

AN EVALUATION OF HARDSHIP LICENSING FOR DWIs

VOLUME II: EFFECT ON GENERAL AND SPECIAL DETERRENTS

FINAL REPORT

Principal contributing authors:

*Robert B. Voas
A. James McKnight*

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<p>The research described in this report attempted to assess the effects of offering hardship licenses to drivers under suspension for drinking/driving offenses. The results of this research lead to the following conclusions:</p> <p><i>Court Operations</i> – Changes in the law that increase the use of suspensions do not affect arrest or conviction rate. Any concern that the inability to offer hardship licenses will have an adverse affect upon enforcement or adjudication of drinking driving offenses appears unwarranted.</p> <p><i>Employment</i> – Less than 2% of drivers suspended for drinking and driving show substantiated job loss. Since the rate of reported job loss for DWIs is the same for suspended and unsuspended drivers, any adverse effect on employment can be attributed to the drinking or the conviction rather than to the suspension.</p> <p><i>General Deterrence</i> – Issuance of a hardship license does not appear to undermine the value of license suspension in deterring drivers in general from drinking-driving offenses. Drivers who lack knowledge as to the availability of hardship licenses are not additionally deterred by the information that such licenses are not available.</p> <p><i>Specific Deterrence</i> – Issuance of hardship licenses to suspended drivers increases the amount of driving and hence the exposure to traffic violations and accidents, except in states requiring special insurance coverage, where it is the safer drivers who tend to seek hardship licenses. Neither full suspension nor hardship licensing appears to affect recidivism for DWI offenses.</p>					
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FOREWORD

This report describes a series of studies carried out to determine the effect of issuing hardship licenses to drivers whose licenses were suspended for drinking/driving offenses. The specific effects studied were the general deterrence value of license suspensions for the driving public at large, (2) the specific deterrence value of suspensions for convicted drinking drivers, (3) the willingness of courts to convict drinking drivers, and (4) the ability of convicted drivers to retain employment.

This study of hardship licensing was carried out under the direction of *Dr. Robert B. Voas*, who served as principal investigator throughout the entire project. In addition to exercising overall management, Dr. Voas was also responsible for design of the several studies carried out within the project as well as the interpretation of results and for writing the final report. In each of these efforts he was assisted by *Dr. A. James McKnight* who also performed most of the statistical analyses.

Others on the NPSRI staff participating in the study were *Mr. A. Scott McKnight* who was responsible for most of the data processing, *Mr. Michael P. Sadoff* who handled transfer data from State files to a form suitable for analysis, *Mrs. Yvonne P. Mattocks* and *Mrs. Ruth Freitas* who prepared various portions of the manuscript, and *Mrs. Nancy Campbell* who edited the completed report.

Analysis of the 1.2 million driver records in the New Jersey study of general deterrents was carried out by National Con-Serve Inc., under subcontract. *Mr. Langston Spell* and *Mr. Joseph Stangl* performed the work.

Dr. Richard Compton served as Contracting Officer's Technical Representative for the National Highway Traffic Safety Administration and was later succeeded by *Dr. Alfred J. Farina*. Both provided extremely valuable advice and assistance throughout the study.

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INTRODUCTION

Hardship or limited licensing attempts to apply the much feared penalty of loss of driving privilege, while avoiding the potential economic consequences of job loss due to inability to get to work or drive on the job. This report, funded by the National Highway Traffic Safety Administration under contract DTNH22-84-C-07292, describes the use of the limited license by the States and assesses the impact of this reduced penalty in comparison to a full suspension on general and specific deterrence of drunken driving. The report also examines whether the use of limited licensing provides a safety valve for the courts, preventing the build-up of trial delays or nol-prossed cases which frequently occur when a severe penalty--such as a long-term license suspension--is mandated for the driving-while-impaired (DWI) offense. The study also seeks to determine whether there is any justification for the concern frequently expressed by judges that a full suspension will result in job loss.

Specifically, this research project had five major objectives with respect to the use of hardship licensing as a penalty for DWI:

1. Determine the extent to which the 50 States used hardship licensing.
2. Determine whether the use of hardship licensing reduces the general deterrent effect of the license penalty.
3. Determine whether the use of the hardship license reduces the specific deterrence value of the license penalty.
4. Determine whether the unavailability of a hardship license produces problems for the courts by increasing court backlogs and costs through delays, requests for jury trials and other legal maneuvers which, in turn, result in pre-trial or pre-sentencing procedures which avoid the implementation of license suspension.
5. Determine whether, in fact, full-suspension of the driver's license produces job loss and economic hardship.

These objectives are discussed in the five sections which follow. The final major section of this report summarizes the results and describes their implications for the issue of hardship licensing.

II

STATE HARDSHIP LICENSING PRACTICES

Although the public safety benefits of license suspension are well documented, the impact on the individual of losing his/her driver's license has rarely been examined. Nonetheless, there is a persistent belief that license suspension produces serious hardship in many cases by preventing the suspended individual from getting or keeping a job. Untested as it is, this belief seems to have had considerable influence on the willingness of State legislatures to make license revocation a mandatory penalty for first time DWI offenses and also on the willingness of some courts to impose this penalty.

In recent years, however, public concern over drunken driving has resulted in new legislation to strengthen the penalties for DWI offenses and in greater pressure on the courts to impose these stricter sanctions. One tangible result of this increased concern has been the enactment of administrative per se laws, which can provide for license suspension independent of court action. Currently, 21 States have enacted such legislation (NHTSA, 1986).

The increased use of both administrative and judicial license suspensions as a sanction for drunken driving offenses has led to greater use of limited licenses to alleviate the perceived hardship caused by full license suspension. In 1966, only 18 States had laws permitting limited or hardship licenses to be granted. The number had increased to 22 by 1971 and to 38 by 1977 (English, 1977). Currently, 40 jurisdictions—39 States and the District of Columbia—have provisions for issuing hardship licenses to first-time drunken driving offenders.¹ Consequently, there may be a significant risk that some of the highway safety benefits gained from the increased use of license suspensions will be offset by greater use of limited licenses.

OBJECTIVES AND PROCEDURES

A survey of State hardship licensing laws by English (1983) concentrated on the content of the various laws. However, both the State departments of motor vehicles (DMVs) and the courts can have considerable freedom in interpreting the laws. Consequently, the actual operating policies in a given State may display considerable variation and still be within the requirements of the law.

The objective of the first study conducted under this contract was to summarize State practices with respect to issuing hardship licenses. This summary has been published separately (Voas and Meyer, 1986). It focused specifically on hardship licensing for individuals convicted of drunken driving rather than other types of offenses.

To obtain the most up-to-date information about State licensing practices, letters were sent to the directors of the State departments of motor vehicles (DMVs) describing the study and requesting them to designate individuals who could serve as contacts for the study. A contact was needed in each State to provide complete and accurate information about that State's hardship licensing practices. The response to this request was good; ultimately, a

¹ Fewer States grant them to second offenders.

contact for each jurisdiction was identified. Volume I (Voas and Meyer, 1986) contains the names and addresses of these individuals.

Once contacts had been identified, a member of the project research team called each of them and described the data required for the summary of State practices. The State contacts then forwarded the requested information to the project staff, who established a file for each jurisdiction. As might have been expected, the material provided by the States varied considerably, partly as a result of differences in State data-keeping systems. Additional variation in the material received was attributable to the extent to which the courts in the several States were empowered to issue hardship licenses, and whether they could do so without notifying the DMV. In those States where the courts were significantly involved in the hardship licensing process, the DMVs were less likely to have complete information and statistics on the policies and practices.

FINDINGS

The heterogeneity of State laws and practices presented a major problem: to attempt to include a full description of each State's laws and policies in a single document would not be likely to produce a useful report. It is very difficult to obtain an overview of State licensing practices simply by reading each State's legal and policy documents, or even by reading a summary taken directly from those documents. Furthermore, because public attention and pressures have recently been concentrated on decreasing drunken driving offenses, the laws and procedures in this area have been and are changing rapidly.

This section summarizes the information provided by the State DMV contacts as of 1986 and attempts to illuminate both the similarities and differences among State practices.

The following tables present some key data about State practices with respect to alcohol-related offenses, the penalties connected with them, and the issuance and administration of hardship licenses.² The information displayed in summary form here is elaborated in Volume I of this study.

Conditions Under Which Hardship Licenses are Issued

Table II-1 shows: the name used by each State for its special permit; the minimum period (if any) of full suspension of driving privileges for first offense DWI; whether the State suspends (or revokes) the driver's license under administrative per se laws; and, whether there are some offenses, the commission of which precludes issuance of a hardship license. Of the 50 States plus the District of Columbia, 40 jurisdictions grant hardship licenses to DWIs whose licenses would otherwise be suspended or revoked.

States use eight terms — and several additional variations of them — to denote the special permits granted to drivers who have committed alcohol-related offenses. Most of these terms are the same as those used for special licenses granted to drivers who have committed other types of traffic offenses. In one case, however, the term used indicates its alcohol-related offense origin: Virginia calls its hardship license an "ASAP Restricted Permit."

² Some States issue hardship licenses following other types of traffic offenses, but not after alcohol-related offenses. This report concerns only hardship licenses available to drivers who commit an alcohol-related offense for the first time.

TABLE II-1
CHARACTERISTICS OF STATE HARDSHIP LICENSING PROGRAMS

STATE	HARDSHIP LICENSE	NAME OF HARDSHIP OR RESTRICTED PERMIT	MINIMUM SUSP.	HAS ADMIN. PER SE LAW SUSP.	OFFENSES AFTER WHICH NO HARDSHIP PERMIT ALLOWED
Alabama	No				
Alaska	Yes	Limited License	30 days	Yes	Refusal
Arizona	Yes	Hardship License	30 days	No	
Arkansas	Yes	Work Permit	None	No	
California	Yes	Restricted Permit	None	No	
Colorado	Yes	Probationary Lic.	None	Yes	
Connecticut	No				
Delaware	Yes	Conditional Lic.	90 days ¹	Yes	
Dist. of Col.	Yes	Lim.Restr.Occ.Lic.	None ¹	Yes	Refusal
Florida	Yes	Hardship License	None	No	
Georgia	Yes	Limited Driv. Per.	None	No	
Hawaii	Yes	Restricted License	30 days	No	
Idaho	Yes	Restr. Driv. Per.	None	No	Refusal
Illinois	Yes	Restr.Driv.Per. ²	30 days	Yes	
Indiana	Yes	Probat. Driv. Lic.	30 days	Yes	Refusal
Iowa	Yes	Work Permit	None	Yes	
Kansas	Yes	Restr. License	21 days	No	
Kentucky	No				
Louisiana	Yes	Hardship License	30 days ¹	Yes	
Maine	Yes	Work-Restr. Lic.	None	Yes	
Maryland	Yes	Restr. License	None	No	
Massachusetts	Yes	Limited License	30 days	No	Refusal
Michigan	Yes	Restr. License	None	No	
Minnesota	Yes	Limited License	None	Yes	
Mississippi	Yes	Hard/Restr. License	45 days	Yes	
Missouri	Yes	Limited Hard. Lic.	None	Yes	
Montana	Yes	Probationary Lic.	90 days	No	
Nebraska	No				
Nevada	Yes	Restr. License	45 days	Yes	
New Hampshire	No				
New Jersey	No				
New Mexico	Yes	Limited License	90 days ¹	Yes	Per Se & Refusal
New York	Yes	Conditional Lic.	None	No ²	Refusal ³
North Carolina	Yes	Limited Driv. Priv	None	Yes	
North Dakota	Yes	Temp. Restr. Lic.	30 days	Yes	Refusal
Ohio	Yes	Occupational Lic.	None	Yes ⁴	
Oklahoma	Yes	Occupational Lic.	6 mos.	Yes	DUI conviction
Oregon	Yes	Occupational Lic.	None	Yes	
Pennsylvania	No				
Rhode Island	No				
South Carolina	Yes	Provisional Lic.	None	No	
South Dakota	Yes	Restr.Driv. Lic. ²	None	No	
Tennessee	Yes	Limit/Restr. Lic.	None	No	DWI w/death or injury
Texas	Yes	Occupational Lic.	None	No	
Utah	No				
Vermont	No				
Virginia	Yes	ASAP Restr. Permit	None	No	
Washington	Yes	Occupational Lic.	None	No	
West Virginia	No			Yes	
Wisconsin	Yes	Occupational Lic.	None	No	
Wyoming	Yes	Probationary Lic.	None	Yes	

1. Applies to some offenses or types of suspension, but not all.
 2. Temporary suspension is mandated for repeat offenders within 5 years.
 3. New York only issues hardship licenses after an alcohol test refusal if there is a related alcohol conviction.
 4. License suspension limited to certain conditions (e.g., 2nd offense, serious injury accidents).

Of the 40 jurisdictions which issue hardship licenses, 25 do not require a period of total suspension of driving privileges. The minimum full-suspension periods of the remaining States vary from 30 days to 90 days. In a number of States, the length of the full-suspension period varies depending on the offense committed. The periods cited in the table are the shortest required; the lengths of other suspension periods are noted in Volume I of this study.

Of the 40 States which issue limited licenses to first offense drinking drivers, 10 have special prohibitions on issuing limited licenses:

- Oklahoma – prohibits a hardship license if the individual is convicted in court, but permits it if the license is suspended under the administrative per se law,
- Tennessee – does not provide a hardship license to an offender whose conviction resulted from an accident involving death or injury,
- New Mexico – does not grant hardship permits after a per se law offense or a chemical test refusal,
- Alaska, Idaho, Indiana, New York, North Dakota, the District of Columbia and Massachusetts – do not issue hardship licenses to chemical test refusers.

These regulations appear to be directed at motivating offenders to submit to the breath test. No State which provides hardship licenses for DWIs prohibits issuing such licenses to drivers who are suspended as a result of taking the test and producing a result over the per se limit.

Reasons for Granting Hardship Licenses

Table II-2 shows the major criteria used in granting hardship licenses, whether participation in a treatment/education program is required to be eligible for a limited license, and whether hardship licenses are granted to repeat offenders as well as first offenders.

Only 34 jurisdictions specify criteria for granting (or withholding) hardship licenses, and three of these note only that the decision is left to the court's discretion. Of the remainder, 27 specify that the applicant demonstrate his/her need to drive, whether for work-related purposes or for other acceptable reasons, such as transportation for medical treatment or to rehabilitation programs. Eleven require that the issuing authority determine that granting a hardship license would not jeopardize public safety, and eleven (including five of those which cite a safety requirement) require that the applicant have a good driving record prior to the alcohol offense.

Twenty-seven of the States which issue hardship licenses have some requirement that the offender participate in either an education or a rehabilitation program. There is considerable variation as to whether:

- the program must be completed before the special permit will be issued;
- the reasons include enabling the offender to drive to and from program sessions;
and

**TABLE II-2
CHARACTERISTICS OF STATE HARDSHIP LICENSING PROGRAMS**

STATE	HARDSHIP LICENSE	MAJOR CRITERIA FOR HARDSHIP LICENSES	REHABILITATION PROGRAM REQUIREMENT	ISSUED ONLY TO FIRST OFFENDERS
Alabama	No			
Alaska	Yes	Work need; public safety	Not specified	No
Arizona	Yes	No major injury; BAC.20	No	No
Arkansas	Yes	Employed; need	Yes	Yes
California	Yes	On probation	Yes	Yes ¹
Colorado	Yes	Need; public safety; record	No	Yes
Connecticut	No			
Delaware	Yes	Need; public safety	Yes	Yes
Dist. of Columbia	Yes	Need; public safety; record	Yes	No
Florida	Yes	Need	Yes	No
Georgia	Yes	Need	Yes	No
Hawaii	Yes	Court's discretion	No	Yes
Idaho	Yes	Need; rehabilitation	Yes	Yes
Illinois	Yes	Need; public safety; record	Yes ¹	Yes ¹
Indiana	Yes	Need; public safety; record	Sometimes	Yes
Iowa	Yes	Need	No	Yes
Kansas	Yes	Public safety; record	Sometimes	Yes
Kentucky	No			
Louisiana	Yes	Need	No	No
Maine	Yes	Need; public safety	Yes	Yes ¹
Maryland	Yes	Need	Yes	Yes
Massachusetts	Yes	Need; pub. safety; treatment	Yes	Yes
Michigan	Yes	Need, sworn to under oath	Sometimes	No
Minnesota	Yes	Need; record; treatment	Not specified	Yes
Mississippi	Yes		Yes	No
Missouri	Yes	Need; record	Sometimes	No
Montana	Yes		Yes	Yes
Nebraska	No			
Nevada	Yes	Need; public safety; record	Not specified	No
New Hampshire	No			
New Jersey	No			
New Mexico	Yes		Sometimes	Yes
New York	Yes	Need; has been convicted	Yes	No
North Carolina	Yes	Need; employed; record	Yes	No
North Dakota	Yes		Yes	No
Ohio	Yes	Judge's discretion	Sometimes	Yes
Oklahoma	Yes	Need; public safety	No	Yes
Oregon	Yes	Need	Yes	Yes
Pennsylvania	No			
Rhode Island	No			
South Carolina	Yes		Yes	No
South Dakota	Yes	Need	No	No
Tennessee	Yes	Court's discretion	Not usually	No
Texas	Yes	Need; record	Yes	Yes
Utah	No			
Vermont	No			
Virginia	Yes		Yes	Yes
Washington	Yes	Need; record; valid license	No	No
West Virginia	No			
Wisconsin	Yes	Under suspension, revoc.	No	Yes
Wyoming	Yes	Need	Yes	Yes

1. Applies to some offenses or types of suspension, but not all.

- the hardship license will be cancelled if the offender doesn't attend or doesn't make progress in the program.

The duration and content of the required programs also varies greatly from State to State and within States. Most State laws simply require that an offender attend an approved education or rehabilitation program.

Even in those States which do not require attendance of a program by statute, the courts can generally direct offenders to attend a program as a condition of receiving a hardship license. In a few States, satisfactory completion of a rehabilitation program can offset some of the penalties incurred – as, for example, when a license can be reinstated before the full suspension period has elapsed if the program has been completed.

Twenty States generally do not issue hardship licenses to repeat offenders. Most of those that do, make it more difficult for second offenders to acquire them. Several States that provide hardship licenses for second offenders do not grant them to third offenders. There also is a general tendency to require a longer period of full-suspension before a second DWI offender is granted a special permit. Thus, it appears that, although State legislatures are generally sympathetic toward the hardship caused by suspending a driver's license after a first offense, they are less inclined to extend that sympathy to repeat offenders.

Types of Driving Permitted

Table II-3 shows the types of driving permitted with a hardship license, the results of violating the conditions of the hardship license, and the results of violating other traffic laws. Eleven of the States which grant hardship licenses either leave the determination of acceptable driving purposes to the courts or the DMV or specify neither acceptable types of driving nor who is to decide acceptability. The other 30 States all permit some driving in connection with work – commuting, driving on the job, driving to seek work, or all three types. One State – Michigan – specifically prohibits driving trucks or chauffeuring on a hardship license, although other work-related types of driving are allowed.

Additional permitted types of driving vary greatly. A number of States allow driving to and from school, medical facilities or rehabilitation programs. A few States also accept driving to church, driving dependents on essential trips (such as medical visits) and other miscellaneous types of driving as decided by either the courts or the department. Even the most generous regulations, however, stipulate that the hardship license is available only to allow needed transportation and to mitigate undue hardship; it is not to be used for recreational driving.

As specified by law, the results of violating permit conditions range from cancellation or revocation of the hardship license, through extension of the suspension or revocation period, to fines and jail sentences. Most States simply revoke the special permit. A few impose extra penalties or treat the violation as an additional offense. Some vary the penalties depending on the seriousness of the violation.

Fourteen States impose the same penalties for violating permit conditions as for violating other traffic laws. The two offenses are considered equivalent, insofar as the administration of the hardship licensing program is concerned. Other States either specify somewhat

TABLE II-3

CHARACTERISTICS OF STATE HARDSHIP LICENSING PROGRAMS

STATE	HAS HARDSHIP LICENSE	TYPES OF DRIVING PERMITTED WHILE USING HARD. LICENSE	RESULTS OF PERMIT CONDITION VIOLATIONS	RESULTS OF TRAFFIC LAW VIOLATIONS
Alabama	No			
Alaska	Yes	Determined by court	Not specified	Not specified
Arizona	Yes	To work, rarely other	Jail, if convicted	Not specified
Arkansas	Yes	To work	Not specified	Not specified
California	Yes	Work, treatment	Like driving while rev	Not specified
Colorado	Yes	Work, treatment, school	Revocation	Revocation
Connecticut	No			
Delaware	Yes	Work, specified other	Revocation, extension	Not specified
Dist. of Col.	Yes	Determined by Department	Revocation, extension	Revocation,extension
Florida	Yes	Work,school,church,med,other	Revocation, extension	Not specified
Georgia	Yes	Work, school, medical	Revocation	Revocation
Hawaii	Yes	Work, treatment	Jail, fine, extension	Not specified
Idaho	Yes	Work, treatment, other	Revocation	Revocation
Illinois	Yes	Work, treatment, medical	Revocation	Revocation
Indiana	Yes	Work-related	Revocation, extension	Revocation,extension
Iowa	Yes	Work,school,treat.,med,other	Revocation	Revocation
Kansas	Yes	Determined by court	Revocation, extension	Revocation,extension
Kentucky	No			
Louisiana	Yes	Work, treatment, other	Revocation, extension	Revocation,extension
Maine	Yes	Determined by department	Revocation	Not specified
Maryland	Yes	Work,school,treatment,med.	Revocation	Revocation
Massachusetts	Yes	Determined by Department	Not specified	Not specified
Michigan	Yes	Go to work,school,treat. ⁵	Not specified	Not specified
Minnesota	Yes	Work, school, treatment	Suspension	Not specified
Mississippi	Yes	Not specified	Treated as new offense	Not specified
Missouri	Yes	Work	Not specified	Revocation
Montana	Yes	Determined by department	Revocation	Not specified
Nebraska	No			
Nevada	Yes	Not specified	Not specified	Not specified
New Hampshire	No			
New Jersey	No			
New Mexic	Yes	Work	Suspension	Suspension
New York	Yes	Work, school, treat, other	Not specified	Revocation
North Carolina	Yes	Work, specific routes	Revocation	Not specified
North Dakota	Yes	Work, other	Revocation	Not specified
Ohio	Yes	Determined by court	Revocation	Not specified
Oklahoma	Yes	Work	Revocation	Not specified
Oregon	Yes	Work, work search, treatment	Revocation	Note specified
Pennsylvania	No			
Rhode Island	No			
South Carolina	Yes	Determined by department	Not specified	Revocation,extension
South Dakota	Yes	Work	Revocation	Not specified
Tennessee	Yes	Work, school, specific other	Revocation	Revocation
Texas	Yes	Work	Revocation, extension	Revocation
Utah	No			
Vermont	No			
Virginia	Yes	Work,treatment,specif.times	Revocation	Not specified
Washington	Yes	Work, specific areas & routes	Revocation	Not specified
West Virginia	No			
Wisconsin	Yes	Work, church, treatment	Revocation, extension	Revocation,extension
Wyoming	Yes	Determined by department	Revocation	Revocation

5. Michigan specifically prohibits use of hardship licenses in conjunction with chauffeurs' and truck drivers' licenses.

different penalties for violating traffic laws or let the penalties depend on the nature of the offense committed.

Responsibility for Issuing Hardship Licenses

Table II-4 shows the agency that issues hardship licenses – the courts, the motor vehicle department, or both – and whether an SR-22 "proof of future financial responsibility" (or its equivalent) is required to get a hardship license or to reinstate the regular driver's license. Sixteen States give the function of granting hardship licenses to the courts. Nineteen allocate it to the DMV. The remaining five either allow both agencies to issue special permits or divide the function between them, depending on the offense committed.

With respect to demonstrating future financial responsibility, 19 States require offenders to submit the SR-22 form to be granted a special permit and one requires it for some offenses but not for others. Seventeen States – some of which, but not all, are the same as above – require first offenders to file SR-22 (or comparable) forms before they can reinstate their licenses in all cases. Five others require it after some, but not all, offenses.

TABLE II-4

CHARACTERISTICS OF STATE HARDSHIP LICENSING PROGRAMS

STATE	HAS HARDSHIP LICENSE	AGENCY ISSUING HARDSHIP LICENSE	SR-22 NEEDED FOR HARDSHIP LICENSE	SR-22 NEEDED FOR REINSTATEMENT
Alabama	No			
Alaska	Yes	Both	No	Yes
Arizona	Yes	Court	Yes ⁷	Yes
Arkansas	Yes	Department	Yes ⁷	Yes
California	Yes	Court	No	No
Colorado	Yes	Department	No	Yes ¹
Connecticut	No			
Delaware	Yes	Department	No	No
Dist. of Col.	Yes	Department	No	Yes
Florida	Yes	Both	Yes	Yes
Georgia	Yes	Court	No	No
Hawaii	Yes	Court	No	Yes
Idaho	Yes	Court ²	Yes	Yes
Illinois	Yes	Both ²	Yes	Yes
Indiana	Yes	Court	No	Yes
Iowa	Yes	Department	Yes	Yes
Kansas	Yes	Court	Yes	Yes
Kentucky	No			
Louisiana	Yes	Department	No	No
Maine	Yes	Department	No	No
Maryland	Yes	Department	No	No
Massachusetts	Yes	Department	No	No
Michigan	Yes	Court	No	No
Minnesota	Yes	Department	No	No
Mississippi	Yes	Court	No	Yes ¹
Missouri	Yes	Court	Yes	Yes
Montana	Yes	Department	No ⁶	No ⁶
Nebraska	No			
Nevada	Yes	Department	Yes	Yes
New Hampshire	No			
New Jersey	No			
New Mexico	Yes	Department	Yes	No
New York	Yes	Department	No	No
North Carolina	Yes	Court	No	No
North Dakota	Yes	Department	Yes	Yes ¹
Ohio	Yes	Both	No ⁶	Yes ¹
Oklahoma	Yes	Department	No	No
Oregon	Yes	Department	Yes	Yes ¹
Pennsylvania	No			
Rhode Island	No			
South Carolina	Yes	Department	Yes	Yes ¹
South Dakota	Yes	Both ²	Yes ¹	Yes ¹
Tennessee	Yes	Court	Yes	Yes
Texas	Yes	Court	Yes	Yes
Utah	No			
Vermont	No			
Virginia	Yes	Court	Yes	Yes
Washington	Yes	Department	Yes	No
West Virginia	No			
Wisconsin	Yes	Court	Yes	No ⁶
Wyoming	Yes	Department	Yes	Yes

1. Applies to some offenses or types of suspension, but not all.
2. There are two types of permits, one issued by the motor vehicle agency and the other by the courts.
6. Applies to repeat offenders, but not first offenders.
7. Must have applied for an SR-22 before the Work Permit is issued.

III

THE GENERAL DETERRENCE EFFECTS OF HARDSHIP LICENSURE

License suspension, like any other punishment, is expected to have a broader effect than simply restricting the driving of those whose licenses have been suspended. The mere prospect of having one's license suspended is expected to deter the general motoring public from these behaviors likely to lead to license suspension, including driving while intoxicated. If this expectation were realized, it would extend the deterrent effect of license suspension to the entire motoring public. The potential contribution to the public's safety to be gained in this way far outstrips that obtainable from the direct effect on those drivers who have been suspended.

BENEFITS OF GENERAL DETERRENCE

There is general agreement that the most immediate and extensive reductions in drinking-driving behavior can be achieved by programs directed at the general driving public rather than those that focus on dealing with individuals identified as offenders. In the past, the public has often been misled into the belief that most accidents are produced by a few bad or "accident prone" drivers. In fact, extensive research indicates that this is not the case.

Some drivers do have more than their share of the accidents, and some drivers regularly commit drunken driving and other offenses. But these drivers account for only a relatively small portion of the total accidents that occur on the nation's highways. A recent study in California (Gebers and Peck, 1987) of a random sample of 160,000 licensed drivers in California found that approximately 8% of drivers had two moving violations in one year. These drivers accounted for 28% of the next year's accidents. Thus even if we suspended the licenses for a full year of the nearly 10% of drivers who have two traffic offenses, we would reduce the following year's accidents by approximately one in four; three out of four accidents would be unaffected.

Drivers arrested and convicted for driving under the influence of alcohol have a somewhat higher probability of becoming accident involved. But here again, they account for only about one-third of drinking/driving accidents. In a study in Michigan (Filkins, 1983), the driving records of a random sample of 69,000 drivers were drawn and the number of individuals convicted of DWI who were involved in alcohol-related accidents was determined. Only 13% of these drivers had both a drunken driving arrest and a DWI offense. If being convicted of DWI or being involved in an alcohol-related accident had resulted in a complete and permanent suspension of the driving license, 36% or approximately one in three of the drinking/driving accidents involving this group would have been prevented.

While the individuals arrested and convicted for drinking and driving were three and one-half times more likely to be in an alcohol-related accident in the future, the majority of drunk driving accidents occurred to drivers who had not previously been arrested or accident involved. To reach this majority, then, requires the implementation of general deterrent countermeasures rather than reliance on specific deterrent programs directed at individuals identified through accidents or convictions.

Studies of Suspension As A General Deterrent

Surveys of the driving public indicate that the driving suspension penalty is one of the best understood and most feared sanctions for drinking and driving. Many studies examining the effect of license suspension on specific deterrence to recidivism among convicted drinking drivers have been conducted. These are summarized in the following section. Yet, despite the importance of general deterrent programs, until recently relatively few studies have been undertaken to determine the impact of license revocation on general deterrence.

Most attempts to assess the effect of DWI programs upon the general public have dealt with increased enforcement of existing laws rather than changes in sanctions. Ross (1976) in his world-wide survey of DWI programs concludes that well publicized enforcement which increases the perception of apprehension is much more important than the severity of penalties. Perhaps, in part as a result of this study, research emphasis has been focused on increasing enforcement rather than on the effects of penalties in studies of general deterrence.

ADMINISTRATIVE REVOCATION STUDIES

Recently, with the enactment of laws providing for "administrative license revocation," there has been increasing interest in license suspension as a general deterrent. A number of studies of the impact of administrative revocation laws have been conducted.

Minnesota was the first State to enact administrative revocation, and evaluations of this law indicated that suspensions for drunken driving increased significantly following passage of the law and continued to climb during a period when alcohol-related accidents were falling (Reeder, 1981). Because the national trend in alcohol-related accidents was downward during this same period, it was difficult to determine the extent to which the administrative revocation law produced the observed reduction in accidents.

Ross (1987) conducted a time series study of accidents before and after the passage of an administrative revocation law in New Mexico which became effective on July 1, 1984. He found that, prior to July 1984, 66% of the drivers and pedestrians in fatal crashes had illegal blood alcohol concentrations. After that date the percentage of illegal BACs was reduced by 10 percentage points to 56%.

Perhaps the most impressive evidence for the impact of administrative revocation is provided by a recent study by Zador et al. (1988). These researchers studied all 50 states, 18 of which had administrative license suspension laws, over an eight-year period (1978 to 1985). They used statistical procedures to compare accident experience within a State before and after its enactment of the administrative per se law. They also compared the accident experience in administrative per se States to that of similar adjacent States without such laws. Their results indicated that the enactment of an administrative license suspension law reduced overall fatal accidents by 4.6% and reduced nighttime fatal accidents, when the percentage of drivers with illegal BACs is high, by 11.4%.

Another recent study completed by Blomberg, Preusser, and Ulmer (1987) showed a decline of approximately 20% in what appear to be alcohol-related crashes following institution of mandatory license suspension for first-time DWI conviction. A two-year media campaign to increase public awareness of the mandatory license suspension seemed to produce an additional decrease of approximately 15% in alcohol-related accidents. However, the

author's noted that "this additional reduction was not consistently demonstrated in the analysis conducted. It was apparently confined to the first four months of the media effort, and there is no evidence that the reduction continued beyond the life of the program." The assessment of effects was confined to accidents and did not examine DWI convictions.

There is now some accumulated evidence for the expected impact of the license suspension penalty upon the general driving public. Based on these results, administrative suspension laws are being promoted by the National Commission Against Drunk Driving and the National Highway Traffic Safety Administration as an effective method for reducing drunk driving accidents. Currently 21 of the 50 States have such laws. The widespread adoption of administrative revocation laws should present additional opportunities to evaluate the role of license suspension in general deterrence. But, whatever effect the prospect of license suspension may have upon drivers in general could be undermined by the knowledge that the greatest inconvenience caused by suspension – inability to get back and forth to work – could be overcome through issuance of a hardship license.

There is reason to be skeptical about the extent to which the availability of a hardship license would undermine the effects of a license suspension. First, one may reasonably doubt that the majority of drivers are even aware of provisions governing issuance of hardship licenses in their States. Second, those aware of hardship licensing provisions may not be very strongly influenced by a subtlety in what they perceive to be a remote prospect – having their licenses suspended. However, inasmuch as license suspension seems to be one of the few effective general deterrents to drinking and driving, the possible effect of a hardship license warrants concern.

THE GENERAL DETERRENCE EFFECT OF KNOWLEDGE ABOUT HARDSHIP LICENSING

Since hardship licensing applies to everyone or no one, its effects cannot be readily evaluated through a controlled experiment. The only course left open is the before-after study much like that used by Blomberg et al. to assess license suspension. Two obstacles to such an approach are encountered in the case of hardship licensing:

- legislation either authorizing or prohibiting hardship licensing is generally part of some larger package of DWI legislation, the effect of which would likely mask the effects of hardship licensing, and
- the public is unlikely to be aware of the legal subtleties involving issuance of hardship licenses.

The possibility that the public might be unaware of hardship licensing can be used to advantage. While enactment of a hardship licensing law cannot be experimentally controlled, dissemination of information concerning – and therefore the public's knowledge of – the law can be controlled for experimental purposes. Blomberg et al. used this approach in assessing alcohol-related accident experience following an information program publicizing mandatory suspension.

A study conducted as part of the research project reported here, attempted to assess the impact of hardship licensing upon the effects of suspension by informing drivers that hardship licenses were unavailable where such was indeed the case. While it would have been desirable

to perform a study in a State that issues hardship licenses to see what happened when drivers were apprised of that fact, the prospects of a State allowing such a study to be run were remote.

Knowledge of Hardship Licenses

For information about a law to act as a substitute for passage of the law itself, the public must be largely ignorant of the law prior to the time the information is disseminated. To assess the extent of the public's ignorance of hardship licensing, samples of 200 drivers in each of four States prohibiting hardship licensing were asked about the conditions under which the hardship license might be issued. The States were Utah, Kentucky, New Jersey, and Connecticut. To distinguish true knowledge of the law from what drivers simply thought was the law, the same questions were asked of drivers in two States that *do* issue hardship licenses to convicted DWIs: Arizona and Minnesota.

The following question was given in written form to samples of 200 drivers appearing at licensing stations to renew their licenses:

"Under what conditions would you be permitted to drive after your license has been suspended for driving-while-intoxicated?

- a. If no public transportation were available.
- b. If you could prove it would impose severe hardship.
- c. If the person's livelihood depended upon driving.
- d. Only under special circumstances.
- e. Under no circumstances."

Drivers coming in to renew their licenses on any given day constitute a fairly representative cross section of drivers in general. The responses to the questionnaire therefore provided a reasonably accurate picture of what the public in each State knew, or thought it knew, about hardship licensing. The results of the questionnaire appear in Table III-1.

TABLE III-1

THE PUBLIC'S "KNOWLEDGE" OF CONDITIONS UNDER WHICH HARDSHIP LICENSES MAY BE ISSUED IN STATES THAT DO AND DO NOT ACTUALLY ISSUE HARDSHIP LICENSES.

Conditions	% SELECTING EACH RESPONSE							
	DONT ISSUE					DO ISSUE		
	NJ	KY	UT	CT	Total	MN	AR	Total
No public transportation	9	2	17	12	10	11	4	8
Severe hardship	15	17	19	19	18	22	12	17
Livelihood	25	23	18	21	22	32	17	25
Unusual circumstances	17	15	18	23	18	15	17	16
No circumstances	35	42	27	26	32	21	33	27

Within those States that do not issue hardship licenses to suspended DWIs, the proportion of drivers who appeared to be aware of that fact ranged from 25% in Connecticut to 42% in Kentucky. The fact that it was the single most commonly given answer might seem to indicate some knowledge of the law in those States. However, it is also arguably the most common response in the two States that do issue hardship licenses.

Comparing the answers across the two "totals" columns, similarities are more striking than differences. Differences between the percentage totals do not exceed 5% (32% to 27%). The results strongly suggest that answers given by drivers reflect what they think the law probably is rather than true knowledge as to its content.

Insofar as the study of deterrence is concerned, knowledge as to the true provisions of the hardship license law was deficient enough in the States not issuing such licenses to make it at least possible that informing the public about the facts would have a deterrent effect.

Experimental Design

An attempt to assess the effect of hardship licenses upon drinking-driving offenses through use of an information dissemination program was carried out in New Jersey³. While New Jersey motorists were not as uninformed concerning hardship licensing as those in Utah and Connecticut, New Jersey offered the advantages of (1) mail-out renewal application, in which information concerning the hardship license could be inserted, (2) two-year renewal cycle, allowing a quarter of the State's population to be reached in a 6-month period, and (3) ability and willingness to provide follow-up DWI violation records.

The New Jersey evaluation was a *non-random experiment*. Over a six month period, drivers whose licenses were scheduled for renewal in a given month were alternately assigned to treatment and control groups. The control group consisted of drivers whose licenses were scheduled for renewal in October 85, December 85, and February 86. The treatment group consisted of drivers whose licenses were scheduled for renewal in November 85, January 86, and April 86. (March is scheduled for renewal of commercial vehicle licenses. Only a handful of licenses for drivers in general are scheduled during that month.) Sample sizes were as follows:

	Control		Treatment
October	101,444	November	114,919
December	217,351	January	203,422
February	193,505	April	185,509
Total	512,300	Total	503,850

While a random experiment would have been more desirable, it would have required stuffing over half a million envelopes by hand. This was a practical impossibility. In the procedure employed, information describing hardship licensing could be inserted in all envelopes mailed out within the month. Actually, under the procedure employed in New

³ Mr. Edwin G. Lawler of the New Jersey Division of Motor Vehicles arranged for the distribution of informational materials to drivers and the collection of drinking-driving violation data.

Jersey, an entire month's mailing took place over a three-day period at the beginning of the month prior to that in which licenses must be renewed.

To assess the equivalency of the treatment and control groups, records of DWI violations during the six months prior to scheduled renewal were analyzed. (Unfortunately, a major change within New Jersey's traffic record system prevented capture of more than six months "prior" records.) The percent of drivers convicted of drinking-driving related offense during the six months prior to renewal were: Control – .00315; Treatment – .00312. It is evident that the two groups were essentially equivalent with respect to prior records ($X^2 = .1260$).

Information Program

To inform those in the treatment group of hardship licensing provisions, an attention-getting insert was prepared for inclusion with the license renewal application. Use of the renewal application at least assured that applicants would open the letter and see the announcement, something that could not be assured in a stand-alone direct mail piece. The information piece was the size of an ordinary business envelope and printed on both sides. In a question-and-answer format, it disclosed that suspension for DWI results in a complete loss of driving privilege and that no special licenses would be available to suspended drivers for commuting or any other reason.

Follow-up Data Collection

In December of 1987, records of all drivers making up the experimental treatment and control groups were accessed. From the records were pulled all convictions for drinking-driving offenses for the twelve-month period following the scheduled license renewal date. Obtaining records in December of 1987 meant at least six months had elapsed since the end of the twelve-month period for the last group licensed, April 1986. The six-month period was needed to assure that all offenses occurring during the follow up period would have been adjudicated and the convictions posted.

Results⁴

The distribution of drinking-related violations for drivers in the treatment and control groups appears in Table III-2.

TABLE III-2
NUMBER OF TREATMENT AND CONTROL GROUPS HAVING DRINKING-RELATED VIOLATIONS OVER THE TWELVE MONTH PERIOD FOLLOWING DATE OF SCHEDULED RENEWAL

Group	Violations	No Violations	Total	Violations Per Cent
Control	2724	509,576	512,300	.53
Treatment	2591	500,551	503,142	.51

⁴ Mr. Langston Spell and Mr. Joseph Stangle of National Con-Serv, Inc. handled the processing of violation data.

The two groups appear to be highly similar with respect to proportions convicted of various numbers of drinking-related violations. The percent of drivers having violations were .53% and .51% for Controls and Treatments respectively. A chi-square test applied to the actual frequency found the slight difference in numbers was non-significant ($X^2 = 1.27$).

The failure of the information program to have a discernible impact upon drinking/driving offenses may be due to (1) failure of the information to be absorbed and retained, and/or (2) failure of the knowledge to influence behavior. A telephone survey was undertaken in which a random sample of 50 license applicants from each renewal month was queried as to whether hardship licenses were available in New Jersey. The calls were made approximately six months after each renewal month.

The query as to hardship licensing was preceded by questions dealing with size of fine, jail sentence, and license suspension. These "warm up" questions were intended to induce drivers to treat the question concerning hardship licensing rather matter-of-factly and respond with what they thought to be the truth rather than what the interviewer wanted to hear. Results obtained from the question regarding hardship licensing appear in Table III-3.

TABLE III-3
RESPONSES OF TREATMENT AND CONTROL GROUPS TO QUESTIONS CONCERNING
CONDITIONS UNDER WHICH A HARDSHIP LICENSE IS ISSUED

Condition	Treatment n = 238	Control n = 273
No public transportation	5%	8%
Livelihood	8%	10%
Severe hardship	8%	12%
No circumstances	72%	68%
"Don't know"	5%	3%

The two groups appear to be approximately equal in knowing that hardship licenses are not issued in New Jersey. What is most surprising is not the similarity between groups, but the fact that the percentage of telephone interviewees responding correctly was approximately twice the percentage responding correctly in the written questionnaire that preceded this study (Table IV-1).

There is no ready explanation for the difference in correct responses. Nothing occurred in the State of New Jersey that should have suddenly doubled its inhabitants' knowledge concerning hardship licensing. More likely, the results reflect differences in perception rather than knowledge. The results shown in Table IV-3 strongly indicate that responses to the questionnaire were largely guesswork, in that the answers were the same from State to State regardless of the law. Being asked the question over the telephone may have tended to imply that hardship licenses were hard to get ("why would they be running a telephone survey if hardship licenses are easy to get?"). Quite possibly the questions concerning fines, jail terms and suspension, instead of disarming the interviewees, gave a menacing tone to the survey.

It is impossible to tell from the results of the telephone survey whether the message succeeded in getting through to substantial numbers of drivers in the treatment group. However, it does not seem as though the treatment group was much more knowledgeable than the control group. Those in the treatment group appear either not to have read the notice or not to have considered this message important enough to remember. The distinction is

probably not very important from a practical standpoint. If the steps that were taken to inform drivers as to the unavailability of a hardship license failed to have an impact, it is doubtful that the availability or unavailability of a hardship license will have much effect either.

Conclusion

While the study described in this section of the report was less than conclusive, it strongly indicates that availability of the hardship license has a negligible effect upon the general deterrence value of license suspension. It is possible that availability of hardship licenses could undermine the effect of license suspension if drivers were truly aware of its implications. However, it is altogether possible that drivers who are deterred from drinking/driving violations by the prospect of license suspension are no more intimidated by the fact that a hardship license is unavailable.

There may be some for whom the availability of a hardship license makes a difference. However, it would seem that only an extremely potent information/education campaign would succeed in making the lack of hardship licensing look more intimidating. Conversely, it would take more than a news story about the availability of hardship licenses to undermine whatever effect suspension has at the present time.

IV

THE SPECIFIC DETERRENT EFFECTS OF HARSHIP LICENSURE

INTRODUCTION

The impact of license suspension upon accident rates for convicted drinking drivers has received considerable study. Over the last 15 years a number of research investigations involving many thousands of drivers have been conducted principally in the States of Washington, California and North Carolina. This research, which was recently summarized by Peck et al. (1985), supports seven basic conclusions with respect to full suspension and limited licensing with and without treatment program attendance. Each of these conclusions is described briefly below.

1. *Drivers whose licenses are suspended or revoked continue to drive.*

Williams, Hagen, and McConnell (1984) found that approximately 32% of suspended second offenders accumulated driver record entries during the period of their suspension, while twice as many (61%) of the revoked third offenders accumulated driver record entries. Though most States have severe penalties for being convicted of driving while suspended or revoked, relatively few drivers cited for traffic violations while suspended appear to be convicted of this offense. This may be due to the inability of the State to prove that the motorist received adequate notice of his or her suspension. In many States, for example, notice of suspension is sent through the mail rather than served by a law enforcement officer. As a result, when charged with the offense, drivers may avoid conviction by claiming inadequate notice.

2. *Despite the fact that drivers continue to drive while suspended or revoked, license action reduces exposure which in turn reduces total accidents and traffic citations.*

A suspension does not prevent driving entirely, but it does appear to result in a reduction in total mileage and, perhaps, more cautious driving to avoid drawing the attention of the police. Evidence that suspended drivers do reduce the amount of their driving and drive more cautiously was provided by Hagen, McConnell, and Williams through a survey of 2,500 suspended drivers.

Evidence for the effectiveness of license suspension in reducing total accidents and traffic citations comes from a series of studies in Washington (Salzberg, Hauser, and Klingberg, 1981, and Salzberg and Klingberg, 1983), California (Hagen, 1977; Hagen et al., 1978; Hagen, McConnell and Williams, 1980; Sadler and Perrine, 1984; and Tashima and Peck, 1985) and North Carolina (Johns and Pascarella, 1971, and Popkin, et al., 1983). All of these were post hoc studies involving legislative provisions which allowed convicted DWIs to avoid full license suspension if they agreed to attend treatment.

Since drivers were not assigned at random to the two groups (treatment and suspension), it was necessary in all of these studies to control the effect of previous driving record and demographic variables through the use of covariance techniques. The impact of the driving suspension was generally studied using the records of DWIs who were attending alcohol education programs or under treatment for their drinking problems. Thus, in most of these studies the effects of the suspension were confounded with whatever effect treatment produces

on the driving record of offenders. Despite these limitations, the large number of studies that generally agree in finding a reduction in total accidents and total violations, provides a clear demonstration of the effectiveness of license suspension in increasing traffic safety. Based on these consistent results, traffic safety specialists have promoted the use of administrative revocation as a countermeasure for drinking and driving.

3. *Issuing limited licenses to DWIs also lowers exposure and reduces total citations and accidents but to a lesser extent than full suspension.*

The clearest comparison of full suspension with a limited license was provided by a study in North Carolina (Johns and Pascarella, 1971) which took advantage of a change in the DWI statute providing for the license action penalty. They found that first offenders who received twelve-month license revocation had significantly better post-conviction accident rates than those granted limited driving privileges. The accident rate for the revoked drivers was also lower by half than the rate for a random sample of all drivers. While the limited license drivers had higher accident rates than those fully suspended, the accident rate for these DWIs was not significantly different from the average driver even though their pre-conviction rate was significantly higher than the random sample of all drivers in North Carolina. Thus, these investigators concluded that a limited license was effective in reducing the accident risk of DUI offenders.

Two other studies which involved the comparison of full-suspension with limited licenses, Popkin et al. (1983) in North Carolina and Tashima and Peck (1985), involved drivers who received limited licenses in return for attendance at treatment or in combination with other penalties which obscured the comparison between limited and full suspension.

4. *Adequate treatment programs may have a specific deterrent effect on DWI recidivism.*

Sadler and Perrine (1984), Peck, Sadler and Perrine (1985) and Mann et al. (1983), have reviewed studies of the impact of treatment programs on DWI recidivism and alcohol-related accidents. The studies of the impact of treatment on driver record variables have tended to yield varying results, in part, related to the quality of the treatment programs and the nature of the individuals assigned to the programs studied in any particular research project. Many of the studies reported in the literature involve comparisons between individuals who retain their full license privileges in return for accepting treatment with DWIs who receive full suspension. This confounding of suspension and treatment makes interpretation difficult.

The largest and best controlled study of the impact of treatment on driver record variables which was not confounded with the license suspension penalty was that of Reis (1982). He compared multiple offenders who were given treatment with multiple offenders who did not receive an intervention program where both groups retained their full driving privileges. He found significant reductions in DWI recidivism for certain of the treated groups. However, participation and rehabilitation did not produce significantly lower accident rates.

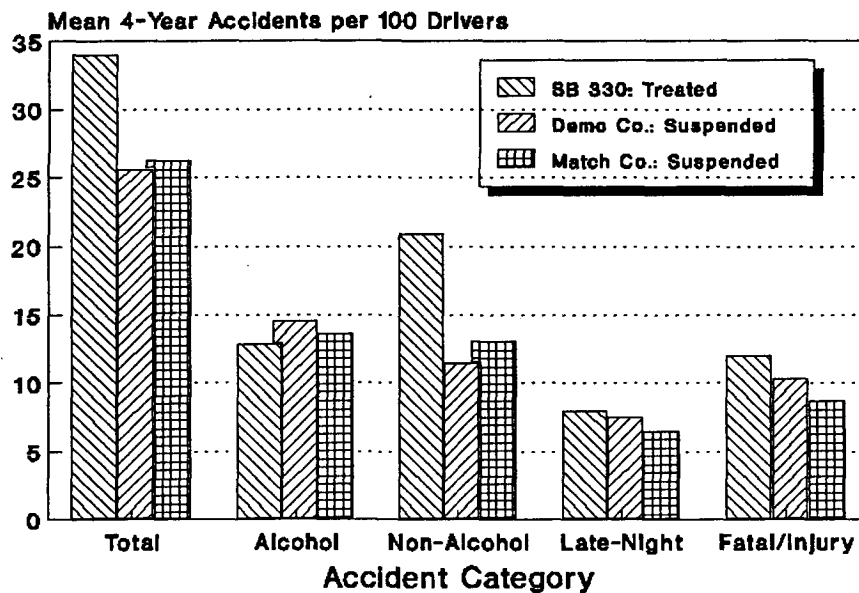
5. *Full-suspension does not appear to have a significant deterrent effect on DWI recidivism and alcohol-related accidents.*

There is strong agreement among all the major studies of license suspension that the reduction in exposure produced by rescinding the driving privilege, reduces overall accidents and violations. However, there is considerable evidence within these studies that the impact

is greater on non-alcohol related accidents and violations than on DWI recidivism and had-been-drinking accidents.

An example of this is shown in Figure IV-1 which compares a group (SB330 participants) which elected to participate in a year-long treatment program in return for retaining the driving privilege with two other groups of convicted DWIs who received 12-month suspensions for second or multiple DWI offenses. As can be seen, offenders who retained their driving privileges in return for attending treatment had more total accidents. However, the difference was made up entirely of a significant increase in non-alcohol-related accidents.

Figure IV-1



Note: Four-year accident rates for the three study groups by category of accident (Sadler and Perrine, 1984).

Those who kept their driving privileges but attended treatment had no more alcohol-related accidents than those who were fully suspended and supposedly not driving. It is unclear whether this effect is due to the failure of full suspension to impact drinking-driving accidents or whether the treatment provided had an effect equal to the license suspension in reducing alcohol-related accidents.

Sadler and Perrine also found that DWIs who received the treatment program in lieu of license suspension had higher survival rates for DWI offenses. Compared to those whose licenses were suspended for DWI convictions, fewer were re-arrested for DWI in the following four years. Salzberg, Hauser, and Klingberg (1981) also found no significant differences in DWI recidivism for offenders who were revoked compared to offenders who elected treatment programs in lieu of license suspension. Tashima and Peck (1985) found that, while offenders who were fully suspended had the lowest total accident rate and the lowest non-alcohol accident rate, DWI offenders who received restricted licenses in return for attending treatment or in conjunction with other severe penalties had lower alcohol-related accident rates and had lower rates for DWI recidivism.

In a pre-post design, Stewart, Gruenewald, and Roth, (1988) compared DWI recidivism rates in three states before and after the passage of administrative per se revocation laws. The results were somewhat equivocal, with one state (Mississippi) showing no effect, one (North Dakota) showing a significant reduction in recidivism and the third (Louisiana) showing no effect among those arrested but a significant reduction among those convicted.

6. *Approximately half of all DWIs suspended fail to reinstate their licenses when they become eligible.*

In his early study of suspension of DWI offenders, Hagen (1977) noted that the apparent impact of the suspension lasted beyond the actual suspension period itself. Sadler and Perrine (1984) noted a similar effect and concluded that this extension of impact may be due to the non-reinstatement of many drivers who were unable to maintain proof of insurance after the termination of their license action. Failing to reinstate their licenses, these drivers probably continued to limit their driving exposure.

Sadler and Perrine based their conclusion on a sub-sample of 800 drivers who served a 12-month license suspension without another conviction, making them eligible at the end of one year for reinstatement. Only about 50% of these drivers ever reinstated during the three-year period following the end of their suspension. Of those who did reinstate within this period, 37% did not restore their driving privilege within six months of the time they became eligible, and 26% did not restore for more than a year after they became eligible. Moreover, among those who did obtain a reinstatement, 63% were resuspended within 12 months and 89% were resuspended within 24 months due to cancellation of insurance. Thus, whatever effect a full driving suspension has upon the reduction in exposure to offenses and accidents tends to continue beyond the official period of license suspension because half of those suspended do not reinstate their licenses for several years and many of those who do reinstate lose them again due to failure to maintain insurance.

7. *In many States only a small portion of those eligible for hardship licenses actually apply for them.*

It is generally assumed that if a hardship or limited license is made available to the public, most of those who receive full suspensions will avail themselves of the opportunity to receive a limited license. In those States, which require hardship license applicants to go through considerable paper work and to obtain evidence of future insurability (SR-22 form), however, less than half of those eligible for hardship licenses actually apply for this privilege.

OBJECTIVE: SEPARATE THE EFFECTS OF SUSPENSION FROM TREATMENT

The studies summarized above which attempted to determine the effect of full suspensions and of restricted licenses on the driving records of DWIs were confounded with the effects of treatment and other penalties. Since lower license sanctions (no action or limited licenses) were associated with attendance at treatment while full suspension was associated with non-attendance, these two penalties were generally confounded and as a result their individual effects on the driver record were difficult to determine.

In an effort to compare full suspension and limited licensing independent of treatment effects, research opportunities were sought out which would avoid this confounding of

penalties. Three potential opportunities were identified early in the program: one in the State of Washington where license sanctions of full and limited license action were applied independent of treatment programs; one in Virginia where all offenders received treatment but license action varied from no action through full suspension within the group attending treatment; and finally, Arkansas, which changed legislation from requiring a full-suspension only to permitting limited licenses at the discretion of the court without changing the treatment program requirements. Each of these studies is briefly described below.

The Washington State Study

One study was conducted in the State of Washington, which provides for a hardship license for the last 60 days of the mandatory 90-day suspension period for first offense DWI. Hardship licenses are available to all offenders who can (1) demonstrate that they are employed, and, (2) provide a letter from their employer. Relatively few (only one in five) of those convicted of DWI apply for hardship licensing. Further, only 30% of the first offenders immediately reinstate their licenses when they become eligible after 90 days.

The objectives of this study were to determine:

- whether the driving records of those who received hardship licenses were better or worse than those who did not apply for these licenses, and
- the effect on driving behavior of immediately reinstating the license as compared to delaying reinstatement or denying reinstatement.

The study in the State of Washington offered the opportunity to determine why, if the driving privilege is so important to offenders, they fail to obtain limited licenses or reinstate their licenses as soon as they become eligible. The study was also designed to determine whether those who apply for and receive hardship licenses are better or worse drivers than those who do not and whether their driving records during and after the period of restriction are better or worse than the records of those who do not seek such licenses.

Virginia Study

A second study was established in Virginia to compare restricted licenses with full suspension while holding the factor of alcohol treatment constant. In Virginia, individuals convicted of first offense drinking and driving are generally assigned to ASAP programs in which they receive a diagnostic evaluation and assignment to treatment. In connection with the assignment to the ASAP program, the courts may substitute a hardship license for the 6-month mandatory suspension.

Since not all those who receive treatment also receive full suspensions, it is possible to study three groups of drivers:

- those who attend treatment and receive a limited license,
- those who attend treatment and receive a full suspension, and
- those who are suspended attend treatment and later receive a hardship license for the rest of the 6-month mandatory suspension.

tant to conduct this study to separate the effect of treatment from the effect of either a restriction or a full suspension of the driving privilege.

Arkansas Study

A third study was planned for Arkansas, where an unusually complete driver record file on convicted DWIs was being compiled from three sources. One source was a State file of all breath test results, including refusals. The second source was a file from the agency responsible for assessment of drinking problem status and treatment programs for convicted DWIs. The assessment form contained a wide range of information on the drinking and driving background of each convicted offender. A final source of input to this file was the State license record. The file was initiated under a contract with the Governor's Highway Safety Office and covered offenders beginning in 1984 and running through the period up to June of 1987.

Unfortunately, when the contract for this record system ran out late in 1986, the contractor did not provide full documentation on the system to the Highway Safety Office. As a result, when the file was queried for the current program, the data were found to be incomplete. The file could not be used in the present analysis. The objective of the proposed Arkansas study had been to determine any change in DWI recidivism rates concurrent with an April 1986 change in the law which permitted judges to provide first offenders with a hardship license. (Prior to that date, no hardship licenses were issued for DWI offenders.) As a result of the loss of the Arkansas data, this section is limited to the studies of the States of Washington and Virginia, each of which is described below.

WASHINGTON STATE STUDY⁵

Sadler and Perrine (1984) noted that a large number of multiple offenders, did not renew their licenses when eligible. They did not study the significance of this decision in relation to subsequent accident and violation involvement. The tendency for suspended drivers not to reinstate when eligible may account in part for the findings of Hagen (1977) and Sadler and Perrine (1984) that the impact of license suspension appears to continue beyond the normal period of suspension.

The purpose of this study was to investigate more closely the effect of a reinstatement decision – and the effect of obtaining a hardship license – on subsequent driving records. The study focuses on two principal questions. First, what are the characteristics of drivers which determine whether or not they will seek and obtain hardship licenses, and whether or not they reinstate their regular licenses when eligible? Secondly, what are the effects on future driving behavior of obtaining – or not obtaining – a hardship license and of reinstating on time – or not on time – a full license?

Background and Methodology

Washington provides a 90-day suspension for first offense DWI. A hardship license may be obtained for the last 60 days of this period, after a minimum of one month of "hard"

⁵ The Washington State study was carried out with the assistance of Dr. Phillip M. Salzberg of the Washington State Department of Licensing. Dr. Salzberg secured, analyzed, and interpreted the data.

suspension. It should be noted that Salzberg and Paulsrude (1983) found that a 30-day suspension for first offenders was ineffective in reducing alcohol-related violations.

Data Base

The data source for the study was a computer file of selected records from the State of Washington Office of Driver Licensing (ODL) driver record system. The program that created the file read the entire driver file and selected a 50% random sample of records having alcohol-related convictions.

Each record included the driver's sex, birthdate, ODL action codes, a maximum of the 15 most recent violations, and a maximum of the seven most recent accidents. These limits were chosen to maximize the completeness of the data while minimizing computer storage requirements. Thus, a complete record was available for drivers who had 15 or fewer violations and accidents. Records that exceeded this cutoff point comprised less than 2% of the file. The data elements for each violation included violation date, conviction date, and violation code. Accident data consisted of accident date, injury and fatality information, and police judgments of sobriety.

The file was created in January 1986, and included all reports of convictions and accidents received by the Department and entered on the record system as of that date. Each record consisted of a five-year driving history covering the time period of 1981 through 1985.

Subjects

The study sample consisted of 5,310 individuals who had been convicted of a first DWI offense. Subject selection was based upon a record entry showing a DWI violation date after July 1, 1983, and a conviction date before July 1, 1984. An additional requirement was that the effective date of license suspension be prior to July 1984. Any subject that had a previous DWI violation was excluded. Multiple offenders were excluded because, in general, they were not eligible for an occupational drivers license (OL).

All subjects were licensed in the State of Washington. Subjects with out-of-state licenses or in-state drivers who had never obtained a Washington license were excluded. These selection criteria resulted in the final sample of 5,310 subjects who had been arrested, convicted, and suspended for a first DWI offense during the time period of July 1983 to July 1984.

Procedure

Study group assignment was based upon record entries of departmental action codes. Subjects who had been issued a hardship license were assigned to the OL group. All other subjects were assigned to the full suspension (FS) group.

A revision of the Washington DWI law (effective July 1983) mandated a 90-day suspension for a first DWI offense, but allowed for a hardship license to be issued after the first 30 days of the suspension. Thus, all subjects received a mandatory license suspension. Those in the OL group had a 30-day full suspension and a limited, work-related driving privilege during the next 60 days, while subjects in the FS group received the full 90-day suspension.

Subjects were also categorized according to when they reinstated their licenses. All subjects were eligible to reinstate at the end of the 90 day suspension. Subjects who reinstated

within 90 days following their eligibility date were assigned to the immediate reinstatement (IR) group. Those who waited more than 90 days following the eligibility date were assigned to the delayed reinstatement (DR) group, and those who had failed to reinstate by January 1986 were assigned to the did not reinstate (NR) group. Assignment to the IR and DR groups was based on a departmental action code indicating the date of reinstatement. Subjects for whom this action code had not been entered on their driving records were assigned to the NR group.

Reinstatement Groupings

Table IV-1, groups 5,310 first offender DWIs from the State of Washington according to their reinstatement times and whether they obtained hardship licenses.

TABLE IV-1
HARDSHIP LICENSING AND REINSTATEMENT TIME OF 5,310 FIRST OFFENDER DWIs IN THE STATE OF WASHINGTON

	IMMEDIATE Reinstatement within 90 days of eligibility; average delay 2.5 weeks	DELAYED Reinstatement within 2 years of eligibility average delay 1 year	NONE No reinstatement within 2 years	TOTALS
Occupational license group	754 14%	331 6%	25 1%	1,110 21%
Full suspension group	808 15%	1,365 26%	2,027 38%	4,200 79%
TOTALS	1,562 29%	1,696 32%	2,052 39%	5,310 100%

As can be seen from the table, 29% of the 5,310 first offenders reinstated immediately when they became eligible; another 32% delayed an average of a year beyond the point at which they were eligible to reinstate their licenses; while nearly four out of 10 of these first offenders did not reinstate their licenses within the two-year post conviction tracking period. With respect to the hardship license, only one out of five of the drivers suspended for a first drunken driving conviction obtained hardship licenses. Overall, only 754 of the 5,310 first offenders, or 14%, were fully protective of their driving privileges as indicated by obtaining hardship licenses and by immediately reinstating their regular licenses when eligible.

Considering the importance which most drivers place upon the driving privilege, it is surprising that so few took action to maximize their driving during the suspension period, and that seven out of 10 did not attempt to reinstate their driving privileges immediately when they became eligible. The reasons for this failure to act are unclear. Undoubtedly, one significant factor is the requirement by the State of Washington Motor Vehicle Department that those applying for a hardship license, and those applying for reinstatement of their regular licenses following suspension, must provide an SR-22 (Evidence of Future Insurability) form from their insurance companies.

A request for an SR-22 form requires the individual to communicate with the insurance company, thereby informing it that he or she has been convicted of drunken driving, and has

been suspended. Based on this information, most insurance companies will double or triple the premium for their liability policies. If, on the other hand, the policy holder does not inform his or her insurance company that there has been a suspension, this information apparently does not reach the insurer⁶. Therefore, the individual can continue to receive liability coverage at the normal rates.

The prospect of a significant financial penalty may discourage DWI drivers from applying for either a hardship license or for reinstatement when eligible. Undoubtedly, other factors contribute to this phenomenon. Since the hardship license covers only 60 days of the 90-day suspension, many drivers may find it too much of a nuisance to apply for a hardship license, which will only cover them for two months. Another significant factor may be the individual's knowledge of the low probability that a driver operating without a valid license will be apprehended and prosecuted for driving without a permit.

Whatever the reasons for the behavior recorded in Table IV-1, it appears to be of considerable significance to the use of driver licensing as one method for controlling driver behavior. If a full suspension prevented driving and resulted in absolutely no exposure, then the failure to reinstate would be of benefit to traffic safety. On the other hand, it is known that suspended drivers continued to operate their vehicles and to accumulate accidents on their records. These accidents and offenses are fewer in number, because of the reduced exposure and, possibly, because of an increased caution motivated by the desire to avoid apprehension for driving without a permit.

Evaluation Design

The group assignment procedures yielded six study groups making up a two by three factorial evaluation design. Each group was defined by the suspension variable (OL versus FS) and the reinstatement variable (IR versus DR versus NR). Table IV-1 shows the sample sizes that resulted from the group assignment procedures.

The dependent variables used for the study were alcohol-related violations, total accidents, moving violations, and license-related violations:

Alcohol-Related Violations – These consisted of reported convictions (and failures-to-appear) for DWI, physical control, convictions reduced from an original DWI charge, and violations of the open-container law.

Accidents – These included reports of accident investigations conducted by law enforcement personnel and reports submitted by individual drivers, as required by the financial responsibility law. Accidents that result in property damage exceeding \$300 or injury or death must be reported. The accident measure used for the study was *total accidents*.

Moving Violations – These included all performance and equipment-related violations.

⁶ As part of this study several insurance companies were contacted to determine their policies with regard to checking State license files. Most responding indicated that they did not routinely do so except for new applicants (Voas and Meyer, 1986).

License-Related Violations—These were driving with a suspended/revoked or expired license, violating license restrictions, no license on person, and altered license.

The sub-set of accidents that involve alcohol was not used as a dependent measure because of artifacts associated with the accuracy of police judgments of sobriety and because of substantial under-reporting of alcohol-related accidents on the DOL record system.

The dependent variables were measured in terms of frequency counts for the time period from the date of the subject's DWI conviction through December 31, 1985. The post-conviction tracking interval ranged from 1.5 to 2.5 years with an average of 1.97 years.

Since subjects had differing record tracking interval durations, it is not appropriate to directly compare accident or violation frequencies among groups. Such comparisons could lead to erroneous conclusions due to both differing observation periods and inflated error variances in the statistical analysis. Thus, the driving performance measures were conditionalized on tracking interval duration by dividing the event frequencies by the interval duration (in years). The resulting dependent measures are expressed in terms of frequencies per year.

Statistical Analysis Techniques

The statistical techniques used were analysis of covariance and multiple regression. The covariates were age, sex, and prior driving record variables including total accidents, alcohol-related violations, moving violations, and license-related violations. In addition, the subset of alcohol-related accidents (while not used as a dependent variable) was included among the covariates in an effort to account for as much of the initial differences among groups as possible.

Prior driving variables were computed as frequency counts for the two-year period preceding each subject's DWI conviction date. In each covariance analysis, the suspension and reinstatement independent variables were assessed after controlling for effects of the covariates. The multiple regression analyses used a hierarchical inclusion procedure with covariates entered into the model first, followed by the dummy-coded independent variables. All analyses used the ANOVA and REGRESSION subprograms of SPSS (Nie et al., 1975).

Results

Two issues were of central interest to this research. First, the characteristics of the offenders which determined their decisions to seek and obtain hardship licenses and to reinstate on time and, secondly, the effect of these license actions on the post-conviction driving records.

Table IV-2 provides data on the correlation between three personal characteristics and five prior driver record variables and whether or not the individual obtained a hardship license and reinstated on time. Correlations were computed by constructing a dummy variable for the hardship license and the time of reinstatement action. Relationships between these variables were also studied through analysis of covariance and the F ratio and the resulting probability statistic is shown for each the seven independent variables in Table IV-2.

TABLE IV-2
PERSONAL CHARACTERISTICS VERSUS HARDSHIP LICENSING AND REINSTATEMENT TIME FOR ALL OFFENDERS WHO REINSTATED

PERSONSONAL CHARACTERISTICS	HARDSHIP LICENSE			TIME OF REINSTATEMENT		
	R*	F	P	R**	F	P
Age	.15	59.82	< .01	.22	136.48	< .01
Gender	.01	.86	—	-.00	.26	—
Prior License Offenses	-.11	30.26	< .01	-.14	40.31	< .01
Prior Moving Offenses	-.05	.06	—	.09	1.07	—
Prior Alcohol Accidents	-.04	8.16	< .01	.01	.01	—
Prior Alcohol Offenses	-.01	.11	—	-.02	.50	—
Prior Accidents	-.01	1.88	—	.00	1.61	—

* Correlation between personal characteristics and dummy variable for occupational licensing
 ** Correlation between personal characteristics and dummy variable for immediate reinstatement

Predictors of License Action

As can be seen, there was a positive correlation between age and both obtaining a hardship license and reinstating on time. While the correlation was small, the relationship is highly significant, older drivers being more likely to obtain a hardship license and to reinstate on time. Gender was not found to be a significant factor in obtaining an hardship license or in time of reinstatement. This may well be a reflection of the increased number of females who are currently employed, resulting in the need for a hardship license being similar for both males and females.

In terms of predicting hardship licensing and on-time reinstatement, the most significant prior driver record factor was the number of prior license offenses. Offenders with license violations are less likely to obtain a hardship license and more likely to delay in reinstating their driving license. The only other factor from the prior driving record which was significantly related to licensing actions was the number of prior alcohol-related accidents. This factor was related only to obtaining a hardship license and not to delaying reinstatement.

The mean values for the personal characteristics found to be significant in predicting hardship licensing and time of reinstatement are shown in Table IV-3. The N on which each of these means is based is provided in Table IV-1. The group that was most protective of its licensing status (those who obtained hardship licenses and reinstated immediately) had the oldest mean age (38 years), while those who did not reinstate within the two-year follow-up period had a mean age of 30. The individuals who obtained hardship licenses and reinstated on time had much lower frequencies of prior license citations (5 per 1,000 for the two years prior to conviction) than did those falling into the other five groups. Those that did not reinstate at all during the two-year period had 10 to 13 times the number of prior license citations.

TABLE IV-3
MEAN VALUES OF THREE FACTORS WHICH PREDICT HARDSHIP LICENSING AND REINSTATEMENT TIME FOR FIRST OFFENDERS

HARDSHIP LICENSE	REINSTATEMENT					
	IMMEDIATE		DELAYED		DID NOT REINSTATE	
	Age	38.05	Age	32.55	Age	29.76
YES	Prior License Offense	5.30	Prior License Offense	10.57	Prior License Offense	48.00
	Prior A/R Acc.	11.27	Prior A/R Acc.	8.76	Prior A/R Acc.	4.00
	Age	35.38	Age	30.69	Age	30.06
NO	Prior License Offense	10.26	Prior License Offense	26.15	Prior License Offense	68.87
	Prior A/R Acc.	19.36	Prior A/R Acc.	13.19	Prior A/R Acc.	14.36

Note: Prior accident and offense rates are based on the frequency per thousand for two years preceding conviction.

Individuals who obtained a hardship license had lower numbers of prior alcohol-related accidents than those who did not obtain a hardship license. There is also a trend toward lower numbers of prior alcohol-related accidents for those who delayed their reinstatement. This trend, however, was not statistically significant.

Impact of License Actions

The second issue of interest in this research was the relationship of hardship licensing and on-time reinstatement to the four dependent variables developed from the two-year driving record subsequent to the conviction for DWI (Table IV-4). In this analysis of covariance, the seven personal characteristics shown in Table IV-2 were used to control for group differences.

TABLE IV-4
RESULTS OF ANALYSIS OF COVARIANCE FOR THE POST-CONVICTION DRIVING RECORD EFFECTS OF HARDSHIP LICENSING AND TIME OF REINSTATEMENT
 N = 5,310 First DWI Offenders

DEPENDENT VARIABLE	HARDSHIP LICENSE		REINSTATEMENT DELAY	
	F	P	F	P
Alcohol Violations	0.23	—	0.51	—
License-Related Violations	14.94	< .01	33.85	< .01
Moving Violations	3.36	< .07	27.44	< .01
Accidents	4.45	< .04	18.74	< .01

Neither hardship licensing nor reinstatement delay was found to be significantly related to subsequent alcohol violations. On the other hand, license-related violations were significantly related to hardship licensing and reinstatement delay. Failure to obtain a hardship license and delay in reinstatement was associated with an increase in number of license-related violations. Other moving violations were unrelated to whether or not an individual had obtained a hardship license but were significantly related to delay in reinstatement. Finally, both hardship licensing and delay in reinstatement were significantly related to the numbers of accidents on the driver records during the two-year follow-up period.

The mean value for the three dependent variables (license-related violations, moving violations, and accidents) which were found to be significantly related to hardship licensing or reinstatement delay are shown in Figure IV-2. As can be seen, the largest mean differences exist in the number of post license-related violations where those without licenses had the most violations. This is hardly surprising since individuals who do not obtain a hardship license and who delay their reinstatement are exposed to a greater probability of being apprehended for driving without a valid permit. On the other hand, being allowed to drive legally, the hardship license holder probably drove more and therefore had a greater number of violations.

Figure IV-2

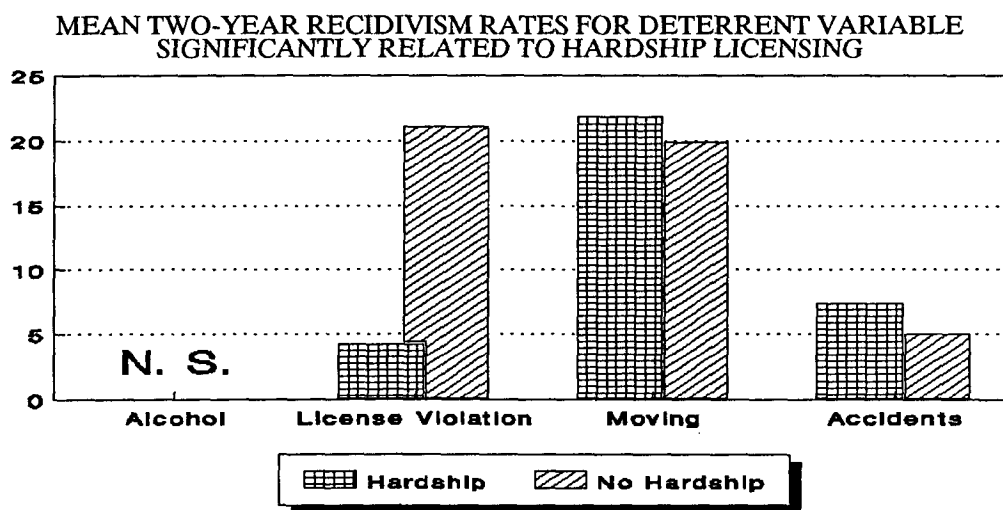


Table IV-5 gives the results subdivided by time of reinstatement. The group that was most protective of its driving privilege (as indicated by obtaining a hardship permit and reinstating immediately) had fewer than two license-related offenses per hundred drivers per year following conviction. Those who did not reinstate during the two-year follow-up period had almost 15 times as many license offenses.

Those who delayed their reinstatement had the largest number of moving violations. It is interesting to note that this group had more such moving offenses than did those who did not reinstate at all. This may be an artifact produced by the inability to determine with certainty when a driver has left the State. One reason for a failure to reinstate during the two-year followup period could be that the individual moved from the State, even though no record of this movement appeared on the driver record.

TABLE IV-5

MEAN VALUES OF DEPENDENT VARIABLES AS A FUNCTION OF HARDSHIP LICENSING AND TIME OF REINSTATEMENT FOR 5,310 FIRST DWI OFFENDERS

HARDSHIP LICENSE	LICENSE REINSTATEMENT			
	IMMEDIATE	DELAYED	DID NOT REINSTATE	ROW MEAN
	POST LICENSE-RELATED VIOLATIONS			
YES	1.71	8.14	31.26	4.29
NO	7.33	19.48	27.67	21.11
COLUMN MEAN	4.62	17.28	27.72	17.60
	POST MOVING VIOLATIONS			
YES	17.60	31.53	18.64	21.78
NO	20.55	24.50	16.51	19.88
COLUMN MEAN	19.13	28.87	16.53	20.28
	POST ACCIDENTS			
YES	6.33	10.06	4.85	7.41
NO	6.53	6.57	3.44	5.04
COLUMN MEAN	6.44	7.25	3.44	5.55

NOTE: All figures are number per 1000 per 12-month period.

In many cases, the State driver record file may not obtain information on a change of residence to an out-of-state location, particularly for suspended drivers who may not wish to have their new State become aware of their suspension. In this case, the subject would appear in the current research as an individual, still a resident, who did not renew the license during the two-year follow-up period. While it is possible that some of those who reinstated immediately or after an average delay of one year also emigrated from the State. It is probable that the exposure of these first two groups is less affected by out-of-state migration than is the group that never reinstated. This may account for the low number of moving violations for this third group in the post-conviction period.

DWIs who did not reinstate within two years had the lowest number of *subsequent* accidents. This finding may also be consistent with the hypothesis that a larger proportion of these drivers left the State. The individuals who obtained a hardship license but then did not reinstate on time had a higher post-accident rate. This difference, though large, was barely significant. The F value for the interaction between hardship licensing and reinstatement was 2.9, which is significant at the $P = .06$ level. The main effect of the presence or absence of hardship licensing produced an F ratio of 4.4 which is significant at the $P = .04$ level.

First Offenders

Because of the uncertainty over the extent to which the never-reinstated group may contain individuals who left the State of Washington during the two-year tracking period and, therefore, were not exposed to accidents, it was decided to repeat the analysis of covariance using the 3,258 first offenders, all of whom reinstated their licenses within the two-year period. In this case, the license reinstatement dimension contained two categories: those who reinstated within three months of their eligibility and those who reinstated after that 90 day period.

The results for this analysis are shown in Table IV-6. The relationships between the four dependent variables from the post-conviction driving record are presented in this table. Once again, those who obtained a hardship license and those who reinstated immediately were less likely to have post-conviction license-related violations. While the correlation between hardship licensing and post-conviction accidents was very small, it was statistically significant

in this analysis. As in the previous analysis, those who received a hardship license had a larger number of accidents in the post-conviction period.

TABLE IV-6

RELATIONSHIP BETWEEN HARDSHIP LICENSING, DELAY IN REINSTATEMENT AND POST-CONVICTION DRIVING RECORD FOR 3,258 FIRST OFFENDERS WHO REINSTATED THEIR LICENSES

DEPENDENT VARIABLE	HARDSHIP LICENSE			REINSTATEMENT DELAY		
	R	F	P	R	F	P
Post Alcohol Violations	-.022	0.19	—	-.033	1.01	—
Post License-Related Violations	-.17	32.17	< .01	-.21	50.06	< .01
Post Moving Violations	-.01	1.73	—	-.07	1.66	—
Post Accidents	.02	4.00	< .05	-.02	.64	--

To further refine this analysis, analysis of covariance was carried out for only the 1,562 first offenders who reinstated immediately. Within this group, the relationships between prior record variables and the obtaining of a hardship license were determined. These data appear in Table IV-7. The age factor remains as a significant predictor of hardship licensing when the analysis is limited to those who reinstate on time. Prior license violations is of borderline significance, while prior moving violations and prior alcohol-related accidents also approach significance. Overall, it appears that those who obtain a hardship license have better prior driving records.

TABLE IV-7

1,562 FIRST DWI OFFENDERS WHO REINSTATED IMMEDIATELY

CORRELATIONS BETWEEN PERSONAL CHARACTERISTICS AND TIME OF REINSTATEMENT			
VARIABLE	R	F	P
Age	+.10	10.33	< .01
Gender	+.03	.80	—
Prior License Violations	-.07	3.35	= .06
Prior Moving Violations	-.08	2.61	—
Prior Alcohol Accidents	-.05	2.91	—
Prior Alcohol Offenses	.00	.00	—
Prior Total Accidents	-.03	.06	—
CORRELATION OF HARDSHIP LICENSE WITH POST-CONVICTION DRIVING RECORD			
Post Alcohol-Related Offenses	-.02	0.12	—
Post License Offenses	-.15	23.46	< .01
Post Moving Violations	-.03	0.04	—
Post Accidents	-.01	0.04	—

The bottom portion of Table IV-7 provides the correlations and F ratios between the hardship licensing dummy variable and the post-driving record for these first offenders, who reinstated "on time." As can be seen from this table, only the dependent variable

"post-licensing offenses" is correlated with obtaining a hardship license. The correlation is negative, meaning that those who obtain such licenses are less likely to have license offenses in their post-conviction driving records.

Another group of special interest was those individuals who obtained a hardship license but then failed to reinstate their driving licenses on time. To study the effect of delay in reinstatement for individuals who obtained hardship licenses, the 1,085 first DWI offenders who obtained hardship licenses and did reinstate during the two-year follow-up period were separately analyzed. The data for this group are shown in Table IV-8.

TABLE IV-8
RELATIONSHIP BETWEEN TIME OF REINSTATEMENT AND OTHER VARIABLES
AMONG 1,085 FIRST DWI OFFENDERS WHO OBTAINED HARDSHIP LICENSES

CORRELATIONS BETWEEN PERSONAL CHARACTERISTICS AND TIME OF REINSTATEMENT			
VARIABLE	R	F	P
Age	.21	32.96	> .01
Gender	-.00	.08	—
Prior License Offenses	-.07	.63	—
Prior Moving Offenses	-.16	12.50	> .01
Prior Alcohol-Related Accidents	.03	1.26	—
Prior Alcohol Offenses	-.01	.00	—
Prior Accidents	-.01	.36	—
CORRELATION OF TIME OF REINSTATEMENT WITH POSTDRIVING RECORD			
Post Alcohol-Related Offenses	-.03	.89	—
Post License Offenses	-.14	12.44	< .01
Post Moving Violations	-.14	4.58	< .05
Post Accidents	-.08	3.34	= .06

The upper portion of Table IV-8 shows the relationships between personal characteristics and driver record variables and membership in the group who reinstated immediately as compared to those who delayed reinstatement. Once again, the correlation with age is significant and positive, older drivers being more likely to reinstate immediately. The only other significant correlation is with prior moving offenses. This is in contrast to the other analyses in which this variable did not predict reinstatement. Once again, the relationship between the prior offenses and license reinstatement is negative, indicating that those who reinstate immediately have better driving records than those who delay their reinstatement.

At the bottom of Table IV-8 there is a significant negative relationship between on-time reinstatement and post-license offenses with those who delay reinstatement having more such offenses than those who reinstate immediately. In this case, there is also a significant relationship with post-moving violations. Once again, those who delay reinstatement have more such violations on their post-conviction driving records. In addition, post-accidents approach significance with those who delay reinstatement having more of these types of accidents. Overall, the picture presented by Table IV-8 suggests that, among the first offenders who seek the hardship licenses, those who reinstate immediately clearly have superior past driving records and will demonstrate superior future driving records compared to those who obtain hardship licenses but do not reinstate immediately.

Discussion

The results of this study indicate that those who seek and receive hardship licenses are a lower risk group of drivers than those who do not receive such permits. They are lower risk, in part, because they are older. (Older drivers generally having better driving records than younger drivers.) This action to obtain a hardship license also suggests that they are more likely to be employed, and are likely to be in a higher socioeconomic group (as evidenced by their willingness to notify their insurance companies and pay the resulting higher insurance premiums) than are those drivers who do not obtain special permits. Thus, at least in those States where an SR-22 form is required, it appears that issuing hardship licenses to the limited number of individuals who will successfully apply for such licenses is consistent with safeguarding the public.

The major challenge to this proposition is the higher accident rate shown for the drivers who obtained hardship licenses but did not reinstate when eligible to do so. The reasons for this interaction effect are not entirely clear. It appears surprising that a group of drivers would go to the trouble of obtaining a hardship license good for two months and then fail to renew their regular licenses when eligible. This may be due in part, to some misunderstanding regarding the nature and applicability of the hardship license. Hardship licenses are not valid beyond 60 days, but some drivers may be unaware of this. Others may not have realized how much their insurance costs would rise as a result of the SR-22 and may have failed to pay the premiums. In this event, they did not reinstate when eligible.

A particularly striking feature of these results is that neither hardship licensing nor time of reinstatement is correlated with DWI recidivism. It appears that neither a total suspension nor limiting driving to going to and from work significantly reduces the amount of drinking and driving as reflected by the probability of being arrested for DWI. This is contrary to the results of Popkin et al. (1983), but in accord with the results of Sadler and Perrine (1984) and Tashima and Peck (1985). It should also be kept in mind that these results are applicable to those States which require the SR-22 insurance form for hardship licensing and full license reinstatement (See Table II-4).

Overall, the study appears to array drivers along a dimension that might be described as "*concern for maintaining the driving privilege*," with those who give evidence of significant concern for the driving privilege (i.e., those who obtain hardship licenses and reinstate on time) being older drivers with fewer driver license related citations on their records. In contrast, those who do not seek hardship licenses and who delay or avoid reinstatement appear to be younger drivers who have experienced problems in the past with their license status.

This tendency to demonstrate problems, with respect to driving permit status, which occurs in both the pre- and post-period for those who do not renew on time and who do not seek hardship licenses, may be influenced by two factors. One possibility is that those who are less protective of their license status differ in basic personality variables which lead to increased risk-taking and/or lower social conformity with respect to driver licensing. It is also possible that the individuals who delay in reinstating are acting primarily on the basis of information gathered in the past, which they interpret as indicating that the probability of being apprehended and prosecuted for driving without a valid permit is so low that it is not important to obtain a hardship license or to reinstate when eligible. It is probable that both of these factors are at work for these groups.

Obviously, more detailed information is needed on the characteristics of those individuals who do not reinstate on time. Nevertheless, it would appear to be useful for State motor vehicle departments to flag individuals who fail to reinstate their licenses when eligible, and to take some sort of driver improvement action whenever a new entry is posted to the file of a driver who has not reinstated his or her license.

VIRGINIA STUDY

In most previous studies, the impact of full license suspension or of limited licenses has been studied in conjunction with programs in which the DWI offender was allowed to keep the license or to have a limited license in return for attendance at treatment. As a result, the study of licensing has been confounded with the impact of alcohol education or treatment on offenders. One exception to this general rule was the study conducted in Wisconsin by Blomberg, Preusser, and Ulmer (1987). This research involved a before and after study of the implementation of a new law mandating a 90-day suspension. These researchers found that, following imposition of the law, the recidivism rate declined to 5.4%, a shift of 12%. However, the decline in recidivism occurred almost entirely during the 90-day suspension period. Following the suspension period, the recidivism rate approached that prevailing prior to the new law.

The State of Virginia offered an opportunity to study the impact of limited licensing and of full-suspension with the element of alcohol treatment or education held constant. In Virginia, first offenders receive a 6-month suspension. This requirement, however, can be modified if the individuals attend the Virginia Alcohol Safety Action Program (VASAP) diagnostic and treatment program. If the offenders agree to take part in the program, judges have discretion as to whether to require the full 6-month suspension, permit a restricted license, allow the full driving privilege or impose some combination of these three.

It was possible to set up a post-hoc research plan in which individuals who fell into one of four groups could be compared to determine the effect of license action on recidivism independently of their treatment-program status. This study appeared to be particularly useful in view of the Tashima and Peck (1985) study which found that, while full suspension had the greatest impact upon non-alcohol-related accidents and citations, a restricted license plus treatment or penalties had the greatest effect upon DWI recidivism. The Virginia study offered an opportunity to corroborate these results.

Background

In the State of Virginia, the licenses of first offender DWIs are revoked for six months. The court may refer offenders to the Virginia Alcohol Safety Action Program (VASAP) for a program of educational and counseling treatment. For those offenders who participate in the VASAP, the court may call for issuance of a restricted license to permit driving to the VASAP itself and, frequently, driving back and forth to work. In some cases, the courts may call for complete suspension for one period of time and a restricted license for another. Finally, licenses of some offenders are reinstated after completion of VASAP.

On the basis of the actions that have been described, DWI first offenders can be divided into the following four categories:

Suspended Only—Drivers whose licenses have been suspended for six months and who have not been referred to VASAP.

Suspended VASAP—Drivers whose licenses have been suspended for some period of time and who are required to participate in the VASAP treatment program.

Restricted VASAP—Drivers whose licenses have been subject to some restriction and who have been required to participate in the VASAP.

Suspended/Restricted VASAP—Drivers whose licenses have been suspended for some period of time and restricted for another period of time and who have been required to participate in the VASAP.

A small number of drivers have their licenses restricted, or subject to a combination of suspension and restriction, but are not referred to VASAP. The numbers are, however, far too small to permit reliable analysis.

The existence of convicted DWIs, some of whom were suspended and some of whom were restricted, provides an opportunity for a post-hoc experiment. A comparison of subsequent alcohol violations for those who were suspended and those who were restricted could reveal the differential effect of suspension and restriction. While the suspended and restricted drivers in such a comparison would be the same with respect to treatment (they all had the VASAP), they could well differ with respect to other variables having a possible effect upon recidivism. However, the availability of the prior driving record permits some statistical control over variables likely to influence the predisposition to alcohol offenses.

The drivers whose licenses were suspended and restricted form a hybrid group, the analysis of which may provide insight as to the effect of license restriction. The group suspended without participation in the VASAP is of no particular value in resolving the issue of restricted versus suspended licenses, but can help in assessing the value of the VASAP.

Methodology

The license records of 4,000 convicted DWI first offenders were obtained from the Virginia Division of Motor Vehicles. Records corresponded to the first 4,000 convicted for offenses occurring after July 1, 1983. This starting date was chosen so as to assure the adequacy of both pre-conviction and post-conviction intervals. Any later starting date would have shortened the followup period, while an earlier date would have reduced the period of time for which the prior traffic record was available.

The offenses for which the sample of 4,000 DWIs were convicted occurred in the six-month period, July-December 1983. Subsequent driving records were available through December 1986, providing a three-year followup period.

Data available from the driving record included age, sex, prior traffic violations, and prior accidents. Violation data were coded as to the nature of the violation involved. For analytic purposes, these were divided into five categories: alcohol violations, reckless driving

7 Mr. Stuart Napier, Virginia Department of Motor Vehicles, provided the license records.

violations, licensing violations, technical violations, and other moving violations. No data on the alcohol involvement in accidents were available, although the most reliable indication of alcohol involvement is an accompanying alcohol violation.

Results

The discussion of results will describe the characteristics of the sample being analyzed and the relationship between the treatments provided and subsequent offenses.

Sample Characteristics

As previously noted, the sample consisted of 4,000 Virginia DWI first offenders whose first offense occurred after July 1, 1983. Prior to analysis, some subjects had to be eliminated from the file due to:

- lack of information as to the treatment provided,
- use of a treatment that did not fit into one of the major categories,
- lack of complete data on prior traffic record, or
- discovery of some prior DWI violation.

The total number of subjects eliminated for these reasons was 88, leaving a sample of 3,912 subjects in the total sample. The characteristics of the final sample are summarized in Table IV-9.

TABLE IV-9
CHARACTERISTICS OF THE VIRGINIA SAMPLE
BY TREATMENT CATEGORY

Variable	TREATMENT CATEGORY				
	Total	Suspended Only	Suspended VASAP	Restricted VASAP	Suspended-Restricted VASAP
Number	3912	1580	635	986	711
Age (years)	31.8	30.5	30.2	34.0	33.3
Sex (% male)	89.1	90.0	89.3	88.4	88.8
Prior Violations					
Reckless	.130	.156	.155	.115	.062
Other Moving	.452	.459	.647	.636	.284
Licensing	.138	.236	.155	.046	.027
Technical	.121	.168	.140	.072	.060
Prior Accidents	.307	.248	.327	.313	.347

While it is clear that the various treatment groups differed substantially from one another with respect to background variables, it is not possible to characterize the differences in a few words.

With respect to age, the suspended groups were somewhat younger than the groups given restricted licenses. They also tended to have a greater number of reckless driving, technical, and licensing violations.

As far as prior violations are concerned, the fact that drivers were offered a restricted license probably reflects the effect of prior record upon court decisions as to who was eligible for a restricted license. The reasons for the observed group differences in prior (non-alcohol) moving violations and in accidents are harder to explain. So, too, are the age differences. The latter may be the result of a tendency not to give restricted licenses to school age, unemployed violators.

Regardless of the reasons for the differences among groups, the fact that they are fairly sizeable and involve variables that could influence subsequent violations and accidents means that control must be exercised over their influence when making comparisons.

Effects of License Restriction

The effect of giving a restricted license rather than suspending it completely is best made across the three groups that participated in the VASAP program: suspended VASAP, restricted VASAP, and suspended-restricted VASAP. The only difference among these groups is their licensing status. Table IV-10 presents the mean recidivism rates of the three groups for alcohol, licensing, technical, reckless driving, and other moving violations and for accidents. The rates represent the number of events occurring over the three-year followup period. The table presents both actual means and means adjusted for differences in age, sex, and prior traffic record. Figure IV-3 displays the adjusted means for alcohol and injury violation, accidents and the one alcohol-related offense showing a significant effect.

TABLE IV-10
MEAN THREE-YEAR RECIDIVISM RATES FOR ALCOHOL, ALCOHOL-RELATED AND NON-ALCOHOL OFFENSES BY TYPE OF LICENSE ACTION

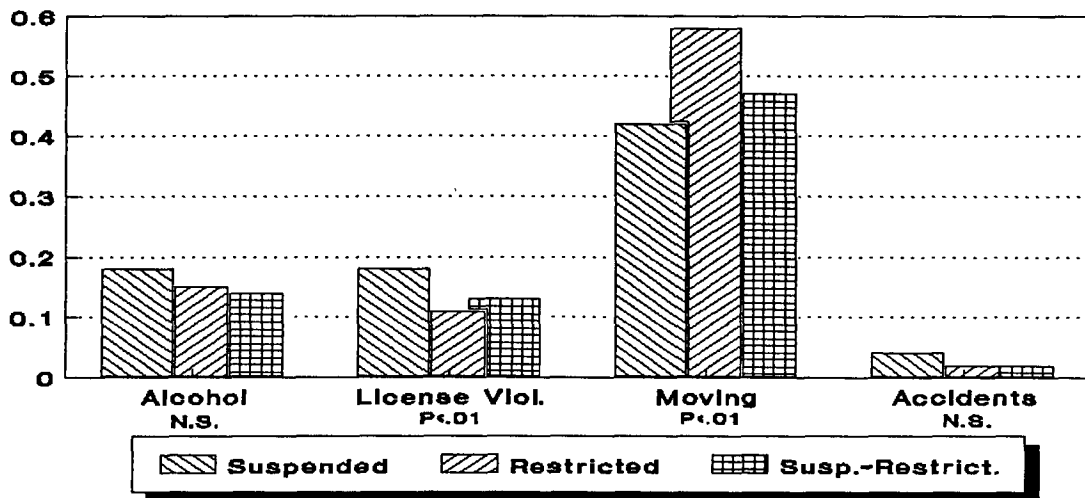
	Suspended	Restricted	Suspended-Restricted	Offense Total	F	P
Alcohol:						
Actual	.183	.153	.134	.155		
Adjusted	.179	.152	.139		1.51	.220
Alcohol-related:						
Licensing:						
Actual	.219	.099	.111	.136		
Adjusted	.181	.108	.133		4.91	.007
Technical:						
Actual	.335	.292	.212	.280		
Adjusted	.293	.298	.234		1.78	.166
Reckless:						
Actual	.060	.051	.034	.048		
Adjusted	.048	.053	.041		.594	.552
Other Moving:						
Actual	.487	.565	.435	.504		
Adjusted	.417	.583	.471		7.61	.001
Accidents						
Actual	.032	.015	.030	.024		
Adjusted	.035	.017	.024		.240	.09

In the analysis of alcohol offenses, both convictions for DWI and instances of refusal to take a breath test were combined. The latter accounted for only 53 violations, as opposed to 708 DWI convictions. It is likely that many or most of the licensing, technical, and reckless driving violations were DWI-related, with licensing violations consisting primarily of

suspension violations, technical violations including failure to get DWI insurance, and reckless driving violations including drinking offenses not charged or prosecuted as such. For purposes of discussion, these three offenses are referred to as alcohol-related.

Figure IV-3

MEAN THREE YEAR RECIDIVISM RATES FOR SELECTED VARIABLES



No significant differences in recidivism rates among the various treatment groups were found for accidents or for alcohol-related, reckless driving, or technical violations. Nor were there any significant differences among the mean number of days to the first conviction. It does not appear that the type of restriction imposed has any effect upon offenses involving actual drinking. These results are in line with earlier research showing that suspension itself has no effect upon recidivism for alcohol-related offenses. Certainly if suspension is without effect upon alcohol recidivism, one would expect differences in the form of suspension to follow suit.

In contrast with alcohol offenses, both moving violations and license violations show significant group differences. In the case of non-alcohol moving violations, the recidivism rates follow the freedom to drive, with the suspended drivers having the lowest rate of moving violations, the restricted group having the highest rate, and the restricted-suspended group falling in between. The differences are statistically significant ($F = 7.61$; $p = .001$). These results also parallel those in most other studies, which have shown suspended drivers to have fewer subsequent moving violations than drivers who can legally drive. Such an outcome should not be surprising; the more that people can legally drive, the more exposure they face to moving violations. The results of these are taken as evidence that, while suspended drivers certainly continue to operate vehicles, they do so less often and with greater circumspection than drivers who are legally permitted to drive, either on a regular or restricted license.

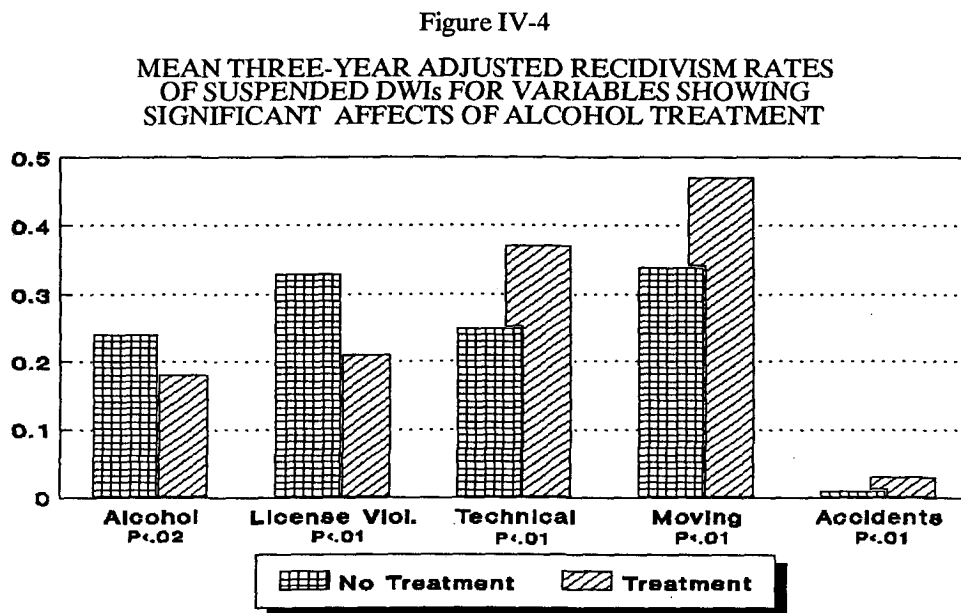
The pattern of results for licensing violations is just the opposite of that for moving violations, with the suspended group having the greatest rate of violation, the restricted group the lowest, and suspended-restricted group in between. The differences are significant ($F = 4.92$; $p = .007$). Again, the results follow those of earlier research and are not difficult to explain. Suspended drivers are guilty of a licensing violation any time they are found driving,

while restricted drivers are only in violation when the time and/or place of their driving is outside of the restrictions.

Effects of Treatment

While the present study was not directly concerned with the effects of alcohol treatment, the fact that some suspended drivers received treatment under the VASAP program while others did not allows an assessment of treatment effect.

Figure IV-4 and Table IV-11 show the violation and accident rates for restricted and suspended drivers receiving and not receiving treatment under the VASAP program. "Adjusted" rates were statistically controlled for differences in age, sex and prior record.



The group receiving the VASAP treatment experienced a lower rate of recidivism for alcohol offenses than did the group not receiving treatment. A somewhat more sensitive index of effect was the time in days to a subsequent alcohol conviction, assigning to those without a conviction, the maximum period of time (three years). The mean difference was 35 days, which was highly significant ($F = 11.83$; $p = .001$).

On the surface at least, it would appear that the treatment was effective in reducing the likelihood that convicted DWIs will be guilty of a subsequent alcohol offense. While the groups receiving treatment differed from those not receiving it with respect to a number of background variables, the differences remain, and are even increased when these variables are controlled.

TABLE IV-11
MEAN THREE-YEAR RECIDIVISM RATES FOR ALCOHOL, ALCOHOL-RELATED
AND NON-ALCOHOL OFFENSES BY TREATMENT CATEGORY FOR SUSPENDED
DRIVERS

Violation	No Treatment	Treatment	Total	F	P
Alcohol:					
Actual	.236	.183	.221		
Adjusted	.237	.180		5.372	.021
Alcohol-related:					
Licensing:					
Actual	.327	.219	.296		
Adjusted	.330	.211		13.76	< .001
Technical:					
Actual	.249	.335	.274		
Adjusted	.251	.328		4.79	.029
Reckless:					
Actual	.043	.060	.050		
Adjusted	.048	.056		.638	.425
Other Moving:					
Actual	.333	.487	.377		
Adjusted	.340	.468		12.357	< .001
Accidents					
Actual	.011	.032	.017		
Adjusted	.012	.033		17.556	< .001

The group that received treatment, as compared with those suspended without treatment, had a significantly *greater* number of accidents, technical violations, and other moving offenses and a significantly smaller number of licensing violations. This is very likely a result of the fact that DWIs who complete the VASAP program are eligible for license reinstatement and may legally drive again. The fact that they are driving earlier means that they have greater exposure to accidents and traffic violations. The fact that their driving is legal means that they do not have as many license violations.

Recidivism Covariates

Earlier discussion pointed out that DWIs assigned to various treatment programs differed with respect to age and previous traffic record. Far from being chance differences, it is very likely that the various background factors played a role in many assignments. Analysis of covariance was used to control statistically for these differences. However, such control is only necessary if these background factors were related to recidivism. Table IV-12 presents a matrix of correlations among various background factors and post-treatment violations.

TABLE IV-12
CORRELATION MATRIX OF AGE, SEX, PRE-TREATMENT AND POST-TREATMENT
DRIVING RECORD

	Age	Sex	Prior Moving Related	Prior Alcohol	Prior Accidents	Post Alcohol	Post Moving	Post Alcohol Related
Sex	-.01							
Prior Moving	-.14	-.06						
Prior Alcohol-Related	-.09	-.05	.18					
Prior Accident	-.03	.03	.12	.05				
Post Alcohol	.01	-.02	.05	.07	.05			
Post Moving	-.13	-.06	.16	.01	.20	.04		
Post Alcohol Related	-.13	-.07	.18	.18	.12	.20	.24	
Post Accident	-.03	.00	-.05	-.05	.20	.03	.10	.09

If $r > .05$, $p < .01$; If $r > .06$, $p < .001$

The matrix holds few surprises. Age is correlated negatively with accidents and violations, particularly with moving and technical violations. Males tend to have more offenses and accidents than females.

The various categories of offenses correlate positively with one another, with accidents, and across time periods (prior vs post). A curious exception is the negative correlation of prior moving and alcohol-related violations with post accidents. The correlation is small and is likely to be due to some artifact. The correlation of prior with subsequent accidents (.20) is rather high considering the small number of accidents that occurred.

Another interesting finding is that, while the post-program offenses grouped together as "alcohol-related" correlated moderately with both alcohol offenses (.20) and other moving violations (.24), the latter two violations had a very small correlation with one another (.04). This result suggests that license, technical, and reckless driving offenses are a mixture of both alcohol and non-alcohol offenses.

SUMMARY OF HARDSHIP LICENSING'S IMPACT ON SPECIFIC DETERRENCE

The two studies reported in this section, together with the literature reviewed, support several conclusions with respect to the effect of providing a limited license on DWI recidivism.

1. *Full license suspension reduces exposure and thereby reduces total traffic violations and total accidents.*

The evidence for this conclusion comes from a long line of research in the States of Washington and California as well as the results of the Virginia and Washington studies reported in this section. Questionnaire studies of individuals who are suspended indicate that the reduction in total accidents and citations is due to reduced driving, and possibly, to more careful driving due to fear of apprehension for driving without a license (Sadler and Perrine, 1984).

2. *A limited license has a beneficial effect similar to, but perhaps less than, that of a full suspension.*

Both Popkin et al. (1981) and Tashima and Peck (1985) found that license restriction produces some of the same beneficial effects, with respect to reducing total accidents and citations, as does a full suspension.

3. *License suspension has not demonstrated a specific deterrence value for DWI recidivism.*

While Hagen (1977) found a lower rate of recidivism among suspended drivers, later analysis attributed it to reduced driving among drivers who failed to reinstate their licenses (Peck, Sadler and Perrine, 1985). Sadler and Perrine (1984), found a significant reduction in non-alcohol-related accidents for fully-suspended individuals compared to individuals who retained licenses in return for attendance at treatment programs. Tashima and Peck also found that fully-suspended drivers had fewer non-alcohol-related accidents, as did the study in Virginia reported in this section. Similar differences were not found among alcohol-related accidents in any of these three studies.

It is not entirely clear in either Sadler and Perrine or Tashima and Peck whether the failure to find a difference in alcohol-related accidents resulted because suspension had no effect on alcohol-related accidents or because treatment programs had a positive effect – equal to suspension – on reducing drinking/driving accidents. The data from Virginia suggest that treatment and education programs have a stronger effect upon alcohol-related events (DWI recidivism) than does license suspension. The Washington study found no differences between suspended and reinstated drivers in DWI recidivism.

4. *In those States which require proof of insurability (SR-22 forms), only about half of the suspended drivers will reinstate their licenses when they become eligible at the end of their suspension.*

A large proportion of those who do reinstate will fail to maintain financial responsibility and will be re-suspended. Because a large portion of suspended drivers tends not to reinstate, the effect of full suspension carries over beyond the legally established minimum suspension period. Hagen (1977) and Sadler and Perrine (1984) and the current Washington study all demonstrated a continued reduction in total accidents and offenses beyond the official period of license suspension.

5. *If the State requires evidence of insurability (SR-22 form), only a portion of those individuals eligible for hardship or limited licenses will apply.*

While many may assume that any suspended offender who is eligible for a hardship license would seek one, this is not the case. Some offenders may be dissuaded from applying for a hardship license simply if the procedure is sufficiently strict to require a reasonable effort, such as informing the employer and getting a letter to support the hardship license request. More important is the requirement to obtain an SR-22 form, which forces the notification of the insurance company with a probability that the insurance premium will be significantly raised. In the State of Washington, where an SR-22 form is required, only 20% of the individuals suspended seek and receive hardship licenses.

6. *Where hardship licenses are made difficult to obtain and where an SR-22 form is required, those drivers who apply for and obtain a limited license are a selected group with better than average driving records.*

This tendency for those who receive hardship licenses to be a relatively safe set of drivers was shown in the Washington study. This selectivity, of course, would not occur where obtaining a hardship license is made very easy and where no SR-22 form is required, as in the case of Minnesota and most other States.

7. *Compared to license suspension, a "good" alcohol treatment or education program is at least equally effective and more effective in reducing DWI recidivism and alcohol-related accidents.*

The large number of studies which have compared suspension against alcohol treatment have shown some variation in results, in part because the length and quality of treatment programs varies significantly from jurisdiction to jurisdiction. However, there is good evidence that DWI recidivism can be reduced where treatment is sufficiently intense and of sufficient length.

Reis (1982) found that problem drinkers required to attend a one-year, relatively intense treatment program had a significantly lower DWI recidivism rate than a similar group not required to attend treatment. In his study, all participants retained the full driving privilege following conviction. Therefore license restriction was not confounded with the treatment results. Similarly, Tashima and Peck found that a restricted license plus treatment was more effective than full suspension in reducing DWI recidivism. In the Virginia study reported in this section, suspension, restriction alone or a combination of the two had no effect on DWI recidivism. However, attendance at the VASAP treatment program did reduce DWI recidivism.

Full Suspension

The results summarized above carry implications for driver licensing policy. First license suspension should continue to be emphasized as a penalty for all serious driving offenses. In addition to becoming a general deterrent value it produces a safety benefit by reducing the exposure of high-risk drivers (be they DWIs or reckless drivers) and, consequently, the total number of accidents – particularly non-alcohol-related accidents.

On the other hand, license suspension is not a specific treatment for drinking and driving. It appears to have relatively little effect on DWI recidivism or on the occurrence of alcohol-related accidents. This is in contrast to alcohol treatment and education programs where at least those that are effective reduce DWI recidivism and had-been-drinking accidents.

A philosophical issue may arise as to the appropriateness of using full license suspension as a penalty for DWI, when it does not have a specific impact upon the problem area – drunken driving – for which the individual has been convicted. Indeed, suspension doesn't appear to have a true "deterrent" effect on any thing. The effect it has on non-alcohol accidents and violations occurs only while the driver is actually under suspension. One would not argue that jail is a deterrent to crime if it only reduces the incidence of crime while the culprits are still in jail. Nonetheless, its value in deterring the public at large warrants the imposition of full suspension for a significant period of time.

Restricted Licensure

Because there is evidence that alcohol education and treatment programs do have a specific rehabilitation effect, it may be desirable to consider providing limited licenses to those who accept treatment for at least a portion of the period that would otherwise involve full suspension. The evidence currently available indicates that a limited license offers some of the safety benefits produced by full suspension and, when used in combination with treatment, will produce a greater reduction in DWI recidivism than will full suspension alone (Tashima and Peck, 1985).

Where concern for job loss and other hardships produced by a full suspension has led to legislation creating a limited or hardship license, the impact of this provision on safety can be minimized by requiring the applicant to obtain evidence of insurability. When this is done, those who actually receive limited licenses are a select, low-risk group of the total DWI offender group. Providing a hardship license to these individuals should not result in a significant reduction in highway safety for the public.

Non-reinstatement

Motor vehicle departments need to carefully consider the problem presented by the fact that approximately half of the offenders who are suspended will fail to reinstate their licenses – at least in those States which require evidence of insurability. This could be looked upon as beneficial, because the total exposure of these offenders will continue to be lower than would be the case if they reinstated their licenses. As a result, they will have fewer total accidents and fewer offenses. However, these individuals may also be driving without insurance. If they do become involved in a crash, they will be unable to meet their public liability obligations. Further, since the evidence indicates that full suspension has relatively little impact upon alcohol-related accidents, these individuals may continue to have a relatively high rate of such accidents which are generally more severe and involve more bodily injury and death than non-alcohol-related accidents.

In the long run, limited licensing may be desirable to keep these individuals within the legally regulated licensed group. To withhold limited licenses may force them into the "outlaw" group, driving without any license regulation. Unless it becomes possible to significantly increase the apprehension of drivers operating without valid licenses, we shall continue to have a growing number of high risk drivers operating without any regulation through the motor vehicle department.

V

**EFFECT ON POLICE AND COURT OPERATIONS OF IMPOSING A FULL
(NO HARDSHIP) LICENSE SUSPENSION**

License suspension, despite its demonstrated safety benefits (Peck et al., 1985), has always been viewed by the public and the courts as a severe and potentially discriminatory penalty. This results from the belief that driving is necessary to maintaining employment, and job loss occasioned by suspension may create hardship for "innocent" family members. To provide relief for this assumed problem, many states have provided for "hardship" licenses which permit offenders, whose driving privileges would otherwise be fully suspended, to drive to and from work. One of the reasons for this action has been concern that, were judges required to impose a full-suspension upon convicted DWIs, the rate of conviction would decrease.

The availability of such a limited driving permit provides the court with some flexibility in sentencing. However, it also reduces the severity of the penalty. The reduced severity may lessen the deterrence value — on DWI recidivism — of the penalty. Studies of the effect of limited licensing on recidivism were summarized in the previous section (IV). Therefore, it would be undesirable, from a safety viewpoint, to allow drivers to escape full-suspension with a handslap license unless it could be shown that the rate of conviction would otherwise be reduced.

BACKGROUND

Several studies (Ross, 1976; NHTSA, 1976; Voas, 1982) indicate that laws or policies which provide for severe mandatory penalties upon conviction for drunken driving frequently cause considerable disruption of the adjudication process. This results from the tendency of defendants to increase their effort to avoid conviction through retaining counsel, requesting jury trials, and resisting guilty pleas. It is manifest by an increase in reduced pleas and nol-prossed cases, a reduction in conviction rates, and a lengthening of the time from arrest to trial. (See, for example, Voas 1982, p. 41.)

Contributing to the potential disruption resulting from the mandatory application of relatively severe penalties are the attitudes of the participants in the criminal justice system--the police, prosecutors, judges, and juries. Where penalties are perceived as inappropriately severe, or flexible sentencing is prevented, a reduction in arrests (Little, 1972 and Oates, 1974) or convictions (Voas, 1982) may result. To prevent court "nullification" (Ross, 1976) of tough penalties for drunken driving, citizen advocacy groups have pressed legislatures to pass both mandatory sanctioning laws and laws which prevent plea bargaining.

A potential way to apply a severe mandatory license sanction without creating impairing court operations is to make the license suspension an administrative rather than judicial action. This has been done in those States which have passed "administrative per se" laws which provide for suspension of licenses by the motor vehicle department (independent of court action) when a driver refuses a breath test or provides a sample over the legal limit. This procedure should be less disruptive to the adjudication of DWI offenses, because it separates this significant penalty from the trial outcome. A review of the evidence available to date on the effectiveness of administrative per se laws is provided in Section III.

Whether the availability of a hardship license reduces the disruptive effect on the court of a law requiring mandatory suspension upon conviction for DWI is unknown. However, its potential effect is obviously related to the extent to which the requirement for a mandatory full suspension disrupts the judicial process. While anecdotal accounts of disruption caused by mandatory suspension requirements are available (see NHTSA, 1976, p.36), no adequate research studies of this penalty's impact on court processing have been conducted. Moreover, most studies of the disruptive effects of other mandatory penalties, such as jail, were conducted prior to 1980.

Since then, a significant change in public attitude toward drunken driving appears to have occurred, due in part to the efforts of advocate groups such as MADD (Mothers Against Drunk Driving). This change in public attitude appears to have resulted in more uniform application of severe penalties, such as jail, for first offenders (NIJ, 1983; Falkowski, 1984; Compton, 1986; Voas, 1986). Note, however, that Ross and Foley (1987) still find evidence of resistance to severe penalties. Therefore, it appeared desirable to determine the current impact of a mandatory full suspension of the driver's license upon court processing of DWI cases.

In 1982, the Presidential Commission on Drunk Driving called for a mandatory three-month suspension of the driver's license for first DWI offenders. The Congress and the Department of Transportation responded by making this provision one of the requirements which the States must meet to obtain incentive funds under Section 408 of the Highway Safety Act. However, the NHTSA rules permit States to issue hardship licenses to DWI offenders provided that they have a period of full suspension of not less than 30 days.

Study Objective

The study reported in this section attempted to determine whether this provision for a hardship license is needed to avoid disrupting the court processing of DWIs. By studying to make this determination, project staff examined the application of an Alabama law requiring full suspension, without a hardship license.

On July 29, 1983, the State of Alabama implemented new legislation which eliminated judicial discretion in license action. This law provided for a mandatory 90-day suspension of the driving privilege of first DWI offenders by the State Motor Vehicle Department. In addition to this provision, the law increased the minimum fine for first offenders from \$100 to \$250 and increased penalties for multiple offenders, including a mandatory 48-hour jail sentence for second offenders and a 60-day jail sentence for third and subsequent DWI convictions.

Maghsoodloo et al. (1985), studied the impact of this law and came to the conclusion that it reduced accidents. With regard to court operations, they concluded that it produced a small (1%) but significant *increase* in convictions on original DWI charges and corresponding decreases in the numbers of individuals allowed to plead to a reduced charge or not-prossed. This indicated that court processing of DWIs was not disrupted by the greater severity of penalties.

At the same time, however, there was an unexplained reduction in the total number of drivers cited for DWI following the implementation of the law. This left open the possibility that some drivers who would normally have been charged with DWI were charged with other, possibly lesser, offenses. Their study of court operations included all levels of offenders (first

and repeat DWIs). Therefore, their results were influenced by the effects of the increase in the jail penalty for repeat offenders as well as the suspension penalty for first offenders. The present study was designed to determine the effect of the 90-day mandatory suspension and is, therefore, limited to the first offenders.

METHOD

In January 1983, the Alabama Motor Vehicle Department established a new computerized driver record file which contains information on DWI arrests as well as DWI convictions. This provided data for a five-month period (February through June 1983) preceding implementation of the new DWI law. Data for individuals without prior DWI convictions arrested for drunken driving during this period were compared with data on arrested first offenders for the same five-month period in 1984, to eliminate seasonal effects. For both the 1983 (pre-law) group and the 1984 (post-law) group, the following data were extracted from the Alabama driver file:⁸

- Number of drivers without a prior DWI conviction arrested for DWI from February 1 to June 30.
- Number of these drivers who were: convicted on original charge; nol-prossed; allowed reduced pleas; found not guilty.
- Number of these drivers whose licenses were suspended.
- Date of arrest and date of court disposition for each driver.

DATA ANALYSIS

From these data, the following derived measures were calculated: (a) % convicted, (b) % nol-prossed, (c) % allowed reduced pleas, (d) % found not guilty, (e) % of convicted drivers suspended, and (f) average number of days from arrest to conviction.

Data were summed for each month and for the total five-month pre- and post- periods. With these data sets, the following research questions were evaluated:

1. Did the number of license suspensions increase as required by the law following its implementation?
2. Did the more severe penalties in the new law result in:
 - a. fewer DWI arrests?
 - b. a lower conviction rate?
 - c. a higher nol-prossed rate?
 - d. a higher rate of plea bargaining?
 - e. a greater number of "not guilty" determinations?
 - f. a longer time (delay) between arrest and conviction?

⁸ Major Harold J. Hammond, Alabama Licensing Division provided the DWI arrest and conviction data.

RESULTS

The data in Table V-1 demonstrate that the new law requiring a mandatory 90-day suspension was carried out as intended by the Alabama Motor Vehicle Department. Prior to the new law, when license action was discretionary for the court, only 14 of 6,400 first offenders *were* suspended. Following implementation, only 74 of 6,000 first offenders convicted of DWI *were not* suspended – by the State Motor Vehicle Department. Thus, this penalty was applied to essentially all first offenders as intended by the law. This provides a good basis for studying the impact of this more severe license penalty upon court processing of first offenders.

TABLE V-1

LICENSE SUSPENSIONS FOR FIRST DWI OFFENDERS BEFORE AND AFTER IMPLEMENTATION OF THE NEW DWI LAW IN ALABAMA ON JULY 29, 1983

MONTH	1983 (pre-law)			1984 (post-law)		
	Convictions	Suspensions	Suspension rate (%)	Convictions	Suspensions	Suspension Rate (%)
February	1,223	0	0	1,166	1,151	98
March	1,258	3	<1	1,366	1,354	99
April	1,377	2	<1	1,211	1,199	99
May	1,376	4	<1	1,160	1,145	98
June	1,174	5	<1	1,105	1,085	98
TOTALS	6,408	14	<1	6,008	5,934	98

To determine the impact of the change from no license action to a mandatory 90-day suspension on the handling of first DWI offenders by the criminal justice system, the numbers of DWI arrests, convictions, and time from arrest to conviction were compared for the pre-law and post-law groups. These data are shown in Table V-2.

From February through June 1983, 7,183 drivers without previous DWI convictions were arrested for drunken driving. In the same months of 1984, after the law requiring a 90-day mandatory suspension became effective, there were 7,156, or only 27 fewer, first DWI offense arrests. Thus, there is no evidence that the new law influenced police arrest activity with respect to first offenders.

The conviction rate following implementation of the new statute was 6% lower than the period prior to this law. This difference, while small, was highly significant ($X^2 = 110.16$ P .001). This decrease was associated with a general increase in all three alternative outcomes: nol-prossed cases, not-guilty findings, and other outcomes, all of which went up by approximately an equal amount.

In contrast to the reduction in the conviction rate which may be an indicator of *reduced* adjudication efficiency, the average time from arrest to trial was shortened by a week, or approximately 12%. This change, which is an indicator of *increased* judicial efficiency, was highly significant ($t = 4.49$ P .01). Thus, these two measures of court operations gave opposing results.

TABLE V-2

COURT PROCESSING OF FIRST OFFENDERS BEFORE AND AFTER THE APPLICATION OF A LAW PROVIDING FOR A MANDATORY 90-DAY JAIL SUSPENSION

1983 PRE-LAW PERIOD						
Month	Arrests Number	Conviction Rate (%)	Nol-Processed Rate (%)	Not Guilty Rate (%)	Other Outcome Rate (%)	Average Days Between Arrest and Conviction
February	1,377	88	5	2	5	61
March	1,402	89	4	1	6	60
April	1,528	90	4	2	4	61
May	1,538	89	4	2	5	65
June	1,338	87	6	2	5	60
TOTAL	7,183	89	5	2	5	61

1984 POST-LAW PERIOD							
Month	Arrests		Conviction Rate (%)	Nol-Processed Rate (%)	Not Guilty Rate (%)	Other Outcome Rate (%)	Average Days Between Arrest and Conviction
	Number	Change from 83(%)					
February	1,363	-1	85	5	3	7	55
March	1,627	+16	83	7	2	8	56
April	1,435	-6	84	6	2	8	56
May	1,383	-10	83	5	3	9	52
June	1,348	0	81	7	3	9	50
TOTAL	7,156	0	83	7	3	8	54

DISCUSSION

This study differs from the research of Maghsoodloo et al. (1985), which was directed at demonstrating that the overall change in the law was successful in reducing alcohol-related accidents. The current study is concerned only with the impact of the mandatory license suspension provisions of this new law on court operations. It is limited, therefore, to first offenders. Since the legislation implemented in Alabama on July 29, 1983, was complex— involving increases in a number of different penalties (including the jail penalty for repeat offenders)— limiting the study to first offenders clarifies the relationship of the results to the penalty imposed. For first offenders, only two changes in penalties occurred: (1) a change from discretionary license action by the court (which in practice meant no license action) to a mandatory 90-day suspension by the motor vehicle department, and (2) an increase in the minimum fine from \$100 to \$250.

Whereas in the past, laws establishing mandatory penalties were effectively nullified by plea bargaining, diversion programs such as "probation before judgment" or simple failure to conform to the law or report offenses to the State motor vehicle department, in the present case none of these mechanisms appeared. The suspension rate for first offenders went from essentially zero before the law to 98% following its implementation. This occurred with no reduction in DWI arrests and only a 6% reduction in total convictions. At the same time, trial delays were reduced by 12%.

Effect on Enforcement

Little (1972) has reported that fairness is a factor in police decisions to make DWI arrests. Severe penalties which may appear to be unfair could result in police making fewer arrests. The lack of change in first offender DWI arrests in the present study suggests that the increase in the severity of penalties did not impact police operations.

On the other hand, it is possible that the negative effect of increased penalties on arrest rate was hidden by an increase in total enforcement hours. Maghsoodloo et al. (1985), reported that a selective enforcement program was implemented in Birmingham, Dothan, Huntsville, Mobile, and Selma (Alabama) on October 1, 1983 which was expected to increase arrests. However, they found a 29% decrease in the number of drivers arrested for DWI following the law. This decrease does not show up in the present study, suggesting that most of the decrease may have been in arrests of multiple offenders.

Effect on Court Operations

The 6% reduction in the conviction rate appears to be related to the strengthening of penalties. The extent to which the increase in the minimum fine, as compared to the increased use of suspension, accounts for this change cannot be determined. No data are available to determine whether the average fine increased and the extent to which the fines assessed were actually collected. It seems likely, however, that, for most offenders, losing the license for three months was a more salient penalty than the \$150 increase in fine.

The data suggest that, while a reduction in conviction rate occurred, court procedures were not significantly modified in an effort to avoid increased penalties. Rather, use of each mechanism available for avoiding a conviction increased about equally. The number of cited drivers nol-prossed increased, as did the number obtaining not-guilty verdicts. There is a suggestion that stiffer penalties made convictions somewhat harder to obtain. This, in turn, may have produced somewhat closer attention to the quality of the evidence, leading to more do-not-prosecute decisions by the State attorneys.

At the same time the conviction rate decreased, the delay between arrest and conviction was reduced. This suggests greater prosecutorial and court efficiency. It is tempting to believe that the increase in sanction severity resulted in greater attention to the prosecution of DWIs, with a resulting increase in efficiency.

Taken together, the full application of the new suspension penalty to 98% of all drivers convicted of DWI, the lack of change in the arrest rate and the 12% reduction in delay time serve to offset the 6% reduction in conviction rate and lead to the conclusion that the new law produced a significant increase in penalty severity without marked disruption of the court.

The relatively small effect on the court produced by the change from no license action to a full 90-day suspension indicates that, at least with the current public and official attitudes toward DWI, a mandatory short suspension of the license does not disrupt court processing of DWIs. It appears, therefore, that the availability of a hardship license for first offenders is not really necessary to assure conviction for drinking/driving offenses.

SUMMARY

This study compared the efficiency of court processing of DWIs under two quite different conditions. From February to June 1983, judges were free to allow convicted DWIs to retain their licenses. They did so in 99% of the cases. In the period February to June 1984, judges had no power over the license. The State motor vehicle department was commanded to suspend all first time convicted drinking drivers for 90-days and did so, as indicated by the fact that 98% of drivers convicted of DWI for the first time did receive such a suspension.

If drivers viewed the loss of license as a severe penalty and as a result increased their efforts to fight conviction (by greater use of legal counsel, requests for delays, or jury trial or refusal to plea bargain), this action did not result in a major increase in the proportion of drivers who avoided conviction. There was, however, a small reduction of approximately 6% in the conviction rate when the invariable consequence of conviction was a 90-day suspension. While this might suggest that imposition of this penalty would be achieved only at the cost of reduced efficiency of court processing, the data provided contrasting evidence of a 12% reduction in the time between arrest and conviction, indicating greater court efficiency.

The overall results suggest that the increased severity of penalty had some not-unexpected results:

- drivers became somewhat more likely to resist plea bargaining,
- prosecutors became somewhat more careful in evaluating the adequacy of evidence to bringing a charge of DWI,
- the courts, perhaps, became somewhat more careful in coming to a decision relative to guilt and innocence.

All of these factors, however, did not produce a major change in trial outcomes. The slight but significant reduction in conviction rate appears to have been at least partially offset by a 12% reduction in the delay time between offense and sentencing.

The number of first-offender arrests during the pre-law period (when conviction for DWI rarely, if ever, resulted in loss of license) as compared to the post-law period (when conviction, almost without exception, resulted in a 90-day suspension) remained unchanged. Therefore, there is no evidence that the more severe penalty affected the police enforcement either positively or negatively.

In sum, this study suggests that, at least under the current conditions of public attitude toward the drinking/driving offense, a moderate action (90-day suspension) does not impact court operations. If the full suspension does not impact court operations to an important extent, there is no reason to believe that a limited license is necessary to assure the ability of courts to process DWIs efficiently.

VI

THE EFFECT OF LICENSE SUSPENSION UPON EMPLOYMENT

A license suspension's deterrent effect is believed to derive in great measure from the inconvenience it creates for the suspended driver. The prospect of having to get by without a driver's license is expected to serve as a general deterrent, while the recollection of having had to do so is expected to serve as a specific deterrent.

Though intended to be inconvenient, license suspension is not expected to impose a severe hardship on either the suspended driver or the driver's family. That is why hardship licenses are issued. Of the many forms of hardship that might be imposed by loss of a license, loss of employment is the one that draws the most concern. Where hardship licenses are not available, it is generally because the legislature or the courts believe that suspended drivers will find some alternative means – such as public transportation or car pools – to get to work.

STUDY OBJECTIVES AND PROCEDURES

To determine the effect of full suspension on employment of first-time DWI offenders, research was conducted in Pennsylvania. (Pennsylvania has no provision for hardship licensing.) Together with three other recent studies taking place at the same time, this study provides a reasonably good picture of the extent to which loss of license affects the employment and general economic well-being of DWIs. Each of the four studies is briefly described below, followed by a discussion of issues related to the effect of license suspension on employment.

Pennsylvania Study

To obtain objective information on the actual effect of license suspension upon employment, surveys were conducted by the Pennsylvania Department of Transportation. In the winter of 1987, questionnaires were sent to 1,186 drivers applying for reinstatement of licenses after having them suspended for drinking/driving offenses. The questionnaire was part of the license reapplication procedure, assuring a 100% response from drivers whose licenses were due for reinstatement during the survey period.

The survey asked drivers to indicate whether they were forced to change jobs as a result of their suspensions. To maximize the veracity of their responses, they were also asked to furnish the names of the employers they were forced to leave and to authorize direct contact with the employer by Pennsylvania DOT. Analysis of data included only those drivers who furnished names of employers and authorized contact.

Delaware Study

At the time that the Pennsylvania study was initiated in this program, a totally independent study was under way in the neighboring state of Delaware. The Delaware study was initiated by NHTSA and the results are reported in a paper by Johnson (1986).

In Delaware, first DUI offenders have a minimum revocation of 90-days. In the first year in which this minimum requirement was applicable, 92% of all offenders had their licenses

revoked. DWI offenders may apply for a hardship license after 90 days. After a period of a year, offenders may apply for reinstatement of the full license. In either case, a DUI offender must complete an application – which includes character references and employment information – and meet with a DMV investigator.

The key feature of this study was that the question regarding the impact of the suspension on employment was asked in the interview and was then followed by a telephone check with the employer. This is the only study to date in which the applicant's statement regarding the impact of the suspension upon employment has been checked with the employer. This study included 1,442 DUI offenders.

New Mexico Study

Ross and Gonzales (1987) conducted interviews with 71 DWIs in New Mexico focusing on a number of factors related to the impact of DWI penalties including the license penalty. This study involved only a small sample of DWIs, but the in-depth interviews yielded considerable information on the individual offender's view of the driving penalty.

Mississippi Study

Wells-Parker and Cosby (1987) took a different approach to studying the impact of DWI conviction and driving suspension on offenders. They studied 208 DWIs who had been suspended and another group of 208 who had not received suspension. They also divided their groups between first and multiple offenders.

Their survey technique involved 15 to 30-minute telephone interviews with the offenders. The interviews covered a number of topics, including whether they had lost their jobs due to the suspension. This survey acquired information on the economic well-being of the offenders and the amount of driving they did while suspended and not suspended, as well as information about fines paid, other penalties, and their use of alcohol.

RESULTS

Results obtained from the Pennsylvania study will be integrated with those obtained from other studies.

Proportion Reporting Job Loss

Table VI-1 summarizes the information from the four studies regarding the number who, on self-report, claimed to have lost their jobs. In the Pennsylvania study, 9.7% claimed that they had been forced to change jobs as a result of suspension. Of these, 59% said they quit, while 41% reported being fired. Therefore, only 4% lost their jobs due to employer action. Whether those who quit were forced to quit because of the suspension or whether they could have continued their jobs had they been willing to accept the inconvenience of getting to and from work is not entirely clear. The 4% figure appears in Table VI-1 because the figure for those fired is most applicable to the other three studies.

TABLE VI-1
PROPORTION OF DWIs REPORTING JOB LOSS

	Number	Self Reports	Employer Verified
Pennsylvania	1,186	4%	1.5%
Delaware	1,442	4%	
New Mexico	71	11%	
Mississippi	210	9%	

In the Delaware study, 4% of the DUI offenders applying for hardship licenses or for reinstatement of the full license reported having been fired by their employers. The New Mexico and Mississippi studies reported a somewhat higher rate of job loss. The New Mexico report did not make it clear if all of the 11% were actually fired or whether some of these chose to quit their jobs because of the difficulty in transportation. The Mississippi study reports separately for those who were fired and those who were turned down for a job. 11.7% reported that they had been turned down for a job, while 9% reported that they had been fired or dismissed.

Employer Confirmation of Job Loss

Delaware DMV investigators found that the employers confirmed firing only 38% of those who said they lost their jobs because of license suspension. This amounted to 1.5% of the total group. None of the other three studies actually checked with employers to determine the accuracy of the individuals' reports. In the Pennsylvania study, the respondent was required to provide the employer's name and address, so that a check could be made with the company involved. This may be why the Pennsylvania study gave essentially the same percentage of those who reported having been dismissed as the Delaware study which was based on actual interviews.

If we apply the 38% corroboration figure developed in the Delaware study to the Pennsylvania, New Mexico and Mississippi studies, it appears that somewhere between 1.5% and 4.2% of DWI offenders actually are dismissed based on their loss of license. Thus it appears fair to assume that the actual dismissal from employment will run less than 5% for fully-suspended offenders.

Employer Knowledge of Suspension

This generalization, however, should be guarded. It is clear that the employer does not become aware of a DWI suspension in a large proportion of the cases. In the Pennsylvania study, a frequent reason for job loss reported by those who claim to have either quit or been fired was the need to drive while on the job. It is probable that a number of those who lost licenses and were therefore not able to drive on the job, resigned their positions without stating the true reason for leaving.

In the New Mexico study, Ross and Gonzalez reported that a number of the offenders who had lost their licenses simply continued to drive without telling their employers about the suspension. The following quotation is illustrative:

"There's no reason to tell my supervisor...my job would have been in jeopardy...I don't drive on the job, but it would have made a bad impression...first of all, it's really negative, but just imagine the reactions I would get." (Ross and Gonzalez, 1987, pg. 17).

Thus, it is possible that more would lose their jobs were employers informed of the loss of license. On the other hand it is also possible that some employers who accepted resignations or dismissed employees unable to drive would have found other non-driving work for the suspension period had the DWIs been willing to tell them of the suspension.

Were Job Resignations Forced By License Suspensions?

Finally, there is an almost equal number of DWIs who reported quitting their jobs because their suspensions left them unable to work. In the Pennsylvania study, 59% of those who reported job loss say that they quit. In these cases, it is difficult to determine whether the decision to resign was based merely on convenience (e.g., to find a job closer to home which would not involve the inconvenience of long public transportation commuting) or whether, in fact, the individual had no choice.

Of the Pennsylvanians who reported job loss due to suspension, 31% stated that they had been unable to get to or from work, 19% had been unable to drive while on the job, and 50% reported it was because they could do neither. This would suggest that approximately seven out of 10 of those who reported job loss were required to drive on the job. This group obviously will be affected by a driving suspension unless employers are willing to transfer them to non-driving jobs during the period of suspension. For the 30% who said they were unable to get to and from work, it is difficult to know whether this was, in fact, an impossibility or simply a lack of effort to find alternative transportation.

Overall Economic Impact and Income Status

Of the four studies summarized in this section, only the Wells-Parker and Cosby study in Mississippi dealt with economic status in any significant detail. These researchers compared the incidence of unemployment among both suspended and non-suspended DWIs. Their results are shown in Table VI-2, which is taken from their report (1987, p.8). As can be seen, there are no significant differences between suspended and non-suspended drivers whether currently full- or part-time employed and those currently unemployed. The suspended group had slightly larger numbers of unemployed days, but this difference was not statistically significant.

TABLE VI-2
COMPARISON OF JOB STATUS AMONG FIRST DWI OFFENDERS WHO RECEIVED LICENSE SUSPENSION AND FIRST DWI OFFENDERS WHO RETAINED THEIR LICENSES

	Suspended		Nonsuspended	
	No	%	No.	%
Current Status:				
Employed Full-Time	75	67.0	71	59.7
Employed Part-Time	11	9.8	16	13.4
Unemployed	26	23.2	32	26.9
Experienced Unemployment During Past Year:				
Yes	49	43.8	51	42.9
No	63	56.2	67	56.3
Mean Number of Days Unemployed for Those who Experienced Unemployment:				
Prior Year	195.6		186.7	
Prior Six Months	128.5		112.2	

Note: None of the comparisons between suspended and nonsuspended are statistically significant (Wells-Parker and Cosby, 1987)

These data clearly suggest that, in terms of overall employment, there was little difference between those who received a suspension and those who did not. When these two groups were compared on income status, there also appeared to be little difference: 37% of the suspended offenders and 35% of the non-suspended reported that their income was higher than the year before. In each group, 26% reported that their income was lower. Thus, the Mississippi study gives evidence that at least the short suspensions normally imposed on first DWI offenders do not have a significant impact on their livelihood.

One caveat to this general finding is that suspension may affect the economic well-being of individuals in a low economic group more than those with relatively high socio-economic status. Wells-Parker and Cosby (1987) found that the principal factors which predicted employment status were race, gender, education, and marital status. Being better educated, married, white and male were associated with more stable employment. Against these factors, experiencing or not experiencing a suspension had a relatively minor effect. However, it is possible that within a more economically deprived group, loss of license may be relatively more significant. No study of the impact of suspension on this group alone is available yet.

Nevertheless, the studies summarized in this section indicate that overall suspension has little economic or job impact. The population which receives license suspensions for DWI is characterized by a good deal of job mobility. Therefore, a fair portion, whether suspended or not suspended, will change or lose jobs in any given year. The data summarized indicate that suspension has little influence on these changes in employment.

Contact with employers in Delaware showed that only 38% of the claims of suspension-induced job loss were actually corroborated by employers. If the same percentage of jobs were held in Pennsylvania, only 3.6% of the Pennsylvania drivers would have actually lost their jobs due to license suspension. While this is over twice the percentage found in Delaware, the absolute difference is only $(3.6 - 1.5 =) 2.1\%$. Since the difference is greater

than chance expectation (T.01), we can assume it reflects a true difference in either the actual rate of unemployment or in the veracity in driver reports.

Employment of Non-suspended DWI's

Considerable insight into the effect of license suspension on unemployment is provided by a study recently completed by Wells-Parker and Cosby (1987), which compared the incidence of unemployment among both suspended and non-suspended DWIs. They found that, while 23.2% of suspended first offenders reported being unemployed, the same report was given by 26.9% of DWIs who were *not* suspended. Among multiple offenders, the results were very similar, with unemployment being reported by 25.6% of suspended DWIs and 23.3% of non-suspended DWIs.

The similarity in unemployment rates of suspended and non-suspended drivers strongly suggests that lack of employment resulted primarily from the drinking that led to suspension, rather than the suspension itself. The suspended drivers did not see it that way, however. Nine percent of the first offenders and 10% of the multiple offenders claimed that they were dismissed because their licenses had been suspended, claims very similar to those found in Pennsylvania.

Results obtained by Wells-Parker and Cosby do not mean that suspended drivers are lying when they attribute their loss of employment to suspension. They may believe it to be true and may have even been told as much by their employers or others involved. However, it is quite possible, and even likely, that their employment difficulties stem largely from conditions related to their drinking rather than from the fact that their licenses had been suspended.

Conclusions

It is apparent that very few drivers whose licenses are suspended for drinking/driving offenses actually lose their jobs because of the suspension. Substantiated claims of job loss due to suspension range from 1.5% in Delaware to an estimated 4.2% in New Mexico. There is cause to question the extent to which even the substantiated claims are truly valid. The fact that the unemployment rate among the DWIs is equivalent to that of DWIs who are not suspended, strongly suggests that the major contributing factor to job loss was not the suspension but the drinking. A final note of reassurance comes from Delaware reports which indicate that *none* of the 1.5% who had actually lost their jobs experienced a true financial hardship. At worst, they were forced to change jobs.

In summary, available data seem to indicate that the incidence of economic hardship due to job loss resulting from license suspension among convicted drinking drivers is almost nonexistent.

VII

DISCUSSION AND SUMMARY

The survey reported in Section II indicates that four out of five States provide a hardship license for individuals convicted of drunken driving. These limited licenses allow offenders to drive under restricted conditions, such as to and from work and to and from treatment programs. This report is concerned with the extent to which the availability of these restricted licenses reduces the effectiveness of license action as a penalty for driving while impaired (DWI) by alcohol.

BACKGROUND

In most cases, hardship licenses are granted by the Motor Vehicle Department upon the application of the suspended DWI. Usually applicants must provide some evidence that they are employed and require a car to go to and from work. The strictness of the requirement that the applicant show that the car is needed for work varies from State to State. Some provide a hardship license to almost anyone who applies, while others require the individual to obtain a letter from the employer verifying his or her need to drive.

States also vary in their requirements for applicants for a limited license to demonstrate financial responsibility. Some States permit applicants to show the same kind of evidence of insurance (an insurance policy) that is required of any individual applying for a driving license or motor vehicle tags. Other States require a special SR-22 form, which must be filled out by the insurance company, guaranteeing not only current insured status, but also future insurance coverage. In issuing this form, insurance companies agree to notify the State Department of Motor Vehicles if offenders fail to maintain their insurance.

To obtain an SR-22 form, offenders must let their insurance companies know that they have lost their licenses because of DWI offenses. This will normally result in a very large increase in insurance premiums. In a study in Mississippi, the increase was \$451 to \$674 per year (Wells-Parker and Cosby, 1987). Where individuals are not required to submit an SR-22 form, they do not need to notify their insurance companies. Since many, if not most, companies do not regularly check the State driver license file, the company will be unaware that these individuals are offenders and have lost their licenses. Therefore, the insurers will not increase premiums.

Many States provide for at least a short (30-day) period of full suspension prior to granting a hardship license. States also vary widely in the purposes for which they allow offenders to drive (to and from work, to and from treatment programs, for medical treatment, to religious services, etc.) and the specificity with which they control driving times and driving routes. Failure to conform to these prescribed limits is generally treated as a separate offense subject to additional penalties. Most jurisdictions cover at least part of the cost of issuing these special permits by charging a fee.

Many judges and State legislators believe that the availability of a limited license is essential to avoiding undue hardship for DWI offenders who, if not permitted to drive to and from work, might lose employment and cause innocent family members to suffer. However, many State driver license officials and police department administrators are concerned about

the issuance of hardship licenses because they recognize that there is no way to adequately supervise the drivers and ensure that they limit driving to the specifications of their restricted licenses. In addition, safety specialists are concerned that the availability of these limited licenses may reduce the deterrence value of license action as a DWI penalty.

Aside from collecting data on the use of hardship licensing by the 50 States, this study considered four major issues with respect to the desirability of issuing hardship licenses:

- Effect on the general deterrence value of suspension,
- Effect on the specific deterrence value of suspension,
- Effect on police and court processing of DWI cases, and
- Effect on the employment status of DWI offenders.

EFFECT ON GENERAL DETERRENCE

Does the availability of a hardship license reduce the general deterrence impact of license suspension for DWI?

Loss of license is one of the most feared DWI penalties. A national study of administrative per-se laws (which provide for license suspension if the driver is found to be over the BAC limit) conducted by Zador et al. (1988), demonstrated that States with such laws had 11% fewer fatal accidents during hours when the proportion of accidents involving impaired drivers is high. In a separate study, Ross (1987) found a significant reduction in "had-been-drinking" accidents in New Mexico following passage of an administrative per se law.

Further evidence that license suspension is an effective general deterrent was provided by a study in Wisconsin which in 1982 passed a DWI law requiring a mandatory loss of license for at least 90 days for first offenders (Preusser, Blomberg and Ulmer, 1988). Prior to 1982, approximately 45% of drinking drivers lost their licenses. After the passage of the law, 100% lost their licenses. A study of Wisconsin accident data from 1977 through 1985 showed a significant reduction beginning in 1982. The number of crashes decreased by 25% after the adoption of the law.

If, as these data suggest, the license penalty is effective, does the availability of a hardship license reduce this impact?

A study was conducted in New Jersey where 600,000 drivers were informed of the State's policy that no hardship license will be provided for drinking drivers who are suspended. Following the provision of this information (as part of the information given to all drivers on license renewal), the driving record of these 600,000 drivers was compared with 600,000 randomly chosen drivers who did not receive any information about the availability of a hardship license. No difference was found in the driving records of these two groups. If the fear of having the license suspended without opportunity to receive a hardship license has a deterrent effect, it should have been indicated by a reduction in the number of DWI offenses among the 600,000 who were notified of the New Jersey policy.

It is not surprising that the effect of the availability or non-availability of a hardship license on general deterrence is low. Most drivers are not aware of even the major penalties for drunken driving, let alone such subtleties as the availability of a hardship license. In New Jersey, for example, only one-third of the motorists were aware that New Jersey does not provide a hardship license. Similar proportions were found in several other States which do not provide hardship licenses. With such a lack of information on the availability of a hardship license, it's hard to believe that its presence or absence has much effect upon the general deterrence value of license suspension. The results of the New Jersey study confirm this impression.

This is not to say that wide publicity concerning the availability or unavailability of hardship licenses, achieved through campaigns or news coverage, might not strengthen or undermine the effect of suspension. However, short of such unlikely events, hardship licenses do not appear to have much effect upon whatever deterrent value suspension possesses. Whether or not hardship licenses are to be offered should be decided on other bases.

EFFECT ON SPECIFIC DETERRENCE

Does the availability of a hardship license affect the value of license suspension in reducing alcohol-related accidents and recidivism among convicted DWIs?

Considerable evidence is available from California, Washington, and Wisconsin that suspending the license of convicted drinking drivers reduces the total number of accidents and the total number of citations on the driving records of these offenders. This reduction in total accidents is one of the few safety benefits proven to result from a DWI sanction. Despite the fact that many suspended DWIs continue to drive, this benefit still occurs. Studies of DWI self-reports (Hagen, 1977; Wells-Parker and Cosby, 1987; and, Ross and Gonzales, 1987) indicate that these individuals drive fewer miles and drive more carefully. However, there is little or no evidence that license suspension reduces DWI recidivism or alcohol-related accidents (Sadler and Perrine, 1984). While suspended drivers are able to drive fewer miles and more carefully, thereby reducing their exposure to traffic offenses and non-alcohol related crashes, they appear unable to reduce their incidence of alcohol-involved driving, unless the suspension is accompanied by an alcohol education or treatment program.

Studies in Virginia and the State of Washington to determine the impact of hardship license availability on recidivism for individuals whose licenses have been suspended as a result of a DWI conviction, indicated that neither full suspension nor hardship licensing had a significant impact on involvement in alcohol-related accidents or DWI recidivism. In Virginia, the court may determine the length of full suspension and of limited driving privilege and set the length of each sanction. State-wide driving record data were analyzed to determine how receiving a limited license instead of a full suspension affected recidivism. While attendance at a "VASAP" treatment program reduced recidivism, neither full suspension nor hardship licensing had any effect.

Results from the study in Washington (where the Motor Vehicle Department requires both a letter from the employer and the SR-22 form from the insurance company as part of the hardship license application), indicated that the individuals who applied for and received a hardship license had better prior driving records. They appeared to be better drivers overall than individuals who did not seek and obtain hardship licenses. When the driving record of this group was examined after the driving suspension, there was no difference in DWI

recidivism or accident involvement between those who received the hardship license and those who did not.

A finding of special interest in the Washington study was the tendency of individuals who were suspended not to reinstate their licenses when they were eligible to do so. In Washington (as appears to be the case in other States which require the SR-22 form), approximately half of those whose licenses were suspended for drinking and driving did not reinstate their licenses when they became eligible to do so after the 90- or 180-day suspension period. The reason for this failure to reinstate is not entirely clear, but appears to be related to insurance costs and the establishment of financial responsibility. The results are similar to those found in California, where half of those suspended did not reinstate when they were eligible (Sadler and Perrine, 1984). Up to three-fourths of the remaining drivers who ultimately did reinstate, failed to maintain their driving status because they failed to maintain financial responsibility.

It appears that the issuance of hardship licenses is likely to have little impact upon recidivism for alcohol-related offenses. There is little evidence that license suspension itself reduces drinking and driving accidents and offenses. Any traffic safety benefit appears to be confined to non-alcohol-related accidents and offenses. The issuance of hardship licenses obviously cannot dilute a deterrence effect that doesn't exist.

In States where it is difficult to obtain a hardship license, whether for insurance or other reasons, large numbers of drivers who are eligible for a hardship license do not seek one. Those who do obtain a limited license appear to be from the population posing the least risk to the public and the lowest probability of recidivism. Therefore, it seems unlikely that the availability of a hardship license will have a serious negative impact upon impaired driving.

EFFECT ON COURT PROCESSING

Does the availability of a hardship license improve court processing of DWIs?

Many of the lower courts in the United States are understaffed and must handle very large caseloads. DWI cases must be disposed of rapidly if major backlogs are to be avoided. This often opens the way to plea bargaining as a method for avoiding lengthy trials. As the penalties for DWI become more severe, defendants are less willing to make such plea bargains, and, are more likely to hire an attorney, demand a jury trial and to appeal their sentences to higher courts.

Since full license suspension is one of the most feared penalties, it is often argued that there must be a safety valve provided by a limited or hardship license to avoid court backlogs produced by the efforts of the offenders to fight conviction.

A study of this issue was conducted in Alabama which, until 1982, had permitted judges to determine whether a first offender should have the license suspended. In most cases, first offenders did not receive a license suspension. After July 1982, judges had no authority over driver license sanctions. The responsibility for suspending the license was given to the Motor Vehicle Department, which was required by the new law to suspend the license for 90 days upon notification of conviction. As a result, Alabama went from a condition in which 99% of first offenders received no suspension to one in which 99% did receive a driving suspension.

The change in suspension practice produced a small (6%) but significant reduction in the proportion of arrested drivers convicted on the original charge. However, the time

between arrest and conviction was reduced by 12%, indicating speedier trials. The evidence from the Alabama study, therefore, suggests that making a driving suspension mandatory did not disrupt the court process.

Because the study in Alabama indicated that shifting from not suspending the license of most offenders to suspending almost all first offenders had little impact on court operations, it is not likely that large differences in court operations will result from the availability or non-availability of hardship licenses.

EFFECT ON EMPLOYMENT

Does the full suspension of driving privileges produce undue hardship through loss of employment?

The American public generally believes that driving is essential to earning a livelihood because a car is a necessity for getting to and from work. The courts and State legislatures tend to reflect this view, causing them to accept the argument that a full-suspension will produce undue hardship for many offenders by threatening them with loss of employment, which, in turn, could lead to financial distress for innocent family members.

Four studies of the effect of suspension on employment among convicted DWIs are compared in this report. A study of 1,200 DWIs applying for reinstatement of their licenses in Pennsylvania indicated that 4% of these offenders reported they had been fired as a result of their suspensions. A similar proportion of DWI drivers in Delaware who were applying for hardship licenses or applying for reinstatement of their regular licenses reported that they had lost their jobs. Both the Pennsylvania and Delaware studies asked the respondents to provide the names and addresses of the employers who fired them. A follow-up, however, was made only in the Delaware study. This follow-up with the employers confirmed only 38% of the reported firings.

If this is the more accurate reflection of the actual number of job losses due to full-suspension, then approximately one and a half percent of suspended offenders actually lose their jobs as a result of their inability to drive. Studies of somewhat smaller groups of offenders in New Mexico and Mississippi have indicated a higher proportion reporting that they had lost their jobs. In these studies, however, the individuals were not asked to name the employers who fired them and this may account for the higher proportion reporting job loss.

While it is clear that some offenders lose jobs as a result of their driving suspensions, it is also true that the group which is convicted of drinking and driving has considerable unemployment that is not associated with the DWI conviction and experiences a good deal of job mobility. When the employment status of a group of suspended DWIs in Mississippi was compared with the employment status of a similar group of DWIs who had not yet received a suspension, the proportion who were unemployed was not significantly different. Nor had the two groups experienced a significantly different number of days of unemployment during the previous year. From these results it appears that DWI offenders who are suspended and offenders who are not suspended vary little in their employment status and that suspension has little impact on the economic well-being of the average first offender.

Over half of those who are suspended do not request reinstatement. In States like Washington, in which an SR-22 form is needed to get a hardship license, only 20% of those suspended apply for and receive such licenses. The fact that many drivers do not make the

effort to reinstate their licenses or to obtain a hardship license suggests that they have found ways to get to and from work despite the suspension.

SUMMARY

The issuance of hardship licenses does not appear to alter whatever effect license suspension has upon (1) the alcohol offenses of the general public, (2) DWI recidivism, (3) court processing of DWIs, or (4) the employment status of DWIs. It does not appear as though the average driver knows enough about the availability of a hardship license for it to have any effect on his or her drinking/driving behavior. In the case of DWI recidivism, court processing, and employment, it doesn't appear that full license suspension has an appreciable effect to begin with. Therefore, there is little likelihood that a partial limitation of driving would have a significant effect on these factors.

The one significant impact that hardship licensing has is the effect it is supposed to have — it permits driving. It is apparent that convicted DWIs, like anyone else, are more likely to drive when it is legally permitted than when it is a violation of the law. While this might seem axiomatic, it refutes a popularly held opinion that license suspension is ineffective because those suspended will drive anyway. Because they drive less frequently and (one suspects) more circumspectly, fully suspended drivers are less likely to commit traffic violations or to be involved in accidents than are holders of hardship licenses. The result is a net benefit to the safety of the suspended driver and the public. It is apparent that this benefit can be gained without jeopardizing the willingness of police or courts to arrest, prosecute, and convict, and without imposing a true economic hardship upon those suspended.

The only situation in which hardship licenses can be made available without detracting from the safety benefit of suspension is where the need for special insurance and/or employer certification makes such licenses hard to get. Under such circumstances, it tends to be the safer drivers who obtain and drive on hardship licenses.

States that require special insurance for hardship licenses typically impose the same burden upon those seeking reinstatement of their regular license following the period of suspension. In such states, as many as half of the drivers eligible to reinstate their licenses fail to do so. While these unlicensed drivers may have fewer accidents and violations than their fully licensed counterparts, they are nevertheless driving illegally. They represent a large "outlaw" driver population that motor vehicle departments do not seem to have a policy for dealing with.

While none of the results that have been described were unfavorable to hardship licensing, neither were they unfavorable to full suspension. On the contrary, the finding that full suspension fails to impose the burden upon suspenders or suspended that is often feared neutralizes two major obstacles to suspension. Nor, does full suspension stand in the way of the education and treatment that appears to be necessary to reduce DWI recidivism. Rather, it may well play a facilitative role. A prerequisite to overcoming a drinking problem is recognition that it is indeed a problem. For many recovered alcoholics and problem drinkers, being without a license was one of the "last straws" that led to recognition that their drinking was a problem.

While a reduction in accidents and violations is a benefit of full license suspension, it is not, in itself, a justification for it. Were that the case, everyone's license should be suspended.

The justification for suspending their license is in the commission of an act — drinking and driving — that is extremely hazardous to the public safety. However, even that justification is only good for so long. Eventually, licenses will have to be reinstated. Unless reinstatement is coupled with the requirement for education or treatment, it appears unlikely that the suspension will have been instrumental in reducing the likelihood of future drinking-driving offenses and convictions. So long as reinstatement is made contingent upon satisfactory completion of an education/treatment program, permitting a restricted or hardship license at some point in the process does not appear to undermine the beneficial effect of the program.

CONCLUSIONS

The conclusions reached in the study that has been described can be summarized as follows:

1. Since full suspension does not appear to create an economic hardship for those suspended, and does not presently appear to effect the operation of law enforcement agencies or courts, the availability of hardship licenses is not necessary to achieve high rates of arrest, prosecution, or conviction.
2. Drivers are generally ignorant as to the availability of hardship licenses within their states. Nor does simply apprising them as to the availability of hardship licenses, outside of widespread media publicity, appear to effect the deterrence value of license suspension.
3. Since hardship licenses permit vehicles to be operated legally (under certain circumstances), they result in greater exposure to the risk of accidents and the likelihood of traffic violations. The only exception seems to be in states making hardship licenses difficult to obtain (e.g., insurance), where those who seek such licenses tend to have the better driving records to begin with.
4. No form of license suspension — full suspension or hardship license — appears to effect recidivism for drinking and driving offenses beyond the actual period of suspension.

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