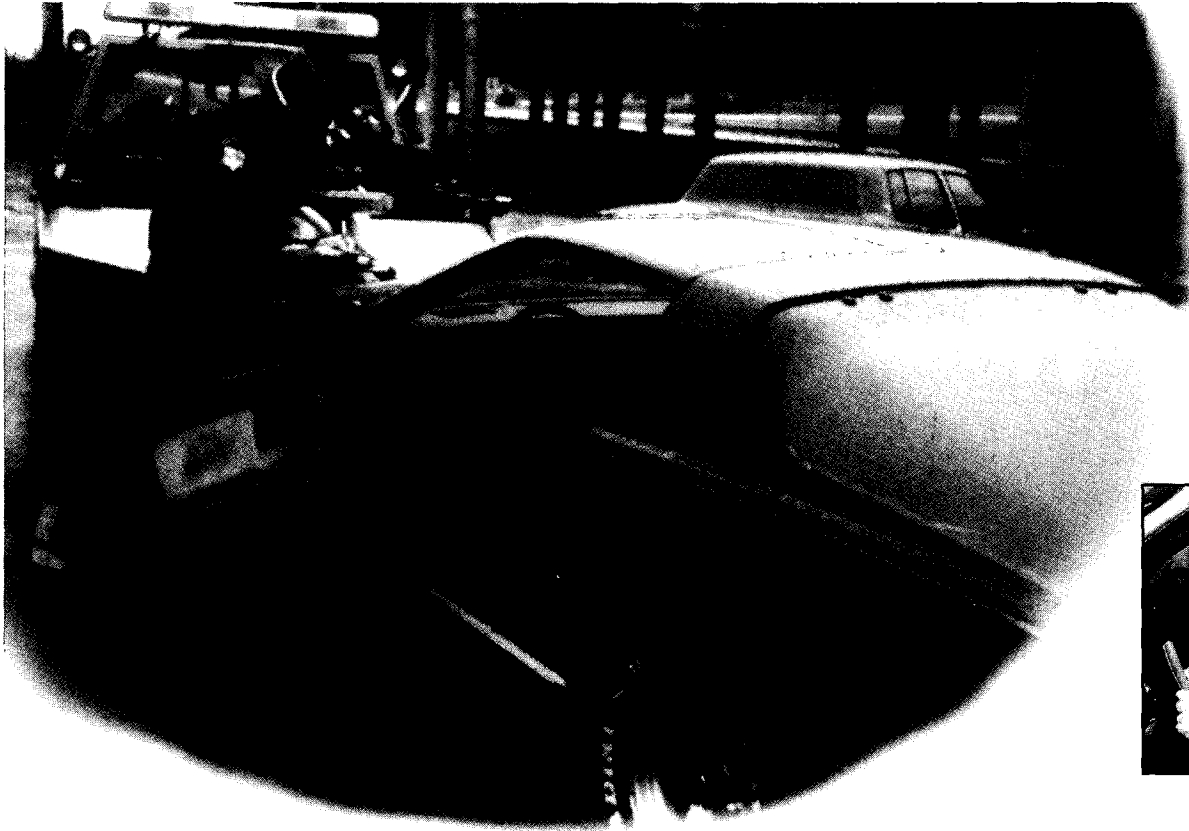


# Effectiveness

OF THE OHIO VEHICLE ACTION



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*October 1999*

**EFFECTIVENESS OF THE  
OHIO VEHICLE ACTION AND  
ADMINISTRATIVE LICENSE SUSPENSION LAWS**

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16. Abstract This report presents a study of the effectiveness of two laws in the State of Ohio, one of which provided for the impounding and immobilization (with a "club" device) of the vehicles of multiple drunk driving offenders and drivers convicted of driving while suspended, where the suspension resulted from a DUI offense. That vehicle action law was implemented simultaneously with an Administrative License Suspension (ALS) law, which is also evaluated in this report. Separate analyses of the impact of the of the impoundment/ immobilization law in Franklin (Columbus) and Hamilton (Cincinnati) counties indicated that DUI offenders whose vehicles are sanctioned have fewer repeat DUI offenses both during the time the car is impounded or immobilized and after it is returned to the owner than comparable drivers who did not receive a vehicle sanction. Overall there was evidence that following the implementation of the vehicle action law on September 1, 1993, there were fewer DUI offenses committed by multiple DUI offenders. Evaluation of the ALS law indicated that it increased the proportion of first drunk driving offenders receiving a license suspension from 60% to 99% and the proportion of second offenders suspended from 85% to 99%.			
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## EXECUTIVE SUMMARY

### A. Background

This is the fourth in a series of reports on investigations of the laws that target the vehicles of driving-under-the-influence (DUI) offenders in an effort to reduce impaired driving, particularly while their drivers' licenses are suspended. Driving while suspended (DWS) by DUI offenders has become a major problem as more and more of these drivers fail to reinstate their licenses when they become eligible to do so. This has led to an increased interest in using vehicle sanctions as a way to deter or control the driving of DUI offenders. The first report covered the results of a survey on the use of impoundment and forfeiture laws by the states. The second report evaluated license plate sticker laws in the States of Washington and Oregon. The third report evaluated a vehicle impoundment law in California. This report evaluates the simultaneous implementation of an administrative license suspension (ALS)<sup>1</sup> law and a vehicle immobilization law in Ohio.

Ohio was selected for this study because it simultaneously strengthened two programs in September 1993 to help curb drinking and driving. The first program strengthened an existing immobilization law: vehicles were immobilized for 90 days for second DUI offenders and 180 days for third DUI offenders. In addition to those immobilization penalties for DUI offenders, the vehicles of individuals apprehended for DWS were immobilized for 1 to 2 months. The second program applied the ALS law more stringently by providing for immediate license suspension on the day of arrest for all DUI offenders.

The simultaneous implementation of these two laws presented both an evaluative challenge and an evaluative opportunity. The challenge was to determine an analytic procedure that could separate the effects of these two laws. The simultaneous implementation was also an opportunity to evaluate the effects of both the ALS law and the immobilization law. This resulted in a three-phase study. The first phase analyzed the historical effects of the license suspension program that was in place before initiation of the new laws. The second phase evaluated the impact of the ALS law, and the third phase evaluated the vehicle immobilization law in two large suburban counties in Ohio.

### B. Research Design and Analysis

Ohio's ALS and immobilization laws were both implemented on September 1, 1993. To evaluate these two pieces of legislation, the full driving record of every operator with a DUI or implied consent conviction between September 1, 1990, and August 31, 1995, was obtained from the Ohio Bureau of Motor Vehicles' (BMV) driver files. This provided a 5-year file of 43,718 drivers' records with 58,490 DUI offenses for analysis: 3 years before and 2 years after implementation of the ALS and immobilization laws. These driving records contained the license status of the offender and four types of offenses: DUI and implied consent convictions, DWS convictions, moving traffic violations, and crash involvements. Three basic analyses were conducted:

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<sup>1</sup> The term "ALR" is typically used to describe this type of law although Ohio, like most states, suspends (ALS) rather than revokes the drivers' license. The Ohio term "ALS" is used in this report.

- (1) Offenders were separated into two groups—those with licenses and those with suspended licenses—and monthly offense rates for each group was calculated and compared across months by paired sample tests.
- (2) Tarone-Ware and Cox Regression Survival Analyses were used for studies to compare recidivism of offenders before and after the application of the new laws.
- (3) A time series analysis was conducted to detect changes in offense rates before and after implementation of the new laws.

### **C. Effectiveness of Traditional License Suspension Program**

Before implementing the new laws in September 1993, Ohio's laws provided for a typical suspension sanctioning program based on court-conviction information forwarded to the BMV. Comparing the date of suspension with the date of apprehension showed that suspension action was frequently delayed, often up to 4 months. Further, 40% of first offenders and 15% of multiple offenders were not suspended within 2 years of their offense. The relatively low rate of suspension actions for first offenders appeared to be related to the Ohio mandatory 3-day jail sentence, which became the basis for the locally developed weekend intervention program. Some courts used this to allow limited driving privileges as a probation requirement instead of traditional license suspension through the BMV. A comparison of the mean monthly offense rates for suspended offenders compared to fully licensed first offenders demonstrated that those who were suspended had significantly lower DUI, moving violation, and crash rates during the 36 months before initiation of the new laws. DUI rates were between 32% and 43% lower (from 1.80% to 1.12% for those with one prior DUI; from 2.95% to 1.67% for those with two prior DUIs; from 4.37% to 2.98% for those with three or more prior DUIs), and crash rates were 24% to 35% lower (from 1.30% to 0.99% for those with one prior DUI; from 1.29% to 0.93% for those with two prior DUIs, from 1.23% to 0.80% for those with three or more prior DUIs) for suspended offenders compared to fully licensed offenders.

### **D. Effect of the ALS Law**

Ohio's ALS law has several strong features. First, it moves the date of suspension forward to the day of arrest so that there is an immediate loss of the driver's license subject to a hearing within 5 days. Second, it provides for significant additional suspension time for refusal of the breath test. First offenders who refuse a breath test receive a 1-year suspension compared to a 90-day suspension for having a BAC greater than the .10 limit. Second offenders who refuse a breath test receive a 2-year suspension instead of a 1-year suspension for having a BAC greater than the .10 limit. Finally, in separate legislation but concurrent with the implementation of the ALS law, a provision was made to allow the courts to add suspension time on top of the ALS suspension.

Implementation of the ALS law in September 1993 significantly changed the timing and comprehensiveness of the imposition of the license suspension penalty. After implementation of the ALS law, 95% of both first and second offenders received the license sanction within a few days of their arrest.

To determine the effect of immediate penalty and the increased comprehensiveness of its application, recidivism rates were compared for first and multiple offenders, beginning with the date of arrest before (September 1990 through August 1993) and after

(September 1993 through August 1995) implementation of the ALS law. Before the law, 15% of the first offenders received a second DUI within 24 months of their arrest. After the law, only 5% of the first offenders received a DUI within 24 months of their arrest.

For multiple offenders, the corresponding recidivism levels were 25% before and 7% after the law. Reductions were also observed in the number of offenders with moving violations. Before the ALS law, 20% of the first offenders had a moving violation within 24 months of their arrest compared to only 9% after implementation of the ALS law. For multiple offenders, the corresponding figures were 28% and 15%, respectively. Finally, and most significantly, a reduction in crash frequency was observed for both first and multiple offenders. Before the law, 12% of first offenders and 14% of repeat offenders were involved in a crash within 2 years of their DUI offense. After September 1993, only 5% of first offenders and 7% of repeat offenders were involved in a crash during that period.

A study was conducted of those in the general driving public who were arrested for a DUI for the first time. These drivers were not subject to license suspension or vehicle immobilization before their arrest. The number of such first-time arrests and convictions should reflect (1) the level of DUI enforcement and (2) the rate of DUI convictions or the general deterrent effect of the ALS law. The number of such first-time DUI convictions declined slowly over the 5 years (September 1990 to September 1995) but long-term trend was not affected by the implementation of the ALS and immobilization laws in September 1993. This suggests that the reductions in recidivism noted following that date were not due to the level of DUI enforcement or conviction rate. No conclusion regarding the general deterrent effect is possible because the data for this study included only the driving records of individuals with DUI offenses.

#### **E. Effectiveness of Immobilization or "Vehicle Action" Law**

The Ohio Immobilization or "Vehicle Action" (VA) law<sup>2</sup>—which governs both vehicle impoundment and vehicle immobilization and license plate confiscation—was implemented on September 1, 1993, to be applied to multiple DUI offenders or DWS offenders who have been suspended for a DUI charge. Other license suspensions imposed by the BMV are also eligible for a sanction; however, these were not evaluated in this study.

In some locations (e.g., Hamilton County, Cincinnati), the vehicle remains in the impoundment lot for the total length of the immobilization period. In other locations (e.g., Franklin County, Columbus), the vehicle may be released from the impoundment lot and immobilized with a club device on the offender's property. In these cases, the penalties imposed upon offenders—either pretrial or posttrial—can be impoundment only or a combination of impoundment followed by immobilization.

Several elements of the law contribute to the overall impact of the legislation on DUI offenders.

- **Substantial vehicle immobilization (or impoundment):** 30 days for the first and 60 days for the second DWS offenses, and 90 days for the second and 180 days for the third DUI offense.

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<sup>2</sup> In Ohio, the law is commonly referred to as the "immobilization" law, although it provided for vehicle impoundment, license plate confiscation, and vehicle immobilization. For brevity, it will be referred to as the Vehicle Action (VA) law in this report.

- **Vehicle forfeiture** penalty for the third DWS offense and the fourth DUI offense.
- **Immediate seizure** of the vehicle upon arrest and holding the vehicle pending a hearing that must be held within 5 days of seizure.
- **Seizure of vehicle plates** upon conviction. The plates are forwarded to the BMV and destroyed.
- **Prohibiting the sale** (an amendment to the law) of the "offending" vehicle during the time between arrest and trial. Violators are blocked from registering another vehicle for 2 years.
- **A \$100 immobilization fee**, which is collected by the BMV and reimbursed to the police agency, the city, or the county government to help offset the cost of implementing the program.

The specific deterrent effect of the VA law was evaluated in two large urban counties—Franklin County and Hamilton County—which presented contrasting methods of implementing the law. With minor exceptions, Hamilton County impounded offenders' vehicles for the full period provided by the law, and Franklin County transferred a majority of vehicles from a storage lot to immobilization on the offenders' property after an initial period of impoundment. Vehicle sanctions were not imposed on 25% to 50% of the eligible offenders in both counties, and DWS and DUI offenses were recorded on each offender's driving record. Therefore, it was possible to construct comparison groups to determine the effect of the temporary vehicle loss. Neither county had enough offenders whose vehicles were forfeited to permit an analysis.

#### 1. Franklin County Results

The court-based immobilization coordinator in Franklin County provided data on the impoundment and immobilization periods. The driving records of 2,784 offenders eligible to receive these penalties between September 1, 1993, and August 31, 1995, were analyzed to determine the effect of vehicle actions on DUI and DWS recidivism. Four periods were considered: the 30, 60, 90, and 180 days during which the offender's vehicle was impounded or immobilized and up to 23 months following return of the vehicle. The driving records of eligible offenders who received the vehicle penalties were compared with offenders who were eligible but did not receive a vehicle sanction. Both groups received the same driver's license and vehicle sanctions. In Franklin County, about one in four of the eligible offenders received the sanction generally losing access to the vehicle for the full time (30 to 180 days) provided by the law.

- **DUI AND DWS OFFENSES OF SUSPENDED DRINKING DRIVERS DURING IMPOUNDMENT/IMMOBILIZATION.** DUI offenders as a group had a lower frequency of DUI and DWS offenses *while* their vehicles were sanctioned—that is, the vehicles were unavailable to them—than did comparable offenders who did not have their vehicles sanctioned. While the vehicles they were driving when arrested were inaccessible to them, the offense rates of the 820 DUIs with impounded vehicles were reduced: 65% ( $p=.002$ ) for DWS offenses and 58% ( $p=.009$ ) for DUI offenses, compared to similar offenders with no vehicle action.
- **DUI AND DWS OFFENSES OF DRINKING DRIVERS AFTER THE SANCTION.** The frequency of DUI and DWS offenses was lower for the combined group of sanctioned offenders for up to 23

months after release of their vehicles from impoundment or immobilization.<sup>3</sup> The DUI offense rate was reduced by 35% ( $p=.014$ ) and the DWS rate by 42% ( $p=.028$ ).

## 2. Hamilton County Results

In Hamilton County, the records of 3,582 DUI and DWS offenders eligible for a vehicle sanction between September 1, 1993, and August 31, 1995, were divided into two groups. One group had received the impoundment penalty, and one group had not. As in Franklin County, two periods were considered: (1) the *during*-sanction period, that is, while the vehicle was impounded and (2) *after*-sanction period, that is, after the vehicle was returned or at the end of the sanction period.

- **DUI AND DWS OFFENSES OF SUSPENDED DRINKING DRIVERS DURING IMPOUNDMENT.** DUI and DWS offenses were 60% lower ( $p=.001$ ) among the 880 offenders whose vehicles were impounded *during* the sanction period than comparable offenders whose vehicles were not impounded.
- **DUI AND DWS OFFENSES OF DRINKING DRIVERS AFTER THE SANCTION.** Sanctioned offenders had 56% fewer ( $p=.001$ ) DUI and 39% fewer DWS offenses ( $p=.047$ ) following the return of their vehicles' than did comparable offenders whose vehicles were not sanctioned.

## F. Major Findings

Overall, there were three major findings in this study:

1. License suspension compared to full license privileges for DUI offenders was found to reduce the rate of DUI offenses, moving violations, and crashes. DUI rates were 38% to 43% lower and crash rates were 24% to 35% lower for offenders whose licenses were suspended compared to offenders who had full license privileges.
2. Ohio's ALS law resulted in an earlier license suspension and a significant increase in the number of offenders receiving license suspension. Overall, once the license suspension law was in place, 95% of both first and multiple DUI offenders received a license action within a few days after their arrest.
3. A significant portion of the reduction in offense and crash rates for multiple DUI offenders may be attributed to the vehicle sanctions. Though shorter than the license suspension period (90 days for second offenders and 180 days for third offenders), these sanctions were found to reduce recidivism *while* vehicles were impounded or immobilized by as much as 50% to 60%. However, in both counties, only 30% to 50% of the multiple offenders received vehicle sanctions. The extent of use elsewhere in the State is unknown. The data from Franklin and Hamilton Counties, however, indicate that a more significant reduction in multiple offender recidivism could be achieved if the VA law were applied to all offenders as specified in the law.

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<sup>3</sup> Some vehicles in both counties were not returned because they were abandoned by their owners. The end of the specified sanction period was used to compare the *after*-sanction period with the *during*-sanction period.



## **G. General Recommendations**

1. License suspension effectively reduces offenses and crashes among convicted DUIs. It should be applied as broadly as possible to all drivers convicted of driving while impaired.
2. Immediately after an arrest for a DUI is a high-risk period for impaired driving. Therefore, the period between an arrest and a license suspension should be minimized.
3. ALS is an important way to achieve recommendations 1 and 2. An effective ALS law should have two important features.
  - (a) The suspension should begin as soon as possible after an apprehension.
  - (b) The suspension period for a breath-test refusal should be considerably longer than for a breath-test that is greater than the limit.
4. Vehicle impoundment and immobilization greatly enhance the effectiveness of license suspension and should be applied to multiple offenders and those who drive while suspended because of a DUI offense. To be most effective, vehicle impoundment and immobilization should:
  - (a) be initiated at the time of arrest when the vehicle is normally taken into custody to avoid a transfer of title or a situation where the police must search for the vehicle to apply the sanction after a court hearing; and
  - (b) provide for holding a vehicle belonging to a nonoffender owner who knew or should have known that the driver was unlicensed (up to half of the offenders drive vehicles belonging to a third party at the time of their arrest), and, the offender found driving that vehicle again, the non-offender owner should pay storage and towing costs and sign a quit claim deed forfeiting the vehicle to the local government.

## **H. Summary Description of the Implementation of Ohio Vehicle Action Law (Appendix A)**

### **1. Introduction**

The main body of this report evaluates the effect of Ohio's VA law on recidivism of DWS and DUI offenders. This evaluation indicates that impounding or immobilizing the vehicles of offenders reduces DUI and DWS recidivism both while vehicles are held by the state and, to a lesser extent, after vehicles are returned to the owners. Appendix A provides a more detailed description of the VA law—how it was applied in Hamilton and Franklin Counties—and recommendations for implementing the laws growing out of the Ohio experience.

Implementation of the VA law varied between the two counties selected for study. In Hamilton County, vehicles were impounded for the full period provided by the law. In Franklin County, some offenders experienced a short period of impoundment after which the vehicle was immobilized on their property; others had their vehicles impounded for the full period provided by law. In both counties, the law was not uniformly applied to all eligible offenders for several reasons, some of which are discussed in the course of this study.

## 2. Implementation Issues

**NONOFFENDER OWNERS.** Several issues arose for the implementation of the VA law in Franklin and Hamilton Counties. The law originally provided for immediately seizing and immobilizing vehicles owned by nonoffenders. Further, if it could be demonstrated that the owner knew or should have known that the offender was not licensed, yet gave the offender permission to use the vehicle, the law provided for impoundment of the vehicle's plates. Ultimately, the law's seizure provision for nonoffender owners was not enforceable because it was ruled unconstitutional by a U.S. District Court. A subsequent Ohio Supreme Court ruling upheld the District Court's decision but did not prohibit immobilization or forfeiture after conviction of the offender.

**VARIATIONS IN APPLICATION OF THE LAW.** At the time of arrest, officers in some jurisdictions have the discretion to charge offenders under several local or State codes. Therefore, officers can charge an offender under a code that does not require the time-consuming procedure of towing and impounding that is required under the VA law. Further, delays in entering offenses on driving records may cause some eligible multiple offenders to be missed. Also, prosecutors sometimes reduce or dismiss cases to ease caseloads. Some prosecutors and judges interpret nonoffender owner involvement very narrowly while others do not.

**WORKLOAD ISSUES.** The VA law creates extra work for those in law enforcement and vehicle administration positions. Police officers, for example, do a significant amount of extra work to seize and impound and then, later, club and unclub vehicles. Tracking the status of vehicles on "immobilization hold" in the police impound lots is also time-consuming, though the \$100 in immobilization fee helps to offset the cost of the extra personnel hours needed to implement the law. Another example is the court's staff. Not only are the prosecutors, bailiffs, and judges affected because immobilization cases require additional courtroom time for hearings, but also all court staff as these hearings create additional paperwork. Checking the computerized driver record system is also time-consuming. The BMV staff also does additional work to collect and disburse the \$100 in immobilization fee. An "immobilization coordinator," such as the one in Franklin County, can help with some of the administrative work. For example, a coordinator can track the status of offenders and their vehicles and communicate with the various police departments that carry out court orders on immobilization. Without such a coordinator, much of the additional paperwork falls to the clerks of courts and the staff in the police departments.

**COMMUNICATION ISSUES.** The logistics of implementing a VA law such as Ohio's can be cumbersome and confusing. The lines of communication and the flow of paperwork must be clearly defined. Also valuable are a task force or committee of key participants, a court-based immobilization coordinator or an assigned immobilization police officer, standardized forms, and a technical handbook.

**VEHICLE STORAGE.** The abandonment of impounded vehicles of low dollar value was a problem for both privately owned and police-operated impoundment lots in both counties. This problem was somewhat alleviated when pretrial or posttrial immobilization was allowed in Franklin County. Also helpful was an amendment that shortened the time from 60 to 20 days for vehicle forfeiture if an owner failed to retrieve a vehicle.

## 3. Recommendations for Implementation of Vehicle Sanction Laws

- Vehicle sanction laws should include provisions for seizing the vehicle at time of arrest and holding it subject to a hearing and trial. This eliminates two

problems—locating the vehicle later and disposing of the vehicle by the owner before the trial. The court can provide credit for the time the vehicle was impounded before the trial.

- Vehicle plates should be impounded and the vehicle should be either impounded or immobilized to help ensure that the vehicle will not be moved during the sanction period. A simpler system in which only plates would be impounded, rather than the vehicle, merits study.
- The offender should be charged a fee to cover the extra work done by the police to immobilize the vehicle and by the courts to do the record keeping associated with vehicle immobilization.
- Provisions should be made for expedited notice of vehicle seizure to nonoffender owners. This should be a requirement if the vehicles of nonoffender owners who knew or should have known that the offender was unlicensed are to be impounded.
- Release of a vehicle to a nonoffender owner should be based on the signing of a quit claim that allows the vehicle to be forfeited to the State if the owner permits the offender to drive it again before his or her license is reinstated.
- Provisions should be made for recording the impoundment and immobilization dates of the vehicle on the offender's driving record so that the effectiveness of these laws can better be evaluated.
- Immobilization and impoundment appear to be equally effective in reducing recidivism. The choice between these two methods appears to depend principally on the administrative and cost problems faced by the local government:
  - When large city or county impound lots are available, impounding may be the best sanction since towing and holding vehicles in a single location generally involves the least administrative complexity.
  - When holding facilities are limited, immobilization on the offender's property may be the least expensive approach for the locality despite the additional administrative burden of managing the transfer of the vehicle.
- The offender's driver license status and record of prior offenses must be readily and easily available to police officers so they can determine whether to seize a vehicle at the time of arrest.
- Only some offenders who are eligible for a vehicle sanction receive a penalty. Therefore, officials in each locality should determine whether the law is being applied uniformly at all levels of the system in their jurisdictions.
- States implementing VA laws should establish rules in motor vehicle departments to prevent owners from transferring titles to their vehicles to avoid the penalty.
- Motor vehicle department registration blocks for failure to pay fees should be placed on the offender as well as the vehicle owner.

- Jurisdictions implementing VA laws should create clear and direct lines of communication and paperflow using committees of key players, standard forms, and a technical handbook.

This report contains five sections. Section 1 provides the background for this study and an overview of the Ohio administrative license suspension and vehicle action laws. Section II focuses on the importance of license suspension before the new law and shows how the ALS law increased the use of this sanction. Section III describes a comparison of DUI recidivism and moving violation rates and crashes of DUI before and after the ALS law's implementation in September 1993. Section IV addresses the effectiveness of different implementations of the VA law by two large urban counties in Ohio—Franklin (Columbus) and Hamilton (Cincinnati). Finally, Section V discusses the significance and limitations of the results of the studies and the implications of these findings.

Supplementing this report are several informative and practical appendices that jurisdictions can use as guides to implement vehicle action programs. Appendix A describes the features of the VA law in Ohio in detail and the amendments that were later needed for smoother operations at the local level and for the Bureau of Motor Vehicles. This appendix also discusses other issues arising from implementation of the law including variations in application of the law, lines of communication, abandoned vehicles, increased workload, and public awareness. Case flow charts are included for each county to illustrate the logistics required for the impoundment and/or immobilization of vehicles when the order must come from a court. Table A-3 contrasts the different implementation procedures used in Franklin and Hamilton Counties when initiating their vehicle action programs. Other appendices include immobilization program forms (Appendix B), court entry forms (Appendix C), and informational brochures and materials (Appendices D and E.)

## TABLE OF CONTENTS

I. INTRODUCTION .....	1
A. BACKGROUND .....	1
B. PRIOR STUDIES OF ADMINISTRATIVE LICENSE SUSPENSION.....	2
C. PRIOR STUDIES OF VEHICLE SANCTIONS.....	2
D. OVERVIEW OF CURRENT STUDY .....	3
II. EFFECT OF LICENSE SUSPENSION IN OHIO .....	6
A. DELAY AND LIMITED APPLICATION OF SUSPENSION SANCTION .....	6
B. OVERALL EFFECTIVENESS OF LICENSE SUSPENSION BEFORE ALS .....	8
C. ALS LAW MADE LICENSE SUSPENSION MORE CERTAIN.....	12
III. EFFECT OF ALS LAW .....	13
A. LEVEL OF DUI ENFORCEMENT.....	13
B. VENUE CHANGE IN COURT PROCEDURES .....	16
C. EFFECT OF ALS ON DUI RECIDIVISM .....	17
D. EFFECT ON MOVING VIOLATIONS .....	19
E. EFFECT ON CRASHES .....	20
F. DISCUSSION .....	20
IV. EFFECT OF OHIO VA LAW .....	22
A. RESEARCH METHODS .....	23
B. DATA ANALYSIS.....	25
C. RESULTS.....	27
1. Franklin County .....	27
2. Hamilton County .....	31
D. DISCUSSION .....	35
V. DISCUSSION.....	38
A. MAJOR FINDINGS .....	38
B. STUDY LIMITATIONS .....	39
C. STRENGTHS OF THESE STUDIES .....	40
D. SIGNIFICANCE OF THESE RESULTS.....	41
VI. REFERENCES .....	43

### APPENDICES:

#### APPENDIX A. DESCRIPTION AND IMPLEMENTATION OF THE OHIO VEHICLE ACTION LAW

APPENDIX A.1. OHIO VEHICLE ACTION LAW

APPENDIX A.2. IMPLEMENTATION PROCESSES IN FRANKLIN AND HAMILTON COUNTIES

APPENDIX A.3. IMPLEMENTATION ISSUES

#### APPENDIX B. IMMOBILIZATION FORMS FROM FRANKLIN COUNTY

#### APPENDIX C. COURT ENTRY FORMS

#### APPENDIX D. OHIO INFORMATIONAL BROCHURES AND BMV FORM

#### APPENDIX E. IMMOBILIZATION POSTER AND LEAFLET

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## I. INTRODUCTION

*This section summarizes previous studies of ALS and VA laws in Ohio.*

### A. Background

The participants at Traffic Safety Summit II (NHTSA, 1991) recommended investigating methods to make license suspension more effective by reducing the incidences of driving with a suspended license. To date, INCAPACITATION through license suspension has proven to be the most practical and effective sanction for protecting the driving public. Suspension has been shown to reduce the instances of driving under the influence (DUI) and, more importantly, crashes (Peck, Sadler, & Perrine, 1985). DETERRENCE through incarceration and fines has largely failed to reduce crash involvement of convicted DUI offenders because the severity of sanctions imposed by the courts on drivers who have not caused serious injury to others is limited (Voas & Lacey, 1990). REHABILITATION through alcohol treatment programs has reduced DUI recidivism and alcohol-related crashes (McKnight & Voas, 1991; Wells-Parker, Bangert-Drowns, McMillen, & Williams, 1995). However, rehabilitation has less impact on overall crash involvement than license suspension that reduces both non-alcohol-related and alcohol-related collisions (Peck, Sadler, and Perrine, 1985). DUI offenders are a greater risk to the public as has been demonstrated by their overinvolvement in alcohol-related crashes (Simpson, Mayhew, & Beirness, 1996; Hedlund, & Fell, 1995). Incapacitation through license suspension remains the most effective way to protect the public against the higher risk presented by those drivers who have been apprehended for DUI.

The effectiveness of license suspension has been limited in two ways. First, a significant proportion of offenders have delayed or avoided suspension when imposed by the courts, either through delaying the adjudication process or through plea bargaining. This has led to the passage of administrative license revocation (ALS) laws that allow arresting officers to confiscate licenses at the time of apprehension. The police then forward them to the motor vehicle department where the process leading to license suspension begins immediately and is generally independent of the outcome of the judicial process.

The enforcement of license suspension is a second problem. Police officers cannot determine if a driver is unlicensed unless they can stop a vehicle and require the driver to present a valid license. Under the Fourth Amendment to the Constitution, stopping the vehicle is a form of seizure requiring a reasonable suspicion that an offense has been committed. Thus, unlicensed drivers are apprehended only when they commit another offense or are caught at a checkpoint. Partially due to the low probability of apprehension, it has been estimated that up to 75% of DUI offenders drive to some extent while suspended (Hagen, McConnell, & Williams, 1980; Ross & Gonzales, 1988).

Evidence that driving while suspended (DWS) is related to a perceived lack of enforcement comes from research in the States of California (Peck, Sadler, & Perrine, 1985), Oregon and Washington (Voas & Tippetts, 1994), and New Jersey (Voas & McKnight, 1986). Clearly, despite the inconvenience associated with license suspension, at least half of those who receive suspensions for a drunk-driving offense do not reinstate their licenses when they become eligible to do so. In fact, many of them do not reinstate their licenses for some years (Voas & McKnight, 1986; Voas & Tippetts, 1994). Thus, suspended offenders continue to drive with relative impunity. This has led to passage of

legislation that attempts to separate the offenders from their vehicles by labeling their license plates or impounding their vehicles, thus preventing or limiting use of the vehicles (Voas, & Lacey, 1990).

## B. Prior Studies of Administrative License Suspension

Currently, 39 states have ALS laws to protect the public by suspending the driver's license of a DUI suspect who refuses the BAC test or provides a test over the State's BAC limit. Two national studies and several State-level studies demonstrated that these laws have a general deterrent effect on the driving public as a whole, which reduces the number of alcohol-related fatal crashes in states. For example, Zador, Lund, Fields, and Weinberg (1988) found a 9% reduction in the number of drivers involved in fatal crashes during nighttime hours in eight States that had enacted ALS laws. Klein (1989) also reported a decrease of 6% in alcohol-related crashes in 17 States after they implemented ALS laws. Further, Ross (1987) reported a reduction of 5% to 9% (depending on measure used) in nighttime crashes in New Mexico after enactment of an ALS law; similar reductions were found in Minnesota and Delaware. The largest reduction of 41% in alcohol-related fatalities related to introduction of an ALS law was found in Oklahoma (Johnson, 1986).

Though there is a large body of evidence that license suspension effectively reduces recidivism of DUI offenders, less evidence is available on the specific effect of administrative, as compared to court-ordered, suspensions for DUI recidivism. Stewart and Ellingstad (1989) studied the effect of 30-day ALS suspensions on DUI recidivism in three States and found that the law reduced recidivism in two of the three States. More recently, in the Canadian Province of Manitoba, Beirness, Simpson, Mayhew, and Jonah (1997) found that an ALS law providing for a 90-day suspension reduced recidivism from 22.7% to 12.8% over a 4-year period after a DUI offense. They also found that other traffic offenses were reduced and that the period between offense and trial was shortened as the offenders could no longer delay license suspensions by delaying adjudication of their offenses.

## C. Prior Studies of Vehicle Sanctions

There is little information on the effectiveness of VA laws for reducing the occurrences of DUI or DWS when suspensions were related to a DUI conviction. A review of the use of these laws (Voas, 1992) indicated that States with impoundment and forfeiture laws have not actively enforced them or have applied them only to a small number of offenders. There are too few cases, however, to permit an adequate evaluation of this approach. It is probable that, in most States with such laws, drivers are unaware that they risk losing their vehicles for a DUI or a DWS conviction. However, the four VA studies of VA laws that have demonstrated positive reductions on offender recidivism are described below.

1. ***Oregon and Washington Study.*** The States of Oregon and Washington enacted the "Zebra Tag" law that allowed law enforcement officers to take the driver's vehicle registration when apprehending a driver without a valid license. In each case, the driver was given a temporary registration certificate, and a striped ("Zebra") sticker was placed over the annual sticker on the vehicle license plate. This Zebra Tag law was applied to about 7,000 offenders in Washington and 31,000 in Oregon, a large enough number to evaluate both the general and specific deterrent effects of these laws on illegal driving by convicted DUI offenders. In Oregon, suspended DUI offenders at risk of being "tagged" if caught driving were found to have fewer moving violations and accidents under the Zebra Tag law than were reinstated DUI offenders not at risk for DWS or



being tagged. In addition, those DWS offenders in Oregon who had their vehicle plates tagged had lower rates of DUI offenses, moving violations, and repeat DWS offenses than similarly eligible offenders whose vehicle plates were not tagged. This suggests that tagging the vehicle had a specific deterrent effect that reduced illegal driving. The law did not have a significant impact in Washington where it was applied to fewer motorists and was not as strongly enforced by the police (Voas & Tippetts, 1994).

2. **Minnesota Study.** For several years, a Minnesota law allowed judges to confiscate the license plates of third-time DUI offenders, but relatively few of them used this method for controlling the driving of these offenders (Ross, Simon, & Cleary, 1995). Consequently, in 1991, the law was changed to provide for administrative confiscation of the license plates at the time of arrest. Rodgers (1994) evaluated this law and found that it reduced recidivism over a 2-year period by 50% when comparing third-time DUI violators whose plates were confiscated with similarly eligible offenders who did not lose their plates.
3. **Canadian Province of Manitoba Study.** Beirness, Simpson, Mayhew, and Jonah (1997) evaluated a 30-day (first-offense), 60-day (second-offense) DWS vehicle impoundment program and an ALS law in the Canadian Province of Manitoba that went into effect in 1989. The vehicle was seized at the time of apprehension for DWS and held for 30 days. The offender was required to pay the \$264 (Canadian) towing and storage fee. They found evidence that DWS offenses during the 30-day impoundment period were reduced from 10.3% before the law to 6.3% after the law. Over the 4-year period following arrest, DWS recidivism was reduced from 40% to 29%. In addition, during the 30-day impoundment period, other traffic offenses were reduced from 8% to 3.2%.
4. **California Study.** As part of the current series of NHTSA-funded studies of vehicle sanctions, DeYoung (1997) evaluated the deterrent effect of a 30-day vehicle impoundment law for unlicensed driving implemented in California in January 1995. Drawing records of DWS offenders from four cities (Riverside, San Diego, Stockton, and Santa Barbara), he compared the subsequent driving records of offenders whose vehicles were impounded with similar offenders whose vehicles were not impounded. He found a significant reduction in DWS offenses during the subsequent year for offenders whose vehicles were impounded: 18% for first offenders and 47% for multiple offenders. He also found substantial reductions during the subsequent year in traffic convictions (18% and 22% reductions) and crashes (25% and 38%) for first and repeat offenders whose vehicles were impounded, but these numbers did not quite reach the level of statistical significance.

#### D. Overview of Current Study

This is the fourth report in a series of NHTSA studies on vehicle action laws for DUI and DWS offenses. The first report was a national review of impoundment and forfeiture laws (Voas, 1992), which indicated that States were not actively enforcing these laws or were applying them only to a limited number of offenders. The second report (described above) studied the effectiveness of Zebra Tag programs in Oregon and Washington. The third evaluated the deterrent effect of California's impoundment law that went into effect in January 1995 (also described above).

This, the fourth report, covers ALS and VA (vehicle action) legislation in the State of Ohio. In September 1993, Ohio simultaneously implemented two laws to increase the effectiveness of license suspension to reduce the risk posed by those convicted of impaired driving (see Table I-1). The ALS<sup>1</sup> law provided for the immediate suspension of the driver's license of a driver apprehended for DUI. The suspension began on the day of arrest and continued for 6 months for first offenders and 1 to 3 years for multiple offenders. The length of time a driver's license was suspended increased for some offenders under the new ALS law: for first offenders, from 90 to 180 days; for third offenders, from 1 to 2 years. The length of suspension for second offenders, however, was not changed. The VA<sup>2</sup> law provided for license plate impoundment and immobilization of a vehicle driven by a multiple DUI offender or by a driver under suspension for DUI (see Table I-1 for additional applications of the law).

This report describes an evaluation of both the ALS and VA laws with an emphasis on the effect of the vehicle immobilization law. To conduct this evaluation, the full driving record of every operator with a DUI conviction recorded between July 1, 1990, and August 30, 1995, was drawn from the Ohio BMV license files. This yielded an analysis file of 43,718 drivers with 58,490 DUI or implied consent convictions. These were separated into two groups: 31,231 drivers with 40,305 convictions offending *before* and 16,494 drivers with 18,185 DUI or implied convictions offending *after* the September 1993 implementation date of the two laws. Included in these two groups were 4,007 drivers who committed DUI or implied consent offenses in both periods. Using this data, the effects of these new laws on DUI recidivism, moving violations, and crashes were determined by contrasting the driving records of DUI offenders apprehended *before* and *after* the new laws were implemented.

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<sup>1</sup> The term "ALR" is typically used to describe this type of law though Ohio, like most states suspends (ALS) rather than revokes the drivers license. The more common term ALS is used in this report.

<sup>2</sup> In Ohio, this law is typically known as the "immobilization" law. However, since it provides for impoundment of the vehicle and license plates as well as vehicle immobilization, this legislation covering vehicle actions will be called the "Ohio vehicle action" (VA) law in this report.

Table I-1  
Highlights of Ohio Senate Bill 275 (ALS) and 62 (Impoundment)<sup>3</sup>

**ADMINISTRATIVE DRIVER LICENSE SUSPENSION (ALS) PROCEDURE:**

- Officer makes an OMVI<sup>4</sup> arrest and offers a Blood Alcohol Concentration (BAC) test.
- If the results exceed the legal limit of .10% or the violator refuses the test, then officer takes the offender's driver's license and suspension begins immediately. (If BAC is less than .10%, then no ALS.)
- The Bureau of Motor Vehicles automatically suspends the driving privileges for:

<u>Refusal of Test</u>	<u>Suspension</u>	<u>Test .10% BAC or more</u>	<u>Suspension</u>
1 <sup>st</sup>	1 year	1 <sup>st</sup> offense	90 days
2 <sup>nd</sup> in 5 years	2 years	2 <sup>nd</sup> offense in 5 years	1 year
3 <sup>rd</sup> in 5 years	3 years	3 <sup>rd</sup> offense in 5 years	2 years
4 <sup>th</sup> or more in 5 years	5 years	4 <sup>th</sup> or more in 5 years	3 years

- This administrative suspension is independent of any jail term, fine or other criminal penalty imposed in court for an OMVI offense. Effective September 30, 1993, Sub. H.B. 377 increases the judicial license suspension for first-time OMVI offenders from 90 days to a minimum of six months upon conviction.

**APPEAL PROCESS:**

The court will hold a hearing within 5 days of arrest. If appeal is requested, it is heard at the time of the initial court appearance. The scope of the hearing is confined to four issues:

- Was the arrest based on reasonable grounds?
- Did the officer request the person to take a test?
- Was the violator told what would happen if he/she refused or failed the test?
- Did the person refuse or fail the test?

**LICENSE PLATE IMPOUNDMENT AND VEHICLE IMMOBILIZATION:**

Upon conviction<sup>5</sup>, the court is required to order the impoundment of the license plates and immobilization of the vehicle that the OMVI offender was operating at the time of the offense. The penalties are as follows:

<u>OMVI</u>	<u>Immobilization</u>	<u>DUS<sup>6</sup> for OMVI or FRA</u>
1 <sup>st</sup> offense	no impdmt./immob.	30 days (immob. & impdmt.)
2 <sup>nd</sup> in 5 years	90 days (immob. & impdmt.)	60 days (immob. & impdmt.)
3 <sup>rd</sup> or more in 5 years	180 days (immob. & impdmt.)	forfeiture

**VEHICLE FORFEITURE PROCEDURE (WITHIN 5 YEARS):<sup>7</sup>**

Vehicle forfeiture shall be ordered by the court for:

- Fourth offense of OMVI
- Third offense or more of Driving Under Suspension (DUS) for OMVI or DUS for financial responsibility (FRA)
- Second offense (ever) of owner knowingly permitting a person who is under suspension to drive a vehicle they own
- First offense of driving a vehicle that is immobilized and plates impounded

There is a provision for a court review to protect an innocent owner of a vehicle from vehicle forfeiture or immobilization/plates impoundment.

<sup>3</sup> Source: Ohio Bureau of Motor Vehicles ALS Handbook.

<sup>4</sup> Ohio uses the term "Operating a Motor Vehicle While Impaired" (OMVI) rather than the more commonly used term "DUI." DUI is used in this report.

<sup>5</sup> Although not noted here, vehicle impoundment was required upon arrest pending trial, with credit given for days served (see Appendix).

<sup>6</sup> The term "DUS" (driving under suspension) is used in Ohio; however, in this report, we use the more common term "DWS" (driving while suspended).

<sup>7</sup> The vehicle forfeiture component of the program was not evaluated because there were too few cases for evaluation.

## II. Effect of License Suspension in Ohio

*This section evaluated the impact of driver license suspension in Ohio before the new laws and shows how the application of license suspension increased under the ALS law.*

Though up to 75% of DUI offenders continue to drive while suspended, this does not mean that license suspension ineffectively reduces recidivism and crash involvement of these high-risk drivers. In a survey of these drivers (Ross, & Gonzales, 1988), they reported driving less and more carefully. This was borne out by the lower recidivism rates demonstrated in studies comparing license suspension with other DUI sanctions (Nichols, & Ross, 1989; Peck, Sadler, & Perrine, 1985). Therefore, suspension apparently reduces the risk to the public presented by these offenders. Nonetheless, there is a potentially important limitation to this penalty. Many suspended drivers may be uninsured since they must demonstrate financial responsibility—an expensive process given that insurance companies normally increase premiums for DUI drivers—to have the license restored.

An ALS law is effective with individual offenders only if license suspension reduces driving risk. In the present study, the extent of reduction in the driving risk due to license suspension was determined by comparing the DUI, traffic citation rates, and crash frequencies for two groups of DUI offenders. The first group comprised those suspended for an offense, and the second group comprised those not suspended (or those reinstated) for an offense. At any given time in Ohio and other states, thousands of motorists have recent (within last 5 years) DUIs on their records. Some are suspended, many of whom have chosen not to reinstate their driving permits even though they are eligible to do so (Voas & Tippetts, 1994). Several thousand offenders also hold valid licenses, either because they avoided license suspension or because they paid the fees and increased insurance cost to have their licenses reinstated.

### A. Delay and Limited Application of Suspension Sanction

In Ohio (as in other States), before implementing ALS laws, traffic courts had the principal authority to suspend the driver's license. Drivers were given a ticket on which they could drive until the court acted. The court established the length of license sanction following case disposition and notified the BMV, and then they did the administrative work to suspend the licenses. The suspension period during the 3 years before the ALS law was as follows: for first-time offenders, 90 days; for a second- or third-time offenders, 1 year.

Because license suspension depended upon court action, there was considerable delay between arrest for a DUI offense and implementation of the suspension sanction. Further, a sizeable portion of convicted offenders avoided license suspension through court programs that applied treatment and other sanctions instead of license suspension. The upper two lines of Figure II-1 illustrates the effect of using license suspension as a court sanction in Ohio for the 3 years (September 1, 1990 to August 31, 1993) before implementing the ALS law. This figure also displays the proportion of offenders who were not suspended by the end of each month following the day of their arrest for DUI. The Figure was constructed by determining the date of arrest for each person apprehended for DUI or an implied consent refusal for the 3 years (September 1990 to August 30, 1993). Then, the date upon which a corresponding license suspension was recorded was ascertained. The licenses of DUI offenders were picked up by the officers and forwarded to the court.

Figure II-1  
Proportion of first and multiple offenders not suspended following apprehension for DUI before and after ALS law

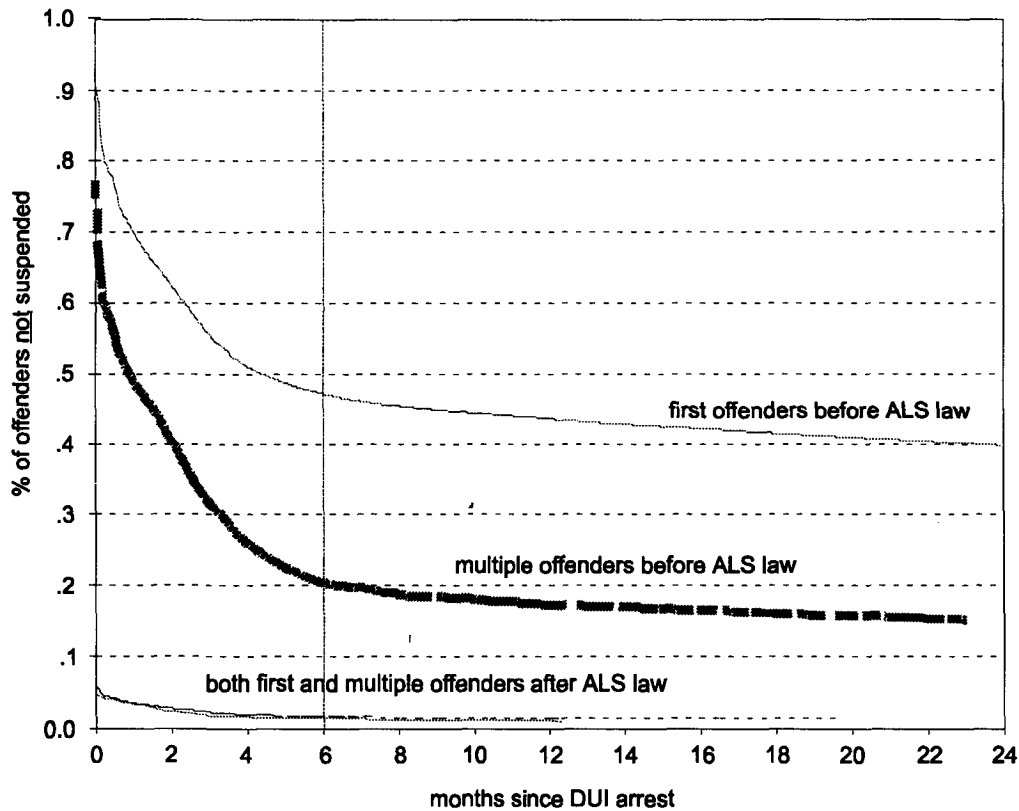


Figure II-2 indicates that some cases proceeded to trial within a month of the arrest date; however, by the sixth month, just over half of the first offenders had received a suspension. Even after 24 months, four in ten of these offenders had not received a suspension. Apparently, some courts chose not to suspend first offenders as other sanctions were being imposed (e.g., Ohio has a 3-day mandatory jail sentence for first offenders). In some cases, limited driving privileges were made a part of the probation requirements, even when no suspension was ordered. Since only those cases in which the driver is ultimately convicted of the offense are recorded on the driving record, those cases receiving limited licenses but not convicted of DUI do not appear in this data set.

Suspensions were more likely for second offenders of whom eight in ten received their suspension within 6 months. Even here, however, 15% of the arrested offenders avoided suspension during the 2 years following their arrest for DUI. Thus, license suspension was not applied to a significant segment of those apprehended for impaired driving between July 1990 and July 1993. Moreover, for most DUI offenders who were ultimately suspended, there was a significant delay of 1 to 6 months from the date of arrest to the date on which the suspension became effective.

First DUI offenders were only suspended for 90 days; nonetheless, many of them did not reinstate their licenses when eligible. Consequently, the actual mean length of suspension was 862 days over 2 years. The significance of imposing even the relatively short 90-day suspension on first offenders is shown in Figure II-2 and Table II-1. In the 2 years following their arrest, first offenders receiving a suspension had fewer DUIs than first offenders not receiving a suspension. Thus, failure to suspend the licenses of first DUI offenders increased the likelihood that they would become second offenders.

Figure II-2  
Comparison of DUI survival curve for the 60% of first DUI drivers who were suspended  
with the survival curve for the 40% who were not suspended

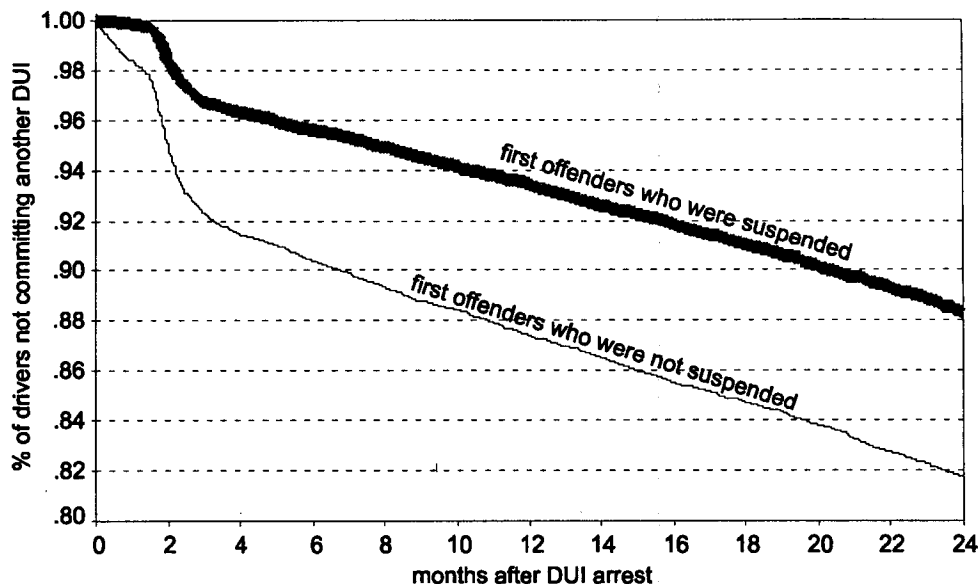


Table II-1  
Comparison of DUI survival curve for the 60% of first DUI drivers who were suspended  
with survival curve for the 40% who were not suspended

Licensed status	Total	Number Events	Number Censored	Percent Censored	Tarone-Ware	Stg
Not suspended	11234	1864	9370	83.41	266.93	.000
Suspended	14928	1243	13685	91.67		
Totals	26162	3107	23055	88.12		

The drivers falling within these two groups—suspended and unsuspended—are heterogeneous. Self-selection factors also play a significant role in the forming of group membership. Nonetheless, comparing the offenses and crash rates of the two groups does provide the State with a measure of the effectiveness of its VA laws and their application in the two counties studied. Further, this information provides a tool to support allocating resources to license suspension enforcement and vehicle immobilization and impoundment programs.

#### B. Overall Effectiveness of License Suspension Before ALS

A subset of Ohio's driving records of licensed drivers convicted of a DUI offense between July 1, 1990, and July 1, 1993, was used to analyze the overall effectiveness of license suspension in Ohio before the ALS law was implemented. The analysis included only the offenses and crashes of drivers within 3 years of their index DUI offense. For this study, drivers were entered into the analysis file in the month in which they had their first DUI. Each month, all drivers in the analysis file were classified into one of two groups depending on whether they were suspended or unsuspended (fully licensed) during that month. When the license status changed, the driver was moved to the opposite group in the following month.

The percentage of each license status group—suspended and unsuspended—committing a DUI or a moving traffic offense or being involved in a crash during each month was determined. As the number of license record entries varied based on the prior driving record, offenders in the two groups were analyzed separately by the number of prior DUI offenses. The three DUI subgroups were those with one, with two, and with three or more prior DUIs. The period from July 1, 1990, to July 1, 1993, provided 36 paired monthly samples for licensed versus suspended drivers for each of the three DUI subgroups. These data were analyzed using a paired sample test for each of the three dependent variables: DUI offenses, moving traffic offenses, and crashes. The use of the paired sample test controlled for seasonal and long-term linear trends in the data.

Figure II-3 and Table II-2 present the results of the comparison of the monthly percentage of drivers in the licensed and suspended groups committing a DUI or implied consent offense. The results are presented separately by number of priors. As can be seen, the average monthly rate of DUI offenses for the suspended first, second, and third offenders is significantly ( $p < .001$ ) below that of the DUI offenders who have full driving privileges. The mean reduction in percentage of offenses (Table II-1) is 32% to 43% of the mean level of offense for the licensed offenders. As would be expected, the average monthly percentage of DUI or implied consent offenses is greater for the groups with more DUIs on their records.

Figure II-3  
Average monthly DUI offense rate for licensed (dark bars) and suspended (light bars)  
for DUI offenders with one, two, or three-plus prior offenses

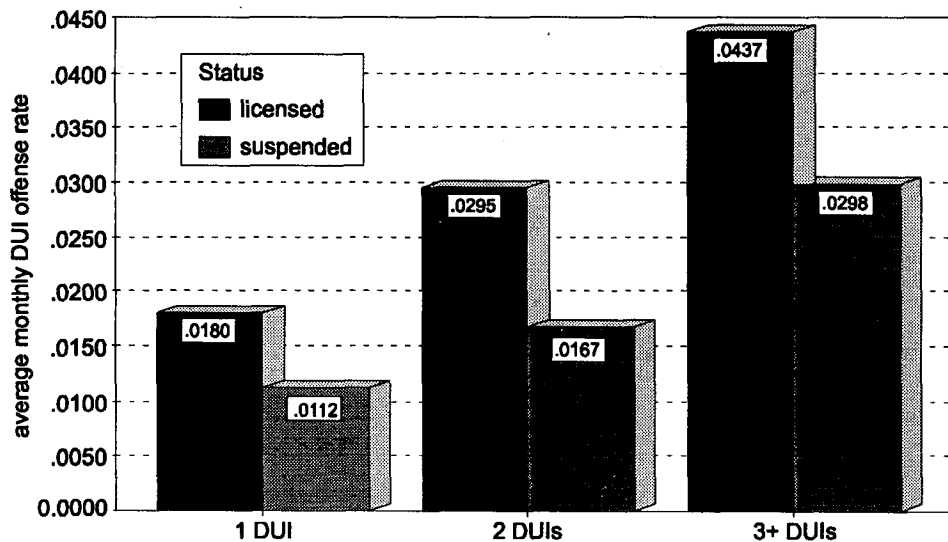


Table II-2

Mean differences between licensed and suspended DUI offenders in 36 monthly DUI rates, September 1990 through August 1993 before the implementation of ALS and VA laws in Ohio

Licensed— Suspended by # of DUIs	Paired Differences in DUI offenses		t	df	Sig. (2-tailed)
	Mean Difference over 36 Months	Std. Error Mean			
1 DUI	.00673	.00036	18.652	35	<.001
2 DUIs	.01274	.00119	10.693	35	<.001
3 or more DUIs	.01390	.00268	5.189	35	<.001

Figure II-4 shows the moving violation rates for the suspended compared to the fully licensed DUI offenders and Table II-3 provides the results of the analysis of these data. As with DUI offenses, the suspended offenders have a smaller ( $p < .001$ ) average monthly proportion of moving violations. They also have a smaller ( $p < .001$ ) proportion of drivers involved in crashes as shown in Figure II-5 and Table II-4.

Figure II-4

Monthly moving violation rate averaged over 36 months for licensed (dark bars) and suspended (light bars) for DUI offenders with one, two, or three-plus DUI offenses

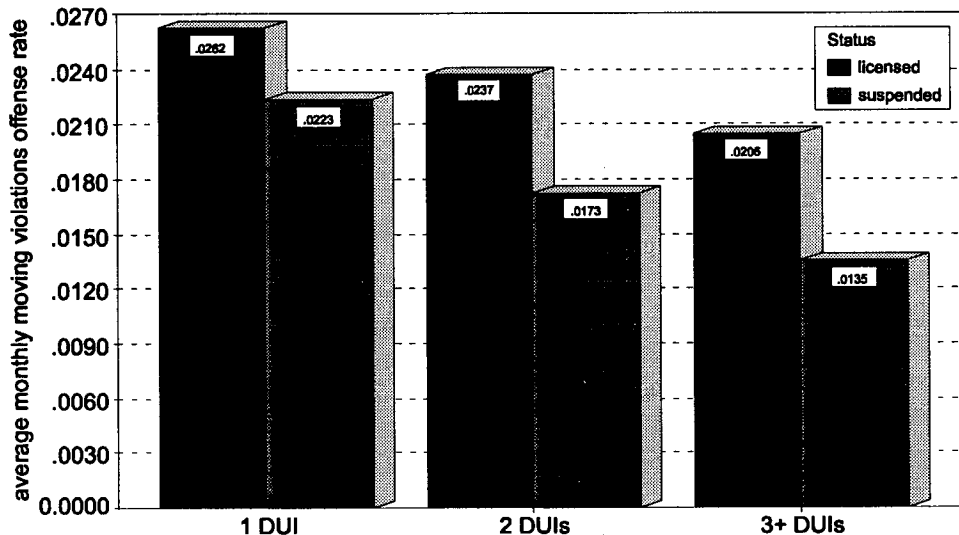




Table II-3

Mean differences between licensed and suspended DUI offenders in 36 monthly moving violation rates, September 1990 through August 1993, before implementation of ALS and VA laws in Ohio

Licensed— Suspended by # of DUIs	Paired Differences in moving violation frequencies			t	df	Sig. (2-tailed)
	Mean Difference	Std. Deviation	Std. Error Mean			
1 DUI	.00590	.00383	.00064	6.112	35	.000
2 DUIs	.00645	.00464	.00077	8.339	35	.000
3 or more DUIs	.00700	.00866	.00144	4.846	35	.000

Figure II-5

Monthly crash rate averaged over 36 months for licensed (dark bars) and suspended (light bars) for DUI offenders with one, two, or three-plus DUI offenses

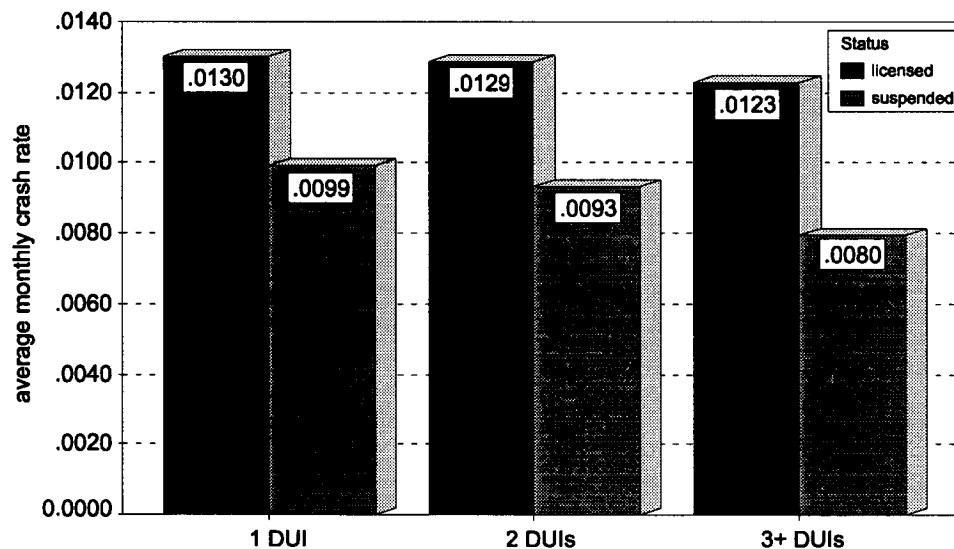


Table II-4

Mean differences between licensed and suspended DUI offenders in 36 monthly crash rates, September 1990 through August 1993, before implementation of ALS and VA laws in Ohio

Licensed— Suspended by # of DUIs	Paired Differences in crash frequencies			t	df	Sig. (2-tailed)
	Mean Differences	Std. Deviation	Std. Error Mean			
1 DUI	.00312	.00243	.00040	7.714	35	.000
2 DUIs	.00354	.00355	.00059	5.979	35	.000
3 or more DUIs	.00431	.00698	.00116	3.706	35	.001

Figures II-3, II-4, and II-5 demonstrate that despite the fact DUI offenders continue to drive while suspended, they present a lower risk to the public than if they are allowed to

retain their full driving privileges. The effect is most marked, as should be expected, for impaired driving offenses; however, the reduction in DWSs also appears to result in fewer moving violations and crashes. The reduction in crashes, while not as large as for DUI offenses, is substantial, ranging from a fourth to a third. Given this apparent safety benefit, it would seem to be important to ensure that this sanction is applied uniformly to all DUI offenders.

### C. ALS Law Made License Suspension More Certain

The Ohio ALS law is designed to reduce the lag in applying a license suspension by moving the suspension date forward to the day of arrest. It is also intended to make the suspension more certain by avoiding problems in Court prosecution and recordkeeping that can result in a failure to suspend the license of a DUI offender. The Ohio ALS law dramatically accomplished this purpose is clearly shown in the lower two lines of Figure II-1. These two lines show the proportion of drivers convicted of first and multiple DUI offenses who remained unsuspended following their arrest after the ALS law was implemented in September 1993. During this "after" period, 95% of the arrested first and multiple offenders were suspended on the day of their arrest and 99% were suspended within 6 months of their arrest. Particularly interesting in these "after" ALS law curves is the suspension probability, which is essentially the same for first and repeat DUI offenders. Thus, after September 1993, the probability of being suspended if one were arrested for drunk driving was significantly increased, and the date of suspension was moved closer to the day of arrest. Section III evaluates the impact on this change in the timing and assurance of a license suspension.

### III. Effect of ALS Law

*This section evaluates the impact of the ALS law on DUI and moving traffic offenses and crashes of first and multiple DUI offenders.*

The previous section demonstrated that before implementing the ALS law in September 1993, many drivers arrested for DUI escaped license suspension. Even for those who received this sanction, there was frequently a delay of up to 6 months after the impaired driving arrest before their licenses were suspended. Implementation of the ALS law clearly changed this situation. After September 1993, 95% of both first and multiple DUI arrestees received a license suspension beginning on the day of apprehension, and 99% were ultimately suspended (see Figure II-1). This section reports on a study using survival analysis to determine the specific deterrent effect of the ALS law on DUI offenses, moving citations, and crashes of first and multiple DUI offenders.

A major reason most proponents have supported enacting an ALS law is for its *general deterrent* effect on the driving public as a whole rather than simply its specific incapacitation effect on DUI offenders. Both the studies by Klein (1989) and Zador, Lund, Fields, and Weinberg (1988) demonstrated such a general deterrent effect in statewide alcohol-related fatal crash reductions in States enacting ALS laws. This report does not assess the general deterrent effect of the combined ALS and VA laws. The data set used for this study is limited to drivers committing DUI offenses between September 1, 1990, and August 30, 1995, and does not include information on total alcohol-related crashes for the State during that period.

Evaluation of the effect of the ALS law on offenses by convicted DUI drivers required a comparison of recidivism rates before and after implementing the law. Therefore, for this study, it was established that no other important changes in the law or criminal justice procedures that might effect recidivism rates were made. Three potentially confounding factors were identified that might contribute to differences in recidivism before versus after September 1993. First was the level of DUI enforcement. Second was a proposed change in the locus of adjudication of multiple DUI offenders. Third was a related piece of legislation: a new subsection to Ohio House Bill 377, implemented on September 30, 1993, that enabled the Court to add a 3 months of suspension to the 3 months ALS suspension for first DUI offenders, for a total of 6 months suspension. Suspension time for third DUI offenders was also lengthened from 1 to 2 years.

#### A. Level of DUI Enforcement

As noted in Section I, all (58,490) DUI or implied consent convictions were extracted from the Ohio BMV between September 1990 and August 1995 for this study. The trend over those 60 months in statewide total monthly DUI convictions is shown in Figure III-1. There is a significant drop in the total DUI convictions between 1990 and 1993 (when monthly DUI convictions were between 1,000 and 1,300) and in the 2 years after implementing the ALS and VA laws (when DUI monthly convictions were between 700 to 900). The question posed for the present research is "Does this change represent a reduction in the level of DUI enforcement effort or a change in the proportion of arrested drivers convicted by the courts?" Alternatively, "Can this be attributed to a reduction in impaired driving by drivers affected by the new law?"

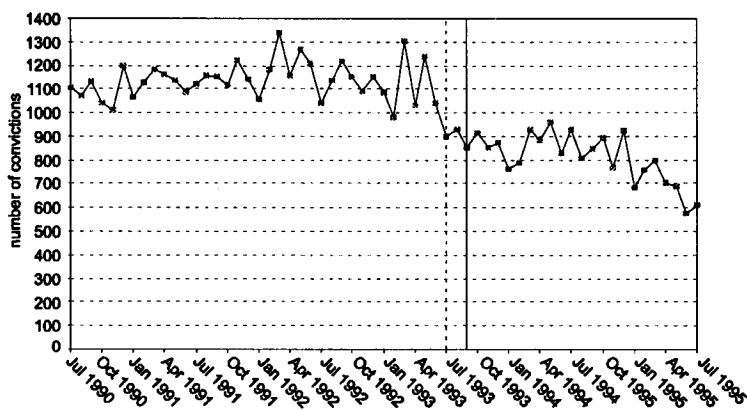
A partial answer to this question is provided by Figures III-2 and III-3, which show the number of arrests for drivers without a previous DUI separately from arrests of drivers

with one or more prior offenses. The two series show distinctive trends, with respect to the time when the new laws were implemented in the fall of 1993. The trend in arrests of new offenders without a prior offense shows a long-term downward trend over the 5 years of data displayed. There is no indication of change when the new laws were implemented as is confirmed by the data shown in Table III-1. The time series analysis using an interrupt at September 1, 1993, shows no indication of a significant change for these first-time offenders associated with the new legislation.

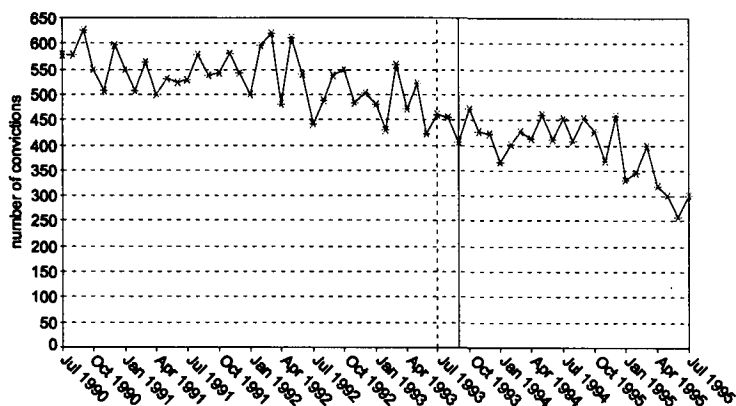
The lack of change in the first-time DUI offender monthly trend provides evidence that the enforcement level and the conviction rate for DUI offenders did not change significantly at the time that the ALS and VA laws were implemented. The incapacitation effect of the ALS suspension occurs only after the individual has been apprehended. Similarly, the VA law affected only offenders who were already suspended because of a prior DUI or who were convicted of a second impaired driving offense. Only the general deterrent effect (that is, the fear of immediate loss of license) inherent in the ALS law would be expected to effect drinking drivers who have not yet committed a DUI offense. This lack of change suggests that the new laws did not have a major general deterrent effect on impaired driving by the public as a whole. However, this cannot be determined from the present data that include only the records of DUI offenders. Alcohol-related crashes of drivers without DUIs in the general public may have been reduced following the ALS and VA laws.

The monthly conviction totals for drivers with one or more DUI offenses in Figure III-3 shows a distinctly different trend. It rises during the 3 years (between September 1990 and August 1993) before implementing the new laws, and then falls sharply after the fall of 1993. The increased incapacitation sanctions of the license suspension and vehicle immobilization laws applied to these multiple offenders. Multiple offenders also showed a significant reduction in monthly DUI offenses when the new laws were implemented. This change is not likely to have been caused by a change in enforcement or in court procedures as shown by the lack of change in the level of apprehension and prosecution of first-time offenders.

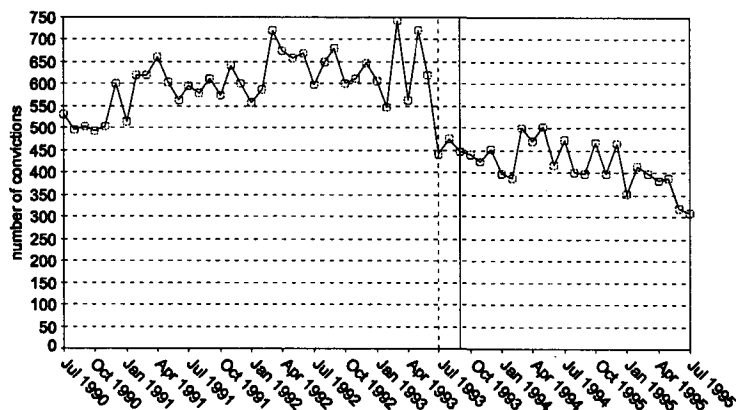
Figure III-1  
Monthly total DUI convictions in Ohio



**Figure III-2**  
 Monthly convictions for a first DUI offense of individuals from the general driving public



**Figure III-3**  
 Monthly convictions of all repeat DUI offenders in Ohio



**Table III-1**  
 Results of time series analysis of monthly DUI convictions of first compared to multiple DUI drivers

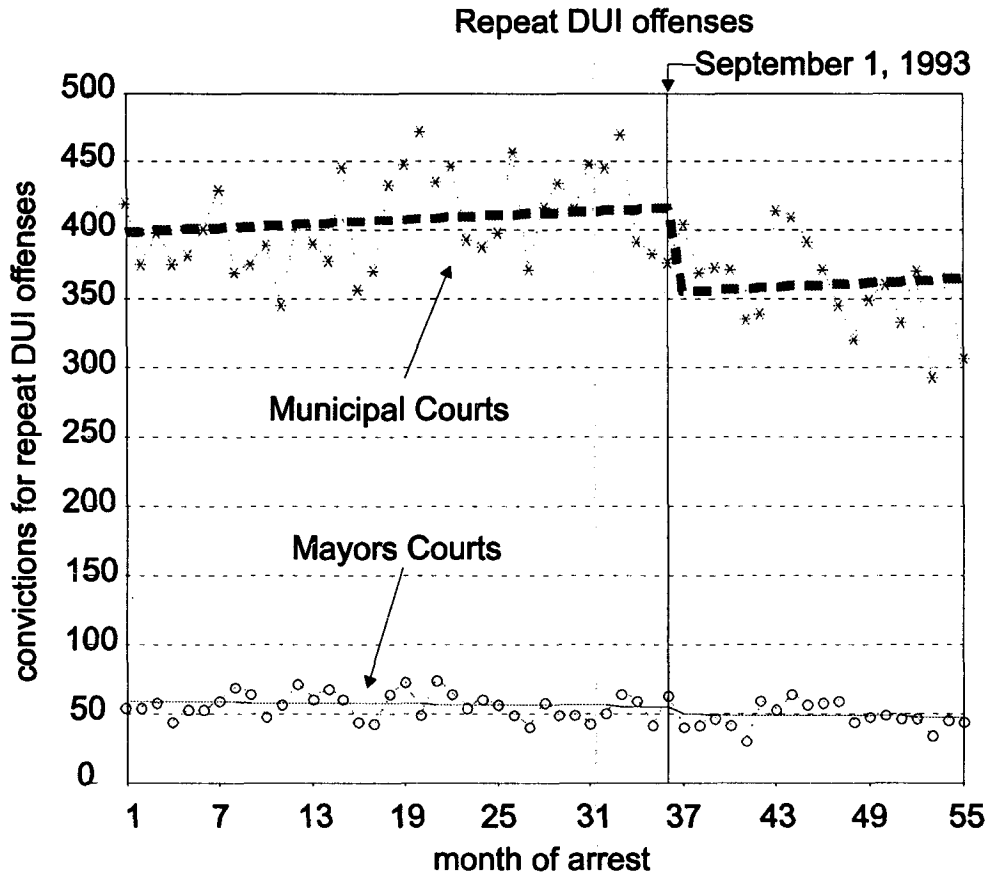
	b(coef)	raw effect	se(b)	tval	2-tail prob
first-time DUI drivers	-0.0791	-7.6	0.0723	-1.094	.273
multiple DUI drivers	-0.3599	-30.2	0.0356	-10.106	.000
	difff(b)	effect	se(difff)	tval	2-tail prob
multiple DUIs relative to first-time offenders	-0.2808	-24.5	0.0806	-3.485	.000

## B. Venue Change in Court Procedures

The new ALS and VA laws also changed the venue for adjudication of multiple DUI offenders that could account for some of the decrease after September 1993. For example, one element of the new legislative no longer allowed the Mayor's Courts (lower courts) in Ohio to handle multiple DUI offenders. This change would be expected to result in a drop in the number of multiple offender prosecutions in the Mayor's Courts after September 1, 1993, and, consequently, an increase in such prosecutions in the Municipal Courts (higher courts). Another possibility is that cases could be delayed or plea bargained to a lesser offense in the process. If this occurred, it might account for an apparent decline in multiple DUI cases.

Fortunately, the State driver record data identified which Court adjudicated the DUI conviction. By using these data, it was possible to study the trend in multiple DUI convictions in both types of courts before and after September 1, 1993. As shown in Figure III-4 and Table III-2, during the 2 years from September 1993 to August 1995, there was only a marginal, insignificant drop in the number of multiple DUI cases heard in the Mayor's Courts. At the same time, the Municipal Courts, which should have shown an increase in multiple DUI cases, actually showed a significant drop in adjudicating multiple DUI cases. This suggests that the transfer of cases from the Mayor's Courts to the Municipal Courts did not effect the number of multiple DUI convictions from September 1, 1993, to August 30, 1995, the period covered by this study.

Figure III-4  
Venue of trials of multiple DUI offenders before and after implementing ALS and VA laws



### 1. Extended Suspension Time

In addition to providing for a 3-month administrative license suspension for first DUI offenses, a follow-up House Bill 377 (effective September 30, 1993) allowed judges to suspend the licenses of first-time offenders for 90 days up to a minimum of 6 months if convicted. Effectively, this allowed the court to add a 3-month license suspension to the automatic 90-day suspension that first offenders received under the new ALS law, thus doubling the suspension period to 6 months. The length of the suspension period for second, third, and fourth DUI offenders did not change as a result of the ALS law; however, the length of suspension for third offenders was lengthened from 1 to 2 years.

### C. Effect of ALS on DUI Recidivism

To measure the effect of the ALS law on the driving records of DUI offenders, the period beginning with DUI arrest and ending up to 2 years following arrest was compared for offenders arrested between 1990 and 1993 (the period before the ALS law) and September 1993 to August 30, 1995 (the period following the implementation of the ALS law). To help separate the effects of the ALS law from the effects of the VA law, first offense DUIs who were incapacitated only by the ALS law were analyzed separately from multiple offenders affected by both laws. Kaplan-Meier survival analysis, the most effective method for comparing reoffense rates before and after implementing the ALS and VA laws, was used.

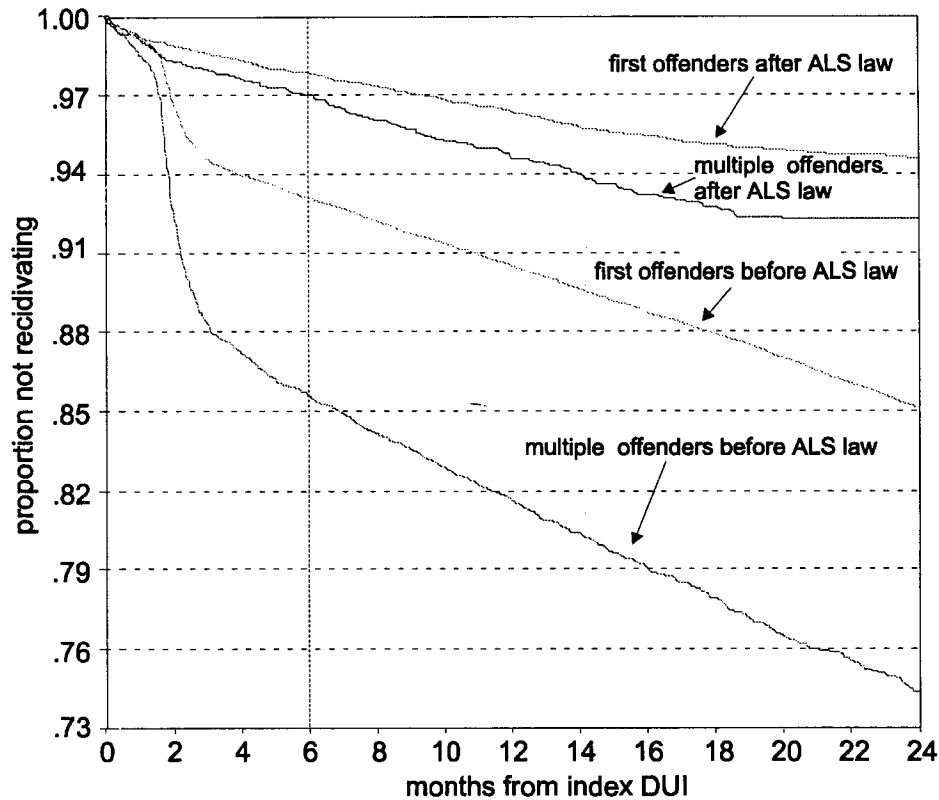
Table III-2  
Time series analysis of conviction trends for multiple offenders in regular and Mayor's Courts

Model	Unstandardized Coefficients		Standardized Coefficients	t	Sig.
	B	Std. Error	Beta		
<b>REGULAR COURTS</b>					
1(Constant)	398.044	10.818		36.795	.000
month #	.510	.501	.203	1.017	.314
law	-61.382	16.729	-.733	-3.669	.001
<b>MAYOR'S COURTS</b>					
1(Constant)	58.471	2.951		19.814	.000
month #	-.102	.137	-.166	-.746	.459
law	-5.620	4.564	-.273	-1.231	.224

Figure III-5 and Table III-3 provide separate survival curves and results of the Tarone-Ware Survival Analysis for individuals with one DUI offense and those with two or more DUI offenses before and after the law. From 1990 to 1993, first DUI offenders demonstrated an approximate 15% attrition rate during the 24 months following their arrest. After implementation of the ALS law, this attrition rate was reduced by almost two-thirds, 5% over 24 months. The probability that such a large change could occur by chance is less than one in one thousand. For multiple offenders, the change was even greater. Before the law, during the 2 years following arrest, multiple offenders had a DUI recidivism rate of 25%. This was reduced to 7% after implementation of the ALS law. The curves in Figure III-5 show that before the ALS law was implemented, relatively large numbers of first and multiple offenders committed other offenses in the 6 months between the arrest and the court conviction for the DUI offense. During this period, many of those

who were ultimately suspended remained fully licensed and free to drive (see Figure II-4). This freedom to continue to drive apparently resulted in high DUI reoffense rates. Following application of the ALS law when the license was suspended on the day of arrest, this early drop in the survival rate disappears for both the first and multiple offenders, and reoffenses occur more gradually over 2 years.

**Figure III-5**  
DUI survival curves for first and multiple offenders before and after the ALS and VA laws  
(Note rapid reoffense rates during first 6 months for the before-law groups corresponding to delay in application of suspension shown in Figure II-4.)



**Table III-3**  
Tarone-Ware Survival Analysis for DUI offenses before versus after implementation of ALS law

Offender Group	Total	Number Events	Number Censored	Percent Censored	Tarone-Ware	P
Before law—1st DUI	28546	3441	25105	87.95	462.55	.000
After law—1st DUI	11028	472	10556	95.72		
Before law—repeat DUI	5999	1226	4773	79.56	314.85	.000
After law—repeat DUI	3031	183	2848	93.96		
Totals	48604	5322	43282	89.05		

The issue arises as to whether the difference between the before and after recidivism records is accounted for principally by this early 6-month period during which, before the law, most offenders were free to drive or whether, if one considers only the period following the initial 6 months, there is still a significant difference in recidivism rates. Figure III-5 shows that in the period beyond the initial 6 months, the curves for the



“before” and “after” groups continue to diverge. A test of the significance of the differences in survival rates after the initial 6 months was done using the Kaplan-Meier analysis procedure. It demonstrated that the ALS and VA laws resulted in lower recidivism during this 6- to 24-month postperiod after these laws were implemented.

#### D. Effect on Moving Violations

The driving records of DUI offenders apprehended before and after the ALS and VA laws were also examined to determine whether the change in the timing and comprehensiveness of suspension impacted the numbers of moving violations committed by DUI offenders. Figure III-6 provides survival curves for first and multiple offenders before and after implementing the new laws in September 1993. Before, 20% of first DUI offenders had a moving violation on their records during the 24 months following their DUI arrest. After, only 9% of first offenders were cited for a moving violation within 24 months of their DUI arrest. For multiple offenders, the moving violation rate in the 24 months following arrest before the law was 28% compared to 15% after implementing the ALS and VA laws. The Tarone-Ware Survival Analysis procedure demonstrated that these differences were statistically significant beyond the one in one thousand level (see Table III-5).

Figure III-6  
Survival curves for moving violations for first and multiple offenders before and after ALS and VA laws

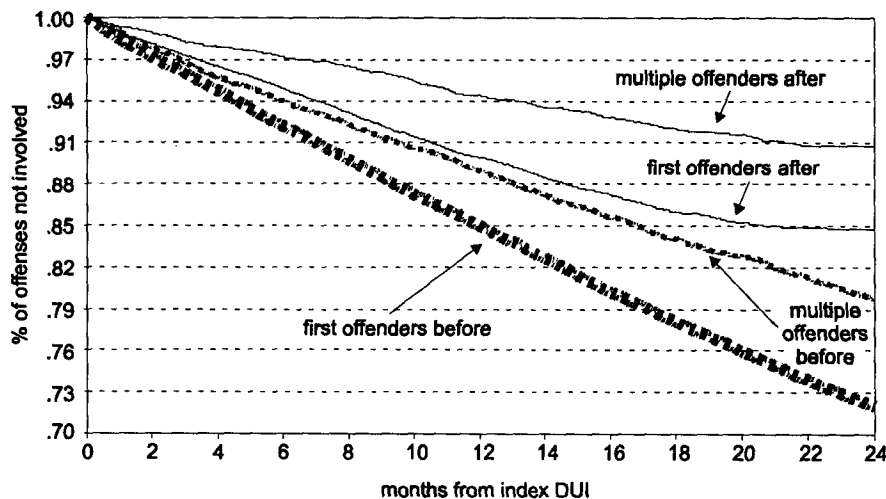
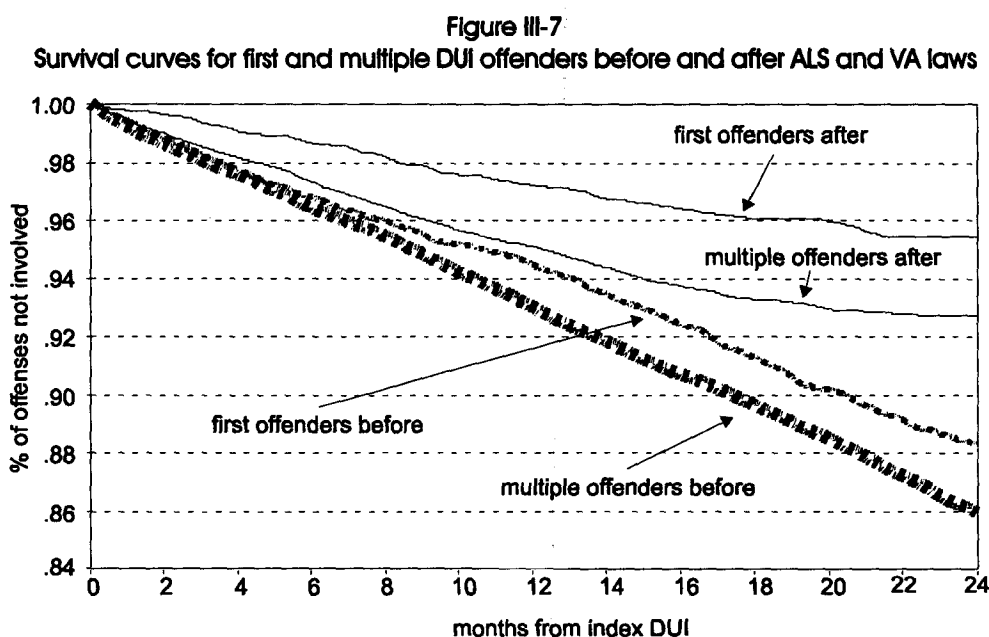


Table III-4  
Tarone-Ware Survival Analysis for moving violations before versus after implementation of ALS law

Offender Group	Total	Number Events	Number Censored	Percent Censored	Tarone-Ware	P
Before law—1st DUI	28546	6144	22402	78.48	292.00	.000
After law—1st DUI	11028	1309	9719	88.13		
Before law—repeat DUI	5999	851	5148	85.81	97.39	.000
After law—repeat DUI	3031	199	2832	93.43		
Totals	48604	8503	40101	82.51		

## E. Effect on Crashes

In addition to moving violations, the records of individuals committing DUI offenses before and after implementing the new laws were also examined to determine the number of crash involvements during the 2 years following the initial DUI arrest. Figure III-7 presents the survival curves for crash involvement for offenders apprehended before and after September 1993. Before the law, 12% of first offenders and 14% of repeat offenders were involved in crashes during the 2 years following their DUI offense. After September 1993, only 5% of first offenders and 7% of repeat offenders were involved in crashes during that period. Once again, these differences were highly significant based on the Tarone-Ware Survival Analysis with the probability of such differences being found by chance being less than one in one thousand (see Table III-6).



**Table III-5**  
Tarone-Ware Survival Analysis for crashes before versus after implementation of ALS law

Offender Group	Total	Number Events	Number Censored	Percent Censored	Tarone-Ware	P
Before law—1st DUI	28545	3021	25524	89.42	121.48	.000
After law—1st DUI	11028	639	10389	94.21		
Before law—repeat DUI	5999	480	5519	92.00	62.45	.000
After law—repeat DUI	3031	99	2932	96.73		
Totals	48603	4239	44364	91.28		

## F. Discussion

This section has demonstrated that DUI recidivism, moving violation rates, and crash involvements decreased for DUI offenders after implementing Ohio's ALS and VA laws. These relative decreases were quite large, running from one-third to two-thirds of the prelaw rates. In every comparison, the reduction in the offense or crash rate is significant

at beyond the one in one thousand level. The offense and crash reductions observed for first DUI offenders can probably be attributed principally to the ALS law because the VA law did not apply to first DUI offenders. However, the VA law may have had some effect on these first offenders based on their perceived risk of having their vehicles impounded if they received a second DUI or were apprehended driving while suspended. The proportions of offense and crash reductions for multiple offenders were slightly larger, perhaps because these offenders were subject to the VA law as well as the ALS law. For neither first nor multiple offenders is it possible to completely separate the effects of the two laws.

In comparing the attrition rates for DUI offenses with the rates for moving violations and crashes (see Figures III-5, III-7, and III-8), multiple offenders have lower DUI survival rates but higher moving violation and crash survival rates than first offenders. This is probably a reflection of the more severe drinking problem status of the multiple DUI offenders that makes DUI offenses more likely. Moving violations and crashes, on the other hand, are a more direct result of driving exposure. Since first offenders were suspended for a shorter period and were not affected by the VA law, some were probably reinstated and, thus, were free to drive more than multiple offenders in the 2 years following their DUI arrest.

The ALS law moved the date of suspension forward for these offenders and reduced from 15% to less than 2% the proportion remaining unsuspended at the end of 2 years. However, as described in the following sections, the VA law was also applied at the time of arrest. The vehicle was seized and held for a minimum of 5 days pending a hearing. Further, the vehicle could continue to be held under the VA law until a trial. The results indicate that the VA law had an effect on recidivism of the multiple offenders who received the sanction. However, only some offenders who were eligible for sanction actually had their vehicles impounded or immobilized. An important factor in considering the evidence in Section V on the effectiveness of vehicle immobilization is that all multiple offenders receiving that sanction had suspended licenses because the minimum suspension for multiple offenses was 1 year. Further, after implementing the new laws, 98% of multiple offenders received that suspension. The vehicle sanction, 90 to 180 days for DUI offenders, occurred within the 1-year suspension, so this penalty was in addition to the suspension imposed under the ALS law.

## IV. EFFECT OF OHIO VA LAW

*This section describes a comparison of DUI recidivism and moving violation rates and crashes of DUI before and after the ALS law's implementation in September 1993.*

Under the new laws implemented September 1, 1993, drivers arrested for DUI not only lost their driving privileges immediately under the ALS law, but some offenders also had their vehicles towed and impounded or immobilized at the time of arrest. Those subject to the VA law were multiple DUI offenders and, if suspended for DUI, first and multiple DWS offenders (see Figure II-1). The vehicle was held for at least 5 days pending a hearing. Following the hearing, the vehicle might be released pending trial, but in most cases continued to be impounded or was immobilized for the period provided by law. Since all of the drivers eligible to receive this sanction were suspended for at least 1 year, the vehicle action occurred during the time the offender's license was suspended.

A significant impediment to studying the effect of the Ohio VA law was that, while the notice of the offense was recorded, the vehicle impoundment sanctions were not recorded on the State driver's file. Therefore, whether the offender was sentenced to a vehicle action sanction had to be obtained from local court records. Then, the record had to be traced to the local police department to determine if the sanction was carried out and, if so, the dates of immobilization. Because these local data were required, a statewide study was beyond the resources of this research project; therefore, the evaluation was limited to two large urban counties.

Studies were conducted in two Ohio counties, Franklin (Columbus) and Hamilton (Cincinnati), on the effect of that law.<sup>8</sup> This section evaluates the results of those two studies. Each study was independent—Hamilton County served as a replication of the study in Franklin County. As described in the Appendix A, the two counties implemented the VA law using different methods. Hamilton County used only vehicle impoundment, and Franklin County initially impounded and then transferred the vehicle to immobilization on the offender's property. The effect on the offenders whose vehicles were impounded or both impounded and immobilized was essentially the same: loss of the use of the vehicle for 30 to 180 days.

In court systems, the application of law varies to some extent among prosecutors and judges. In Franklin and Hamilton Counties, some offenders who were eligible for a vehicle penalty under the VA law were not sanctioned (see Appendix A). Further, personnel limitations and backlogs in the data system sometimes resulted in failure to impound eligible vehicles at the time of arrest. Finally, after a U.S. District Court decision in April 1995, many vehicles registered to someone other than the offender did receive the VA sanction (see Appendix A).

Because not all eligible offenders received the vehicle sanction, it was possible to compare eligible offenders whose vehicles were impounded or immobilized with similarly eligible offenders who escaped this sanction. Since the offenders were not assigned to these two groups at random, it was necessary to use demographic and driving record data to equate the groups through covariate analysis.

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<sup>8</sup> Court and police data were collected only on offenders processed by the larger municipal courts in each county. Eligible offenders processed through the lower "Mayor's" Courts of small communities within the county were not included.

## A. Research Methods

As noted in Section I, through the cooperation of the Ohio BMV, the driving records of State residents who were cited with DUI offenses between January 1, 1990, and September 1, 1995, were extracted from the State's driver record file for analysis. Studies of the VA law made use of the pool of records of the 16,494 drivers who committed a total of 18,185 DUIs in the 2 years following the implementation of the ALS and VA laws. From this data set, drivers' records in Franklin and Hamilton Counties were matched with court records obtained for Franklin and Hamilton County residents who were charged with a second or third DUI or with a first or second DWS offense between September 1, 1993, and September 1, 1995. Where the court record indicated that an offender's disposition included a vehicle sanction, the police department record of the impoundment or immobilization was obtained.

DUI offenders who were subject to vehicle forfeiture were not included in the study because there were insufficient cases to provide the statistical power needed for a valid analysis. Financial Responsibility Assurance (FRA) and wrongful entrustment offenders were also subject to having their vehicles impounded. Here again, however, there were too few cases to study. Thus, the State driver's record for each subject in Franklin or Hamilton Counties was merged with his or her court record. Where a VA law order was issued, the case was merged with the local police records to verify that the vehicle driven by the offender had actually been impounded and/or immobilized. (In Franklin County, the records of the court-based immobilization coordinator were used to verify immobilization.)

Data for this study were collected over 2 years—from September 1, 1993 (the date the law went into effect) to September 1, 1995. The length of time that postoffense driving records could be followed varied with the date of offense. Those who offended in the fall of 1993 were tracked for 2 years, up to 23 months or more after the sanction period. Those who offended late in the study did not complete their sanction periods by the September 1, 1995, cutoff date. Driver records were not drawn from the BMV until November 1995 so that court actions occurring through August of that year could be posted to the drivers' records.

The proportion of eligible offenders in each county who received a vehicle sanction is shown in Tables IV-1 and IV-2. In Franklin County, only one in four of the DWS offenders who were eligible to receive a penalty actually had their vehicles impounded and/or immobilized. The proportion of DUI offenders receiving the penalty was somewhat higher—between 30% and 40%. Compared to Franklin County, Hamilton County DWS offenders were almost three times more likely to receive a vehicle sanction, while a somewhat larger portion of the DUI offenders had their vehicles impounded.

In each county, a large majority of the vehicles seized under the VA law were held for the full period provided by the law. One exception to this generalization was first DWS offenders in Hamilton County. Nearly a third of the first DWS offenders served less than half the 30-day impoundment period. Despite this, the average length of the exposure period (shown in the next to last line of Table IV-2) for these first offenders was 29.6 days, almost equal to the minimum 30-day sentence, because many offenders delayed retrieving their vehicles beyond the 30 days.

Table IV-1  
DUI and DWS offenders receiving the vehicle impoundment/immobilization (V/I) sanction  
in Franklin County between September 1, 1993, and September 1, 1995

	1 <sup>st</sup> DWS	2 <sup>nd</sup> DWS	2 <sup>nd</sup> DUI	3 <sup>rd</sup> DUI
Eligible	589	90	1,649	456
Received sanctions	136	21	685	134
% sanctioned	(23.1)	(23.3)	(41.5)	(29.4)
Period of sanction	30 days	60 days	90 days	180 days
Served < ½	1	0	23	9
Served ½ to ¾	4	2	18	10
Full Period	131	19	644	115
Avg. exposure during sanction	29.5 days	58.0 days	87.3 days	167.5 days
Avg. exposure after sanction	360 days	421 days	367 days	329 days

Table IV-2  
DUI and DWS offenders receiving the vehicle impoundment sanction in  
Hamilton County between September 1, 1993, and September 1, 1995

	1 <sup>st</sup> DWS	2 <sup>nd</sup> DWS	2 <sup>nd</sup> DUI	3 <sup>rd</sup> DUI
Eligible	1129	275	1503	675
Received sanctions	675	205	533	347
% sanctioned	59.8	74.5	35.5	51.4
Period of sanctions	30 days	60 days	90 days	180 days
Served < ½	206	38	95	72
Served ½ to ¾	57	17	11	34
Full Period	412	150	427	241
Avg. exposure during sanction	29.6 days	61.2 days	94.7 days	180.9 days
Avg. exposure after sanction	400 days	361 days	345 days	334 days

The average length of driving exposure when the vehicle was impounded or immobilized and the average period of exposure after the offender retrieved his or her vehicle is shown in the lower two lines of Tables IV-1 and IV-2. These are the periods during which repeat DUI and DWS offenses were analyzed for each offender group using survival analysis. The power of these analyses depended upon both the number of offenders in each group studied and the average length of time in which a subsequent offense could occur. Thus, for example, the shorter impoundment periods (30 and 60 days) for DWS offenders made it less likely that reductions in recidivism would be detected than for those with longer impoundment periods (90 to 180 days) imposed DUI offenses.

The average period of exposure while the vehicle was impounded or immobilized was about equal to the sentence length (30, 60, 90, or 180 days) in both counties. Thus, the statistical power to detect a change in the offense rate during the sanction period was a function of both the length of the sanction period and the number of offenders receiving the penalty. On the other hand, the average period of exposure following the return of the vehicle was relatively even for all groups in both counties (about 1 year). Therefore, the most important determinant of power for detecting change during the after-sanction period was the number of cases in the group.

## B. Data Analysis

Survival analysis is the method of choice for determining differences in recidivism (Lee, 1992). It uses all the subject days available for analysis in the study database, thereby generally providing the greatest statistical power to detect change. It also allows comparison of rates as they change over the entire length of exposure, as opposed to one discrete, fixed period of exposure. In the recidivism example, one can test the survival (or hazard) rates of groups given different sanctions or against the rates of a baseline comparison group.

Two survival analysis procedures were used in the present study: Cox Regression and the Kaplan-Meier (1958). Both analytic techniques allowed for separate baseline survival/hazard functions for each of the four sanction groups (first DWS, second DWS, second DUI, third DUI) or strata, and the effect of the action (impoundment and/or immobilization versus neither) can be tested—either pooled across the four separate groups or separately within groups.

The Kaplan-Meier method has one limitation. Unlike Cox Regression, it does not permit the use of covariates beyond a single stratification to adjust for prior differences between groups or to explain individual variation within groups in survival times or rates. Because random assignment was not possible, Cox Regression was used, in addition to the Kaplan-Meier procedure, to permit the application of covariates for age, gender, and prior record. In the current study, these two analytical methods yielded similar results.

Kaplan-Meier is an analysis of the difference between or among survival distributions across time. Unlike Cox Regression, it does not assume that the distribution for one group (or level of a factor) is a constant proportion of the survival distribution of another group throughout the period analyzed. The Kaplan-Meier test only determines if they are different. The two curves being compared may actually cross, with one having lower survival rates at first but then higher survival rates later, yet they still test out as statistically different. As such, it is analogous to a nonparametric test for categorical differences in that a significant result does not necessarily indicate that one is consistently or even generally higher than the other.

For this reason, it is difficult to produce an estimate of effect size or a summary measure of the difference in survival over time. A Kaplan-Meier result that shows the two survival curves as different does not provide a measure of how much higher (or lower) one group is than another despite a significant result. To provide comparable measures that are frequently reported in traffic safety literature, the cumulative recidivism rate at a fixed point in time into the survival distribution, rather than across-time summaries (such as a ratio of areas under the recidivism curves), are reported in the present study.

In choosing the time point at which to 'slice' into the survival functions to compute the rates, it is important to ensure that a relatively high percentage of the cases of that

group have not yet been censored since the standard error (and volatility) of the functions increases toward the end of the functions as fewer cases remain. For the period of vehicle impoundment or immobilization, most cases had available exposure at least as long as the prescribed length of the sentence for that group. Therefore, at the end of these survival functions (30, 60, 90, and 180 days), the cases with exposure are still very high (80-90%). Within a few days of that point, nearly all sanctioned offenders came off the sanction, so all subjects were censored at 30, 60, 90, or 180 days. Therefore, the rates for recidivism during the sanction period are based upon the cumulative survival functions at these termination points of the sanction periods.

For the period after the sanction, the deterioration of group sample size began early, and the attrition rate increased over time. Approximately half of the subjects in each group ran out of exposure by 12 months. By 18 months, only 5% to 20% of the subjects remained, making the curves increasingly susceptible to large changes caused by single events. For this reason, the rates reported in Tables IV-3 and IV-4 are based on the point in time 12 months after the end of the vehicle sanction.

There are three test statistics available for Kaplan-Meier analysis, which differ primarily in how they weight the time points of the survival functions. The Log-Rank statistic weights all time points equally, and the Breslow and Tarone-Ware statistics weight each time point relative to the proportion of cases in the group that are uncensored at that time point. This method is preferable when the number of sample size changes so much as to make later time points less reliable, as happens in the postsanction period in this study. The Tarone-Ware statistic, which we used in our analysis, weights each time point by the square root of the number of uncensored cases remaining at the beginning of that time point.

Cox Regression uses models that assume the groups (or factor levels) being compared are based on a single underlying baseline survival function and vary among themselves in proportions of this baseline function, which proportions are constant over time. In other words, the relationship between two groups' (vehicle sanction/no vehicle sanction) recidivism rates are assumed to be the same over time. Because of this assumption, Cox Regression is able to produce a single summary measure that estimates how much higher (or lower) the survival rates are over time than those of another group, in a form similar to an odds ratio. Cox Regression also allows for the inclusion of other factors and covariates in the model, to explain more of the between-subject variation in survival time and to render groups equivalent via covariate adjustment, if necessary. The significance of each parameter coefficient in the Cox Regression model is tested via the Wald statistic. The effect sizes reported in the tables are derived from the antilogs of the coefficient ( $e^B$ ) for the vehicle sanctioned group, which estimate the proportional relationship over time to the comparison group's function.

Both Cox Regression and Kaplan-Meier analyses are important in this study. The former is necessary because some comparison groups appear to be different from the vehicle sanction groups historically in terms of prior DUI and DWS offenses. Because prior offenses are the best predictors of recidivism, it is important to control for this factor so that differences between these groups that are attributable to differences in group composition are partialled out and not wrongly attributed to the sanction effect. The Kaplan-Meier approach is necessary as well because the assumption of proportionality may not be appropriate for some groups, or at least across all time periods.

In both counties, four sentence lengths were analyzed: 30 and 60 days applicable to DWS offenders and 90 and 180 days applicable to DUI offenders. In Franklin County, the



sanction period consisted of the time when the vehicle was impounded combined with the period when the vehicle was immobilized. This was analyzed separately from the period following the sanction when no vehicle action was in effect. In Hamilton County, the sanction period consisted of the time the vehicle was impounded (immobilization was not used by this county), followed by the period after the vehicle was returned. Two dependent measures were evaluated: DWS and DUI convictions. The relatively few fourth-time DUI offenders and third-time DWS offenders who were subject to vehicle forfeiture were not entered into the analysis.

In each county, the comparison group consisted of DUI or DWS offenders who were eligible for a vehicle sanction but did not receive the penalty. In comparing their recidivism rates with those who did receive a sanction, the period for each comparison group was set to be equal to the average time of the sanction for the equivalent experimental (impounded/immobilized) group. For the analysis of the period following release of the vehicles, the origin of the survival curves for both groups was set to correspond to the dates when the experimental group offenders retrieved their vehicles to avoid any carryover from the sanction period.

## C. Results

### 1. Franklin County

**POOLED RESULTS FOR ALL DRIVERS.** Table IV-3 shows that for both first and second DWS drivers pooled together, impounding and/or immobilizing the vehicle marginally reduced the number of DWS offenses but not the number of DUI offenses during the sanction period. This marginal effect may be due to the relatively short time (30 or 60 days) during which a DWS offender's vehicle was normally impounded or immobilized. The notable feature of the upper portion of this table is that these DWS drivers experienced zero repeat offenses during the time their vehicles were not available to them. Despite this, the number of cases in the sanctioned group was so small, and the amount of exposure time available was so short, that the 100% differences between the vehicle sanctioned and no-vehicle sanctioned groups were, with two exceptions, not statistically significant.

This may be a case where more attention should be given to the effect size to avoid a "type two error." The effect sizes displayed in Tables IV-3 through IV-6 are a measure of the relative difference between the sanctioned group's rate of reoffense and the comparison group's rate of reoffense, using the latter group's rate as the baseline or denominator. Thus, if the comparison group's rate were 0.20 and the sanctioned group's rate were 0.12 (i.e., 60% of the baseline rate), the relative difference would be -40%. Obviously, the largest reduction possible is necessarily bounded at 100%, when the sanctioned group's rate is zero, but the largest increase is not bounded at +100% (which would represent a doubling-in rate).

In the lower section of Table IV-3, which gives the results for the DUI driver groups (where, as above, the total period of vehicle action is evaluated by combining the impoundment and immobilization periods), the relative differences are large: above 50% for both DWS and DUI offenses. DWS and DUI offenses are significantly reduced during the sanction period in both the Cox Regression and Kaplan-Meier analyses. Figure IV-1 shows the cumulative DUI offense hazard (recidivism) rates *during* sanction using the overall Cox Regression model fit based on the two DWS and two DUI driver groups pooled, which demonstrates a clear separation between those DWS and DUI offenders who actually received a vehicle action (solid line) and comparison drivers who were eligible but avoided the sanction (dashed line).

The upper section of Table IV-4 gives the results of the analysis of the DWS groups up to 2 years following the return of the vehicle to the offender. With the exception of DWS offenses for second DWS drivers, all of the relative differences are in the right direction, but none are significant. It appears that in the case of the DWS drivers, the sanction had no impact on DWS or DUI offenses after the vehicle was returned.

In contrast to the DWS drivers, the DUI drivers whose vehicles were impounded or immobilized for longer periods demonstrated significant reductions in DUI and DWS offenses after the vehicles were returned. The recidivism rate for DUI offenses of second DUI offenders following return of the vehicle was 22% to 38% lower than for offenders who were eligible but did not receive a vehicle sanction. These differences in rates are corrected for variations in age and prior driving record through the entry of these factors as covariates in the Cox Regression analysis (right-hand columns of Table IV-4).

Figure IV-2 shows the pooled cumulative hazard rates for the DUI offense *after* sanction across both DWS and both DUI driver groups, using the overall Cox Regression model fit. The solid line shows the accumulation of new offenses by the sanctioned group, while the dashed line shows the cumulative rate of DUI offenses for the comparison drivers. The origin of the graph is set at the time when the experimental group had their vehicles returned. The origin for the comparison group is set at the average time after conviction when the sanctioned group had their vehicles returned. The experimental group of drivers who received the vehicle sanction clearly had fewer DUI convictions than similar offenders not sanctioned in the months following return of their vehicles.

Table IV-3  
Offenses during sanction period for DWS and DUI drivers in Franklin County

Driver group	Penalty days	Impound group exposure			Comparison group exposure			Offense rate		Kaplan-Meier			Cox Regression			
		Subjects	(Man-months)	Re-offenders	Subjects	(Man-months)	Re-offenders	V/I	Non-V/I	Relative diff.	Tarone-Ware	Prob.	Relative diff.	Wald	Prob.	
<b>Driving-while-suspended (DWS) offenders</b>																
<b>DWS offenses</b>																
1 <sup>st</sup> DWS	30	136	132	0	454	444	16	0.0%	3.5%	100%	4.68	.031*	100%	---	---	
2 <sup>nd</sup> DWS	60	21	40	0	70	133	5	0.0%	7.1%	100%	1.48	.223	100%	---	---	
<i>Pooled DWS groups</i>		157	172	0	524	577	21	0.0%	4.0%	100%	5.64	.018*	100%	---	---	
<b>DUI offenses</b>																
1 <sup>st</sup> DWS	30	136	132	0	454	447	3	0.0%	0.7%	100%	0.87	.352	100%	---	---	
2 <sup>nd</sup> DWS	60	21	40	0	70	136	2	0.0%	2.9%	100%	0.59	.443	100%	---	---	
<i>Pooled DWS groups</i>		157	172	0	524	583	5	0.0%	1.0%	100%	1.26	.262	100%	---	---	
<b>Driving-under-the-influence (DUI) offenders</b>																
<b>DWS offenses</b>																
2 <sup>nd</sup> DUI	90	686	1953	8	970	2831	34	1.2%	3.5%	66%	8.05	.005*	39%	6.42	.011*	
3 <sup>rd</sup> DUI	180	134	724	4	328	1884	20	3.1%	6.1%	49%	1.42	.233	22%	0.85	.357	
<i>Pooled DUI groups</i>		820	2677	12	1298	4715	54	1.5%	4.2%	65%	9.45	.002*	34%	6.78	.009*	
<b>DUI offenses</b>																
2 <sup>nd</sup> DUI	90	686	1937	12	970	2813	36	1.8%	3.7%	52%	4.90	.027*	29%	4.14	.042*	
3 <sup>rd</sup> DUI	180	134	729	3	328	1877	21	2.4%	6.4%	63%	2.81	.094	37%	2.28	.131	
<i>Pooled DUI groups</i>		820	2666	15	1298	4690	57	1.8%	4.4%	58%	6.93	.009*	30%	5.72	.017*	

Table IV-4  
Offenses after sanction period for DWS and DUI drivers in Franklin County

Driver group	Penalty days	Impound group exposure			Comparison group exposure			Offense rate		Kaplan-Meier			Cox Regression		
		Subjects	(Man-months)	Re-offenders	Subjects	(Man-months)	Re-offenders	VI/	Non-VI/	Relative diff.	Tarone-Ware	Prob.	Relative diff.	Wald	Prob.
<b>Driving-while-suspended (DWS) offenders</b>															
<b>DWS offenses</b>															
1 <sup>st</sup> DWS	30	134	1486	14	431	3962	50	13.2%	17.1%	23%	0.76	.382	8%	0.32	.570
2 <sup>nd</sup> DWS	60	19	235	3	58	494	6	17.6%	14.7%	-20%	0.12	.733	-43%	0.88	.347
<i>Pooled DUI groups</i>		153	1721	17	489	4456	56	13.8%	16.7%	18%	0.67	.415	3%	0.07	.793
<b>DUI offenses</b>															
1 <sup>st</sup> DWS	30	135	1568	6	444	4363	21	5.1%	6.4%	21%	0.11	.735	19%	0.77	.380
2 <sup>nd</sup> DWS	60	19	274	0	61	572	3	0.0%	3.1%	100%	1.91	.167	100%	---	---
<i>Pooled DUI groups</i>		154	1842	6	505	4935	24	4.4%	5.6%	26%	0.22	.639	24%	1.42	.234
<b>Driving-under-the-influence (DUI) offenders</b>															
<b>DWS offenses</b>															
2 <sup>nd</sup> DUI	90	671	7800	48	873	8827	75	6.8%	11.0%	38%	3.33	.068	11%	1.49	.222
3 <sup>rd</sup> DUI	180	125	1333	5	242	2005	20	4.3%	11.8%	63%	4.27	.039*	33%	2.53	.112
<i>Pooled DUI groups</i>		796	9133	53	1115	10832	95	6.4%	11.1%	42%	4.86	.028*	13%	2.67	.102
<b>DUI offenses</b>															
2 <sup>nd</sup> DUI	90	669	7922	33	871	8877	63	5.0%	8.0%	38%	6.27	.012*	22%	5.03	.025*
3 <sup>rd</sup> DUI	180	126	1309	9	243	2030	15	7.3%	9.4%	23%	0.02	.901	-3%	0.02	.899
<i>Pooled DUI groups</i>		795	9231	42	1114	10907	78	5.3%	8.2%	35%	6.08	.014*	18%	4.13	.042*

Figure IV-1  
Proportion of drivers committing a DUI offense during sanction period in Franklin County  
(Pooled Model Fit, Cox Regression Analysis)

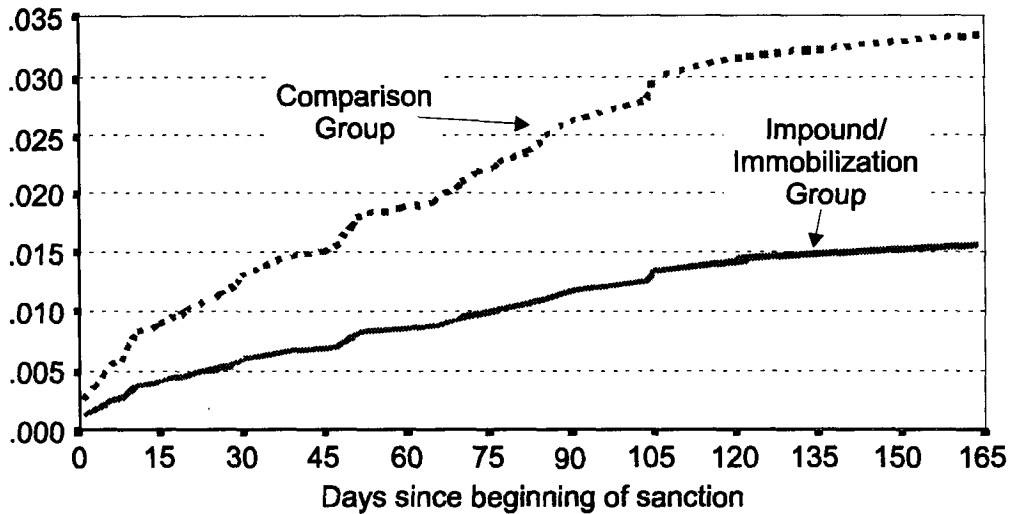
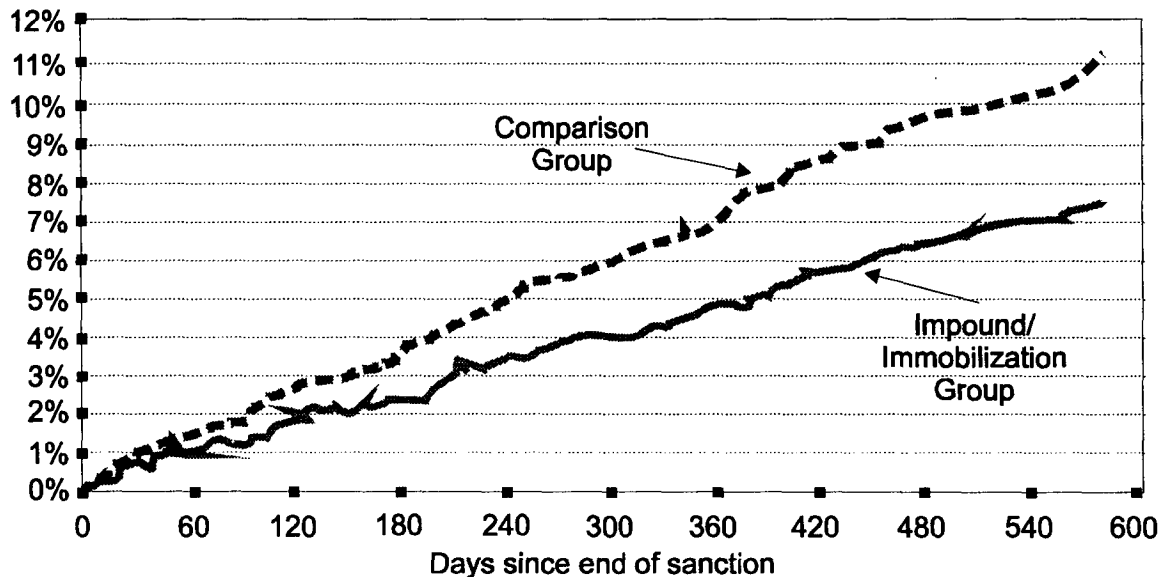


Figure IV-2  
Proportion of drivers committing a DUI offense after sanction period in Franklin County  
(Pooled Model Fit, Cox Regression Analysis)



## 2. Hamilton County

**POOLED RESULTS FOR ALL DRIVERS.** In the Hamilton County recidivism analysis, there was no need to consider combining vehicle immobilization and vehicle impoundment since, with few exceptions, vehicles were simply impounded for the length of the sanction period. The two upper sets of rows of Table IV-5 present the Cox Regression and Kaplan-Meier analyses of recidivism rates for DWS drivers during the sanction period. These analyses found significant reductions in DWS offenses, but not DUI offenses, for the combined groups of drivers. The effect sizes for DWS offenses was large, running between 45% and 75%. The reductions in DWS and DUI offense rates for the experimental group of DUI drivers are generally larger than those demonstrated by the DWS drivers whose vehicles were impounded for a shorter time. Pooled effect sizes for both DWS and DUI offenses varied from 40 to 60%. Figure IV-3 shows the pooled cumulative hazard rates for DUI

offenses across the two DWS and two DUI driver groups during the sanction period using the overall Cox Regression model fit.

Table IV-6 provides the results of the analysis for DWS and DUI offenses in the postsanction period. The Kaplan-Meier analysis shows some differences in the DWS recidivism for the DWS drivers; however, this was not confirmed in the Cox Regression analysis. In any case, the effects sizes were too small to be of interest. Both the Cox Regression and the Kaplan-Meier analytical procedures detected significant reductions during the postsanction period in both DWS and DUI offenses for the DUI drivers. The Cox regression yielded an effect size of 30% for DUI offenses. Figure IV-4 shows the pooled cumulative hazard rates for DUI offenses across the two DWS and two DUI driver groups after the vehicles were returned to the offenders, using the overall Cox Regression model fit.

**Table IV-5**  
**Offenses during sanction period for DWS and DUI drivers in Hamilton County**

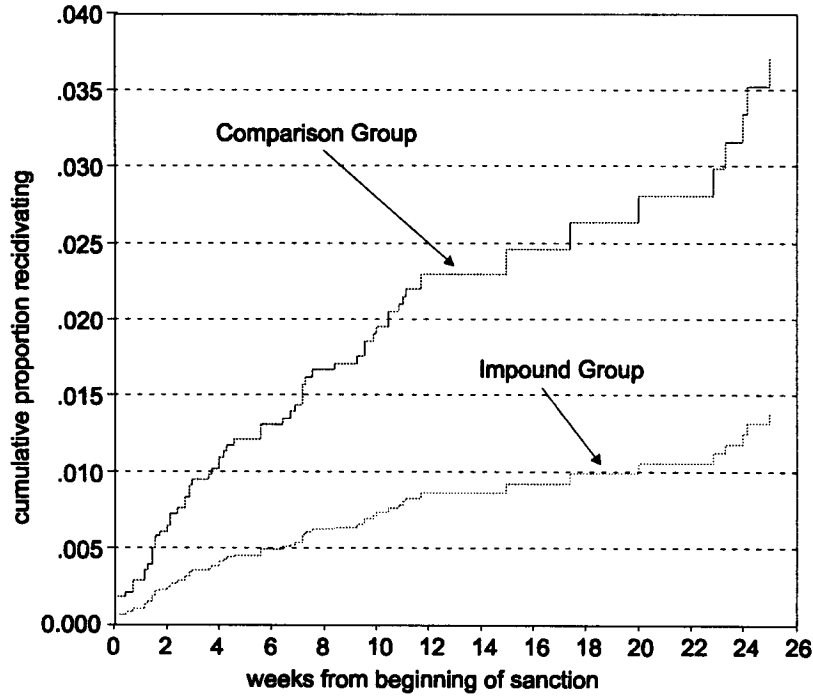
Driver group	Penalty days	Impound group exposure			Comparison group exposure			Offense rate		Kaplan-Meier			Cox Regression		
		Subjects	(Man-months)	Re-offenders	Subjects	(Man-months)	Re-offenders	V/I	Non-V/I	Relative diff.	Tarone-Ware	Prob.	Relative diff.	Wcid	Prob.
<b>Driving-while-suspended (DWS) offenders</b>															
<b>DWS offenses</b>															
1 <sup>st</sup> DWS	30	676	497	3	454	444	10	0.6%	2.2%	71%	4.22	.040*	47%	3.65	.056
2 <sup>nd</sup> DWS	60	205	326	3	70	133	5	1.8%	7.1%	74%	4.39	.036*	50%	3.67	.055
<i>Pooled DUI groups</i>		881	823	6	524	577	15	1.0%	3.8%	74%	6.97	.008*	45%	5.89	.015*
<b>DUI offenses</b>															
1 <sup>st</sup> DWS	30	676	497	3	454	447	2	0.6%	0.4%	-42%	0.14	.713	-19%	0.14	.707
2 <sup>nd</sup> DWS	60	205	328	0	70	136	2	0.0%	2.9%	100%	4.91	.027*	100%	---	---
<i>Pooled DUI groups</i>		881	825	3	524	583	4	0.4%	1.2%	67%	0.07	.792	26%	0.63	.427
<b>Driving-under-the-influence (DUI) offenders</b>															
<b>DWS offenses</b>															
2 <sup>nd</sup> DUI	90	533	1340	2	970	2831	29	0.5%	3.0%	84%	9.18	.002*	61%	6.80	.009*
3 <sup>rd</sup> DUI	180	347	1582	8	328	1884	18	3.1%	5.5%	44%	2.39	.122	45%	4.22	.040*
<i>Pooled DUI groups</i>		880	2922	10	1298	4715	47	1.7%	4.1%	60%	11.47	.001*	41%	8.94	.003*
<b>DUI offenses</b>															
2 <sup>nd</sup> DUI	90	533	1335	3	970	2813	31	0.7%	3.2%	80%	8.92	.003*	56%	7.18	.007*
3 <sup>rd</sup> DUI	180	347	1587	7	328	1877	16	2.7%	4.9%	44%	2.59	.108	28%	2.06	.152
<i>Pooled DUI groups</i>		880	2922	10	1298	4690	47	1.6%	4.0%	60%	11.51	.001*	41%	9.34	.002*

Table IV-6  
Offenders after sanction period for DWS and DUI drivers in Hamilton County

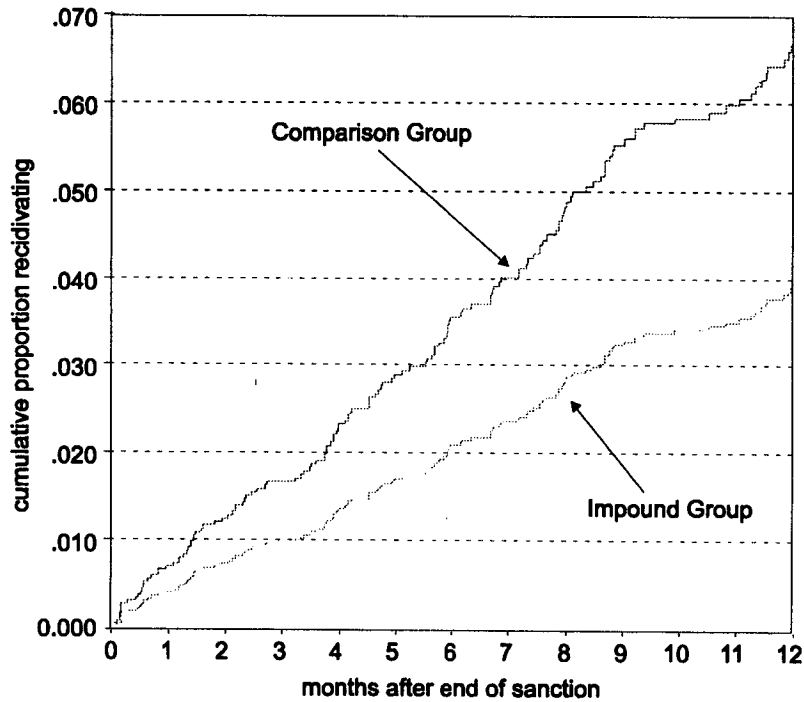
Driver group	Penalty days	Impound group exposure			Comparison group exposure			Offense rate		Kaplan-Meier			Cox Regression		
		Subjects	(Man-months)	Re-offenders	Subjects	(Man-months)	Re-offenders	V/I	Non-V/I	Relative diff.	Tarone-Ware	Prob.	relative diff.	Wald	Prob.
<b>Driving-while-suspended (DWS) offenders</b>															
<b>DWS offenses</b>															
1 <sup>st</sup> DWS	30	639	7707	90	431	3976	50	8.6%	15.7%	46%	4.44	.035*	1%	0.03	.869
2 <sup>nd</sup> DWS	60	185	2070	28	58	476	6	12.5%	13.7%	9%	0.26	.611	3%	0.01	.905
<i>Pooled DUI groups</i>		824	9777	118	489	4452	56	9.3%	15.3%	39%	4.69	.030*	3%	0.14	.713
<b>DUI offenses</b>															
1 <sup>st</sup> DWS	30	637	7892	29	445	4378	22	4.4%	6.4%	32%	1.67	.197	8%	0.35	.557
2 <sup>nd</sup> DWS	60	190	2229	5	61	554	3	2.2%	3.0%	28%	1.64	.200	46%	2.55	.110
<i>Pooled DUI groups</i>		827	10121	34	506	4932	25	4.0%	5.8%	31%	2.07	.150	10%	0.66	.417
<b>Driving-under-the-influence (DUI) offenders</b>															
<b>DWS offenses</b>															
2 <sup>nd</sup> DUI	90	490	5395	47	888	9146	79	7.2%	10.8%	33%	1.92	.166	4%	0.23	.635
3 <sup>rd</sup> DUI	180	288	2875	22	260	2178	22	5.6%	11.8%	53%	4.17	.041*	20%	3.32	.068
<i>Pooled DUI groups</i>		778	8270	69	1148	11324	101	6.8%	11.1%	39%	3.95	.047*	9%	1.28	.257
<b>DUI offenses</b>															
2 <sup>nd</sup> DUI	90	489	5418	19	885	9195	66	3.6%	8.0%	56%	9.15	.003*	30%	7.51	.006*
3 <sup>rd</sup> DUI	180	290	2886	9	264	2206	20	4.0%	9.5%	58%	7.97	.005*	33%	3.63	.057
<i>Pooled DUI groups</i>		779	8304	28	1149	11401	86	3.7%	8.4%	56%	14.71	.001*	31%	11.35	.001*



**Figure IV-3**  
 Proportion committing DUI during Immobilization sanction in Hamilton County  
 (Pooled Model Fit, Cox Regression Analysis)



**Figure IV-4**  
 Proportion committing DUI after Immobilization sanction in Hamilton County  
 (Pooled Model Fit, Cox Regression Analysis)



**D. Discussion**

**LIMITATIONS IN THESE STUDIES.** The principle limitation in these results is that the sanctions could not be assigned to offenders at random. The imposition of the vehicle penalty

occurred or did not occur as a result of several factors. Some factors such as administrative problems or lack of resources for the police and courts may have had a minimal impact on subject characteristics and, therefore, probably did not bias the group comparisons. Other factors—offender's choice (retaining a lawyer, pleading guilty, etc.) and differences between judges' sentencing practices—may have produced significant differences between the experimental group of offenders whose vehicles were held under the VA law and the comparison group whose vehicles were not held.

Table IV-7 shows the differences in age and history of driving offenses between the drivers whose vehicles were impounded and not impounded in both Franklin and Hamilton Counties. These two measures—age and prior driving offenses—were available for use as covariates for reducing any bias produced by the many factors that entered the selection of those actually impounded or immobilized. (Gender information was also available, but there were too few females to make this factor a useful covariate.) The upper portion of Table V-7 shows that Franklin County's sanctioned driver group had mean values for the two age categories and the two types of prior-offense categories that were generally similar to those for the comparison driver group. The one exception was the second DWS offenders (60-day group) where the sanctioned group was almost twice as likely to have had one prior DWS offense.

The age and prior record variables for Hamilton County appear in the lower portion of Table IV-7. As can be seen, there is somewhat more variability between the sanctioned driver group and the comparison driver group in this county. The comparison group of DWS drivers appears to have had more prior DWS and DUI offenses than the sanctioned group. The potential effect of these differences between groups in Hamilton County were reduced by the use of these variables in the Cox Regression analysis, which generally provided the same results as the Kaplan-Meier analysis.

Driver's license status (shown in Section II as an important factor in determining DUI offense rates) was not a factor in the observed differences in recidivism during the vehicle sanction because all DWS and DUI offenders were suspended during the vehicle action period. In the later part of the after-impoundment period, some second DUI drivers may have been reinstated. However, the relatively few reinstated cases and the relatively small number of drivers followed beyond one year suggest that driver's license status had little effect on the results reported in this Section.

Table IV-7  
Means for comparison and sanctioned groups of drivers in Franklin and Hamilton Counties

covariates	30		60		90		180	
	cmpsn	sanc-tioned	cmpsn	sanc-tioned	cmpsn	sanc-tioned	cmpsn	sanc-tioned
<b>FRANKLIN COUNTY</b>								
Age	30.8	29.8	30.1	31.9	33.6	33.2	35.4	34.0
Age >25	0.348	0.383	0.286	0.286	0.168	0.212	0.090	0.128
Age 40+	0.141	0.119	0.190	0.214	0.199	0.193	0.256	0.201
*prior DUIs	0.513	0.404	0.688	0.694	0.834	0.872	1.240	1.271
*prior DWS	0.479	0.451	0.673	1.115	0.210	0.268	0.272	0.388
<b>HAMILTON COUNTY</b>								
Age	29.5	31.8	32.4	30.0	33.0	34.4	34.0	35.5
Age >25	.383	.278	.286	.360	.212	.184	.128	.112
Age 40+	.119	.168	.214	.140	.194	.247	.201	.256
*prior DUIs	.404	.245	.694	.103	.872	.635	1.271	.807
*prior DWS	.451	.287	1.115	.780	.268	.262	.388	.350

\*Within the most recent 3-year period only. Number of priors were log-transformed due to highly skewed distributions.

## V. DISCUSSION

*This section presents the major findings of the study and describes the strengths and weaknesses of the research.*

### A. Major Findings

#### 1. License suspension reduces recidivism and protects the public

The study in Section II on the effect of license suspension in the 3 years before Ohio implemented ALS and VA laws demonstrated that suspended DUI offenders had 38% to 43% fewer DUI convictions and 24% to 35% fewer crashes than did similar DUI offenders who were fully licensed. Before implementing new laws in Ohio, as in many States, a license suspension occurred only after conviction by the court and notification by the BMV. Consequently, initiating a suspension following an arrest was significantly delayed, and a large number of offenders received no suspension. The evidence presented in Section II, points particularly to the significance of the delay in application of the license sanction because the period immediately following arrest, up to the third or fourth month, was a time when additional DUI offenses were most likely to occur.

#### 2. ALS reduces delays and increases comprehensiveness of sanction program

After implementing the ALS law, 95% of both first and multiple offenders were suspended within a few days of their arrest date, thereby reducing the 4-month delay in imposing this sanction, which had been typical before the ALS law. Further, whereas many as 40% of the first offenders never received a license suspension, 98% of the arrested drivers were suspended after the ALS law. Of particular significance was the fact that the suspension rate following ALS was essentially identical for first and multiple offenders.

Comparison of reoffense and crash rates of DUI offenders before and after implementing the ALS law demonstrated that DUI offense rates were reduced by at least two-thirds for both first and multiple offenders, and moving offense rates and crashes were reduced by half. These large reductions can be attributed only in part to ALS, because of other legislation implemented at the same time as ALS. The other legislation doubled the license suspension period from 3 to 6 months for first offenders and subjected multiple offenders to vehicle immobilization in addition to driver license suspension. Nonetheless, the ALS law clearly had a significant impact in reducing overall offense and crash rates by moving the suspension date forward into the high-risk recidivism period immediately following the arrest and by increasing the comprehensiveness with which license suspension was applied to offenders.

#### 3. Impoundment/Immobilization reduces the recidivism of suspended multiple DUI offenders

Simultaneously implementing the ALS and the VA laws ensured that multiple offenders were suspended for at least 1 year since the vehicle sanctions were usually applied on the date of arrest or, at the latest, on the date of court conviction and extended for 3 to 6 months. All DUI offenders were suspended during the impoundment period. A comparison of these fully suspended offenders who had their vehicles immobilized or impounded with similar fully suspended offenders who escaped a vehicle action demonstrated that DUI recidivism was reduced while the vehicle was impounded. Further, evidence that reduced recidivism continued to a lesser extent during the period following the release of the vehicle. This is an important finding because it normally might be assumed that, since the offender was fully suspended, impounding or immobilizing the vehicle would have little impact on the offender's driving record. However, there is strong evidence from the research literature that up to 75% of the suspended drivers continue to

drive to some extent. It appears from the present results that impounding or immobilizing the vehicle reduces illicit driving, which reduced DUI offenses during both the impoundment and the post-impoundment periods.

## B. Study Limitations

This study has a number of significant limitations that should be considered when interpreting the results. First, this research does not attempt to determine whether the simultaneous implementation of the ALS and VA laws had a general deterrent effect on the driving public. This would best be measured by a time series analysis of alcohol-related crashes before and after the implementation of the law. In the present instance, data for the entire State of Ohio was not available. Only the driving records of DUI offenders were obtained from the BMV because the objective of this study was to determine the effect of incapacitation on offenders receiving sanctions because of ALS and VA laws. This study was not designed to study the effect on the public.

Second, vehicle forfeiture, a potentially important sanction, which applied only to fourth DUI and third DWS offenders was not evaluated in this study. With the sample of offenders available, there was insufficient data to determine whether this sanction was effective in reducing offenses and crash involvements of drivers whose vehicles were forfeited. Third, this study is limited to the effect of the immobilization law on DWS offenders whose suspensions resulted from a DUI conviction. DWS offenders whose suspensions were for failure to maintain financial responsibility (insurance payments) were also subject to vehicle immobilization, but these individuals were not included in this study.

A particularly important limitation in the present study is disentangling the effects of the ALS law from the effects of the VA law. Both were implemented on the same date; therefore, a time series does not provide a method of separating their effects. The two laws, however, varied in their application to different groups of offenders in three ways:

1. Members of the general driving population receiving a DUI for the first time were not subject to any of the incapacitating effects of either law unless arrested although they could have been deterred by the fear of being suspended.
2. First DUI offenders following their arrest were affected only by the ALS law, which insured that their incapacitation through license suspension occurred earlier and more comprehensively than had been the case before the law.
3. Multiple DUI offenders and first DUI offenders who were also apprehended for driving while suspended were affected by both the ALS and the VA laws.

Thus, the general deterrent effect of the ALS law could be studied by determining whether the number of first offenders (Group 1) was reduced. There was no evidence of this. The incapacitating effect of the ALS law could be studied using the first DUI offenders (Group 2) by comparing their recidivism rates before and after the law. However, a portion of the reduction in recidivism observed could be the result of the extension from 3 to 6 months of the license suspension period for first offenders. Finally, it was possible to study the effect of the VA law by comparing the multiple offenders (Group 3) whose vehicles were impounded with those who were similarly eligible but received no sanction. Essentially all of the multiple offenders who were subject to vehicle action were suspended for at least 1 year so that both those who received the vehicle sanction and the comparison group were fully suspended. Therefore, the ALS license action was the same for both groups.

A major limitation in the studies reported was the inability to assign the vehicle action penalties at random to eligible offenders. It is clear that the combination of administrative and personal factors that determine sanction versus nonsanction group membership resulted in some differences between groups that may have effected this study's outcomes. For example, the DUI offenders who were in the nonsanction group in Hamilton County were more likely to have a prior DUI offense than the sanction group whose vehicles were impounded (Table IV-10). Though the Cox Regression analysis used prior offenses as a covariate, this procedure may not fully correct for the relationship between priors and recidivism or other factors not measured produced the differences observed.

It was not possible to study the effect of the VA law statewide because of the lack of data on vehicle immobility in the BMV drivers' record files. This is a general problem with most State record systems—one that must be remedied if studies of State VA laws are to be fully evaluated. In this case, the observed statewide reductions in DUI convictions for multiple DUI drivers following the implementation of the ALS and VA laws must be interpreted with caution because information on actual immobilization was not available. Another reason for caution is that, based on the Franklin and Hamilton Counties results, only about a quarter to a half of the DUI offenders received a vehicle sanction. Finally, other law and court administrative changes occurred at the same time as implementation of the VA law. Although there was no evidence that these factors effected the number of DUI cases, these or other unrecognized changes occurring at the time the VA law was implemented may have also contributed to the observed reductions in DUI offenses.

### C. Strengths of These Studies

An important strength of the current study is the large differences found in the recidivism rates for all three dependent variables: DUI offenses, moving violations, and crashes between offenders before and after the implementation of the ALS and VA laws. The relatively large number of subjects followed over significant periods (up to 2 years) adds to the credibility of the overall results. The Kaplan-Meier Survival Analysis procedure provides a powerful method for making maximum use of the variable exposure periods available for offenders in the before-law and after-law groups. Further, the credibility of the finding of reduced recidivism rates following the implementation of the new laws is strengthened by the evidence that arrests and prosecutions of the general driving public committing first DUI offenses were relatively unaffected by the ALS and VA laws. Finally, the fact that all three dependent measures—DUI offenses, moving violations, and crashes—decreased strengthens the conclusion that the ALS law and, for multiple offenders, the VA law reduced overall driving exposure. The reduction in crashes is particularly impressive given that this measure involved all crashes. Though alcohol is involved in approximately 40% of fatal crashes, its role in less severe crashes is significantly smaller and well under 10% for the routine fender-bender crashes that make up 90% of all crash events recorded on State motor vehicle files (NHTSA, 1997, p. 29).

An important feature of the two county-level impoundment/immobilization studies is that they represent independent replications of the implementation of the same law in two different contexts. In Franklin County, vehicle immobilization served as the major vehicle action; in Hamilton County, only vehicle impoundment was used. Each county had to develop procedures that fit its own application of the State law. In this process, there were differences in the proportion of offenders who received the vehicle sanction penalty. Despite these differences, the effect of the vehicle action on offender recidivism was essentially the same. It reduced offenses while the vehicle was not available to the offender

and, to a lesser extent, following the vehicle's return. This independent replication of the study in the two localities strengthens the confidence in these results. Moreover, the fact that each community implemented the law in a different manner suggests that the results can be extrapolated to other locales, which may apply still other procedures in implementing an immobilization or impoundment law.

The results of the two-county study are further strengthened by the outcome of the ALS study that demonstrated that, after the ALS law was in place, 99% of second and third DUI offenders were suspended. Thus, both the offenders who had their vehicles impounded and the comparison group of offenders who escaped this sanction were fully suspended during the period of the vehicle action study. Therefore, license status appeared not to be a factor in the observed differences between the offenders who suffered a vehicle penalty and the comparison group of similar offenders who escaped the vehicle action. It also provides an indication that the effect of this VA sanction is in addition to the effect of the ALS sanction.

As expected from the results in the two county-level study, there appears to be a statewide reduction in DUI offenses involving suspended multiple offenders who were at-risk or actually experienced a vehicle sanction following implementation of the VA law in Ohio on September 1, 1993 (Figure III-3). The reduction was greater for the multiple offenders with more priors who faced more serious vehicle sanctions, but the difference was not significant.

#### D. Significance of These Results

In this study, a vehicle sanction was coupled with license suspension. Thus, the offense reductions demonstrated generally occurred to offenders who were suspended and should not have been driving. Thus, this study demonstrates that vehicle impoundment or immobilization reduces the risk to the public over and above that achieved by license suspension alone. Driver license suspension was shown to reduce offenses and crash involvement of convicted drinking drivers by 25% despite the fact that many continue to drive. The use of a VA law seems to provide an additional margin of public safety beyond license suspension. The combined effect of the two sanctions appeared to reduce the reoffense rate of DUI offenders compared to the traditional court-ordered suspension system by more than 50%.

The evidence that the effect of impoundment and immobilization on DWS and DUI offenses may persist beyond the length of the penalty period is particularly significant. It is not clear whether this is a *deterrent* effect (the cost and inconvenience of having their vehicles impounded or immobilized is so painful that offenders are motivated to avoid being caught again) or whether it is an *incapacitation* effect. Incapacitation could result from the lack of a vehicle because some offenders whose vehicles were sanctioned did not reclaim them, possibly because the vehicle was worth less than the towing and storage costs. Those drivers whose apprehension resulted in the impoundment or immobilization of an employer's or spouse's vehicle may have also been denied access to it after it was released.<sup>9</sup> In contrast, there is no evidence that the incapacitation effect of license suspension extends beyond the time the driver's license is reinstated (McKnight & Voas, 1991). The finding that the effect of the vehicle sanction persists beyond the penalty period is unexpected. If future studies confirm this finding, this effect would significantly add to

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<sup>9</sup> Note that nonoffender owners were required to sign a quit claim agreement that their vehicles would be forfeited to the government if the offender was caught driving it while suspended. Also, Ohio law provides that a second offense for permitting a person with no legal right to operate a vehicle is grounds for forfeiture.

the value of vehicle sanction programs. Overall, preventing the use of the vehicle by the offender for 1 to 6 months appears to be a promising sanction for DWS and DUI offenses. It assists in enforcing driver license suspension, reduces drunk-driving offenses, and protects the public from these high-risk drivers.



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**Appendices to**  
**EFFECTIVENESS OF THE**  
**OHIO VEHICLE ACTION AND**  
**ADMINISTRATIVE LICENSE SUSPENSION LAWS**

**Appendix A. Description and Implementation  
of the Ohio Vehicle Action Law**

**Appendix A.1 Ohio Vehicle Action Law**

**Appendix A.2 Implementation Processes in Franklin  
and Hamilton Counties**

**Appendix A.3 Implementation Issues**

**Appendix B. Immobilization Forms from Franklin County**

**Appendix C. Court Entry Forms**

**Appendix D. Ohio Informational Brochures and BMV Form**

**Appendix E. Immobilization Poster and Leaflet**

## **Appendix A.**

# **Description and Implementation of the Ohio Vehicle Action Law**

# **APPENDIX A**

## **DESCRIPTION AND IMPLEMENTATION OF OHIO VEHICLE ACTION LAW**

The main body of this report has evaluated the impact of the Ohio Vehicle Action (VA) law on the recidivism of DWS and DUI offenders. This evaluation indicated that impounding and/or immobilizing the vehicle of such offenders reduces their DUI and DWS recidivism both during the period when the vehicle is held by the state and, to a lesser extent, following the return of the vehicle to its owner. The purpose of this appendix is to provide a more detailed description of the VA law and how it was applied in Hamilton and Franklin Counties.

Vehicle action laws tend to be more complex in their application than laws that provide for license suspension. Experience has demonstrated that approximately one-half of the individuals who commit DUI or DWS offenses are operating vehicles in which another individual has an ownership interest. Impounding vehicles belonging to non-offender owners may not be appropriate or possible in many instances. In such cases, the state must make a provision for returning the vehicle while attempting to ensure that the offender does not have access to that vehicle again while under suspension. Similarly, seizing and suspending the driving permit is relatively easy and straightforward, while seizing the vehicle involves towing, storage in a safe facility and, if it is to be immobilized on the owner's property, arrangements must be made by the police department to club the vehicle and then remove the club at the end of the sanction period.

Because of these and other complexities, the current study made an effort to determine the issues that arise in the implementation of a vehicle action law such as Ohio's. This appendix is divided into three sections. The first section describes the Ohio Vehicle Action law in detail. The second, describes the implementation and case flow process in Franklin and Hamilton Counties, which were studied intensively in the current research program. The third section reviews issues that arose for the police and courts in the two counties and for the Bureau of Motor Vehicles in implementing the VA law.

Appendix B includes forms developed by the immobilization coordinator in Franklin County used to coordinate with law enforcement. Appendix C includes court entry and other forms from Franklin County that are required for vehicle immobilization and forfeiture. Appendix D includes informational brochures used in Ohio to publicize the new DUI laws and a standard BMV form used by the police for ALS and VA actions which also served to inform offenders about the risk of immobilization. Appendix E contains a copy of a poster and leaflet about the law which were used in Franklin County.

## A-1. THE OHIO VEHICLE ACTION LAW

For several years, an Ohio law permitted the courts to impose a vehicle immobilization penalty for motorists caught driving while suspended (DWS) for driving under the influence (DUI). This penalty was only used in a few smaller Ohio counties. In September 1993, the law was changed to include immobilization for second and subsequent offenses of DUI and certain DWS offenses (see Table A-1). The law requires the immediate impoundment of the vehicle upon arrest in these cases until the courts can order the immobilization and license plate impoundment upon conviction. The length of the immobilization period is 30 days for a first DWS, and 60 days for a second DWS, and 90 days for a second and 180 days for a third DUI offense within 5 years.<sup>1</sup> The court has the option to "immobilize" the vehicle at: (1) a commercially owned or government operated storage lot; (2) a location owned by the offender or immediate family; (3) a public street when parked in accordance with the law; or (4) a place owned by a private person when express written consent is obtained. A third DWS offense or a fourth DUI offense within 5 years can lead to confiscation and forfeiture of the vehicle. Moving a vehicle that has been ordered immobilized by the court results in criminal forfeiture of the vehicle.

**Table A-1**  
**Elements of the Ohio Vehicle Action (VA) Law**

OFFENSE	PENALTY
Elements of the law <b>included</b> in this study	
First DWS for DUI	30-day immobilization/plate impoundment
Second DWS for DUI	60-day immobilization/plate impoundment
Second DUI within 5 years <sup>1</sup>	90-day immobilization/plate impoundment
Third DUI within 5 years <sup>1</sup>	180-day immobilization/plate impoundment
Elements of the law <b>not included</b> in this study (too few cases)	
Third DWS for DUI	Vehicle forfeiture
Fourth DUI within 5 years <sup>1</sup>	Vehicle forfeiture
DWS for first offense FRA*	30-day immobilization/plate impoundment
DWS for second offense FRA* within 5 years	60-day immobilization/plate impoundment
DWS for third offense FRA* within 5 years	Vehicle forfeiture
Permitting a person with no legal right to operate, first offense (state offense only)	30-day immobilization/plate impoundment
Permitting a person with no legal right to operate, second offense (state offenses only)	Vehicle forfeiture

\*Financial Responsibility Assurance (FRA)

<sup>1</sup> The law was changed in 1996 (after this study) to apply to prior DUI offenses within 6 years.

## **A. Immediate seizure**

Section 4507.38 (DWS) and 4511.195 (DUI) of the Ohio statute embodies the law and provides for immediate seizure of the vehicle upon arrest. This permits the vehicle to be towed and stored in an impound lot, pending a hearing that must occur within 5 days to determine whether the vehicle should continue to be held, released, or moved to the offender's property or some other suitable location for pretrial immobilization with a club device which locks the steering wheel to prevent use of the vehicle. A previous study of state vehicle impoundment laws (Voas, 1992) indicated the importance of taking action against the vehicle at the time of arrest. The combination of impoundment in a government or commercial lot and eventual immobilization (either pre- or post-trial) permits seizing the vehicle at the time of arrest while still providing for the less expensive (for the offender) immobilization procedure after a short bridging period of impoundment. Initially, some offenders in Ohio tried to circumvent the law by selling or transferring the vehicle before trial. This problem was alleviated with a legislative amendment that penalized the pretrial sale or transfer of the offending vehicle. If this occurs, the vehicle owner is blocked from registering another vehicle for 2 years.

## **B. Provisions for innocent owners**

The VA law states that, "The arresting officer...shall seize the vehicle that the person was operating at the time of the alleged offense or that was involved in the alleged offense and its identification plates. Except as otherwise provided in this (law), the officer shall seize the vehicle and license plates under this (law), regardless of whether the vehicle is registered in the name of the person who was operating it or in the name of another person."

Section 4503.235, Protection of the Rights of Innocent Vehicle Owners, of the Ohio code provides that "a vehicle shall not be immobilized and its identification license plates shall not be impounded ... if all of the following apply...if (1) the person who is convicted or pleads guilty to the DUI/DWS violation... is not the vehicle owner; (2) the vehicle owner prior to the time of the issuance of the order of immobilization and impoundment or forfeiture files a motion to the court requesting that the order not be issued because the vehicle owner was innocent of any wrong-doing relative to the offense and violation in question; and (3) the prosecutor fails to establish at trial that the vehicle owner knew or should have known that the vehicle was to be used or involved or likely to be involved in the offense, or the vehicle owner or his agent expressly or impliedly consented to the use or involvement of the vehicle in the offense or violation."

Thus, the law intended that completely innocent owners would have their vehicles returned while those who should have known that the driver was unlicensed and knowingly allowed the person to drive would have their vehicles impounded and immobilized. This feature of the law was overturned in April 1995 by a U.S. District Court judge who found that the innocent or nonoffender owners were not receiving adequate notice of the impoundment and forfeiture sections of the law at the time their vehicles were seized; as a result, they were in danger of having their vehicles held for at least 30 days pending trial of the offender. To date, the legislature has taken no action to pass a law that would meet the constitutional requirement of adequate notice to nonoffender vehicle owners established in the U.S. District Court decision (*Kutschmach vs. Davies*). Consequently, after this court decision, police agencies in Ohio stopped seizing vehicles not owned by the offender. The Supreme Court of Ohio upheld the District Court decision and noted that the court was not prohibited from immobilizing non-offender owned vehicles upon conviction of the offender (*Ohio vs. Hochhausler*). It is difficult for the prosecutor to

establish the vehicle owner “should have known” in DUI cases, but not so difficult in DWS cases when the owner is a spouse of the offender.

### **C. Impounding vehicle plates**

The original legislation provided that, in addition to impounding the vehicle upon arrest, the license plates and registration would also be seized. In practice, the plates were usually not removed until the vehicle was ordered immobilized by the court. The law was later amended to authorize impoundment of the registration and plates at the time of sentencing. At that time, the plates are usually removed from the vehicle and sent to the Bureau of Motor Vehicles (BMV) where they are destroyed.

The provision in the law for both vehicle immobilization and seizure of the license plates is unusual. In some states—notably in Minnesota—the vehicle is incapacitated or rendered “immobilized” by a plate impoundment process without using either a boot or a club device. The provision in the Ohio law that authorizes the use of both an immobilizing device and confiscation of the plates appears to provide double assurance that the vehicle will not be moved during the sanction period. Another benefit of plate confiscation is it prevents using the plates on another unregistered vehicle.

### **D. Amendments to the law**

Several major amendments have been made to the Ohio law since it was passed in September 1993.

- The amount of time allowed to claim a vehicle after deimmobilization was shortened from 60 to 20 days.
- Vehicles that are leased or rented for less than 30 days are not subject to immobilization.
- The Court must obtain written permission from apartment building managers before ordering a vehicle to be immobilized on the property of an apartment building.
- A vehicle owner transferring or selling the “offending” vehicle during the time between arrest and trial is blocked from registering another vehicle for 2 years.
- At the initial hearing, held within 5 days after arrest, the court is now required to advise the vehicle owner that (1) if the vehicle is not claimed within 7 days of the deimmobilization date, they will be notified in writing that the vehicle will be forfeited within 20 days if not claimed; (2) prior to issuance of new plates and release of an immobilized vehicle, the \$100 immobilization fee and all towing and storage fees must be paid.
- If the \$100 immobilization fee is not paid, the vehicle owner will be blocked from registering another vehicle. (Prior to this amendment, a *title* block was placed on the vehicle if the immobilization fee was not paid.)



## A-2. IMPLEMENTATION PROCESSES IN FRANKLIN AND HAMILTON COUNTIES

### A. The Two Counties

Franklin and Hamilton Counties both encompass large metropolitan cities in Ohio, and, as illustrated in Table A-2, are similar demographically. The level of police enforcement is slightly higher in Hamilton County than in Franklin County (7.1 vs 6.1 DUI arrests per thousand).

**Table A-2**  
**Characteristics of Franklin and Hamilton Counties**

Characteristics	Jurisdiction	
	Franklin County (Columbus)	Hamilton County (Cincinnati)
Population	961,437 82% White 16% Black	866,200 77% White 21% Black
Per capita income	\$14,907	\$15,354
DUIs (1993)	5,875	6,184
DUI arrests (per thousand)	6.1	7.1
Police force	33 agencies	46 agencies
# of registered vehicles	893,613	719,065
Road mileage	3,949	3,153
Fatal crashes	71	64
Injuries	19,885	15,878
Injuries (per thousand population)	20.7%	18.3%

Sources: Ohio Department of Public Safety and the U.S. Bureau of the Census, 1994 *County and City Databook*.

### B. Impoundment/Immobilization Procedures

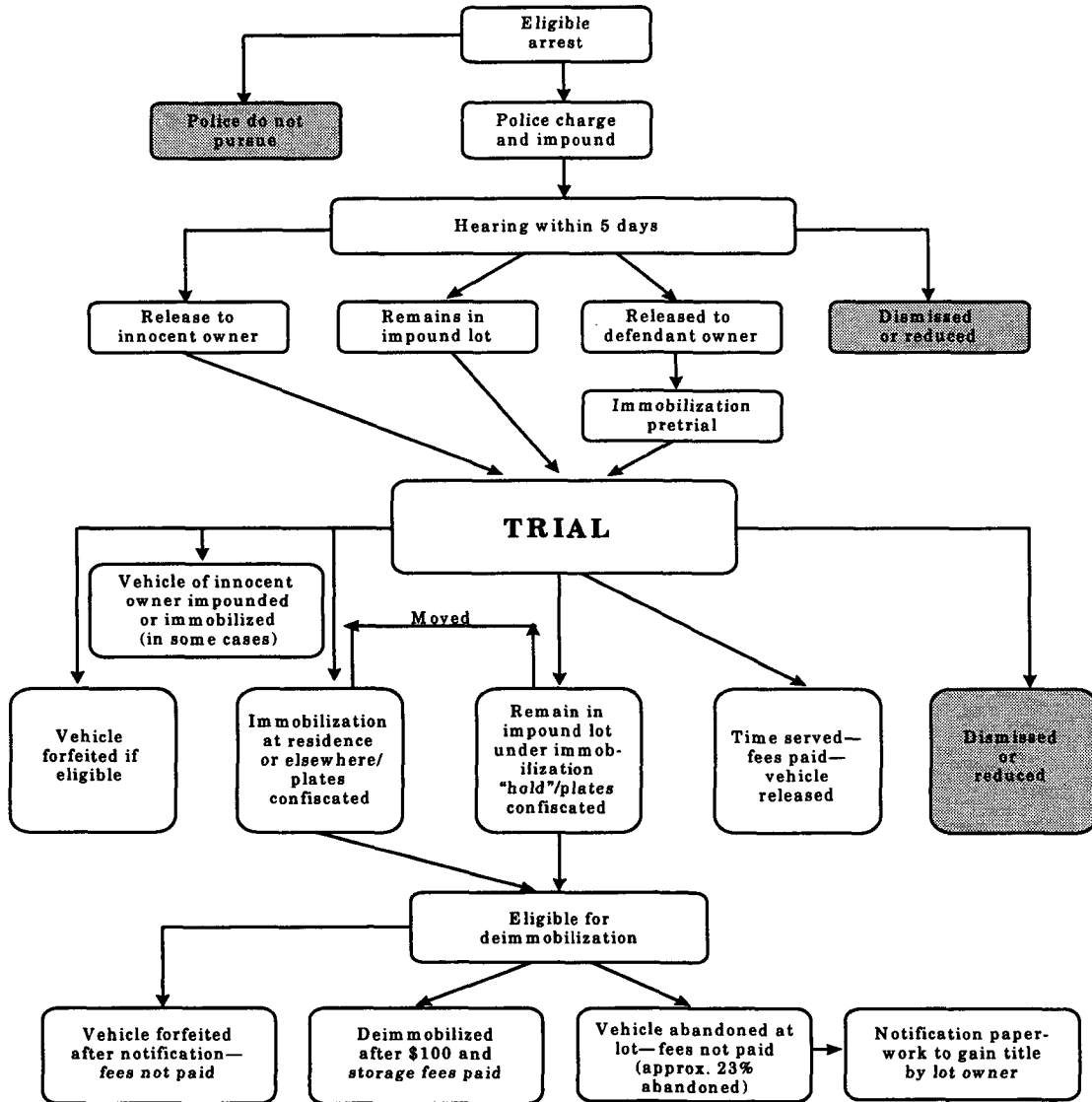
The Ohio law calls for the immediate impoundment and then immobilization of vehicles at a location owned by the offender or his or her family (usually a home) or at government or private storage lots. Franklin and Hamilton Counties chose to implement the law using different methods of immobilization. Franklin County uses a combination of impoundment and immobilization with a club device on eligible vehicles while Hamilton County uses vehicle impoundment only for the entire length of the sanction period to enforce the law.

#### 1. Case flow in Franklin County

In Franklin County, typically the vehicle of an eligible offender is impounded immediately upon arrest. Within 5 days, a judge or magistrate holds a hearing to determine if the vehicle was seized appropriately and whether it should remain impounded

until trial (see Figure A-1 for case flow). Some judges allow impounded vehicles to be moved out of the storage lot for *pretrial* immobilization. The vehicle is then moved by court order to the offender's home or other location for immobilization with a steering wheel club device which prevents the vehicle from being driven. The vehicle owner is required to make arrangements for transfer of the vehicle and with the police department (designated in the court order) to have the vehicle clubbed. This saves the offender the daily storage lot fees that would have accumulated before the trial date. Some judges do not allow pretrial immobilization. They believe that the courts should be involved in this process, but that the legislative language permits police departments to do so before the trial. The police departments, however, generally believe that a court order is required. After passage of the law, some judges allowed the vehicles of innocent owners to be released pretrial because proving that an owner knew that the offender/driver had a suspended license or a history of impaired driving was often difficult. On the other hand, some judges denied an innocent owner's request for release of a vehicle on the presumption that an owner should have known the offender's license status, especially when the offender was a relative. However, as previously described, a District Court decision has basically eliminated the seizure of vehicles upon arrest that are registered to someone other than the offender.

**Figure A-1  
Franklin County  
Vehicle Impound/Immobilization Process**



Credit is given for time served by the vehicle from date of the offender's arrest and seizure of the vehicle. If the offender is incarcerated upon arrest, initially the vehicle was not given credit for the days the offender was in jail. A subsequent amendment in the law now gives credit for days in jail. Upon conviction in Franklin County, if the "offending" vehicle has not already been immobilized pretrial, it can then be moved from the storage lot to the offender's home or another location and immobilized by the police agency designated in the court order. Towing and storage fees must be paid before a vehicle can be removed from the storage lot. If the vehicle owner does not cooperate with the installation of a club device (which requires access to the vehicle's interior), a boot device can be attached to the wheel. Some offenders fail to make arrangements with the police department for immobilization of their vehicle at another location and abandon the

vehicles to the storage lot. Accordingly to the coordinator's records, approximately 23% of vehicles are abandoned. Consequently, some police departments will immobilize the vehicle at the storage lot or simply leave it at the lot on a court-ordered "hold" until the immobilization period has expired. Vehicle license plates are removed after conviction and forwarded to the BMV where they are destroyed.

Offenders must pay a \$100 immobilization fee to the BMV (which, in turn, reimburses the police department or other government agency) before a vehicle that has "served its time" can be released. After payment has been verified, the police department arranges with the offender to deimmobilize the vehicle and remove the club device. For those vehicles that "serve their time" in the storage lot, the vehicle can be released upon payment of the \$100 immobilization fee and all storage and towing fees. If the vehicle is not claimed within 7 days after the immobilization period ends, the police agency is required to notify the vehicle owner that if it is not claimed within 20 days, the vehicle will be forfeited. If the law enforcement agency does not want the vehicle, the impound lot owner may obtain the vehicle's title under abandoned vehicle statutes. As of this writing, there is some question about whether abandoned vehicle statutes in Ohio are applicable to immobilized vehicles.

## **2. Logistics and paperflow in Franklin County**

A grant from the Ohio Department of Public Safety initially supported a court-based vehicle immobilization coordinator in Franklin County to assist the court and law enforcement agencies in implementing the law and to maintain records needed for implementation and evaluation. In addition, funds were provided through NHTSA to fund a half-time data entry assistant to collect information needed for evaluation. The city of Columbus has now funded both of these positions.

In Franklin County, after a vehicle has been ordered immobilized by the court, the vehicle immobilization coordinator receives the court order and then faxes it, along with identifying information (offender name, address, phone numbers; vehicle identification information; current location of the vehicle; and the effective dates and length of immobilization), to the police jurisdiction in which the offenders lives. (See Appendix B for forms developed by the immobilization coordinator to coordinate with law enforcement.) Although offenders are instructed by the court to contact the police agency within a week, often they do not. Therefore, the police must track down the offender to make arrangements for immobilization. For this purpose, keeping accurate records of the offender's home and work telephone numbers is essential. The court bailiffs are charged with recording this information for the immobilization coordinator to transmit to the police departments. (See Appendix C for court entry and other forms that are required for the disposition of vehicle immobilization forfeiture orders.)

After contacting the offender, the police department arranges to meet at his or her home or another suitable location (e.g., the home of a friend or relative) to immobilize the vehicle. An apartment building is usually not suitable since the Columbus Apartment Owners Association complained about having vehicles without license plates on their properties for extended periods. The VA law was subsequently amended to require written permission from apartment managers to immobilize vehicles on their properties. If permission is not obtained, the offender must find another location. Depending on parking regulations, a city street is not usually a suitable location as the license plates have been removed. After meeting with the offender, the police officer identifies the vehicle by color, make, model, and identification number. Subsequently, a club device is locked onto the steering wheel, the mileage is noted, and a large sign warning that the vehicle should not

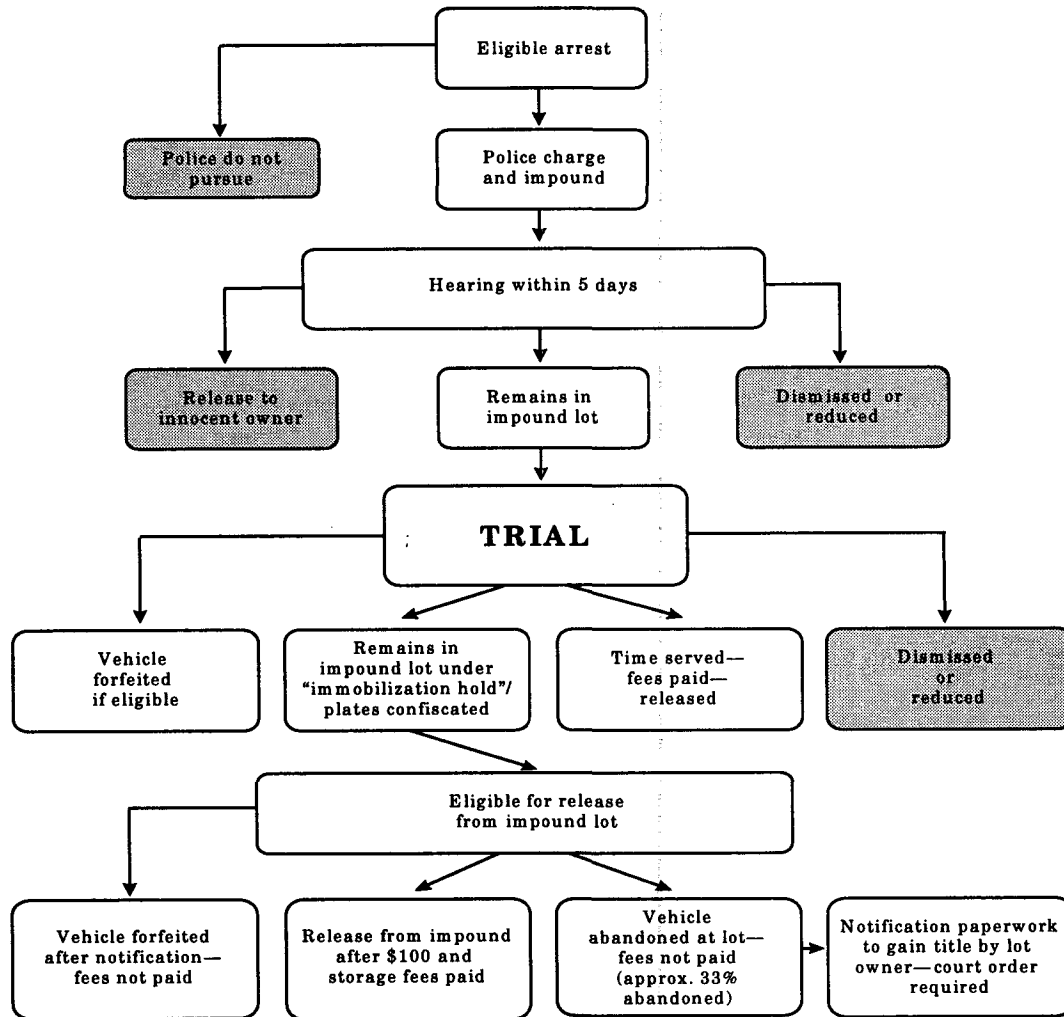
be moved by order of the police department is placed in the vehicle's front windshield. The police department must establish a system for matching the club device keys with each immobilized vehicle. The police agency then faxes confirmation of immobilization to the vehicle immobilization coordinator. The coordinator completes and forwards a BMV form that the court is required to send to the BMV on all vehicles subject to this law (see Appendix D). When processed, this form triggers notification to the vehicle owner of the \$100 immobilization fee and a potential registration block if the fee is not paid. As the offender and vehicle owner may not be the same, the immobilization coordinator has recommended that a registration block be placed on the offender as well.

There is an additional series of tasks associated with deimmobilization. The police must again contact the offender to arrange a meeting for removal of the club device. Prior to this, the offender must show proof that the \$100 immobilization fee has been paid. After deimmobilization, the police fax a form to the immobilization coordinator to verify that the vehicle has in fact "served its time."

### **3. Case flow in Hamilton County**

As in Franklin County, the vehicle of an eligible offender is impounded immediately upon arrest and a court hearing is held within 5 days to determine if the vehicle was seized appropriately and should remain impounded until trial (see Figure A-2 for case flow). Hamilton County enforces the Ohio law by keeping the eligible vehicle in a city, county, or private storage lot for the duration of the vehicle sanction. Officials chose this method over immobilization with a club device because there were concerns about liability, the expense of clubbing, access by emergency vehicles—since a clubbed vehicle cannot be moved quickly—and the apparent ease with which offenders can unclub their vehicles. As in Franklin County, Hamilton County judges held varied opinions on the release of vehicles to innocent owners.

**Figure A-2  
Hamilton County  
Vehicle Impoundment Process**



After conviction in Hamilton County, the Clerk of Traffic Courts fills out an immobilization or forfeiture order that includes the names of the offender and vehicle owner (if different) and faxes it to, or holds it for, the arresting police agency, which is then responsible for carrying out the order. To release a vehicle that has “served its time” from an impound lot, vehicle owners must show proof that the \$100 immobilization fee has been paid to the BMV; storage and towing fees must also be paid. Impound lot operators can gain title to abandoned vehicles, but the owner must be notified of the impending procedure by certified mail as in Franklin County. In Hamilton County, a court order must

be obtained to secure the title of an abandoned vehicle. The Cincinnati Police Impound Unit estimates that approximately 33% are abandoned to the impound lot.

#### **4. Logistics and paper flow in Hamilton County**

Most of the burden of the additional paperwork created by the Ohio VA law falls to the Clerk of Courts and to the police agencies that operate the impound lots. The Clerk must prepare hundreds of immobilization orders and transmit them to the arresting police agency. All immobilization cases are heard in the same courtroom to ease vehicle tracking. The Cincinnati City Prosecutor's office has a "no plea bargain" policy for these cases since the city would be left paying the towing and lot storage fees if a case is reduced or dismissed. If, for some reason, a vehicle is released pretrial and is subsequently ordered impounded, the arresting police agency attempts to locate the vehicle by determining an address through BMV records. If a vehicle has already "served its time" by the time of conviction, an immobilization order must still be entered into the record so that there can be a release order. This is also necessary so that the BMV has a record that enables the collection of the \$100 fee. Vehicle license plates are generally removed after conviction and forwarded to the Clerk of Courts who sends them to the BMV.

The impound units of the City of Cincinnati Police and Hamilton County Sheriff's Department handle a majority of the county immobilization cases. They have computerized records systems that track the sentences of vehicles in their impound lots. One particularly vexing problem for the police impound unit is determining the court disposition of approximately one-third of the vehicles in their lots at a given time. The majority are "no shows" in court or cases that have been continued. The city impound lot charges \$8 per day, while the county sheriff's department charges \$6 per day with a half price discount on immobilization cases after the first 5 days of impoundment. To some extent, this discount reduces the problem of low-value vehicles that are abandoned. Those that are abandoned are of little value and often not worth the effort to sell them at auction. The police agencies in Hamilton County did not have the option of selling abandoned vehicles to salvage yards at the time this study was completed.

For the few impounded vehicles of value being financed by their owners, lien-holders must provide a repossession title, sign an affidavit stating that they will not release the vehicle to the owner, and that they will pay the storage costs and the \$100 fee. These documents must be taken to the prosecutor's office to verify that the vehicle is not subject to forfeiture. A judge then signs a release order which is faxed to the arresting agency for release to the lien-holder.

In addition to the release requirements to pay the \$100 fee and storage costs after the immobilization period has been served in the impound lot, the Hamilton County Sheriff's Department uses a civil code to deny the release of vehicles whose owners have no vehicle insurance. Although this practice adds to the abandoned vehicle problem, there is a concern about liability when releasing an uninsured vehicle from their impound lot.

Table A-3 compares the implementation procedures in Franklin and Hamilton Counties.

**Table A-3  
Comparison of implementation procedures in Franklin and Hamilton Counties**

<b>Procedures</b>	<b>Franklin County (Includes Columbus)</b>	<b>Hamilton County (Includes Cincinnati)</b>
<i>Method of enforcing law</i>	Vehicle impoundment followed by immobilization with club device and plate removal	Vehicle impoundment and plate removal
<i>Pretrial practices</i>	Some pretrial immobilization or vehicle remains impounded	Vehicle remains impounded
<i>Use of impoundment facilities</i>	City-owned lot and multiple private towing companies	Mainly city- and county-owned lots
<i>Fees charged for storage</i>	\$7 to \$8 per day	\$3 to \$8 per day
<i>Procedure for getting title for abandoned vehicles</i>	Registered owner notified by police by certified mail after 7 days and given 20 days to respond	Same as Franklin County, but court order also required
<i>Method for tracking immobilization cases</i>	Court-based immobilization coordinator handles paperwork between courts and police departments	Clerk of Courts sends court orders to police departments (or police departments pick up court orders from clerk)
<i>Recipient of \$100 immobilization fee</i>	Goes to the city or county police department that immobilizes the vehicle	Goes into city general fund—specific fund for county sheriff's department
<i>Start-up issues that were resolved for the most part (some solutions discussed in Section A-3 of this appendix)</i>	<ul style="list-style-type: none"> <li>• Communication between courts and police and vice-versa</li> <li>• Timely execution of the court order by police</li> <li>• No court entry for dismissals and for vehicles that had served time before conviction</li> <li>• Pretrial sale of vehicles</li> <li>• Loss of income by impound lot owners who could not recover costs</li> </ul>	<ul style="list-style-type: none"> <li>• Interpreting BMV record to determine eligibility for arrest</li> <li>• Determining court disposition of vehicles in impound lot</li> <li>• Getting abandoned vehicles released for sale or salvage</li> <li>• Overflowing impound lots</li> </ul>



## **A-3. IMPLEMENTATION ISSUES**

### **A. Overview**

The application of any new sanction inevitably creates new work for one or more of the agencies in the driver control system—the police department, the court, the motor vehicle department, and the jail system. The implementation processes described in the previous section allude to several implementation issues created by vehicle impoundment and immobilization and plate confiscation:

- Variations in application of the law
- Establishing and maintaining lines of communication
- Disposing of abandoned vehicles
- Additional workload
- Public Awareness

Court staff and law enforcement officers were periodically interviewed throughout this study about their experiences relating to implementing the VA law. These included judges, prosecutors, police officers who enforce the law, and those who manage the police impound lots in Franklin and Hamilton Counties. The court-based immobilization coordinator in Franklin County provided information and insight on process issues on a regular basis to inform the study. This section describes some of the issues that arose during implementation of the law and some proposed or implemented solutions. Even though there were start-up problems, support for the law from court and law enforcement officials in both counties continues to be high as the law is felt to be effective.

### **B. Variations in Application of the Law**

As with all new legislation, the Ohio law was subject to differing interpretations. There were some objections to certain provisions of the law by police, prosecutors, judges, and Bureau of Motor Vehicle officials. These differing interpretations led to variations in the treatment of offenders during the first 2 years of the program.

In some cases, police officers decided to use alternate, simpler charging codes rather than the more complex procedures involved in impounding and immobilizing a vehicle. In other cases, police officers had difficulty accessing and interpreting driver records, causing either errors of omission or commission in charging motorists. A long lag time between the occurrence of a driving offense and entry into the driving record also contributed to missing some eligible offenders but this problem has been resolved.

Prosecutors reduced or dismissed cases to ease caseloads and paperwork. If verifying driver records and license status at the time of the offense for trial was

difficult, this increased the workload and contributed to additional reduced or dismissed cases. As noted in the previous section, the Cincinnati City Prosecutor's office has a stated policy of not reducing or dismissing arrests made under the VA law.

The law originally provided that all vehicles were to be seized at the time of arrest including those belonging to innocent or nonoffender owners. When it could be demonstrated that the nonoffender owner was or should have been aware that the offender was unlicensed, vehicles belonging to them could be immobilized or remain impounded, but the burden of proof was on the prosecutor. Some judges and prosecutors narrowly interpreted the innocent owner exception while others did not. Further, over time, some nonoffender owners and their lawyers learned what to say to invoke an innocent owner exception.

As previously described, the seizure portion of the law relating to non-offenders was later overturned by a District Court decision, citing insufficient notice to vehicle owners. Later, the Ohio Supreme Court upheld the District Court Decision but did not prohibit the immobilization or forfeiture of the nonoffender owner's vehicle *after* conviction of the driver of the vehicle. In practice, however, neither county usually impounds or immobilizes a vehicle owned by a third party after the conviction of the offender.

As of this writing, there was a trend in Franklin County for judges to order the immobilization of non-offender owners in DWS cases when the owner is a spouse of the offender. Much of this variation in the application of the Ohio law is inherent in all justice and motor vehicle systems. However, information about procedures presented in a clear and direct way can and did improve consistency in applying the law in Ohio.

### **C. Lines of Communication**

Successfully implementing the VA law required that clear lines of communication be established. Both Hamilton and Franklin Counties used a committee or task force consisting of representatives from police agencies, judges, prosecutors, and other court personnel to coordinate implementation of the VA law. The state also conducted training conferences for judges and prosecutors to introduce the VA and other new laws.

Despite these efforts, both counties initially experienced problems when the lines of communication between agencies were not clear. As these are large jurisdictions with many players, a certain amount of confusion was expected. The counties acted quickly to clear the confusion by calling meetings with key participants to answer questions about procedures.

The immobilization coordinator in Franklin County was particularly helpful in keeping the lines of communication open between the police, judges, court staff, the BMV, defense attorneys, and offenders. He created new forms when needed to facilitate communication and was instrumental in the passage of amendments to improve implementation processes. The prosecutor in Cincinnati took a lead role in

problem solving and coordinating with the police and other court staff as implementation issues arose in that jurisdiction.

A standardized BMV form used by all courts in Ohio for immobilization orders was helpful. It included all the pertinent information about the offense, court outcome, the offender, the vehicle, and location of the vehicle. It is a four-part form with copies going to the offender, BMV, police agency, and the court (see Appendix D).

A technical handbook with a series of updates on Ohio's DUI laws, published by the Ohio Department of Public Safety, was a valuable tool for keeping the police, courts, and BMV abreast of procedures and amendments to the VA law.

#### **D. Abandoned Vehicles**

Traditionally, abandoned vehicles in impound lots for any reason create a problem. When storage fees accumulate in excess of the vehicle's value, the owner abandons the vehicle. Most of the vehicles impounded under the VA law are valued at less than \$500, thus often making them worth less than the total costs required for release. Storage fees can range from \$3 to \$8 per day, and it is not uncommon for a case to take 90 days to come to trial. The longer the vehicle sanction period, the larger the abandoned vehicle problem becomes. The Hamilton County Sheriff's Department offers a half-priced discount (\$3 per day) for vehicles in the impound lot under the VA law. Theoretically, this practice can reduce the abandoned vehicle problem, although this issue was not studied.

Abandoned vehicles can cause a loss of income for impound lot owners, the private operators in particular. Some city and county police agencies are liable for storage fees of vehicles abandoned at private lots. The police agencies in the two counties studied have their own impound lots but also use private lots to impound vehicles. During this study, one of the private lots reportedly sued the city of Columbus for unpaid fees, while another lot refused to accept vehicles under court-ordered immobilization holds.

Immobilization can alleviate the abandoned vehicle problem to some extent. The club device is relatively inexpensive and the offender pays a \$100 fee for the installation and removal of the device. (The Office of Traffic Safety, Ohio Department of Public Safety, provided the club devices to start the immobilization effort in Franklin County.) In Franklin County, long periods of impoundment are *sometimes* avoided with immobilization with a club device either pre- or post-trial. The percentage of abandoned vehicles was lower in Franklin County; 23% compared to an estimated 33% in Hamilton County.

Originally, the VA law allowed owners 60 days after the sentence completion date to claim their vehicle before it was forfeited. This created a heavy financial burden on impound lot operators who had to hold the vehicles until the immobilization period (30-180 days) had been served *plus* an additional 60 days. The title of a vehicle with an immobilization hold was blocked by the BMV until the vehicle sentence had been completed and the \$100 immobilization fee had been paid. These policies prevented lot owners from getting the vehicle title for sale or

salvage for several months in some cases. This problem was addressed with a legislative amendment to the VA law that shortened the time allowed to claim a vehicle (after the required written notification 7 days after the immobilization expiration date) from 60 to 20 days. Further, the title block provision has been replaced by a registration block on the vehicle owner.

Another complication arises when a vehicle owner voluntarily agrees to forfeit the vehicle as it is not worth paying the fees to retrieve it. Vehicles forfeited under the law trigger a 5 year registration block for the owner. Some provision yet needs to be made to distinguish between a voluntary vehicle forfeiture and a vehicle that is forfeited due to an eligible offense.

## **E. Workload**

### **1. Police**

As described previously, the increase in workload for police officers to impound vehicles and later immobilize and deimmobilize (in Franklin County) or release vehicles can be significant, but it is thought to be worth the effort. Some departments assign one or more "immobilization officers" to follow-up on impounded and/or immobilized vehicles. If the police department operates its own impound lot, tracking vehicles under court-ordered immobilization holds creates additional work. Additionally, extra work is required when police do not have easy access to computerized court records to determine the current status of vehicles in their lots. Unlike Franklin County, the Hamilton County police agencies had no immobilization coordinator to monitor the flow of information about vehicles, which added to their workload. They did not, however, have the additional work involved in making appointments with offenders for the immobilization and deimmobilization of vehicles. There has been a trend in Ohio to opt for impounding vehicles for the length of the sanction period rather than immobilize with a club device. Franklin County, however, successfully continues its fourth year of immobilizing vehicles. Another significant workload issue for the police impound units are the many inevitable abandoned "junker" vehicles that require removal or disposal.

Although the increased workload can be substantial for police agencies, it is offset by the income generated from the \$100 immobilization fees. In Franklin County, the \$100 fees go directly to the police departments while in Hamilton County, the fees generated by city police agencies go into a general city fund. Fees generated by the Sheriff's Department in Hamilton County go into a special fund designated for the Sheriff's Department. In calendar year 1994, jurisdictions in Franklin County were reimbursed \$46,000 in immobilization fees and, in Hamilton County, \$68,000 in fees.

### **2. Court**

Immobilization cases take additional courtroom time for such issues as determining if the vehicle was seized appropriately, for separate hearings for innocent owners, and (in Hamilton County) to transfer title of abandoned vehicles. Judges, prosecutors, clerks and bailiffs have to complete additional forms, and extra time is required to check the computerized driving record system to determine the appropriate sentence.

Not all jurisdictions will be able to fund a position such as the Franklin County court-based immobilization coordinator to keep records and manage the flow of paperwork between the court and the police departments. Consequently, the burden of paperwork and tracking vehicles usually falls to the court clerk's office and the police departments and/or police impound lots.

### **3. Bureau of Motor Vehicles (BMV)**

There is additional work for the BMV to record the dates of immobilization (received from the courts) on an offender's state vehicle registration file. Since legislation prohibited the sale of immobilized vehicles, the BMV put an automatic title block on the vehicles until the sanction period was completed and the \$100 fee was paid. However, some owners continued to sell vehicles that were in impound lots, causing problems for the new owner who could not get the title or had to pay the \$100 immobilization fee. Consequently, title officials complained and a new legislative amendment prohibited title action. The same amendment now provides for blocking the vehicle owner from registering any vehicles until the sanction period is complete and the \$100 fee is paid. Extra work is also involved for the BMV to collect the \$100 immobilization fees and distribute these funds to the police agency or jurisdiction that was responsible for carrying out the VA order.

## **F. Public Awareness**

There was a significant public information campaign about the changes to Ohio's DUI laws that was initiated prior to the original July 1 effective date of the legislation and continued through the actual implementation date of September 1993 and beyond. The *Swift and Sure* campaign included information about the new ALS law and the VA law, or as referred to in Ohio, the Immobilization Law. A press conference was held by the Governor, and a series of radio and television ads were aired statewide. The ads focused on ALS, but there were also public service announcements and on-going news releases on the risk of vehicle impoundment, immobilization, and forfeiture. Two *Swift and Sure* informational brochures and the BMV form used by the police to record ALS and immobilization actions, which has information on the reverse side of the form for the offender about the risk of vehicle immobilization, are included in Appendix E.

In addition to this statewide publicity directed at the general driving public, some localities implemented educational activities focused more specifically on offenders at risk for the immobilization sanction. In Franklin County, for example, posters (Appendix E) were displayed in the local offices of the BMV and leaflets (Appendix E) were circulated to drivers convicted of driving under the influence warning of the vehicle impoundment/immobilization penalty for DUI and DWS offenses.

In addition, some of the court mandated educational programs (DUI schools) for first DUI offenders included information on the immobilization law in their curricula, as did Franklin County. The majority of attendees at these programs are first-time DUI offenders who would be at risk of impoundment and immobilization for driving with a suspended license as a result of a DUI conviction and/or for a subsequent DUI conviction.

**Appendix B.**

**Immobilization Forms  
from  
Franklin County**

FRANKLIN COUNTY MUNICIPAL COURT  
VEHICLE IMMOBILIZATION COORDINATOR  
375 S. HIGH STREET, 9TH FLOOR  
COLUMBUS, OHIO 43215-4520

TO: \_\_\_\_\_  
Law Enforcement Agency

FROM: Elwin Rasmussen, Phone 645-5962; Fax: 645-1806

DATE: \_\_\_\_\_

RE: Defendant: \_\_\_\_\_  
Case No: \_\_\_\_\_

ATTACHED ARE COPIES OF THE FOLLOWING:

- (1) Court order to immobilize vehicle
- (1) Court order to release vehicle and license plates to vehicle owner
- (1) Confirmation of Vehicle Immobilization Form\*\*  
**\*\*A copy of the completed form is to be returned to this office**
- (1) Information sheet to be given defendant
- (1) DO NOT TOW NOTICE; place it in immobilized vehicle on dash or front seat where it can be read from outside the vehicle
- (1) De-immobilization notice
- (1) Pre-trial release order authorizing re-location of vehicle

**RETURN COMPLETED COPY OF THIS FORM TO VEHICLE IMMOBILIZATION COORDINATOR**

**CONFIRMATION OF VEHICLE  
PRE-TRIAL SEIZURE CONTINUED  
AT NEW LOCATION**

Date: \_\_\_\_\_

From: \_\_\_\_\_  
Law Enforcement Agency

To: Franklin County Municipal Court  
Vehicle Immobilization Coordinator  
375 South High Street, 9th Floor  
Columbus, Ohio 43215-4520  
Phone: 645-5962  
Fax: 645-1806

Defendant: \_\_\_\_\_ Case # \_\_\_\_\_

Address: \_\_\_\_\_

Home Phone # \_\_\_\_\_ Work Phone# \_\_\_\_\_

Vehicle Owner: \_\_\_\_\_

Address: \_\_\_\_\_

Home Phone# \_\_\_\_\_ Work Phone # \_\_\_\_\_

Vehicle: Year \_\_\_\_\_ Make \_\_\_\_\_ Color \_\_\_\_\_

License# \_\_\_\_\_ Vehicle ID# \_\_\_\_\_

Type device used to immobilize: Club \_\_\_\_\_ Other \_\_\_\_\_

Odometer mileage when immobilized \_\_\_\_\_

New location of vehicle: \_\_\_\_\_

Date vehicle immobilized at new location: \_\_\_\_\_

License plates recovered: yes \_\_\_\_\_ no \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE & BADGE # OF OFFICER IMMOBILIZING VEHICLE  
\_\_\_\_\_

**Distribution:**

- (1) Law Enforcement Agency
- (2) Vehicle Immobilization Coordinator, F.C. Municipal Court



**CONFIRMATION OF VEHICLE IMMOBILIZATION**

**RETURN COMPLETED COPY OF THIS FORM TO VEHICLE IMMOBILIZATION COORDINATOR**

**FRANKLIN COUNTY MUNICIPAL COURT**

Date: \_\_\_\_\_

From: \_\_\_\_\_  
Law Enforcement Agency

To: Franklin County Municipal Court  
Vehicle Immobilization Coordinator  
375 South High Street, 9th Floor  
Columbus, Ohio 43215-4520  
Phone: 645-5962  
Fax: 645-1806

Defendant: \_\_\_\_\_ Case # \_\_\_\_\_

Home Phone # \_\_\_\_\_ Work Phone# \_\_\_\_\_

Address: \_\_\_\_\_

Vehicle: Year \_\_\_\_\_ Make \_\_\_\_\_ Color \_\_\_\_\_

License# \_\_\_\_\_ Vehicle ID# \_\_\_\_\_

Vehicle registered to: \_\_\_\_\_

Vehicle to be immobilized at \_\_\_\_\_

Vehicle currently at location indicated below:

Residence \_\_\_\_\_ Impound lot \_\_\_\_\_ Other \_\_\_\_\_

Name & address \_\_\_\_\_

Type device used to immobilize: Club \_\_\_\_\_ Other \_\_\_\_\_

Odometer mileage when immobilized \_\_\_\_\_

Date vehicle immobilized \_\_\_\_\_

Period of immobilization \_\_\_\_\_

License plates recovered: yes \_\_\_\_\_ no \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE & BADGE # OF OFFICER IMMOBILIZING VEHICLE

Distribution:

- (1) Law Enforcement Agency
- (2) Vehicle Immobilization Coordinator, Franklin County Municipal Court

DE-IMMOBILIZATION NOTICE  
RETURN COMPLETED FORM TO VEHICLE IMMOBILIZATION COORDINATOR

Date: \_\_\_\_\_

From: Elwin Rasmussen  
Vehicle Immobilization Coordinator  
Franklin County Municipal Court  
375 South High Street, Ninth Floor  
Columbus, OH. 43215

Phone: (614) 645-5962

FAX: (614) 645-1806

TO: \_\_\_\_\_  
Law Enforcement Agency

SUBJECT: \_\_\_\_\_ Case # \_\_\_\_\_  
Home Phone \_\_\_\_\_ Work Phone \_\_\_\_\_

Address: \_\_\_\_\_

Vehicle: Year \_\_\_\_\_ Make \_\_\_\_\_ Vin # \_\_\_\_\_

License Plate # \_\_\_\_\_ Registered Owner: \_\_\_\_\_

Vehicle Location: \_\_\_\_\_

Mileage when de-immobilized: \_\_\_\_\_

Mileage when immobilized: \_\_\_\_\_

The above vehicle was immobilized on \_\_\_\_\_ for a period of \_\_\_\_\_  
days. THE DEVICE USED FOR IMMOBILIZATION SHOULD BE REMOVED ON \_\_\_\_\_  
IF PROOF OF PAYMENT OF THE \$100.00 FEE TO THE BMV VERIFIED.

\*\*\*\*\* PLEASE RETURN THIS FORM INDICATING ACTION TAKEN \*\*\*\*\*

- (A) \_\_\_\_\_ Immobilization device removed on above date.
- (B) \_\_\_\_\_ Vehicle cannot be located.
- (C) \_\_\_\_\_ Bureau of Motor Vehicles notified of (B).
- (D) \_\_\_\_\_ Immobilization device is missing or evidence of tampering.
- (E) \_\_\_\_\_ Unable to contact defendant or owner.

\_\_\_\_\_  
Name & Badge # of Officer Removing Device

\*\*\*REMINDER, pursuant to R.C. 4503.233(d)(3), seven days after expiration of immobilization period, vehicle owner must be notified in writing by law enforcement agency which immobilized the vehicle that vehicle owner has 20 days from expiration date of immobilization period to pay fees and obtain release of vehicle or vehicle will be forfeited to the state.

IF YOU ARE THE VEHICLE OWNER AND THE DEFENDANT IS FOUND GUILTY OF THE CHARGE WHICH CAUSED YOUR VEHICLE TO BE SEIZED, THE BELOW LISTED INFORMATION AND PROCEDURES WILL APPLY.

SALE OF VEHICLE: Approval of court must be obtained to sell vehicle. If sale or transfer of vehicle occurs without court approval, between the time of arrest of the person operating the vehicle and the time of the immobilization of the vehicle, the court will direct the BMV that the vehicle owner cannot register a vehicle in his/her name for two years from the date of the court entry.

FEEs: IMMOBILIZATION FEE OF \$100.00 MUST BE PAID TO THE BUREAU OF MOTOR VEHICLES TO OBTAIN RELEASE OF VEHICLE AT THE END OF THE IMMOBILIZATION PERIOD. IT CAN NOT BE PAID AT A DEPUTY REGISTRAR. IF THE \$100.00 FEE IS NOT PAID, THE BUREAU OF MOTOR VEHICLES WILL PLACE A REGISTRATION BLOCK ON ALL VEHICLES OWNED BY THE VEHICLE OWNER UNTIL THE \$100.00 FEE IS PAID.

IMMOBILIZATION AND IMPOUNDMENT PERIOD: BEGINS ON THE DAY THE VEHICLE IN QUESTION IS IMMOBILIZED BY LAW ENFORCEMENT OR PERSONNEL DESIGNATED BY THE COURT. PERIOD OF PRE-TRIAL SEIZURE OF VEHICLE IS CREDITED TO THE PERIOD OF IMMOBILIZATION.

EXPIRATION OF IMMOBILIZATION: THE VEHICLE IMMOBILIZATION COORDINATOR WILL INFORM THE POLICE AGENCY, WHICH IMMOBILIZED YOUR VEHICLE, THE DATE ON WHICH YOUR VEHICLE CAN BE RELEASED. YOU WILL NEED TO PROVIDE THE POLICE AGENCY EVIDENCE THAT YOU HAVE PAID THE \$100.00 FEE TO THE BUREAU BEFORE THEY WILL DE-IMMOBILIZE THE VEHICLE OR RELEASE THE VEHICLE TO YOU.

LICENSE PLATES: IF VEHICLE IS IN CUSTODY OF INDIVIDUAL, PLATES MUST BE PRESENTED TO THE COURT AT TIME OF SENTENCING OR WITHIN TWO DAYS AFTER SENTENCING OR SURRENDERED TO THE OFFICER AT TIME OF IMMOBILIZATION. The license plates will be forwarded to the BMV where the plates will be destroyed. YOU WILL NEED TO PURCHASE REPLACEMENT PLATES FOR APPROXIMATELY \$5.00 WHICH WILL TAKE YOU TO YOUR NEXT ANNIVERSARY, IF THE PLATES WERE STILL GOOD.

ORDER OF FORFEITURE: \*\*Forfeiture of vehicle may occur by order of the court for first offense of driving a vehicle that is immobilized and plates impounded by court order. Other offenses that may cause criminal forfeiture of vehicle are: fourth OMVI offense within 5 years; third offense within 5 years of driving under OMVI or financial responsibility suspension; second offense of owner knowingly permitting a person who is under driving suspension to drive a vehicle they own.

LAW ENFORCEMENT AGENCY

Date \_\_\_\_\_

TO: Vehicle Immobilization Coordinator, Phone 614-645-5962  
Franklin County Municipal Court Fax 614-645-1806

FROM: \_\_\_\_\_  
Officer/Deputy

RE: Defendant \_\_\_\_\_

Vehicle Owner \_\_\_\_\_

Home phone # \_\_\_\_\_ Work phone \_\_\_\_\_

Case # \_\_\_\_\_

This agency has been unable to contact the defendant/vehicle owner or locate the vehicle. Three attempts have been made on three different days and at three different times, to contact the defendant/vehicle owner and locate the vehicle. Listed below are the dates, times and the name and badge # of the officer(s) who attempted the contact.

(A) \_\_\_\_\_ Vehicle cannot be located

(B) \_\_\_\_\_ Defendant unable to be contacted

Dates and times attempts were made to locate  
vehicle: \_\_\_\_\_

Dates and times attempts were made to contact  
defendant: \_\_\_\_\_

Comments: \_\_\_\_\_

**IN THE FRANKLIN COUNTY MUNICIPAL COURT  
COLUMBUS, OHIO**

STATE OF OHIO,  
CITY OF COLUMBUS,

v.

Case No. M\_\_\_\_\_ TF\_\_\_\_\_

\_\_\_\_\_

Defendant.

**NOTICE**

Upon information supplied by the agency designated to enforce the immobilization order, notice is hereby given that the vehicle owner has failed to comply with the court's order of immobilization and impoundment dated \_\_\_\_\_.

Attached to this notice is information provided by the law enforcement agency in their attempts to contact the vehicle owner and locate the vehicle.

The BMV-2270 Form will be sent to the Bureau of Motor Vehicles with an INDEFINITE date commencing this date. This will place a Registration block on the vehicle owner and a message in LEADS which instructs Law Enforcement to seize vehicle if found being operated on the roadway.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
VEHICLE IMMOBILIZATION COORDINATOR

VEHICLE IMMOBILIZATION COORDINATOR  
Franklin County Municipal Court  
375 South High Street, Ninth Floor  
Columbus, Ohio 43215

Date \_\_\_\_\_

To: \_\_\_\_\_

\_\_\_\_\_  
Street

\_\_\_\_\_  
City, State Zip Code

Enclosed are your copies of the BMV-2270 form. The Court records indicate that you did not receive this at the time of your hearing/trial on \_\_\_\_\_.

If you are found guilty of the charge which caused your vehicle to be seized, the Court is required by law to create an Immobilization and Impoundment Entry and complete a BMV 2270 form and send copies to the Bureau of Motor Vehicles. When the BMV-2270 form is processed by the Bureau of Motor Vehicles it places a registration block on all vehicles registered in your name. It also prevents license plates from being purchased or renewed on any vehicle registered in your name. THIS REMAINS UNTIL THE IMMOBILIZATION PERIOD ENDS AND A \$100.00 IMMOBILIZATION FEE IS PAID TO THE BMV.

The required period of immobilization on your vehicle was/will be complete on \_\_\_\_\_.

I would suggest that you take your copies of the BMV-2270 form to the Bureau of Motor Vehicles on Kimberly Parkway in Columbus and pay the \$100.00 fee to prevent the above.

Enclosed is an Information Sheet that will hopefully answer some of your questions.

Sincerely,

Elwin Rasmussen  
Vehicle Immobilization Coordinator

# **Appendix C.**

## **Court Entry Forms**

**CHECKLIST OF ENTRY FORMS FOR CHARGES  
INVOLVING VEHICLES IN DUS, ENTRUSTMENT AND  
REPEAT OMVI CASES**

**DUS:**

**Charges eligible for immobilization:**

- \* **FRA Susp- ORC-4507.02(B)(1) \*\***  
- **Cols-2135.01(b)(1) \*\*\***
- DUI Susp- ORC-4507.02(D)(2) \*\***  
- **Cols-2135.01(d)(2) \*\*\***

- \* **Leads codes requiring seizure/immobilization**  
**SJ----Judgement Suspension**  
**SR----Failure to File Crash Report**  
**SS----Security Suspension**  
**NC----Non-Compliance**

**1st off-30 days; 2nd off-60 days; 3rd off- forfeit**  
**Unlawful Entrustment ORC-4507.33 \*\***  
**\*\* - Cols-2135.04 \*\*\***

**1st off-30 days; 2nd - forfeit**  
**\*\* - -OR EQUIVALENT MUNICIPAL CHARGES**  
**\*\*\* - -City of Columbus Codes**

**OMVI:**

**Charges eligible for immobilization:**

**Second & Third Offense w/in 6 years**  
**2nd off-90 days Immob; 3rd off-180 days Immob;**  
**4th off-vehicle forfeiture**

**ENTRIES INVOLVING DISPOSITION OF VEHICLE:**

- Form #2 **Notice to non defendant owner**
- Form #3 **Denial of request to release vehicle**
- Form #4 **Return of vehicle & plates**
- Form #4A **Relocation of Seized Vehicle**
- Form #5 **Charges amended/dismissed, etc**  
**(No further action involving vehicle)**
- Form #9 **Notice to non defendant owner of hearing**
- Form #10 **Immobilization Entry**
- Form #10A **Immobilization Information Sheet**  
**BMV #2270: Notification of Immobilization**
- Form #14 **Innocent owner relief order granted Vehicle Released to Owner**
- Form #15 **Innocent owner relief denied Vehicle Released to Owner**
- Form #16 **Order of Forfeiture**  
**BMV-2269: Notification of Forfeiture**
- Form 16A **Certification of Compliance**
- Form #17 **Vehicle transfer w/o Courts consent; two year restriction to register vehicle**



FRANKLIN COUNTY MUNICIPAL COURT  
COLUMBUS, OHIO

STATE OF OHIO,  
CITY OF COLUMBUS,

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\_\_\_\_\_

V.

\_\_\_\_\_

DEFENDANT.

CASE NO. M \_\_\_\_ TF \_\_\_\_\_

**NOTICE**

TO VEHICLE OWNER:

NAME: \_\_\_\_\_

YR: \_\_\_\_\_ VIN# \_\_\_\_\_

ADDRESS: \_\_\_\_\_

MAKE: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE \_\_\_\_\_

MODEL: \_\_\_\_\_

ZIP: \_\_\_\_\_

PLATE NO: \_\_\_\_\_

The Clerk of the Franklin County Municipal Court has determined that the above named defendant is not the owner of the vehicle used in the commission of the offense(s) charged. Information filed with the Clerk indicates that you are the owner of the vehicle.

You are hereby advised that the vehicle used by the defendant during the offense for which he/she has been charged and its identification plates have been seized pursuant to R.C. 4507.38 or R.C. 4511.195. You are further advised that:

1. If the defendant is convicted of the charge which caused the vehicle to be seized, the court must generally order the immobilization of the vehicle and impoundment of its license plates, or the forfeiture of the vehicle subject to R.C. 4503.235 (Rights of an innocent owner).
2. Seven days after the end of the period of immobilization, a law enforcement agency will send the owner notice informing him that if he does not obtain the release of the vehicle (within 20 days of the notice), the vehicle will be forfeited R.C. 4507.38(C)(2)(a).
3. As the vehicle owner, you may be charged expenses or charges incurred in connection with the immobilization of the vehicle.
4. If the vehicle operator pleads guilty to or is convicted of the offense for which the vehicle operator was arrested and the court issues an order of immobilization, the vehicle may not be sold, assigned or transferred during the period of immobilization without court approval.
5. If the title to the motor vehicle that is subject to an order of forfeiture is \_\_\_\_\_ Or \_\_\_\_\_ the court may fine the offender the value of the vehicle.

You may wish to seek legal assistance to protect your interest in the vehicle. The initial appearance on the charge(s) pending against the defendant is scheduled for \_\_\_\_\_, at \_\_\_\_\_ a.m./p.m., in the Franklin County Municipal Court Courtroom \_\_\_\_\_.

This is to certify that a copy of this notice was mailed to the above named vehicle owner this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

Paul M. Herbert, Clerk

By \_\_\_\_\_  
Deputy Clerk

FRANKLIN COUNTY MUNICIPAL COURT  
COLUMBUS, OHIO

State of Ohio,  
City of Columbus,

v.

\_\_\_\_\_  
Defendant.

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Case No. M \_\_\_\_ TF \_\_\_\_\_

ENTRY

This matter came before the Court on the motion of the vehicle owner filed pursuant to R.C. 4507.38 or R.C. 4511.195. The court makes the following Findings:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

For the foregoing reasons, the motion for release of return of the vehicle is DENIED. The court hereby orders the vehicle and its identification plates retained or the vehicle immobilized and its identification plates retained until final disposition of the charges against the above named defendant.

Identification of Vehicle Owner  
(if other than defendant):  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State \_\_\_\_\_  
Zip: \_\_\_\_\_

Identification of Vehicle:  
Yr: \_\_\_\_\_  
Make: \_\_\_\_\_  
Model: \_\_\_\_\_  
Plate No: \_\_\_\_\_

\_\_\_ A copy of this Entry was served upon the vehicle owner or counsel this date.

or

\_\_\_ The Clerk is hereby directed to serve a copy of this Entry on the vehicle owner.

\_\_\_\_\_  
Date

\_\_\_\_\_  
JUDGE

FRANKLIN COUNTY MUNICIPAL COURT  
COLUMBUS, OHIO

State of Ohio/City v. \_\_\_\_\_

Case No. M \_\_\_\_\_ TF \_\_\_\_\_

ENTRY

This matter came before the Court on the motion of the vehicle owner filed pursuant to R.C.4507.38 or R.C. 4511.195. Finding good cause to do so, the court hereby orders the vehicle and its license plates released to the vehicle owner immediately upon presentation of a copy of this Entry, and payment of expenses and charges incurred in the removal and storage of the vehicle. The vehicle owner is further advised:

1. If the defendant named herein is convicted of or pleads guilty to a violation of divisions B(1) or D(2) of R.C.4507.02, R.C.4511.19, R.C. 4507.33, or substantially equivalent municipal ordinances, the court, subject to R.C.4503.235 and depending on the defendant's prior record, will issue an order for the immobilization of the vehicle and the impoundment of the license plates or an order for the forfeiture of the vehicle.
2. If the vehicle is immobilized, the court will determine location. Most city ordinances do not allow parking on streets over 72 hours. If the vehicle owner rents or leases a residence, the court will require written permission from the property owner before approving the residence as the location where the vehicle will be immobilized. Immobilizing the vehicle at the residence of the vehicle owner's spouse, parent, or child does not require written approval if the property is in their name.
3. Seven (7) days after the end of the period of immobilization, a law enforcement agency will send the vehicle owner notice advising that if the owner does not obtain the release of the vehicle within 20 days of the date of that notice, the vehicle will be forfeited. The owner may be charged expenses and charges incurred in connection with the removal, storage and immobilization of the vehicle.
4. The vehicle may not be sold or transferred without permission of the court. If the vehicle is sold, assigned or transferred without court approval, the court may order the Registrar not to accept any application from the vehicle owner identified herein for a period of two years. If the title to the motor vehicle that is subject to an order of criminal forfeiture is assigned or transferred, the court may fine the offender the value of the vehicle.
5. If the vehicle has been subject to pretrial seizure for the period of immobilization required to be imposed as a penalty for conviction of the offense charged, the vehicle released pursuant to this Entry is still subject to the conditions and the sanctions described in paragraphs 1-4 above. The issuance of an order of immobilization at the time of conviction will be reported to the Bureau of Motor Vehicles and will result in a registration block until the \$100.00 immobilization fee is paid to the Bureau of Motor Vehicles.
6. Other: \_\_\_\_\_

**Vehicle Owner:**

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_  
 Phone No: \_\_\_\_\_

Year: \_\_\_\_\_  
 Make: \_\_\_\_\_  
 Model: \_\_\_\_\_  
 Plate No. \_\_\_\_\_

\_\_\_\_\_ A copy of this Entry was served upon the vehicle owner or counsel this date.

OR

\_\_\_\_\_ The Clerk is hereby directed to serve a copy of this Entry on the vehicle owner.

\_\_\_\_\_  
Owner's/Counsel for Owner's Signature

\_\_\_\_\_  
DATE

\_\_\_\_\_  
JUDGE

FRANKLIN COUNTY MUNICIPAL COURT  
COLUMBUS, OHIO

State of Ohio,  
City of Columbus,  
Plaintiff,

v.

Case No. M \_\_\_\_\_ TF \_\_\_\_\_

\_\_\_\_\_  
Defendant.

RELOCATION OF IMMOBILIZED VEHICLE ENTRY

This matter came on before the court upon the oral motion of the below stated vehicle owner pursuant to R.C. 4507.38 or R.C. 4511.195. The vehicle operated by the above stated defendant and designated below has been ordered seized and retained pending/as a disposition of this case. The said vehicle is subject to possible immobilization and the impoundment of identification plates upon the disposition of this case.

The applicant desires the seized vehicle to be relocated and immobilized at \_\_\_\_\_ and agrees to pay all pending costs for towing and storage as well as the towing costs to relocate the said vehicle.

Upon motion of the applicant, the court orders the below designated vehicle immobilized with a "Club" device and towed at the applicant's expense to the above stated location upon payment of all pending towing and storage costs. The OPERATION, SALE, OR CONVEYANCE of the below designated vehicle requires approval of the court. Failure to comply with this order may result in further sanctions by the Court. Confirmation of the relocation of the immobilized vehicle shall be made immediately to the Court Vehicle Immobilization Coordinator (Phone: 645-5962).

Vehicle Owner:

Name: \_\_\_\_\_ Year: \_\_\_\_\_  
Address: \_\_\_\_\_ Make: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip \_\_\_\_\_ Model: \_\_\_\_\_  
Phone No: \_\_\_\_\_ Plate No: \_\_\_\_\_

Arresting Agency: \_\_\_\_\_

Agency to attach "Club" at above location \_\_\_\_\_.

\_\_\_\_\_ A copy of this Entry was served upon the vehicle owner or counsel this date.

OR

\_\_\_\_\_  
Owner's/Counsel for Owner's Signature

\_\_\_\_\_ The Clerk is hereby directed to serve a copy of this Entry on the vehicle owner.

\_\_\_\_\_ Copy to Vehicle Immobilization Coordinator

\_\_\_\_\_  
DATE

\_\_\_\_\_  
JUDGE

IN THE FRANKLIN COUNTY MUNICIPAL COURT  
COLUMBUS, OHIO

STATE OF OHIO,  
CITY OF COLUMBUS,

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v.

Case No. M \_\_\_\_\_ TF \_\_\_\_\_

\_\_\_\_\_  
Defendant.

**ENTRY**

- The defendant has been found not guilty of the charge which caused the vehicle at issue to be seized pursuant to R.C. 4507.38 or 4511.195.
- The charge has been dismissed which caused the vehicle at issue to be seized pursuant to R.C. 4507.38 or 4511.195.
- First offense OMVI penalties were imposed pursuant to R.C. 4511.99(A)(1), despite evidence of a prior conviction. Defendant proved that a prior OMVI conviction was uncounseled.
- The Court finds the vehicle owner innocent relative to the violation in question pursuant to R.C. 4503.235.
- Other: \_\_\_\_\_  
\_\_\_\_\_

Vehicle Owner:

VIN #: \_\_\_\_\_

Name: \_\_\_\_\_

Yr: \_\_\_\_\_

Address: \_\_\_\_\_

Make: \_\_\_\_\_

City: \_\_\_\_\_

Model: \_\_\_\_\_

Phone No: \_\_\_\_\_

Plate No. \_\_\_\_\_

It is therefore ORDERED, that the vehicle be released and its identification plates returned to the vehicle owner or a person acting on behalf of the vehicle owner immediately upon presentation of a copy of this Order. Payment of any towing and storage fees may be required to obtain release of vehicle, if vehicle is impounded.

\_\_\_\_\_  
Date

\_\_\_\_\_  
JUDGE

A copy of this entry was served upon the vehicle owner or counsel owner.

The Clerk is hereby directed to serve a copy of this Entry on the vehicle

By \_\_\_\_\_

By \_\_\_\_\_

Copy provided the Vehicle Immobilization Coordinator.

**FRANKLIN COUNTY MUNICIPAL COURT  
COLUMBUS, OHIO**

State of Ohio,  
City of Columbus,

\_\_\_\_\_

v.

\_\_\_\_\_

Defendant.

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Case No. M\_\_\_\_ TF\_\_\_\_\_

**NOTICE**

To: Vehicle Owner:

Name: \_\_\_\_\_ Yr. \_\_\_\_\_ VIN# \_\_\_\_\_  
 Address: \_\_\_\_\_ Make: \_\_\_\_\_  
 City/State \_\_\_\_\_ Model: \_\_\_\_\_  
 \_\_\_\_\_ Plate No. \_\_\_\_\_

The above named defendant has entered a plea of guilty or has been found guilty of a violation, the consequences of which include the immobilization of the vehicle used during the commission of the offense and the impoundment of the identification plates or the forfeiture of the vehicle to the State. The Court has determined that the defendant is not the vehicle owner and that the vehicle owner was not present at the defendant's initial appearance. The court file indicates that the vehicle owner was not provided adequate notice of the initial appearance and/or of subsequent hearings before the court.

The Court shall refrain from issuing any order regarding the vehicle used in the commission of the offense until the hearing at which time the vehicle owner or a person acting on his behalf appears before the court to present evidence as to why the court should not order the immobilization of the vehicle or the criminal forfeiture of the vehicle. If the owner fails to appear, immobilization or forfeiture will be ordered.

The vehicle owner identified herein is ordered to appear at a hearing relative to the proposed order of immobilization or forfeiture on the \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_\_\_ at \_\_\_\_\_ a.m/p.m. in Courtroom \_\_\_\_\_ of the Franklin County Municipal Court.

The Clerk is hereby instructed to serve a copy of this Entry on the vehicle owner by ordinary mail.

\_\_\_\_\_ Date

\_\_\_\_\_ Judge/Magistrate

**IMMOBILIZATION INFORMATION**

**CASE #** \_\_\_\_\_

**DEFENDANT'S NAME** \_\_\_\_\_

**ADDRESS** \_\_\_\_\_

**HOME PHONE** \_\_\_\_\_ **WORK PH** \_\_\_\_\_

**VEHICLE OWNER** \_\_\_\_\_

**ADDRESS** \_\_\_\_\_

**HOME PHONE** \_\_\_\_\_ **WORK PH** \_\_\_\_\_

**PRESENT LOCATION OF VEHICLE** \_\_\_\_\_

\_\_\_\_\_

**LOCATION TO BE IMMOBILIZED** \_\_\_\_\_

\_\_\_\_\_

**ATTORNEY'S NAME** \_\_\_\_\_

**ATTORNEY'S PHONE** \_\_\_\_\_

**DOES VEHICLE OWNER INTEND TO CLAIM VEHICLE** \_\_\_\_\_  
**AT END OF IMMOBILIZATION PERIOD?** **YES** **NO**

**DATE** \_\_\_\_\_

\_\_\_\_\_  
**SIGNATURE VEHICLE OWNER**

IN THE MUNICIPAL COURT OF FRANKLIN COUNTY  
COLUMBUS, OHIO

City of Columbus,  
State of Ohio,

v.

\_\_\_\_\_

Defendant.

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Case No: M \_\_\_\_\_ TF \_\_\_\_\_

IMMOBILIZATION ENTRY

Having found the defendant guilty of \_\_\_\_\_ (Section(s) \_\_\_\_\_) the Court hereby ORDERS the immobilization of the motor vehicle.

Year \_\_\_\_\_ Plate No. \_\_\_\_\_ Make \_\_\_\_\_ Model \_\_\_\_\_ VIN# \_\_\_\_\_

Date Vehicle Seized: \_\_\_\_\_ Date Vehicle Released from Seizure: \_\_\_\_\_

Name of Arresting Agency: \_\_\_\_\_

Present Location of Vehicle: \_\_\_\_\_

Period of Immobilization: \_\_\_\_\_ days from date immobilized by law enforcement (pretrial seizure period credited in full.

Location of Immobilization of Vehicle: \_\_\_\_\_

Person/Agency designated to immobilize vehicle: appropriate law enforcement agency or \_\_\_\_\_

Vehicle Owner: \_\_\_\_\_ Home Tel.# \_\_\_\_\_

Address: \_\_\_\_\_ Work Tel.# \_\_\_\_\_

At the time of immobilization, the agency/person designated above shall seize the identification plates and forward them directly to the Bureau of Motor Vehicles. If vehicle is seized and the court orders the vehicle immobilized at a new location, the vehicle must be towed to the new location. The vehicle owner will ensure that this order is carried out. If the vehicle owner has any questions concerning the enforcement of this order, the owner may contact the Vehicle Immobilization Coordinator for this court at 614-645-5962. Vehicle cannot be operated/driven.

\*\*\*\*\*  
IF THE VEHICLE OWNER FAILS TO COMPLY WITH ANY PROVISION OF THIS ORDER, THE COURT MAY IMPOSE SANCTIONS UPON THE OWNER. AT THE TERMINATION OF THE IMMOBILIZATION PERIOD, THE VEHICLE OWNER WILL BE REQUIRED TO PAY A FEE OF \$100.00 BEFORE THE VEHICLE IS RELEASED. The Registrar will not be permitted to accept an application for the license plate registration of any motor vehicle in the name of the vehicle owner until the \$100.00 fee is paid.  
IF THE VEHICLE IS IMMOBILIZED AND FOUND TO BE OPERATED IN VIOLATION OF THIS ORDER, IT MAY BE SEIZED AND CRIMINALLY FORFEITED TO THE STATE OF OHIO.  
\*\*\*\*\*

_____ Date	_____ JUDGE
_____ A copy of this ENTRY was served upon the vehicle owner or counsel. this date.	_____ The Clerk is hereby directed to serve a copy of this Entry on the vehicle owner.
By _____	By _____





OHIO BUREAU OF MOTOR VEHICLES

COURT ISSUED IMMOBILIZATION NOTICE (4503.233 ORC)

COURT HEARING DATE: / /	COURT CASE NUMBER:	VIOLATION DATE: / /
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NAME OF COURT	COURT CODE
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OWNER NAME LAST	FIRST	MIDDLE	D.O.B. / /	SOC SEC NO.	
STREET ADDRESS	CITY	STATE	ZIP CODE	COUNTY	COUNTY CODE
LICENSE NUMBER	STATE ISSUED	EXPIRATION DATE / /	CONVICTED OF		
OFFENSE CONVICTED OF			<input type="checkbox"/> ORC <input type="checkbox"/> MUNICIPALITY SEC. _____ MUNI NAME _____		

Is the vehicle owner the same as the offender?  YES  NO  JOINT OWNER If no, complete offender information.

OFFENDER NAME LAST	FIRST	MIDDLE	D.O.B. / /	SOC SEC NO.	
STREET ADDRESS	CITY	STATE	ZIP CODE	COUNTY	COUNTY CODE
LICENSE NUMBER	STATE ISSUED	EXPIRATION DATE / /	CONVICTED OF		
OFFENSE CONVICTED OF			<input type="checkbox"/> ORC <input type="checkbox"/> MUNICIPALITY SEC. _____ MUNI NAME _____		

\* Who is the post conviction immobilizing agency?

AGENCY NAME	AGENCY I. D. #	TAX I. D. #		
ADDRESS	CITY	STATE	ZIP CODE	COUNTY

\*\* Where has the court ordered the vehicle to be immobilized? (post conviction)

STREET ADDRESS	CITY	STATE	ZIP CODE	COUNTY
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Length of Immobilization: From / / to / /

List vehicle to be immobilized.

STATE OF REGISTRATION	VEHICLE I.D. NO.	MAKE/MODEL OF VEHICLE	PLATE NO.	PLATE TYPE
_____	_____	_____	_____	_____

COURT SEAL HERE

Deputy Clerk of Court's Signature X \_\_\_\_\_

City of \_\_\_\_\_ County of \_\_\_\_\_

Information to be completed by post conviction immobilizing agency for reimbursement.

Plates turned into court?  YES  NO Plates turned into BMV?  YES  NO

Note: After the vehicle has been immobilized, the immobilizing agency must sign and return its copy of this completed form to the BMV.

\* VERIFY THE ACCURACY OF THIS INFORMATION IN ORDER TO RECEIVE IMMOBILIZATION PAYMENT.

\*\* I certify that the vehicle is now immobilized per court order at the location indicated above. X \_\_\_\_\_

Signature of Agency

White - BMV Green - Law Enforcement  
Blue - Court Yellow - Vehicle Owner  
Pink - Offender

**FRANKLIN COUNTY MUNICIPAL COURT  
COLUMBUS, OHIO**

State of Ohio,  
City of Columbus,

v.

\_\_\_\_\_  
Defendant.

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Case No. M \_\_\_\_\_ TF \_\_\_\_\_

**ENTRY**

This matter came before the Court on the motion of the vehicle owner pursuant to R.C. 4503.235. The court makes the following Findings:

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For the foregoing reasons, the Court finds that the vehicle owner was innocent of any wrongdoing relative to the offense or violation in question. The Court orders that the vehicle owner be relieved of the effect of any immobilization order. The vehicle at issue shall not be immobilized and its identification plates shall not be impounded nor shall it be forfeited.

It is further ordered, that if the vehicle is in the custody of law enforcement pursuant to R.C. 4507.38 or 4511.195, the vehicle and its identification plates shall be released or returned to the vehicle owner upon presentation of a copy of this Order and upon payment of any towing and storage fees if vehicle is impounded.

**Identification of Vehicle Owner  
(if other than defendant):**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State \_\_\_\_\_  
Zip: \_\_\_\_\_

**Identification of Vehicle:**

Yr: \_\_\_\_\_  
Make: \_\_\_\_\_  
Model: \_\_\_\_\_  
Plate No: \_\_\_\_\_

\_\_\_\_ A copy of this Entry was served upon the vehicle owner or counsel this date.

or

\_\_\_\_ The Clerk is hereby directed to serve a copy of this Entry on the vehicle owner.

\_\_\_\_\_  
Date

\_\_\_\_\_  
JUDGE

**FRANKLIN COUNTY MUNICIPAL COURT  
COLUMBUS, OHIO**

State of Ohio,  
City of Columbus,

v.

\_\_\_\_\_  
Defendant.

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Case No. M \_\_\_\_ TFD \_\_\_\_\_

**ENTRY**

This matter came before the court on the motion of the vehicle owner pursuant to R.C. 4507.38. The Referee makes the following Findings of Fact:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

For the foregoing reasons, the referee finds that the vehicle owner was not innocent of any wrongdoing relative to the offense or violation in question. The vehicle owner's request for relief pursuant to R.C. 4503.235 is denied.

Identification of Vehicle Owner

Identification of Vehicle:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State \_\_\_\_\_  
Zip: \_\_\_\_\_

Yr: \_\_\_\_\_  
Make: \_\_\_\_\_  
Model: \_\_\_\_\_  
Plate No: \_\_\_\_\_

\_\_\_\_\_  
DATE

\_\_\_\_\_  
REFEREE

\*\*\*\*\*

**ENTRY**

The referee's report is hereby adopted. The vehicle owner's request for relief pursuant to R.C. 4503.235 is denied.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
JUDGE

\_\_\_\_ A copy of this Entry was served upon the vehicle owner or counsel this date.  
or  
\_\_\_\_ The Clerk is hereby directed to serve a copy of this Entry on the vehicle owner.

IN THE MUNICIPAL COURT OF FRANKLIN COUNTY  
COLUMBUS, OHIO

City of Columbus,  
State of Ohio,

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\_\_\_\_\_

v.

\_\_\_\_\_

Defendant.

Case No. M \_\_\_\_\_ TF \_\_\_\_\_

ORDER OF CRIMINAL FORFEITURE OF VEHICLE

Having found the defendant guilty of \_\_\_\_\_ (Section \_\_\_\_\_), the Court further finds:

\_\_\_\_\_ that the vehicle owner had written notice prior to trial or entry of a plea of guilty or no contest that the vehicle in question would be subject to forfeiture if the defendant were found guilty;

or

\_\_\_\_\_ that the affidavit or complaint charges the offense listed above;

and

\_\_\_\_\_ that the law enforcement agency that will either receive the vehicle or share in the proceeds from its sale has conducted a search of the records for those who may have an interest in the vehicle and has notified those holding an interest of the potential order of forfeiture.

IT IS HEREBY ORDERED THAT THE MOTOR VEHICLE DESCRIBED BELOW IS CRIMINALLY FORFEITED. The appropriate law enforcement agency shall take possession of the vehicle and dispose of it in accordance with R.C. 4503.234(D).

Year \_\_\_\_\_ Plate No. \_\_\_\_\_ Make \_\_\_\_\_ Model \_\_\_\_\_ VIN# \_\_\_\_\_

Vehicle Owner: \_\_\_\_\_ Home Tel.# \_\_\_\_\_

Address: \_\_\_\_\_ Work Tel.# \_\_\_\_\_

\_\_\_\_\_  
DATE

\_\_\_\_\_  
JUDGE

\*\*\*\*\*

\_\_\_\_\_ A copy of this ENTRY was served upon the vehicle owner or counsel this date.

\_\_\_\_\_ The Clerk is hereby directed to serve a copy of this Entry on the vehicle owner.

By \_\_\_\_\_

By \_\_\_\_\_

CERTIFICATION OF COMPLIANCE OF NOTIFICATION  
OF VEHICLE OWNER OR INTERESTED PARTIES  
VEHICLE SUBJECT TO FORFEITURE  
R.C. 4503.234

DEFENDANT \_\_\_\_\_ CASE # \_\_\_\_\_

VEHICLE MAKE \_\_\_\_\_ YEAR \_\_\_\_\_

VIN# \_\_\_\_\_ PLATE # \_\_\_\_\_

VEHICLE OWNER \_\_\_\_\_

\_\_\_\_ If defendant is vehicle owner: BMV Form 2255 marked "yes" to  
Yes No to question: "Is vehicle subject to forfeiture"

\_\_\_\_ If non-defendant vehicle owner: FCMC Form 9 Notification to  
Yes No defendant vehicle owner on file dated \_\_\_\_\_.

\_\_\_\_ Records have been searched for interested parties, as required  
Yes No by O.R.C. 4503.234 with negative results. Attached is copy of  
certificate of title.

\_\_\_\_ Interested parties were notified by certified mail or personal  
Yes No service that vehicle would be subject to forfeiture if no  
response received within 10 days and that the vehicle would  
either be sold, junked, or kept by law enforcement. Copies of  
the certificate of title and the notice are attached.

\_\_\_\_ Inquiry has been made of the defendant if he has any knowledge  
Yes No of any parties with an interest in the vehicle.

COMMENTS

Date \_\_\_\_\_

LAW ENFORCEMENT AGENCY \_\_\_\_\_

NAME, RANK, BADGE # \_\_\_\_\_

\*\*\*\*\*

\_\_\_\_ Inquiry has been made of the defendant and defendant's attorney  
Yes No whether either has any knowledge of any parties with an interest  
in the vehicle.

Date \_\_\_\_\_

Prosecutor \_\_\_\_\_

Comments \_\_\_\_\_



OHIO BUREAU OF MOTOR VEHICLES

COURT ISSUED FORFEITURE NOTICE (4503.234 ORC)

COURT HEARING DATE: / /	COURT CASE NUMBER:	VIOLATION DATE: / /
-------------------------	--------------------	---------------------

NAME OF COURT	COURT CODE
---------------	------------

OWNER NAME LAST	FIRST	MIDDLE	D.O.B. / /	SOC SEC NO.
STREET ADDRESS	CITY	STATE	ZIP CODE	COUNTY COUNTY CODE

Is the vehicle owner the same as the offender?  YES  NO  JOINT OWNER If no, complete offender information.

OFFENDER NAME LAST	FIRST	MIDDLE	D.O.B. / /	SOC SEC NO.
STREET ADDRESS	CITY	STATE	ZIP CODE	COUNTY COUNTY CODE

LICENSE NUMBER	STATE ISSUED	EXPIRATION DATE / /	CONVICTED OF
OFFENSE CONVICTED OF			<input type="checkbox"/> ORC <input type="checkbox"/> MUNICIPALITY MUNI NAME _____

COURT ISSUED FORFEITURE NOTICE INFORMATION BELOW: (4503.234 ORC)

Has the court ordered criminal forfeiture of the vehicle the offender was operating at the time of the offense?  YES  NO

Was the vehicle seized (pre-conviction)?  YES  NO

Vehicle Information:

PLATE NUMBER	PLATE TYPE	STATE ISSUED	EXP. DATE / /	VEHICLE I.D. NO.
--------------	------------	--------------	---------------	------------------

COURT SEAL HERE

Deputy Clerk of Court's Signature X \_\_\_\_\_

City of \_\_\_\_\_ County of \_\_\_\_\_

**FRANKLIN COUNTY MUNICIPAL COURT  
COLUMBUS, OHIO**

State of Ohio,  
City of Columbus,

v.

\_\_\_\_\_  
Defendant.

:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:

Case No. M\_\_\_\_ TF\_\_\_\_\_

**ENTRY**

This court finds that the motor vehicle which is subject to an immobilization and impoundment order has been sold, assigned or otherwise transferred without court approval. Pursuant to R.C.4503.233(D)(5), the court hereby orders that for a period of two years from the date of this order neither the Registrar nor any deputy registrar shall accept any application for the registration of any vehicle in the name of the following person:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

SS# \_\_\_\_\_ DL# \_\_\_\_\_ D.O.B \_\_\_\_\_

Other: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The Clerk is hereby directed to serve a copy of this Entry on the Registrar and the vehicle owner.

\_\_\_\_\_  
Date

\_\_\_\_\_  
JUDGE

IN THE FRANKLIN COUNTY MUNICIPAL COURT  
COLUMBUS, OHIO

\_\_\_\_\_,  
Plaintiff,  
v. \_\_\_\_\_,  
Defendant.

:  
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:

Case No. M \_\_\_\_\_  
Judge \_\_\_\_\_

MOTION

I the undersigned hereby move the court in this case to delete my name as the titled or registered owner of the vehicle used in the commission of the offense because I was not the vehicle owner on the date of the offense. I waive my appearance on this motion.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

AFFIDAVIT

I hereby swear or affirm that on the date of the offense set forth in this case, I was not the registered or titled owner of the vehicle used in the commission of the offense. Prior to the date of the offense I sold the stated vehicle.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_  
19\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC



**IN THE FRANKLIN COUNTY MUNICIPAL COURT  
COLUMBUS, OHIO**

	:	
<b>Plaintiff,</b>	:	
v.	:	<b>Case No. M</b> _____
	:	<b>Judge</b> _____
<b>Defendant.</b>	:	

**ENTRY**

Upon motion of the alleged owner of the vehicle, that was involved in commission of the offense(s) charged, to wit: \_\_\_\_\_, the court finds that this individual was not the vehicle owner of the subject vehicle on the date of this offense.

Therefore, the court directs the assignment commissioner not to send any further notification on this case to this individual.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Approved by Prosecutor

**Appendix D.**

**Ohio  
Informational Brochures  
and  
BMV Form**

## APPEAL PROCESS FOR ADMINISTRATIVE LICENSE SUSPENSION (ALS)

The court must hold the administrative license suspension hearing within five days of arrest. The appeal is heard at this initial appearance if requested. The scope of appeal is confined to four issues.

1. Was the arrest based on reasonable grounds?
2. Did the officer request the person to take a test?
3. Was the violator made aware of the consequences if he/she refused or failed the test?
4. Did the person refuse or fail the test?

Note: A court may still issue a suspension even if 1-4 is proven by defendant if court finds the person is a threat to public safety.

## DRIVING UNDER DUI SUSPENSION OR DRIVING UNDER SUSPENSION WITHOUT INSURANCE

The court is authorized to order vehicle immobilization and impoundment of the license plates at the time of sentencing for:

### Driving under DUI Suspension

First Offense: 30 days  
Second Offense: 60 days  
Third Offense: forfeiture

### Driving under FRA Suspension

First Offense: 30 Days  
Second Offense: 60 Days  
Third Offense: forfeiture

Note: For multiple DUI offenders under suspension, the court may also impound the plates of any other vehicle owned by the offender.

### Permitting a person with no legal right to drive to operate your vehicle

First Offense: 30 Days

## VEHICLE FORFEITURE

Permanent loss of vehicle shall be ordered by the court for any of the following which occurs within five years, except "C":

- A) Fourth offense of DUI
- B) Third offense or more of Driving Under Suspension (DUS) for DUI or driving under suspension for financial responsibility (FRA)
- C) Second offense of owner knowingly permitting a person who is under suspension to drive their vehicle
- D) First offense of driving a vehicle that is immobilized and plates impounded

There is a provision for a court review to protect an innocent vehicle owner from a vehicle forfeiture or immobilization. If forfeiture occurs, offender cannot register or title any vehicle in his or her name for five years.

Governor George V. Voinovich • Lt. Governor Nancy P. Hollister • Director Charles D. Shipley

AN EQUAL OPPORTUNITY EMPLOYER  
Funded by NHTSA, US DOT

Ohio Department of Public Safety  
P.O. Box 7167, Columbus, Ohio 43205-0167  
Phone 614/466-2550  
HSY 7747 (rev.11/96)  
<http://www.ohio.gov/odps/>

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**Swift & SURE**

**OHIO'S NEW D.U.I. LAWS**

**IF YOU DRINK AND  
DRIVE, YOU ARE  
COMMITTING A  
SERIOUS CRIME  
WHICH HAS  
SWIFT AND SURE  
CONSEQUENCES  
THAT ARE HARD TO  
IGNORE.**

In the last ten years, 7,239 people were killed and 286,768 injured in alcohol-related crashes in Ohio.

Beginning September 1, 1993, sweeping reforms of Ohio's drunk driving laws will go into effect which will make it tough for drivers who make the wrong decision to drink and get behind the wheel of a motor vehicle.

**NEW  
Administrative  
License Suspension  
(ALS)**

If you are stopped for drunk driving and you refuse to take the sobriety test, or if your test results exceed the legal limit of .10% Blood Alcohol Concentration (BAC), the officer can take your driver's license on the spot, and the suspension begins immediately.

Depending on previous offenses or refusals, you can have your license automatically suspended for a period of 90 days to five years.

The administrative suspension is independent of any jail term, fine or other criminal penalty imposed in court for a DUI offense.

**1<sup>ST</sup> OFFENSE**

- Administrative License Suspension (ALS) for 90 Days for .10% or above BAC
- ALS for test refusal = one year license suspension
- Jail: Minimum of three consecutive days or 3-day driver intervention program
- Fine: Minimum \$200 and not more than \$1,000
- Court License Suspension: 6 months to 3 yrs.

**2<sup>ND</sup> OFFENSE**

- ALS for one year for .10% or above BAC
- ALS for test refusal = two year license suspension
- Jail: Minimum of 10 consecutive days or five days jail + minimum 18 consecutive days of electronically monitored house arrest combined, not to exceed 6 months
- Fine: Minimum \$300 and not more than \$1500
- Discretionary driver's intervention program
- Vehicle immobilization and plates impounded for 90 days
- Court License Suspension: 1 yr. to 5 yrs.

**3<sup>RD</sup> OFFENSE**

- ALS for two years for .10% or above BAC
- ALS for test refusal = three year license suspension
- Jail: Minimum 30 consecutive days to one year
- Alternative sentence: 15 days of jail + minimum 55 consecutive days of electronically monitored house arrest combined, maximum of one year
- Fine: Minimum \$500 and not more than \$2500
- Mandatory attendance in an alcohol treatment program paid for by offender
- Vehicle Immobilization and plates impounded for 180 days
- Court License Suspension: 1 yr. to 10 yrs.

**4<sup>TH</sup> OR MORE OFFENSE  
OR MOTOR VEHICLE  
RELATED FELONY**

- ALS for three years for .10% or above BAC
- ALS for test refusal = five years license suspension
- Jail: Minimum of 60 consecutive days and up to one year in jail
- Fine: Minimum \$750 and not more than \$10,000
- Mandatory drug/alcohol treatment program paid for by offender
- Vehicle Forfeiture: Mandatory criminal forfeiture of vehicle operated by offender, imposed by court
- Court License Suspension: 3 yrs. to Permanent Revocation

## REAL CASE STUDIES:

### 25-year-old single female with child

- First-time DUI offense
- BAC .197%
- On-the-spot license suspension for 90 days

### AFTER GOING TO COURT:

- Found guilty of DUI
- License suspension of 90 days and probation for six months
- Mandatory attendance at Mothers Against Drunk Driving (MADD) impact panel (at least twice).
- Attorney fees of over \$850
- 12 weeks of counseling
- Missed five days of work
- Counseled by employer

### LICENSE REINSTATEMENT PROCESS:

- Must pay \$250 Administrative License Suspension reinstatement fee
- Must pay \$250 first offense DUI reinstatement fee
- Must have insurance agent complete BMV Form 2083 to confirm high-risk insurance for Bureau of Motor Vehicles

*Swift* • **SURE**

**The First Time:**

# Ohio's DUI Laws



Governor George V. Voinovich

Lt. Governor Nancy P. Hollister • Director Charles D. Shipley

**An Equal Opportunity Employer  
Funded By NHTSA, US DOT**

Ohio Department of Public Safety  
P.O. Box 7167 Columbus, Ohio 43205-0167

Phone (614) 466-2550

HSY 7748

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**IF YOU ARE ARRESTED FOR  
SUSPECTED IMPAIRED DRIVING,  
UNDER OHIO LAW YOU WILL...**

- Be asked to take a sobriety test. If you take it and fail, by testing at .10% blood alcohol concentration (BAC) or above, you will be charged with DUI under Ohio's new laws.
- Immediately have your license taken away by the arresting law enforcement officer, and you are under immediate suspension.
- Lose your driver's license for at least 90 days and face other penalties when you go to court.

**There will be no occupational driving privileges for at least 15 days!**

**IF YOU REFUSE TO TAKE A SOBRIETY TEST, YOU WILL...**

- Automatically lose your license on the spot for one full year! Even if you are found NOT GUILTY at a later date, under Ohio law you still lose your license for the full year.

**You also face other court requirements!**

**IF FOUND GUILTY BY THE COURT,  
YOU FACE...**

- Jail: Minimum of three consecutive days or three-day driver intervention program
- Fine: Minimum \$200 and not more than \$1,000
- Court License Suspension: Six months to three years

**REAL CASE STUDIES:**

**30-year-old male, married with children**

- First-time DUI offense
- BAC .171%
- On-the-spot license suspension for 90 days

**AFTER GOING TO COURT...**

- Found guilty of DUI
- Fined \$500 and court costs, with \$250 suspended
- 180 days probation and 177 days suspended upon attendance at a three-day drug & alcohol intervention program.
- Mandatory attendance at Mothers Against Drunk Driving (MADD) impact panel (at least twice).
- 12 weeks of counseling
- Attorney fees of over \$700
- Missed two days of work

**LICENSE REINSTATEMENT PROCESS:**

- Must pay \$250 Administrative License Suspension (ALS) reinstatement fee
- Must pay \$250 first offense DUI reinstatement fee
- Must have insurance agent complete BMV Form 2083 to confirm liability insurance for The Ohio Bureau of Motor Vehicles. A conviction may result in higher insurance rates for the driver.

**Occupational driving privileges may be requested from the court but not necessarily granted.**



**OHIO BUREAU OF MOTOR VEHICLES  
REPORT OF PEACE OFFICER  
ADMINISTRATIVE LICENSE SUSPENSION/NOTICE OF POSSIBLE CDL DISQUALIFICATION  
IMMOBILIZATION/FORFEITURE**

NAME		DRIVER LICENSE NUMBER		CLASS	STATE
CURRENT STREET ADDRESS (AS VERIFIED BY OFFICER)					
CITY		COUNTY OF RESIDENCE		STATE	ZIP CODE
DATE OF BIRTH MONTH	DAY	YEAR	SOCIAL SECURITY NUMBER		
DATE AND TIME OF VIOLATION		DATE AND TIME OF		COURT CODE	COUNTY OF VIOLATION
/ /		/ /			
□ AM □ PM		□ REFUSAL / □ TEST □ AM □ PM			
VIN:		YEAR	MAKE	LICENSE PLATE NO.	STATE
VEHICLE OWNER'S NAME			STREET ADDRESS		
CITY		STATE	ZIP CODE	SOCIAL SECURITY NUMBER	

**The arresting officer to answer the following:**

**COMPLETE FOR ALL ARRESTS: (Circle one)**

Reasonable grounds were: _____	YES NO License was seized.
(ADVICE MUST BE SHOWN AND READ TO DRIVER. TEXT IS ON BACK.)	YES NO Was provided a copy of this form at the time of arrest.
I requested the driver to submit to a blood, breath or urine test for alcohol concentration and/or for the presence of any controlled substance. The driver. Circle one:	<b>VEHICLE SANCTIONS:</b>
YES NO Refused to submit to test(s).	YES NO Were license plates seized?
YES NO Submitted to test(s).	YES NO Was the vehicle seized under 4511.195 (OMVI)?
_____ % concentration level	YES NO Was the vehicle seized under 4507.38 only (DUS or wrongful entrustment)?
(Circle one) Blood, breath, or urine.	YES NO Is vehicle subject to forfeiture?
YES NO Was placed under an administrative license suspension (4511.191).	

The advice (4511.191) on the back of this form was read and shown to me and I have received a copy of this form.

In case of a commercial vehicle, the advice (4506.17) on the back of this form was also read and shown to me.

X \_\_\_\_\_  
Signature of Driver (OMVI arrest only)

X \_\_\_\_\_  
Signature of Driver (Commercial vehicle arrest only)

**COMPLETE ONLY IF OFFENDER WAS OPERATING COMMERCIAL VEHICLE**

Arresting Officer to check the items that apply:	<input type="checkbox"/> BAC content of .04 or above with OMVI charge
<input type="checkbox"/> READ AND SHOWED ADVICE (4506.17) TO OFFENDER	<input type="checkbox"/> 24-hour out-of-state service order
<input type="checkbox"/> REFUSAL	<input type="checkbox"/> CDL to be disqualified
ALCOHOL TEST RESULTS _____ %	<input type="checkbox"/> CDL seized
<input type="checkbox"/> Commercial driver license	<input type="checkbox"/> Violation of previous 24-hour out-of-service order
<input type="checkbox"/> Commercial vehicle	<input type="checkbox"/> Hazardous material
<input type="checkbox"/> BAC content of .04 or above without OMVI charge	<input type="checkbox"/> Operated a motor vehicle under the influence of a controlled substance

**COMPLETE BELOW ONLY ON OMVI ARREST:**

We, the undersigned, certify that the advice prescribed by the Legislature (under 4511.191), was shown to the person under arrest and read to him or her in the presence of the arresting officer and one other police officer or civilian police employee or employee of a first aid station, clinic, or hospital, at a police station, or at a hospital, first-aid station, or clinic to which the person was taken for first-aid or medical treatment.

X \_\_\_\_\_  
SIGNATURE OF ARRESTING OFFICER

\_\_\_\_\_ OH   
ENFORCEMENT AGENCY N.C.I.C. NUMBER

X \_\_\_\_\_  
SIGNATURE OF WITNESS

\_\_\_\_\_  
OFFICER'S BUSINESS STREET ADDRESS

\_\_\_\_\_  
TITLE/POSITION CITY STATE ZIP CODE

**COMPLETE BELOW ONLY ON OMVI ARREST OR ARREST INVOLVING COMMERCIAL VEHICLE:**

**AFFIDAVIT OF ARRESTING OFFICER:**  
STATE OF OHIO, COUNTY OF \_\_\_\_\_

I certify the following: I had reasonable grounds to stop or detain the person listed above. After investigation, I arrested the person, having had reasonable grounds to believe the person was operating a vehicle upon a highway or upon public or private property used by the public for vehicular travel or parking in the State of Ohio under the influence of alcohol and/or drugs of abuse, or with a prohibited concentration of alcohol in the blood, breath or urine. I advised the person in the prescribed manner of the consequences of a refusal or a test. The person either refused the test, or took the test and had a prohibited concentration of alcohol in the blood, breath or urine (all as described above). In the case of a commercial vehicle (if applicable) I had reasonable ground to believe, after investigation, that the person was driving a commercial motor vehicle in the State of Ohio in violation of section 4506.15 of the Ohio Revised Code. The information contained on this form is true to the best of my knowledge and belief.

X \_\_\_\_\_  
ARRESTING OFFICER'S SIGNATURE

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC'S SIGNATURE

\_\_\_\_\_  
DEPUTY CLERK OF COURT'S SIGNATURE

City of \_\_\_\_\_

White/Original - BMV      Yellow - Court  
Green - Law Enforcement      Pink - Driver

Copy to be mailed to BMV on refusal, .10% test and commercial vehicle arrest.

**TEST AND REFUSAL CONSEQUENCES (MUST BE READ TO OMVI OFFENDER)**

**4511.191**

"You now are under arrest for operating a vehicle while under the influence of alcohol, a drug of abuse, or both alcohol and a drug of abuse and will be requested by a police officer to submit to a chemical test to determine the concentration of alcohol, drugs of abuse, or alcohol and drugs of abuse in your blood, breath, or urine.

"If you refuse to submit to the requested test, or if you submit to the requested test and are found to have a prohibited concentration of alcohol in your blood, breath, or urine, your driver's or commercial driver's license or permit or nonresident operating privilege immediately will be suspended for the period of time specified by law by the officer, on behalf of the Registrar of Motor Vehicles. You may appeal this suspension at your initial appearance before the court that hears the charges against you resulting from the arrest, and your initial appearance will be conducted no later than five days after the arrest. This suspension is independent of the penalties for the offense, and you may be subject to other penalties upon conviction.

"You may make an appeal of this suspension in court at the time of your initial appearance. Even though you may appeal this suspension, your driving privileges will be suspended."

**4506.17 (MUST BE READ TO OFFENDER DRIVING A COMMERCIAL VEHICLE IN ADDITION TO THE ABOVE)**

"You have been stopped or detained based on reasonable ground of driving a commercial motor vehicle in violation of section 4506.15 of the Ohio Revised Code. It will be requested that you submit to a test or tests of your blood, breath, or urine for the purpose of determining alcohol concentration or the presence of any controlled substance. If you refuse to submit to the test or tests, you will immediately be placed out-of-service for twenty-four hours, and you will be disqualified from operating a commercial motor vehicle for a period of not less than one year, and you will be required to surrender your commercial driver's license."

(Signature of driver on front of form)

**ADDITIONAL INFORMATION FOR OFFENDER**

**IMMOBILIZATION OR FORFEITURE UPON OMVI ARREST. 4511.195.** If you have previously been convicted of operating a motor vehicle under the influence, OMVI, 4511.19, or similar municipal ordinance, the vehicle and its identification license plates will be seized. The vehicle will be towed and kept by the law enforcement agency or will be immobilized. The period of time for which the vehicle and license plates will be kept or immobilized will be at least until the initial appearance in court. At the initial appearance the court may order that the vehicle and license plates be returned or released to the vehicle owner until the disposition of the charge. If you are convicted of or plead guilty to OMVI, the court may issue an order of immobilization of the vehicle and the impoundment of its license plates, or an order for the criminal forfeiture of the vehicle to the state. If you are not the vehicle owner you must immediately inform the owner that the vehicle and its license plates have been seized and that the owner may be able to obtain the return or release at the initial appearance in court.

**OFFENDERS ARRESTED FOR DRIVING UNDER SUSPENSION OR WRONGFUL ENTRUSTMENT. 4507.38.** If you are charged for driving under an FRA suspension, 4507.02(B)(1) or driving under an OMVI suspension, 4507.02(D)(2), or wrongful entrustment, 4507.33, the vehicle and identification plates will be seized, and the vehicle will either be towed and kept by the law enforcement agency or will be immobilized. The period of seizure or immobilization will be at least until your initial appearance in court. At the initial appearance the court may order the vehicle returned to you or released to the vehicle owner. If you are convicted, the court may issue an order of immobilization of the vehicle and impoundment of its license plates. Upon a second conviction of wrongful entrustment 4507.33, or a third conviction of driving under an FRA suspension or an OMVI suspension 4507.02, or a municipal ordinance similar to one of the above, the court, upon your conviction, may order the forfeiture of the vehicle. If you are not the vehicle owner, you should immediately inform the owner that the vehicle and the license plates have been seized and that the owner may be able to obtain return or release of the vehicle and plates at your initial appearance in court.

If you have a **COMMERCIAL DRIVER** license and you were **OPERATING A COMMERCIAL VEHICLE**:

A. You may request an Administrative Hearing for your **DISQUALIFICATION** by:

1. Preparing a **WRITTEN** request.
2. Submit the request by **REGISTERED** or **CERTIFIED MAIL** within 30 days of your refusal or test date (see reverse side).
3. Mail to:

OHIO BUREAU OF MOTOR VEHICLES  
Attention: Drivers CDL  
P.O. Box 16784  
Columbus, Ohio 43266-0084

B. You may make an appeal of this **SUSPENSION** in court at the time of your initial appearance. Even though you may appeal this suspension, your driving privileges will still be suspended.

**NOTICE OF SUSPENSION (4511.191)**

Independent of any penalties or sanctions imposed upon you pursuant to any other section of the Revised Code or any other municipal ordinance, your driver's or commercial driver's license or permit or nonresident operating privilege is now suspended. The suspension takes effect immediately. The suspension will last at least until your initial appearance on the charge that will be held within five days after the date of this arrest or the issuance of a citation to you. You may appeal the suspension at the initial appearance.

**LENGTH OF SUSPENSION (depending on prior instances within 5 years)**

**FOR REFUSAL**

No prior refusals	1 year
One prior refusal	2 years
Two prior refusals	3 years
Three or more prior refusals	5 years

**FOR PROHIBITED CONCENTRATION OF ALCOHOL**

No prior convictions	90 days
One prior conviction	1 year
Two prior convictions	2 years
Three prior convictions	3 years



## **Appendix E.**

### **Immobilization Poster and Leaflet**

# **DON'T JOIN "THE CLUB"**



**IF YOU ARE CONVICTED OF:  
DRIVING WITH A SUSPENDED LICENSE  
OR  
DRIVING WHILE IMPAIRED  
TWO OR MORE TIMES WITHIN 5 YEARS**

**THE CAR YOU WERE DRIVING  
WILL BE IMMOBILIZED FOR BETWEEN  
30 AND 180 DAYS**

**THE BEST WAY TO AVOID LOSING YOUR VEHICLE:  
DON'T DRIVE WITH A SUSPENDED LICENSE.  
DON'T DRINK AND DRIVE.**

---

## ***DON'T JOIN "THE CLUB!"***

If you have already lost your driver's license, don't take the chance of losing the use of your vehicle, too.

The State of Ohio has a new law:

If you are convicted of *driving while your license is suspended* for:

- Operating a motor vehicle while impaired, or
- Operating a motor vehicle without mandatory insurance

The car you were driving will be immobilized using a "club" or "boot" device.

The immobilization period will be:

- 30 days for a first offense driving on a suspended license
  - 60 days for a second offense driving on a suspended license
- 

## **ALSO...**

If you are convicted of *driving while impaired again any time in the next five years*, your car will be immobilized.

The immobilization period will be:

- 90 days for a second offense within five years for impaired driving
- 180 days for a third offense within five years for impaired driving

If you get a *third offense for driving with a suspended license or a fourth offense for driving while impaired*, you won't need to worry about your car being immobilized. . .

## **YOUR VEHICLE WILL BE IMMEDIATELY CONFISCATED.**

If you try to avoid these penalties by borrowing a car from a friend or relative . . .

## **THE SAME PENALTY WILL BE APPLIED TO THEIR CAR.**

The best way to avoid losing your vehicle:

- Don't drive while your license is suspended.
- Don't drink and drive.

DOT HS 809 000