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Administrative Revocation: License Suspension and Revocation

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IS IT TRUE THAT 30 STATES DO NOT PROSECUTE DRUNK DRIVERS FOR UP TO SIX MONTHS AFTER ARREST?

Yes. But 20 states and the District of Columbia deal with court delays by taking away the drunk driver's license immediately after arrest.

IS THIS LEGAL?

Yes. A driver license is a privilege and motorists are expected to drive safely. When a state has evidence that a driver has committed a hazardous or dangerous act--such as driving while intoxicated -- it has the authority and responsibility to revoke the license to drive.

HOW DOES SUCH A SYSTEM WORK?

The state establishes a two-track system. The courts handle the criminal aspect and upon conviction impose sanctions of a fine, jail, community service, probation, or referral to a treatment and rehabilitation program. The state driver licensing agency then revokes the license. The grounds for revocation are either per se drunk driving in excess of the state's legal blood alcohol concentration or because the driver refused to take an evidential breath test.

DOES IT REALLY WORK?

This administrative action can occur immediately and independent of court action. This makes court delays less of a problem, the revocation quick and certain, and more effective than if it had been delayed for six months or longer.

WHAT PROOF DO WE HAVE?

The States themselves have proven it works. Iowa, for example, revokes administratively and believes this was instrumental in achieving a 40-year low in traffic deaths. Minnesota has reduced its crash death rate by 40 percent since pioneering this concept back in 1976. Roadside surveys in Minnesota show the number of drunk drivers on its highways after midnight has been reduced by 60 percent. Officials in Delaware, Oklahoma, Nevada, and North Dakota strongly endorse the administrative per-se approach.

WHAT'S THE MAIN ARGUMENT AGAINST ADMINISTRATIVE REVOCATION?

Some contend that it is too severe a punishment for first-time offenders.

IS IT TOO SEVERE? WILL THESE PEOPLE LOSE THEIR JOBS IF THEY CAN'T DRIVE?

No. Studies in Delaware and North

Dakota found that the percentage of persons who changed jobs during the suspension period was no greater than expected. A follow-up study with previous employers revealed that some even made a special effort to keep desirable employees who had suffered license revocation.

WHAT OTHER PROOF DO WE HAVE?

The International Association of Chiefs of Police (IACP) recently conducted a survey of 55 chiefs of police in 20 states where the program is in force. In all but one instance, both the chiefs and their first line officers supported administrative revocation of driver licenses. The chiefs stated that the administrative procedure is swift and certain and that it results in reduced fatal and injury crashes. They said it also provides strong deterrence for potential offenders if the states make an effort to publicize the existence of the law. Often citizens don't know about the law until they are arrested.

ARE THERE OTHER ADVANTAGES?

The IACP survey found that administrative revocation results in expedited court action and that the prompt results of police officers improved the morale by providing satisfaction and a sense of

accomplishment. Although time needed to testify at administrative hearings was recognized by some as a drawback, other respondents pointed out reductions in overtime costs for court testimony, that it is less expensive for police to testify at hearings than in criminal courts, and an increased number of guilty pleas tends to reduce court backlogs.

ANY OTHER BENEFITS?

Yes. Increased community safety and support; reduced alcohol consumption; numbers of offenders on the highways reduced; expedited court workloads; and offenders learning to link the consequences of their actions to the offense committed.

WHERE CAN I LEARN MORE ABOUT THIS?

If you want a model state law which your legislature could pass, in addition to other technical information on administrative license suspension and revocation, write to: Office of Alcohol and State Programs, NTS-21, National Highway Traffic Safety Administration, Washington, D.C. 20590. And read the next issue of Traffic Tech which will be devoted to an in-depth look at the reasons why administrative revocation is one of the single best short-term deterrents to drunk driving in any community.

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