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Update of Vehicle Sanction Laws and Their Application

Volume II — Vehicle Sanctions Status by State

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16. Abstract <p>Because of the substantial number of driving while intoxicated (DWI) offenders driving illegally with suspended licenses and the limited enforcement resources available to deal with the problem, many States and the Federal government have begun to enact legislation directed at the vehicles owned by offenders to limit their illicit driving. Such policies fall into three broad categories: (1) programs that require special plates on the vehicles of DWI offenders and/or confiscating the vehicle plates and vehicle registration; (2) devices installed in the vehicle that prevent its operation if the driver has been drinking (alcohol ignition interlock); and (3) programs that impound, immobilize, confiscate, or forfeit the vehicles. This study updates as of the end of 2004 a 1992 NHTSA study of vehicle sanctions. The 1992 study reported that 32 States had laws providing for various vehicle sanctions; however, in most of these States these sanctions were rarely used. This current study updates that effort with a contemporary overview of vehicle sanction laws and their application as of December 2004. It goes beyond the earlier study by reporting on information from other countries, incorporating a review of ignition interlock devices (not considered in the earlier study), and providing a more recent list of vehicle sanctions on a State-by-State basis.</p> <p>This report, compared to the 1992 report, identified 131 pieces of legislation with all 50 States having at least one vehicle sanction law in 2004. Although it was difficult to obtain quantitative information on the application of vehicle sanctions, it was documented that at least 51 of the 131 laws are used regularly. Alcohol ignition interlock laws were enacted most often in the States (43), followed by vehicle forfeiture laws (31). Half of the States (25) reported having alcohol ignition interlock laws that were actively being applied on at least some of the eligible offenders. There are a number of barriers to the implementation of vehicle sanctions. These are discussed along with suggestions for improvements in their application. This is Volume II of a two-volume report: Volume I synthesizes and summarizes the findings, whereas Volume II describes vehicle sanctions status for each State as of the end of 2004.</p>					
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Executive Summary

Introduction

Repeat offenders convicted of driving while intoxicated (DWI) or driving under the influence (DUI) are four times more likely to be intoxicated when involved in a fatal crash than drivers without prior DWI or DUI convictions. The arrest and conviction of such offenders should decrease the likelihood of these high-risk DWI drivers from becoming crash involved in the future. However, other than long-term incarceration, there is no certain method for keeping DWI offenders from driving while impaired.

Because of the high number of suspended DWI offenders driving illegally and the limited enforcement resources available to deal with the problem, many States and the Federal government have enacted legislation directed at the vehicles owned by offenders to limit their unlawful driving. Such legislation falls primarily into three broad categories: (1) programs that require special plates on the vehicles of DWI offenders and/or confiscating the vehicle plates and vehicle registration; (2) programs that require installation of devices in the vehicle that prevent it from operating if the driver has been drinking (alcohol ignition interlocks); and, (3) programs that impound, immobilize, confiscate, or forfeit the vehicles. None of these vehicle controls are foolproof; however, several of the vehicle sanctions have been found to reduce recidivism.

This report updates through December 2004 a 1992 National Highway Traffic Safety Administration (NHTSA) sponsored study of vehicle sanctions (Voas, 1992). That study found relatively few jurisdictions with active vehicle sanction programs. Although 32 States were found to have laws providing for various vehicle sanctions, in most States these sanctions were rarely used. This current study updates that effort with a contemporary overview of vehicle sanction laws and their application. It goes beyond the earlier study by reporting on legislation and the literature from abroad, incorporating a review of ignition interlock devices (not considered in the earlier study), and providing a more recent list of vehicle sanctions on a State-by-State basis.

Methods

Information on each State's vehicle sanction laws was collected primarily from NHTSA's *Digest of State Alcohol-Safety Related Legislation* (NHTSA, 2003). Additionally, information was obtained from Mothers Against Drunk Driving's (MADD's) *Rating the States* report for 2002 and from the 2003 edition of the Sourcebook for the Century Council's *National Hardcore Drunk Driver Project* (The Century Council, 2003). Information on the existence of vehicle sanctions laws, whether those laws appeared to be mandatory or discretionary, and whether they were applied through the courts or administratively (e.g., through a division of motor vehicles), was recorded in a database. Project staff used e-mail and telephone interviews to contact State officials regarding vehicle sanctions in their States. These contacts were made throughout the spring, summer and fall of 2004. Where officials believed changes were imminent, we re-contacted them for an update in the winter of 2004. Where we had no evidence to suggest that laws had changed during the year, we assumed that the status had not changed by the end of the year. State officials were asked to identify any corrections or clarifications needed in the documentation of States' vehicle sanction laws that were sent to them. Interview discussions also included: (a) the extent to which individual vehicle sanction laws were being used; (b) if laws were not being used, why not; (c) the extent to which they were aware of any

successes or problems associated with the enforcement of the laws; and, (d) knowledge of any studies of the effectiveness of the vehicle sanction programs.

Vehicle sanctions for DWI and other alcohol-related offenders were classified into six major categories ranging from allowing the vehicles to still operate but not by the convicted offender or a drinking driver, to license plate actions, to actions preventing the vehicle from operating on the road. Below is a brief overview of which States, as of the end of 2004, had laws on the books pertaining to these vehicle sanctions.

Results: States With Vehicle Sanctions (2004)

In 2004, it was possible to identify 131 pieces of enacted legislation (including interlock laws) with all 50 States having at least one vehicle sanction law and 45 States having a law providing for a vehicle sanction other than interlock. As indicated in Table 1, many States have multiple vehicle sanction laws. Although it was difficult to obtain quantitative information on the application of vehicle sanctions, it was documented that at least 51 of the 131 vehicle sanction laws in the States were used regularly. Alcohol ignition interlock laws were reported in 43 States and used most frequently (in 25 of 43 States), followed by vehicle forfeiture that was reported in 31 States.

Table 1. Vehicle Sanction Laws by State and Offense Category (2004)

State	Int.	Imp.	Imm.	Forf.	Plate/ Reg.	Spec. Plates	State	Int.	Imp.	Imm.	Forf.	Plate/ Reg.	Spec. Plates
Alabama		B			AD		Montana	A			A		
Alaska	A	A		A			Nebraska	A	B			A	
Arizona	AB	B		AB			Nevada	A					
Arkansas	AB			A	BCD		New Hampshire	A				AD	
California	AB	AB		AB			New Jersey	A				AD	A
Colorado	AB			AB			New Mexico	A		A	A		
Connecticut		AB					New York	A			A		
Delaware	A				ABC		North Carolina	A			AB		
District of Columbia	A						North Dakota	A			A	ABC	
Florida	A	A	A				Ohio	A		A	A	ACD	A
Georgia	A			A	AC	A	Oklahoma	A			A		
Hawaii					ACD	A	Oregon	A	AB	AB	A		
Idaho	A						Pennsylvania	A			A		
Illinois	A		AB	AB	ABC		Puerto Rico						
Indiana	A						Rhode Island	A			A	ABD	
Iowa	A	AB	A	AB	ABC		South Carolina	A		AB	A		
Kansas	A	A	A		AC		South Dakota					AD	
Kentucky	A				AC		Tennessee	A			AB		
Louisiana	A			A			Texas	A			A		
Maine				B	ABCD		Utah	A					
Maryland	A	B			BCD		Vermont			A	A		
Massachusetts	A				BCD		Virginia	A	AB	AB			
Michigan	A		A	A	ABCD	A	Washington	A	A		A		
Minnesota				AB	AC	A	West Virginia	A					
Mississippi	A	A	A	A			Wisconsin	A		A	A		
Missouri	A	A		AB			Wyoming					ACD	

Key: Int. = Alcohol Ignition Interlock; Imp. = Vehicle Impoundment; Imm. = Vehicle Immobilization, Forf. = Vehicle Forfeiture; Plate/Reg. = License plate and/or vehicle registration actions; Spec. Plates = Special license plates
Blank = No law; A=Impaired Driving Offense, B=Driving With Suspended License Offense, C=Plate Suspension; D=Registration Suspension ,

SPECIAL LICENSE PLATES

This sanction includes placing special markings or designations on the license plate that alert police that a convicted DWI offender is in a family or group that drives this vehicle. This sanction allows other family members access to the vehicle, but prohibits the convicted offender from driving it via the visible marking. Six States (GA, HI, MI, MN, NJ, & OH) had laws permitting special license plates for impaired driving offenses as of the end of 2004.

ALCOHOL IGNITION INTERLOCKS

This sanction requires the offender to take an alcohol breath test prior to starting their vehicle. If the offenders are sober the vehicle operates normally, but if offenders take the test and their blood alcohol concentrations (BAC) are above a set threshold, the vehicles will not start. Rolling retests may also be required. Forty-three States had laws allowing the installation of alcohol ignition interlocks on the vehicles of offenders as of 2004. This breaks down into 43 States (AK, AR, AZ, CA, CO, DC, DE, FL, GA, IA, ID, IL, IN, KS, KY, LA, MA, MD, MI, MO, MS, MT, NC, ND, NE, NH, NJ, NM, NV, NY, OH, OK, OR, PA, RI, SC, TN, TX, UT, VA, WA, WI, & WV) with laws permitting interlocks for impaired driving offenses and 4 States (AR, AZ, CA, & CO) with additional laws permitting interlocks for driving while suspended offenses (DWS).

LICENSE PLATE ACTIONS

These actions target the license plates of offenders' vehicles and are intended to prevent anyone from driving those vehicles since the plates are physically removed from the vehicles or the plates are suspended by the State. Twenty-two States had laws permitting license plate and/or registration confiscation/suspension as of 2004. Nineteen of these States have laws permitting the use of this sanction for impaired driving offenses (AL, DE, GA, HI, IA, IL, KS, KY, ME, MI, MN, ND, NE, NH, NJ, OH, RI, SD, & WY) whereas 10 States have laws permitting this sanction for DWS offenses (AR, DE, IA, IL, MA, MD, ME, MI, ND, & RI). Eight States have license plate suspension only (DE, GA, IL, IA, KS, KY, MN, & ND); five States permit registration suspension only (AL, NH, NJ, RI, & SD); and nine States have laws allowing both license plate and registration suspension sanctions (AR, HI, ME, MD, MA, MI, NE, OH, & WY).

IMMOBILIZATION

This sanction prevents the vehicle from being driven by immobilizing it via the installation of a "boot" or "club." The vehicle can be immobilized on the offender's property and does not need to be taken to an impound lot. Thirteen States had laws permitting vehicle immobilization as a sanction for impaired driving offenses as of 2004 (FL, IA, IL, KS, MI, MS, NM, OH, OR, SC, VA, VT, & WI) and 4 States permit immobilization for DWS offenses (IL, OR, SC, & VA).

IMPOUNDMENT

Fifteen States had laws permitting vehicle impoundment as of 2004. Eleven States have laws permitting impoundment for impaired driving offenses (AK, CA, CT, FL, IA, KS, MO, MS, OR, VA, & WA) and 9 States with laws for DWS offenses (AL, AZ, CA, CT, IA, MD, NE, OR, & VA). As can be seen, there is some overlap. This does not include State laws where the impoundment is temporary (hours) to prevent impaired offenders from driving after release from arrest.

FORFEITURE

This sanction allows for confiscation and sale of the offender's vehicle. Thirty States had laws permitting vehicle forfeiture as of 2004. This breaks down into 29 States with laws permitting vehicle forfeiture for impaired driving offenses (AK, AR, AZ, CA, CO, GA, IA, IL, LA, MI, MN, MO, MS, MT, NC, ND, NM, NY, OH, OK, OR, PA, RI, SC, TN, TX, VT, WA, & WI) and 10 States (AZ, CA, CO, IA, IL, ME, MN, MO, NC, & TN) with laws permitting vehicle forfeiture for DWS offenses.

Vehicle Sanctions in Other Countries

Officials from other countries (Australia, Belgium, Canada, Denmark, New Zealand, Norway, Spain, Sweden, and the United Kingdom) were contacted and it was found that, except for alcohol ignition interlock programs, vehicle sanctions described in this study were rarely used. Impoundment and forfeiture were considered too harsh and too much of a hardship for family members. The one exception is New Zealand, which has a comprehensive vehicle impoundment and confiscation program in use.

The use of alcohol ignition interlocks has become very popular in Canada and Australia and some research studies are being conducted in those countries. Australia's five largest States have begun interlock programs. In Canada, the criminal code has been amended to enable provinces and territories to begin interlock programs and, consequently, most of the Canadian jurisdictions have instituted them. In Europe, Sweden has instituted a small interlock program and other countries have undertaken feasibility or pilot studies in coordination with the European Union (Marques et al., 2001).

Barriers to Implementing Vehicle Sanction Programs

ALCOHOL IGNITION INTERLOCK PROGRAMS

Experience with such programs indicates that only a relatively small percentage -- generally less than 10% of eligible offenders -- participate in interlock programs. Offender sentences do not include interlocks mainly due to the cost of installation and maintenance over the course of the intervention. Also, only a small percentage of offenders who are assigned interlocks by the courts actually have the interlocks installed. It should be noted that making house arrest an alternative to installing an interlock increased the proportion of eligible offenders installing an interlock to 62% -- the highest level obtained by a court in the United States as of the end of 2004 (Voas, Blackman, Tippetts, & Marques, 2002).

Another barrier to participation in an interlock program is the claim by offenders that they do not own a vehicle. If assignment of an interlock is a consequence of conviction for a DUI or driving while suspended offense, defense attorneys may advise their clients to transfer the vehicle's title before trial. Therefore, an effective interlock program must provide for holding the vehicle from the time of arrest to avoid such transfers.

As an alternative to assigning offenders to an interlock program by the courts, State legislatures can provide authority to the motor vehicle department to require the interlock as a condition of reinstating the licenses of DUI offenders following their suspension period. This provision, which has been implemented by some States such as Michigan and Colorado, has the effect of preventing offenders from driving legally without an interlock. Typically, the interlock must

be installed not only during the normal suspension period but also after the suspension period is over and the operators' licenses are reinstated.

The availability of interlock service providers may still be an issue in some rural areas, but this issue is expected to decrease as more interlocks go into use.

VEHICLE IMPOUNDMENT, IMMOBILIZATION, AND FORFEITURE

Vehicle impoundment, immobilization, and forfeiture sentences remain a problem when a family has only a single vehicle and it would be a hardship if a vehicle sanction was applied. Another problem with vehicle impoundment is the costs of storage may exceed the value of the impounded vehicle, resulting in added expenses to the jurisdiction. A problem with vehicle forfeiture arises when the offender is not the sole owner of the vehicle. In this situation, a family member or an innocent third party can be adversely affected when the forfeited vehicle is sold.

Also, impoundment programs implemented administratively appear to be much less cumbersome than when they are implemented through the criminal justice system. This is usually the case because administrative actions occur sooner and compliance is typically tracked and monitored more frequently. Nearly all successful impoundment programs provide for seizing and holding the vehicle at the time of arrest. Waiting for the outcome of the court trial often results in the vehicle having been disposed of and, thus, not available to the police. To deal with this problem, Ohio passed a law prohibiting offenders from transferring vehicle titles following a DUI or DWS arrest.

Vehicle immobilization may be a good alternative to vehicle impoundment in that it avoids the storage costs of impoundment and there is some evidence that this approach may be effective in reducing recidivism (Voas, Tippetts, & Taylor, 1997b).

Conclusions

In summary, every State in the United States has adopted at least one law allowing for vehicle sanctions for DWI or DWS offenders and several States now allow multiple vehicle sanctions. In many States, however, these laws are not being used often. Administrative application of these sanctions helps, but there are still a number of barriers that need to be overcome. Family hardship issues and the monitoring of compliance with sanctions are significant system problems that need to be addressed. Strategies that may increase the use and effectiveness of vehicle sanctions include:

(1) Imposing mandatory electronic house arrest (allowing only travel to and from work) for at least 90 days on offenders as an alternative to installing an alcohol ignition interlock in their vehicles. This can serve as an incentive to install the interlock.

(2) Not allowing the sale or transfer of title of any vehicle(s) owned by offenders after their arrest for DWI or DWS and not before the adjudication of the charges.

(3) Using DWI fines to compensate State or local officials (or their contractors) to follow up on offenders to ensure that vehicle sanctions are implemented appropriately.

Background

Repeat offenders convicted of DWI or DUI are four times more likely to be intoxicated when involved in a fatal crash than drivers without prior DWI convictions (Hedlund & Fell, 1995). The arrest and conviction of such offenders should provide the means to prevent these high-risk DWI drivers from becoming crash involved in the future. However, other than long-term incarceration, which prevents crash involvement while the offender is in jail but has little effect following release (Voas, 1986), there is no certain method for keeping DWI offenders from driving while impaired in the future. Historically, suspension of the driver's license has been the most widely used and effective method of protecting the public against the increased risk to innocent drivers presented by DWI offenders (Coppin & Oldenbeek, 1965; Peck, 1991; Williams, Hagen, & McConnell, 1984; Peck, Sadler, & Perrine, 1985; McKnight & Voas, 1991). Although approximately 75% of license-suspended offenders report that they continue to drive (Ross & Gonzales, 1988), they appear to drive less and more conservatively. Consequently, fully suspended drivers have lower recidivism rates than those who are not suspended. Still, DeYoung, Peck, and Helander (1997) found that compared to fully licensed drivers, suspended offenders have 3.7 times the risk of being at fault in a fatal crash. Moreover, Griffin and DeLaZerda (2000) report that 7.4% of the drivers in fatal crashes have suspended or revoked licenses and 20% of fatal crashes in the United States involve improperly licensed drivers.

Thus, driving by DWI offenders who are improperly licensed is a significant problem because enforcing the law against driving while suspended is difficult for the police. There is no way for a police officer to know from outside the car whether the driver is properly licensed and police are not allowed to stop a vehicle without reasonable suspicion that an offense has been committed. Many offenders are aware of this and attempt to curtail their driving in heavily patrolled locations. They also try to avoid attracting an officer's attention by carefully observing traffic regulations. This has its benefits in reducing the crash involvement of suspended offenders, but to the extent that they avoid apprehension, many offenders are encouraged to delay reinstatement of their licenses. Reinstatement may be expensive to them and require attendance at treatment programs and other remedial actions. Tashima and Helander (1999) reported that 84% of California DWI offenders failed to reinstate their driver's licenses within 1 year of becoming eligible to do so.

It is clear many suspended DWI offenders continue to drive to some extent (Ross & Gonzales, 1988). McCartt, Geary, and Nissen (2002) reported that strong enforcement and penalties for DWS does reduce the amount of illicit driving. In this study covert observations were made of the driving behavior of suspended DWI offenders in two separate jurisdictions. In Milwaukee, Wisconsin, where the penalties for DUI and DWS were perceived to be relatively low by local drivers, they found that 88% of the suspended DWI offenders drove illicitly; and in Bergen County, New Jersey, where the penalties were perceived to be relatively high, 36% of offenders drove illicitly. These results provide evidence that illicit driving by DWI offenders may be reduced if sufficient resources are devoted to DWS enforcement and the penalties are considered to be severe. However, the current resources of police departments are strained by the multiple demands on their attention, particularly with the increasing burdens of homeland security activities.

Because studies such as those described above indicate that a substantial number of suspended DWI offenders drive illegally, many States and the Federal government have begun to enact legislation directed at the vehicles owned by offenders to limit their illicit driving. Such policies fall into three broad categories: (1) programs that confiscate or impound the vehicle; (2) programs that confiscate the vehicle plates and cancel the vehicle registration and/or require special plates on

the vehicles of DWI offenders; and (3) devices installed in the vehicle that prevent its operation if the driver has been drinking alcohol (ignition interlocks). None of these vehicle control approaches are foolproof because they all can be circumvented by the offender who drives another vehicle registered in someone else's name. However, as with license suspension, several of the vehicle sanctions have been found to reduce recidivism (Voas & DeYoung, 2002; Voas, Marques, Tippetts, & Beirness, 1999, Beck, Rauch, Baker, & Williams, 1999; Voas & Tippetts, 1995; Voas, Tippetts, & Lange, 1997a; Voas et al., 1997b).

The driver's license suspension sanction is imposed by one of two State authorities: the criminal court system or the department of motor vehicles. The failure of many of the courts to apply licensing sanctions in a timely fashion resulted in passage of the administrative license suspension (ALS) or administration license revocation (ALR) laws in the 1980s, which provided the DMVs with the authority to immediately suspend an offender's license at the time of a DWI or DUI arrest. This has resulted in more certain and more immediate license actions and has reduced the court's role in imposing that penalty. While vehicle sanctions have primarily been a court function, some States have adopted administrative vehicle registration suspension and/or license plate impoundment and have added alcohol ignition interlock programs to the reinstatement requirements, programs that must be managed by DMVs.

This report updates a 1992 NHTSA-funded study of vehicle sanctions (Voas, 1992). That study found relatively few jurisdictions with active vehicle sanction programs. Although 32 States were found to have laws providing for various vehicle sanctions, such procedures were rarely used. Shortly after the 1992 report, States began to enact broader vehicle action laws and NHTSA initiated several studies of specific programs such as vehicle impoundment and immobilization, license plate actions, and alcohol ignition interlocks. In addition, the Federal government prodded States to take action with the TEA-21 legislation of 1998 and the SAFETEA-LU legislation in 2005.

This current study updates the 1992 effort with a contemporary overview of vehicle sanction laws and their application. It goes beyond the earlier study by reporting on the literature from abroad, incorporating a review of ignition interlock devices (not considered in the earlier study), and providing a more recent list of vehicle sanctions on a State-by-State basis.

This study also describes current barriers and issues associated with the implementation of these sanctions and recommendations to overcome or deal with them. With the substantial increase in vehicle sanction laws and the improvements in interlock technology, this report is intended to provide a clearer picture of the potential of vehicle sanctions on reducing recidivism of DWI offenders.

This is Volume II of a two-volume report: Volume I synthesizes and summarizes the findings; whereas Volume II describes vehicle sanctions status by State as of December 2004.

Methods

Information on State's vehicle sanctions laws was collected primarily from NHTSA's *Digest of State Alcohol-Safety Related Legislation*. The most recent version available at the time of data collection for this study was the 21st edition, current as of January 1, 2003 (NHTSA, 2003). Additionally, information was collected from MADD's *Rating the States* report for 2002 (MADD, 2002) and from the 2003 edition of the Sourcebook for the Century Council's *National Hardcore Drunk Driver Project* (The Century Council, 2003). Information on the existence of vehicle sanctions laws, whether those laws appeared to be mandatory or discretionary, and whether they were applied through the courts or administratively (e.g., through a division of motor vehicles), was recorded in a database. Pertinent text describing the laws was copied from the NHTSA Digest into the database for easy reference. This was accomplished separately for each sanction type and for each offender type (first offender, multiple offender, DWS, or test refusal).

Information collected during this phase of the project was used to create written reports describing the vehicle sanctions laws for each State, based on the information found from the above sources. State highway safety office representatives were subsequently contacted in each State and the project was described to them. Highway safety representatives were asked for names and contact information of people who would be able to verify the accuracy of the vehicle sanctions that were documented for that State and provide additional information on their usage. In some cases the representatives were able to provide some or all of the information. Most often the representatives provided names of several contacts with knowledge or expertise on one or more of the States' vehicle sanctions. Often, it was necessary to speak with several contacts before it was possible to find State officials who were familiar with the way in which vehicle sanctions were being implemented in the State. Information was collected through the spring, summer and fall of 2004 and, where evidence suggested that laws may have changed, updated information was sought in the winter of 2004. The information in this report is therefore limited almost entirely to the status of vehicle sanctions laws and their implementation as of 2004.

State officials were interviewed in open-ended discussions. They were asked to identify any corrections or clarifications needed in the reports of States' vehicle sanctions laws. Interview discussion also included:

- The extent to which individual vehicle sanction laws were being used.
- If laws were not being used, why they were not.
- The extent to which they were aware of any successes or problems associated with the enforcement of the laws.
- Knowledge of any studies of the effectiveness of the vehicle sanctions programs.

Given the limitations on the scope of the study, it was generally not possible to get exact numbers of the offenders who had been sentenced to the various vehicle sanctions. State officials were asked to provide their general impression of the extent to which the laws were being used. In some cases, officials were reluctant to provide even general impressions much less specific data. Given the difficulty of finding exact statistics, these cases generally resulted in a lack of information on vehicle sanctions usage.

A literature review was also conducted as part of this study. The first step in this process was to identify the appropriate documents to review. These were identified through two basic

mechanisms: (1) conventional literature searches of the published literature and (2) networking with colleagues in the programmatic and research communities both within the United States and abroad. Project staff conducted a literature search of various literature databases (such as Lexis Nexis, Medline, TRIS, Dialog, NCJRS, the DOT Library, and the University of Michigan Transportation Research Institute Library) to identify and obtain abstracts of publications and news articles relating to vehicle sanctions from 1990 to the present.

Additional information on potentially valuable studies was gained through the process of interviewing contacts in the States. Another source of information was existing summaries of the literature accessed via various abstract databases. Finally, NHTSA's research office was asked to provide any Federal Government reports that may not have appeared in the published databases. All data in this report relate to laws and policies on the books as of the end of 2004.

Vehicle Sanctions Status by State

The following is the status of vehicle sanction laws and policies in each State as of the end of December 2004. Tables in Appendix A provide a summary of the status of current State laws.

Alabama

CURRENT LAWS

Alabama has a **vehicle registration impoundment** law. The registrations of all vehicles owned by an offender who commits a subsequent driving while intoxicated offense within 5 years shall be suspended for the duration of his or her license suspension. However, there is a hardship exemption for other individuals who may need to use the vehicle.

The **vehicle impoundment** law states that a vehicle may be impounded if a driver is found to be driving while revoked, driving while suspended due to a DWI-related offense, or refuses a breath test. However, the law provides that the vehicle will be released to the registered owner, if the offender is not the owner. Further, police can release the vehicle, rather than impounding it, if it is determined that the driving is due to an emergency. This law does not seem to be aimed at long-term prevention of drinking and driving by separating offenders from their vehicles.

Alabama does not appear to have any laws pertaining to the **special license plates, license plate confiscation, ignition interlock, vehicle forfeiture or vehicle immobilization**.

CURRENT PRACTICES

Information on the extent to which vehicle sanctions laws are being used in Alabama is unavailable.

CHANGES IN LAWS

Recent Changes in Laws

An earlier vehicle forfeiture law (§32-5A-203) was repealed in 1998 by Act 98-470 and replaced by 32.6.19. This resulted in the end of the use of vehicle forfeiture in Alabama.

Possible Future Changes in Laws

An interlock bill was in front of the Alabama legislature at the time of the interview in the summer of 2004. However, whether the bill would be adopted, was doubtful, largely due to the feeling that interlock programs discriminate against lower-income offenders who cannot afford to participate.

Alaska

CURRENT LAWS

Alaska has both **vehicle impoundment** and **vehicle forfeiture** laws. The municipalities may enact ordinances to impound or confiscate motor vehicles for violations of local DUI offenses or refusal of chemical test laws for first and subsequent offenses. Blood alcohol concentration (BAC) test refusal is a criminal offense and has the same penalties as felony DUI for third or subsequent offenses. The State has laws concerning impoundment and forfeiture for subsequent DUI offenses;

however, these laws are not mandatory. The administrative licensing actions for chemical test refusals include vehicle forfeiture for second and subsequent refusals and for a first or subsequent revocation for a DUI conviction. Refusal to submit to a chemical test during a previous offense is considered either a previous chemical test refusal or a previous DUI conviction.

Alaska also has an **ignition interlock** law for first and subsequent DUI offenses. If probation is granted, then the court may order a defendant to operate only motor vehicles equipped with ignition interlock devices as part of a criminal sanction.

This State does not appear to have any laws pertaining to **license plate confiscation, vehicle immobilization, or special license plates**.

CURRENT PRACTICES

Vehicle impoundment is imposed at the discretion of each municipality. Ultimately, it is a court decision. This vehicle sanction law is being used more frequently than other sanction laws. It is used mainly in larger cities such as Anchorage.

Vehicle forfeiture is imposed by the courts, and is discretionary at the State level and subject to the local ordinance at the city level. This vehicle sanction is the second most used of the available laws, mainly in cities such as Anchorage.

The reason vehicle impoundment and vehicle forfeiture are not used more often is that the State does not want to be responsible for unclaimed junk cars. Disposal of vehicles in Alaska is a problem because there are predominately two options: by water or by air. There are no landfill sites, so the State either transports them to Seattle, Washington, or removes the guts and dumps the shells in the ocean. Both methods of disposal are very expensive. The biggest problem is the lack of roadways and access in Alaska. Currently, a towing company under contract to the State either disposes of the vehicles or uses them as scrap metal, so the State is not losing money, as it was when it first started confiscating vehicles.

Ignition interlock can be imposed by the court at its discretion, but this sanction was not being imposed by the judges in Alaska. Consequently, the interlock vendor withdrew from the State.

VEHICLE SANCTIONS FOR OTHER OFFENSES

A vehicle can be impounded or confiscated for felony offenses such as homicide.

PUBLICIZING OF CURRENT LAWS

The only time these vehicle sanction laws were publicized was when they were first adopted.

RECENT CHANGES AND POSSIBLE FUTURE CHANGES IN LAWS

As of summer 2004, no laws had recently been enacted, changed, or abolished; and no new laws had been proposed for the future.

Arizona

CURRENT LAWS

Arizona has a **vehicle forfeiture** law. The vehicle used in the offense and owned by the offender is subject to mandatory forfeiture for any of the following reasons: a third or subsequent DUI offense, a DUI offense while the offender's license is suspended or revoked for a prior DUI

offense, and a DUI offense committed while transporting a child younger than 15 years old. Vehicle forfeiture is imposed by the courts and is discretionary.

Arizona also has an **ignition interlock** law. Offenders must install ignition interlock devices on the vehicles they operate for 1 year at the end of the license suspension/revocation period for any of the following offenses: a second or subsequent DUI offense, a DUI offense if driving while suspended or revoked for a prior DUI offense or prior administrative per se violation, a first or second DUI offense with a BAC of .15 grams per deciliter (g/dL) or higher, and a DUI offense that endangers a child. The ignition interlock is imposed administratively but the courts are free to impose a longer sentence than the 1 year assigned by the DMV. Nonetheless, it is mandatory for all of the offenses listed above.

Under Arizona's temporary **vehicle impoundment** law, the offender's vehicle may be immediately impounded for 30 days if the driver is arrested for any of the following offenses: (1) driving while revoked for any reason; (2) driving while suspended where the suspension was based on driving under the influence; (3) driving while suspended where the suspension was based on a drunk driving offense; or (4) driving while suspended where the suspension was based on the frequency of traffic law violation convictions. The vehicle may be released before 30 days if the offender's driving privileges have been reinstated or if the offender's spouse enters a 5-year agreement with the State to not to allow an "unlicensed driver" to operate the vehicle.

Arizona does not appear to have any vehicle sanction laws pertaining to **license plate confiscation, immobilization, or special license plates**.

CURRENT PRACTICES

Vehicle forfeiture is rarely used (less than 10% of the time where offenders are eligible).

The **ignition interlock** is ordered 100% of the time as mandated, but less than 50% of offenders are eligible, and only half of that 50% are compliant, which equates to approximately 25% of all court orders resulting in interlock installation. DUI offenders who also have committed a felony get an automatic 3-year license revocation; consequently, offenders are not eligible for an ignition interlock during their 3 years of revocation. There have been complaints that motorcyclists are not allowed to install ignition interlock devices for DUI offenses.

In rare instances and at its discretion, the court may order the interlock for repeat offenders and high-BAC aggravated DUI first offenders. Most ignition interlocks are imposed administratively; therefore, only a few interlocks are ordered by the courts each year. All repeat offenders and aggravated first DUI offenders must install the interlock for 1 year before they can be fully relicensed. Of the estimated 20,000 such convictions in 2003, 3,000 interlock devices were installed, which is about a 15% participation rate. The participation rate for the first offense aggravated offenders is estimated by the industry to be in the range of 20 to 25%; obviously, the range is much lower for repeat offenders. The hard suspension for the aggravated first offense is 90 days and for the repeat offenders, 1 year. Our contact felt that the 1-year hard suspension is the largest barrier to ignition interlock participation; that the second-largest barrier is the other costs associated with reinstatement fees, primarily the dramatic increase in insurance costs for 3 years; and that the third barrier is awareness. The contact believed that much more could be accomplished by the State, such as sending out eligibility notices to make people more aware of the requirement.

Vehicle impoundment is carried out by law enforcement. It also is rarely used (less than 10% of the time for eligible offenders).

Two major reasons for not enforcing vehicle forfeiture and impoundment are liability and logistical issues. Sometimes there is no fee charged to offenders to cover storage fees for the vehicles, even though costs are incurred by the law enforcement agency, for which the State is liable. Another problem is the shortage of staff at the storage facilities. Both of these reasons have reduced usage of the vehicle impoundment sanction. For example, a town with only three law enforcement officers is less likely to confiscate or impound vehicles. Another factor is the necessity of a vehicle to a family in Arizona; consequently, enforcement of the sanction tends to be rare. Finally, Arizona has a low rate of third or subsequent DUI offenses.

VEHICLE SANCTIONS FOR OTHER OFFENSES

A vehicle can be seized if the serial or identification number has been tampered with, defaced, altered, or removed without the permission of the motor vehicle department (MVD). A vehicle license plate also can be confiscated for not providing proof of insurance coverage.

PUBLICIZING OF CURRENT LAWS

Our State contact was not aware of any publicity associated with Arizona's vehicle sanction laws. In fact, the State was reluctant to publicize the impoundment and forfeiture laws because of the way the law was written: the MVD must immediately provide the names listed on the vehicle's title to the storage facility. This is necessary to verify validity of ownership for those who try to pick up their impounded vehicles. The law also mentions that the request for a hearing must be submitted through the executive hearing office of the MVD and that, too, has to be accomplished almost immediately. This was reported to be a difficult process; which discourages police departments and law enforcement agencies from pursuing it.

RECENT CHANGES AND POSSIBLE FUTURE CHANGES IN LAWS

The interlock law was changed in October 2000 to reflect the fact that interlocks are now an administrative requirement for a year following suspension/revocation. Courts still can assign interlocks to convicted offenders and can do so for more than the standard 1-year period.

As of summer 2004, no laws had recently been abolished, and no new laws had been enacted or proposed for the future.

Arkansas

CURRENT LAWS

Arkansas has a **license plate impoundment/confiscation** law. License plates are impounded for 90 days for a DWS conviction and the plates are revoked if the offender has a prior DUI conviction. At the discretion of the court, a temporary license plate may be issued if it is in the best interest of the offender's dependents.

Arkansas also requires **vehicle registration suspension** for offenders with suspended or revoked licenses for any DUI offense. The registrations for all vehicles owned by the offender are suspended for the same period as the licensing action or for 1 year, whichever is longer. A restricted registration may be issued allowing dependents to operate the vehicle.

Arkansas also has **ignition interlock** laws for first and subsequent DUI offenders, as well as for refusal to submit to a chemical test. In addition to any other sanction for a DUI offense, the court may require the use of an ignition interlock device for a first or second DUI offense. For a third or

subsequent DUI offense, the court must require the use of an ignition interlock device (if the offender can afford it). Installing an interlock allows an offender to receive a restricted license. If the court chooses not to order the interlock, the offender must petition the court for an interlock to receive a restricted license. For all of the above DUI offenses, an interlock is required for up to 1 year after the offender's license is no longer suspended or revoked. However, if a restricted license has been issued for a chemical test refusal or an administrative per se violation, the ignition interlock must be used for the remaining original suspension period.

Under the **vehicle forfeiture** sanction, the court may order forfeiture of the defendant's vehicle for a fourth or subsequent DUI offense within 3 years.

Arkansas has a law (5-65-403 SSK), which was interpreted by the State contact as authorizing administrative use of **vehicle immobilization**.

Arkansas does not appear to have any laws pertaining to **vehicle impoundment** or **special license plates** (except the use of temporary license plates if the regular license plates have been impounded).

CURRENT PRACTICES

A State contact was aware of the uses of **vehicle forfeiture** for drug-related crimes but rarely, if ever, uses it for DUI offenses. Vehicle forfeiture is discretionary. We were unable to learn why this sanction was not being used.

License plate suspension and confiscation. For second or subsequent DUI offenses, both the license plates and the driver's license are suspended for 1 year. Normally, the police determine whether the license plates are eligible for confiscation, and if so, the officer confiscates them at the scene. If they fail to take them at the scene, they generally do not confiscate the plates later. Offenders can drive with a suspended license plate, but they risk being charged with another offense if they are stopped again. Plate suspension is recorded automatically in the offender's file, even before the court date; however, it is possible that a confiscated plate record may be replaced in the day or two before the data goes into the system. A State contact estimated that this happens frequently. Offenders can appeal to get license plates reinstated or replaced if they can show that someone is dependent upon the vehicle. For this, an offender would have to go to driver control, fill out extra paperwork, and make a list of authorized drivers.

Ignition interlocks are obtained by order of the court; however, offenders can petition the court for one if they are eligible for a restricted license. Offenders must have the court order and proof of interlock installation to get a restricted license. A few courts refuse to order any interlocks. Other courts may order some interlocks, or many – it is ultimately up to each court. During 2003, interlocks were ordered in 1,791 cases, which resulted in 1,034 offenders (60%) submitting proof of installation for restricted licenses. The State contact believed cost is the biggest reason for nonuse of interlocks.

VEHICLE SANCTIONS FOR OTHER OFFENSES

None identified.

PUBLICIZING OF CURRENT LAWS

None of our State contacts were aware of any attempts to publicize the State's vehicle sanction laws.

RECENT CHANGES AND POSSIBLE FUTURE CHANGES IN LAWS

As of 2004, no laws had recently been enacted, changed, or abolished; and no new laws had been proposed for the future.

California

CURRENT LAWS

California has two **vehicle impoundment** laws. The first law states that a vehicle owned and driven by an offender may be impounded up to 30 days for a first or second DUI offense and up to 90 days for third and subsequent offenses, if these offenses are committed within 5 years of a prior offense. This first law prevents the vehicle from being impounded if it is the only vehicle available to the family or if another person has a community property interest in the vehicle. The second law states that the vehicle owned and driven by the offender may be impounded for up to 6 months for a first DUI offense and up to 12 months for a subsequent DUI offense. We found no information on reasons one law might be enforced rather than the other. There is no mention of laws concerning chemical test refusals.

California also has a **vehicle forfeiture** law, under which a defendant's vehicle may be forfeited if he or she has been convicted of a DUI vehicular homicide offense. The vehicle also can be confiscated for a non-injury-related DUI offense, or a serious injury DUI offense with two or more (or combinations thereof) convictions within 7 years for either a vehicle homicide offense or a non-injury- or injury- related DUI offense. In addition, a vehicle may be forfeited if the offender is the registered owner and is convicted of driving while suspended or revoked or is a habitual offender under the DWS law. The vehicle may not be forfeited if it is the only vehicle available to the family. There is no mention of laws concerning chemical test refusals.

Under California's **ignition interlock** laws, the court may order an ignition interlock device for a first DUI offense of not more than 3 years. A BAC of .20 or greater is given heightened consideration. For a subsequent offense, if a restricted driving privilege is granted, the State driver's licensing agency must require the use of an ignition interlock device. There is no mention of laws concerning chemical test refusals.

California does not appear to have any laws pertaining to **special license plates, immobilization, or license plate confiscation**.

CURRENT PRACTICES

According to our State contact, both the **vehicle impoundment and vehicle forfeiture** laws are enforced aggressively by the police. They actively pursue DUI drivers and recommend a course of action to the district attorney's office. The rest is up to the district attorney and the courts, but vehicle forfeiture is almost never recommended by the district attorney and almost never enforced by the courts due to family necessity.

It was suggested that impoundment and forfeiture laws are not imposed due to a lack of personnel from a field operations standpoint and regional differences in courts' sentences for alcohol offenses. Another obstacle to impoundment is that the State can only impound the vehicle that an offender owns and is driving when the offense is committed. However, many offenders own more than one vehicle, and the other vehicle remains untouched. Another problem is that when a vehicle is impounded, the storage fees occasionally exceed the value of the vehicle, and yet another problem is

that some vehicles have more than one registered owner, which often prevents impoundment or forfeiture.

For repeat offenses, the court can declare the vehicle a “nuisance vehicle” and thus confiscate it. This law, however, is very rarely used. Both vehicle forfeiture and vehicle impoundment is at the discretion of the courts.

One State contact estimated that the number of vehicle impoundments per year is in the range of 100,000 statewide. Vehicle forfeiture is used the least in California (almost never).

The court, at its discretion, imposes the **ignition interlock** for a first DUI offense. For a subsequent offense, if the person is granted a restricted license, it is mandatory that the State driver’s licensing agency administratively require the use of the ignition interlock on all vehicles that the offender uses.

The ignition interlock is not used very widely because the courts order it infrequently, and even when it is ordered, the compliance rate is low. Of the 20,000 repeat DUI offenders eligible for ignition interlock, only about 25% were actually ordered to install it and only about 20% of those ordered actually complied with that order.

Based on one State contact’s knowledge of the three vehicle sanction laws in California, **vehicle impoundment** is the most used sanction, followed by **ignition interlock**. In a distant last place is the least used sanction: **vehicle forfeiture**.

VEHICLE SANCTIONS FOR OTHER OFFENSES

A vehicle may be impounded for 30 days if the driver is arrested for reckless driving or street racing. The vehicle also can be forfeited if it is used in the sale of illegal substances.

PUBLICIZING OF CURRENT LAWS

The media publicizes new laws in the newspapers yearly regarding general DUI issues and the El Protector Program, but individual vehicle sanctions are not publicized specifically.

RECENT CHANGES AND POSSIBLE FUTURE CHANGES IN LAWS

As of summer 2004, no laws had recently been changed or abolished, but several laws were being proposed, most of which related to increasing DUI punishment. The bill proposed shortly before the 2004 interview would change the word “may” to “shall” in the vehicle impoundment law, thus making impoundment mandatory and automatic for a first DUI offense and subsequent DUI offenses. However, a State contact felt that this would probably not be adopted due to legislators feeling that the vehicle is a family necessity.

Colorado

CURRENT LAWS

Colorado has a **vehicle forfeiture** law. A vehicle used in the commission of a felony is subject to civil forfeiture. According to this law, the State can confiscate a vehicle for DWS.

Under the **ignition interlock** law, an ignition interlock device must be installed with a restricted license for at least 1 year before full license reinstatement for a DUI offense or a habitual driver offense with any previous alcohol-driving conviction within the last 5 years. People who had

their driving privileges revoked for more than 1 year either for DUI or for administrative per se violations are eligible for early license reinstatement with driving restrictions and the use of an ignition interlock device. These restrictions remain in effect for the total of the license restraint before early reinstatement or 1 year (whichever is longer).

Colorado does not appear to have any laws pertaining to **license plate confiscation, special license plates, immobilization, or vehicle impoundment.**

CURRENT PRACTICE

The **ignition interlock** program is handled administratively. The Colorado Department of Revenue, Motor Vehicle Division, administers the ignition interlock program. This law is mandatory when the revocation is longer than 1 year and is being enforced for all offenders who meet the statutory requirements. Our State contact was not aware of any reason for not enforcing the law as it is nondiscretionary. However, according to the data obtained, the initial fiscal note on the bill indicates an eligibility pool of approximately 14,000 drivers; however, fewer than 5,000 drivers have installed interlocks at this time.

Colorado's law allows for **vehicle forfeiture** for felony DWS; however, according to our State contact, the law is not being used. Law enforcement officials feel that vehicle confiscation is not worth the cost and effort. The original forfeiture law went into effect in the early 1990s. That law allowed the agencies involved in a vehicle confiscation to share in the proceeds of the sale of the vehicle, which helped offset the costs of confiscation. In the late 1990s, the law was changed so that proceeds of the sale went to drug rehabilitation centers. The confiscating agencies were left with no way to recoup the costs of confiscation, so they stopped confiscating vehicles for DWS.

VEHICLE SANCTIONS FOR OTHER OFFENSES

Vehicles are being confiscated in Colorado for offenders in Federal drug-trafficking cases.

PUBLICIZING OF CURRENT LAWS

According to our State contact, Colorado has not publicized the interlock law, as it sees no need to do so. The State is working with the courts to notify offenders that they eventually will be required to install an interlock before they can reinstate their driving privileges. The State has developed brochures that are available through the motor vehicle hearings section, and through the courts and the probation department's alcohol evaluators.

RECENT CHANGES AND POSSIBLE FUTURE CHANGES IN LAWS

As of summer 2004, no State laws had recently been changed or abolished, and no new laws had been enacted or proposed for the future. A municipal ordinance was potentially forthcoming for Denver that would allow for vehicle impoundment or confiscation pursuant to public nuisance statutes.

A 1998 change in the forfeiture law to have forfeiture proceeds go to drug rehabilitation programs has ended the use of forfeiture for felony DWS. The only vehicle forfeitures now involve drug cases under Federal seizure guidelines.

Connecticut

CURRENT LAWS

Connecticut has a **vehicle impoundment** law. The vehicle may be impounded for refusing a chemical test, which is a criminal offense and a felony DUI for a third or subsequent DUI offense. Administrative License Revocation (ALR) suspensions count as a prior DUI offense. There is also limited vehicle impoundment of 48 hours if a driver is arrested for drinking and driving while suspended or revoked. This law seems intended to prevent the offender from operating the vehicle immediately after the drinking-and-driving offense, rather than being aimed at long-term prevention of drinking and driving by offenders.

Connecticut does not appear to have any laws pertaining to **license plate confiscation, immobilization, special license plates, vehicle forfeiture, or ignition interlock.**

CURRENT PRACTICES

According to one State contact, the law that allows for long-term **vehicle impoundment** is not currently being used. Only the law regarding short-term (48-hour) impoundment is being used.

At the time of our interviews in the summer of 2004, an **ignition interlock** law for recidivist offenders had recently been adopted but had not yet been implemented. According to another State contact, Connecticut has been hesitant to enact and enforce vehicle-based sanctions. Vehicle programs have costs to administer, so the State tends to favor license sanctions and better enforcement over vehicle sanctions. License sanctions apply to a one person and can be more easily administered than vehicle sanctions, which can be problematic due to multiple owners, leases, potential for switching of license plates, and so on. Driver's license suspension is less costly to the State and more directly targeted.

A potential problem with the interlock law is that it does not clarify which agency will take the lead or where funds would come from to administer the program. Further, it does not clarify whether the courts or the DMV will administer the program and whether participation is voluntary or mandatory. It will be part of the penalty for second or subsequent DUI offenses. The interlock would take the place of the last 2 years of a 3-year sentence. Our State contact suspects that judges may be disinclined to use the program. A bill has been submitted that asks for clarification on the law, but at the time of the interview, it had not been considered.

In our State contact's opinion, the interlock program would work best if it were an administrative program rather than a judicial program, due to the bargaining that goes on during sentencing. Defendants reportedly find it easy to gain extensions from the court, which prolong the time they can avoid the interlock

VEHICLE SANCTIONS FOR OTHER OFFENSES

None.

PUBLICIZING OF CURRENT LAWS

None.

RECENT CHANGES AND POSSIBLE FUTURE CHANGES IN LAWS

As of summer 2004, no laws had recently been enacted, changed, or abolished; and except for the ignition interlock legislation no new laws had been proposed for the future.

Delaware

CURRENT LAWS

Delaware has a **license plate confiscation** law for a first time DUI offense (90 days) and subsequent DUI offenses (1 year). This law applies if the vehicle operator is driving while suspended or revoked for a DUI offense, or for an implied consent refusal of a chemical test or other situations that require mandatory license revocation.

Delaware also has an **ignition interlock** law. Delaware's ignition interlock program is both mandatory and voluntary. A first DUI offender who refuses to submit a BAC test or has a second or subsequent DUI offense is eligible for a Class D license if the offender voluntarily agrees to install an ignition interlock device. Some offenders are not eligible for this voluntary program, such as those, for example, convicted for DUI offenses related to death or serious injury or those whose licenses have been suspended or revoked. Participation in the ignition interlock program is mandatory for all previous first offenders who commit a subsequent offense. Under the mandatory ignition interlock program, the court may order defendants to operate only interlock-equipped vehicles for at least 1 year.

Delaware does not appear to have any laws pertaining to **special license plates, vehicle immobilization, vehicle impoundment, or vehicle forfeiture.**

CURRENT PRACTICES

According to our State contact, courts are not sentencing offenders to **license plate impoundment**. Our contact suggested that judges are either not aware of the law or, more likely, feel it constitutes an undue hardship to offenders and family members. Delaware law allows family members to reinstate the license if they can show hardship. The feeling may be that, if offenders are going to get their plates back anyway, why take them?

According to our State contact, the **voluntary interlock program** is going well. This program is for first offenders who are using it to shorten their period of suspension. The program, in effect since 1998, is used by approximately 100 offenders a year.

Mandatory interlock for multiple offenders just started this year, but at this point, it does not appear to be working very well. The problem is that the interlock is applied after a mandatory 1-year suspension, which gives offenders time to transfer their title to another person. The interlock law only applies to vehicles owned by the offender, so transferring the title legally allows the owner to avoid the interlock. A rough estimate is that 35% of offenders subject to mandatory interlock are transferring titles. Because the program is so new, it is too early to tell how many offenders are being sentenced to the program and the effects of the program.

VEHICLE SANCTIONS FOR OTHER OFFENSES

None identified.

PUBLICIZING OF CURRENT LAWS

When the current laws went into effect, the State conducted a small public information campaign that included public service announcements on the radio and literature disseminated through traffic courts and department of motor vehicle (DMV) offices.

RECENT CHANGES AND POSSIBLE FUTURE CHANGES IN LAWS

As of summer 2004, our State contact was unaware of any new vehicle sanctions laws proposed for the future and points out that it was very difficult to get support for the existing laws. This suggests that more stringent laws would be unlikely.

District of Columbia

CURRENT LAWS

The District of Columbia has a **vehicle registration suspension** law that suspends for 1 year the registrations of any vehicles owned by a DUI offender. An exception may be made if another individual or family member must use the vehicle. This sanction includes a **license plate suspension** component.

The District of Columbia also has a **limited vehicle impoundment** law, under which impoundment is limited to 24 hours. However, the vehicle may be released to a legally licensed driver. This law seems intended to prevent the offender from operating the vehicle immediately after the drinking-and-driving offense, rather than being aimed at long-term prevention of drinking and driving by offenders.

The District of Columbia government is authorized to establish an **ignition interlock** program for first DUI offenders if they are convicted of any subsequent DUI offense, although the specifics are not given.

The District of Columbia does not appear to have any laws pertaining to **special license plates, vehicle immobilization, vehicle impoundment, or vehicle forfeiture**.

CURRENT PRACTICES

Our contact believes that **vehicle registration and license plate suspension** is being used in the District of Columbia. After a conviction, the court notifies the DMV, which then notifies the offender that his or her registration is suspended (if the offender is the registered owner). The offender is required to surrender the vehicle's license plates, either in person or by mail. Offenders who do not comply risk sanctions for driving on a suspended registration. Our contact believes that offenders usually do surrender their vehicle plates.

The ignition interlock law has been on the books for a few years but has never been funded, so the program has not been implemented. Regulations have been drafted but not published, and funding has not been provided by the City Council. A notice of proposed rulemaking was published in May 2003. According to our contact, the program has not been discussed in a long time, so the program seems to be on hold for the time being.

VEHICLE SANCTIONS FOR OTHER OFFENSES

The District of Columbia has tried using vehicle forfeiture as a sanction against drivers soliciting prostitutes from their vehicles, but that law was ruled cruel and unusual and was dropped.

PUBLICIZING OF CURRENT LAWS

None.

RECENT CHANGES AND POSSIBLE FUTURE CHANGES IN LAWS

At the time of our interview in summer 2004, our contact said the District of Columbia plans to strengthen DUI laws in general but not vehicle sanctions.

Florida

CURRENT LAWS

Florida has a **vehicle impoundment** law, under which the vehicle that is used and owned in a first DUI offense may be impounded for 10 days. This action may not be concurrent with probation or imprisonment. For a second DUI offense within 5 years, the vehicle can be impounded for 30 days, and for a third DUI offense within 10 years, for 90 days. This applies to all vehicles owned by the offender and may not be concurrent with probation or imprisonment. However, unlike first DUI offenses, it must be concurrent with the driver's license revocation. For first, second, and third DUI offenses, these actions are conditions of mandatory probation; however, the court may decide not to order vehicle impoundment if the family has no other means of transportation. There also is a limited vehicle impoundment law for a DUI offense if at the time of the DUI offense, the offender was driving while suspended for a prior DUI offense. This law seems intended to prevent the offender from operating the vehicle immediately after the drinking-and-driving offense, rather than being aimed at long-term prevention of drinking and driving by offenders.

Florida has a **bumper sticker** law. Under general probation requirements, a court may order a convicted DUI offender to place a bumper sticker on his or her vehicle identifying himself or herself as a convicted DUI offender who is operating a vehicle on a restricted license. Alternatively, the offender may be ordered to place, at the offender's expense, an advertisement in a local newspaper with a photograph identifying himself or herself as a DUI offender. The court also may require that the offender abstain from the use of alcohol.

Florida has an **ignition interlock** law as well. An ignition interlock device is mandatory for at least 1 year for a second DUI offense if the driver qualifies for a permanent or restricted license. For a third DUI offense, the ignition interlock is mandatory for at least 2 years.

In addition, a DUI defendant who is on probation but is permitted to drive a vehicle, or who is seeking reinstatement, may be required to use an interlock-equipped vehicle for not less than 6 months. We are told that this law is rarely used. It was noted that judges theoretically have the ability to order an interlock for any offender.

Florida does not appear to have any laws pertaining **license plate confiscation, vehicle immobilization, vehicle forfeiture, or special license plates**. There is, however, a provision for use of a bumper sticker on the vehicle that identifies the person as a convicted DUI offender on a restricted license.

CURRENT PRACTICES

As of the time of our interview, Florida's **ignition interlock** program had experienced a troubled history. Pending litigation on the interlock involves both its constitutionality and whether it should be ordered administratively. The motor vehicle administration (MVA) had already lost a

court case in which the court found that only courts could order the interlock. Pending legislation would resolve the issue by giving MVA the authority to order the interlock. The lawsuits mostly stem from the administration ordering the interlock even if the judge does not. Some offenders, who had already reinstated and thought they had filled all requirements, were being told to install an interlock. The law, adopted in July 2002, was not to become effective until July 1, 2003. This allowed time for the MVA to organize its program. A vendor was selected to be the single statewide vendor. A second major vendor objected and took the administration to court. This caused a delay; consequently, the administration's interlock program was not ready until February 1, 2004. Once the program was underway, the administration started requiring all offenders back to July 1, 2002, to participate in the interlock program when they come in for reinstatement.

Currently, around 1,300 devices are installed statewide. Determining the proportion of those on the interlock compared to those eligible is problematic because of questions regarding who should be considered eligible. The MVA wants to consider all offenders since July 1, 2002, who are eligible for reinstatement to be eligible for the interlock, but this is being challenged by the courts and others. Our State contact's rough estimate is that there are about 20,000 eligible, but approximately 80% of those are questionable because they were not court-ordered. Florida's vendors were installing about 100 devices a week at the time of the interview. They were anticipating about 5,000 new installs a year into the future.

Some other problems related to interlock programs follow:

- The biggest problem is the number of offenders they can serve and the number of locations. Vendors can only operate so many service centers and still be profitable. Florida interlock guidelines say that vendors must have at least one service center within 100 miles of every client. This means that some people may need to drive about 2 hours, one way, to get service.
- A number of people have medical problems that prevent them from using devices (e.g., insufficient air to blow, facial problems making it impossible to get a seal on the tube when blowing, or a tracheotomy that makes it impossible to blow into the tube to get an accurate reading). The law does not address these issues. These offenders must install and use interlocks to reinstate their licenses because there is no hard suspension alternative. So effectively, they are permanently prevented from getting their licenses back.
- The law has no provisions for those who want a license but do not own a vehicle. Examples of this are offenders who only own motorcycles or who want licenses to drive vehicles they do not own. There was a suggestion that such offenders might be motivated to put the device on someone else's vehicle. Theoretically, an offender could install an interlock on a vehicle that he or she neither owns nor has permission to alter. Although this should not happen, it is possible such a case "could slip through," even though interlock vendors seem conscientious about determining that owners have given permission to have devices installed.

Because the program had only been in place for a few months at the time of the interview, it was not possible to determine the program's effectiveness.

We were unable to find a State contact who could discuss the extent to which **immobilization** and **impoundment** was occurring. Those with whom we discussed it were not aware of any cases of vehicles being impounded or immobilized by the courts.

VEHICLE SANCTIONS FOR OTHER OFFENSES

None.

PUBLICIZING OF CURRENT LAWS

The controversy surrounding the interlock program had been in the newspapers. Before that, there were press releases to let Floridians know it was coming. Our State contact did not feel this publicity was originally intended to have deterrent effects on driving under the influence.

RECENT CHANGES AND POSSIBLE FUTURE CHANGES IN LAWS

See discussions on ignition interlock under “Current Practices,” above.

Georgia

CURRENT LAWS

Georgia has a **license plate confiscation** law. Under the habitual traffic offender law, offenders who commit a second or subsequent DUI offense (within 5 years) may have the license plates of all the vehicles they own confiscated by the courts. **Specially numbered license plates** may be issued if the offender has a limited or probationary license or if a member of the household requires use of the vehicle due to hardship. This sanction appears to remain in place for 5 year. These special plates do not constitute probable cause to stop the vehicle.

Georgia also has a **vehicle forfeiture** law. A vehicle is subject to forfeiture for a fourth or subsequent DUI offense if the offender was operating the vehicle while under habitual offender status based on three prior DUI convictions. This only applies if the offender is declared a habitual offender; however, it is possible to get a fourth offense and NOT be declared habitual offender. The court may order the vehicle’s title to be transferred to another family member due to hardship.

Georgia has an **ignition interlock** law. For a second or subsequent offense, an offender who receives probation under the habitual offender status (based on two or more DUI convictions within 5 years) is required to use an ignition interlock device for the first 6 months of the probationary license period.

Georgia does not appear to have any laws pertaining to **vehicle impoundment or vehicle immobilization**.

CURRENT PRACTICES

Our State contacts were not aware of any cases of **vehicle forfeiture** being used.

We were told that courts are ordering **license plate confiscation**; however, a private misdemeanor probation company enforces the order. The offender must take the plate to the company. It appears that, if the vehicle being used at the time of arrest is owned by the offender, the police can confiscate the license plate at the scene. If the offender wants to appeal to get a **special replacement license plate**, there is a hearing, handled by the Department of Motor Vehicle Safety (DMVS), to see if the offender is eligible for the special tag. Sale or transfer of the sanctioned vehicle can only occur with approval of the State DMVS.

The **ignition interlock** program is being used. A problem they have experienced with the program is NHTSA’s requirement for 1 year of hard suspension, followed by 6 months on the

interlock. In addition to administrative sanctions, there are court sanctions that include misdemeanor probation of 12 months. The offender's probation period ends at the same time the interlock is supposed to be installed. The problem is that offenders are finding it difficult to meet all the court and administrative requirements for reinstatement, so they opt not to reinstate and therefore never get the interlock. Because offenders are not reinstating, driving while suspended is "epidemic."

As with other States, offenders who do not own vehicles cannot have interlocks installed and, therefore, cannot reinstate their licenses. It was reported that there are serious consequences for driving a vehicle without an interlock if the interlock has been ordered.

VEHICLE SANCTIONS FOR OTHER OFFENSES

Vehicle forfeiture is a sanction for offenders classified as habitual violators. There are other offenses that can lead to this classification (and vehicle forfeiture), that do not involve DUI, DWS, or test refusal.

PUBLICIZING OF CURRENT LAWS

Our State contact expressed the belief that vehicle sanctions are publicized through public service announcements and in school programs. It also was noted that DUI attorneys tend to include information about vehicle sanctions in their advertising.

RECENT CHANGES AND POSSIBLE FUTURE CHANGES IN LAWS

As of summer 2004, no laws had recently been enacted, changed, or abolished; and no new laws had been proposed for the future.

Hawaii

CURRENT LAWS

Hawaii has **vehicle registration revocation and license plate suspension** laws. The registration of all vehicles owned by an offender must be revoked for the same period as his or her license for a second or subsequent DUI offense, or for refusing to submit to a chemical breath test under the implied consent law. Special registrations with **special license plates** may be issued in hardship situations for household members or co-owners.

Hawaii does not appear to have any laws pertaining to **vehicle impoundment, vehicle immobilization, vehicle forfeiture, or ignition interlock**.

CURRENT PRACTICES

Vehicle registration revocation with license plate suspension is a motor vehicle administration sanction. It is mandatory for a second or subsequent DUI offense. According to our State contact, this law is enforced because it is the only vehicle sanction law that Hawaii currently has. There was no information available, however, on the extent of that enforcement. The contact knew of no reason why this law would not be enforced, as it is clearly mandatory under specific conditions.

Upon learning that an offender has prior alcohol offenses, the officer is supposed to confiscate the license plate at the time of arrest. A temporary license can be issued. When the administration gets administrative per se paperwork from the case, a hold is placed on the vehicle's file, so the vehicle cannot be sold, the registration/license cannot be renewed, and so on. Once the

administration examines the facts of the case, it makes a determination as to whether the sanctions will be enforced. In most cases they are. The administration then sends a letter to the offender. If the plates were not confiscated at the time of arrest, the letter informs the offender that he or she must send in the license plates. In actuality, license plate confiscation does not happen frequently. Family members can request a hardship license for the vehicle, which if granted would provide a **special license plate** with a special number.

VEHICLE SANCTIONS FOR OTHER OFFENSES

Vehicles can be confiscated for street racing.

PUBLICIZING OF CURRENT LAWS

The laws were only publicized when they were first enacted. Currently, only DUI checkpoints are publicized with an occasional mention of possible vehicle registration revocations.

RECENT CHANGES AND POSSIBLE FUTURE CHANGES IN LAWS

As of summer 2004, no laws had recently been changed or abolished, and no new laws had been enacted or proposed for the future. There have been discussions regarding increased use of forfeiture. We are told that the general culture in Hawaii results in reluctance to adopt such laws for fear of interfering too much with individual freedoms. Additionally, there is resistance because there are no mechanisms in place to deal with storage and liability issues.

Idaho

CURRENT LAWS

Idaho has an **ignition interlock** law, under which ignition interlock devices are optional for first DUI offenses and required for subsequent offenses following the license suspension.

Idaho does not appear to have any laws pertaining to the **special license plates, license plate confiscation, vehicle impoundment, vehicle immobilization, or vehicle forfeiture.**

CURRENT PRACTICES

According to our State contact, the **ignition interlock** law is being enforced about 50% of the time. Ignition interlock orders are being received from 22 of all 44 counties. The reason for not enforcing the law is that many judges do not believe in the value of the interlock because it is not 100% foolproof. Another reason is that if there is a failure in the test, it may not be discovered until 30 to 60 days after the fact. Judges do not want to wait 60 days to know whether offenders failed a test; they want to know in a day or two. There is also a Catch-22 concerning judges' willingness to order interlocks given the availability of vendors. The vendors are not going to open a shop in an area if the judges are not going to order interlocks, and the judges are not ordering interlocks because there is a lack of vendors or they are too far away. The program is being enforced more in the cities. The ignition interlock restriction is tied to the driver's license, just like other types of restrictions. When an officer runs a check on the license, the record will show that the ignition interlock should be installed in the vehicle.

It was reported that probation officers feel the program is working well, and no problems have been associated with the interlocks.

Statewide, approximately 500 orders were received in 2003 of which about 140 were installed. Idaho has about 10,000 DUI arrests per year from which about 8,000 to 9,000 are convicted. Given the number of convictions, it is probable that 500 or more repeat DUI offenders are eligible for the interlock. It is possible that courts are not enforcing the mandatory interlock due to plea-bargaining. Some courts are overburdened and if a person wants to plead guilty for a first offense, it will reduce the court's costs and time. Our contact suspected that some judges are simply ignoring the law.

The ignition interlock law was described as being very clear and sufficient.

VEHICLE SANCTIONS FOR OTHER OFFENSES

None.

PUBLICIZING OF CURRENT LAWS

In the beginning, the ignition interlock law was publicized on the radio, on the television, and in the newspapers. Judges, prosecuting attorneys, and probation officers were all provided with a booklet that explained a change in the law. Personal visits also were made to judges to explain the program.

RECENT CHANGES AND POSSIBLE FUTURE CHANGES IN LAWS

As of summer 2004, no laws had recently been enacted, changed, or abolished; and no new laws had been proposed for the future.

Illinois

CURRENT LAWS

Illinois has a **vehicle impoundment** law. If the DUI offender is the registered owner, then the vehicle can be impounded for 24 hours for a second DUI offense and 48 hours for a third DUI offense. The vehicle may be released sooner to a competent, licensed driver with the owner's consent. There also is a limited vehicle impoundment law, under which law enforcement can impound a driver's vehicle for not more than 12 hours following a DUI arrest. Limited impoundment may be used if the officers "reasonably believe" that the arrested offender will commit another DUI offense if released. This law seems intended to prevent the offender from operating the vehicle immediately after the drinking-and-driving offense, rather than being aimed at long-term prevention of drinking and driving by offenders.

Under Illinois's **vehicle immobilization** law, an offender's vehicle can be immobilized if the offender is convicted of a fourth DUI offense. The period of immobilization is determined by the court. Driving while suspended for a DUI also can result in vehicle immobilization.

Illinois has a **license plate confiscation** law. If an offender is convicted of a fourth DUI offense, the offender's vehicle is subject to license plate seizure. Driving while suspended for a DUI also can result in license plate confiscation.

Illinois has a **vehicle forfeiture** law. A vehicle used by an offender, with the knowledge and consent of the owner, can be forfeited for a second DUI offense if the offender has had prior alcohol-related, drug-related, or homicide offenses, or for a third or subsequent DUI offense. Vehicle forfeiture, however, is not mandatory for any of these offenses. If financial hardship can be shown,

the vehicle will not be forfeited but its title must be transferred to either a spouse or other family member.

Illinois has an **ignition interlock** law. Offenders who commit a second or subsequent DUI offense shall be required to install ignition interlock devices on all vehicles that they own or use. The law does not provide a period for ignition interlock use.

Illinois does not appear to have any laws pertaining to **special license plates**.

CURRENT PRACTICES

License plate confiscation and **vehicle immobilization** are both used rarely. **Vehicle impoundment** initially was used aggressively; however, the agencies filled the vehicle storage space within 2 months. Consequently, the pace of vehicle impoundment slowed, but it still is being used.

Vehicle forfeiture primarily is used for driving under the influence of drugs (other than alcohol) or for transporting contraband. It is less used for driving under the influence of alcohol offenses.

The **ignition interlock** is gaining popularity. There are approximately 1,400 interlock devices administered by the Secretary of State's office. This is an option for second offenders. There are 50,000 DUI arrests in Illinois, of which approximately 75% are for first offenses and 25% are for second offenses. Ignition interlock is optional for use by the courts, as it is not mandated.

Our State contact felt that the short-term vehicle impoundment law is the State's most effective vehicle sanction law. This law allows for 12-, 24-, and 48-hour impoundment of the vehicle, and it is used frequently. It keeps dangerous drivers off the roadway while they are still under the influence. The ignition interlock also was described as being successful.

VEHICLE SANCTIONS FOR OTHER OFFENSES

Vehicle forfeiture primarily is used for driving under the influence of drugs (other than alcohol) or for transporting contraband.

PUBLICIZING OF CURRENT LAWS

Local news media publicizes new legislation, including adoption of vehicle sanctions laws.

RECENT CHANGES AND POSSIBLE FUTURE CHANGES IN LAWS

A bill introduced in January 2004 was still going through the legislative process at the time of the interview in summer 2004. It proposes to prohibit the purchase of a vehicle in Illinois by anyone whose license is suspended or revoked for a DUI, and if a purchase is made, the vehicle can be confiscated by law enforcement.

Indiana

CURRENT LAWS

Indiana has a **vehicle registration suspension** law, under which the vehicle's registration will be suspended or revoked for a second or subsequent offense for a period of 6 months.

Under Indiana's **ignition interlock** law, the court may require the use of interlock-equipped vehicles as a condition of probationary driving privileges. The period of interlock usage is

determined by the court, but it may not exceed the maximum prison sentence. Probationary restricted driving privileges with only interlock-equipped vehicles also may be granted for an illegal per se/intoxicated offense if the offense occurs within 10 years of a previous conviction.

Indiana does not have any laws pertaining to **license plate confiscation, special license plates, vehicle immobilization, vehicle impoundment, or vehicle forfeiture.**

CURRENT PRACTICES

Vehicle registration suspension can be processed either administratively or by the courts. For a second offense, vehicle registration suspension is mandatory in that the court recommends it, and the Bureau of Motor Vehicles has to follow the order of the court. It is enforced all of the time and very often.

Ignition interlock is only dealt with in the courts and is used at the discretion of the judge; consequently, it is enforced in some areas but not in others. Some judges believe in the value of the ignition interlock and impose it on every single offender. Other judges do not use it all for several reasons: they do not believe that it is reliable and they believe it can be circumvented, or they think it is too expensive. Further, some judges use their own probation program for offenders instead of requiring an interlock.

Hancock County Judge Richard Culver is nationally recognized through NHTSA and has an ignition interlock program he uses for every offender that goes through his court. He has traveled around the country talking with judges about his ignition interlock program. A study (Voas et al., 2002) was funded by NHTSA a few years ago on Judge Culver's ignition interlock program in Hancock County. It was this study that first showed that offering the ignition interlock as an alternative to house arrest or incarceration greatly increased the participation rates in the interlock program.

VEHICLE SANCTIONS FOR OTHER OFFENSES

The vehicle can be confiscated for contraband, or the vehicle's registration can be suspended for not carrying insurance.

PUBLICIZING OF CURRENT LAWS

In counties where ignition interlock is highly used, it also is highly publicized; in counties where it is not used or barely used, the public knows little or nothing about it.

RECENT CHANGES AND POSSIBLE FUTURE CHANGES IN LAWS

As of summer 2004, no laws had recently been enacted, changed, or abolished; and no new laws had been proposed for the future.

Iowa

CURRENT LAWS

Iowa has a **vehicle impoundment**, and an **immobilization** law. For a second or subsequent DUI offense, the vehicle owned and used by the offender can be impounded or immobilized and the license plate seized (and registration confiscated if the vehicle is in custody) by law enforcement authorities. New registration plates are issued only at the end of the driver's license revocation period or 180 days, whichever is longer. A vehicle also is subject to **license plate impoundment** if the

vehicle was driven by the offender while still under suspension for a prior DUI offense. Another law prohibits second and subsequent DUI offenders from buying, selling, or transferring vehicles. If there is a hardship to a family member, then this action may be replaced by having an ignition interlock installed on the vehicle.

Iowa has an **ignition interlock** law, under which a DUI offender may be required to install ignition interlocks on all vehicles they own. A second or subsequent repeat offender may be granted restricted driving privileges after a mandatory revocation period, provided they install ignition interlocks on all vehicles they own. Before reinstating driving privileges following second or subsequent offenses, the State requires that all offender-owned vehicles be equipped with ignition interlocks for 1 year. For a first or subsequent chemical test refusal, a restricted license may be issued for education, treatment, or employment; however, the restricted license can only be obtained if the offender installs ignition interlock devices on all the vehicles the offender owns. The court is prohibited from issuing restricted licenses to drivers age 20 and younger for chemical test refusals.

Under Iowa's **vehicle forfeiture** law, an offender's vehicle can be forfeited for a second or subsequent offense if they drive while still under revocation for a DUI offense.

Iowa does not appear to have any laws pertaining to **special license plates**.

CURRENT PRACTICES

Under the existing **ignition interlock** laws, sanctions are imposed by the courts. Interlocks must be installed as a condition of obtaining a restricted license.

Vehicle forfeiture is not being used. Our State contact was unaware of any forfeitures occurring in Iowa, despite having two offenses under which forfeiture could be imposed.

Vehicle immobilization sanctions are imposed by the courts only upon conviction. However, the owner can transfer the title before conviction, thereby avoiding immobilization. Immobilization laws are mandatory; however, most courts do not follow through on it due to the transferring of titles. If the title is not transferred before conviction, then the courts are mandated to immobilize the vehicle.

There also is a **vehicle impoundment** option that law enforcement can exercise when offenders are arrested. The vehicle impoundment law is discretionary. Impoundment is not often imposed by law enforcement officers because if there is a co-owner, a lien, or any type of security interest, the vehicle must be released at no cost, and the law enforcement agency cannot recoup the cost of impoundment.

Our contact did not know the extent to which **license plate impoundment** being used.

Our State contact felt that the **ignition interlock** program in Iowa is probably the most comprehensive in the country. In 2003, the drinking-and-driving laws were changed so that offenders with a BAC of .08 to .10 could get a temporary restricted license without being required to install an interlock device. Therefore, even though more people have been convicted of drinking and driving, this has not increased the number of people required to install an ignition interlock. All offenders with a BAC of .10 or higher must have an ignition interlock installed. Our State contact was not able to estimate the extent to which the interlock program is being used among those eligible.

VEHICLE SANCTIONS FOR OTHER OFFENSES

License plates can be confiscated for not having insurance as well as vehicle forfeiture for illegal drugs.

PUBLICIZING OF CURRENT LAWS

Publicity has not been widely used in terms of vehicle sanctions.

RECENT CHANGES AND POSSIBLE FUTURE CHANGES IN LAWS

As of summer 2004, no laws had recently been enacted, changed, or abolished; and no new laws had been proposed for the future.

KANSAS

CURRENT LAWS

Kansas has a **license plate revocation** law, under which on a fourth or subsequent DUI offense, the license plates of the vehicle used in the offense may be revoked for 1 year.

Under Kansas's **ignition interlock** law, drivers committing a first DUI offense may have their driving privileges restricted to use only for educational, employment, or medical reasons for 90 days up to 1 year. Alternatively, the court may require the offender to operate only vehicles equipped with ignition interlocks. For second or subsequent DUI offenses, the ignition interlock device is mandatory for 1 year after license reinstatement.

For DUI violations, judges, at their discretion, may order **vehicle impoundment** or **immobilization** of the vehicle used in the offense, for up to 1 year. The offender pays all costs. Judges must take into account hardship to family. This law went into effect on July 1, 2003.

This State does not appear to have any laws pertaining to **special license plates** or **vehicle forfeiture**.

CURRENT PRACTICE

Our State contact had only heard of two cases of **vehicle impoundment/immobilization** since the law was enacted approximately a year earlier; however, this does not mean there are not more cases.

The **ignition interlock** has been considered mandatory since July 1, 2001. From January 2004 to March 2004, 318 devices had been installed. After hard suspension has ended, offenders must choose between additional suspension time and interlock-restricted driving for an additional span of time.

Although the interlock is considered mandatory, it is not strictly enforced. Offenders who do not install the interlock, but choose to drive anyway, risk being caught for driving without the interlock, which subjects them to the possibility of a 2-year suspension. Our State contact did not have firm numbers but thought the percentage of those installing the interlocks was low. Cost was the primary reason offenders' reported for choosing not to get the interlock, but there also was an aversion to imposing the interlock on their family members.

License plate revocation is rare and usually is imposed because of insurance cancellation. Revocation for a fourth DUI would be by court order, which is seldom, if ever, issued by the court. Our State contact had never seen one. There was some doubt as to whether judges are aware of the law.

VEHICLE SANCTIONS FOR OTHER OFFENSES

Our State contact was not aware of any other vehicle sanctions for other offenses.

PUBLICIZING OF CURRENT LAWS

New laws are generally publicized through press releases and coverage on news.

RECENT CHANGES AND POSSIBLE FUTURE CHANGES IN LAWS

The vehicle impoundment and immobilization laws went into effect in July 2003.

Kentucky

CURRENT LAWS

Kentucky has a **license plate confiscation** law. For second or subsequent DUI offenses, the court must either order the use of ignition interlocks on all vehicles owned by the offender or impound the license plates of all vehicles owned by the offender for a period not to exceed the license action. A hardship exemption is available to allow family members to use the vehicles.

Kentucky has an **ignition interlock** law. Second and subsequent DUI offenders must wait at least 1 year from the start of their license revocation period before the court can grant permission to use ignition interlocks as an alternative to license plate impoundment.

This State does not appear to have any laws pertaining to **special license plates, vehicle immobilization, vehicle impoundment, or vehicle forfeiture**.

CURRENT PRACTICES

Two State contacts had the impression that the **interlock program** is not used very much; however, it is difficult to know for sure. Determining the extent to which offenders are being sentenced to the interlock program would require contacting officials from many courts.

State contacts felt that the **license plate suspension** program is being used more than the interlock program. If the court decides to confiscate the plate, it can be retained for 12 to 18 months for a second offense and longer for a third offense. Courts will give offenders a specific amount of time to send or bring the plate in to a clerk's office. When the plate is received, it is sent to the motor vehicle licensing agency. The plate is destroyed, the vehicle registration is suspended, and the offender's social security number is "blocked" in the records so the offender cannot register another vehicle. After offenders are reinstated, and can show proof of that reinstatement and that all other requirements have been met, their social security number is unblocked so they can obtain a new license plate for the vehicle. A rough estimate of the number of plate confiscations was 5 to 20 a day. If that is accurate, the yearly total would be between 1,825 and 7,300.

VEHICLE SANCTIONS FOR OTHER OFFENSES

None identified.

PUBLICIZING OF CURRENT LAWS

None.

RECENT CHANGES AND POSSIBLE FUTURE CHANGES IN LAWS

As of summer 2004, none of our State contacts was aware of any pending legislation. One State contact noted that the DUI fatality rate in Kentucky has fallen. Previously, the State was higher than the national average; currently, it is among the lowest 10 States. The State contact expressed the opinion that officials in Kentucky feel that the current laws are sufficient.

Louisiana

CURRENT LAWS

Louisiana has a **vehicle forfeiture** law for third or subsequent DUI offenses. If the vehicle used in the offense is owned by the offender, then it shall be forfeited.

Louisiana also has an **ignition interlock** law. Offenders committing a second DUI offense within 5 years of a first offense receive a 12-month mandatory license suspension/revocation, except when an ignition interlock is authorized. For a third or subsequent DUI offense within 5 years, offenders receive a 24-month mandatory license suspension/revocation, except when an ignition interlock is authorized. For a first DUI offense, the court may require an offender who has been placed on probation to operate only interlock-equipped vehicles during the probation period. For second and subsequent DUI offenses, the court must require an offender who has been placed on probation to operate only interlock-equipped vehicles during the probation period or for at least 6 months. This does not apply to employer-owned vehicles. For offenders age 20 and younger, the courts can grant restricted driving privileges for the entire period without the use of an ignition interlock.

Louisiana does not appear to have any laws pertaining to special **license plates, license plate confiscation, vehicle impoundment, or vehicle immobilization.**

CURRENT PRACTICES

Vehicle forfeiture is imposed by the courts. The law is mandatory for a third or subsequent offense only if all conditions are met (e.g., if the vehicle is owned by the offender). In practice, vehicle forfeiture is almost never enforced and is seldom used. One reason is that not many people are convicted of a third DUI offense. Additionally, attempts at forfeiture are normally defeated due to the community property interest of the spouse or a lien on the vehicle.

Ignition interlock can be imposed by the courts or administratively by the Department of Public Safety. The ignition interlock device was described as being a “growth industry” in Louisiana. The State started out with three vendors and now has five. According to our State contact, most of the judges in Louisiana like the ignition interlock and encourage everybody with alcohol-related offenses to get one. The orders from judges are increasing because the interlock enables offenders to use their vehicles for work.

One State contact related a problem that occurred with an interlock vendor. When most manufacturers’ representatives check for tampering with devices, they uninstall the entire device in person. One manufacturer had a module that an offender could pull out and send in by mail, and the manufacturer provided a replacement module to the offender. Sometimes, however, the modules being sent back to the offenders were not received. Offenders suggested that they had been lost in the mail, although it is probable that some offenders did not mail them to the manufacturer in order to

escape detection of tampering attempts. In cases where modules arrived late, this usually meant that tampering attempts were undetected for as much as several weeks.

One factor that may be limiting the number of interlocks assigned is related to the fact that the interlock is not applicable to first offenders and is not mandatory for second offenders. Not only are first and second offenders the vast majority, but there is some financial benefit for the courts in finding offenders guilty of first and second offenses because funds are provided to the courts and others for first and second convictions, but not for subsequent offenses.

Our State contact was unaware of any way to determine the proportion of those eligible for vehicle sanctions that actually received them.

VEHICLE SANCTIONS FOR OTHER OFFENSES

A vehicle can be forfeited if the driver is not carrying proof of insurance. For this offense, the vehicle can be taken to a storage lot where charges will accumulate (up to 48 hours) until the owner provides proof of insurance coverage. The vehicle also can be forfeited for weapon and illegal drug charges.

PUBLICIZING OF CURRENT LAWS

Driving without insurance, for which an offender's vehicle can be seized, has received a lot of publicity. This offense has been stressed at DUI checkpoints, which also have been publicized.

RECENT CHANGES AND POSSIBLE FUTURE CHANGES IN LAWS

As of summer 2004, no laws had recently been enacted, changed, or abolished; and no new laws had been proposed for the future.

Maine

CURRENT LAWS

Maine has both **license plate suspension** and **vehicle registration suspension** laws. State officials are given broad authority for "any cause" considered "sufficient" to suspend a vehicle owner's registration or certificate of title. For a second and subsequent DUI offense, the offender's vehicle registration and license plates must be suspended for the same length of time as the license is suspended. Hardship exemptions may be made for a family member concerning the use of the vehicle.

Maine also has a **temporary vehicle impoundment** law. The vehicle used in a DUI offense, or for driving while suspended for a prior DUI offense, may be seized; however, the vehicle may be released after 8 hours. This law seems intended to prevent the offender from operating the vehicle immediately after the drinking-and-driving offense, rather than being aimed at long-term prevention of drinking and driving by offenders.

Maine's **vehicle forfeiture** law applies to vehicles being driven by offenders who commit a DUI offense while being suspended for a prior DUI offense. For this offense, the vehicle must be forfeited.

Maine does not appear to have any laws pertaining to **ignition interlock**, **special license plates**, or **immobilization**.

CURRENT PRACTICES

It appears from reading the **vehicle forfeiture** law that the vehicle *must* be forfeited if conditions are met. According to our State contact, however, forfeiture occurs only if proceedings are instituted, which does not happen often. District attorneys decide whether to go forward with forfeiture, based on whether liens can be satisfied and still have some excess funds that go to the State. Vehicles with no equity are not worth the cost of forfeiture. The estimated number of forfeitures a year was only 1 or 2 of the 300 to 500 eligible cases.

Maine did have an **ignition interlock** law that was repealed on June 10, 1999. The problem was the cost. Offenders who may have been eligible for the program could not afford it because the insurance requirements were so high. To participate in the program, offenders needed to pay for high-risk insurance that covered “combined single-limit liability up to \$600,000.” This amount not only was unaffordable, but also was not offered by most insurance companies. Insurance companies offered increments of \$500,000 or \$1 million. So the \$600,000 requirement meant purchasing \$1 million insurance policy, which no one could afford. Our State contact estimated that approximately 12 people in 4 years installed interlocks. With so few people using the interlock, the vendor could not make a profit, so it left.

There are two kinds of **license plate/registration suspension**: (1) The court routinely sentences plate and registration suspension for second and subsequent violations (our State contact estimates 99% of the time). If hardship can be proven, the judge can reassign the vehicle to a family member, which is common. (2) The broad authority given to the State officials to suspend the license plate or registration is not often used. State officials are not inclined to use it for a first offense, and they do not need it for a second or subsequent because courts impose it automatically. They might impose it for a DWS, but would do so infrequently.

The number of **vehicle forfeitures** is unknown. To obtain this information, we would have to contact each of the 13 to 14 county district attorneys, and they would have to make estimates. Our State contact knows that no one is recording this information because he went through a similar exercise previously.

VEHICLE SANCTIONS FOR OTHER OFFENSES

None.

PUBLICIZING OF CURRENT LAWS

Although it is no longer a law, when the interlock program was adopted following the creation of a State drinking-and-driving task force, much publicity surrounded the task force and its recommendations. However, there was no additional ongoing publicity after the law was enacted.

RECENT CHANGES AND POSSIBLE FUTURE CHANGES IN LAWS

The repeal of interlock law in 1999 is discussed above. As of summer 2004, there were no other changes.

Maryland

CURRENT LAWS

Maryland has a **vehicle registration suspension** law. A vehicle's registration can be suspended for not more than 120 days if the driver's license is currently suspended for a prior alcohol offense.

Maryland also has **vehicle impoundment** and **license plate suspension** laws. In addition to suspending the vehicle's registration, the vehicle can be impounded or immobilized (by suspending license plates) for not more than 180 days if the driver's license is currently suspended for a prior alcohol offense.

Under Maryland's **ignition interlock** law, the licensing agency may establish an ignition interlock program for drivers convicted of an alcohol offense. Offenders may be issued a restricted license if they participate in the ignition interlock program. If a driver commits a fourth or subsequent offense, the driver is considered a "habitual offender" and cannot have driving privileges restored until the driver has participated in the ignition interlock program for at least 24 months. Drivers who have violated the implied consent laws by refusing a first, second, and subsequent chemical test can be issued a restricted license or a modified license suspension, provided they participate in an ignition interlock program for at least 1 year. In the case of probation, the court may order a defendant to operate only an interlock-equipped vehicle.

The Motor Vehicle Administration (MVA), under Maryland law, may suspend license plates as the result of an alcohol charge.

Maryland does not appear to have any laws pertaining to **immobilization, special license plates, or vehicle forfeiture**.

CURRENT PRACTICES

Our State contact assumes that **vehicle registration suspension** is being accomplished at the discretion of the administrative law judge at MVA. The suspension would result from a hearing.

Legally, the State can **impound vehicles**, but it does not because of the many complications (e.g., costs of storage and towing).

The MVA can suspend the **license plates** of a vehicle that is driven by an offender convicted of DWS as result of an alcohol charge. The burden of proof falls on the MVA to prove that the vehicle owner, if not the offender, knew that the offender was suspended or revoked. The State stopped suspending license plates in 2003 due to the cost of the burden of proof. In 2003, the State processed roughly 700 cases and only suspended 11 license plates. In most cases, the vehicle belonged to someone else. This was because the offender had no insurance and, therefore, could not own a vehicle. The owner of the vehicle usually will appeal.

There are various ways for an offender to enter the **ignition interlock** program: the judge can sentence an offender to it, the MVA can assign an offender to it, and the medical advisory board can refer an offender to it. Sometimes it is not assigned by the MVA but by an administrative law judge. This occurs when the offender goes to the hearing and the administrative law judge "modifies the proposed action." Administrative law judges may or may not assign an ignition interlock, depending in part on the presence of financial hardship. There has been a problem in defining financial hardship. Standards have been created and added to regulations. Offenders need documented proof of income and family size.

There are a few referrals to the interlock program from the court. Most of those are monitored by the parole and probation program or the drinking-and-driving monitoring program. When offenders receive a referral, the interlock program staff makes sure the offender is eligible. Offenders must show proof of interlock installation to receive a restricted license. Interlock program staff ensures issuance of a restricted license that allows operation of an interlock-equipped vehicle only. The program staff monitors participants, downloading data every 30 days. They monitor the number of starts/stops, violations (i.e., a recorded BAC higher than .025), rolling retest refusals, and attempts to bypass or circumvent the device. After a first violation, offenders get a warning. After subsequent violations, the State can impose the original sanctions. Our State contact said that the State prefers to keep offenders in the program and, in case of violations, refers them to the medical advisory panel for evaluation.

If an offender's data record shows a low number of starts, investigators go out to see why. A record of fewer starts than normal might indicate that offenders are driving a non-interlock-equipped vehicle. Investigators can issue tickets to offenders who appear to be circumventing the system.

As part of the interlock program, the State program staff also monitors service providers. According to our State contact, "If you don't monitor both (offender and provider), you don't know what's going on." Random inspections of interlock providers are conducted, and inspectors can close stations for operating improperly. Program staff also has had devices installed on State vehicles to conduct field tests of interlock equipment.

The interlock program staff has been trained on interlock installations. As a team, inspectors with auto mechanics conduct vendor inspections. Mechanics have been used to provide expert testimony in court (e.g., when the mechanic testifies that the device had been bypassed).

Quite a few offenders accept the interlock and then drop out when they find out how much it costs.

VEHICLE SANCTIONS FOR OTHER OFFENSES

Our State contact believes that vehicles are confiscated for drug trafficking.

PUBLICIZING OF CURRENT LAWS

None.

RECENT CHANGES AND POSSIBLE FUTURE CHANGES IN LAWS

As of summer 2004, no laws had recently been enacted, changed, or abolished; and no new laws had been proposed for the future.

Massachusetts

CURRENT LAWS

All vehicle sanctions laws in Massachusetts are imposed by the Registrar of Motor Vehicles (head of the Registry of Motor Vehicles, RMV).

At the time of our interview (spring 2004), we were told that there would be an **ignition interlock** program in place within 6 months. At that time, it had been announced by the governor. The law will require an interlock be installed on the vehicle of a drinking driver who has two or more

offenses and *requests and receives* a hardship license. Although not mandated by statute, the registrar is authorized to require such a device by Massachusetts General Law, Chapter 90, 24(1)C(2),(3),(3.5). This allows the registrar to issue hardship licenses under the terms and conditions the registrar prescribes. The new law will mandate interlocks, not just allow them. This effectively results in an offender making a choice between serving out revocation or getting a hardship license with an interlock. Because the new law applies to holders of hardship licenses, offenders who wait out the revocation period rather than applying for hardship licenses would not be required to obtain an interlock.

The State has a law concerning **license plate and registration revocation** (Chapter 90, Section 23, in statute). An offender who drives while revoked is considered an immediate threat; therefore, the police will seize the license plate and notify the registry. If an offender is caught driving while revoked but the vehicle is registered to someone else, the owner must come in for a hearing. The registrar *may* suspend the owner's registration (but not seize the plates) if it appears the owner knew the vehicle was being driven by someone with a suspended license. A more general law (Chapter 90, Section 22A) states that the registrar can revoke the license and registration of a driver who is believed to be a threat to safety.

Massachusetts does not appear to have any sanction laws pertaining to the **special license plates, vehicle immobilization, vehicle impoundment, or vehicle forfeiture**.

CURRENT PRACTICES

Vehicle registrations are being seized; however, the percentage of seizures is not known. The RMV defers to law enforcement personnel to make the decision to seize the vehicle registration plates. In the past, the RMV has issued advisories informing law enforcement of the process to be completed if plates are seized. Police officers determine whether the operator is driving his or her own vehicle. For those vehicles having plates and registrations seized, the officer would seize the plate and the registration, and then report it to the RMV. The RMV would then suspend/revoke the vehicle registration.

VEHICLE SANCTIONS FOR OTHER OFFENSES

None identified.

PUBLICIZING OF CURRENT LAWS

The interlock law had received some discussion in the press. No other publicity for vehicle sanctions was being pursued.

RECENT CHANGES OR POSSIBLE FUTURE CHANGES IN LAWS

As of summer 2004, the interlock law was in the process of being implemented. There were no other new vehicle sanctions laws.

Michigan

CURRENT LAWS

Michigan has **vehicle impoundment** and **license plate cancellation** laws. For a first or subsequent offense, the registration and license plates of the vehicle involved in the offense shall be

cancelled. For a third or subsequent offense, or for a fourth or subsequent offense with a DWS conviction, the offender shall be denied the right to register, purchase, or lease a vehicle.

Under Michigan's **vehicle immobilization** law, a vehicle may be immobilized for the following offenses: DWI, DUI, illegal per se, death or injury resulting from driving intoxicated, or driving drunk if under age 21. For a first offense, a vehicle may be immobilized at the court's discretion for not more than 180 days. If a first offense involves a death or serious injury, then the vehicle must be immobilized for not more than 180 days. For a second offense within 7 years, if the vehicle has not been forfeited for other offenses, it is subject to a mandatory immobilization for 90 days, up to a maximum of 180 days. For a third offense within 10 years, if the vehicle is not forfeited for the other offenses, it is subject to a mandatory immobilization for 1 year, up to a maximum of 3 years. Vehicle immobilization does not apply to rentals, government vehicles, or vehicles registered in other States. A defendant whose vehicle is subject to immobilization shall be denied the right to register, purchase, or lease a vehicle during the period of immobilization. When an officer detains a driver for an offense that requires vehicle immobilization, the officer must confiscate the vehicle's license plate, destroy it, and issue a temporary paper license plate. The temporary plate is valid until charges are dismissed, there is a guilty plea, or there is a finding of guilt.

Under Michigan's **vehicle forfeiture** law, the vehicle may be forfeited (discretionary) for a second or subsequent DUI offense.

Michigan has an **ignition interlock** law. An offender whose license has been revoked for any DUI offense may be issued a restricted license after the mandatory revocation period. With a restricted license, the offender is limited to the operation of an interlock-equipped vehicle for an initial period of at least 1 year.

This State does not appear to have any laws pertaining to the **special license plates** or **license plate confiscation**. However, there is a provision for use of temporary license plates in cases where the regular license plates have been confiscated.

CURRENT PRACTICES

Once a conviction is ordered, there must be some mandatory vehicle sanction imposed by the court depending on the DUI offense. The type of vehicle sanction ordered is at the discretion of the court.

The Secretary of State's office can administratively revoke the **vehicle registration** or transfer the registration to another owner.

For a first offense, **vehicle immobilization** is at the court's discretion; for a second or subsequent offense, immobilization is mandatory, although the court can order **vehicle forfeiture** as an alternative. Vehicle immobilization and vehicle forfeiture are not enforced frequently. Judges in Michigan find it difficult to immobilize the vehicle due to family necessity. In addition, forfeiture creates administrative costs that are difficult to recoup through the sale of the vehicle. Vehicle forfeiture is not frequent; however, it is ordered more than vehicle immobilization, but less than interlock.

Ignition interlock can be carried out administratively, or it can be ordered by the courts.

Our contact reports that the ignition interlock program is an administrative burden. It reportedly creates a heavy workload for the probation officer or review officer in the Secretary of State's office to determine that offenders are adhering to the requirements of their conviction. In addition, the computer system used by the program is outdated, which causes problems with storing

and merging data with other systems. Further, some judges do not believe in the device's effectiveness or reliability.

VEHICLE SANCTIONS FOR OTHER OFFENSES

Vehicle forfeiture is primarily used for illegal drug seizures or felonies.

PUBLICIZING OF CURRENT LAWS

When a new piece of legislation is enacted, the media reports on it via the news coverage. When a bill is signed, it is publicized.

RECENT CHANGES AND /OR POSSIBLE FUTURE CHANGES IN LAWS

A previous vehicle impoundment law has been repealed, but as of summer 2004, no new laws had been proposed for the future.

Minnesota

CURRENT LAWS

Minnesota's **license plate impoundment** law requires that a vehicle's tags be impounded if the offender, within the last 10 years, (1) has been convicted of a DUI or has had a license suspended for a prior DUI, and has a BAC of .10 or greater; (2) has a BAC of .20 or greater; (3) has been convicted of any DUI or implied consent offense while transporting a child younger than 16 and at least 36 months younger than the offender. New registration plates are issued after the license revocation has expired or if the vehicle's owner is not the offender and the owner was not a passenger at the time of the violation. In addition, special plates may be issued if family members need to use the vehicle or if the offender has a limited restricted license. However, law enforcement is authorized to stop the vehicle to determine if the driver is lawfully authorized to use the vehicle.

Under Minnesota's **vehicle impoundment** law, a vehicle may be impounded after a DUI arrest and released to the vehicle owner with proof of a valid driver's license and insurance. This law seems intended to prevent the offender from operating the vehicle immediately after the drinking-and-driving offense, rather than being aimed at long-term prevention of drinking and driving by offenders.

Minnesota has an **ignition interlock** law. The commissioner may issue a limited license to DUI offenders (including first offenders) if driving privileges were denied because the offender was considered a threat to public safety. The limited license may be issued if the offender completes half of the abstinence program, completes a treatment program, concurrently participates in a group support abstinence program, and operates a vehicle equipped with an ignition interlock.

Minnesota's **vehicle forfeiture** law applies to third and subsequent offenses and to implied consent refusal offenses. Drivers who commit one of these offenses (and have prior drunk-driving offenses within the last 10 years) can have their vehicles forfeited. The vehicle also is subject to forfeiture if an offender is convicted of a DUI while also driving on a suspended or restricted license.

This State does not appear to have any laws pertaining to **vehicle immobilization** or **special license plates**. However, there is a provision for use of special license plates in cases where the regular license plates have been impounded.

CURRENT PRACTICES

The description of factors leading to **vehicle forfeiture**, is described in the *NHTSA Digest of State Alcohol-Highway Safety Related Legislation*. It would be useful to understand how forfeiture functions under the State's system of degrees of DUI offense. For example –

- a first offense is a misdemeanor – fourth degree DUI;
- a first offense with one aggravating factor is a gross misdemeanor – third degree DUI;
- a first offense with two aggravating factors is a second degree DUI – *forfeiture now applies*; and
- a second offense with one aggravating factor is a second degree DUI.

Aggravating factors are –

- each prior DUI conviction or implied consent revocation within the last 10 years (cannot count both if arising from the same incident);
- blood alcohol tested at .20 or higher; and
- child endangerment (when passengers are under 16 and there is greater than 36 months difference in age between passenger and offender).

The State also has made penalties for test refusal equal to those for BACs higher than .20 (however, they cannot make test refusal an aggravating factor without endangering its status as a crime). Theoretically, a vehicle could be forfeited for a first offense with three aggravating factors (e.g., test refusal, child endangerment, and a BAC greater than .20).

A section of the report (quoted below) taken from the *NHTSA Digest of State Alcohol-Highway Safety-Related Legislation* apparently refers to those drivers deemed “inimical to public safety.” The drivers described got their licenses reinstated by promising never to drink again but, subsequently, were arrested for DUI. At this point, their vehicles are subject to forfeiture.

“Forfeiture (Administrative or Judicial). Under §169A.63, any motor vehicle used in the following offenses or violations is subject to forfeiture.

- A third or subsequent implied consent refusal or administrative per se revocation within 10 years (a prior violation includes any drunk-driving offense).
- A drinking-and-driving offense while the license was cancelled or restricted.”

The decision of whether to confiscate the vehicle is handled by law enforcement agencies. It is unknown to what extent they are confiscating vehicles. It was suggested that police would prefer to take the vehicles, for the sake of public safety, but that issues such as storage cost and the low value of “junker” vehicles is a disincentive.

Courts can order the **ignition interlock**, but our State contact did not know if they were being imposed. The Department of Public Safety, Driver, and Vehicle Services Division would be responsible for administrative decisions to subject offenders to the interlock. A pilot interlock program, in which six people from one county had interlocks installed, did not promote sufficient interest to keep the program going, so it was terminated. The main reason for discontinuing the program was the cost of monitoring. Research indicates that interlock programs are not effective

unless offenders and providers are well monitored. In the current economic climate, Minnesota cannot afford to develop a new program without additional funding. In the end, the interlock program was not considered a high priority compared to the existing license plate impoundment program.

The **license plate impoundment** program, in place for years, is working well. A problem identified recently was solved by changing the law last year. Under the old law, the length of license plate impoundment was partly a function of when the old plates expired. This meant that two offenders with the same offense and sanction could have two different lengths of plate impoundment.

Our State contact refers to license plate impoundment as the “fabric” of what they do in terms of vehicle sanctions. The State has become accustomed to using it. Our State contact does not believe that offenders are finding ways around the system or falling through the cracks. It is possible that an error could result in a plate not being impounded, but that would be a rare occurrence. If the police do not take the plate at the scene, the Driver and Vehicle Services Division sends a note to the offender informing the offender that the plate is impounded.

The **vehicle forfeiture** law applies to the vehicle being driven by the offender at the time of the offense. Police can, and do, confiscate vehicles on the road if they determine that a vehicle is subject to forfeiture. The local police decide how they will handle forfeiture; consequently, this law is not consistently applied across the State. The proportions of those eligible that are being forfeited cannot be determined. Police do not confiscate vehicles for several reasons. Some vehicles are considered “junkers” and, thus, are not worth confiscating when the cost to do so is considered (e.g., storage). In addition, police must store vehicles for at least 30 days to know whether the forfeiture will be challenged.

The State Patrol has the same issue with storage and other costs, but they continue to confiscate vehicles. Despite the costs, they consider that overall it is a better practice to confiscate the offenders’ vehicles than to release them to the offenders.

One problem with the law is that the offender must be the owner of the vehicle for it to be eligible for confiscation. State officials want to change the law so that an offender who drives a vehicle everyday is effectively the owner for the purpose of vehicle forfeiture.

VEHICLE SANCTIONS FOR OTHER OFFENSES

None.

PUBLICIZING OF CURRENT LAWS

Although there is constant media coverage on impaired driving, there is probably not much media focus on the vehicle sanctions.

RECENT CHANGES AND POSSIBLE FUTURE CHANGES IN LAWS

Described above under license plate impoundment.

Special license plates may be issued so the vehicle can be operated either by a family member, who has a valid driver’s license, or by an offender who has been granted a limited (restricted) license (§169A.60, subd 13). The law states that a law enforcement officer is authorized to stop a vehicle bearing these plates to determine if the driver is lawfully authorized to operate a motor vehicle. However, a recent court decision (§168.0422) held that a vehicle cannot be stopped simply

because it bears these special plates. Such stops without sufficient suspicion of wrongdoing are unconstitutional.

Mississippi

CURRENT LAWS

Mississippi has a **vehicle impoundment** and **vehicle immobilization** law. For a second or subsequent DUI offenses, all vehicles owned by the offender must be impounded or immobilized at the time of conviction and remain so until the license suspension has expired. If any other person must use the vehicle, an ignition interlock may be required as an alternative to impoundment or immobilization.

For third and subsequent offenses, the vehicle shall be subject to forfeiture under Mississippi's **vehicle forfeiture** law. If a second DUI offense is committed within 5 years, the offender and spouse are notified that the vehicle may be confiscated on a third offense. The offender's spouse can obtain possession of the vehicle if he or she can demonstrate hardship.

Mississippi also has an **ignition interlock** law. For a second or subsequent DUI offense, the court may order the use of an ignition interlock on all vehicles owned by the offender at the time of conviction. The period of interlock use commences upon conviction and continues for 6 months after the license has been reinstated. The ignition interlock also may be used as an alternative to vehicle impoundment or immobilization for second or subsequent DUI offenses if the offender's family must use the vehicle.

Mississippi does not appear to have any laws pertaining to the **special license plates** or **license plate confiscation**.

CURRENT PRACTICES

Vehicle impoundment and **immobilization** are imposed by the courts and are mandatory. However, if a spouse needs to use the vehicle, then an ignition interlock may be used an alternative.

Vehicle forfeiture is imposed by the courts and is discretionary. According to our State contact, the way the law reads, the vehicle shall be seized by enforcement for a third offense and is "subject" or "eligible" for forfeiture at the courts discretion. If the judge finds the person guilty, that does not mean that the seized vehicle will be forfeited. However, a spouse can take possession of the vehicle after he or she demonstrates hardship.

Ignition interlock is imposed by the courts and is discretionary. It also can be used as an alternative to vehicle impoundment and immobilization for second or subsequent DUI offenses if the offender's family must use the vehicle.

None of our State contacts could provide information on the extent to which these sanctions were being used. It was suggested that, where sanctions are not being used, possible reasons include lack of awareness of vehicle sanctions laws by prosecutors and judges and the belief among some judges that the laws do more harm than good. Forfeiture and impoundment also are not used often in rural areas because offenders may need their vehicles.

VEHICLE SANCTIONS FOR OTHER OFFENSES

Vehicles also can be confiscated for transporting illegal liquor, contraband, altering the VIN number, drug offenses, and drive-by shootings.

PUBLICIZING OF CURRENT LAWS

These laws were only in the media when they were first introduced; otherwise, they are not publicized.

RECENT CHANGES AND POSSIBLE FUTURE CHANGES IN LAWS

As of summer 2004, no laws had recently been enacted, changed, or abolished; and no new laws had been proposed for the future.

Missouri

CURRENT LAWS

Missouri has a **vehicle impoundment** or **vehicle forfeiture** law; however, under Missouri law, cities with populations higher than 100,000 can make their own vehicle impoundment or forfeiture laws. The State law applies to the vehicle operated by the offender regardless of ownership; consequently, the vehicle is subject to impoundment or forfeiture if the driver has had one or more DUI offenses, including illegal per se. The vehicle also can be impounded or forfeited if the offender is driving while suspended for a prior DUI offense or for a DUI and involuntary manslaughter offense. Last, the vehicle can be impounded or forfeited if the driver has had two or more DUI offenses (including illegal per se) and, for either offense, had a BAC of .08 or greater (.02 or greater for those under 21), or if the driver has refused to submit to a chemical test under the implied consent law.

Missouri has an **ignition interlock** law. The court can order an offender to operate only interlock-equipped vehicles for not less than 1 month following license reinstatement. For a first offense, it is at the court's discretion; for a second or subsequent DUI offense, it is mandatory. The ignition interlock installation is mandatory for the granting of a limited hardship licensing.

This State does not appear to have any laws pertaining to **special license plates**, **license plate confiscation**, or **vehicle immobilization**.

CURRENT PRACTICES

Vehicle impoundment is imposed by the courts and is discretionary. This sanction described as is being used "moderately" around the State, but it is not available in all municipalities.

Vehicle forfeiture is imposed by the courts and is discretionary. This sanction is being used moderately throughout the State. Our State contact considered impoundment and forfeiture to be almost the same. Impoundment makes the vehicle unavailable to the offender. Forfeiture is broader and involves the court taking away the ownership of the vehicle; however, it is not available in all municipalities. There have been problems with the forfeiture law in the past due to joint ownership, when a spouse has an interest in the vehicle.

The **ignition interlock** is imposed by the courts and is discretionary for a first DUI offense and mandatory for second and subsequent DUI offenses. The ignition interlock is available statewide to all courts, both municipal and State. According to our State contact, the ignition interlock is being enforced consistently when it is applicable. However, some courts do not enforce it because of the expense to offenders and the limited accessibility to vendors in rural areas to get the device checked monthly. According to the Department of Revenue (fiscal year 2003 data), of the 15,312 DUI

convictions, 2,254 ignition interlocks were ordered. These data show how extensively the interlock is being used although not all DWI convictions were eligible for interlock.

VEHICLE SANCTIONS FOR OTHER OFFENSES

Under the criminal forfeiture law, the vehicle can be confiscated for non-DUI offenses (e.g., drug cases).

PUBLICIZING OF CURRENT LAWS

The ignition interlock has been publicized in informational pamphlets, and interlock training has been given to court personnel. In addition, there have been several articles in newspapers in Springfield, Kansas City, and St. Louis. The interlock program also has been on television news broadcasts a few times.

RECENT CHANGES AND POSSIBLE FUTURE CHANGES IN LAWS

As of summer 2004, no laws had recently been enacted, changed, or abolished; and no new laws had been proposed for the future.

Montana

CURRENT LAWS

Based on the information provided in the *MADD Rating the State* reports, Montana has a **vehicle forfeiture** law under which, for a third or subsequent DUI offense within 5 years (including per se offenses), the offender's vehicle must be forfeited. The *NHTSA Digest of State Alcohol-Highway Safety-Related Legislation* does *not* report any vehicle impoundment/immobilization laws in Montana.

Montana has an **ignition interlock** law. At the discretion of the court, a first offender with a BAC of .18 or higher may be restricted to operating only interlock-equipped vehicles. The ignition interlock is mandatory for a second or subsequent offense and for offenders issued a probationary license on a second or subsequent offense. In all above cases, the duration of this restriction is equal to the license suspension period.

This State does not appear to have any laws pertaining to **special license plates** or **license plate confiscation**.

CURRENT PRACTICES

Vehicle forfeiture is imposed by the courts, with action of the prosecutor. It does not apply to a first offense; however, it is mandatory for a second or subsequent DUI offense with the option of an ignition interlock for an offense within 5 years. Although vehicle forfeiture is "mandatory," it is not always used. Vehicle forfeiture is an extremely difficult process, which involves seizing the vehicle, providing a place to impound the vehicle securely for the duration of the criminal prosecution, and conducting the actual forfeiture process upon conviction. According to our State contact, some prosecutors feel the forfeiture process is not worth the effort due to the lack of secure storage space and the low monetary value of the vehicle. Frequently, the offender will buy another vehicle to replace the forfeited one. If the vehicle has value, it generally has a lien against it, so by the time the forfeiture process has begun and the secured party's expense is paid off, it is neither cost-effective nor time-efficient.

The **ignition interlock** sanction is imposed by the courts. It is discretionary for a first offense with a BAC of .16 or higher; and mandatory for a second or subsequent DUI offense, with the option of forfeiture instead for an offense within 5 years. The interlock only applies after the hard suspension has been completed. The ignition interlock program was described as being successful in getting the equipment installed, due to the DMV requirement that the offender show proof of interlock installation before having a license returned. This doesn't address the phenomenon of offenders who choose to drive illegally, rather than becoming re-licensed.

In 2003, the State had a reported 1,010 second or subsequent DUI offenses. A large proportion of second offenders, a small proportion of first offenders with a high BAC of .16 or greater, and most felons are eligible for the ignition interlock restriction. This is about 800 to 900 interlock clients per year. This low number is attributed to judges who do not assign the restriction because they do not feel that the ignition interlock device is reasonably available. However, at the time of the interview, Montana also was in the middle of a moratorium where the 2003 legislation increased the penalty for a second or subsequent DUI offense to include 12 months hard suspension, with 12 months on the interlock to follow. Therefore, the interlock numbers were expected to climb. From our State contact's knowledge, judges were only assigning the restriction in 10 to 20% of all cases. Considering the number of DUI convictions for high BACs, this works out to a rough estimate of 6,000 cases for 2003.

VEHICLE SANCTIONS FOR OTHER OFFENSES

A vehicle can be confiscated for felony and drug offenses. The vehicle's registration can be suspended for carrying no insurance.

PUBLICIZING OF CURRENT LAWS

These vehicle sanction laws are not really publicized. The interlock law was publicized when it was first enacted in 1997, and high-profile cases are publicized as they occur. According to our State contact, there a poster project and associated mailings was scheduled for June, 2004 to publicize the interlock law.

RECENT CHANGES AND POSSIBLE FUTURE CHANGES IN LAWS

The vehicle sanction laws were changed for repeat offenders to include "second-time offenders," as of April 14, 2003. The **vehicle forfeiture** law originally stated that for a "third or subsequent DUI offense within 5 years (including per se offenses), the offender's vehicle *must* be forfeited." It now reads "second or subsequent DUI offense within 5 years (including per se offenses)..."

In addition, the **ignition interlock** law for first offenders has changed, lowering the BAC level from .18 to .16. There also was a Federal mandate added for repeat offenders, which included a 1-year hard license suspension, followed by 1 year on the ignition interlock program. The law states that if a person is convicted of a second or subsequent violation of DUI statute, per statute, the court shall order that each motor vehicle owned by the driver at the time of the offense be either (1) seized or subjected to forfeiture or (2) equipped with a functioning ignition interlock device during the 12-month period beginning at the end of the driver's license revocation period. The offender must pay reasonable costs for installing and maintaining the device if the court determines that ignition interlock devices are reasonably available. Other than these changes, no laws had been abolished as of summer 2004, and no new laws had been enacted or proposed for the future.

Nebraska

CURRENT LAWS

Nebraska has a law that nominally covers vehicle immobilization. However this is not physical immobilization through the use of a boot or a club. Nebraska refers to their immobilization as “electronic immobilization,” which essentially means that an entry is made to the electronic vehicle data file that considers the vehicle to be unauthorized for use for the duration of the “immobilization” period. Practically speaking, this means that the vehicle registration and license plate are suspended. In some cases license plates may be confiscated. For the purposes of this report, Nebraska’s vehicle immobilization law will be considered to be a **license plate suspension/confiscation** and **vehicle registration suspension** law. For a second or subsequent DUI or an implied consent refusal offense within 12 years, all vehicles owned by the offender must be “electronically immobilized” for not less than 5 days and not longer than 8 months. A co-owner may have the vehicle released if there is a hardship.

Under Nebraska’s **vehicle impoundment** law, an offender who is DWS for a prior DUI or an implied consent conviction may have his or her vehicle impounded for not less than 10 days and not longer than 30 days. Offenders under 21 may have their vehicles impounded if they have BAC of .02 or greater.

Nebraska also has an **ignition interlock** law. For a second or subsequent DUI or an implied consent refusal offense within 12 years, as an alternative to vehicle immobilization, all vehicles owned by the offender must have ignition interlock devices for not less than 6 months starting at the end of the license revocation period. In addition, 1 year of the license revocation period must be completed before using an ignition interlock. As a condition of probation for a DUI or an implied consent law offense, the offender may be ordered to use only interlock-equipped vehicles with a restricted license. A first offender is eligible for the restricted license after 30 days into the revocation period. A second offender is eligible for a restricted license after 1 year of the revocation period has been completed.

This State does not appear to have any laws pertaining to **physical vehicle immobilization, special license plates, or vehicle forfeiture**.

CURRENT PRACTICES

The existing laws for **license plate and registration suspension vehicle impoundment**, and **ignition interlock** are imposed by the courts. Either plate suspension or ignition interlock is mandatory (i.e., either plate suspension is imposed or, as an alternative, the ignition interlock is imposed). Vehicle impoundment is an additional option. Because the laws are mandatory for either immobilization or the interlock, they are being used readily, although in rare instances, some judges chose to ignore the statutes and do not use either. There has been some public pressure to address this issue. The plate suspension process may include plate confiscation. This decision is left up to the police agencies involved. Our State contact estimates that plates are confiscated approximately 25% of the time that the plate is suspended.

The legal community has not enthusiastically supported vehicle sanctions, although MADD and similar organizations support vehicle sanctions. According to our State contact, judges still need to be educated about the benefits of, and the research concerning, vehicle sanctions. Nebraska is conducting training for judges through judicial colleges.

There were some problems encountered with the **ignition interlock** program. Access to interlock vendors needs to be improved, as offenders usually have to take the vehicle a long distance to have the interlock installed. In some cases, the courts will choose vehicle immobilization over the interlock due to its unavailability. This discourages vendors from expanding their businesses because there are not enough offenders being ordered to install the interlock device. This loop needs to be broken.

The **vehicle impoundment** provision is primarily used for offenders driving during suspension or under revocation at the time of their arrest. Only a few jurisdictions exercise that provision; most do not because vehicle storage facilities are unavailable. Larger counties use impoundment more often.

VEHICLE SANCTIONS FOR OTHER OFFENSES

Other types of vehicle sanctions include vehicle seizure for illegal drugs, which are carried out routinely under the drug seizure provisions. The vehicle registration also can be suspended for failure to pay child support. In addition, for failure to show financial responsibility during collisions, the DMV will order the owner to surrender the registration.

PUBLICIZING OF CURRENT LAWS

There has not been much publicity in the media – only an occasional news story – and no formal campaign to promote vehicle sanction laws. The media does cover high-profile cases, however.

RECENT CHANGES AND POSSIBLE FUTURE CHANGES IN LAWS

As of summer 2004, no laws had recently been enacted, changed, or abolished; and no new laws had been proposed for the future.

Nevada

CURRENT LAWS

Nevada has a **vehicle registration suspension** law. For a second or subsequent DUI offense within 7 years, vehicle registration suspension is mandatory for 5 days. Exceptions may be made for the offender's family due to hardship.

Under Nevada's **ignition interlock** law and at the discretion of the court as part of conditional licensing, first DUI offenders may be required to use ignition interlock for 3 to 6 months. For a second DUI offense, there is no requirement. For third and subsequent DUI offenses, the ignition interlock is mandatory. The court must require the offender to use an interlock-equipped vehicle for 12 to 36 months. Ignition interlock also can be used as a condition for license reinstatement. DUI offenders may be issued a restricted license if they have completed a treatment program and at least half of their revocation period. However, a restricted license may be issued after 45 days into the revocation period for a first DUI offense if the offender has been allowed to participate in the ignition interlock program. Lastly, a driver who has been convicted of a vehicle homicide based on a DUI must use an ignition interlock for 12 to 36 months and is eligible for a restricted license after a 1-year revocation period.

This State does not appear to have any laws pertaining to **special license plates, license plate confiscation, vehicle impoundment, vehicle immobilization, or vehicle forfeiture.**

CURRENT PRACTICES

Registration suspension is imposed administratively only and is automatic at the time of the offense.

Ignition interlock is a court-ordered option for a first DUI offense, but it is mandatory for third and subsequent offenses. Use of the interlock is reduced for a third or subsequent offense for which the interlock is mandatory and for which the offender is imprisoned for a minimum of 1 year. The combination effectively results in the expiration of the 1-year mandatory interlock period by the time the offender has completed 1 year in prison. Judges could order ignition interlock use for a certain number of months after release from prison, but that is highly unlikely because most judges consider offenders have paid their debt through the prison sentence. The law for second offenders was overlooked. According to our State contact, it is a gray area in the law. Nevertheless, ignition interlock can be ordered by the courts for a second offender.

The ignition interlock is used primarily in the Las Vegas metropolitan area, as there currently are no interlock providers anywhere else in Nevada. In some cases, judges simply choose not to sentence an offender to the interlock.

Nevada has been using a model interlock program that emphasizes the interlock as part of the requirements of the treatment program. Our State contact reports that this has been extremely successful.

The vehicle that is owned or most likely to be driven by the offender (in Las Vegas) has to have an ignition interlock. All other vehicles registered at an offender's property have an option. They can have an interlock or they can have a "club" on the vehicle where the keys are maintained by a parole or probations officer. There have been complaints from offenders because the mandatory interlock requires them to have access to a vehicle in order to have their license reinstated. If they do not have a vehicle, they cannot get an interlock. If they do not get an interlock, they cannot be reinstated.

VEHICLE SANCTIONS FOR OTHER OFFENSES

Vehicle can be forfeited for crimes involving illegal drugs.

PUBLICIZING OF CURRENT LAWS

These laws have not been publicized and probably are a surprise to most of the population. The .08 law was publicized widely. There is no way of knowing how many vehicles have been subjected to these sanctions due to the data being merged.

RECENT CHANGES AND POSSIBLE FUTURE CHANGES IN LAWS

As of summer 2004, no laws had been changed or abolished; and no new laws had been proposed for the future. It is difficult to increase sanctions via new laws because the general feeling is that there are huge distances to travel in Nevada, and a vehicle is a necessity. Therefore, it is considered better to treat the problem (the offender) than to impose a vehicle sanction.

New Hampshire

CURRENT LAWS

New Hampshire has a **vehicle registration revocation** law. The vehicle registration must be revoked for any of the following: (1) a second or subsequent DUI offense conviction, (2) an aggravated DUI offense conviction, (3) a negligent homicide and manslaughter offense, or (4) habitual offenses. In each case, the registration must be revoked for the same length as the license suspension, and hardship registrations are available for a spouse, another family member, or another individual.

Under New Hampshire's **ignition interlock** law, offenders with aggravated first DUI offenses, or those with subsequent DUI offenses, may be required to use ignition interlocks on all vehicles owned or used for a minimum of 6 months and up to 2 years following license reinstatement. DUI offenders under age 21 may be required to use an ignition interlock for 12 months or until they reach age 21, whichever is longer.

This State does not appear to have any laws pertaining to **special license plates, license plate confiscation, vehicle impoundment, vehicle immobilization, or vehicle forfeiture.**

CURRENT PRACTICES

When **vehicle registration suspension** takes place, the State sends a suspension notice to offenders with instructions to send in their vehicle registrations and license plates. When offenders do not comply, State troopers are given orders to pick up the items that offenders have not surrendered. Vehicle registration revocation is carried out administratively by the Director of Motor Vehicles and is mandatory. This sanction is by far the most used vehicle sanction in New Hampshire. It is mandatory and therefore is used 100% of the time for any of the four DUI laws mentioned in the summary. The only reason for not enforcing this law is if law enforcement did not notice that an offender was driving with a suspended license.

The **ignition interlock** law, which was adopted in 2000 and went into effect in 2002, is imposed by the courts and is discretionary. Although the law was imposed about 2 years prior to the time of the interview, it was not being used yet. According to our contact, the State was in the process of accepting bids from vendors for ignition interlock installation. In spite of this, judges were ordering interlock use about 10% of the time because they were unaware of its unavailability.

VEHICLE SANCTIONS FOR OTHER OFFENSES

A vehicle can be impounded for negligent homicide and manslaughter, or it can be forfeited for drug trafficking. The vehicle registration also can be revoked for fraudulent application for a registration or for some other offense that the Director of Motor Vehicles deems appropriate.

PUBLICIZING OF CURRENT LAWS

Vehicle registration revocation by itself is not publicized, but ignition interlock and vehicle registration revocation laws were publicized when they were first enacted. Mostly, however, the public is unaware of these laws.

RECENT CHANGES AND POSSIBLE FUTURE CHANGES IN LAWS

As of summer 2004, no laws had been changed or abolished, and no new laws had been enacted or proposed for the future.

New Jersey

CURRENT LAWS

New Jersey has an **ignition interlock** law. For a first DUI offense, the court, at its discretion, may order the use of the ignition interlock for a minimum of 6 months and up to 1 year. For a second DUI offense, however, sanctions are mandatory. The court must order use of an ignition interlock (or, as an alternative, revoke the vehicle registration) for a minimum of 1 year and can order it for up to 3 years.

New Jersey's **vehicle registration revocation** law is an alternative to the ignition interlock. Under this law, the registrations of all vehicles owned by the offender must be revoked for 2 years for second DUI offenses, and for 10 years for a third or subsequent DUI offense. The registrations of all vehicles owned by the offender shall be revoked for the same length as the license suspension. Temporary registration with **special tags** may be issued to individuals other than the offender if it is shown to cause hardship. The vehicle registration may be revoked for the same period as the license suspension if the offender was driving while suspended because of a prior DUI conviction. The licensing agency also has the discretionary authority to suspend or revoke vehicle registration for any violation based on "other reasonable grounds."

According to the Century Council report, New Jersey has a **vehicle impoundment** law under which an offender's vehicle must be impounded for 12 hours at the time of arrest. This law seems intended to prevent the offender from operating the vehicle immediately after the drinking-and-driving offense, rather than being aimed at long-term prevention of drinking and driving by offenders. The *NHTSA Digest of State Alcohol-Highway Safety-Related Legislation* does *not* report any vehicle impoundment laws in New Jersey, which raises a question as to which source is correct. In either case, New Jersey will not be considered an impoundment-law State for the purposes of this report.

This State does not appear to have any laws pertaining to **license plate confiscation, vehicle immobilization, or vehicle forfeiture**.

CURRENT PRACTICES

Both **ignition interlock** and **vehicle registration suspension** are imposed by the courts. For a first offense, the use of one of these vehicle sanctions is discretionary. For a second or subsequent offense, it is mandatory for the courts to impose either the ignition interlock or the vehicle registration suspension. The ignition interlock is imposed far more often than registration suspension. According to our first State contact, there is no reason why ignition interlock or registration suspension would not be enforced for mandatory sentences. For discretionary sentences, it is ultimately up to the judge. Occasionally, second offenders will attempt to plea bargain for a lesser sentence to avoid these sanctions. There also are provisions for hardship cases; temporary registrations with **special tags** can be supplied to a spouse or family member other than the offender if needed. The total number of DUI convictions for 2003 was 22,985; however, the proportion of those convicted as second or subsequent offenders was not provided. In 2003, 813 offenders were sentenced to the ignition interlock, (only 3.5%) and 30 offenders were sentenced to vehicle registration suspension.

A second State contact noted that outcomes of all DUI cases are being tracked and that judges not imposing mandatory sanctions are being contacted in an effort to educate them about the laws concerning these sanctions. He expects that, under this program, the use of vehicle sanctions is likely

to increase. He suggested some reasons multiple offenders, who are eligible for the mandatory interlock, do not install it. (1) Some offenders are being sentenced to registration suspension instead of interlock. (2) Judges may be unfamiliar with the interlock program. (3) Offenders who have lesser DUI cases pending because more serious charges must be dealt with first. (4) Offenders who do not install the interlock, possibly because they must serve a lengthy suspension period before they will have access to their vehicles.

According to our first State contact, New Jersey has enough interlock vendors so that availability has not been a problem. The ignition interlock program was enacted in 2001 and implemented in 2003, so it is too soon to assess its effectiveness.

VEHICLE SANCTIONS FOR OTHER OFFENSES

The vehicle registration can be suspended administratively for not carrying insurance.

PUBLICIZING OF CURRENT LAWS

These laws have not received publicity, except when they were first enacted. Occasionally, offenders sentenced for a DUI are in the newspapers.

RECENT CHANGES AND POSSIBLE FUTURE CHANGES IN LAWS

As of summer 2004, no laws had recently been enacted, changed, or abolished; and no new laws had been proposed for the future.

New Mexico

CURRENT LAWS

Under New Mexico's **ignition interlock** law, second DUI offenders and aggravated first offenders are subject to a mandatory post-conviction court-ordered ignition interlock. For second or subsequent DUI offenses, a conditional restricted license may be issued after a mandatory 30-day revocation if the offender enrolls in a DUI school or alcohol-screening program and operates only interlock-equipped vehicles. As a condition of probation, multiple misdemeanor drunk-driving offenders before July 1, 2003, may be required to use only vehicles with ignition interlocks.

New Mexico has a **vehicle forfeiture** law. For a first aggravated DUI offense, civil vehicle forfeiture can occur under municipal ordinance. A second or third aggravated DUI offense can subject the vehicle to forfeiture for 30 days. Forfeiture is possible for driving while revoked for a prior DUI offense or for a third or subsequent DUI offense.

New Mexico also has a **vehicle immobilization** law, under which a vehicle may be immobilized for 30 days if the offender was driving with a revoked license, unless immobilization poses a hardship to the family.

This State does not appear to have any laws pertaining to **special license plates, license plate confiscation, or vehicle impoundment**.

CURRENT PRACTICES

New Mexico's vehicle sanction laws are imposed by the courts. The laws are described as being mandatory; however, some of them are at the court's discretion in the imposition of sentences. The laws that are truly being treated as mandatory are those that are directed at second or

subsequent offenses or any aggravated offense. Second or subsequent offenses require installation of an **ignition interlock** on the vehicle for at least 1 year; however, even these laws may not be enforced, depending on the court's workload. About a third of the DUI court cases do not result in a conviction. Some offenders may be acquitted due to a technicality. Other cases are dismissed if they take more than 6 months to come to trial, which is deemed a violation of the right to a speedy trial. Still others are transferred to other courts. It is too soon to determine if the interlock law is working correctly as it is very new. Driving while revoked does not incur the interlock requirement.

In the summer of 2003, the Traffic Safety Bureau estimated that 11,000 offenders (the number under revocation at that time) would be eligible to receive an interlock license (and an interlock). About 18,000 DUI convictions occur in New Mexico each year, and all the drivers with second or subsequent offenses and aggravated offenses (BAC of .16, or refused the test, or injured someone in a crash but did not kill them) are supposed to get an interlock. According to our State contact, there is an overall conviction rate statewide of 77 to 79% for those cases that have gone to court.

According to another State contact, as of June 2003, the courts must order installation of the ignition interlock for 12 months as a condition of probation for all repeat offenders and offenders with BACs of .15% or higher. Court-ordered use is uneven at best, with Metro Court in Albuquerque just now starting to implement the law. New Mexico also has a new amnesty law that allows multiple offenders with 5 to 10 license revocations to obtain an interlock-restricted license at anytime for the remaining term of suspension. This State contact estimated that there were 20,000 total DUI convictions and about 15,000 offenders with 5 to 10 revocations when the law went into effect in 2003. There are currently just more than 2,000 devices installed in New Mexico. Approximately 10% of the 15,000 revoked offenders applied for the interlock license, with about 1,000 approved and slightly fewer than that actually installed. The two biggest barriers to effective implementation of the interlock law in New Mexico are (1) the lack of administrative enforcement after the interlock is court-ordered and (2) the lack of awareness by the revoked offenders of the administrative program. The State has not notified the offenders that they are eligible to be reinstated. The industry has offered to pay for the cost of sending the notices, but the Traffic Safety Bureau and department of motor vehicles (DMV) have not agreed to this. Insurance costs would be a big barrier as well.

Vehicle forfeiture and **vehicle immobilization** laws are written as mandatory, but judges can suspend imposition of the sentence. According to our State contact, these sanctions are not being used frequently. One reason for the relative infrequency of immobilization is the relatively few cases of driving while revoked.

VEHICLE SANCTIONS FOR OTHER OFFENSES

The Forfeiture Act can be used to seize vehicles used for crimes related to racketeering, controlled substances, and handguns.

PUBLICIZING OF CURRENT LAWS

Among the general populace, the forfeiture laws have received a small amount of publicity in Albuquerque, but the interlock law has received little publicity, maybe one or two articles.

Judges are being trained on recent vehicle sanctions laws.

RECENT CHANGES AND POSSIBLE FUTURE CHANGES IN LAWS

On March 2, 2004, both the vehicle sanction laws and the felony laws were changed. An ignition interlock license is available to any DUI offender, unless he or she killed someone or caused

great bodily injury with the vehicle and was driving while intoxicated. The interlock license allows the offender to drive anywhere at any time without restrictions, so it is a privilege rather than a punishment. Driving without an interlock, once restricted to its use, carries the same penalties as driving while revoked.

New Mexico has vehicle forfeiture at the municipal or county level. Albuquerque's ordinance provides for civil forfeiture on a second arrest after one conviction or administrative revocation for driving while revoked for DUI. A provision of the ordinance allows the City of Albuquerque to boot the vehicle of an offender with only one prior conviction at his or her home (or the vehicle owner's home) for 30 days as a requirement of the forfeiture. Las Cruces and Dona Ana county ordinances are based on Albuquerque's ordinance.

A controversial bill was introduced that, by 2008, would require all vehicles sold in the State (new or used) to have interlocks installed. It was adopted by the House but not the Senate.

Several municipalities are considering adopting local forfeiture laws. In 2004, the State government proposed adopting a statewide forfeiture law for DUI.

House Bill 282 and Senate Bill 109 were adopted in March 2005 and signed by the Governor in April 2005. These two laws, which went into effect July 1, 2005, established the following key provisions:

1. Mandates an "interlock license" for all those convicted of DUI (which requires that the offender obtain insurance and install an alcohol ignition in their vehicle (s)).
2. Mandates 1 year of interlock-only driving for first offenders, 2 years for second offenders, 3 years for third offenders, and lifetime interlock-only driving for fourth or subsequent offenders.
3. Allows the judicial probation period to extend as long as the interlock is mandated on the vehicle.
4. Allows those suspended due to ALR to drive interlock-equipped vehicles.
5. Increases ALR from 3 months to 6 months for a first DUI arrestee who gives an evidentiary breath test.
6. Eliminates the New Mexico "limited license" for those revoked for DUI. This was a loophole that allowed those who were breath tested and were revoked for the first time to drive legally after 30 days without an interlock. Now the only way to drive legally will be to get an ignition interlock license and drive insured, interlocked vehicles. With an interlock license, one's status is still "revoked for DUI."

As of summer 2005:

- Interlocks are being installed in New Mexico at a rate of about 2,600 per year.
- Approximately 4,000 have been installed to date.
- Since June 2003, 2,831 ignition interlock licenses have been granted.
- Interlock service providers are available throughout the State.
- New Mexico has more currently installed interlocks per capita than any other State.
- Some judges mandate house arrest for offenders who claim they are not driving or that they have no car.

New York

CURRENT LAWS

New York has a **vehicle registration revocation** law. The registration of a defendant's vehicle may be suspended or revoked for the same length as the license suspension or revocation period for DUI offense convictions.

Under New York's **vehicle forfeiture** law, a defendant's vehicle may be forfeited for a second or subsequent per se or DUI offense within 10 years. Vehicle forfeiture is not mandatory. New York City initiated a first-offender vehicle forfeiture ordinance in 1999; however, the State Supreme Court found that it was unconstitutional.

New York's **ignition interlock** law applies to second or subsequent per se or DUI offenses. Offenders may be required to use the ignition interlock during the license revocation period or longer, at the court's discretion. A DUI offender, as a condition of probation for a DUI or per se offense, may be required to use only interlock-equipped vehicles.

This State does not appear to have any laws pertaining to **special license plates, license plate confiscation, vehicle impoundment, or vehicle immobilization**.

CURRENT PRACTICES

Vehicle registration revocation is court-ordered and is at the discretion of the judge. However, at less than 5% usage, it is the least used vehicle sanction law in New York.

In the past, **vehicle forfeiture** was conducted at the discretion of the enforcement officers who seized the vehicle and confiscated it until the court date. This was challenged. It was reasoned that, if the owner was found not guilty or the case was thrown out, then the enforcement officer had no right to confiscate the vehicle. Consequently, confiscation by enforcement officers before trial was struck down by the courts. The policies in different municipalities were changed to accommodate this. Policies differ in municipalities: some make forfeiture discretionary and others make it mandatory. Only two-thirds of the State is covered with forfeiture policies; however, in jurisdictions where it is implemented, forfeiture is being used around 75 to 80% of the time. When the forfeiture law is not enforced, it is often due to storage costs and the low value of the vehicles. Also in rural areas, it is impractical to confiscate vehicles because the courts will determine that the vehicle is a necessity. There also is the question of determining ownership at the time that the vehicle is stopped.

The **ignition interlock** is court ordered and is mandatory. The interlock must be used for the full period of the license suspension; however, the court may, at its discretion, order that it be used longer. The court cannot order that it be used for less than the suspension period.

The ignition interlock, used about 90% of the time, has a high compliance rate. Statewide, it is the most used vehicle sanction. Some rural areas, however, do not have vendors or the vendors are too far away. They therefore do not enforce use of the interlock sanction. One problem New York has experienced is the requirement that every vehicle the offender owns must have an interlock. This is difficult for many offenders to afford. Often, offenders will transfer all vehicle titles to someone else before a conviction is reached. This raises the question as to which vehicle to put the interlock on.

Statewide, there are roughly 50,000 alcohol arrests per year with a 90% conviction rate. Of those, 25% are for second drinking-and-driving offenses. New York has a two-tiered system of alcohol violations. First, there is the DUI per se law (BAC of .08). There also is the lesser alcohol offense called "Driving While Ability Impaired" (DWAI), which covers BACs from .05 to .07. About

45,000 of the 50,000 arrests are for DWI offenses, and 5,000 are for DWAI offenses. Of the 50,000, about 12,500 are for second offenses and another 12,500 are for third arrests or second DWI convictions.

For a first DUI offense, an offender is allowed to plea bargain down to a DWAI offense. For a second offense, a DUI conviction must be handed down. Consequently, a second arrest becomes a first DUI offense. Therefore, offenders generally have three convictions (i.e., two DUI offenses and one DWAI offense) before being put into the interlock program. At any one time, there are about 2,000 to 3,000 offenders in the interlock program.

VEHICLE SANCTIONS FOR OTHER OFFENSES

Vehicles can be confiscated for criminal acts such as drug offenses. Vehicle registrations can be revoked for nonpayment of insurance, so insurance is required before a registration can be renewed. Vehicle registration also can be withheld for alimony, child support, and outstanding tickets.

PUBLICIZING OF CURRENT LAWS

Vehicle forfeiture gets publicity because it is a source of controversy. The ignition interlock is in the newspapers occasionally, but it is not highly publicized.

RECENT CHANGES AND POSSIBLE FUTURE CHANGES IN LAWS

No laws have recently been enacted, changed, or abolished; and no new laws have been proposed for the future.

North Carolina

CURRENT LAWS

North Carolina's **vehicle forfeiture** law applies to fourth or subsequent offenses within the last 7 years. Additionally, the vehicle driven by the offender, whether owned by the offender or not, is subject to forfeiture if the driver was driving such vehicle while in violation of the drunk driving laws and driving while suspended for (1) a previous drunk driving conviction, (2) an implied consent refusal, (3) an administrative per se action, or (4) another license revocation related alcohol. Certain innocent parties, who have an ownership interest in the vehicle, or lien holders, may have the vehicle released to them. A vehicle that is subject to forfeiture also is subject to seizure by law enforcement officers at the time of the violation.

North Carolina has a **vehicle registration revocation** law. If an offender has been convicted for a DUI offense and is driving while suspended for a previous DUI conviction, an implied consent refusal, administrative per se, or any other license revocation related to alcohol, the registrations of all vehicles owned by the offender are revoked for the length of his or her license revocation. The offender cannot register any vehicles, new or owned, until driving privileges are restored.

Under North Carolina's **ignition interlock** law, an offender may obtain restricted driving privileges if he or she uses an ignition interlock. This requirement is mandatory for drivers who have a BAC of .16 or greater or for offenders who commit a second or subsequent offense within 7 years. Ignition interlocks must be used after license restoration for 1 year if the license revocation was for 1 year, 3 years if the revocation was for 4 years, and 7 years if the revocation was permanent but can still be restored.

This State does not appear to have any laws pertaining to **special license plates, license plate confiscation, vehicle impoundment, or vehicle immobilization.**

CURRENT PRACTICES

Vehicle forfeiture is imposed by the courts, is mandatory for a fourth or subsequent DUI offense within the last 7 years, and is applied to the vehicle driven by the offender. The only part of the forfeiture process that is discretionary is at the time of arrest when the arresting officer may or may not decide to seize the vehicle. Once in court, it is mandatory. A major concern about the program is the cost of storing the vehicle, the cost of holding auctions, and so on. When the law is not enforced, it probably is because the offender lives in a rural area and has no access to other forms of transportation or because other family members need to use the vehicle. Forfeiture also does not take place if the vehicle belongs to someone other than the offender. In some cases, officers may decide not to confiscate the vehicle because it is old and in poor shape, so its resale value is unlikely to exceed the storage and administrative costs.

There are two categories in the State's **ignition interlock** law. The first category is purely an administrative system, which is part of the State's tier process of conditional license restoration. The State has had this system the longest, since 1992. In this first category, it can be mandated that an offender install an ignition interlock. The second category, which is 3 or 4 years old, is a court-mandated program in which an offender with a BAC of .16% or greater is mandated to install an ignition interlock after the offender's license suspension has ended. At the time of the interview, the second category had the higher number of participants because it is mandatory. The first category has 800 to 1,000 offenders operating interlock-equipped vehicles; the second category has around 4,000 offenders on the interlock.

Our State contact could see no reason why these laws would not be enforced. There have not been any problems related to ignition interlock vendors in the State. Our contact expressed the opinion that North Carolina has one of the most advanced interlock programs. One special element of the State's program is that it deals directly with interlock vendors who have offices in the State, rather than using third-party interlock provider companies. North Carolina also has a program that provides mobile interlock support to offenders who live farther than 50 miles from an interlock service office.

Vehicle registration revocation is mandatory but is carried out administratively. A State contact expressed the feeling that there is no reason why this law would not be enforced. Nevertheless, we received information that, of the 3,172 offenders who were eligible for registration revocations during a given time, the total number of such revocations was only 400.

VEHICLE SANCTIONS FOR OTHER OFFENSES

Vehicles can be confiscated for certain drug-related offenses.

PUBLICIZING OF CURRENT LAWS

There have been no attempts to publicize vehicle sanction laws. Our State contact felt that the public is not aware of these laws because they are not publicized in the media; however, drinking drivers become aware of the laws after conviction.

RECENT CHANGES AND POSSIBLE FUTURE CHANGES IN LAWS

No laws have recently been enacted, changed, or abolished; and no new laws have been proposed for the future.

North Dakota

CURRENT LAWS

North Dakota has a **license plate impoundment** law. Following conviction for DUI, offenders may have their license plates impounded for the same length of time as their license suspensions. License plates also may be impounded for driving while suspended because of a DUI.

Under North Dakota's **vehicle forfeiture** law, an offender's vehicle may be forfeited for a second or subsequent DUI offense within 5 years.

North Dakota has an **ignition interlock** law under which the court or driver licensing agency may order an offender to install ignition interlocks on all vehicles owned. This requirement does not affect the length of the mandatory suspension and only applies to the issuance of a temporary restricted license.

This State does not appear to have any laws pertaining to **special license plates, vehicle immobilization, or vehicle impoundment**.

CURRENT PRACTICES

License plate impoundment and **vehicle forfeiture** are imposed by the courts, and both laws are discretionary. License plate impoundment is used, but not extensively, and vehicle forfeiture is seldom used. Reasons for nonuse of these sanctions include potential family hardship and lack of public transportation, which causes the courts to treat the vehicle as a necessity.

The **ignition interlock** is optional and can only be imposed administratively by the driver's licensing agency; however, this sanction is never used because of the lack of vendors in North Dakota.

For 2003, there were 1,687 DUI arrests statewide and 1,487 convictions. Only a very small percentage of these convictions faced vehicle sanctions.

VEHICLE SANCTIONS FOR OTHER OFFENSES

The motor vehicle registration can be revoked for nonpayment of child support. The vehicle also can be forfeited if the driver is transporting contraband.

PUBLICIZING OF CURRENT LAWS

The vehicle sanction laws were publicized only when they were first enacted.

RECENT CHANGES AND POSSIBLE FUTURE CHANGES IN LAWS

No laws have recently been enacted, changed, or abolished; and no new laws have been proposed for the future.

Ohio

CURRENT LAWS

Ohio has an **ignition interlock** law. For first or second DUI offenses, the court may order the use of an ignition interlock when using an occupational license. For a third and subsequent DUI offense, the court must require the use of an ignition interlock when using an occupational (hardship) license.

Ohio also has **license plate impoundment** and **immobilization** laws. For a second DUI offense within 6 years, the vehicle used may be immobilized or its license plates may be impounded for 90 days. License plates also may be impounded for offenders who have had their licenses revoked or suspended for any vehicle-related death. A vehicle that is subject to immobilization or license plate impoundment may be operated with **special license plates**. The court has discretionary authority to prohibit an offender with a license suspension from registering a vehicle or renewing or transferring the registration. For a fourth or subsequent DUI offense, vehicle registration is prohibited for 5 years.

Under Ohio's **vehicle forfeiture** law, the vehicle will be subject to criminal forfeiture for a third or subsequent DUI offense. If the vehicle is owned by someone other than the offender, then the owner may avoid forfeiture if he or she can prove lack of knowledge that an offense was or would be committed.

Ohio's law providing for the use of **special license plates** makes it mandatory for all Operating a Vehicle Under the Influence (OVI) offenders to display a distinctive yellow and red license plate.

This State does not appear to have any laws pertaining to **vehicle impoundment**.

CURRENT PRACTICES

Contacts reported that vehicles are sometimes impounded as part of the immobilization program. In some cases the vehicle may remain impounded for the duration of the period established for immobilization. Our State contact felt that the **immobilization** and **vehicle forfeiture** programs have been effective. Further, he felt that Ohio is among the stricter States in the country with respect to vehicle sanctions.

Our contact said that the **ignition interlock** is not being used extensively. He was not certain why this might be the case but thought that rural courts might not have a high enough concentration of eligible drivers to start a program. Another possible barrier might be the inability of offenders to pay for the program. Attempts to obtain more data were unsuccessful.

The **special license plate** law is too new to assess its effectiveness. One contact said that in the first 3 months of 2004 (shortly after the law was adopted), approximately 400 sets of plates were sent out, which was fewer than they had expected.

VEHICLE SANCTIONS FOR OTHER OFFENSES

None identified.

PUBLICIZING OF CURRENT LAWS

One of our contacts was involved in publicizing the alcohol-related programs and, thus, was certain that the immobilization and forfeiture laws had been well publicized when they were adopted – and these laws continue to be well publicized. An example of such publicity is the police sponsorship of a televised media event during which confiscated vehicles are crushed. These vehicles are often later displayed outside police stations.

RECENT CHANGES AND POSSIBLE FUTURE CHANGES IN LAWS

There was previously a provision for repeat offenders where courts could order a repeat offender to have distinctive yellow and red plate. This went from being optional for repeat offenders to being mandatory for all OVI offenders.

Oklahoma

CURRENT LAWS

Under Oklahoma's **vehicle forfeiture** laws, a driver who is convicted of a second or subsequent DUI offense is subject to, at the court's discretion, vehicle forfeiture. An offender's vehicle may be forfeited, at the court's discretion, for a DUI conviction, illegal per se, vehicle negligent homicide, or DUI injury-related offense. In each case, the offender must have had a prior conviction for one of these offenses within 10 years and must have been involved in a crash resulting in injury or death of another person.

Oklahoma has an **ignition interlock** law. For a second or subsequent DUI offense, an offender must install ignition interlocks in all vehicles the offender owns and operates after any mandatory period of license revocation. The court must order an offender to use ignition interlocks for not less than 6 months and not more than 3 years. For a third or subsequent offense (which is a felony DUI), ignition interlock use is mandatory for a minimum of 30 days. Ignition interlock use also is mandatory for a minimum of 30 days for aggravated driving.

This State does not appear to have any laws pertaining to **special license plates, license plate confiscation, vehicle impoundment, or vehicle immobilization**.

CURRENT PRACTICES

Vehicle forfeiture and **ignition interlock** are imposed solely by the courts. The State does not track the use of these sanctions so their usage rate is unknown. An understanding of the proportion of eligible offenders being assigned these sanctions would require studying numerous individual courts. Information provided on usage of these sanctions is based on a general sense of what is happening, rather than on actual data.

Vehicle forfeiture is not mandatory and is at the discretion of the courts. It does not appear to be used frequently.

Although the ignition interlock law is mandatory, in practice, this sanction is imposed at the court's discretion. Ignition interlocks appear to be used frequently. It was suggested that, when the interlock law is not enforced, it is due to judges' awareness of the inaccuracy inherent in the interlock, which they have interpreted as an indication of the interlock systems unreliability.

In general, our State contact indicated that the vehicle sanction laws for repeat offenders are getting stronger in Oklahoma and that the repeat offender law has made a big difference.

VEHICLE SANCTIONS FOR OTHER OFFENSES

According to our contact, the State can seize the tag for nonpayment of registration and tag fees. They also can seize the tag for financial responsibility situations such as no insurance. Vehicles also can be forfeited drugs offenses.

PUBLICIZING OF CURRENT LAWS

When the vehicle sanction laws were enacted, there were newspaper articles, some billboards, and television news coverage.

RECENT CHANGES AND POSSIBLE FUTURE CHANGES IN LAWS

No laws have recently been enacted, changed, or abolished; and no new laws have been proposed for the future.

Oregon

CURRENT LAWS

Under Oregon's **ignition interlock** law, drivers convicted of a DUI offense must have ignition interlock devices installed in all their vehicles before hardship licenses can be issued. Ignition interlock devices must be used for 6 months after license suspension or revocation expires. The court may require the use of an ignition interlock as part of a diversion agreement. An exception is made for employment purposes if it will cause an undue hardship.

Oregon has a **vehicle forfeiture** law. A vehicle may be forfeited for a DUI offense if the offender has had a prior DUI offense within 3 years or has been convicted of murder, manslaughter, criminally negligent homicide, or a vehicle-related assault. The City of Portland has an ordinance that provides for vehicle forfeiture if an offender is driving with a license suspended for a prior DUI offense.

Oregon also has laws for **vehicle impoundment**, **vehicle immobilization**, and **vehicle registration suspension**. Vehicle impoundment or immobilization is limited to 1 year for a second or subsequent DUI offense or for driving with a suspended license. This action is at the court's discretion and applies to all vehicles owned and used by the offender, even if not used in the offense. The offender must pay the costs of removing, storing, or immobilizing the vehicle. The vehicle registration cannot be suspended for more than 120 days.

This State does not appear to have any laws pertaining to **special license plates** or **license plate confiscation**.

CURRENT PRACTICES

All of Oregon's vehicle sanctions are imposed by the courts.

According to our first State contact, the **ignition interlock** is being enforced 100% because offenders are required to reinstate their driver's licenses or to obtain hardship licenses when first eligible. An offender who chooses not to comply with this requirement must wait 6 months before applying for a license. According to our second contact, there are approximately 1,000 ignition interlocks installed each year.

According to our second contact, **vehicle forfeiture** is never used because of other entities that have an interest in the vehicle, such as lien holders. Our second contact also said the State is not conducting **vehicle immobilizations** because there are generally family members who need to use the vehicle.

According to our first contact, the courts order the suspension of about 25 registrations per month. One problem associated with this law is that a person could simply transfer the title and pay a \$10 fee to avoid suspension, which is why many judges do not use it. Consequently, some officials think that this law serves no purpose.

According to our second contact, the State is not impounding vehicles due to the expense of storage and administration.

VEHICLE SANCTIONS FOR OTHER OFFENSES

None identified.

PUBLICIZING OF CURRENT LAWS

The ignition interlock law was much publicized when first implemented, but that is the only publicity the vehicle sanction laws have received.

RECENT CHANGES AND POSSIBLE FUTURE CHANGES IN LAWS

No laws have recently been enacted, changed, or abolished; and no new laws have been proposed for the future.

Pennsylvania

CURRENT LAWS

Pennsylvania has an **ignition interlock** law. All vehicles owned by an offender *may have* for a first offense and *must have* for a subsequent offense ignition interlocks for not less than 1 year following license reinstatement. A recent change in the law has eliminated the ability to avoid the interlock by accepting an extra year of hard suspension instead.

Pennsylvania also has a law for **vehicle forfeiture**. At the discretion of the court, a vehicle used in a DUI offense is subject to forfeiture, under the “common law.”

This State does not appear to have any laws pertaining to the **special license plates, license plate confiscation, vehicle impoundment, or vehicle immobilization**.

CURRENT PRACTICES

The **ignition interlock** is being implemented on an extensive basis. Currently, six manufacturers provide interlock service to the State.

Pennsylvania has a quality assurance (QA) program that features spot checks of interlock providers, which include both the devices and the management aspects. As part of the QA program, the State convenes a quarterly meeting with manufacturers. Our contact opined that Pennsylvania is on the cutting edge of interlock programs based on its QA program. Further, officials from other States consider Pennsylvania to be on the cutting edge with respect to interlock program implementation. The program has received an award from the American Association of Motor Vehicle Administrators (AAMVA). Pennsylvania also has a good data collection system under which it monitors the service providers and collects data from them. Our contact thinks these data would provide a good foundation for future research activity. The interlock system has logged more than 33,000 averted attempts at varying levels.

Pennsylvania was not content to adopt NHTSA’s list of approved devices. The State has created its own specifications and is requiring a third-party independent lab study to show that its devices match NHTSA criteria. The company is establishing a program for bench-testing devices in its lab to ensure that the State’s criteria are met. It also will test devices in the field and under different conditions (temperature, humidity, etc.) with dosed subjects. The company also will experiment with the methods offenders’ use to circumvent the device. This process, our contact said, would lead to disapproving some devices. Before this testing program began, the State was dissatisfied with the performance of some interlock devices.

At the time of the interview, Pennsylvania's interlock program had been underway for about 2 years. It is therefore too early to understand the program's effect on recidivism.

The current law requires all repeat offenders to use the interlock for a year before they are eligible to obtain a license. The State is trying to achieve 100% participation. As of 2003, the State found approximately 20% participation (based on the ratio of those eligible to those on the program) under a previous version of the law, which allowed offenders to avoid the interlock by accepting an extra year of hard suspension. Pennsylvania contacts feel this compares favorably to other States, which generally have participation rates closer to 10%, and they expect participation to increase under the new law. However, the effect of the new law is not yet known because offenders who became eligible since the law changed were still under 1 year of hard suspension at the time of the interview.

The interlock license is a restricted license where the "restriction" is to use an interlock. The license is red and is imprinted with "limited license" and, in the corner, "interlock."

Our contact discussed the possibility that offenders avoid using the interlock by driving without a license. He has heard that as many as 50% of drivers in Philadelphia are driving without a license. It could be less elsewhere. He does not know how much that is happening or how much it will change with new law, which states that offenders must have interlocks on all the vehicles they own.

According to the Bureau of Driver Licensing (BDL), in 2003 about 18,000 repeat offenders were eligible to have ignition interlocks installed. The exact number would be difficult to determine because of the way the system tracks licensees. From October 1, 2002, to September 30, 2003, there were —

- 2,621 devices installed;
- 22,982,783 miles driven;
- 5,899,508 ignition interlock tests taken;
- 5,137 attempts to tamper or bypass the device;
- 31,035 BACs from .025% to .099%;
- 2,457 BACs from .10% to .19%;
- 262 BACs higher than .20%; and
- 33,754 breath failures.

As of March 2004, 2,940 offenders were on the interlock program.

Our contact was not particularly familiar with the use of the **vehicle forfeiture** law in the State. His understanding was that it is "common law" (i.e., a judge somewhere had ordered it, and thus had set a precedent). There is no language regarding vehicle forfeiture in the DUI statute. Our contact believes that forfeiture was not being used often.

VEHICLE SANCTIONS FOR OTHER OFFENSES

None identified.

PUBLICIZING OF CURRENT LAWS

The Pennsylvania Liquor Control board has updated its brochures to include the new laws. The State has conducted training for officials on the new laws. Several teams of trainers held training sessions statewide for police, judges, district attorneys, parole officers, DUI coordinators, and so on.

Pennsylvania does distribute radio/TV PSAs on drinking-and-driving issues, but to our contact's knowledge, none of these has addressed the change in the interlock law.

RECENT CHANGES AND POSSIBLE FUTURE CHANGES IN LAWS

As noted, there was a recent change in the law forcing all eligible offenders to have 1 year on the interlock after their 1 year of hard suspension. This is a change from the previous law that allowed offenders to have 1 extra year of hard suspension instead of the year on interlock.

Puerto Rico

CURRENT LAWS

Puerto Rico does not appear to have any laws pertaining to **ignition interlock, special license plates, license plate confiscation, vehicle impoundment, vehicle immobilization, or vehicle forfeiture.**

CURRENT PRACTICES

Before the interview with our Puerto Rican contact, we had found evidence that ignition interlocks were used there. Our contact stated that there are no vehicle sanction laws on the books in Puerto Rico, including laws concerning interlocks.

VEHICLE SANCTIONS FOR OTHER OFFENSES

The vehicle can be forfeited if it has been involved in a felony offense.

PUBLICIZING OF CURRENT LAWS

None.

RECENT CHANGES AND POSSIBLE FUTURE CHANGES IN LAWS

New legislation for vehicle confiscation was proposed for a second DUI offense, but it was not adopted after repeated attempts. At the time of the interview, the Bill had been reintroduced.

Rhode Island

CURRENT LAWS

Rhode Island has a **vehicle forfeiture** law. At the discretion of the court, an offender's vehicle can be forfeited by the State for a third or subsequent offense within 5 years.

Under Rhode Island's **vehicle registration suspension** law, an offender who has had their license suspended or revoked for any reason may also have the registrations of any vehicles they own suspended. However, such registrations are not suspended if financial responsibility is

provided. A vehicle registration may be suspended for a first or second chemical test refusal within 5 years.

Rhode Island has an **ignition interlock** law. For a second DUI offense, an offender may be required to use only interlock-equipped vehicles for a minimum of 1 year and up to 2 years. For a third or subsequent DUI offense, an ignition interlock may be required for 2 years. Ignition interlock requirements begin following the completion of any incarceration period.

This State does not appear to have any laws pertaining to **special license plates, license plate confiscation, vehicle impoundment, or vehicle immobilization**.

CURRENT PRACTICES

According to our State contacts, **ignition interlock** laws are not generally being enforced primarily because the staff is insufficient to monitor the program.

Vehicle forfeiture also is rare. One reason is that the vehicles often do not belong to the offenders. Our contact's impression is that the court would have to go through the Secretary of State to confiscate a vehicle.

A mandatory **registration suspension** is automatic, along with the suspension of the driver's license, for any alcohol offense, including first and subsequent DUI, DWS, and test refusal offenses. However, other drivers in the family can recover the vehicle's registration by showing proof of financial responsibility. How often that happens is difficult to estimate; however, it occurs in roughly 30% of the cases soon after the registration is suspended. Because the proof of financial responsibility will be needed for the offender to be reinstated, it becomes a matter of whether the family wants to spend the extra money to have the registration and license plate returned.

The **ignition interlock** is rarely used although some judges order it. One contact estimates that there have been approximately 10 interlocks ordered in 5 years.

VEHICLE SANCTIONS FOR OTHER OFFENSES

Vehicle registrations can be suspended for lack of proof of financial responsibility.

PUBLICIZING OF CURRENT LAWS

Our contact was not aware of any vehicle sanction laws being publicized.

RECENT CHANGES AND POSSIBLE FUTURE CHANGES IN LAWS

No laws have recently been enacted, changed, or abolished; and no new laws have been proposed for the future.

South Carolina

CURRENT LAWS

South Carolina has a **vehicle forfeiture** law. For a third or subsequent **DWI** offense within 10 years, or a fourth or subsequent **DWS** offense within 5 years, the vehicle must be forfeited. Forfeiture applies to a vehicle owned and operated by an offender, or operated by an offender who resides in the same household as the registered owner.

South Carolina has an **ignition interlock** law. A first or subsequent offender who violates any drunk-driving law may be required to install ignition interlocks on all the vehicles they use, including vehicles registered in another family member's name. The length of time for ignition interlock usage is determined by the court.

According to the Century Council report, South Carolina has a law covering **vehicle immobilization**, although the specifics are not outlined. The NHTSA *Digest of State Alcohol-Highway Safety Related Legislation* does not report any vehicle immobilization laws in South Carolina, which raises a question as to which is correct.

This State does not appear to have any laws pertaining to **special license plates**, **license plate confiscation**, or **vehicle impoundment**.

CURRENT PRACTICES

The **vehicle forfeiture** law is a civil proceeding handled by the courts and is mandatory. Although vehicle forfeiture is rarely used, it still is the most frequently used vehicle sanction. This sanction is always used for third and subsequent offenses, which make up about 5% of all cases. Data on the exact number of forfeitures would be difficult to obtain because each county maintains its own records. The primary problem with this sanction is that it often costs more to forfeit a vehicle than the vehicle is worth.

The **ignition interlock** is imposed by the courts and is discretionary. Currently, ignition interlocks are not used due to funding problems.

Upon conviction, **vehicle immobilization** is mandatory and is carried out administratively. Vehicle immobilization is used infrequently. Our contact stated that it is used the least because the law is still very new and unfamiliar.

VEHICLE SANCTIONS FOR OTHER OFFENSES

The vehicle can be confiscated for drug offenses and transporting illegal alcohol ("moonshining").

PUBLICIZING OF CURRENT LAWS

These vehicle sanction laws have not been publicized other than when they were first enacted.

RECENT CHANGES AND POSSIBLE FUTURE CHANGES IN LAWS

Our contact mentioned that during the previous legislative session, a vehicle immobilization amendment was proposed that would have relieved the courts of paperwork and fee collection and give the responsibility to the South Carolina department of motor vehicles (DMV). The legislature seemed receptive to this idea, but did not adopt it during this last session. The amendment will be re-introduced during the next session.

South Dakota

CURRENT LAWS

South Dakota has a **vehicle registration suspension** law. For any DUI conviction where a driver's license is suspended, the registration of all vehicles owned by the driver also shall be

suspended with two exceptions: (1) if the owner provides and maintains proof of financial responsibility, or (2) if the government owns the vehicle. The penalty for DWS is suspension of both the driver's license and the vehicle registration for an additional length of time equal to the original license suspension period.

This State does not appear to have any laws pertaining to **special license plates, license plate confiscation, vehicle impoundment, vehicle immobilization, ignition interlock, or vehicle forfeiture.**

CURRENT PRACTICES

Vehicle registration suspension is the State's only vehicle sanction law and is applied only after the offender is convicted. However, the family can get the registration reinstated by proving financial responsibility. Therefore, registration suspension is not generally imposed in South Dakota. In South Dakota's urban areas, registration suspension is enforced relatively more frequently than in rural areas. There is a general feeling that people need their vehicles, especially in rural areas.

Our State contact said that the current thinking in South Dakota is that it is best to focus on treatment and driver-related sanctions rather than vehicle sanctions because vehicles are necessary.

VEHICLE SANCTIONS FOR OTHER OFFENSES

A vehicle can be confiscated and its registration suspended for nonpayment of child support or if the vehicle is used in a drug-trafficking crime.

PUBLICIZING OF CURRENT LAWS

The laws are primarily publicized on the State's website and by word of mouth. The State does not have a public media campaign program to publicize its vehicle sanction laws.

RECENT CHANGES AND POSSIBLE FUTURE CHANGES IN LAWS

No laws have recently been enacted, changed, or abolished; and no new laws have been proposed for the future.

Tennessee

CURRENT LAWS

Tennessee has an **ignition interlock** law. A DUI offender may be required to operate vehicles with ignition interlocks, in addition to other penalties. An ignition interlock may be required for up to 1 year after license reinstatement. For a second or subsequent DUI offense, the court must order mandatory ignition interlock use during all or part of the suspension or conditional licensing period, and up to 1 year after the license reinstatement.

Tennessee has a **vehicle forfeiture** law. Vehicle forfeiture is mandatory for a second or subsequent DUI offense. If the offender was driving while suspended due to a first or subsequent DUI offense, then the vehicle may be seized or forfeited.

This State does not appear to have any laws pertaining to **special license plates, license plate confiscation, vehicle impoundment or vehicle immobilization.**

CURRENT PRACTICES

The **ignition interlock** is imposed by the courts, and the law makes it mandatory. However, it was reported that judges have a significant amount of leeway in sentencing and are not treating the interlock as mandatory. Rather, they consider it on a case-by-case basis. It was reported that defense attorneys have been successful at persuading judges not to impose the interlock. There is no central source for data on the number of interlocks being used. If this information is being kept, it is at the court level only.

Vehicle forfeiture is carried out administratively by law enforcement officers at the Department of Public Safety and is mandatory for a second or subsequent DUI offense at the time of arrest. It is optional for a first or subsequent offense if the offender was driving while under suspension. When it is not enforced, it is likely due to the perceived need of offenders to have transportation to work so they can provide for their families. According to the State, 4,199 vehicles (cars, trucks, and motorcycles) were forfeited in 2003; however, there was no information on how many of these were for drinking-and-driving-related offenses.

VEHICLE SANCTIONS FOR OTHER OFFENSES

A vehicle can be forfeited for drug offenses and for reckless driving.

PUBLICIZING OF CURRENT LAWS

There is a low level of public awareness of these sanction laws due to the lack of publicity according to our State contact. Vehicle sanctions were publicized only when they were first adopted.

RECENT CHANGES AND POSSIBLE FUTURE CHANGES IN LAWS

No laws have recently been enacted, changed, or abolished; and no new laws have been proposed for the future.

Texas

CURRENT LAWS

Texas has an **ignition interlock** law. For a first DUI offense, intoxicated assault, intoxicated manslaughter, or when under the conditions of community supervision, the court may order the use of ignition interlocks on all vehicles owned. For a second or subsequent DUI offense, intoxicated assault, intoxicated manslaughter (within 10 years), or when under the conditions of community supervision, the court must order the use of ignition interlocks on all vehicles owned by the offender. In addition, repeat offenders are required to use an ignition interlock following release from confinement and must continue to use this device for 1 year following completion of the mandatory license suspension. Occupational licenses are available if the offenders are required to operate vehicles as part of their employment. The employer is exempt from installing ignition interlock unless the offender is self-employed and owns the vehicle. For offenders under age 21, license suspension is for 1 year except under conditions of community supervision, where the offender is required to use only interlock-equipped vehicles. An occupational license also is available.

Texas has a **vehicle forfeiture** law. For a third or subsequent offense, a vehicle owned and operated by the DUI offender may be subject to vehicle forfeiture.

This State does not appear to have any laws pertaining to **special license plates, license plate confiscation, vehicle impoundment, or vehicle immobilization.**

CURRENT PRACTICES

The **ignition interlock** law is only imposed by the courts. It is voluntary and must be requested by the prosecutor. An interlock device, unless requested by the officer or the prosecutor, is not always implemented and is often forgotten. Problems associated with the ignition interlock are the high cost to an offender of installing and maintaining the device.

Vehicle forfeiture also is imposed by the courts and must be requested at the time of arrest. It is mandatory for a third or subsequent offense. It is being used but not often. Problems associated with the vehicle forfeiture law include lack of storage space for impounded vehicles.

VEHICLE SANCTIONS FOR OTHER OFFENSES

The vehicle can be seized for the commission of a felony offense.

PUBLICIZING OF CURRENT LAWS

Our State contact was not aware of any publicity given to these vehicle sanction laws.

RECENT CHANGES AND POSSIBLE FUTURE CHANGES IN LAWS

No laws have recently been enacted, changed, or abolished; and no new laws have been proposed for the future.

Utah

CURRENT LAWS

Utah has an **ignition interlock** law. The court, at its discretion, may require that an ignition interlock be installed on all vehicles owned and operated by an offender for a first DUI offense. The court must require a person convicted of a subsequent DUI offense within 10 years to install ignition interlocks on all vehicles they own and operate. In both cases, an ignition interlock must be used for 3 years from the date of conviction. As a condition of probation, offenders may be required to operate only interlock-equipped vehicles; however, for offenders under age 21, the interlock is mandatory. Employer vehicles are exempt from the ignition interlock requirement.

This State does not appear to have any laws pertaining to **special license plates, license plate confiscation, vehicle impoundment, vehicle immobilization, or vehicle forfeiture.**

CURRENT PRACTICES

The **ignition interlock** law is imposed by the courts. It is discretionary for a first DUI offense and mandatory for a second or subsequent offense. Judges ultimately decide whether to assign the interlock for any given offender. According to our contact, the interlock is not used as often as it could be. Lack of use seems to be a combination of judges and prosecuting attorneys not ordering it. At the time of the interview, a survey was being distributed to judges and prosecuting attorneys to find out the extent to which the interlock is being used.

Contributing to nonuse of the interlock is lack of availability and costs to offenders. Offenders are required to pay for the installation (\$150) and monitoring (\$75 per month) of the interlock device.

A fund is available to help individuals who are unable to afford these costs. In 2003, the total number of DUI arrests was 14,491. The rough estimate of convictions was 7,095. Of the total convictions, there were 91 ignition interlocks ordered.

VEHICLE SANCTIONS FOR OTHER OFFENSES

License plates can be revoked if offenders are convicted in court for driving without insurance.

PUBLICIZING OF CURRENT LAWS

The ignition interlock law is not publicized continuously, but it was in the media when the law was first enacted.

RECENT CHANGES AND POSSIBLE FUTURE CHANGES IN LAWS

No laws have recently been enacted, changed, or abolished; and no new laws have been proposed for the future.

Vermont

CURRENT LAWS

Vermont has a **vehicle immobilization** law. For a second or subsequent DUI offense, the vehicle used by the offender may be immobilized for 18 months or until the offender's license is reinstated, whichever comes first. The law also can be used for a first DWS offense if the initial charge was for a DWI offense.

Vermont also has a **vehicle forfeiture** law. For a third or subsequent DUI offense, the vehicle used by the offender may be forfeited. The law also may be used for a second DWS offense if the initial charge was for a DWI offense.

This State does not appear to have any laws pertaining to **special license plates, license plate confiscation, vehicle impoundment, or ignition interlock**.

CURRENT PRACTICES

To improve the **immobilization** and **vehicle forfeiture** programs, the State began a program using NHTSA funds to allow for an "immobilization and forfeiture attorney" who specializes in these cases. When an offender is convicted, the State's attorney decides whether to forward the case to the immobilization and forfeiture attorney. Vehicle ownership records are reviewed, and the attorney only pursues immobilization or confiscation for those cases the State seems to have a chance of winning. In 2003, Vermont confiscated 21 vehicles; in 2002, 11 vehicles; and in 2001, 5 vehicles. Prior to 2001, only 20 vehicles had been confiscated. This shows that the vehicle forfeiture program is growing. Similarly, the immobilization of vehicles is increasing, with 6 vehicles immobilized in 2003, 4 in 2002, 2 in 2001, and 8 prior to 2001.

One of the positive aspects of this program is that forfeiture funds are contributed to the DUI Enforcement Fund. The offender pays for immobilization services. On the negative side, the State does not always make money on forfeitures because the funds generated from confiscating a vehicle may be less than the costs associated with confiscating it. It was reported, however, that confiscating one valuable vehicle may offset the cost of confiscating several. The use of an immobilization and forfeiture attorney helps reduce the cost of the program to the extent that much of the unrecoverable costs come from pursuing cases and losing them.

According to our contact, the possibility that the laws will be dropped is unlikely. Another possible sanction in the future: Suspension of registrations for all vehicles registered to repeat offenders (see TEA-21 legislation, Section 164, Penalties). Bill H505 was in the house at the time of the interview. This was an attempt to meet the requirement and remove the penalty.

VEHICLE SANCTIONS FOR OTHER OFFENSES

None identified.

PUBLICIZING OF CURRENT LAWS

The vehicle sanction laws are not as well publicized as some state officials would like. The forfeiture attorney wrote a press release on one case, which resulted in a news article. Officials reportedly had little confidence that any PSA's created by the State would be aired by media.

RECENT CHANGES AND POSSIBLE FUTURE CHANGES IN LAWS

In a phone call at the end of 2004, we were informed that funding for the forfeiture attorney had ceased, that the State had suspended the program and were no longer immobilizing and confiscating vehicles.

An attempt was made in 2004 to enact a law concerning suspension of registrations for all vehicles registered to repeat offenders; however, it was reported in December 2004 that this bill died in committee. There is talk of reintroducing the bill in the upcoming session, but our contact was not confident it would have any chance of being adopted.

Virginia

CURRENT LAWS

Virginia has an **ignition interlock** law. A first DUI offender, who has been granted restricted or conditional driving privileges, *may* be required by the courts to use only interlock-equipped vehicles that are registered in his or her name. For a second offense, the court *must* require a DUI offender who has been granted restricted or conditional driving privileges to use only interlock-equipped vehicles registered in his or her name. The law requires an interlock in every vehicle owned by the offender.

Virginia has laws for **vehicle impoundment** and **vehicle immobilization**. Any vehicle used in a DUI offense may be impounded or immobilized for 30 days if the offender was driving while suspended because of a prior DUI, an administrative per se violation, or chemical test refusal. In addition, vehicles owned by an offender may be impounded or immobilized for up to 90 days even if the vehicles were not used in the offense. There are family hardship exceptions for households with only one vehicle.

Virginia also has a **vehicle registration suspension** law. Upon receiving a notice of any conviction that requires license suspension or revocation, the registration of any vehicle owned by the offender also must be suspended. The licensing agency shall not suspend the registration if the person maintains proof of financial responsibility.

This State does not appear to have any laws pertaining to **special license plates** or **license plate confiscation**.

CURRENT PRACTICES

The **ignition interlock** program is part of the Virginia Alcohol Safety Action Program (VASAP). VASAP staff finds vendors and establishes interlock requirements, and through its 26 local or regional VASAP offices, the staff receives referrals from the court. The staff ensures the installation of interlock devices by offenders. It was reported that the courts seem content with the way the program is working.

There is probably no way to determine how often **vehicle impoundment** or **immobilization** is being used because these sanctions are being imposed by many local law enforcement agencies, with no central location for tracking usage data. The 1998 data shows 2,016 **vehicle impoundments**. In 1999, there were 1,796, and in 2000 there were 909 (the 2000 numbers may be incomplete). There are no data for **vehicle immobilization** usage. Our contact had not heard of any problems caused by these sanctions.

In the opinion of our contact, a primary concern for all these programs is the need to protect the innocent (e.g., offender's family members), that the details of how this is accomplished will make or break how well the program works, but that it is important to remember that these sanctions do produce positive results. The contact felt that the State does not always do enough to evaluate the results, which is a problem.

Courts can impose the **ignition interlock**. Information on who is sentenced to the interlock goes into the DMV driver's record (but not the vehicle's record). To determine the proportion of those sentenced who actually have interlocks installed, it would be possible to compare the total number of sentences to the total number of interlocks installed. However, this would not take into account the number of offenders with interlocks on multiple vehicles. Our contact had no estimate of the extent to which people were being sentenced to or avoiding use of the interlock.

A second contact expressed the belief that all second and subsequent offenders are being sentenced to the interlock. Offenders can choose not to have the interlock installed, but if they do so, they cannot get a restricted driver's license. Even if they opt to be suspended rather than have a restricted license, they still need to have the interlock for at least 6 months before their license can be reinstated. The general feeling is that they might as well use it sooner rather than later.

Vehicle registration suspension is not generally used for alcohol offenders; it is used primarily in cases in which court costs are not paid or financial responsibility is not maintained. Looking closely at the code, our contact sees that it references another statute that has to do with debts to the State (e.g., unpaid court costs). In general, registration suspension is used as a tool to enforce the collection of debts.

VEHICLE SANCTIONS FOR OTHER OFFENSES

As noted above, vehicle registration suspension is used to encourage offenders of various types to pay debts to the State.

PUBLICIZING OF CURRENT LAWS

There is some publicity – information about sanctions is included in handout material and in the driver's manuals. There are plans to educate the public about new vehicle forfeiture laws. Announcements in paid media concerning high-visibility enforcement will include mention of forfeiture laws. These primarily will be on radio and ads on buses, rather than on television.

RECENT CHANGES AND POSSIBLE FUTURE CHANGES IN LAWS

At the time of the interview, a vehicle forfeiture law was enacted that was due to take effect on July 1, 2004. Under this law, “The vehicle solely owned and operated by the accused during the commission of a felony violation 49 of § 18.2-266 shall be subject to seizure and forfeiture.” The Commonwealth may choose to notify the DMV that the vehicle is subject to forfeiture. The seizure of the vehicle is stayed until the offender is convicted. An immediate family member can petition the court to release the vehicle if he or she can prove that the family only owns only one vehicle and that loss of the vehicle constitutes a hardship. If the offending vehicle is sold between the time of the offense and seizure of the vehicle, the Commonwealth has rights to the proceeds of the sale.

Another new law requires the imposition of an ignition interlock for offenders whose BAC is .15 or higher.

Washington

CURRENT LAWS

Washington has an **ignition interlock** law. For a first DUI offense, the court may require the offender to use only interlock-equipped vehicles after completion of the license suspension or revocation period. This requirement may last for as long as the court has jurisdiction. If the offender committed a first DUI offense with a BAC of .15 or higher, for any subsequent test refusal or DUI offense within 7 years, the court must require the use of an ignition interlock after the license suspension or revocation period is completed. The length of an ignition interlock restriction can range from 1 year, if no there was no prior ignition interlock sanction, up to 10 years for two previous convictions.

Washington also has a **vehicle forfeiture** law. For a second or subsequent DUI offense within 7 years, the vehicle used in the offense is subject to forfeiture. This action does not appear to be mandatory.

Washington has a **vehicle impoundment** law. In addition to impounding the vehicle for other possible penalties for driving while suspended from a prior DUI conviction, the vehicle also may be impounded for not more than 30 days on a first offense. For a second offense, the vehicle may be impounded for not more than 60 days, and for a third offense, not more than 90 days.

This State does not appear to have any laws pertaining to **special license plates, license plate confiscation, or vehicle immobilization**.

CURRENT PRACTICES

The **ignition interlock** is mandatory for first offenders that have a BAC of .15 or greater; otherwise, the interlock may be ordered for a first offense at the discretion of the court. Ignition interlock laws reportedly are enforced widely. There are six interlock vendors in the state of Washington.

Vehicle forfeiture and **vehicle impoundment** are imposed at the discretion of the courts. They reportedly are used less than the ignition interlock sanction. The extent to which forfeiture is used varies, depending on the location within the State. Seattle had an impoundment program that came under fire from politicians because they felt it was being used for low-income and minority groups more than other groups. In late 2003, the Rand Corporation completed a study of the program. At the time of the interview the city council had announced that it was going to stop

conducting impoundments and forfeitures. Our contact stated that, practically speaking, forfeiture and impoundment are essentially the same sanction in Washington. Spokane and Vancouver reportedly are using these two sanctions frequently. This was said to be an indication of the importance of location within the State and of the political climate to the success of such programs. Our contact said that they have heard from judges throughout the State who are strongly in favor of the program.

Some reasons suggested as to why vehicle sanctions programs are not enforced include the opinions of some judges that vehicle sanctions put too much of a burden on family members. With respect to vehicle forfeiture and impoundment, often the value of the vehicle exceeds the cost of storage, and in some cases, a storage area cannot be found. Storing vehicles also carries a liability. Another problem is trying to determine to whom the vehicle is registered.

VEHICLE SANCTIONS FOR OTHER OFFENSES

The State has a law that provides for vehicle forfeiture if a vehicle has been used in the commission of a felony and for drug trafficking.

PUBLICIZING OF CURRENT LAWS

Washington publicizes vehicle sanction laws quite extensively, in that every time a law has changed, the State has conducted a public information campaign. Washington also provides DUI law training for officials within the criminal justice system. Brochures are available to the courts and educational groups throughout the State.

RECENT CHANGES AND POSSIBLE FUTURE CHANGES IN LAWS

It was reported that there was a recent change to the ignition interlock law that had not yet taken effect. Specific details of the changes were not known by our contact.

West Virginia

CURRENT LAWS

Under West Virginia's **ignition interlock** law, an ignition interlock program is available to offenders in a treatment program. This program may reduce the mandatory and regular revocation periods for DUI, implied consent, and administrative per se offenses. For a first DUI offense or administrative per se, the offender must use an ignition interlock for 5 months. An ignition interlock also must be used for 9 months for a first implied consent refusal. For a second DUI offense or administrative per se, the offender must use an ignition interlock for 18 months. An ignition interlock must be used for 2 years for committing a subsequent administrative per se violation or DUI offense, along with a second or subsequent implied consent refusal. Offenders are not eligible for this program or may be excluded if (1) they were previously in the program; (2) they committed an injury-related administrative per se or DUI offense; or (3) they violated an administrative per se, DUI, or implied consent law while in the program.

This State does not appear to have any laws pertaining to **special license plates, license plate confiscation, vehicle impoundment, vehicle immobilization, or vehicle forfeiture/confiscation.**

CURRENT PRACTICES

Of roughly 11,000 offenders who were eligible at any one time, the State had about 700 offenders on the **ignition interlock** at the time of the interview (6.4%). It is an option that is offered to offenders. Those who depend on the use of their vehicles are the most interested. Judges *could* order it but seldom do.

Our contact believes the interlock program is helpful. One benefit is that it provides an opportunity to monitor drivers, and it provides data that can be used in counseling sessions. State officials have looked at the recidivism rate for people on the interlock program, and it is definitely lower than for those not on the program.

Due to the high costs and budget, the State has only two people on staff to run the interlock program. All other costs are the responsibility of the offender. This lowers the cost of administering the program for the State. If the law changes to require the interlock for repeat offenders (see below under Recent Changes and Possible Future Changes), an estimated 7,000 offenders are expected to be using the interlock at any one time. At that time, the State would need to hire more staff to run the program, but it is anticipated that offenders' fees will support the additional payroll.

Our State contact suspects that 95% of suspended drivers continue to drive while suspended. Interlock providers have reported that this estimate is consistent with the proportion of offenders who have reported driving while suspended in informal conversations.

VEHICLE SANCTIONS FOR OTHER OFFENSES

None identified.

PUBLICIZING OF CURRENT LAWS

The interlock program is publicized by notifying police communities and defense attorneys around the State that the interlock is an option for those who need it or want it. When suspension notices go out, they include information about the interlock program. The program is most attractive for multiple offenders because a relatively large amount of time can be removed from the suspension period.

RECENT CHANGES AND POSSIBLE FUTURE CHANGES IN LAWS

At the time of the interview, there had been a recent attempt to enact a law requiring an interlock for repeat offenders; however, the legislature ran out of time before it was acted upon the law. Our contact reported that they would try again next year.

Wisconsin

CURRENT LAWS

Wisconsin has a **vehicle forfeiture** law. For a third or subsequent DUI offense, an offender's vehicle may be forfeited. Seizure is not mandatory and the court may not order a vehicle seized if the vehicle has been ordered immobilized or equipped with an ignition interlock device or if seizure would result in undue hardship.

Wisconsin has another set of vehicle sanction laws that cover **vehicle immobilization**, **ignition interlock**, and **vehicle forfeiture**. If an offender has had two prior refusals or DUI offenses within 10 years, then the vehicle may be immobilized, forfeited, or equipped with an ignition

interlock. A vehicle is not immobilized or equipped with an ignition interlock if it will cause undue hardship. For a second or subsequent refusal within 5 years, an offender's vehicle must be immobilized, forfeited, or equipped with an ignition interlock for a minimum of 1 year and cannot be more than the maximum license suspension. Immobilization begins at the same time as license suspension, whereas ignition interlock starts after 1 year of the suspension period has elapsed. Immobilization is prohibited in cases where it would cause undue hardship. For a third or subsequent refusal, the offender's vehicle may be forfeited as an alternative to immobilization or ignition interlock. Forfeiture is prohibited in cases where it would cause undue hardship.

There is a policy in Wisconsin that allows temporary **vehicle impoundment**, as part of the immobilization process. This is not a law, just a policy, and is used only temporarily and at the discretion of officers in the field.

Based on the information obtained for Wisconsin, this State does not appear to have any laws pertaining to **special license plates** or **license plate confiscation**.

CURRENT PRACTICES

Vehicle immobilization, vehicle forfeiture, and ignition interlock are imposed by the courts. Wisconsin has two tiers of sanctions that are based on a Federal mandate. One tier is called a "two and five offender law" – when a person has two or more operating while intoxicated (OWI) convictions or refusal convictions within a 5-year period, then the court must order one of the three vehicle sanctions. The other tier covers OWIs that occur outside the 5-year period – for these offenses, the three vehicle sanctions are not mandatory but may be applied. According to our contact, vehicle immobilization (installation of a "club") and vehicle forfeiture are rarely used. Therefore, the **ignition interlock** is the most used of the three.

In 2002, of the 3,031 court orders, only 208 had complied with the requirements for installation of the **ignition interlock**. For 2003, the State Department of Transportation projected 3,228 court orders for installation of the interlock with only 489 complying. In our contact's opinion, there is a disconnect between the judges' sense that the interlock is a great idea and the reality that offenders are not complying. From our contact's viewpoint, the sanction is being imposed but offenders are not complying with the court order – and they are not forced to comply and suffer no consequences for ignoring this sanction. Thus, offenders do not see the interlock as a real threat because it is not truly being enforced. According to our contact, for the ignition interlock to be effective, it has to be more user friendly in terms of the offender's ability to have it installed into the vehicle. Secondly, our contact feels that the cost needs to be a sliding scale based upon an offender's resources and ability to pay for installing ignition interlocks. Essentially, even people who can afford it do not want to pay for it.

Vehicle forfeiture is not used because it is seen as too much trouble for the State. It is very time-consuming and not cost-effective. The officers and police agency must collect the vehicle, the district attorney must file a separate forfeiture action to forfeit the vehicle, and any proceeds from that vehicle have to be dispersed in a very specific manner in accordance to the statute. This becomes problematic when the State seizes a worthless vehicle that does not cover administrative costs. Traditionally, the courts have ignored it.

VEHICLE SANCTIONS FOR OTHER OFFENSES

A police agency can temporarily impound a vehicle for a felony offense or a drug-related offense in which a vehicle was involved in a crime.

PUBLICIZING OF CURRENT LAWS

The vehicle sanction laws were publicized somewhat when the laws were adopted. More recently, an important drunk-driving case in the news resulted in some media discussion of the interlock program.

RECENT CHANGES AND POSSIBLE FUTURE CHANGES IN LAWS

No laws have recently been enacted, changed, or abolished; and no new laws have been proposed for the future.

Wyoming

CURRENT LAWS

Wyoming has a vehicle sanction law for **vehicle registration suspension**. For a second or subsequent DUI offense within 2 years, an offender's vehicle registration shall be suspended for the same period as the license suspension. This law also involves **license plate confiscation**.

Wyoming has a policy that allows for temporary **vehicle impoundment**. An offender's vehicle may be impounded following an arrest if a sober driver is unavailable. This law seems intended to prevent the offender from operating the vehicle immediately after the drinking-driving offense, rather than being aimed at long-term prevention of drinking and driving by offenders.

This State does not appear to have any laws pertaining to **special license plates, vehicle immobilization, vehicle forfeiture, or ignition interlock**.

CURRENT PRACTICES

According to our first contact, **vehicle registration suspension** and **license plate confiscation** are carried out administratively. If the convicted person has someone else listed on the registration (e.g., a spouse), then the State will not confiscate the plates due to hardship. The registration suspension also includes confiscation of the license plate. If convicted, the driver's license is suspended, and the offender is supposed to turn in the registration. At that time, the license plates also are confiscated. Upon conviction of a sole owner, this is supposedly mandatory; however, only 60% of the sole owners are turning in their registrations and license plates. If an offender is stopped while driving a vehicle for which the plates should have been confiscated, the plates are confiscated immediately. Sole owners are rare in Wyoming because an owner can add anyone to the registration without making that person the owner or co-owner. Offenders use this feature to avoid registration suspension and plate confiscation. For this reason, practically no registrations are suspended.

VEHICLE SANCTIONS FOR OTHER OFFENSES

The driver license can be suspended for not having insurance. Once a driver's license is suspended, the registration must be turned in to the State.

PUBLICIZING OF CURRENT LAWS

There is some publicity of these laws, which has created public awareness of the need for insurance. Offenders also are aware that they can list other names on the registration to avoid registration suspension.

RECENT CHANGES AND POSSIBLE FUTURE CHANGES IN LAWS

No laws have recently been enacted, changed, or abolished; and no new laws have been proposed for the future.

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Appendix A: Presence and Status of Vehicle Sanction Laws in the States

Table A-2. Presence of Vehicle Sanction Laws in the States and Their Usage (2004)

State	Alcohol Ignition Interlock	Vehicle Impoundment ¹	Vehicle Immobilization	Vehicle Forfeiture	License Plate and Vehicle Registration Suspension	Special License Plates
Alabama	0	9	0	0	1	0
Alaska	1	2	0	2	0	0
Arizona	2	1	0	1	0	0
Arkansas	2	0	0	1	1	0
California	1	2	0	1	0	0
Colorado	2	0	0	1	0	0
Connecticut	0	9	0	0	0	0
Delaware	2	0	0	0	1	0
District of Columbia	1	0	0	0	0	0
Florida	2	9	9	0	0	0
Georgia	2	0	0	1	2	9
Hawaii	0	0	0	0	1	9
Idaho	2	0	0	0	0	0
Illinois	2	0	1	1	1	0
Indiana	2	0	0	0	0	0
Iowa	9	1	1	1	9	0
Kansas	1	1	1	0	1	0
Kentucky	1	0	0	0	2	0
Louisiana	2	0	0	1	0	0
Maine	0	0	0	1	2	0
Maryland	2	1	0	0	1	0
Massachusetts	9	0	0	0	9	0
Michigan	2	0	1	2	9	9
Minnesota	0	0	0	2	2	2
Mississippi	9	9	9	9	0	0
Missouri	2	2	0	2	0	0
Montana	2	0	0	2	0	0
Nebraska	2	2	0	0	2	0
Nevada	2	0	0	0	0	0
New Hampshire	9	0	0	0	9	0
New Jersey	2	0	0	0	2	9
New Mexico	2	0	1	1	0	0
New York	2	0	0	2	0	0
North Carolina	2	0	0	2	0	0
North Dakota	1	0	0	1	1	0
Ohio	1	0	2	2	9	9
Oklahoma	2	0	0	1	0	0
Oregon	2	1	1	1	0	0
Pennsylvania	2	0	0	1	0	0
Puerto Rico	0	0	0	0	0	0
Rhode Island	1	0	0	9	1	0
South Carolina	1	0	9	2	0	0
South Dakota	0	0	0	0	2	0
Tennessee	1	0	0	2	0	0
Texas	1	0	0	1	0	0
Utah	1	0	0	0	0	0
Vermont	0	0	1	1	0	0
Virginia	9	2	9	0	0	0
Washington	2	9	0	2	0	0
West Virginia	1	0	0	0	0	0
Wisconsin	2	0	1	1	0	0
Wyoming	0	0	0	0	1	0
Total# w/ law	43	15	13	30	22	6
Total# w/ law sometimes or often used	25	5	1	11	7	1
Key: 0 = No law; 1 = Little or no use; 2 = Some or much use; 9 = Law, but extent of use unclear/unknown						

¹ For the purposes of this table, only laws allowing long-term vehicle impoundment (e.g., several months) will be counted. Laws allowing short-term impoundment (up to 48 hours) will not be counted. States that allow for short-term impoundment are Connecticut, District of Columbia, Florida, Illinois, Maine, Minnesota, New Jersey, and Wyoming. Nearly all of the impoundment laws in these 8 States allow for some period of vehicle impoundment for all DWI and DWS offenders, ostensibly preventing offenders from driving impaired after release from police custody. Illinois takes a somewhat different approach, increasing the number of hours of impoundment based on the number of prior offenses.

Table A-3. Presence of Vehicle Sanction Laws in the States and Type of Offender Application (2004)

State	Alcohol Ignition Interlock	Vehicle Impoundment ¹	Vehicle Immobilization	Vehicle Forfeiture	License Plate and Vehicle Registration Suspension	Special License Plates
Alabama	0	2	0	0	1	0
Alaska	1, 4	1, 3, 4	0	1, 3, 4	0	0
Arizona	1, 2, 4	2	0	1, 2, 4	0	0
Arkansas	1, 2, 3, 4	0	0	1	2	0
California	1, 2, 4	1, 2, 4	0	1, 2, 4	0	0
Colorado	1, 2, 3, 4	0	0	1, 2, 4	0	0
Connecticut	0	1, 2, 3, 4	0	0	0	0
Delaware	1, 3, 4	0	0	0	2, 3	0
District of Columbia	1	0	0	0	0	0
Florida	1, 3, 4	1, 4	1, 4	0	0	0
Georgia	1	0	0	1	1	1
Hawaii	0	0	0	0	1, 3	1, 3
Idaho	1, 4	0	0	0	0	0
Illinois	1	0	1, 2	1, 2	1, 2	0
Indiana	1, 4	0	0	0	0	0
Iowa	1, 3	1, 2	1	1, 2	1, 2	0
Kansas	1, 4	1, 4	1, 4	0	1	0
Kentucky	1, 4	0	0	0	1	0
Louisiana	1, 4	0	0	1	0	0
Maine	0	0	0	2	1, 2	0
Maryland	1, 4	2	0	0	2	0
Massachusetts	1	0	0	0	2	0
Michigan	1, 4	0	1, 4	1	1, 2, 4	1, 4
Minnesota	0	0	0	1, 2, 4	1, 4	1, 4
Mississippi	1	1	1	1	0	0
Missouri	1, 4	1, 3, 4	0	1, 2, 3, 4	0	0
Montana	1, 4	0	0	1	0	0
Nebraska	1, 3	2	0	0	1, 3	0
Nevada	1, 4	0	0	0	0	0
New Hampshire	1, 4	0	0	0	1	0
New Jersey	1, 4	0	0	0	1, 4	1, 4
New Mexico	1, 4	0	1	1	0	0
New York	1	0	0	1	0	0
North Carolina	1, 4	0	0	1, 2	0	0
North Dakota	1, 4	0	0	1	1, 2, 4	0
Ohio	1, 4	0	1	1	1	1
Oklahoma	1, 4	0	0	1, 4	0	0
Oregon	1, 4	1, 2	1, 2	1, 4	0	0
Pennsylvania	1, 4	0	0	1, 4	0	0
Puerto Rico	0	0	0	0	0	0
Rhode Island	1	0	0	1	1, 2, 3, 4	0
South Carolina	1, 4	0	1, 2, 3, 4	1	0	0
South Dakota	0	0	0	0	1, 4	0
Tennessee	1, 4	0	0	1, 2, 4	0	0
Texas	1, 4	0	0	1	0	0
Utah	1, 4	0	0	0	0	0
Vermont	0	0	1	1	0	0
Virginia	1, 4	2, 3	2, 3	0	0	0
Washington	1, 3, 4	1, 4	0	1	0	0
West Virginia	1, 3, 4	0	0	0	0	0
Wisconsin	1, 3, 4	0	1, 3	1, 3	0	0
Wyoming	0	0	0	0	1	0
Total# w/ law	43	15	13	30	22	6
Total# w/ law first off. DWI	34	7	4	11	6	3
Key: 0 = No law; 1 = Multiple DWI offender; 2 = DWS offender; 3 = Refusal; 4 = 1st DWI offender; 9 = Law, but unclear as to whom it applies						

¹ For the purposes of this table only, laws allowing long-term vehicle impoundment (e.g., several months) will be counted. Laws allowing short-term impoundment (up to 48 hours) will not be counted. States that allow for short-term impoundment are: Connecticut, District of Columbia, Florida, Illinois, Maine, Minnesota, New Jersey and Wyoming. Nearly all of the impoundment laws in these 8 States allow for some period of vehicle impoundment for all DWI and DWS offenders, ostensibly preventing offenders from driving impaired after release

from police custody. Illinois takes a somewhat different approach, increasing the number of hours of impoundment based on the number of prior offenses.

Table A-4. Presence of Vehicle Sanction Laws in the States and Mandatory or Discretionary Application (2004)

State	Alcohol Ignition Interlock	Vehicle Impoundment ¹	Vehicle Immobilization	Vehicle Forfeiture	License Plate and Vehicle Registration Suspension	Special License Plates
Alabama	0	1	0	0	2	0
Alaska	1	1	0	1	0	0
Arizona	2	1	0	2	0	0
Arkansas	1	0	0	1	2	0
California	3	1	0	1	0	0
Colorado	1	0	0	9	0	0
Connecticut	0	1	0	0	0	0
Delaware	1	1	0	0	1	0
District of Columbia	0	0	0	0	0	0
Florida	1	0	2	0	0	0
Georgia	1	0	0	1	2	2
Hawaii	0	0	0	0	1	1
Idaho	3	0	0	0	0	0
Illinois	1	0	1	1	1	0
Indiana	1	0	0	0	0	0
Iowa	1	1	1	1	1	0
Kansas	3	1	1	0	1	0
Kentucky	1	0	0	0	1	0
Louisiana	3	0	0	2	0	0
Maine	0	0	0	2	3	0
Maryland	1	1	0	0	1	0
Massachusetts	2	0	0	0	1	0
Michigan	1	0	3	1	2	1
Minnesota	0	0	0	3	2	1
Mississippi	1	2	2	1	0	0
Missouri	1	1	0	1	0	0
Montana	3	0	0	2	0	0
Nebraska	1	1	0	0	2	0
Nevada	3	0	0	0	0	0
New Hampshire	1	0	0	0	2	0
New Jersey	1	0	0	0	1	1
New Mexico	1	0	1	1	0	0
New York	1	0	0	1	0	0
North Carolina	3	0	0	9	0	0
North Dakota	1	0	0	1	1	0
Ohio	3	0	9	9	1	1
Oklahoma	2	0	0	1	0	0
Oregon	3	1	1	1	0	0
Pennsylvania	3	0	0	1	0	0
Puerto Rico	0	0	0	0	0	0
Rhode Island	1	0	0	1	1	0
South Carolina	1	0	2	2	0	0
South Dakota	0	0	0	0	2	0
Tennessee	1	0	0	3	0	0
Texas	3	0	0	1	0	0
Utah	3	0	0	0	0	0
Vermont	0	0	1	1	0	0
Virginia	3	1	1	0	0	0
Washington	3	1	0	1	0	0
West Virginia	1	0	0	0	0	0
Wisconsin	1	0	1	3	0	0
Wyoming	0	0	0	0	2	0
Total # with law	43	15	13	30	22	6
Total # with law with mandatory application	2	1	3	5	8	1
Key:	0 = No law; 1 = Law, discretionary application; 2 = Law, mandatory application; 3 = Depends on circumstances (e.g. first vs. multiple); 9 = Law, but unclear as to how it is applied					

¹ For the purposes of this table only laws allowing long-term vehicle impoundment (e.g., several months) will be counted. Laws allowing short-term impoundment (up to 48 hours) will not be counted. States that allow for short-term impoundment are: Connecticut, District of Columbia, Florida, Illinois, Maine, Minnesota, New Jersey and Wyoming. Nearly all of the impoundment laws in these 8 States allow for some period of vehicle impoundment for all DWI and DWS offenders, ostensibly preventing offenders from driving impaired after release from

police custody. Illinois takes a somewhat different approach, increasing the number of hours of impoundment based on the number of prior offenses.

Table A-5. Presence of Vehicle Sanction Laws in the States and Their System Application (2004)

State	Alcohol Ignition Interlock	Vehicle Impoundment ¹	Vehicle Immobilization	Vehicle Forfeiture	License Plate and Vehicle Registration Suspension	Special License Plates
Alabama	0	2	0	0	9	0
Alaska	1	3	0	3	0	0
Arizona	3	2	0	1	0	0
Arkansas	3	0	0	1	2	0
California	1	3	0	1	0	0
Colorado	3	0	0	3	0	0
Connecticut	0	2	0	0	0	0
Delaware	1	1	0	0	1	0
District of Columbia	9	0	0	0	0	0
Florida	1	1	1	0	0	0
Georgia	2	0	0	1	1	1
Hawaii	0	0	0	0	2	2
Idaho	1	0	0	0	0	0
Illinois	1	0	1	1	1	0
Indiana	1	0	0	0	0	0
Iowa	1	1	1	1	1	0
Kansas	1	1	1	0	1	0
Kentucky	1	0	0	0	1	0
Louisiana	3	0	0	1	0	0
Maine	0	0	0	1	3	0
Maryland	3	1	0	0	1	0
Massachusetts	1	0	0	0	1	0
Michigan	1	0	1	1	2	2
Minnesota	0	0	0	3	1	1
Mississippi	1	1	1	1	0	0
Missouri	1	1	0	1	0	0
Montana	1	0	0	1	0	0
Nebraska	1	1	0	0	1	0
Nevada	1	0	0	0	0	0
New Hampshire	1	0	0	0	1	0
New Jersey	1	0	0	0	1	1
New Mexico	1	0	1	1	0	0
New York	1	0	0	1	0	0
North Carolina	1	0	0	1	0	0
North Dakota	1	0	0	1	3	0
Ohio	2	0	1	1	1	1
Oklahoma	3	0	0	1	0	0
Oregon	1	1	1	1	0	0
Pennsylvania	1	0	0	1	0	0
Puerto Rico	0	0	0	0	0	0
Rhode Island	1	0	0	1	2	0
South Carolina	1	0	3	2	0	0
South Dakota	0	0	0	0	1	0
Tennessee	1	0	0	3	0	0
Texas	1	0	0	1	0	0
Utah	1	0	0	0	0	0
Vermont	0	0	1	1	0	0
Virginia	1	1	1	0	0	0
Washington	1	1	0	1	0	0
West Virginia	9	0	0	0	0	0
Wisconsin	1	0	1	1	0	0
Wyoming	0	0	0	0	2	0
Total # with law	43	17	13	30	22	6
Total # with law administratively or both	8	5	1	5	6	2

Key: 0 = No law; 1 = Courts only; 2 = Administratively; 3 = Both administrative and courts; 4 = Other; 9 = Laws but details unknown/unclear

* For the purposes of this table, only laws allowing long-term vehicle impoundment (e.g., several months) will be counted. Laws allowing short-term impoundment (up to 48 hours) will not be counted. States that allow for short-term impoundment are Connecticut, District of Columbia, Florida, Illinois, Maine, Minnesota, New Jersey, and Wyoming. Nearly all of the impoundment laws in these 8 States allow for some period of vehicle impoundment for all DWI and DWS offenders, ostensibly preventing offenders from driving impaired after release from police custody. Illinois takes a somewhat different approach, increasing the number of hours of impoundment based on the number of prior offenses.

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September 2008

Update of Vehicle Sanction Laws and Their Application

Volume I — Summary

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16. Abstract <p>Because of the substantial number of driving while intoxicated (DWI) offenders driving illegally with suspended licenses and the limited enforcement resources available to deal with the problem, many States and the Federal government have begun to enact legislation directed at the vehicles owned by offenders to limit their illicit driving. Such policies fall into three broad categories: (1) programs that require special plates on the vehicles of DWI offenders and/or confiscate the vehicle plates and vehicle registration; (2) devices installed in the vehicle that prevent its operation if the driver has been drinking (alcohol ignition interlock); and (3) programs that impound, immobilize, confiscate or forfeit the vehicle. This study updates as of the end of 2004 a 1992 NHTSA study of vehicle sanctions. The 1992 study reported that 32 States had laws providing for various vehicle sanctions; however, in most of these States these sanctions were rarely used. This current study updates that effort with a contemporary overview of vehicle sanction laws and their application as of December 2004. It goes beyond the earlier study by reporting on information from other countries, incorporating a review of ignition interlock devices (not considered in the earlier study) and providing a more recent list of vehicle sanctions on a State-by-State basis.</p> <p>This report, compared to the 1992 report, identified 131 pieces of legislation with all 50 States having at least one vehicle sanction law in 2004. Although it was difficult to obtain quantitative information on the application of vehicle sanctions, it was documented that at least 51 of the 131 laws are used regularly. Alcohol ignition interlock laws were enacted most often in the States (43), followed by vehicle forfeiture laws (31). Half of the States (25) reported having alcohol ignition interlock laws that were actively being applied on at least some of the eligible offenders. There are a number of barriers to the implementation of vehicle sanctions. These are discussed along with suggestions for improvements in their application. This is Volume I of a two-volume report: Volume I synthesizes and summarizes the findings; whereas Volume II describes vehicle sanctions status for each State as of the end of 2004.</p>					
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Executive Summary

Introduction

Repeat offenders convicted of driving while intoxicated (DWI) or driving under the influence (DUI) are four times more likely to be intoxicated when involved in a fatal crash than drivers without prior DWI or DUI convictions. The arrest and conviction of such offenders should decrease the likelihood of these high-risk DWI drivers from becoming crash involved in the future. However, other than long-term incarceration, there is no certain method for keeping DWI offenders from driving while impaired.

Because of the high number of suspended DWI offenders driving illegally and the limited enforcement resources available to deal with the problem, many States and the Federal Government have enacted legislation directed at the vehicles owned by offenders to limit their unlawful driving. Such legislation falls primarily into three broad categories: (1) programs that require special plates on the vehicles of DWI offenders and/or confiscating the vehicle plates and vehicle registration; (2) programs that require installation of devices in the vehicle that prevent it from operating if the driver has been drinking (alcohol ignition interlocks); and (3) programs that impound, immobilize, confiscate, or forfeit the vehicles. None of these vehicle controls are foolproof, however, several vehicle sanctions have been found to reduce recidivism.

This report updates through December 2004 a 1992 National Highway Traffic Safety Administration (NHTSA) sponsored study of vehicle sanctions (Voas, 1992). That study found relatively few jurisdictions with active vehicle sanction programs. Although 32 States were found to have laws providing for various vehicle sanctions, in most States these sanctions were rarely used. This current study updates that effort with a contemporary overview of vehicle sanction laws and their application. It goes beyond the earlier study by reporting on legislation and the literature from abroad, incorporating a review of ignition interlock devices (not considered in the earlier study), and providing a more recent list of vehicle sanctions on a State-by-State basis.

Methods

Information on each State's vehicle sanction laws was collected primarily from NHTSA's *Digest of State Alcohol-Safety Related Legislation* (NHTSA, 2003). Additionally, information was obtained from Mothers Against Drunk Driving's (MADD's) *Rating the States* report for 2002 and from the 2003 edition of the Sourcebook for the Century Council's *National Hardcore Drunk Driver Project* (The Century Council, 2003). Information on the existence of vehicle sanctions laws, whether those laws appeared to be mandatory or discretionary, and whether they were applied through the courts or administratively (e.g., through a division of motor vehicles), was recorded in a database. Project staff used e-mail and telephone interviews to contact State officials regarding vehicle sanctions in their States. These contacts were made throughout the spring, summer and fall of 2004. Where officials believed changes were imminent, we re-contacted them for an update in the winter of 2004. Where we had no evidence to suggest that laws had changed during the year, we assumed that the status had not changed by the end of the year. State officials were asked to identify any corrections or clarifications needed in the documentation of States' vehicle sanction laws that were sent to them. Interview discussions also included: (a) the extent to which individual vehicle sanction laws were being used; (b) if laws were not being used, why not; (c) the extent to which they were aware of any successes or

problems associated with the enforcement of the laws; and (d) knowledge of any studies of the effectiveness of the vehicle sanction programs.

Vehicle sanctions for DWI and other alcohol-related offenders were classified into six major categories ranging from allowing the vehicles to still operate but not by the convicted offender or a drinking driver, to license plate actions, to actions preventing the vehicle from operating on the road. Below is a brief overview of which States, as of the end of 2004, had laws on the books pertaining to these vehicle sanctions.

Results: States With Vehicle Sanctions (2004)

In 2004, it was possible to identify 131 pieces of enacted legislation (including interlock laws) with all 50 States having at least one vehicle sanction law and 45 States having a law providing for a vehicle sanction other than interlock. As indicated in Table 1, many States have multiple vehicle sanction laws. Although it was difficult to obtain quantitative information on the application of vehicle sanctions, it was documented that at least 51 of the 131 vehicle sanction laws in the States were used regularly. Alcohol ignition interlock laws were reported in 43 States and used most frequently (in 25 of 43 States), followed by vehicle forfeiture that was reported in 31 States.

Table 1. Vehicle Sanction Laws by State and Offense Category (2004)

State	Int.	Imp.	Imm.	Forf.	Plate/ Reg.	Spec. Plates	State	Int.	Imp.	Imm.	Forf.	Plate/ Reg.	Spec. Plates
Alabama		B			AD		Montana	A			A		
Alaska	A	A		A			Nebraska	A	B			A	
Arizona	AB	B		AB			Nevada	A					
Arkansas	AB			A	BCD		New Hampshire	A				AD	
California	AB	AB		AB			New Jersey	A				AD	A
Colorado	AB			AB			New Mexico	A		A	A		
Connecticut		AB					New York	A			A		
Delaware	A				ABC		North Carolina	A			AB		
District of Columbia	A						North Dakota	A			A	ABC	
Florida	A	A	A				Ohio	A		A	A	ACD	A
Georgia	A			A	AC	A	Oklahoma	A			A		
Hawaii					ACD	A	Oregon	A	AB	AB	A		
Idaho	A						Pennsylvania	A			A		
Illinois	A		AB	AB	ABC		Puerto Rico						
Indiana	A						Rhode Island	A			A	ABD	
Iowa	A	AB	A	AB	ABC		South Carolina	A		AB	A		
Kansas	A	A	A		AC		South Dakota					AD	
Kentucky	A				AC		Tennessee	A			AB		
Louisiana	A			A			Texas	A			A		
Maine				B	ABCD		Utah	A					
Maryland	A	B			BCD		Vermont			A	A		
Massachusetts	A				BCD		Virginia	A	AB	AB			
Michigan	A		A	A	ABCD	A	Washington	A	A		A		
Minnesota				AB	AC	A	West Virginia	A					
Mississippi	A	A	A	A			Wisconsin	A		A	A		
Missouri	A	A		AB			Wyoming					ACD	

Key: Int. = Alcohol Ignition Interlock; Imp. = Vehicle Impoundment; Imm. = Vehicle Immobilization, Forf. = Vehicle Forfeiture; Plate/Reg. = License plate and/or vehicle registration actions; Spec. Plates = Special license plates
Blank = No law; A = Impaired Driving Offense, B = Driving With Suspended License Offense, C = Plate Suspension; D = Registration Suspension ,

Special License Plates

This sanction includes placing special markings or designations on the license plate that alert police that a convicted DWI offender is in a family or group that drives this vehicle. This sanction allows other family members access to the vehicle, but prohibits the convicted offender from driving it via the visible marking. Six States (GA, HI, MI, MN, NJ, & OH) had laws permitting special license plates for impaired driving offenses as of the end of 2004.

Alcohol Ignition Interlocks

This sanction requires the offender to take an alcohol breath test prior to starting their vehicle. If the offender is sober the car operates normally, but if the offender takes the test and their blood alcohol concentration (BAC) is above a set threshold, the vehicle will not start. Rolling retests may also be required. Forty-three States had laws allowing the installation of alcohol ignition interlocks on the vehicles of offenders as of 2004. This breaks down into 43 States (AK, AR, AZ, CA, CO, DC, DE, FL, GA, IA, ID, IL, IN, KS, KY, LA, MA, MD, MI, MO, MS, MT, NC, ND, NE, NH, NJ, NM, NV, NY, OH, OK, OR, PA, RI, SC, TN, TX, UT, VA, WA, WI, & WV) with laws permitting interlocks for impaired driving offenses and 4 States (AR, AZ, CA, & CO) with additional laws permitting interlocks for driving while suspended offenses (DWS).

License Plate Actions

These actions target the license plates of offenders' vehicles and are intended to prevent anyone from driving those vehicles since the plates are physically removed from the vehicles or the plates are suspended by the State. Twenty-two States had laws permitting license plate and/or registration confiscation/suspension as of 2004. Nineteen of these States have laws permitting the use of this sanction for impaired driving offenses (AL, DE, GA, HI, IA, IL, KS, KY, ME, MI, MN, ND, NE, NH, NJ, OH, RI, SD, & WY) whereas 10 States have laws permitting this sanction for DWS offenses (AR, DE, IA, IL, MA, MD, ME, MI, ND, & RI). Eight States have license plate suspension only (DE, GA, IL, IA, KS, KY, MN, & ND); five States permit registration suspension only (AL, NH, NJ, RI, & SD); and nine States have laws allowing both license plate and registration suspension sanctions (AR, HI, ME, MD, MA, MI, NE, OH, & WY).

Immobilization

This sanction prevents the vehicle from being driven by immobilizing it via the installation of a "boot" or "club." The vehicle can be immobilized on the offender's property and does not need to be taken to an impound lot. Thirteen States had laws permitting vehicle immobilization as a sanction for impaired driving offenses as of 2004 (FL, IA, IL, KS, MI, MS, NM, OH, OR, SC, VA, VT, & WI) and 4 States permit immobilization for DWS offenses (IL, OR, SC, & VA).

Impoundment

Fifteen States had laws permitting vehicle impoundment as of 2004. Eleven States have laws permitting impoundment for impaired driving offenses (AK, CA, CT, FL, IA, KS, MO, MS, OR, VA, & WA) and 9 States with laws for DWS offenses (AL, AZ, CA, CT, IA, MD, NE, OR, & VA). As can be seen, there is some overlap. This does not include State laws where the impoundment is temporary (hours) to prevent impaired offenders from driving after release from arrest.

Forfeiture

This sanction allows for confiscation and sale of the offender's vehicle. Thirty States had laws permitting vehicle forfeiture as of 2004. This breaks down into 29 States with laws permitting vehicle forfeiture for impaired driving offenses (AK, AR, AZ, CA, CO, GA, IA, IL, LA, MI, MN, MO, MS,

MT, NC, ND, NM, NY, OH, OK, OR, PA, RI, SC, TN, TX, VT, WA, & WI) and 10 States (AZ, CA, CO, IA, IL, ME, MN, MO, NC, & TN) with laws permitting vehicle forfeiture for DWS offenses.

Vehicle Sanctions in Other Countries

Officials from other countries (Australia, Belgium, Canada, Denmark, New Zealand, Norway, Spain, Sweden, and the United Kingdom) were contacted and it was found that, except for alcohol ignition interlock programs, vehicle sanctions described in this study were rarely used. Impoundment and forfeiture were considered too harsh and too much of a hardship for family members. The one exception is New Zealand, which has a comprehensive vehicle impoundment and confiscation program that is in use.

The use of alcohol ignition interlocks has become very popular in Canada and Australia and some research studies are being conducted in those countries. Australia's five largest States have begun interlock programs. In Canada, the criminal code has been amended to enable provinces and territories to begin interlock programs and, consequently, most of the Canadian jurisdictions have instituted them. In Europe, Sweden has instituted a small interlock program and other countries have undertaken feasibility or pilot studies in coordination with the European Union (Marques et al., 2001).

Barriers to Implementing Vehicle Sanction

Alcohol Ignition Interlock Programs

Experience with such programs indicates that only a relatively small percentage -- generally less than 10% of eligible offenders -- participate in interlock programs. Offender sentences do not include interlocks mainly due to the cost of installation and maintenance over the course of the intervention. Also, only a small percentage of offenders who are assigned interlocks by the courts actually have the interlocks installed. It should be noted that making house arrest an alternative to installing an interlock increased the proportion of eligible offenders installing an interlock to 62% -- the highest level obtained by a court in the United States as of the end of 2004 (Voas, Blackman, Tippetts, & Marques, 2002).

Another barrier to participation in an interlock program is the claim by offenders that they do not own a vehicle. If assignment of an interlock is a consequence of conviction for a DUI or driving while suspended (DWS) offense, defense attorneys may advise their clients to transfer the vehicle's title before trial. Therefore, an effective interlock program must provide for holding the vehicle from the time of arrest to avoid such transfers.

As an alternative to assigning offenders to an interlock program by the courts, State legislatures can provide authority to the motor vehicle department to require the interlock as a condition of reinstating the licenses of DUI offenders following their suspension periods. This provision, which has been implemented by some States such as Michigan and Colorado, has the effect of preventing offenders from driving legally without an interlock. Typically, the interlock must be installed not only during the normal suspension period but also after the suspension period is over and the operators' licenses are reinstated.

The availability of interlock service providers may still be an issue in some rural areas, but this issue is expected to decrease as more interlocks go into use.

Vehicle Impoundment, Immobilization, and Forfeiture

Vehicle impoundment, immobilization, and forfeiture sentences remain a problem when a family has only a single vehicle and it would be a hardship if a vehicle sanction was applied. Another problem with vehicle impoundment is the costs of storage may exceed the value of the impounded vehicle, resulting in added expenses to the jurisdiction. A problem with vehicle forfeiture arises when the offender is not the sole owner of the vehicle. In this situation, a family member or an innocent third party can be adversely affected when the forfeited vehicle is sold.

Also, impoundment programs implemented administratively appear to be much less cumbersome than when they are implemented through the criminal justice system. This is usually the case because administrative actions occur sooner and compliance is typically tracked and monitored more frequently. Nearly all successful impoundment programs provide for seizing and holding the vehicle at the time of arrest. Waiting for the outcome of the court trial often results in the vehicle having been disposed of and, thus, not available to the police. To deal with this problem, Ohio passed a law prohibiting offenders from transferring vehicle titles following a DUI or DWS arrest.

Vehicle immobilization may be a good alternative to vehicle impoundment in that it avoids the storage costs of impoundment and there is some evidence that this approach may be effective in reducing recidivism (Voas, Tippetts, & Taylor, 1997b).

Conclusions

In summary, every State in the United States has adopted at least one law allowing for vehicle sanctions for DWI or DWS offenders and several States now allow multiple vehicle sanctions. In many States, however, these laws are not being used often. Administrative application of these sanctions helps, but there are still a number of barriers that need to be overcome. Family hardship issues and the monitoring of compliance with sanctions are significant system problems that need to be addressed. Strategies that may increase the use and effectiveness of vehicle sanctions include:

(1) Imposing mandatory electronic house arrest (allowing only travel to and from work) for at least 90 days on offenders as an alternative to installing an alcohol ignition interlock in their vehicles. This can serve as an incentive to install the interlock.

(2) Not allowing the sale or transfer of title of any vehicle(s) owned by offenders after their arrest for DWI or DWS and not before the adjudication of the charges.

(3) Using DWI fines to compensate State or local officials (or their contractors) to follow up on offenders to ensure that vehicle sanctions are implemented appropriately.

Background

Repeat offenders convicted of driving while intoxicated or driving under the influence are four times more likely to be intoxicated when involved in a fatal crash than drivers without prior DWI convictions (Hedlund & Fell, 1995). The arrest and conviction of such offenders should provide the means to prevent these high-risk DWI drivers from becoming crash involved in the future. However, other than long-term incarceration, which prevents crash involvement while the offender is in jail but has little effect following release (Voas, 1986), there is no certain method for keeping DWI offenders from driving while impaired in the future. Historically, suspension of the driver's license has been the most widely used and effective method of protecting the public against the increased risk to innocent drivers presented by DWI offenders (Coppin & Oldenbeek, 1965; Peck, 1991; Williams, Hagen, & McConnell, 1984; Peck, Sadler, & Perrine, 1985; McKnight & Voas, 1991). Although approximately 75% of license-suspended offenders report that they continue to drive (Ross & Gonzales, 1988), they appear to drive less and more conservatively. Consequently, fully suspended drivers have lower recidivism rates than those who are not suspended. Still, DeYoung, Peck, and Helander (1997) found that compared to fully licensed drivers, suspended offenders have 3.7 times the risk of being at fault in a fatal crash. Moreover, Griffin and DeLaZerda (2000) report that 7.4% of the drivers in fatal crashes have suspended or revoked licenses and 20% of fatal crashes in the United States involve improperly licensed drivers.

Thus, driving by DWI offenders who are improperly licensed is a significant problem because enforcing the law against driving while suspended is difficult for the police. There is no way for a police officer to know from outside the car whether the driver is properly licensed, and police are not allowed to stop a vehicle without reasonable suspicion that an offense has been committed. Many offenders are aware of this and attempt to curtail their driving in heavily patrolled locations. They also try to avoid attracting an officer's attention by carefully observing traffic regulations. This has its benefits in reducing the crash involvement of suspended offenders, but to the extent that they avoid apprehension, many offenders are encouraged to delay reinstatement of their licenses. Reinstatement may be expensive to them and require attendance at treatment programs and other remedial actions. Tashima and Helander (1999) reported that 84% of California DWI offenders failed to reinstate their driver's licenses within 1 year of becoming eligible to do so.

It is clear many suspended DWI offenders continue to drive to some extent (Ross & Gonzales, 1988). McCartt, Geary, and Nissen (2002) reported that strong enforcement and penalties for DWS does reduce the amount of illicit driving. In this study covert observations were made of the driving behavior of suspended DWI offenders in two separate jurisdictions. In Milwaukee, Wisconsin, where the penalties for DUI and DWS were perceived to be relatively low by local drivers, they found that 88% of the suspended DWI offenders drove illicitly; and in Bergen County, New Jersey, where the penalties were perceived to be relatively high, 36% of offenders drove illicitly. These results provide evidence that illicit driving by DWI offenders may be reduced if sufficient resources are devoted to DWS enforcement and the penalties are considered to be severe. However, the current resources of police departments are strained by the multiple demands on their attention, particularly with the increasing burdens of homeland security activities.

Because studies such as those described above indicate that a substantial number of suspended DWI offenders drive illegally, many States and the Federal government have begun to enact legislation directed at the vehicles owned by offenders to limit their illicit driving. Such policies fall into three broad categories: (1) programs that confiscate or impound the vehicle; (2) programs that confiscate the vehicle plates and cancel the vehicle registration and/or require special plates on

the vehicles of DWI offenders; and (3) devices installed in the vehicle that prevent its operation if the driver has been drinking alcohol (ignition interlocks). None of these vehicle control approaches is foolproof because they all can be circumvented by the offender who drives another vehicle registered in someone else's name. However, as with license suspension, several of the vehicle sanctions have been found to reduce recidivism (Voas & DeYoung, 2002; Voas, Marques, Tippetts, & Beirness, 1999; Beck, Rauch, Baker, & Williams, 1999; Voas & Tippetts, 1995; Voas, Tippetts, & Lange, 1997a; Voas et al., 1997b).

The driver's license suspension sanction is imposed by one of two State authorities: the criminal court system or the department of motor vehicles. The failure of many of the courts to apply licensing sanctions in a timely fashion resulted in passage of the administrative license suspension (ALS) or administration license revocation (ALR) laws in the 1980s, which provided the DMVs with the authority to immediately suspend an offender's license at the time of a DWI or DUI arrest. This has resulted in more certain and more immediate license actions and has reduced the court's role in imposing that penalty. While vehicle sanctions have primarily been a court function, some States have adopted administrative vehicle registration suspension and/or license plate impoundment and have added alcohol ignition interlock programs to the reinstatement requirements, programs that must be managed by DMVs.

This report updates through December 2004 a 1992 NHTSA-funded study of vehicle sanctions (Voas, 1992). That study found relatively few jurisdictions with active vehicle sanction programs. Although 32 States were found to have laws providing for various vehicle sanctions, such procedures were rarely used. Shortly after the 1992 report, States began to enact broader vehicle action laws and NHTSA initiated several studies of specific programs such as vehicle impoundment and immobilization, license plate actions, and alcohol ignition interlocks. In addition, the Federal government prodded States to take action with the TEA-21 legislation of 1998 and the SAFETEA-LU legislation in 2005.

This current study updates the 1992 effort with a contemporary overview of vehicle sanction laws and their application. It goes beyond the earlier study by reporting on the literature from abroad, incorporating a review of ignition interlock devices (not considered in the earlier study), and providing a more recent list of vehicle sanctions on a State-by-State basis.

This study also describes current barriers and issues associated with the implementation of these sanctions and recommendations to overcome or deal with them. With the substantial increase in vehicle sanction laws and the improvements in interlock technology, this report is intended to provide a clearer picture of the potential of vehicle sanctions on reducing recidivism of DWI offenders.

This is Volume I of a two-volume report: Volume I synthesizes and summarizes the findings; whereas Volume II describes vehicle sanctions status by State as of the end of 2004.

Methods

Information on State's vehicle sanctions laws was collected primarily from NHTSA's *Digest of State Alcohol-Safety Related Legislation*. The most recent version available at the time of data collection for this study was the 21st edition, current as of January 1, 2003 (NHTSA, 2003). Additionally, information was collected from MADD's *Rating the States* report for 2002 (MADD, 2002) and from the 2003 edition of the Sourcebook for the Century Council (The Century Council, 2003). Information on the existence of vehicle sanctions laws, whether those laws appeared to be mandatory or discretionary, and whether they were applied through the courts or administratively (e.g., through a division of motor vehicles), was recorded in a database. Pertinent text describing the laws was copied from the NHTSA Digest into the database for easy reference. This was accomplished separately for each sanction type and for each offender type (first offender, multiple offender, DWS, or test refusal).

Information collected during this phase of the project was used to create written reports describing the vehicle sanctions laws for each State, based on the information found from the above sources. State highway safety office representatives were subsequently contacted in each State and the project was described to them. Highway safety representatives were asked for names and contact information of people who would be able to verify the accuracy of the vehicle sanctions that were documented for that State and provide additional information on their usage. In some cases the representatives were able to provide some or all of the information. Most often the representatives provided names of several contacts with knowledge or expertise on one or more of the States' vehicle sanctions. Often, it was necessary to speak with several contacts before it was possible to find State officials who were familiar with the way in which vehicle sanctions were being implemented in the State. Information was collected through the spring, summer and fall of 2004 and, where evidence suggested that laws may have changed, updated information was sought in the winter of 2004.

State officials were interviewed in open-ended discussions. They were asked to identify any corrections or clarifications needed in the reports of States' vehicle sanctions laws. Interview discussion also included:

- The extent to which individual vehicle sanction laws were being used.
- If laws were not being used, why they were not.
- The extent to which they were aware of any successes or problems associated with the enforcement of the laws.
- Knowledge of any studies of the effectiveness of the vehicle sanctions programs.

Given the limitations on the scope of the study, it was generally not possible to get exact numbers of the offenders who had been sentenced to the various vehicle sanctions. State officials were asked to provide their general impression of the extent to which the laws were being used. In some cases, officials were reluctant to provide even general impressions much less specific data. Given the difficulty of finding exact statistics, these cases generally resulted in a lack of information on vehicle sanctions usage.

A literature review was also conducted as part of this study. The first step in this process was to identify the appropriate documents to review. These were identified through two basic mechanisms: (1) conventional literature searches of the published literature and (2) networking with colleagues in the programmatic and research communities both within the United States and abroad. Project staff conducted a literature search of various literature databases (such as Lexis Nexis, Medline, TRIS, Dialog, NCJRS, the DOT Library, and the University of Michigan Transportation

Research Institute Library) to identify and obtain abstracts of publications and news articles relating to vehicle sanctions from 1990 to the present.

Additional information on potentially valuable studies was gained through the process of interviewing contacts in the States. Another source of information was existing summaries of the literature accessed via various abstract databases. Finally, NHTSA's research office was asked to provide any Federal government reports that may not have appeared in the published databases. All data in this report relate to laws and policies on the books as of the end of 2004.

Overview of Vehicle Sanction Laws

Vehicle sanctions for DUI and other alcohol-related offenses fall into six categories. Below is a brief overview of the States that, as of the end of 2004, had laws on the books pertaining to vehicle sanctions that were applied to impaired driving or driving while suspended offenders. Changes made or new laws adopted since that date are not covered in this report.

Summary of States With Vehicle Sanctions (2004)

License Plate/Registration Actions

Twenty-two States had laws permitting license plate and/or registration confiscation/suspension as of the end of 2004 (see Figure 1 below). This breaks down into 19 States (AL, DE, GA, HI, IA, IL, KS, KY, ME, MI, MN, ND, NE, NH, NJ, OH, RI, SD, & WY) with such laws for impaired driving offenses and 10 States (AR, DE, IA, IL, MA, MD, ME, MI, ND, & RI) with such laws for DWS offenses.

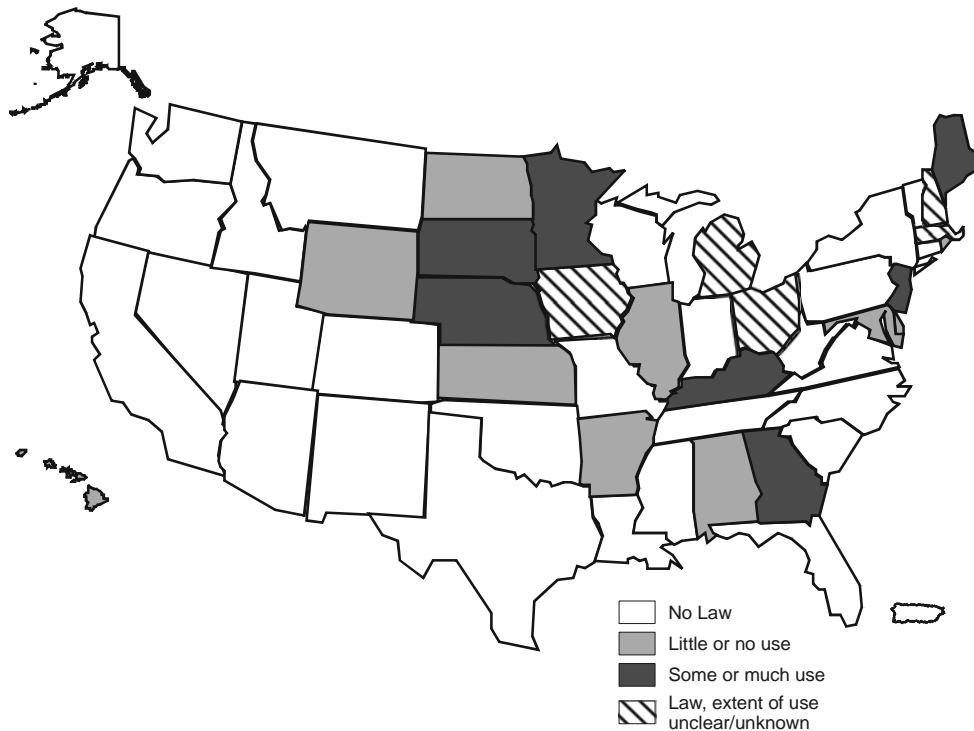


Figure 1. States With License Plate and Vehicle Registration Suspension Laws and Their Usage (2004)

Special License Plates

Six States (GA, HI, MI, MN, NJ, & OH) had laws permitting special license plates for impaired driving offenses as of the end of 2004 (see Figure 2 below).

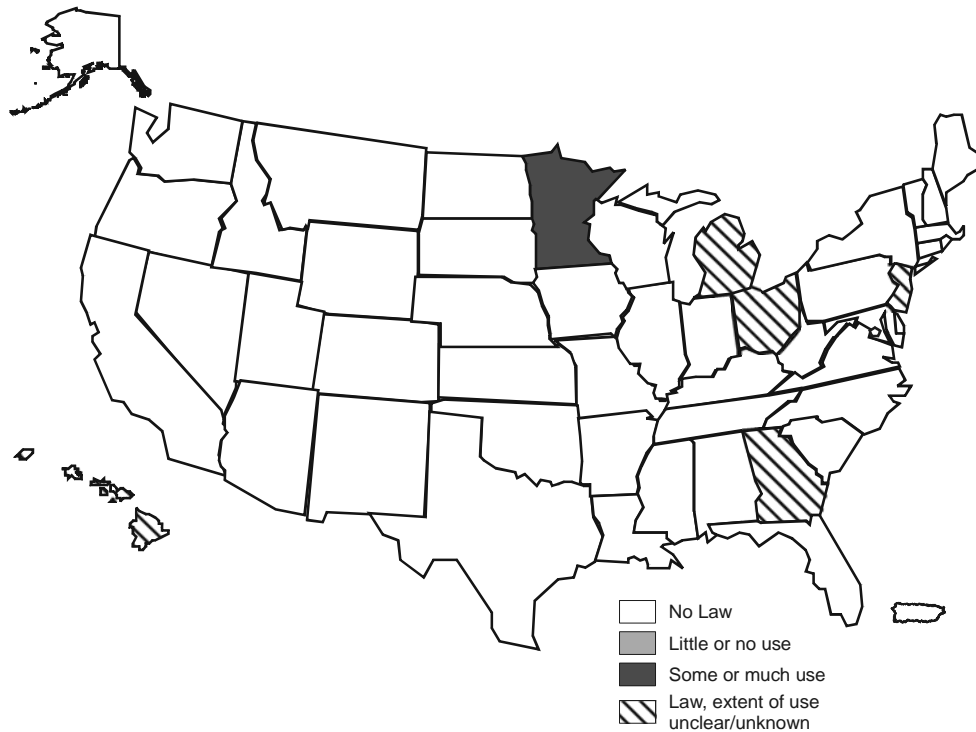


Figure 2. States With Special License Plate Laws and Their Usage (2004)

Immobilization

Thirteen States had laws permitting vehicle immobilization as of the end of 2004 (see Figure 4 below). This breaks down into 13 States (FL, IA, IL, KS, MI, MS, NM, OH, OR, SC, VA, VT, & WI) with laws permitting immobilization for impaired driving offenses and 4 States (IL, OR, SC, & VA) with additional laws permitting immobilization for DWS.

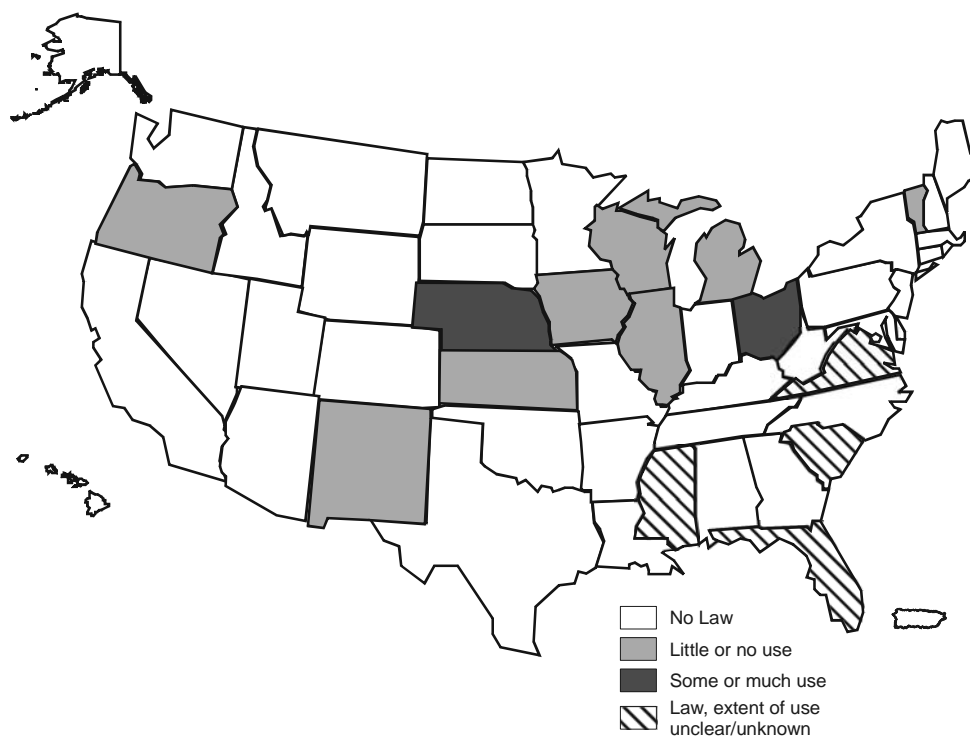


Figure 4. States With Vehicle Immobilization Laws and Their Usage (2004)

Forfeiture

Thirty States had laws permitting vehicle forfeiture as of the end of 2004 (see Figure 5 below). This breaks down into 29 States (AK, AR, AZ, CA, CO, GA, IA, IL, LA, MI, MN, MO, MS, MT, NC, ND, NM, NY, OH, OK, OR, PA, RI, SC, TN, TX, VT, WA, & WI) with laws permitting vehicle forfeiture for impaired driving offenses and 10 States (AZ, CA, CO, IA, IL, ME, MN, MO, NC, & TN) with laws permitting vehicle forfeiture for DWS offenses.

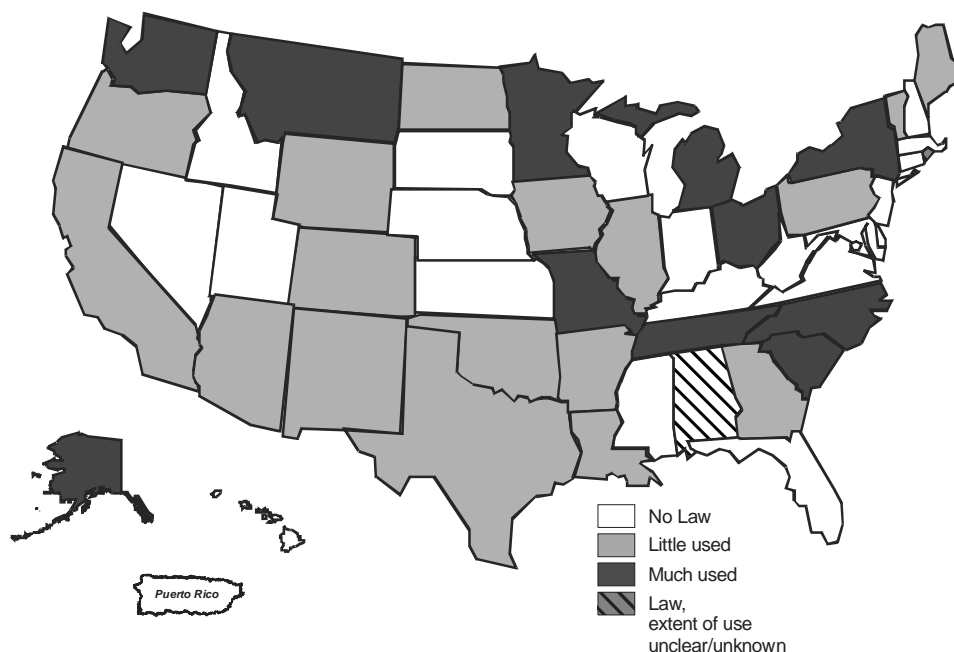


Figure 5. States With Vehicle Forfeiture Laws and Their Usage (2004)

Interlocks

Forty-three States had laws allowing the installation of alcohol ignition interlocks as of the end of 2004 (see Figure 6 below). This breaks down into 43 States (AK, AR, AZ, CA, CO, DC, DE, FL, GA, IA, ID, IL, IN, KS, KY, LA, MA, MD, MI, MO, MS, MT, NC, ND, NE, NH, NJ, NM, NV, NY, OH, OK, OR, PA, RI, SC, TN, TX, UT, VA, WA, WI, & WV) with laws permitting interlocks for impaired driving offenses and 4 States (AR, AZ, CA, & CO) with additional laws permitting interlocks for DWS.

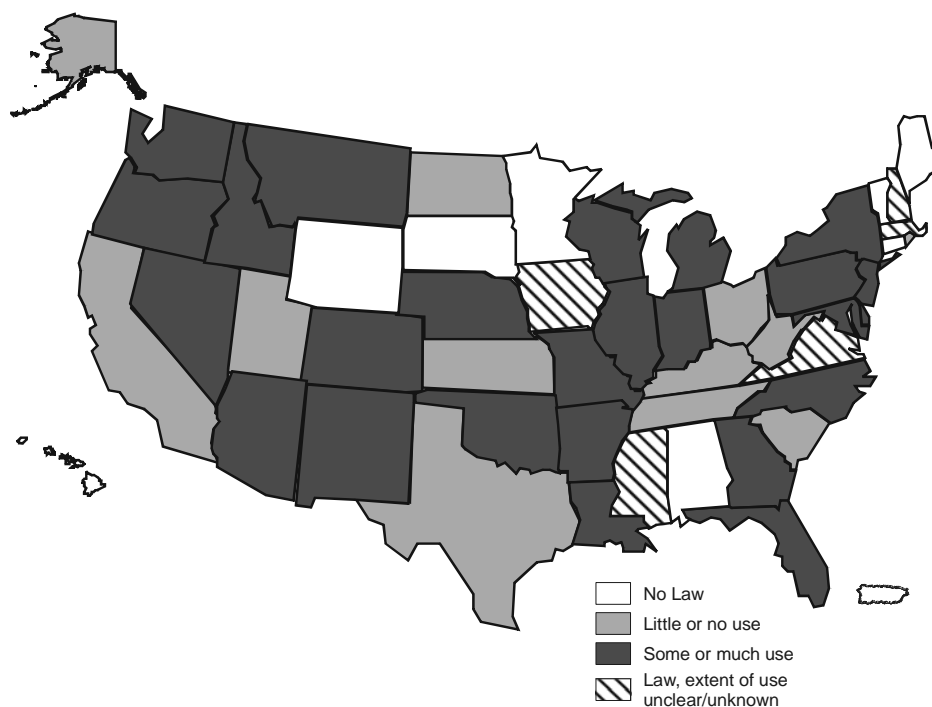


Figure 6. States With Alcohol Ignition Interlock Laws and Their Usage (2004)

Some appreciation for the increase in the use of vehicle sanctions can be gained from the Tables in Appendix A that provide a more detailed summary of the status of current State laws. Compared to the 1992 report (Voas, 1992) when only 32 States had any type of vehicle sanction and most of those were rarely imposed, in 2004 it was possible to identify 131 pieces of legislation, with all 50 States having at least one vehicle sanction law. Keep in mind, alcohol ignition interlock laws were not included in that earlier 1992 study. Although it was difficult to obtain quantitative information on the application of vehicle sanctions, it appears that at least 51 of the 131 are laws are used regularly (See Volume II: Vehicle Sanction Status by State). In considering these summary tables, note that alcohol ignition interlock laws are by far the most frequent in the States (43), followed by vehicle forfeiture laws (31). Half of the States (25) now have alcohol ignition interlock laws that are actively being applied on at least some of the eligible offenders.

Vehicle Sanctions in the United States

Actions Against Vehicle Registrations

State departments of motor vehicles have authority over vehicle registrations and the issuance of vehicle tags. In connection with vehicle sanctions, the department's administrative powers can be employed to: (1) cancel the registration of vehicles belonging to DUI offenders and impound or destroy the plates, (2) issue special license plates or impound the license plates of offenders for those vehicles, or (3) make an alcohol ignition interlock system a condition of license reinstatement.

Vehicle Registration Actions

Safety advocates have generally favored administrative application of the license suspension sanction because it can be conducted at or close to the date of the offense (swift) and can be applied with more certainty (sure) and consistently via the State DMV. Thus, ALR laws have received strong support and have been shown to be effective (Voas, Tippetts, & Fell, 2000a). Because the vehicle registration is a State administrative function, vehicle license plates belong to the State and are not private property. License plates can be seized and cancelled administratively. Twenty-two States had laws permitting license plate and/or registration confiscation/suspension for either DUI or driving while suspended; 17 States (AL, DE, GA, HI, IA, IL, KS, KY, ME, MI, MN, ND, NE, NH, NJ, OH, RI, SD, & WY) had such laws for impaired driving and 10 States (AR, DE, IA, IL, MA, MD, ME, MI, ND, & RI) for DWS offenses as of the end of 2004.

In some State registration systems the transfer of a vehicle is permitted without ensuring that the transfer is recorded. The registration goes with the vehicle and the transfer of the title is up to the purchaser. In such States, the DUI offender can purchase the vehicle but not register the transfer with the DMV. Thus, when the vehicle is seized, it will be listed as belonging to the previous non-offender owner. If the vehicle registration and license plate sanctions are to be effective, DMV record systems need to insure that ownership can not be transferred without a record appearing on the motor vehicle file.

License Plate Actions

Special License Plates

Six States (GA, HI, MI, MN, NJ, & OH) had laws permitting special license plates for impaired driving offenses as of the end of 2004. The original national study of vehicle sanctioning procedures (Voas, 1992) noted that several States provided for the suspension of the registration of vehicles owned by DWI offenders for the period of the driver's license suspension. Some States, notably Minnesota and Ohio, provided for a special license plate, or a "Family Plate," that would allow family members to drive the offender's vehicle. However, the license plate was marked so that the police could stop the vehicle and determine whether the suspended offender was operating it. That study also noted that several States had laws permitting the impoundment and the immobilization (in New Mexico) of the offender's vehicle. But that sanction was rarely applied, in part because the local community often was burdened with storage and towing costs when offenders failed to pick up their vehicles after the impoundment period. At that time, forfeiture programs were rare and primarily applied to multiple (three or more prior DWI) offenders. Also, the only large-scale vehicle plate tagging programs were in the States of Washington and Oregon, where the police could pick up the vehicle registration and place a sticker on the vehicle license plate of a car driven by an

unlicensed DWI offender. That program was shown to be effective in Oregon but not in Washington (Voas et al., 1997a).

The 1992 vehicle sanction study (Voas, 1992) found regulations in 12 States allowing the registration of a DUI offender-owned vehicle to be suspended for the same period as the driver's license. One purpose for this regulation was to ensure that the vehicle was properly insured. In most cases, however, paying a fee and demonstrating financial responsibility through the submission of a letter from the insurance company could remove the registration suspension. A significant limitation in most jurisdictions was that the DMVs had to depend upon local enforcement agencies to apprehend drivers operating vehicles with suspended registrations. Since many Sheriff's offices are overwhelmed with large numbers of warrants to be served, and many of these are for serious criminal offenders, confiscating the license plates of suspended DUIs has generally proved to be impractical. Ohio was an exception: its DMV had its own enforcement section that could track down offender's vehicles and remove the plate if they were not surrendered by the owner.

In the 1992 study, the laws of two States, Ohio and Minnesota, provided for the offender's dependents by issuing 'family plates.' DUI offenders were required to turn in their vehicle plates but could apply for the special plates that permitted non-offending family members to operate the offender's vehicle. These special plates carried special numbers or colors that made them recognizable to the police and providing the "probable cause" basis that allowed officers to stop the vehicle to determine whether the operator was properly licensed. Unlike the occasional unique sentences of some judges that require DUIs to install plates saying 'drunk driver' or similar, these laws were intended to benefit family members, not penalize offenders. Despite this intent, relatively few offenders in either State took advantage of the opportunity to apply for 'family plates.'

Effectiveness of the Oregon and Washington Sticker Programs

The States of Oregon and Washington enacted "Zebra Tag" laws that allowed law enforcement officers to take the driver's vehicle registration when apprehending a driver without a valid license. The driver was given a temporary registration certificate, and a striped ("Zebra") sticker was placed over the annual sticker on the vehicle license plate.

Both the general and specific deterrent effects of Washington and Oregon's Zebra Tag laws were studied by Voas, Tippetts, and Lange (1997a) under NHTSA sponsorship. For the general deterrent analysis of reinstated DUI offenders, Voas and his colleagues used interrupted time series analysis (ARIMA) to determine whether the monthly rates of alcohol-related offenses, DWS offenses, moving traffic violations, and crashes among drivers suspended for DUI changed after the law went into effect. The results showed a significant general deterrent effect in Oregon, but not in Washington, which the authors attribute partially to weaker enforcement and fewer eligible offenders in Washington. These findings, though not definitive, were fairly convincing. The one potential threat to the validity of the study was the possible impact of actions outside the State that might have affected the results, because the control group was not entirely equivalent to the group impacted by the legislation. However, results similar to those of the Voas, Tippetts and Lange study were observed by Berg, Bodenroeder, Finnigan, and Jones (1993) in Oregon and Salzberg (1991) in Washington.

The specific deterrent analysis conducted by Voas and his colleagues (1997a) was a quasi-experiment in which two groups of offenders in Oregon were studied. (In Washington, it was not possible to determine that eligible drivers actually were "stickered," so the study was limited to Oregon.) The treatment group consisted of DWS offenders whose vehicles received a sticker, while the control group consisted of similar drivers whose vehicles did not receive a sticker. Analysis of covariance was used to attempt to control group bias, resulting in statistically significant differences between the groups on three subsequent measures: DUI violations, DWS violations, and moving

violations, with the “sticker” group faring better. On a fourth measure, subsequent crashes, the differences between the groups were in the right direction but not statistically significant. While the results of the sticker program in Oregon appear promising, as of the end of 2004 no other State had passed such legislation and both Oregon and Washington allowed their sticker programs to expire.

Effectiveness of the Minnesota Plate Impoundment Law

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 sanction and the law had little impact (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 new law and found that license plate actions increased markedly. In addition, he conducted a quasi-experimental study using survival analysis to see whether the law reduced recidivism. The study found that after 2 years, third-time DUI violators whose license plates were confiscated had 50% fewer DUI convictions than similar offenders who were eligible but did not have their plates impounded. Although the treatment and control groups were not strictly comparable because they were not randomly assigned, the study did check for group bias with respect to age and gender and found none.

Minnesota strengthened its plate impoundment program beginning on January 1, 1998, by providing for the impoundment of the plates of first offenders with BACs at or above .20 grams per deciliter (g/dL). The law is stronger than generally applied in other contexts because it provides for impoundment of the plate on the vehicle in which the DUI offense was committed even if not owned by the offender. The law applies as long as the non-offender owner had given permission for the offender to drive the car. In addition to Minnesota, Michigan passed legislation providing that the license plates of vehicles driven by any repeat alcohol offender may be confiscated at the time of arrest. The law also applied to a third or subsequent DWS violator. This sanction was applied to approximately 45% of the repeat alcohol offenders and to 15% of the eligible DWS offenders. The impact of the law on recidivism has yet to be fully evaluated (Eby et al., 2002).

Given the results from Michigan and Minnesota, it appears that when the vehicle license plate is seized at the time of the DUI arrest, and particularly where it can be impounded even when the vehicle belongs to a non-offender owner, plate confiscation may be an effective specific deterrent. In comparison to these administrative actions, laws that depend on court conviction for the impoundment action are not as effective. Further it is clear that confiscating the plate at the time of arrest is important because State DMVs generally lack the resources to find and seize the plates once the vehicles have been returned to their owners.

Actions Against Vehicles

Vehicle Impoundment/Immobilization

The 1992 study (Voas, 1992) found 10 States with impoundment laws, but none used the sanction with sufficient frequency to permit evaluation. A good example of a State with a potentially strong, yet essentially unused, vehicle impoundment law was California. The legislation in California provided for a 30-day impoundment of the vehicle for first DUI offenders and 90 days for second offenders. A study of 149 of the 194 courts handling DUI offenders in California found that only 6 reported using that sanction, and a follow-up study found that its use was rare even in those 6 courts.

Another example of an underused impoundment sanction was the Aggravated Unlicensed Operation law in New York. It provided for impounding the vehicle of impaired and unlicensed drivers from the time of arrest through the trial. It was infrequently applied, however, because the local jurisdiction had to pay towing and storage costs in excess of the sales value of unclaimed

vehicles. A method of avoiding high storage costs is to immobilize the vehicle with a “club” or “boot” device on the owner’s property. New Mexico was the only State that made any significant use of immobilization (perhaps in 10% to 15% of multiple DUI cases). The judges in Albuquerque, however, reported that immobilization was difficult to administer, unfair to the offender’s family, and did not have much impact.

In contrast with this relatively limited use in 1992, 15 States were reported to have laws permitting impoundment as of December 2004. This breaks down into 11 States with laws permitting impoundment for impaired driving offenses (AK, CA, CT, FL, IA, KS, MO, MS, OR, VA, & WA) and 9 States with laws for DWS offenses (AL, AZ, CA, CT, IA, MD, NE, OR, & VA). As can be seen, there is some overlap. This does not include State laws where the impoundment is temporary (hours) to prevent impaired offenders from driving after release from arrest. Thirteen States had laws permitting vehicle immobilization. This breaks down into 13 States (FL, IA, IL, KS, MI, MS, NM, OH, OR, SC, VA, VT, & WI) with laws permitting immobilization for impaired driving offenses and 4 States (IL, OR, SC, & VA) with additional laws permitting immobilization for DWS.

While in 1992 there were no States that had evaluated the impact on recidivism of vehicle impoundment/immobilization programs, four large studies are currently available.

Canadian Province of Manitoba Impoundment Study

Manitoba enacted ALS and vehicle impoundment programs that went into effect in 1989. Under these programs, vehicles are seized and held for 30 days when an offender is apprehended for DWS. To retrieve their vehicles, offenders must pay towing and storage fees, which at the time of the study were approximately \$264 (Canadian).

Beirness, Simpson, Mayhew, and Jonah (1997) evaluated both the general and specific deterrent effects of Manitoba’s program. The general deterrent analysis used ARIMA time series models to evaluate whether there was a significant decline in fatal crashes and nighttime injury crashes of single vehicles associated with the introduction of vehicle impoundment. Although the analysis did show a decline in both measures contemporaneous with the introduction of impoundment, the results are ambiguous because Manitoba introduced the ALS law at the same time as the impoundment law. Therefore, the effects of the two laws are confounded, and it is not possible to isolate the effects of impoundment only.

The specific deterrent analysis of Manitoba’s impoundment program was also assessed. Drivers suspended after the introduction of vehicle impoundment in Manitoba had fewer re-arrests for DWS than drivers suspended before the law. However, the lack of statistical and design controls, plus the fact that the analysis did not specifically target offenders whose vehicles were actually seized and impounded, render the findings open to interpretation.

California Specific Deterrence Study

In 1995, California enacted two vehicle sanction laws for the DWS offense. One law provided for a one-month administrative impoundment of the vehicle driven by an unlicensed driver. Implementation of this law varied to some extent between communities but, in general, a vehicle belonging to a non-offender was held for the month unless the owner claimed that the vehicle had been driven without permission. Most communities in California implemented this first DWI offender law. The second piece of legislation in 1995 was a criminal law that provided for vehicle forfeiture for the second DWI offense. Forfeiture action potentially requires a trial in court. As a result, that law was only infrequently applied due to concern over the time required of city attorneys to prosecute the cases in court (Peck & Voas, 2002).

As part of a series of studies of vehicle sanctions funded by NHTSA, DeYoung (1999) evaluated the specific deterrent effect of a 1995 California law allowing police officers to seize and impound vehicles driven by suspended/revoked or unlicensed drivers for 30 days. Drawing records of DWS offenders from four cities (Riverside, San Diego, Stockton, and Santa Barbara), he compared the 1-year driving records of offenders whose vehicles were impounded with similar offenders whose vehicles were not impounded in the prior year. DeYoung found that first offenders (no prior convictions for DWS or DWU [driving-while-unlicensed]) whose vehicles were impounded had significantly fewer DWS/DWU convictions (24%), total moving violation convictions (18%), and crashes (25%) than the comparison group of first offenders whose vehicles were not impounded.

Impoundment had an even greater impact for repeat offenders, that is, those who had prior convictions for DWS/DWU. They had significantly fewer 1-year subsequent DWS/DWU convictions (34%), moving violation convictions (22%), and crashes (38%) than repeat offenders whose vehicles were not impounded. Although random assignment was not feasible in this study, statistical controls were used at several levels to control pre-existing group differences. The control group offenders were selected based upon propensity score matching methods. Additionally, various demographic, individual driving, and aggregate zip code variables were used as covariates in the analyses. Thus, although pre-existing group differences remain a threat in interpreting the findings, the extensive statistical controls used give added confidence to the results.

California General Deterrence Study

To determine the general deterrent effect of the California impound law, DeYoung (2000) used interrupted time series analysis (ARIMA models) to study the change in the crash rate of all suspended or revoked drivers in California. He found that, when the vehicle impoundment law was implemented, there was a 13.6% decline in crashes among that group. However, a comparison group of nonsuspended/nonrevoked drivers also demonstrated an 8.3% reduction in crash involvements during the same period. When the experience of the comparison group was included in the analysis, the difference for the suspended/revoked group was only marginally significant, suggesting that the vehicle impoundment law had relatively little general deterrent impact. The author hypothesized that the lack of a general deterrent impact may have been partially caused by relatively sparse publicity about the new law. This study used a comparison group to control for historical effects, using it both as a separate time series and as a simultaneous transfer function model to show joint effects. Although fairly well controlled, differential history effects upon the nonequivalent treatment and control groups may have affected this study.

Franklin County, Ohio, Study

In September 1997, Ohio strengthened its vehicle "immobilization" law to include sanctions of 30 and 60 days applicable to first and second DWS offenders and 90 and 180 days applicable to second- and third-DUI offenders. While officially titled an immobilization law, vehicles were impounded at the time of arrest and only in some areas were they later immobilized on the property of the offender. Voas et al., (1997b) evaluated the Ohio program in Franklin County under NHTSA sponsorship, where both vehicle impoundment and immobilization were used. Upon arrest of an offender, the vehicle would be impounded pending a court hearing within 10 days, at which time it might be immobilized or continue to be impounded.

The research involved a quasi-experimental analysis of the effect of immobilization/impoundment in Franklin County. The study used survival analysis, including Cox regression with two covariates, age and sex. The impact on moving violations and repeat DUI offenses while the vehicle was not available to the offender was analyzed separately from the post-sanction period when the vehicle was released to the registered owner. The comparison group consisted of DUI or DWS offenders who were eligible for a vehicle sanction but did not receive it. The results showed

that there was a significant reduction in both DWS and DUI offenses in the year following the sanction for offenders whose vehicles were impounded/immobilized, compared to the control group of offenders who did not experience this sanction.

Effect sizes of 50% to 60% were observed during the vehicle impoundment period, and effect sizes of 25% to 35% were found during the post-sanction period. These results demonstrate that the impact of vehicle impoundment may extend beyond the impoundment period itself. Whether this is a deterrent or incapacitation effect is not clear. The offender may avoid committing offenses fearing future vehicle impoundments – a deterrent effect. Alternatively, the offender may not have access to the vehicle once it is released by the police, either because it was not retrieved from impoundment or because the vehicle's owner would no longer allow the offender to use it – an incapacitation effect. This was a fairly well controlled quasi-experimental study. It was, however, limited as only covariates for age and gender were available, thus the control group may have differed from the impounded/immobilized group in ways that affected the results. Interestingly, the effect sizes are relatively large and in the same general range as those found by DeYoung in California.

Hamilton County, Ohio, Study

Voas et al. (1998) replicated the Franklin County study in Hamilton County under NHTSA sponsorship where only impoundment was used (immobilization was not used). The results were essentially similar to those in Franklin County. During the sanction period, recidivism for DUI offenders was reduced by 60% to 80%; during the post-sanction period, recidivism was reduced from a third to a half of the level of the comparison group.

The extended impact of impoundment is generally unique among vehicle sanctions, in that neither basic license suspension, nor interlocks have been definitely demonstrated to have a continuing impact beyond the period of the sanction itself.

Vehicle Forfeiture

The 1992 study (Voas, 1992) found laws in 12 States that provided for the confiscation of vehicles of certain multiple-DUI offenders. Because those laws applied primarily to individuals with more than two DUI offenses, few offenders were subject to this sanction. The review indicated that there was generally no central source for forfeiture records. Further, this sanction was underused because of the amount of administrative paperwork and the failure of vehicle sales to cover the cost of towing and storing the vehicle. For these reasons, relatively few vehicles have been forfeited; thus, few studies of forfeiture have been conducted. Thirty States had laws permitting vehicle forfeiture as of December 2004. This breaks down into 29 States (AK, AR, AZ, CA, CO, GA, IA, IL, LA, MI, MN, MO, MS, MT, NC, ND, NM, NY, OH, OK, OR, PA, RI, SC, TN, TX, VT, WA, & WI) with laws permitting vehicle forfeiture for impaired driving offenses and 10 States (AZ, CA, CO, IA, IL, ME, MN, MO, NC, & TN) with laws permitting vehicle forfeiture for DWS offenses.

The scientific data remains limited on the effectiveness of vehicle forfeiture on reducing recidivism and crashes. On the other hand, there is some evidence on the effectiveness of vehicle forfeiture from a quasi-experimental research study conducted in Portland, Oregon, and some anecdotal evidence from forfeiture programs in New York City and California.

Portland, Oregon

The city of Portland enacted a civil forfeiture program in 1989 that focused not on the behavior of the offender, but rather on the unlawful use of the vehicle irrespective of the culpability of the owner. Thus, in Portland, vehicles are seized for forfeiture as a public nuisance when drivers have lost their driving privilege because of a DUI conviction or when the driver is arrested as a

habitual traffic offender. A habitual traffic offender is defined as one who commits three or more serious traffic offenses, at least one of which is a DUI.

Crosby (1995) reported on a quasi-experimental study by The Reed College Public Policy Workshop, in conjunction with the Portland Police Bureau, evaluating the specific deterrent effects of Portland's forfeiture ordinance. All offenders whose vehicles were seized for forfeiture between 1990 and 1995 were compared with all offenders whose vehicles were not seized but were arrested for the same offenses. Cox regression was used with several demographic and prior driving variables to analyze the effects of forfeiture. The results showed that offenders whose vehicles were seized had a significantly longer time before re-arrest than offenders whose vehicles were not seized. Thus, seizure of the vehicle was associated with a better subsequent driving record. These findings were not only statistically significant, but were also large enough to be meaningful. The re-arrest rate was about 50% lower for offenders whose vehicles were seized than for their counterparts whose vehicles were not seized. The study also examined whether the effects of forfeiture were different than for impoundment, and found that offenders whose vehicles were simply impounded had about the same re-arrest rate as offenders whose vehicles were forfeited.

New York City Forfeiture

Safir, Grasso, and Messner (2000) have reported on an initiative in New York City that, like the local ordinance in Portland, is based on the city's administrative code providing for forfeiture of the "instrumentality" of the crime. Beginning in February 1999, the city police seized the vehicles of first and multiple DUI offenders. Forfeiture action was taken under three circumstances: (a) when the drunk driver owned the vehicle; (b) when the drunk driver was not the owner but the owner knew or should have known of the criminal use of the vehicle; or (c) when the drunk driver was the "beneficial owner" of the vehicle. As in Portland, the forfeiture process is a civil action that is completely separate from the underlying criminal DUI case, which is prosecuted by the District Attorney in criminal court. The New York Police Department's (NYPD) forfeiture program was challenged as being unconstitutional, but its constitutionality was upheld in New York State Supreme Court in *Grinberg v. Safir* (*Grinberg v. Safir*, 1999).

Between February 22, 1999, and December 31, 1999, the NYPD seized 1,458 vehicles in connection with DUI arrests and commenced 827 forfeiture actions. During that period, the police department instituted a pilot settlement policy for DUI forfeiture cases that allowed the vehicle to be returned to the defendant upon successful completion of an authorized alcohol-treatment program and the payment of a sum of money (\$1,000 or less) to cover administrative and litigation costs. To qualify for that program, the driver had to have an arrest BAC of less than .20 g/dL and no previous DUI offenses. This allowed some first offenders to avoid having their vehicles forfeited. No evaluation of the effectiveness of this program was reported. The authors did report anecdotal evidence showing that while the ordinance was in effect, DUI arrests and DUI crashes decreased. However, because of the early stage in the application of the program and the lack of a research design with statistical controls, this report should be viewed with caution.

California Forfeiture Law

Concurrent with the implementation of a 30-day vehicle impoundment law for first-time DWS offenders on January 1, 1995, California also implemented a vehicle forfeiture law that prescribes forfeiture for repeat DWS/DWU offenders driving vehicles registered in their names. Although the impoundment law was widely applied throughout the State, with over 100,000 cars reportedly impounded in the first year of the legislation, the companion forfeiture law was fully used in only two or three communities. Peck and Voas (2002) conducted a survey of police departments receiving State grants to conduct impoundment programs to determine why they did not use the forfeiture provisions of the law. They identified five factors that accounted for the low application of

forfeiture: (a) the lack of support from the district attorneys (apparently because of prosecution costs); (b) the cumbersome administrative procedures; (c) the poor cost recovery (sale of vehicles does not return cost of seizure); (d) the high percentage of third-party owners for whom forfeiture does not apply, and (e) the 30-day impoundment was often equivalent to forfeiture because half of the offenders did not retrieve their vehicles. Despite the failure of most California communities to implement forfeiture programs, those that did (Santa Barbara and San Diego) found the process relatively straightforward and easy to apply. In Santa Barbara, 536 forfeiture cases were completed in the first 5 years that the law was in effect. Of these, only 16 cases required court hearings, and the district attorney prevailed in 15 cases. The average time between arrest and forfeiture was 6 to 7 weeks. In San Diego, 13% of the forfeiture cases went to court; of the 79 completed hearings, the district attorney prevailed in all but 8. Thus, in these selected communities forfeiture appeared to be implemented at relatively low cost, though no cost information was available. In San Francisco, where a special fee was assessed against the offender sufficient funds were collected to hire a special prosecutor to handle forfeiture cases. However, there are too few communities applying the forfeiture law in California to permit an objective evaluation of that law, particularly because the same communities are using the 30-day impoundment law that impacts a much larger offender group. Overall studies to date suggest that impoundment is an effective method of reducing the recidivism of DUI and DWS offenders. To be effective the vehicle must be impounded at the time of the arrest and a procedure must be devised to deal with non-offender owners. In Ohio, impoundment legislation was strengthened by two additional pieces of legislation, one that prevented an offender from registering another vehicle while the vehicle driven at the time of arrest was impounded and the other a law that allowed the police to hold the vehicle of a non-offender unless the owner could demonstrate that it had been driven without permission. Since a substantial proportion of offenders do not retrieve their vehicles, it is possible that some localities will be liable for storage and towing expenses where the sale of the offender's car does not raise sufficient funds to cover such expenses.

Controls Over Vehicle Operations

Alcohol Ignition Interlocks

Description

A BAIDD or Breath Alcohol Ignition Interlock Device is a device attached to the ignition of a vehicle that requires the operator to provide a breath sample for analysis prior to the engine being started. If the driver passes the breath test the car operates normally but if the test is failed the vehicle will not start. The units have four basic elements: (1) A breath alcohol sensor that records the driver's BAC and can be set to provide a warning if any alcohol is detected and to prevent engine ignition if the BAC is above a given threshold, often set at .02 or .03 g/dL; (2) A rolling retest system, which requires a new test be taken at predetermined intervals while the vehicle is driven to discourage drinking offenders from using a bystander to provide the breath sample prior to driving; (3) A tamper-proof system for mounting the unit in the car that is inspected every 30 to 60 days; and (4) a data logging system that records both the BAC tests and engine operation, providing a record that insures that the offender is actually making use of the car and not simply parking it while driving another vehicle.

The first interlock was developed by the Borg Warner Company, an affiliate of General Motors, in 1969. Early devices employed semiconductor sensors and were somewhat unreliable. Moreover it was necessary to deal with the problem of non-drivers starting the vehicle for the DUI offender. Since the technology to provide a reliable system for identifying the person providing the

sample was not available at that time, it became necessary to require additional “rolling retests” after the vehicle was underway. Commercialization of the device was delayed for almost two decades pending the perfection of systems for preventing circumvention. By the late 1980s the industry began to produce “second generation” interlocks employing highly reliable fuel cell sensors, which were sufficiently tamper-proof to insure that the units could not be circumvented once installed without disclosing the fact at the monthly inspections.

In 1992, NHTSA issued “Model Specifications for Breath Alcohol Ignition Interlock Devices” (NHTSA, 2002) that recommended standards for sensitivity and reliability and provided for the incorporation of rolling retests and data recording systems on ignition interlocks to make circumvention difficult. The perfection of this technology left the use of a non-interlock vehicle as the only uncontrolled method for circumventing the interlock. The illicit driving of a non-interlocked car remains an important limitation of the interlock technology, which must be minimized by enforcement of the laws against driving while suspended. However, as noted below, there is evidence that despite this opportunity to use another vehicle, interlocks may reduce offender recidivism.

Compared to vehicle impoundment, vehicle plate seizure and registration cancellation, interlocks provide quite a different approach to controlling impaired driving by DUI offenders. Those vehicle sanctions are designed to prevent all driving by the offender while making some provision for the use of the vehicle by family members through special plates. The interlock permits family members and the DUI offender to operate the vehicle while preventing impaired driving of the instrumented car. Because the unit can function indefinitely at a cost of approximately \$2 a day, it provides a method of maintaining control over the driving of DUI offenders for a relatively long time with minimum disruption of family activities or offender income.

To be effective, the interlock device must be implemented as part of a program to monitor the integrity of the unit and its installation in the vehicle. Generally a State-licensed service provider must install the unit and inspect it regularly (generally every 30 to 60 days) providing a report on any attempt to circumvent the device to a court probation officer or a department of motor vehicles driver analyst. Such monitoring systems, with substantial consequences for tampering with the device, are essential for insuring that offenders will not drive the interlocked vehicle while impaired. Courts vary in the stringency of the monitoring requirements they establish and the severity of the penalties they will impose for evidence of attempts to circumvent the device or high BAC tests.

Frequently, in addition to insuring that the offender does not circumvent the unit, courts will place limits on the BACs registered by the interlock recording system. The interlock may be used as a method of monitoring abstinence by establishing a sanction for any record of a high BAC recorded on the interlock, even though the device prevents the offender from driving. While the interlock BAC record can be used as an important source of information in court treatment programs (Marques, Voas, & Hodgins, 1998), it is also a strong predictor of recidivism following the removal of the interlock (Marques, Voas, & Tippetts, 2000).

Early implementation

During the later half of the 1980s, the production of effective hardware and the development of relatively low-cost service centers resulted in a number of local courts and statewide interlock programs targeting principally multiple-DUI offenders because most such offenders were viewed as having a drinking problem that prevented them from avoiding impaired driving. During this period, the interlock was generally offered to offenders as a method of driving legally for some portion to the time for which they would otherwise be fully suspended. West Virginia (Tippetts & Voas, 1998), California (DeYoung, Tashima, & Maston, 2005) and Alberta, Canada (Voas et al., 1999), among

others are examples of this policy. Because the decision to participate in an interlock program is left to the offender, such programs can be viewed as “voluntary” or “discretionary.”

It soon became clear that only about 10% of the eligible offenders took advantage of such “voluntary” programs. Some of these eligible offenders may have decided not to drive during their suspension period. On the other hand, some offenders may avoid the units because they interfere with their drinking while other offenders may be annoyed or embarrassed if they installed an interlock on their vehicles. In most instances, the alternative for not selecting the interlock is much more attractive to the offender. Cost also appears to have been a factor. Many DUI offenders drive vehicles registered to others and may have been unable to get the owners to install the devices. Finally some State interlock programs were poorly advertised and some offenders were unaware of their existence (Tippetts & Voas, 1998).

One opportunity to increase the rate of installation of interlocks is to require them as a condition of posting bond for release from jail at the time of arrest. The interlock must then be maintained on the vehicle until the trial at which time the interlock requirement can be continued or canceled. This has both the advantage of immediately assuring control over the offenders impaired driving and ensuring that the vehicle is available for further application of the sanction at the time of the trial. Texas has such a provision for second DUI offenders, but it is not routinely applied and has not been evaluated. Another strategy to increase usage is to apply an alternative sanction that is much less appealing to the offender, such as electronic house arrest for 90 or more days. This strategy is being tried in New Mexico.

Evidence for effectiveness

The offenders who do participate in interlock programs have 50% to 90% lower DUI recidivism rates than similar DUI offenders who remain suspended (Voas et al., 1999; Coben & Larkin, 1999). Eight examples of the recidivism rate of offenders with interlocks installed on their cars compared to offenders who chose not to enter an interlock program is shown Figure 7. The horizontal line shows the recidivism level for non-interlock offenders, while each dark bar shows the recidivism level for similar offenders during the period that an interlock was installed on their vehicle. As can be seen while the interlock is on the offenders vehicle their recidivism is half or less that of the non-interlock offenders.

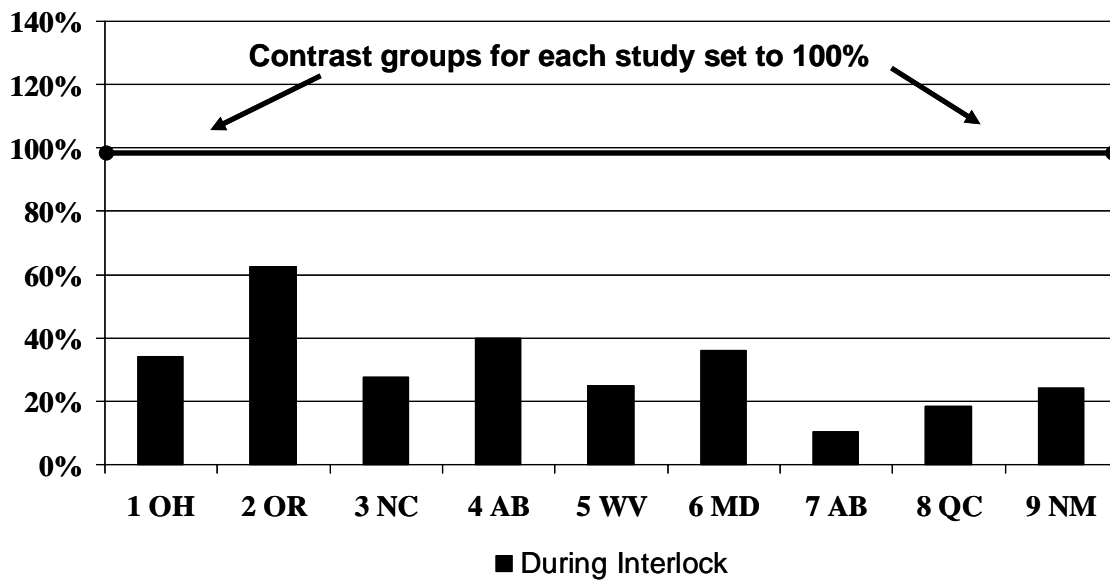


Figure 7. Nine Studies: Recidivism With an Interlock Relative to Contrast Groups

Although this would appear to provide relatively strong evidence for the effectiveness of interlocks, the small number of offenders who elect to install interlocks in discretionary programs leads to the question of whether this is simply the result of their being a selected group of offenders who might be expected to have lower recidivism rates in any case. The best answer to this question is to randomly assign offenders to interlock and non-interlock status, but this is difficult because not all offenders have cars and the offender must agree to have the interlock installed in the car. Only one study (Beck et al., 1999) has randomly restricted DUI offenders reinstating their licenses to driving an interlock vehicle while not imposing that requirement on a comparison group of offenders. While not all those assigned the interlock restriction installed such devices, those offenders who did had fewer re-arrests.

Given the lack of random assignment studies, the best evidence that interlocks are effective is provided by comparing the recidivism rates of interlock users while the unit is installed in their cars with the period after the unit is removed. This is done in Figure 8, for the same groups studied in Figure 7. The light bars show the recidivism rate following the removal of the interlock and that rate returns to the level of the non-interlock offenders. Figure 8 compares the same offenders with and without interlocks installed, so there is clear evidence of the impact of the interlock itself. This graph illustrates a limit of interlock programs; there is little carryover of the habits acquired during the period the unit was installed.

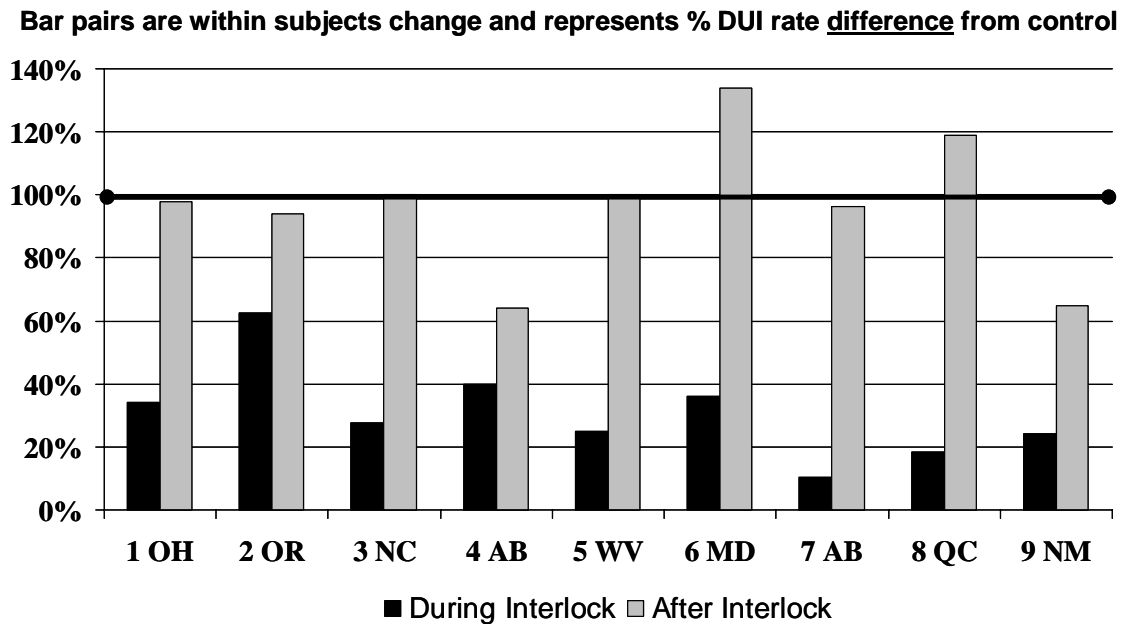


Figure 8. Within Subject Changes Among DUI Offenders With and Without Interlock: Anything Below the 100% Line Represents a Lower Recidivism Rate Compared to the Control

Mandatory Programs

The evidence for the effectiveness of interlocks has encouraged States to pass laws providing for interlock programs to be administered either through the courts or the motor vehicle department. As of the end of 2004, 43 States had enacted interlock legislation. Some of these call for mandatory installation of the units on the vehicles of multiple offenders. This was encouraged by Federal legislation, the Transportation Equity Act for the 21st Century (TEA-21) adopted in 1998, which provided for transfers of highway funds in States not mandating either vehicle impoundment or interlocks for repeat offenders. The transfer program related to this provision was eliminated in the recent reauthorization of the SAFETEA-LU highway safety bill, but a number of States have passed legislation designed to meet the requirements of the prior TEA-21.

To date, laws mandating interlocks have not been successful in substantially increasing the numbers of units actually installed on the vehicles of DUI offenders. Once again, the reasons for this are not entirely clear. Most such legislation exempts offenders who can prove they do not own a vehicle or agree not to drive. Not all courts are well informed on such mandatory legislation and some have no local interlock providers. Courts have also found the cost of the interlock program to be a barrier to requiring it for low income offenders even though most interlock service companies will reduce the price of the program for indigent offenders.

Because of these problems there has been some issue as to the ability of courts to mandate offenders to install interlocks. However, there is evidence from a study in Indiana (Voas et al., 2002), that offenders can be pressured into installing units if the alternative is more unpleasant. In that study, the court employed house arrest as the alternative to the interlock with the result that 62% of the offenders agreed to install interlocks. Thus, it appears that a larger proportion of the offenders can be motivated to install interlocks if a less desirable alternative is imposed if they fail to do so. Currently, most courts have the authority to impose substantial jail sentences on multiple offenders, but jail time is expensive for to the government and very disruptive to the life of the offender and family members. House arrest, especially with electronic monitoring, which has been shown to

reduce recidivism by reducing recreational driving (Jones, Wiliszowski, & Lacey, 1996) appears to be one practical alternative to incarceration.

On July 1, 2005, New Mexico implemented what is currently the most comprehensive interlock law, requiring a full year on the interlock for first-time DUI offenders, two years for second offenders, three for third offenders and lifetime for fourth offenders. The legislation requires that the offender obtain and show to the court an interlock license, which in turn is obtained by taking a vehicle with an interlock installed to the department of motor vehicles that issues the special license. The legislation is silent on the sanctions to be applied to offenders who do not comply with this mandate, but does contain the provision for excusing those who claim not to own a car. It remains to be seen whether this mandatory law will result in a larger percentage of offenders installing interlocks.

A number of States, Michigan, Florida, and Colorado, among others, have enacted laws requiring up to a year on the interlock as a mandatory requirement for reinstating the license of a suspended multiple DUI offender. Such laws were stimulated by the TEA-21 Federal requirement mandating interlocks for second offenders. This type of legislation generally makes it impossible for offenders to ever regain their license status without installing an interlock. This should provide a very strong incentive to comply with the interlock requirement. However, recent studies (Voas, Roth, & Marques, 2005; Tashima & Helander, 1999) have shown that substantial numbers of DUI offenders currently delay their license reinstatement, some for three years or more. It is not clear whether the requirement to install the interlock will increase the numbers of offenders delaying applications for reinstatement.

Conflict with suspension legislation

Since a large number of studies have demonstrated that license suspension reduces recidivism and crash involvements (Peck et al., 1985), the substitution of the interlock for full suspension has been approached with caution. Considerable effort of safety advocates has gone into adoption of administrative license suspension (ALS) laws and the extension of the periods of full suspension for multiple offenders. Most notably, this effort resulted in the inclusion in the TEA-21 Federal legislation a provision that required a full year of hard suspension for second offenders. This effectively prevented requiring multiple DUI offenders to install interlocks for the first year following their conviction. In some cases, such as in California and Texas, it created potential conflict between State legislation mandating interlocks and the TEA-21 requirement for a full year of hard suspension.

The growing evidence for the effectiveness of interlock programs has resulted in activist organizations such as MADD supporting the installation of interlocks as an alternative to hard suspension. New Mexico was among the first to implement this concept by passing a law in 2003 that allows any suspended driver to receive a permit to drive an interlock equipped car. However, offenders must continue to drive with the interlock until their original suspension periods expire ----- which may be many years. This option was made available to offenders convicted in the past and serving long license revocation periods some up to 10 years. This law is currently being evaluated in a study funded by NHTSA. It remains to be determined how many long-term suspended DUIs will take advantage of the opportunity to drive legally by installing an interlock.

Issues for the Future of Interlock Programs

Several important questions remain with respect to the ultimate contribution of interlocks to the control of high risk drinking drivers:

Can the number of offenders on interlocks be increased? Most immediately, there is the issue of whether current mandatory programs will succeed in motivating a larger percentage of the offenders to install interlocks. Past experience suggests that it will be necessary to apply pressure

through the use of alternatives such as house arrest or incarceration to motivate offenders to install interlocks.

Will offenders pressured into installing interlocks have reduced recidivism? Most of the experience with interlocks to date has been with the selected group of offenders who chose to install them in order to drive legally. Offenders who are pressured by the threat of jail or house arrest to install an interlock may be higher risk drivers than those in “discretionary” or “voluntary” programs and they may make a greater effort to circumvent the interlock by driving another vehicle. Therefore, these offenders may not show the same reductions in recidivism that have been documented in studies to date.

Will the courts be willing and able to pressure offenders to install interlocks? To employ jail or electronic home confinement as an alternative to the interlock, the criminal justice system will need to have these alternatives readily available to them. They will also need to have the legal authority to impose relatively lengthy periods of home confinement not only on multiple offenders, but also first DUI offenders if they are to be effective in motivating acceptance of periods of up to a year on the interlock. Thus, the threatened penalties necessary to motivate interlock program participation, while rarely imposed, would be more severe than those currently typical of the DUI sanctioning process.

While interlocks reduce impaired driving, will they reduce overall crash involvement? Most studies of the effectiveness of interlocks have been limited to recidivism as the measure of effectiveness because crashes are relatively rare events and therefore more difficult to use in evaluation studies. More studies of the impact of interlock programs on crashes are needed. This need is exemplified by the study by DeYoung, Tashima, & Masten (2004) where they found interlock users had fewer DUI offenses, but experienced more non-alcohol-related crashes than fully suspended offenders. They interpreted this result as indicating that while interlocks prevent impaired driving, offenders in interlock programs will tend to drive more than offenders who are suspended because they do not fear apprehension for driving while suspended (DWS). As a result of the increased driving mileage of interlock users, they are more exposed to non-alcohol-related crashes than are suspended offenders, who tend to minimize their illicit driving to reduce their chances of apprehension for DWS. Since alcohol related crashes generally produce greater injury and property damage than non-alcohol related crashes, interlock programs may be cost effective even if participants have more total crashes (but not severe ones). However, this remains to be demonstrated.

Opportunities for Integrating Interlock With Treatment Programs

Studies of convicted impaired drivers have demonstrated that many are classifiable as alcohol abusers or as dependent on alcohol (Simpson, Mayhew, & Beirness, 1996; Miller & Windle, 1990). As a result, most State laws call for the screening of DUI offenders for alcohol problem status and their assignment to a treatment or educational program based on that assessment. Suspension and vehicle sanctions serve to protect the public from high risk DUI drivers while such intervention efforts assist offenders to recover from their alcohol problem. Bjerre (2002) found that number of applications for medical services related to drinking problems was reduced in interlock users compared to other similar offenders. The interlock record of all breath tests associated with driving can provide the treatment specialist with important information for use in evaluating the status of participating offenders and the information can also be used in therapy sessions to help the offenders confront their drinking problem. Marques and Voas, (1995) and Timken and Marques, (2001a , 2001b) have developed a “Support for Interlock Program” that makes use of the data from the interlock in therapy sessions for DUI offenders that is currently being evaluated in Texas (Marques, Voas, & Timken, 2004; Marques, Voas, Timken, & Field, 2004; Bjerre, 2005).

The interlock data recorder also provides important information for predicting future recidivism (Marques, Tippetts, & Voas, 2003b; Marques, Voas, & Tippetts, 2003; Marques, Tippetts, & Voas, 2003a) particularly when combined with the prior record of the offender. This opens up the possibility that courts and motor vehicle departments could develop objective BAC test performance requirements to be met before the offender is allowed to remove the interlock. The status of the interlock BAC record could also be used by therapists to assist in determining how long DUI offenders should remain in treatment. Currently, a problem exists because therapists rarely have access to the interlock record. The use of interlock BAC information in the treatment and the monitoring of DUI offenders will require courts to modify their current record systems and make them more readily available to treatment providers.

Impaired Driving Vehicle Sanctions in Other Countries

This section describes two basic types of impaired-driving vehicle sanctions being used in other countries as of December 2004. The first sanction type can be described as actions taken against the vehicle or its license plates, such as impoundment, confiscation, immobilization, and forfeiture. The second type deals with the installation of an alcohol ignition interlock device on an impaired driver's vehicle. These two types of sanctions are discussed separately in this section. The information is based on discussions with key informants in other countries, an e-mail inquiry, and a review of the literature.

Sanctions Taken Against the Vehicle

With a few exceptions, the impounding, confiscating, immobilizing, or forfeiting of a vehicle because of an impaired driving offense does not seem to be in use in most countries around the world. Although the laws in almost all countries appear to give the police and the courts the authority to take action against the vehicle, the sanction is rarely carried out. The exceptions are in New Zealand and in several Canadian jurisdictions. Table 2 contains a summary of vehicle sanctions usage in other countries.

The laws generally allow the vehicle to be impounded or seized if it was "used in the commission of a crime" or for other serious offenses that vary from country to country. These offenses include driving without a valid license, no insurance, driving under the influence of alcohol or drugs, hit and run, dangerous or reckless driving, drag or street racing, and numerous other offenses. Vehicle sanctions are applied for two main offenses: driving without a valid license (primarily driving while suspended) and for driving without insurance.

Sanctions against the vehicle, for any type of offense, are rarely used in European countries and the Australian States. A brief summary of the current situation in some of these countries follows:

Australia

One Australian official noted, "The impounding of vehicles as a penalty for impaired driving has been discussed from time to time and rejected for political and social justice reasons." In the Australian State of Victoria, the Vehicle Confiscation Act allows for an application to a court for the vehicle used in extreme cases of dangerous driving as "an instrument used in the commission of a crime" to be confiscated and sold. However, it is rarely enforced. In the past 5 to 7 years, a police official reports it may have been used on fewer than five occasions.

Sweden

In Sweden, confiscation is authorized by judicial action for repeat DWI offenders, but the sanction is used rarely because of procedural problems.

Belgium

On March 1, 2004, new road safety legislation became effective in Belgium. One of the measures enacted is the impoundment of a vehicle when it is being operated by a driver whose driving license has been revoked or suspended. Police will store the vehicle for a period equal to the duration of the driver's license suspension. Vehicle impoundment is an administrative sanction, but

requires the approval of the prosecutor. This sanction is only applied when the driver is also the owner of the vehicle.

United Kingdom

In the United Kingdom, a vehicle can be impounded for any drink-drive offense, at a police officer's discretion. Confiscation can be judicially imposed. A few police forces adopted the policy, particularly in drink-drive "blitzes" around Christmas. However, vehicle sanctions are very rarely used in the United Kingdom, in part because many offenders for both impaired driving and other offenses are from low-income households, have vehicles of very low value, or are often using stolen vehicles.

Table 2. Vehicle Sanctions for Driving While Impaired (2004)

Jurisdiction	Penalties: Impoundment	Confiscation	Immobilization	License Plate Confiscation	Which Offenders	How Applied: Judicial	Admin.
Australia							
Victoria		Yes			Very serious cases-used rarely	X	
Belgium		Yes	Yes		Many various offenses	X	
Canada							
Alberta	Yes				Many various offenses	X	x
British Columbia	Yes				DWVL-30 days		x
Manitoba	Yes	Yes			DWI and DWS-duration based on BAC		x
Nova Scotia	Yes				DWS for DWI-90 days		x
Ontario	Yes				DWS for driving conviction-45 days		x
Saskatchewan	Yes				DWS-30 days-1st, 60 days subsequent		x
Quebec	Yes				DWS-30 days		x
Yukon	Yes				DWS, No insurance		x
Denmark		Yes			DWVL		x
New Zealand	Yes	Yes			DWVL for impound-found effective		x
					Serious offenses for confiscation	X	
Norway	Yes	Yes	Yes	Yes	Repeat offenses, DWVL-used rarely	X	x
Spain			Yes		High BAC offenders	X	x
Sweden		Yes			DWI-used rarely-procedural problems	X	
United Kingdom	Yes	Yes			DWI-used rarely	X	

Abbreviations:

DWVL—Driving without a valid license

DWS—Driving while suspended

DWI—Driving while impaired

New Zealand

New Zealand has the most comprehensive vehicle sanction program of any country outside the United States covered by the current survey. To summarize the process:

- A police officer must seize a motor vehicle at the roadside and impound it for 28 days if there are reasonable grounds to believe that the driver is disqualified from holding or obtaining a license or the license is suspended or revoked. These provisions also apply to unlicensed drivers and those with expired licenses if they have previously been forbidden to drive until they obtain a valid license.

- Police will call for a tow truck to take the vehicle away to a storage facility, and owners must pay towage and storage fees at the end of 28 days before retrieving their vehicles. However, if the driver is not the car's owner, under some circumstances, the owner can appeal to the Commissioner of Police. But owners cannot appeal on the grounds of undue hardship. Owners can appeal to a District Court if their appeal to the Commissioner of Police is unsuccessful.
- When a vehicle is not claimed after 28 days, the storage provider can dispose of it after obtaining police approval. If this occurs, the storage provider is partially reimbursed by the Land Transport Safety Administration (LTSA) with a flat fee set by regulation.

The results so far:

- The roadside impoundment of more than 25,000 vehicles driven by disqualified or otherwise unlicensed drivers between May 1999 and May 2001. There are about 2,700,000 registered vehicles in New Zealand.
- A fall in the proportion of fatalities attributed to unlicensed drivers from 10% of all fatalities (1998) to 6.9% (2000), and an equivalent fall of one-third in all casualties attributed to unlicensed drivers.
- A fall in the number of driving-while-disqualified offenses by about one-third.
- Very few appeals against these orders.
- A large proportion of vehicles (approximately 40 to 50%) go unclaimed after they have been impounded (a generic problem with this type of regime).
- The permanent removal of a large number of un-roadworthy vehicles from the road (a beneficial side effect).
- Any effect on alcohol-related crashes has not been reported yet.

New Zealand also has a vehicle confiscation sanction. In 1996, Parliament extended and strengthened the power of the courts to confiscate motor vehicles owned by serious traffic offenders. Following conviction and court order, the vehicle is sold at public auction. The money received offsets seizure costs, monies owed on the property to third parties (e.g., finance companies), and outstanding fines. The remaining funds, if any, are returned to the owner. The courts also may issue an order stopping the offender from owning another vehicle for 12 months. The confiscation rate of eligible vehicles is about 1 in 10. Table 3 shows the breakdown, by year and offense, for confiscated vehicles.

**Table 3. Number of Cases Where a Court Order Was Made for
Confiscation of a Motor Vehicle, 1996 to 2001, New Zealand**

Most serious offense	1996	1997	1998	1999	2000	2001
Excess alcohol	34	93	252	462	614	642
Suspended license	33	173	377	480	558	480
Reckless/dangerous driving	2	4	18	28	20	25
Other traffic offense	1	2	6	9	5	13
Non-traffic offense ¹	9	9	17	19	16	19
Total	79	281	670	998	1,213	1,179

¹For example: aggravated robbery, burglary, and dealing in cannabis.

The New Zealand LTSA believes that impoundment is the most effective vehicle sanction for the following reasons:

- There is evidence it works in terms of removing the target group from the road and reducing crashes.
- It is simple, clear-cut, and immediate, and thus constitutes good deterrence.
- The grounds of appeal are restrictive enough to make it hard to avoid.

It remains to be seen if this sanction is associated with any reductions in alcohol-related crashes.

Canada

Several Canadian jurisdictions have vehicle impoundment programs, with most operated administratively. Some examples follow.

British Columbia

In British Columbia, vehicles can be administratively impounded for 30 days if the driver does not have a valid license. A large portion of the driving-while-prohibited offenders lost their licenses because of DWI. In 2001, 9,314 vehicle impoundment notices were issued in British Columbia (the Province has approximately 2,700,000 licensed drivers), with a successful appeal rate of less than 5%. They have found that the cost of storage and disposal of unclaimed vehicles often exceeds the vehicle's value. It is reported that the program is very popular with police.

Manitoba

Manitoba was the first province in Canada to undertake a vehicle impoundment programs. Drivers who test higher than .08 BAC or refuse to provide a sample at the roadside are subject to immediate vehicle impoundment. The period of impoundment is based on the BAC level and number of previous vehicle impoundments. For a BAC of .16 g/dL or less, the impoundment period is 30 days. For a BAC higher than .16, it is 60 days. The period of impoundment increases with every seizure, and there is no maximum. Vehicles also are impounded for drivers caught driving while suspended. For the 12-month reporting period ending in March 2002, there were 3,636 vehicles seized and impounded as a result of suspension and/or alcohol-related offences. The administratively run program has not reported any problems. There have been no evaluations of the program.

In December 2002, new legislation went into effect that allows for the forfeiture of a vehicle upon conviction of a Criminal Code driving offense involving death or bodily harm, or upon conviction of three Criminal Code driving offenses in 5 years.

Ontario

Ontario has an administratively run vehicle impoundment program. Those caught driving while their licenses are suspended for a driving-related Federal Criminal Code of Canada conviction, including impaired driving, will have their vehicles automatically impounded for a minimum of 45 days. Vehicle owners are responsible for all towing and storage costs. Since the program was implemented in February 1999, more than 5,100 vehicles have been impounded. No evaluations of the program have been conducted.

Québec

The Province of Québec impounds vehicles for 30 days when driven by a driver without a license or while disqualified for impaired driving or any other offense. In 2002, 20,820 vehicles were impounded (there were 4,881,265 vehicles registered in Québec). Of these, about 1,600 were for the driving while suspended for an alcohol or drug offence. To date, there have been no effectiveness evaluations of this impoundment program.

Saskatchewan

The impound period is 30 days for a first offence of driving while disqualified and 60 days for a second incident in a 2-year period. About 2,500 vehicles are impounded each year, but the Province reports some problems in disposing of abandoned vehicles. Early in the program, an evaluation showed about a 50% reduction in driving while disqualified. There have been no recent reviews.

Yukon

The Yukon Territory has an administratively operated vehicle-impoundment program that doubles the impoundment period if the offender's BAC is twice the .08 g/dL legal limit. Impoundment also is used when a person is driving without a valid license or for lack of insurance. About 250 offenders receive this sanction each year. Yukon has a population of about 30,000 people.

Alcohol Ignition Interlocks

Alcohol ignition interlock devices have begun to be used in other countries. As of 2004, Australia's five largest States had either recently begun, or were about to begin, interlock programs. In Canada, the criminal code has been amended to enable provinces and territories to begin interlock programs, and, consequently, most of the Canadian jurisdictions have instituted them. In Europe, Sweden has a small program in use and other countries have undertaken feasibility or pilot studies, in coordination with the European Union (Marques et al., 2001).

Australia

Ignition interlock programs are now in operation in the 5 largest States. As a result, 85% of Australians who drink and drive (almost 75,000 drivers) are eligible for interlock programs. Programs are now up and running in New South Wales, Queensland, South Australia, Victoria, and Western Australia. A brief description of these programs follows.

New South Wales

The New South Wales' voluntary program began in mid-2003. Approximately 20,000 alcohol offenders were eligible to participate in the program that was run by the licensing agency. License suspension periods have to be completed before the interlock can be installed. The length of time an interlock is installed is fixed, but the court has an option to extend it if the interlock program conditions are not met.

Queensland

The Queensland trial program began in July 2000. Magistrates at a limited number of courts can offer the interlock to offenders at their discretion. Magistrates can advise an offender that without the interlock they may be disqualified longer, receive a higher fine, or go to jail. The interlock is usually offered to repeat offenders (where first offence includes breath or blood test refusal) and first offenders with high (more than .15) BACs. Very few offenders have actually been placed on the interlock program. In 2002, 38 offenders agreed to the interlock probation order; however, as they must first complete their license suspension period, officials are not sure how many of those who agree actually follow through and have the interlock installed. In the entire State, 22,000 offenders would be eligible for the interlock if it were available statewide. The average time on the interlock set by the magistrates is approximately 11 months. Evaluation of the interlock trial will be included in a review of impaired-driving legislation that began in late 2003.

South Australia

The voluntary interlock program in South Australia began in July 2001. Run by the licensing authority, interlocks can be installed for twice the remaining license suspension period, once the mandatory suspension period has been served. There are 4,700 offenders eligible for the interlock program each year, but in the first year of operation, only 65 drivers – or 1.1% of those eligible – were placed in the program (Coxon, 2003).

Victoria

In May 2003, first offenders were eligible to participate in the interlock program in Victoria. Repeat offenders (determined by a 10-year look back) must obtain court approval to be relicensed following their suspension periods and MUST have an interlock fitted for 3 years or more to any vehicle they drive. First offenders with a BAC of .15 or more (also includes test refusals and causing alcohol-related death) must also apply to the court to be relicensed, which may order the fitting of an interlock for 6 months or more. The interlock is additional to clinical assessments and treatments and a drink-driver education course. The actual duration on the interlock will be determined by the offender's downloaded records while in the program. Drivers must apply to the court for permission to end their participation in the interlock program. About 5,000 offenders per year have a BAC of .15 or higher and are eligible for the interlock program (Swann, 2003).

Western Australia

In Western Australia there are 1.26 million licensed drivers, 12,000 drink-driving offenses each year, and 4,000 repeat offenses each year. Twenty-two percent of fatal crashes are attributed to alcohol, with 63% involving a BAC of at least .15. An expert group was established in February 2003 to review the issue of drinking and driving in Western Australia. They considered interlocks within an integrated program to the problem. Statewide implementation was planned for 2004. However, by the end of that year, the legislation had not yet been enacted. The proposed model includes the following provisions:

- Targets all drink-driving offenders (first and repeat).
- Interlock available 1 month following drink-driving offense.
- Six months minimum interlock period and never less than original disqualification period.
- Maximum interlock period is performance based with compliance rewarded (Hands, 2003).

Canada

Under Federal legislation, courts may authorize offenders to operate a vehicle with an ignition interlock device, if registered in a provincial interlock program. Interlocks can be installed: after 3 months for the first offense, after 6 months for second offense and after 12 months for subsequent offenses. Provinces are under no obligation to match provincial suspension with Federal prohibition. All the major Provinces, except British Columbia, have implemented ignition interlock programs as has the Yukon Territory. The program in two Provinces (Alberta and Québec) has been in existence long enough for effectiveness to be evaluated. Several major programs are discussed below.

Alberta

The Alberta interlock program began in 1990. It is a voluntary, court-run system that offers offenders a reduced period of license suspension for those who choose to participate. Fewer than 10% of those who are eligible actually receive an interlock. Evaluation of the program verified the effectiveness of the device in reducing impaired driving while the offender was in the program.

Ontario

The program began in December 2001. After completion of the period of license suspension, offenders are only reinstated if they agree to participate in the interlock program. They are issued an “I” license for a period of 1 year for a first offence, 3 years for second offence and indefinitely for a third offence. After they complete their required time on the interlock (or not drive during that period), offenders can apply to the Registrar of Motor Vehicles for an unrestricted license, but it will be granted only if they are free of program violations. Each year, approximately 16,000 drivers convicted of impaired driving will be notified that must have interlocks installed if they wish to drive during the period in which the ignition interlock condition is on their vehicles (Fawcett, 2002).

Québec

The Québec alcohol interlock program applies to all offenders of impaired-driving laws. There is a voluntary program to reduce the length of hard license suspension and a mandatory program, after the end of the suspension, in order to get a license reinstated. In the voluntary program, the court may authorize the offender to operate a motor vehicle equipped with an alcohol ignition interlock device after 3 months for a first offense, after 6 months for a second offense and after 12 months for each subsequent offense. The total length of suspension is 1, 3, or 5 years, depending on whether, in the 10 years preceding the cancellation or suspension, the person incurred no suspension, one suspension, or more than one suspension. In the mandatory program, the mandatory period of alcohol ignition interlock after the end of the suspension as a requirement of license reinstatement is as follows: 1 year for first offender if the summary assessment has established that the person's relationship with alcohol does compromise the safe operation of a road vehicle (no mandatory period if no alcohol problem is detected), 2 years for second offender, and 3 years for third (or more) offender.

About 25% of those eligible for the voluntary program participate. Participation in the voluntary program, which began in December 1997, has resulted in a reduction in the repeat DWI rate of 80% during the first 12 months for first-time offenders and 74% during the first 24 months among repeat offenders. The program also lowered the incidence of impaired driving mishaps (crashes). In both cases, the results tend to disappear when the interlock is removed (Vezina, 2002).

Yukon Territory

The Yukon Territory also conducts a voluntary interlock program, which began in 2001. Offenders may have their driving privileges restored earlier with an interlock than without it. It was reported that a high percentage of offenders who qualify for the interlock program actually receive an interlock. The Driver Control Board requires the interlock to be in place until at least the end of the original disqualification period and until the person has been able to demonstrate 100% compliance with the interlock program for 6 consecutive months.

Europe

In 2000 and 2001, the European Union (EU) conducted a feasibility study and literature review of interlock programs. Results of the literature review included:

- an average 65% reduction of re-offense rate during program participation,
- indications of substantially reduced crash rates,
- no beneficial effects during post-program period,
- generally low participation rates,
- problems of selection bias in most studies (no random assignment/no matched control group).

Despite methodological shortcomings, the results of Canadian and American evaluation studies justify a large-scale interlock field trial in one or more EU countries. As a result, late in 2003 or early in 2004, an in-depth qualitative EU field trial, incorporating small-scale trials, was scheduled to begin in Belgium, Germany, Norway, and Spain. This is a voluntary program. The specific objectives of the EU trial program are to examine the psychological, sociological, behavioral, and practical impact of interlocks² on the following target groups and on their related subjects: public transport drivers and passengers (Norway, Spain); goods transport drivers and company owners (Germany); recidivists and alcohol dependent patients and relatives, i.e., people living together with the subject (Belgium) (Ward, Vanlaar, & Drevet, 2003). This study was ongoing during 2004.

The following discussion summarizes what is taking place in other European countries.

Sweden

The Swedish alcohol interlock program for DWI offenders started as a pilot project in 1999. It is a voluntary program and includes very strict medical regulations with regular check-ups by a physician and extends over a period of 2 years. During the program, alcohol consumption is monitored through the use of a self-report questionnaire about alcohol use and five different biological markers.

Preliminary data show a noticeable reduction in alcohol consumption among the participants, as determined by questionnaire scores, as well as by significantly decreased levels in the biological markers. The number of participants is still small (285 individuals). Until this point, no case of recidivism has been found during the program. Data about recidivism after completion of the program are not yet available. The preliminary results showed impressive reductions of alcohol consumption, drink-driving recidivism, and crash rate during interlock installation period, though there was no *statistically significant* difference with matched control group. Based on the pilot, the interlock program was extended to all counties and all driver categories (Bjerre, 2002).

The use of the interlock device is becoming prevalent in the commercial area and for prevention in Sweden. At present, interlocks are installed in approximately 2,000 commercial vehicles, including school buses, taxis, heavy trucks, and driving school vehicles. In January 2004, heavy trucks working for the Swedish National Road Administration (Vägverket) had to have an interlock installed. Swedish communities plan to follow the Vägverket example by requiring interlock installation in all public transportation contracts. This means that over the next few years, more than 20,000 interlocks will be installed in commercial vehicles. The Swedish Total Abstinence Driver Association has recommended that in 2004, all buses, taxis, and trucks have an interlock installed, and in 2015 all cars (Mathijssen, 2003).

The Netherlands

The Ministry of Transport and the Central Licensing Bureau requested a change to the Road Traffic Act that allowed them to start an alcohol interlock experimental program in 2004. They conducted a controlled experiment whereby the use of the interlock was integrated into a rehabilitation program. The target group for the program was hardcore DUI offenders who underwent assessments of fitness-to-drive and were declared “not unfit.” The program ran 2 years, with a 6-month extension. The program included approximately 800 subjects and was financed by participants (two-thirds of the cost) and the Ministry of Transport (a third of the cost). The program was conducted administratively and was independent from public prosecutors and judges (Mathijssen, 2003). No results of this study were available at the time of this report.

² In Europe, alcohol ignition interlock devices are known as “alcolocks.”

France

France is conducting an experimental program in two court districts. The voluntary program is offered as an alternative to license suspension, fines, or jail. It is aimed at first DWI offenders with a BAC over .08 percent and is run through the judicial system. It considers an offender's need to drive in order to work, plus a positive medical assessment. It is planned that the experiment will include 30 offenders from each of the two court districts each year. The interlocks will initially be installed on offender's vehicles for a period of 6 months.

Finland

A working group of the Finnish Ministry of Transport was scheduled to present a proposal for a national interlock field trial and a draft amendment of the law sometime in 2005 or 2006.

United Kingdom

The UK Department of Transport began a 30-month field trial to examine the practicality and social implications of utilizing interlocks in 2004.

Summary

With a few exceptions, most countries around the world do not apply the vehicle sanctions of impoundment, immobilization, confiscation or forfeiture. These are apparently considered too harsh. Alcohol ignition interlock programs, however, are active in several countries and there are indications that there is much more enthusiasm for their use in many countries. Despite some of the problems encountered in implementing interlocks in the United States, it remains the heaviest user of such devices, along with Canada.

Barriers to Adoption and Operation of Vehicle

Although vehicle sanctions appear to be effective in reducing recidivism of DWI offenders when they are applied, there are a number of barriers to their implementation in States and communities. Some of these barriers are described in the following section.

Alcohol Ignition Interlock Programs

Voluntary Interlock Programs Managed by the Courts

- Experience with such programs indicates that only a relatively small percentage (generally, less than 10% of offenders) participate in interlock programs (Voas et al., 2002). DeYoung (2002), in a sample of California DUI offenders, found that only 10% of the eligible offenders received court orders to install the interlock and only 22% of those complied with the order. This suggests that only a small fraction of DUI offenders are sufficiently motivated to install interlocks in order to drive legally. These devices are intrusive in that they must be used every time the vehicle is started and also used frequently while driving. Further, the perceived probability of being apprehended for DWS is low, as is suggested by the low rate at which DUI offenders reinstate their licenses when they become eligible to do so (Tashima & Helander, 1999; Voas, 2001).
- If the reward for going to the expense (around \$60 per month) and annoyance of installing an interlock is the ability to drive that interlock vehicle legally, *it appears likely the participation of DUI offenders in interlock programs will remain low, unless the perceived probability of being apprehended for DWS is increased through intensified enforcement or the alternative to the interlock is considered to be more harsh--such as house arrest with electronic monitoring.*

Mandatory Interlock Programs Managed by the Courts

The provisions of TEA-21 and some of the responding State legislation have called for “mandatory” interlock programs. The courts have the authority to coerce the installation of the interlock under the provisions of probation powers where the alternative to compliance can be incarceration. In actual practice, however, it is very difficult to ensure that all, or even most, offenders participate in an interlock program. One court in Indiana that attempted to use the threat of jail or house arrest to force the installation of interlocks achieved a 62% compliance rate (Voas et al., 2002). This was substantially higher than the rate achieved under typical voluntary systems and produced a lower recidivism rate than similar courts in the same area.

- A major barrier to coercing installation is the plea that the offender does not own a vehicle. Courts have encountered this “no vehicle” problem in the past in connection with vehicle forfeiture programs. If forfeiture or even impoundment is a consequence of conviction for a DUI or DWS offense, defense attorneys will advise their clients to transfer the vehicle before trial. *Therefore, an effective forfeiture or impoundment program must provide for holding the vehicle from the time of arrest (Voas, 1992; Voas & DeYoung, 2002).*

- Another barrier to mandatory interlock installation is cost. The approximately \$60 a month fee for the interlock should not be prohibitive for individuals who have been purchasing gas and expending significant sums on alcohol; yet, inability to pay is frequently accepted by the courts as a reason for not requiring an interlock. Further, the punitive value of incarceration may be overrated with some DUI offenders who may already have experienced jail. When jail is an alternative to the interlock, treatment, and perhaps other sanctions, some offenders will elect to accept incarceration rather than the alternative sanctions. In many jurisdictions, DUI offenders serve only a short jail sentence and are allowed to serve their time on weekends. *The availability of indigent funds, installment plans and cost sharing programs may help alleviate some of the cost issues in the future.*

Mandatory Interlock Programs Managed by the State Motor Vehicle Departments

An alternative to assigning a mandatory interlock program by the criminal justice system is for the State legislature to provide authority to the motor vehicle department to require the interlock as a condition of reinstating the licenses of DUI offenders following their suspension period. This provision, which has been implemented by some States such as Michigan and Colorado, has the effect of making it impossible for the offender to drive legally without an interlock, not only during the normal suspension period but also at any time in the future unless the interlock is accepted for at least a limited period (normally 1 year as part of the process of reinstating the license).

- A potential limitation to the effectiveness of this coercion system is that currently a large proportion of DUI offenders do not reinstate their licenses when eligible to do so (Voas & Tippetts, 1994, 1995). In California, only 16% of DUI offenders reinstated their licenses within a year of their eligibility (Tashima & Helander, 1999).
- DUI offenders already face several disincentives to reinstatement: greatly increased insurance costs; relicensing fees; and, in some cases, completion of a treatment program. The addition of an interlock requirement is likely to further discourage the already limited reinstatement level, thus increasing the number of illicit and probably uninsured motorists who are driving while suspended. *Increased detection and enforcement of offenders driving without a valid license may help alleviate this barrier.*

Vehicle Impoundment, Immobilization, and Forfeiture

The current studies have provided evidence of the effectiveness of these sanctions in reducing recidivism. However, several issues surrounding these particular sanctions have emerged. These are highlighted below from Voas and DeYoung (2002):

- Impoundment appears to be effective for reducing recidivism for both DUI and DWS offenders. However, it may be easier to apply to DWS offenders because the elements of the offense (in control of the vehicle; not legally licensed) are easier to prove than DUI.
- *Impoundment programs implemented administratively appear to be much less cumbersome than when they are implemented through the courts. This is the case because they take less time to administer the sanction and they tend to track compliance.*

A limitation on vehicle impoundment programs is that at least half the vehicles driven by suspended drivers are owned, in part or in whole, by a non-offender. The criminal justice system will generally support impoundment of non-offender-owned vehicles if the owner knew or should have known that the driver was unlicensed or intoxicated (Voas, Tippetts, & Taylor, 2000b). However impoundment laws generally provide that vehicles must be returned to non-offender owners if they can prove they were unaware of the offender's status. In such cases, the owner is usually required to execute a "stipulated vehicle release agreement," which provides that the vehicle must be forfeited to the State if the owner allows the offender to operate the vehicle while still suspended. Such agreements appear to be effective in making the vehicle less accessible to offenders (Voas et al., 2000b; Peck & Voas, 2002).

- Most vehicle impoundment programs provide collection of towing and storage charges before the vehicle is returned to a non-offender owner. The owner can then attempt to recover those costs from the offender (Voas et al., 2000b). *A potentially successful alternative to vehicle impoundment is to immobilize the vehicle with a "boot" or "club" right in the driveway. This avoids storage costs.*
- *The most successful vehicle impoundment and forfeiture laws provide for a service fee (generally at least \$100) for the return of a seized vehicle. This helps to defray the costs of operating impoundment programs (Peck & Voas, 2002).*
- Nearly all successful impoundment programs provide for seizing and holding the vehicle at the time of arrest. Waiting for the outcome of the court trial often results in the vehicle having been disposed of and, thus, not available to the police. *To deal with this problem, Ohio passed a law prohibiting offenders from transferring vehicle titles following a DUI or DWS arrest (Voas et al., 2000b; Peck & Voas, 2002; Voas, 1992).*
- *Because many DUI and DWS offenders are driving "junkers" (vehicles of little value), successful forfeiture programs provide for rapid hearings and forfeiture actions to allow for quick lien sales, thus avoiding high storage costs (Voas, 1992; Peck & Voas, 2002).*
- Peck and Voas' (2002) study in California indicated that many vehicles seized for impoundment ultimately go to lien sale, so many cases of impoundment become de facto forfeitures. There is some limited evidence suggesting that, as compared to impoundment, forfeiture provides no added traffic safety benefits (Crosby, 1995).

Discussion

This report is a follow-up as of December 2004 to a 1992 NHTSA-sponsored study of vehicle sanctions (Voas, 1992). That study found relatively few jurisdictions with active vehicle sanction programs. Alcohol ignition interlocks were not considered in that study. Compared to the 1992 study, when only 32 States had any type of vehicle sanction and most of those were rarely imposed, in this report covering the period from 1992 through 2004, it was possible to identify 131 pieces of legislation, with all 50 States having at least one vehicle sanction law. Although it was difficult to obtain quantitative information on the application of vehicle sanctions, it appears that at least 51 of the 131 are laws are used regularly. Alcohol ignition interlock laws are by far the most frequent in the States (43), followed by vehicle forfeiture laws (31).

Special License Plates

Six States had laws by the end of 2004 permitting the issuance of special license plates to impaired driving offenders. In Minnesota and Ohio, such plates were principally issued to allow family members to drive the offender's car whose plates had been confiscated. The States of Washington and Oregon passed similar legislation permitting an officer to seize the registration of a vehicle driven by an unlicensed driver and place a decal over the year portion on the vehicle plate. Subsequently, officers could stop tagged vehicles and request that the driver produce a valid license. The law was effective in reducing DUI recidivism in Oregon but not in Washington.

Interlocks

Alcohol ignition interlocks, which prevents a drinker from driving impaired by requiring a breath test to start the vehicle, have become the most popular vehicle sanction for DUI offenders. Forty-three States had laws allowing the installation of alcohol ignition interlocks by the end of 2004 for impaired driving offenses and 4 States had additional laws permitting interlocks for DWS. There is some evidence from research studies that when interlocks are installed on offenders' vehicles, DUI recidivism may be reduced substantially; however, the reduced risk of recidivism does not persist after the interlocks are removed. Many of these studies may have had a selection bias since offenders volunteered for these interlock programs. Also, there is little information on the effects of interlocks on DWI related crashes. When data loggers are used in conjunction with interlock devices, records of all breath test results are recorded and this information can be used in estimating the probability of future recidivism and in treating an offender's drinking problem.

License Plate Actions

Twenty-two States had laws permitting license plate and/or registration confiscation/suspension in 2004: 19 States with such laws for impaired driving offenses and 10 States with such laws for DWS offenses. Eight States have license plate suspension only; 5 States have registration suspension only; and 9 States have laws allowing both license plate and registration suspension. Many of these laws, which generally provide for the vehicle registration to be cancelled during the period when the offender's driver's license is also suspended, have not been demonstrated to be effective in reducing DWI recidivism. This is because in most States the Department of Motor Vehicles has limited authority to actually seize the vehicle license plates. Minnesota seizes the plates at the time of the arrest and there is evidence that this approach is effective in reducing recidivism for first and multiple DUI offenders.

Immobilization

Immobilization generally occurs in conjunction with at least a brief period of impoundment, because to be effective the vehicle must be seized and held by the police at the time of arrest before it can be immobilized. Thirteen States had laws permitting immobilization in 2004: 13 States with laws permitting immobilization for impaired driving offenses and 4 States with additional laws permitting immobilization for DWS. One study in Ohio demonstrated that immobilization was effective in reducing recidivism. Immobilization has the advantage over impoundment in that it essentially eliminates storage costs to the offender and the vehicle is less likely to be abandoned. With vehicle impoundment, when offenders don't bother to retrieve their vehicles after the impoundment period, the community is required to cover the cost of towing and storage.

Impoundment

This study identified 15 States that had laws permitting the impoundment of offender vehicles in 2004: 11 States with laws permitting impoundment for impaired driving offenses and 9 States with laws for DWS offenses. Four large studies of impoundment for DUI and/or DWS were available and all provided evidence that vehicle impoundment reduces DUI recidivism. Two studies in Ohio indicated that the impact of impoundment carried over to the period following release of the vehicle, apparently because some offenders did not retrieve their cars. It is also possible that where the car did not belong to the offender, the owner denied access to the vehicle following its return by the government. There was no evidence that impoundment has a general deterrent effect on non-offender drivers who drink and who may be at risk for a DUI offense.

Forfeiture

Thirty States had laws permitting vehicle forfeiture in 2004: 29 States with laws permitting vehicle forfeiture for impaired driving offenses and 10 States with laws permitting vehicle forfeiture for DWS offenses.

There is only limited evidence pertaining to the effectiveness of vehicle forfeiture. This is primarily due to low usage rates that precludes controlled testing. Nonetheless, there is information on one quasi-experimental study conducted on the forfeiture program in Portland, Oregon. All offenders whose vehicles were seized for forfeiture between 1990 and 1995 were compared with all offenders whose vehicles were not seized but were arrested for the same offenses. The results showed that offenders whose vehicles were seized had a significantly longer time before re-arrest than offenders whose vehicles were not seized. The re-arrest rate was about 50% lower for offenders whose vehicles were seized than for their counterparts whose vehicles were not seized. The study also examined whether the effects of forfeiture were different than for impoundment, and found that offenders whose vehicles were simply impounded had about the same re-arrest rate as offenders whose vehicles were forfeited.

Vehicle Sanctions in Other Countries

In the study of other countries it was found that, except for alcohol ignition interlock programs, vehicle sanctions were rarely used. Impoundment and forfeiture were considered too harsh and too much of a hardship for family members. The one exception is New Zealand. It has a comprehensive impoundment and confiscation program in use.

However, the use of alcohol ignition interlocks has become very popular in Canada and Australia and some of the better studies are originating from experience in those countries. Australia's five largest States began interlock programs. In Canada, the criminal code was amended to enable provinces and territories to begin interlock programs, and, consequently, most of the

Canadian jurisdictions have instituted them. In Europe, Sweden has a small program in use and other countries have undertaken feasibility or pilot studies, in coordination with the European Union.

Looking to the future

The substantial increase in vehicle sanction legislation over the last decade suggests that actions against offender's vehicles will become an important and ubiquitous feature of the sanctioning of DUI and DWS offenders. This is likely because the primary alternative to reducing illicit driving by suspended offenders is to increase the police resources devoted to enforcement of DWS laws. In an era where homeland security is demanding more attention from police departments, such resources are unlikely to be available. Thus, a prevention approach through increased control of the vehicles of offenders appears to be the best method of protecting the public despite some of the barriers to vehicle sanction programs.

At least temporary impoundment is likely to be an element in any vehicle sanction program because the government must take possession of the vehicle at the time of arrest in order to be able to exert control of the car for the implementation of any other vehicle action. Seizure of the vehicle license plate may provide that control if the offender and/or the non-offender owner can be prevented from obtaining substitute plates. Evidence from the experience of Minnesota (with plate confiscation) and California (with impoundment) suggest that the most effective laws will provide for administrative action rather than attempting to seize and hold the vehicle as part of a criminal process. Forfeiture action against the vehicle under civil law has appeared to work in Portland Oregon, but was not widely implemented in California. The effectiveness of larger programs in the New York City area is unclear.

The ultimate vehicle sanction legislation that may evolve over the next decade is expected to combine administrative impoundment at the time of arrest with the vehicle released only after an interlock has been installed. The interlock should stay in place until the breath test record demonstrates that the offender's risk of impaired driving has been reduced to an acceptable level. Establishing such a system will require timely hearings for vehicle owners and a system for dealing with hardship situations. Future laws should require releasing the vehicle to a non-offender owner who signs a stipulation that the offender will not be allowed to operate the car (at least not without an interlock). Provisions for requiring house electronic house arrest or similar severe restrictive sentences as the alternative to the interlock program may also be necessary.

Thus, among the various vehicle sanction options, impoundment (or license plate confiscation) and interlocks appear likely to be the most used methods for controlling unlicensed driving by DUI and DWS offenders. While some localities such as California cities (DeYoung, 1999) and Ohio cities (Voas et al., 1997b) have very effective impoundment programs, interlock programs have significant advantages over the more traditional impoundment and forfeiture actions, because the latter actions prevent all driving by the offender and potentially by some innocent family members, threatening the family's economic wellbeing. The interlock, in contrast, permits driving by the offender when sober and by family members while at the same time preventing impaired driving. Further, there is evidence that the data from the interlock can be used therapeutically in assisting the recovery of the offender and in determining when the program can be safely terminated. While there is some evidence that interlocks reduce recidivism, evidence for their crash reduction benefits is still limited. There is also evidence that current systems can be improved to allow for the identification of the driver, avoiding the annoying rolling retest requirement. A current movement by MADD in the United States is calling for greater use of the interlock on all DWI offenders and the investigation of emerging technology that has the potential to substantially reduce

alcohol impaired driving. It remains to be seen whether this movement will increase interlock usage. The cost of the units and program monitoring will also likely be reduced with wider use of the technology.

Summary

In summary, every State in the United States has adopted at least one law allowing for vehicle sanctions for DWI or DWS offenders and several States now allow multiple vehicle sanctions. In many States, however, these laws are not being used often. Administrative application of these sanctions helps, but there are still a number of barriers that need to be overcome. Family hardship issues and the monitoring of compliance with sanctions are significant system problems that need to be addressed. Strategies that may increase the use and effectiveness of vehicle sanctions include:

(1) Imposing mandatory electronic house arrest (allowing only travel to and from work) for at least 90 days on offenders as an alternative to installing an alcohol ignition interlock in their vehicles. This can serve as an incentive to install the interlock.

(2) Not allowing the sale or transfer of title of any vehicle(s) owned by offenders after their arrest for DWI or DWS and not before the adjudication of the charges.

(3) Using DWI fines to compensate State or local officials (or their contractors) to follow up on offenders to ensure that vehicle sanctions are implemented appropriately.

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Appendix A: Presence and Status of Vehicle

Table A-4. Presence of Vehicle Sanction Laws in the States and Their Usage (2004)

State	Alcohol Ignition Interlock	Vehicle Impoundment ¹	Vehicle Immobilization	Vehicle Forfeiture	License Plate and Vehicle Registration Suspension	Special License Plates
Alabama	0	9	0	0	1	0
Alaska	1	2	0	2	0	0
Arizona	2	1	0	1	0	0
Arkansas	2	0	0	1	1	0
California	1	2	0	1	0	0
Colorado	2	0	0	1	0	0
Connecticut	0	9	0	0	0	0
Delaware	2	0	0	0	1	0
District of Columbia	1	0	0	0	0	0
Florida	2	9	9	0	0	0
Georgia	2	0	0	1	2	9
Hawaii	0	0	0	0	1	9
Idaho	2	0	0	0	0	0
Illinois	2	0	1	1	1	0
Indiana	2	0	0	0	0	0
Iowa	9	1	1	1	9	0
Kansas	1	1	1	0	1	0
Kentucky	1	0	0	0	2	0
Louisiana	2	0	0	1	0	0
Maine	0	0	0	1	2	0
Maryland	2	1	0	0	1	0
Massachusetts	9	0	0	0	9	0
Michigan	2	0	1	2	9	9
Minnesota	0	0	0	2	2	2
Mississippi	9	9	9	9	0	0
Missouri	2	2	0	2	0	0
Montana	2	0	0	2	0	0
Nebraska	2	2	0	0	2	0
Nevada	2	0	0	0	0	0
New Hampshire	9	0	0	0	9	0
New Jersey	2	0	0	0	2	9
New Mexico	2	0	1	1	0	0
New York	2	0	0	2	0	0
North Carolina	2	0	0	2	0	0
North Dakota	1	0	0	1	1	0
Ohio	1	0	2	2	9	9
Oklahoma	2	0	0	1	0	0
Oregon	2	1	1	1	0	0
Pennsylvania	2	0	0	1	0	0
Puerto Rico	0	0	0	0	0	0
Rhode Island	1	0	0	9	1	0
South Carolina	1	0	9	2	0	0
South Dakota	0	0	0	0	2	0
Tennessee	1	0	0	2	0	0
Texas	1	0	0	1	0	0
Utah	1	0	0	0	0	0
Vermont	0	0	1	1	0	0
Virginia	9	2	9	0	0	0
Washington	2	9	0	2	0	0
West Virginia	1	0	0	0	0	0
Wisconsin	2	0	1	1	0	0
Wyoming	0	0	0	0	1	0
Total# w/ law	43	15	13	30	22	6
Total# w/ law sometimes or often used	25	5	1	11	7	1
Key: 0 = No law; 1 = Little or no use; 2 = Some or much use; 9 = Law, but extent of use unclear/unknown						

¹ For the purposes of this table, only laws allowing long-term vehicle impoundment (e.g., several months) will be counted. Laws allowing short-term impoundment (up to 48 hours) will not be counted. States that allow for short-term impoundment are Connecticut, District of Columbia, Florida, Illinois, Maine, Minnesota, New Jersey, and Wyoming. Nearly all of the impoundment laws in these 8 States allow for some period of vehicle impoundment for all DWI and/or DWS offenders, ostensibly preventing offenders from driving impaired after release from police custody. Illinois takes a somewhat different approach, increasing the number of hours of impoundment based on the number of prior offenses.

Table A-5. Presence of Vehicle Sanction Laws in the States and Type of Offender Application (2004)

State	Alcohol Ignition Interlock	Vehicle Impoundment ¹	Vehicle Immobilization	Vehicle Forfeiture	License Plate and Vehicle Registration Suspension	Special License Plates
Alabama	0	2	0	0	1	0
Alaska	1, 4	1, 3, 4	0	1, 3, 4	0	0
Arizona	1, 2, 4	2	0	1, 2, 4	0	0
Arkansas	1, 2, 3, 4	0	0	1	2	0
California	1, 2, 4	1, 2, 4	0	1, 2, 4	0	0
Colorado	1, 2, 3, 4	0	0	1, 2, 4	0	0
Connecticut	0	1, 2, 3, 4	0	0	0	0
Delaware	1, 3, 4	0	0	0	2, 3	0
District of Columbia	1	0	0	0	0	0
Florida	1, 3, 4	1, 4	1, 4	0	0	0
Georgia	1	0	0	1	1	1
Hawaii	0	0	0	0	1, 3	1, 3
Idaho	1, 4	0	0	0	0	0
Illinois	1	0	1, 2	1, 2	1, 2	0
Indiana	1, 4	0	0	0	0	0
Iowa	1, 3	1, 2	1	1, 2	1, 2	0
Kansas	1, 4	1, 4	1, 4	0	1	0
Kentucky	1, 4	0	0	0	1	0
Louisiana	1, 4	0	0	1	0	0
Maine	0	0	0	2	1, 2	0
Maryland	1, 4	2	0	0	2	0
Massachusetts	1	0	0	0	2	0
Michigan	1, 4	0	1, 4	1	1, 2, 4	1, 4
Minnesota	0	0	0	1, 2, 4	1, 4	1, 4
Mississippi	1	1	1	1	0	0
Missouri	1, 4	1, 3, 4	0	1, 2, 3, 4	0	0
Montana	1, 4	0	0	1	0	0
Nebraska	1, 3	2	0	0	1, 3	0
Nevada	1, 4	0	0	0	0	0
New Hampshire	1, 4	0	0	0	1	0
New Jersey	1, 4	0	0	0	1, 4	1, 4
New Mexico	1, 4	0	1	1	0	0
New York	1	0	0	1	0	0
North Carolina	1, 4	0	0	1, 2	0	0
North Dakota	1, 4	0	0	1	1, 2, 4	0
Ohio	1, 4	0	1	1	1	1
Oklahoma	1, 4	0	0	1, 4	0	0
Oregon	1, 4	1, 2	1, 2	1, 4	0	0
Pennsylvania	1, 4	0	0	1, 4	0	0
Puerto Rico	0	0	0	0	0	0
Rhode Island	1	0	0	1	1, 2, 3, 4	0
South Carolina	1, 4	0	1, 2, 3, 4	1	0	0
South Dakota	0	0	0	0	1, 4	0
Tennessee	1, 4	0	0	1, 2, 4	0	0
Texas	1, 4	0	0	1	0	0
Utah	1, 4	0	0	0	0	0
Vermont	0	0	1	1	0	0
Virginia	1, 4	2, 3	2, 3	0	0	0
Washington	1, 3, 4	1, 4	0	1	0	0
West Virginia	1, 3, 4	0	0	0	0	0
Wisconsin	1, 3, 4	0	1, 3	1, 3	0	0
Wyoming	0	0	0	0	1	0
Total# w/ law	43	15	13	30	22	6
Total# w/ law first off. DWI	34	7	4	11	6	3
Key: 0 = No law; 1 = Multiple DWI offender; 2 = DWS offender; 3 = Refusal; 4 = 1st DWI offender; 9 = Law, but unclear as to whom it applies						

¹ For the purposes of this table only, laws allowing long-term vehicle impoundment (e.g., several months) will be counted. Laws allowing short-term impoundment (up to 48 hours) will not be counted. States that allow for short-term impoundment are: Connecticut, District of Columbia, Florida, Illinois, Maine, Minnesota, New Jersey, and Wyoming. Nearly all of the impoundment laws in these 8 States allow for some period of vehicle impoundment for all DWI and/or DWS offenders, ostensibly preventing offenders from driving impaired after release from police custody. Illinois takes a somewhat different approach, increasing the number of hours of impoundment based on the number of prior offenses.

Table A-6. Presence of Vehicle Sanction Laws in the States and Mandatory or Discretionary Application (2004)

State	Alcohol Ignition Interlock	Vehicle Impoundment ¹	Vehicle Immobilization	Vehicle Forfeiture	License Plate and Vehicle Registration Suspension	Special License Plates
Alabama	0	1	0	0	2	0
Alaska	1	1	0	1	0	0
Arizona	2	1	0	2	0	0
Arkansas	1	0	0	1	2	0
California	3	1	0	1	0	0
Colorado	1	0	0	9	0	0
Connecticut	0	1	0	0	0	0
Delaware	1	1	0	0	1	0
District of Columbia	0	0	0	0	0	0
Florida	1	0	2	0	0	0
Georgia	1	0	0	1	2	2
Hawaii	0	0	0	0	1	1
Idaho	3	0	0	0	0	0
Illinois	1	0	1	1	1	0
Indiana	1	0	0	0	0	0
Iowa	1	1	1	1	1	0
Kansas	3	1	1	0	1	0
Kentucky	1	0	0	0	1	0
Louisiana	3	0	0	2	0	0
Maine	0	0	0	2	3	0
Maryland	1	1	0	0	1	0
Massachusetts	2	0	0	0	1	0
Michigan	1	0	3	1	2	1
Minnesota	0	0	0	3	2	1
Mississippi	1	2	2	1	0	0
Missouri	1	1	0	1	0	0
Montana	3	0	0	2	0	0
Nebraska	1	1	0	0	2	0
Nevada	3	0	0	0	0	0
New Hampshire	1	0	0	0	2	0
New Jersey	1	0	0	0	1	1
New Mexico	1	0	1	1	0	0
New York	1	0	0	1	0	0
North Carolina	3	0	0	9	0	0
North Dakota	1	0	0	1	1	0
Ohio	3	0	9	9	1	1
Oklahoma	2	0	0	1	0	0
Oregon	3	1	1	1	0	0
Pennsylvania	3	0	0	1	0	0
Puerto Rico	0	0	0	0	0	0
Rhode Island	1	0	0	1	1	0
South Carolina	1	0	2	2	0	0
South Dakota	0	0	0	0	2	0
Tennessee	1	0	0	3	0	0
Texas	3	0	0	1	0	0
Utah	3	0	0	0	0	0
Vermont	0	0	1	1	0	0
Virginia	3	1	1	0	0	0
Washington	3	1	0	1	0	0
West Virginia	1	0	0	0	0	0
Wisconsin	1	0	1	3	0	0
Wyoming	0	0	0	0	2	0
Total # with law	43	15	13	31	22	6
Total # with law with mandatory application	2	1	3	5	8	1
Key:	0 = No law; 1 = Law, discretionary application; 2 = Law, mandatory application; 3 = Depends on circumstances (e.g. first vs. multiple); 9 = Law, but unclear as to how it is applied					

¹ For the purposes of this table only laws allowing long-term vehicle impoundment (e.g., several months) will be counted. Laws allowing short-term impoundment (up to 48 hours) will not be counted. States that allow for short-term impoundment are: Connecticut, District of Columbia, Florida, Illinois, Maine, Minnesota, New Jersey, and Wyoming. Nearly all of the impoundment laws in these 8 States allow for some period of vehicle impoundment for all DWI and/or DWS offenders, ostensibly preventing offenders from driving impaired after release

from police custody. Illinois takes a somewhat different approach, increasing the number of hours of impoundment based on the number of prior offenses.

Table A-7. Presence of Vehicle Sanction Laws in the States and Their System Application (2004)

State	Alcohol Ignition Interlock	Vehicle Impoundment ¹	Vehicle Immobilization	Vehicle Forfeiture	License Plate and Vehicle Registration Suspension	Special License Plates
Alabama	0	2	0	0	9	0
Alaska	1	3	0	3	0	0
Arizona	3	2	0	1	0	0
Arkansas	3	0	0	1	2	0
California	1	3	0	1	0	0
Colorado	3	0	0	3	0	0
Connecticut	0	2	0	0	0	0
Delaware	1	1	0	0	1	0
District of Columbia	9	0	0	0	0	0
Florida	1	1	1	0	0	0
Georgia	2	0	0	1	1	1
Hawaii	0	0	0	0	2	2
Idaho	1	0	0	0	0	0
Illinois	1	0	1	1	1	0
Indiana	1	0	0	0	0	0
Iowa	1	1	1	1	1	0
Kansas	1	1	1	0	1	0
Kentucky	1	0	0	0	1	0
Louisiana	3	0	0	1	0	0
Maine	0	0	0	1	3	0
Maryland	3	1	0	0	1	0
Massachusetts	1	0	0	0	1	0
Michigan	1	0	1	1	2	2
Minnesota	0	0	0	3	1	1
Mississippi	1	1	1	1	0	0
Missouri	1	1	0	1	0	0
Montana	1	0	0	1	0	0
Nebraska	1	1	0	0	1	0
Nevada	1	0	0	0	0	0
New Hampshire	1	0	0	0	1	0
New Jersey	1	0	0	0	1	1
New Mexico	1	0	1	1	0	0
New York	1	0	0	1	0	0
North Carolina	1	0	0	1	0	0
North Dakota	1	0	0	1	3	0
Ohio	2	0	1	1	1	1
Oklahoma	3	0	0	1	0	0
Oregon	1	1	1	1	0	0
Pennsylvania	1	0	0	1	0	0
Puerto Rico	0	0	0	0	0	0
Rhode Island	1	0	0	1	2	0
South Carolina	1	0	3	2	0	0
South Dakota	0	0	0	0	1	0
Tennessee	1	0	0	3	0	0
Texas	1	0	0	1	0	0
Utah	1	0	0	0	0	0
Vermont	0	0	1	1	0	0
Virginia	1	1	1	0	0	0
Washington	1	1	0	1	0	0
West Virginia	9	0	0	0	0	0
Wisconsin	1	0	1	1	0	0
Wyoming	0	0	0	0	2	0
Total # with law	43	17	13	31	22	6
Total # with law administratively or both	8	5	1	5	6	2

Key: 0 = No law; 1 = Courts only; 2 = Administratively; 3 = Both administrative and courts; 4 = Other; 9 = Laws but details unknown/unclear

* For the purposes of this table, only laws allowing long-term vehicle impoundment (e.g., several months) will be counted. Laws allowing short-term impoundment (up to 48 hours) will not be counted. States that allow for short-term impoundment are Connecticut, District of Columbia, Florida, Illinois, Maine, Minnesota, New Jersey, and Wyoming. Nearly all of the impoundment laws in these 8 States allow for some period of vehicle impoundment for all DWI and/or DWS offenders, ostensibly preventing offenders from driving impaired after release from police custody. Illinois takes a somewhat different approach, increasing the number of hours of impoundment based on the number of prior offenses.

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