwaukee community leaders identified the issue of driver's license suspension in 1992 and the Milwaukee Municipal Court began offering license reinstatement counseling. Over the next 14 years, community leaders and organizations employed numerous strategies to reduce economic license suspensions, including research that provided evidence of community impact, and civic activity to reduce the impact of economic license suspensions on the community.<sup>36</sup> In 1998, the Milwaukee Municipal Court officials sponsored a fine-reduction initiative and persuaded the state Department of Transportation to provide staff and technical support. In 2004, the Municipal Court temporarily offered partial amnesty to drivers with suspended licenses who were able to pay 50 percent of fines owed. Twenty-five percent of participating drivers were able to have their licenses reinstated.<sup>37</sup>

Milwaukee leaders determined that state-level policy changes would be critical to reducing the impact of economic license suspension. They have succeeded in pressing for statutory changes, including fine reduction; termination of suspensions for non-payment of non-traffic-related fines; and removal of operating after revocation, operating while suspended, and non-moving violations from habitual traffic offender status. This change has significantly decreased the number of drivers with suspended licenses.<sup>38</sup>

In 2005, community leaders, including those working with the Annie E. Casey Foundation's Making Connections initiative, determined that a new center would benefit the collaborative efforts of numerous groups.<sup>39</sup> The Center for Driver's License Recovery and Employability opened in 2007, with administrative help from Justice 2000 (including case management), legal representation provided by Legal Action of Wisconsin, and space donated by the Milwaukee Area Technical College. In its first eight months of existence, the Center, through the efforts of its dedicated staff, successfully

33 More information and a video of the presentations can be found on The Mobility Agenda website: [www.mobilityagenda.org/driver'slicensereinstatement](http://www.mobilityagenda.org/driver'slicensereinstatement).

34 For more information about Milwaukee's work on license suspension, please see: <http://www.justice-2000.org/drivers.html>.

35 Justice 2000, Center for Driver's License Recovery and Employability. *2007 Program Report*, February 2008.

36 For the research conducted in Milwaukee, please see: <http://www.uwm.edu/Dept/ETI/barriers/caresum.htm>.

37 Pifer, David. *Development of a Community Movement: Driver's License Reform in Milwaukee*. Legal Action of Wisconsin, Inc., March 3, 2008.

38 Ibid.

39 Making Connections is the flagship initiative of the Annie E. Casey Foundation. For more information, please see the Making Connections website: <http://www.aecf.org/MajorInitiatives/MakingConnections.aspx>.

restored licenses to 51 percent of drivers completing the program.<sup>40</sup> The promising initial results of the Center and the high public profile of the issue led to positive media coverage; editorials and news articles in the *Milwaukee Journal Sentinel* in 2007 and 2008 helped increase public awareness of and support for the Center's mission.<sup>41</sup>

The Center employs three strategies:<sup>42</sup>

- Provide direct services for suspended drivers navigating the complex reinstatement process, including case management and legal representation.
- Implement system change, including:
  - Legislative—amend state law to reduce economic license suspensions.
  - Judicial—inform court officials of the importance of reinstatement, using payment plans and community service as alternatives to fines.
  - State agency—persuade Department of Workforce Development officials to allow drivers the use of job access loans to pay fines.
- Utilize communication strategies such as:
  - Developing public understanding of and support for reduction of economic license suspensions.
  - Sharing information with drivers about the state policy of license suspension and reinstatement.

#### **Maryland—Reducing Suspensions for Child Support Arrearages<sup>43</sup>**

In Baltimore, lawyers at the Legal Aid Bureau approached the issue of license suspension through the Baltimore City Child Support Project. The Project, funded by the Abell Foundation, is a specialized team within the Bureau that assists non-custodial parents who owe large back child support and face barriers to obtaining and retaining employment.<sup>44</sup> In federal welfare legislation passed in 1996, Congress required that states adopt legislation that made the suspension of licenses for child support arrearages a condition of receiving federal funds. In the first six months of 1997 in Maryland, 9,000 non-custodial parents had their licenses suspended, while only about 800 were able to achieve reinstatement by repaying arrearages.<sup>45</sup>

Legal aid lawyers identified the loss of a license as a barrier to economic stability. In representing a father whose license was suspended for non-payment of child support, lawyers made progress on state practice when the court determined that the license should be reinstated because the obligor's ability to work was

in the child's best interest.<sup>46</sup> In addition, when representing parents with suspended licenses, legal aid lawyers have had success in getting those licenses reinstated or obtaining work-restricted licenses

*...state-level policy changes  
[are] critical to reducing the  
impact of economic license  
suspension.*

40 Justice 2000, Center for Driver's License Recovery and Employability, 2008.

41 Editorial: "Unfair suspensions leave workers idling." JS Online, *Milwaukee Journal Sentinel*. <http://www.jsonline.com/story/index.aspx?id=708865>. January 19, 2008.

42 Presentation of Nichole Yunk at The Mobility Agenda Roundtable.

43 For more information about Baltimore's work on license suspension, please see: [www.mdlab.org](http://www.mdlab.org).

44 Presentation of Kisha Brown at The Mobility Agenda Roundtable.

45 Henry, Ronald K. "Child Support at a Crossroads: When the Real World Intrudes upon Academics and Advocates." *Family Law Quarterly*, 33, no. 1, 1999.

46 Hatcher, Daniel and Hannah Lieberman. "Breaking the Cycle of Defeat for 'Deadbroke' Noncustodial Parents Through Advocacy on Child Support Issues." *Clearinghouse Review Journal on Poverty Law and Policy*, May-June 2005.



that allow for travel to and from work during a suspension.<sup>47</sup> In 2004, Project lawyers were invited to assist with developing and supporting state legislation that requires Child Support Enforcement Administration officials to consider multiple factors before suspending a license, and adds exceptions to license suspension for non-custodial parents. These promising outcomes in Baltimore illustrate the important role legal aid can play in license reinstatement.

Lawyers at Baltimore's Legal Aid Bureau continue to work to reduce license suspensions and make this issue a priority in the community. Their efforts currently include:

- Providing the community with written materials about legal options and requirements for reinstatement and work-restricted licenses.<sup>48</sup>
- Providing legal forms requesting reinstatement that parents not represented by legal aid can use in an appeal of license suspension.
- Training staff at the child support enforcement agency about the legal requirements for license suspension and reinstatement.
- Developing and sharing communication strategies that offer information for caseworkers and parents, as well as increase community-wide attention to the issue.
- Participating in a joint initiative with the Job Opportunities Task Force, addressing systemic transportation barriers to employment, including outreach presentations, brief or extended individual legal advice, and education of policymakers.

*...promising outcomes  
...illustrate the important  
role legal aid can play in  
license reinstatement.*

#### **New Jersey—Research, License Reinstatement Initiative, State Commission<sup>49</sup>**

In 2001, the New Jersey Institute for Social Justice published “Roadblock on the Way to Work” (Roadblock),<sup>50</sup> a publication designed to raise awareness of the impact of license suspension on the state’s labor market and economic development plans.<sup>51</sup> In July 2001, nearly 200,000 New Jersey drivers had suspended licenses; more than half of the suspensions imposed the previous year were for failure to pay fines or fees, not for any safety violation.<sup>52</sup> After the report’s release, and as part of legislation resulting from a comprehensive review of the Department of Motor Vehicles, the state legislature created the Motor Vehicles Affordability and Fairness Task Force to study non-driving-related suspensions.<sup>53</sup> The group found that the current legal framework for license suspensions had unintentionally devolved from a system addressing road safety into one that creates barriers to economic mobility.<sup>54</sup>

The task force commissioned research and developed recommendations based on that evidence. Its recommendations included establishing an amnesty program to help correct the system’s defects,

47 Hatcher and Lieberman, 2005.

48 Maryland Legal Aid Bureau, Inc. “What You Need to Know About Child Support: Driver’s License Suspensions.” Revised October 2006.

49 For more information about New Jersey’s work on license suspension, please see: [www.statc.nj.us/mvc/PressReleases/archives/2006/reportAFTF.pdf](http://www.statc.nj.us/mvc/PressReleases/archives/2006/reportAFTF.pdf).

50 Zimmerman and Fishman, 2001.

51 New Jersey Institute for Social Justice website: [http://www.njisj.org/urban\\_nj.html](http://www.njisj.org/urban_nj.html). Published May 24, 2008.

52 Zimmerman and Fishman, 2001.

53 Alan M. Voorhees Transportation Center, 2006.

54 Ibid.

providing judges more discretion in suspension cases, educating the public about license suspension laws, and considering the creation of a restricted license category as a way to help drivers with license suspensions retain their jobs.<sup>55</sup> Stakeholders believe progress on the recommendations has been prevented by impediments to reform that include the difficulty of replacing revenue generated by license suspensions, the success of license suspension as leverage to obtain payments from drivers who are able to pay, resistance to change, fear of appearing “soft on crime,” and perceived safety concerns surrounding suspended drivers.<sup>56</sup>

Also, just after the release of the Roadblock report, community leaders created the License Reinstatement Program, a pilot initiative of the Essex County municipal courts, permitting drivers whose licenses had been suspended because of unpaid fines to consolidate their county fines and have their licenses reinstated while they made payments over time on the consolidated amount.<sup>57</sup> Based on that experience, stakeholders have identified key considerations for development of reinstatement initiatives:

- Broaden the impact by developing a statewide initiative and allowing the inclusion of all charges.
- Improve technology and administration to increase efficiency and ease the monitoring of established payment plans.
- Increase outreach so drivers with a suspended license who are eligible for fine consolidation have meaningful access to the program.
- Request that the state’s motor vehicle administration provide technological and administrative support.

Finally, in 2003, the Institute staff prepared and released “Getting Back on the Road: A Manual for Addressing Driver’s License Suspension in New Jersey.” This manual is a guide to reinstatement for people with suspended licenses—or for others working on their behalf. Institute staff has provided instruction on using the manual for state and local officials, as well as employees at community-based organizations.<sup>58</sup>

## RECOMMENDATIONS

Policymakers at all levels of government play a role in developing and enforcing laws governing driver’s license suspension and reinstatement. In limited instances, federal officials also require driver’s license suspension. At The Mobility Agenda Roundtable, participants agreed that a diverse coalition of national, state, and local stakeholders could support efforts to implement these recommendations and many of the attendees expressed a willingness to participate. Policymakers, community leaders, and others with an interest in the issue should take these action steps:

### **1. Build public understanding and support for policies that recognize the importance of access to driving.**

---

<sup>55</sup> Ibid.

<sup>56</sup> Presentation of Jon Carnegie at The Mobility Agenda Roundtable.

<sup>57</sup> New Jersey Institute for Social Justice website: [http://www.njisj.org/urban\\_nj.html](http://www.njisj.org/urban_nj.html).

<sup>58</sup> Fishman, Nancy and John Barlett. *Getting Back on the Road: A Manual for Addressing Driver’s License Suspension in New Jersey*. New Jersey Institute for Social Justice and the Urban League Clinic of Rutgers Law School, May 2003.

Stakeholders must develop and use *framing science research* to identify an effective way of shaping the license suspension issue that helps people recognize the importance of driving and the value of particular interventions.<sup>59</sup> The research will provide a critical new resource for all stakeholders and can strengthen efforts to advance policies on access to driving across the nation.

Absent a new communications strategy, the public may resist policy solutions on a variety of grounds: resentment of government “handouts” to the poor, the belief that a “free ride for lawbreakers” is not equitable, reluctance to use tax dollars to assist with driving, and so on. In addition, many policymakers are concerned about environmental and congestion issues in ways that constrain their thinking about policy solutions to transportation barriers and lead them to conclude that public transit is an adequate solution. Fortunately, the relative lack of visibility surrounding the issue of access to driving affords an enormous opportunity to research and develop an effective frame for introducing the issue in a way that builds support for policy solutions.

Leaders should seek to develop the communications research simultaneously with other research (such as state or local data on suspensions, if necessary) and utilize the knowledge developed in all strategic endeavors to improve access to driving. Information about an effective way to present the issue of access to driving will be a *necessary* step in the challenging effort to reduce the economic and social impact of license suspensions for non-driving reasons.

## **2. Review and consider rewriting federal and state laws that use license suspension as a penalty for non-driving offenses.**

Policymakers should review the effectiveness of state and local policy on suspension for non-driving offenses in meeting legislative goals. They should rescind those laws that do not lead to desired results or are harmful, particularly since suspension is not a proven means of keeping people from driving or of compelling or preventing specific behavior.<sup>60</sup>

## **3. Offer and expand restricted-use or conditional licenses.**

Policymakers should determine specific circumstances for conditional licenses, ensuring equitable treatment of persons in comparable situations across jurisdictions, and providing for education and outreach to improve meaningful access. Since drivers with conditional licenses would be able to drive to work, child care providers, medical offices, or other designated destinations, offering such licenses should reduce the negative economic and social impact of suspensions. In 2004, conditional licenses were available in 39 states and the District of Columbia.<sup>61</sup>

## **4. Establish alternatives to license suspension.**

Policymakers should establish sliding-scale payment plans based on income, ensuring that such a payment option is available to all. Drivers should be able to continue driving when they agree to a payment plan and make regular payments. Time frames for payments should be manageable for all

<sup>59</sup> For more information about framing science research, see Framing Public Issues, <http://www.frameworksinstitute.org/strategic-analysis/FramingPublicIssuesfinal.pdf?tr=y&auid=1886706> and The Mobility Agenda: Reframing the Poverty Debate, <http://www.mobilityagenda.org/reframingthepovertydebate>.

<sup>60</sup> Joerger, Mark. *Profile of Driver Problems Follow-up Evaluation: An Examination of Driver Demographic Information and Driving Record*. Oregon Department of Transportation, 2002.; Carnegie, 2007.

<sup>61</sup> Carnegie, 2007.

drivers, since certain economic circumstances such as a low-wage job, a downturn in the economy, or layoffs could make it difficult for some people to adhere to an arbitrary time limit.<sup>62</sup> In addition, policymakers should give courts the authority to offer the option of community service hours in lieu of fines or fees as a means to reduce the disparate impact of economic sanctions on those who must drive to work and to essential services like child care.

*Build public understanding and support for policies that recognize the importance of access to driving.*

**5. Amend laws and practices regarding suspension of driver's licenses for non-payment of child support.**

While federal policymakers have required that states suspend the licenses of those who do not pay child support, state policymakers can determine criteria for such suspensions. They should require that decisionmakers consider various factors before suspending the license of a non-custodial parent, including whether the suspension would be a barrier to work, violate the best interests of the child, or cause undue hardship. Policymakers should offer an exemption for non-custodial parents when they are unable to pay. In addition, the option of a payment plan could be offered to low-wage workers, and unemployed parents could be permitted to drive in order to seek work.

**6. Improve information systems to reduce economic license suspensions and expedite reinstatements.**

Local legal aid office staff or *pro bono* lawyers (volunteers sometimes available through a local bar association) should provide information about the law and the legal process at community centers, job training and employment offices, and legal aid offices. Officials should ensure that notification of a forthcoming or ordered license suspension is timely and clear. The notice should include information about ways to avoid suspension or expedite reinstatement, as well as specific information about the suspension, including when it starts, how long it will last, what it is for, and what is necessary to avoid the suspension or request reinstatement. The notice should also provide information about conditional licenses and payment plans where such options are available. Finally, officials should design the notice to include information about contacts for questions or requests for clarification, as well as information about legal representation and advice.

**7. Develop accessible information about state laws and the impact of non-driving suspensions. Make recommendations for systemic changes that will alleviate the negative impacts of economic suspensions for these violations.<sup>63</sup>**

Utilizing communications research (see recommendation 1 above), stakeholders can build public understanding of current policies, as well as the benefits of recommended policy changes.

<sup>62</sup> Zimmerman and Fishman, 2001.; Alan M. Voorhees Transportation Center, 2006.

<sup>63</sup> See the previous section for information about the New Jersey initiative.



## 8. Reduce suspensions and improve access to reinstatement with community education and system change.<sup>64</sup>

Policymakers, employers, judges, lawyers, and academics should collaborate to ensure that drivers whose licenses have been suspended have access to advice and services to navigate the system when seeking reinstatement. Community leaders should create and disseminate informational pamphlets to individuals, the news media, policymakers, and other stakeholders about the impact of license suspension on individuals and the community, as well as options for, and benefits from, reinstatement or conditional licenses.

In the absence of a community-based center for service delivery, legal aid and *pro bono* lawyers should create and provide forms for drivers who represent themselves at a hearing. Those drivers should be able to use the forms to appeal or request an exemption from license suspensions.<sup>65</sup>

To achieve long-term, systemic changes, leaders should design and recommend policy changes that benefit the state or locality with fewer suspensions where road safety is not a significant factor. Leaders seeking policy changes should use communications research (see recommendation 1 above) to develop media and campaign materials for education, services, and system change.

## CONCLUSION

Policymakers and other stakeholders—including representatives of law enforcement agencies, courts, academics, policy analysts, highway officials, national transportation organizations, and departments of motor vehicles—agree on the need to investigate and address the negative impacts resulting from

*Today, in the United States, residents are highly dependent on access to driving, which requires a reliable vehicle and a valid driver's license.*

non-driving-related driver's license suspensions. Today, in the United States, residents are highly dependent on access to driving, which requires a reliable vehicle and a valid driver's license. In strong communities, residents can easily get to work, shopping, and other services, usually by driving there. Policymakers must recognize and address the community and economic impact of license suspensions for non-driving offenses. All residents experience the effect of these suspensions on workers, employers, local labor markets, law enforcement, state agencies, and

courts. Fortunately, a broad and diverse group of stakeholders is interested in addressing the required systemic changes, and in a position to do so, provided they have the information necessary to develop a communications strategy to successfully explain and support recommended policy changes.

<sup>64</sup> See the previous section for information about the Milwaukee initiative.

<sup>65</sup> In Baltimore, Legal Aid Bureau, Inc. has created *pro se* appeal forms for license suspensions that violate one of seven exceptions to license suspension for non-custodial parents.

## REFERENCES AND RESOURCES

- The Abell Foundation. "A License to a Better Life." *The Abell Report*, 16, no. 5. <http://www.abell.org/publications/detail.asp?ID=84>, November/December 2003.
- Alan M. Voorhees Transportation Center. *Motor Vehicles Affordability and Fairness Task Force: Final Report*. Edward J. Bloustein School of Planning and Public Policy, Rutgers University, and New Jersey Motor Vehicle Commission, 2006.
- American Association of Motor Vehicle Administrators, Law Enforcement Committee. "Reviewing the Issue of the Suspended and Revoked (S/R) Driver." *A Working Group Discussion*. Albuquerque, New Mexico, February 8-9, 2005.
- Blumenberg, Evelyn and Michael Manville. "Beyond the Spatial Mismatch: Welfare Recipients and Transportation Policy." *Journal of Planning Literature* 19, no. 2, 82-205, November 2004.
- Blumenberg, Evelyn and Paul Ong. "Cars, Buses, and Jobs: Welfare Participants and Employment Access in Los Angeles." *Transportation Research Board Paper Number 01-3068*. Transportation Research Board of the National Academies, 2001.
- Blumenberg, Evelyn and Margy Waller. "The Long Journey to Work: A Federal Transportation Policy for Working Families." *The Brookings Institution Series on Transportation Reform*. Center on Urban & Metropolitan Policy, July 2003.
- Carnegie, Jon A. *Driver's License Suspensions, Impacts, and Fairness Study: Final Report*. Alan M. Voorhees Transportation Center, Rutgers University. New Jersey Department of Transportation, August 2007.
- Center for Driver's License Recovery and Employability, a program of Justice 2000. *Challenges, Impact, and Solutions Concerning the Issue of Driver's License Suspensions in Milwaukee County*, 2007.
- Corkrey, Barbara. "Restoring Driver's Licenses Removes a Common Legal Barrier to Employment." *Clearinghouse Review Journal of Poverty Law and Policy*, January-February 2004.
- Editorial: "The poor take a big hit if a license becomes a club." JS Online, *Milwaukee Journal Sentinel*. <http://www.jsonline.com/story/index.aspx?id=620432>. June 16, 2007.
- Editorial: "Stranded in Milwaukee." JS Online, *Milwaukee Journal Sentinel*. <http://www.jsonline.com/story/index.aspx?id=638718>. July 26, 2007.
- Editorial: "Unfair suspensions leave workers idling." JS Online, *Milwaukee Journal Sentinel*. <http://www.jsonline.com/story/index.aspx?id=708865>. January 19, 2008.
- Employment and Training Institute, University of Wisconsin-Milwaukee. *An Analysis of Job Openings in the Milwaukee Region: Job Supply and Demand*. Private Industry Council of Milwaukee County: A Workforce Development Board, September 2006.
- Fishman, Nancy and John Bartlett. *Getting Back on the Road: A Manual for Addressing Driver's License Suspension in New Jersey*. New Jersey Institute for Social Justice and the Urban Legal Clinic of Rutgers Law School, May 2003.
- Gebers, Michael and David DeYoung. *An Examination of the Characteristics and Traffic Risk of Drivers Suspended/Revoked for Different Reasons*. California Department of Motor Vehicles, November 2002.
- Glaser, Edward, Matthew Kahn, and Chenchuan Chu. "Job Sprawl: Employment Location in U.S. Metropolitan Areas." *The Brookings Institution: Survey Series*. Brookings Center on Urban & Metropolitan Policy, May 2001.
- Hatcher, Daniel and Hannah Lieberman. "Breaking the Cycle of Defeat for 'Deadbroke' Noncustodial Parents Through Advocacy on Child Support Issues." *Clearinghouse Review Journal of Poverty Law and Policy*, May-June 2005.
- Henry, Ronald K. "Child Support at a Crossroads: When the Real World Intrudes upon Academics and Advocates." *Family Law Quarterly* 33, no. 1, 1999.
- Holzer, Harry and Michael Stoll. "Meeting the Demand: Hiring Patterns of Welfare Recipients in Four Metropolitan Areas." *The Brookings Institution: Survey Series*. Brookings Center on Urban & Metropolitan Policy, May 2001.
- Hsu, Pat and Timothy Reuscher. *Summary of Travel Trends: 2001 National Household Travel Survey*. U.S. Department of Transportation, Federal Highway Administration, December 2004.

- Fritschner, Selden. "Executive Summary," *Reasons for Driver's License Suspension, Recidivism, and Crash Involvement among Suspended/Revoked Drivers: A Study*. American Association of Motor Vehicle Administrators, 2008.
- Joerger, Mark. *Profile of Driver Problems Follow-up Evaluation: An Examination of Driver Demographic Information and Driving Record*. Oregon Department of Transportation, 2002.
- Justice 2000, Center for Driver's License Recovery and Employability. *2007 Program Report*, February 2008.
- Legal Action Center. *After Prison: Roadblocks to Reentry*. Legal Action Center, 2004.
- Maryland Legal Aid Bureau, Inc. "What You Need to Know About Child Support: Driver's License Suspensions." Revised October 2006.
- Pawasarat, John. "Another View: Driver's license is a vital link to employment." *Milwaukee Journal Sentinel*. <http://www.jsonline.com/story/index.aspx?id=620434>, June 16, 2007.
- Pawasarat, John. *Barriers to Employment: Prison Time*. Employment and Training Institute, University of Wisconsin-Milwaukee, 2007.
- Pawasarat, John. *The Driver License Status of the Voting Age Population in Wisconsin*. Employment and Training Institute, University of Wisconsin-Milwaukee, June 2005.
- Pawasarat, John. *Removing Transportation Barriers to Employment: The Impact of Driver's License Suspension Policies on Milwaukee County Teens*. Employment and Training Institute, University of Wisconsin-Milwaukee, February 2000.
- Pawasarat, John and Lois M. Quinn. *The EARN (Early Assessment and Retention Network) Model for Effectively Targeting WIA and TANF Resources to Participants*. Employment and Training Institute, University of Wisconsin-Milwaukee, 2007.
- Pawasarat, John and Frank Stetzer. *Removing Transportation Barriers to Employment: Assessing Driver's License and Vehicle Ownership Patterns of Low-Income Populations: Initial Findings*. Employment and Training Institute, University of Wisconsin-Milwaukee, July 1998.
- Pifer, David. *Development of a Community Movement: Driver's License Reform in Milwaukee*. Legal Action of Wisconsin, Inc., March 3, 2008.
- Pisarski, Alan. *Commuting in America III: The Third National Report on Commuting Patterns and Trends*. Transportation Research Board, 2006.
- Pucher, John and John Renne. "Socioeconomics of Urban Travel: Evidence from the 2001 NHTS." *Transportation Quarterly*, 57, no. 3, 2003.
- Reschovsky, Clara. "Journey to Work: 2000." *Census 2000 Brief*. U.S. Census Bureau, March 2004.
- Scopotz, Robert, Clayton Hatch, Barbara DeLucia, and Kelley Tays. *Unlicensed to Kill: The Sequel*. AAA Foundation for Traffic Safety, 2003.
- Stanford, Gregory. "The end of their roads: No license a roadblock to work." *Milwaukee Journal Sentinel*. <http://www.jsonline.com/story/index.aspx?id=708864>. January 19, 2008.
- Sullivan, Kerri. "Transportation & Work: Exploring Car Usage and Employment Outcomes in the LSAL Data." *National Center for the Study of Adult Learning and Literacy Occasional Paper*. Harvard Graduate School of Education, June 2003.
- United States Census Bureau. *Census 2000*. [www.census.gov/main/www/cen2000.html](http://www.census.gov/main/www/cen2000.html). Last modified April 24, 2008.
- United States Department of Transportation, Federal Highway Administration. "Licensed Drivers by Sex and Ratio to Population." *Highway Statistics*, 2006.
- United States General Accounting Office. "Child Support Enforcement: Most States Collect Drivers' SSNs and Use Them to Enforce Child Support." *Report to the Subcommittee on Ways and Means, House of Representatives*, February 2002.
- University of Wisconsin-Milwaukee, Employment and Training Institute. *Preliminary Assessment of 2007 Client Outcomes for the Center for Driver's License Recovery and Employability*, January 2008.

- Waller, Margy. "High Cost or High Opportunity Cost? Transportation and Family Economic Success." *The Brookings Institution Policy Brief*, Center on Children and Families, no. 35, December 2005.
- Waller, Margy, Jennifer Doleac, and Ilsa Flanagan. *Driver's License Suspension Policies*. Brookings Institution, 2005.
- Yunk, Nichole. *The Significance of a Driver's License in the Modern Urban Economy*. Graduate Thesis, University of Wisconsin-Milwaukee Urban Studies Program, August 2007.
- Zimmerman, Ken and Nancy Fishman. *Roadblock on the Way to Work: Driver's License Suspension in New Jersey*. New Jersey Institute for Social Justice, October 2001.



# **Reasons for Driver License Suspension, Recidivism, and Crash Involvement Among Drivers With Suspended/ Revoked Licenses**

**FINAL REPORT**

January 2009

## EXECUTIVE SUMMARY

There is a commonly held belief among motor vehicle administrators, law enforcement, and the courts that suspended drivers pose a significant traffic safety risk when they continue to drive. As such, driving with a suspended or revoked license is considered a serious driving offense in most jurisdictions. There is some research to support this assessment. For example, in 2000, the AAA Foundation conducted a study entitled *Unlicensed to Kill* and a follow-up study, *Unlicensed to Kill, the Sequel*. These studies evaluated data from 1993 through 1999 on fatal crashes involving suspended and/or revoked and unlicensed drivers. Researchers found that “of the 278,078 drivers involved in fatal crashes in the United States...3.7 percent were unlicensed, 7.4 percent were driving on an invalid (e.g., suspended, revoked, denied/cancelled) license, and 2.7 percent were of unknown license status” (Griffin & DeLaZerda, 2000). However, other research has found that crash rates vary widely based on the reason for suspension/revocation and that drivers suspended for non-driving reasons posed the lowest traffic safety risk among the suspended-license groups with a risk comparable to those of the validly licensed drivers (Gebers & DeYoung, 2002).

In February 2005, AAMVA convened a working group comprised of motor vehicle agency representatives, law enforcement professionals, judges, prosecutors, researchers, and highway safety professionals from the National Highway Traffic Safety Administration (NHTSA), the Federal Highway Administration (FHWA), and the Federal Motor Carrier Safety Administration (FMCSA) to discuss and map-out what needs to be done to address the problem of driving with a suspended license. The working group determined that not enough was known about the depth and breadth of the issue and that research was needed to more fully understand the changing relationship between license suspension, reasons for suspension, and highway safety outcomes. This study was commissioned in response to the working group’s call for additional research.

The research objectives defined for this study include the following:

1. Determine the number of drivers with licenses that are suspended/revoked under State laws that allow a driver’s license to be suspended/revoked for non-driving offenses;
2. Determine the number of those drivers who are subsequently cited for driving while suspended;
3. Determine the extent of crash involvement by those drivers; and
4. Explore the relationship between driving behavior and violations of those laws.

To achieve these objectives, the research team developed a phased work program that included a nationwide survey of motor vehicle agencies to document current driver monitoring, license suspension/revocation, and driver history data archive and retrieval practices; a review of State laws governing license suspension; and a detailed analysis of suspended driver history data for six representative case study jurisdictions. It should be noted that the study did not address unlicensed drivers.

Key findings include:

- All 50 States and the District of Columbia have laws that permit the State motor vehicle agency and/or the courts to withdraw driving privileges for at least some non-driving reasons. The most common non-driving reasons for suspension include:
  - ◆ Failure to comply with a child support order (47 jurisdictions or 92%);
  - ◆ Failure to maintain proper insurance (45 jurisdictions or 88%);
  - ◆ Failure to appear in court to satisfy a summons for a moving violation (43 jurisdictions or 84%);

- ◆ Fraudulent application for driver's license or vehicle registration documents (40 jurisdictions or 78%);
- ◆ Altered or unlawful use of a driver's license (39 jurisdictions or 76%);
- ◆ Alcohol and drug-related offenses by minors, other than DUI (38 jurisdictions or 75%);
- ◆ Convictions for drug-related offenses, other than DUI (34 jurisdictions or 67%); and
- ◆ Failure to pay a motor vehicle and/or court fines, fees, and surcharges (31 jurisdictions or 61%).

Other less common non-driving reasons for suspension include:

- ◆ Truancy (15 jurisdictions or 29%);
  - ◆ Fuel theft (14 jurisdictions or 27%);
  - ◆ Delinquent conduct by a minor (13 jurisdictions or 25%);
  - ◆ Use of fictitious license plates, registration, or inspection sticker (13 jurisdictions or 25%);
  - ◆ Failure to appear in court to satisfy a parking ticket (8 jurisdictions or 16%);
  - ◆ Making terrorist threats (NY and PA);
  - ◆ Graffiti (CO);
  - ◆ Failure to register as a sex offender (MA); and
  - ◆ Attempt to purchase tobacco by a minor (OR).
- Our data show an overall decrease of 26 percent in the total number of suspended drivers over the analysis period. Concurrent with this overall reduction in the number of suspended drivers, we find an increase of drivers suspended for non-driving reasons. Drivers suspended for non-driving reasons rises from 27 percent of all suspended drivers in 2002 to 36 percent of all suspended drivers by 2005 in our database.
  - Our analysis separates drivers with suspended licenses into two groups., suspended for driving reasons and suspended for non-driving reasons.
    - ◆ Suspended for driving reasons: our database consists of 53,875 drivers suspended for driving reasons, of which about 42 percent (22,424) are subsequently convicted of a violation while their driving privileges are suspended; and
    - ◆ Suspended for non-driving reasons: Our database consists of 24,248 drivers suspended for non-driving reasons of which about 38 percent (9,288) are subsequently convicted of a violation while their driving privileges are suspended.
  - **Approximately 30 percent of drivers suspended for driving reasons (15,850 of 53,875) commit a moving violation while under suspension compared to approximately 15 percent of drivers suspended for non-driving reasons (3,613 of 24,248).**
  - **Approximately 3.4 percent of drivers suspended for driving reasons (1,832 of 53,875) are convicted of driving while suspended compared to 2.7 percent of drivers suspended for non-driving reasons (656 of 24,288).**
  - **Less than 1 percent (0.09%) of drivers suspended for non-driving reasons (218 of 24,248) are involved in a crash while their driver's license is suspended. This compares to over 3 percent (3.4%) of drivers suspended for driving reasons (1,835 of 53,875) who are involved in a crash while their driver's license is suspended.**

The analysis conducted for this study provides a baseline for further discussion by the AAMVA suspended/revoked driver working group. The research results point to differences between the two groups when con-

sidering driving behavior. Overall, the analysis provides information to administrators and safety experts indicating the two groups of suspend drivers differ on multiple dimensions.

From a policy prospective, the findings appear to support the conclusion that not all suspended drivers behave the same and therefore can and perhaps should be treated differently by motor vehicle agencies, law enforcement, and the courts. This is not to say that suspensions of drivers for non-driving reasons is unfounded; on the contrary, we make no statement about the use of suspensions regardless of the reasons. What we find is that when comparing the two groups, those who are suspended for driving reasons versus those suspended for non-driving reasons, our findings suggest that these two groups are not homogeneous in behavior and therefore may need differing policy actions. This presents a dilemma for policymakers in the context of current driver control and management systems and a multitude of Federal and State laws already in place.

A potential option might be to consider a new licensure status that differentiates between drivers suspended for bad driving and those suspended for financial or compliance reasons. In fact, in many jurisdictions there is already a dual status system in place for withdrawing driving privileges that could be used as the basis of a new licensure status. The existing distinction is between license suspension and revocation. Suspensions most often represent a temporary withdrawal while revocations are a more severe and sometimes permanent sanction.