

Driver's License Suspensions, Impacts and Fairness Study

FINAL REPORT
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APPENDIX A

State Agency Outreach
Summary Report, Individual State Reports

Driver's License Suspensions, Impacts and Fairness Study

National Survey of State Motor Vehicle Agencies

Summary Report
Prepared: May 2005

INTRODUCTION

A critical component of Phase I work for the Driver's License Suspensions, Impacts and Fairness study was the development, distribution and synthesis of a survey and corresponding follow-up work directed to motor vehicle agencies in 49 states and the District of Colombia. The purpose of performing the survey activities was to acquire specific information from the states with regard to their driver's license suspension/revocation programs, with a particular focus on identified suspension/revocation mitigation initiatives.¹

State motor vehicle agency contact information was provided to the research team through Lori Cohen, Program Director – Driver Services, of the American Association of Motor Vehicle Administrators (AAMVA). The individuals included on the AAMVA contact list were primarily state motor vehicle agency directors, commissioners, administrators and managers.

The survey of the state motor vehicle agencies was designed as a two-phase process. The first phase involved emailing a brief survey to each of the 50 identified contacts, requesting specific information about their general suspension/mitigation programs. 41 responses were received in total, yielding an 82 percent response rate (*Table 1*). The second phase of the survey involved following-up with the 37 respondents who indicated that their states offered some type of mitigation/remedial program to address the unintended consequences of driver's license suspensions/revocations. 35 of the 37 entities contacted responded, yielding an approximate response rate of 95 percent (*Table 2*). With regard to Phase II of the survey, respondents were given the option of receiving the follow-up questions via email if a phone survey was deemed inconvenient. In total, 26 follow-up phone surveys and 9 follow-up email surveys were conducted.

¹ New Jersey was not included in the survey since the research team was familiar with the state's suspension program.

Table 1 – Phase I Survey Responses

Respondents (40 and D.C.)	Non-respondents (9 total)
Alabama	Florida
Alaska	Indiana
Arizona	Massachusetts
Arkansas	Mississippi
California	New Hampshire
Colorado	New Mexico
Connecticut	Rhode Island
Delaware	South Carolina
District of Colombia	Utah
Georgia	
Hawaii	
Idaho	
Illinois	
Iowa	
Kansas	
Kentucky	
Louisiana	
Maine	
Maryland	
Michigan	
Minnesota	
Missouri	
Montana	
Nebraska	
Nevada	
New York	
North Carolina	
North Dakota	
Ohio	
Oklahoma	
Oregon	
Pennsylvania	
South Dakota	
Tennessee	
Texas	
Vermont	
Virginia	
Washington	
West Virginia	
Wisconsin	
Wyoming	

Table 2 – Phase II Survey Responses

Phase I respondents contacted (36 and D.C.)	Response status (34 and D.C.)
Alaska	phone survey
Arizona	email survey
Arkansas	phone survey
California	phone survey
Colorado	phone survey
Connecticut	phone survey
Delaware	phone survey
District of Columbia	email survey
Georgia	email survey
Hawaii	email survey
Idaho	phone survey
Illinois	phone survey
Iowa	phone survey
Kansas	phone survey
Louisiana	email survey
Maine	no response received
Maryland	no response received
Michigan	email survey
Minnesota	phone survey
Missouri	phone survey
Montana	phone survey
Nebraska	phone survey
Nevada	phone survey
New York	phone survey
North Carolina	email survey
North Dakota	phone survey
Ohio	email survey
Oklahoma	phone survey
Oregon	email survey
Pennsylvania	phone survey
South Dakota	phone survey
Tennessee	phone survey
Texas	phone survey
Virginia	phone survey
Washington	phone survey
Wisconsin	phone survey
Wyoming	phone survey

PHASE I – SURVEY DESIGN AND FINDINGS

The key questions the research team was interested in seeking answers to with Phase I of the survey were as follows (*Attachment A*):

- Have you recently or are you currently involved in updating your driver's license suspension program?
- Does your state suspend licenses for non-driving related reasons?
- Do you offer any mitigation or remedial programs to address the unintended consequences of driver's license suspensions?
- Do you monitor/track driver's license suspensions in your state?
- Are you aware of any studies dealing with the geographic and/or socioeconomic distribution of driver's license suspension in your state?

Utilizing the information provided by AAMVA, the research team emailed the survey instrument to the 50 identified contacts on October 28, 2003 and requested responses be emailed or faxed to the research team within a two-week time frame. Follow-up requests were sent on several occasions to those not responding by the two-week deadline. As noted above, a total of 41 responses were received, yielding an 82 percent response rate.

Phase I responses were reviewed and synthesized by the research team (*Attachment B*). Observations and findings with regard to the survey responses include the following:

Have you recently or are you currently involved in updating your driver's license suspension program?

14 states responded affirmatively to this question. However, most of these states reported on updates to their driver's license program in general, rather than provide specific updates on their driver's license suspension initiatives. Overall, respondents indicated that driver's license programs are updated on an on-going basis during legislative sessions with the passage of new laws/amendments/statutes. Driver's license programs are also updated to comply with federal mandates.

Some specific examples of recent or current driver's license program updates include:

- **Louisiana** – Currently re-engineering their driver's license database, expected to be completed in 2005.
- **Washington** – Currently examining the specific offense entitled driving while license suspended/revoked in the 3rd degree.
- **Texas** – Currently in the initial stages of reorganizing their entire driver's license system (e.g. developing new business rules for programs).
- **Delaware** – Currently in the process of automating their point system.

- **Michigan** – Recently passed .08 Blood Alcohol Content (BAC) legislation which required a slight modification in the suspension ordered for first-time offenders with .08 per se violations.
- **Pennsylvania** – Currently developing system interfaces with the Administrative Office of Pennsylvania Courts (AOPC) to enable direct input from the courts. They are also in the process of designing and installing new/revised processing systems to enable their compliance with Motor Carrier Safety Improvement Act (MCSIA) regulations and .08 Driving under the Influence (DUI) requirements.

With specific regard to suspension program updates, Wisconsin reported that they eliminated suspensions for non-traffic forfeitures in 2000 (excluding juvenile offenders). Montana reported that they have recently instituted changes to their DUI statutes, which affects suspensions. For example, the state now has fewer DUI revocations, but more such suspensions. In addition, the suspension period following a second offense DUI is now a 12-month “hard” suspension (offender not eligible for probationary license during that period). The Montana license reinstatement fee has also been increased to \$100 and new suspension categories have been created with regard to failure to pay/failure to appear offenses.

Does your state suspend licenses for non-driving related reasons (aside from suspension for drug offenses and/or failure to pay child support, which are based on federal requirements)?

32 states responded affirmatively to this question. Responses received varied, but included below are some of the most and least frequently cited reasons for non-driving related suspensions:

Common reasons cited:

- Altered/unlawful use of driver’s license
- Fictitious license plates/registration/inspection
- Fraudulent application for driver’s license documents
- Graffiti
- Attempt to purchase alcohol; purchase of alcohol; consumption of alcohol; public intoxication; driving under the influence; ALL by minor
- Truancy
- Delinquent conduct
- Failure to pay forfeitures for juvenile violations
- Medical/visual conditions
- Alcohol/chemical dependency or offense
- Failure to answer court summons
- Failure to maintain mandatory insurance
- Failure to pay tickets or court ordered fees/fines

Uncommon reasons cited:

- Use of nitrous oxide by a juvenile
- Parking in a space designated as handicapped

- Non-payment of student loans
- Failure to complete tobacco education program
- Failure to attend traffic school
- Nonpayment of fine by minor for conviction of possession or furnishing tobacco
- Purchase or possession of tobacco by a minor
- Registered sex offender
- Prostitution if offense occurs within a 1,000 feet of a residence and a vehicle is used
- Failure to pay income taxes
- Theft of motor oil/failure to pay for gas
- School safety violations
- Littering from a motor vehicle
- Providing or selling alcohol to a minor
- Operating or assembling an amusement ride while intoxicated
- Providing false information to law enforcement

It should be noted that seven respondents to the initial email survey responded that they do not suspend for non-driving reasons; however, in follow-up interviews it was determined that these states do suspend for one or more non-driving reasons – they are Alaska, Connecticut, Georgia, Hawaii, Nebraska, Wyoming and District of Colombia.

Do you offer any mitigation or remedial programs to address the unintended consequences of driver's license suspensions?

36 states and the District of Colombia responded affirmatively to this question. The research team explained to survey respondents that inability to reach employment or medical appointments were examples of the types of unintended consequences of driver's license suspensions/revocations the team was interested in investigating.

From the survey responses, it was determined that a diverse range of suspension/revocation mitigation programs does not exist. This is a significant finding for the study, as it was originally hypothesized by the research team that a host of such programs existed throughout the country. The two types of mitigation programs identified through this study are the conditional license and payment plans.

37 of the 41 Phase I survey respondents indicated that they offer some type of conditional license program to some or all of their suspended and/or revoked driving population (*Table 3*). Names of the specific conditional license programs vary by state, with common titles including temporary restricted license, limited license/permit, restricted driving license/permit, hardship license/permit, essential needs license and occupational license.

Table 3 – Respondents with conditional license program

Alaska	Idaho	Montana	South Dakota
Arizona	Illinois	Nebraska	Tennessee

Arkansas	Iowa	Nevada	Texas
California	Kansas	New York	Virginia
Colorado	Louisiana	North Carolina	Washington
Connecticut	Maine	North Dakota	Wisconsin
Delaware	Maryland	Ohio	Wyoming
District of Columbia	Michigan	Oklahoma	
Georgia	Minnesota	Oregon	
Hawaii	Missouri	Pennsylvania	

The other type of mitigation program identified through the survey was payment plans, with 5 of the 41 respondents reporting that they offer some type of payment plan for suspended and/or revoked drivers. Plans offered varied from reinstatement fee reductions for persons violating compulsory insurance requirements (Louisiana) to partial waiver of fines from fine-related suspensions (Maryland) to payment plans for reinstatement fees (Maryland, Ohio & Tennessee) or other fines (District of Columbia, Louisiana, Tennessee, Arkansas).

Do you monitor/track driver's license suspensions in your state?

Attachment B indicates that thirteen states responded affirmatively to this question, although it should be noted that several other states also replied affirmatively but their response was not marked as such, since they interpreted the question differently than intended. Specifically, several states responded affirmatively but only indicated that they perform basic statistical monitoring, e.g. number of suspensions/revocations, reasons for and types of suspensions, effective date, etc. However, through this question the research team was interested in determining if respondents monitored suspensions/revocations by examining trends and successes/failures associated with the programs. For example, Wisconsin reported that monthly reports are generated on convictions and license withdrawals. Examined specifically is the impact of failure to pay forfeitures on the rate of convictions for driving after revocation or driving while suspended. Other states, including West Virginia, Pennsylvania, Minnesota, Montana, Virginia and Wyoming reported that they generate statistical reports on their suspension/revocation programs on a regular basis.

Are you aware of any studies dealing with the geographic and/or socioeconomic distribution of driver's license suspension in your state?

Three states responded affirmatively to this question. Wisconsin noted that they are in the process of completing a study on habitual traffic offenders that includes demographic information. However, the draft study was not shared with the research team. Vermont shared a statistical compilation of data collected from July 1, 1999 through December 2, 2003 detailing the frequency of three types of alcohol-related suspensions of minors occurring by county. Finally, Oregon shared a December 2002 study entitled "Profile of Driver Problems: An Examination of Driver Demographic Information and Driving Records" (Oregon Department of Transportation, 2002). Some of the findings of the Oregon study include the following:

- Women had fewer convictions and suspensions on their driving records than men.
- Convictions by locality (rural versus urban) were similar. However, in terms of suspensions by locality, urban drivers averaged 82 percent as many suspensions as their rural counterparts.
- The two most prevalent suspension reasons were failure to pay fines or comply with conditions imposed by a court and failure to appear for a court hearing.
- The most common non-speeding conviction type was driving while suspended. The authors of the study determined that suspensions were not effective at preventing people from driving since more than 25 percent of all Oregon suspended drivers had a first time driving while suspended conviction.

PHASE II – SURVEY DESIGN AND FINDINGS

Phase II of the survey focused on an attempt to conduct follow-up interviews with the 37 respondents of the Phase I initiative who reported offering mitigation/remedial programs to address the unintended consequences of driver's license suspensions/revocations. These states were notified beginning on November 19, 2003 that the research team was interested in learning more about the mitigation/remedial programs they reported utilizing and were invited to schedule a phone conference with the research team to discuss follow-up questions. As noted above, respondents were also given the option of receiving follow-up questions via email, if scheduling a phone conference was deemed inconvenient (*Attachments C and D*). Typically, phone interviews were conducted within a one-hour time period.

Since the main mitigation program identified in the Phase I survey was conditional licenses, follow-up interview questions focused on exploring the following features of such initiatives: background, eligibility, notification/enrollment process, enforcement, effectiveness and resources required for program administration. In total, the research team held telephone conference calls with 26 state motor vehicle agencies and follow-up email responses were received from an additional 8 states and the District of Columbia. Reports detailing the findings from each of the telephone conference calls or email follow-up questionnaires were prepared (*Attachment E*). A matrix was also

developed listing the critical components of the conditional license programs of the 35 entities successfully contacted. (*Attachment F*).

Suspension/Revocation Programs

With regard to the general features of respondents' overall license suspension/revocation programs, the majority reported that they do differentiate between license suspension and revocation, with five states indicating they do not differentiate between the two actions. For those respondents differentiating between the two actions, the main distinction usually lies in the definition of suspension as the temporary removal of the privilege to operate a motor vehicle, while revocations involve the formal withdrawal or termination of the driving privilege. A few respondents, such as Arizona, indicated that suspension periods are issued for a defined time period, while revocations are indefinite. Suspensions/revocations are issued for a multitude of reasons, which varies somewhat by respondent. However, a few frequently cited reasons for either a suspension or revocation include the following: DUI/drug offenses and chemical test refusals, accumulation of driving points/traffic violations, driving while suspended/revoked, compliance issues (e.g. failure to pay fines and forfeitures, failure to appear, failure to maintain insurance and failure to pay child support), racing, fleeing law enforcement and fleeing the scene of an accident.

Most respondents impose mandatory minimum periods of suspension/revocation, as well as discretionary suspension/revocation time. The frequency, seriousness and circumstances of an offense often determines the specific suspension/revocation time. The majority of respondents reported that they issue mandatory minimums for driving while under the influence of alcohol and failure to submit to chemical testing offenses.

Respondents with a similar number of licensed drivers as New Jersey (approx. 6 million) include Georgia, Michigan, North Carolina and Virginia. The number of licensed drivers in respondent states varies widely, ranging from a reported low of 450,000 in Montana to a high of 22 million in California. The number of suspended/revoked drivers in the respondent states varies accordingly, but not necessarily proportionally. For example, Pennsylvania reported having 8.3 million licensed drivers and 600,000 suspended/revoked drivers in 2003. Illinois similarly has 8.4 million licensed drivers. However, Illinois only reported having 258,511 suspended/revoked drivers in 2003. Some proportional patterns were identified among respondents in terms of the number of licensed and suspended/revoked drivers. For example, the reported range of suspended/revoked drivers in respondent states with approximately 2 million drivers such as Connecticut and Oklahoma was between 81,000 and 134,000 for a given year. States with approximately 1 million licensed drivers had a reported range of suspended/revoked drivers between 52,000 and 103,000 for a given year.

Conditional License Programs

Background and Eligibility

In terms of conditional license programs, all respondents reported that their program was created and is guided by state statute. In addition, administrative code/regulations also help to guide these initiatives in approximately half of the respondent states. Some states indicated that their conditional license programs are relatively new, such as Hawaii, who established their hardship/restricted license program in 2002 and Arkansas, whose restricted program was created in 1996. Conversely, other states, such as North Dakota, Washington and Colorado have offered such programs for the previous 25-30 years. Still other respondents, including Iowa and Nevada have had restricted programs since 1931 and 1941 respectively. Most respondents were unaware of the history of their conditional license program's establishment, but Nebraska reported that one component of their restricted license program, entitled the medical hardship permit, was created approximately ten years ago in response to a legislator pursuing one constituent's expressed needs of having a conditional license to reach medical appointments for the duration of his suspension for point violations. Idaho explained that the original legislative intent of their restrictive driver's license program was to limit the economic impact of suspensions/revocations on employees, employers and the state of Idaho.

Most respondents offer one type of restricted license. However, a few offer different types of restricted licenses dependent upon the reason for the license suspension/revocation or requested driving purpose. For example, New York offers a restricted use license for offenders convicted of non-alcohol related violations and a conditional use license for offenders convicted of alcohol/drug violations. As noted above, Nebraska offers a medical hardship license only for those with point violations and an employment driver permit for offenders convicted of other offenses. Oregon offers probationary licenses to habitual offenders and hardship licenses to other classes of offenders. In the state of Washington, eligible offenders may apply for a limited driver's license to attend substance abuse treatment or 12-step group meetings and must apply for an occupational license if they are seeking work-related driving privileges.

Program eligibility varies widely among the respondent states. Most respondents consider those with a first offense driving while intoxicated and those with points/traffic violations to be eligible for a conditional license. Many respondents explained that those with a first DUI offense accepted into a restricted license program must serve a specified period of their suspension/revocation prior to receiving the license, due to the nature of their crime. The waiting period for such offenders varies from 30 to 90 days in states including California, Hawaii, Pennsylvania, Arkansas, Arizona and Delaware. Nevada is one of the few states that generally requires all conditional license applicants to serve half of their suspension/revocation period prior to being considered eligible for the license.

Those suspended/revoked for offenses such as multiple driving while intoxicated, negligent vehicular homicide, habitual offender and failure to render aid are typically not permitted to receive a conditional license in the respondent states. Most respondents similarly do not consider those with a failure to submit to chemical testing offense

eligible. However, at least eight respondents – including Connecticut, Michigan, Ohio, Pennsylvania, Oregon and Arkansas – do consider those with a first such offense eligible. States including Connecticut, Oregon, Pennsylvania, Minnesota and North Carolina noted that such offenders must serve a portion of their designated suspension/revocation period prior to being considered eligible for the license.

Interestingly, few states deem those suspended/revoked for compliance issue offenses eligible for the restricted license programs. One compliance offense that falls under the eligibility category in states such as California, New York, Pennsylvania, Alaska and the District of Columbia is suspension/revocation for failure to maintain insurance. Certain states, such as New York, Minnesota, Nebraska, Wisconsin and Wyoming permit those with the compliance offense of failure to pay child support to receive a conditional license. A few states, including Washington, South Dakota and Arizona deem a host of compliance offenses eligible for a conditional license, such as failure to pay fines and/or appear.

As the research team ascertained the trend that few respondents permitted those suspended/revoked for compliance offenses to receive conditional licenses, they sought to learn why such offenses were not considered eligible. A common response, expressed by states such as Oklahoma, was that their department considers such offenses as simple for the individual to resolve. Basically, the opinion expressed by most was that those suspended/revoked for compliance reasons could have their license reinstated as soon as they met their outstanding requirements, whether that entailed paying parking tickets, court fines or appearing before the court. The idea that some people remain in non-compliance because they cannot afford to meet their particular compliance requisites was only specifically discussed by the state of Wisconsin. That respondent recommended that courts should utilize tax intercept programs more frequently as a means to collect unpaid fines rather than suspending/revoking a driver's license.

One innovation noted in terms of determining program eligibility occurs in Wisconsin, where interested applicants can determine their eligibility for an occupational license via telephone by contacting the Department of Driver Services. In the near future, interested applicants will also be able to determine their eligibility online.

Enrollment Process & Requirements

27 of the 35 Phase II respondents reported that an application is a required component of the conditional license program enrollment process. Minnesota explained that their application process was only for one specific group of applicants – those with a child support suspension. Other Minnesotan offenders interested in the work/school limited license must meet with a Driver and Vehicle Services evaluator in person or via telephone to determine eligibility. Tennessee was another respondent who indicated that the application was only required for a specific category of offenders, namely those suspended for excessive traffic violations. Tennessee drivers revoked for offenses such as DUI and refusal to submit to chemical testing must instead petition the court for a restricted license. The Kansas Department of Driver Control, one respondent not

requiring an application, determines eligibility through administrator evaluation of the driving records of all suspended/revoked drivers. The Michigan Department of State determines eligibility immediately after receiving notice of a driver's conviction from the court. Interestingly, the Michigan Department of State does not consider need when determining eligibility as they consider the granting of a restricted license as a right, provided state statute allows for the issuance of the license based on the type and prior frequency of the conviction in question.

For those respondents requiring applications for admittance to a restricted license program, the level of detail and information mandated varies widely. Nevada and Washington reported offering several distinct applications based upon the driving purpose being requested by the applicant. One common component of most applications is a section requiring demonstration of proof of need. For example, whatever driving purpose the applicant is requesting permission for – i.e. employment, education, medical, drug/alcohol rehabilitation – that said individual must provide proof of need for such trips on the application. For most states, “proof” of need is demonstrated by providing the contact information and signature of a work supervisor, medical professional, school principal, etc. Some respondents, including Delaware, North Dakota, Oklahoma and South Dakota require notarization of such signatures. Connecticut and Nevada require applicants to explain the details of the hardships that will be imposed upon them without the issuance of a restricted license. Typically, applicants who are self-employed must include a copy of their business license or signed tax statement, as proof of employment. Interestingly, the state of Nebraska commented that applicants are given the option to register to vote via their employment drive permit application.

In addition to requiring completion of a proof of need section, some respondents noted other components of their particular conditional license application. For example, Illinois explained that applicants must discuss in their application what plans they have to become a more responsible driver and what transportation modes are available to them. One state, Oregon, indicated that applicants must receive the signature of a judge on the application for certain offenses, such as DUI, reckless driving and fleeing law enforcement. Washington requires that those applying for the occupational or limited license due to a suspension for unpaid tickets have the unpaid ticket payment plan section of the application completed by a court representative.

Application and restricted license fees vary widely among respondents, ranging from a high of \$150 in Oklahoma to a low of \$5 in Colorado. Alaska limits its \$100 program application fee to DUI violators. Most respondents noted that application fees are non-refundable, however, Idaho did report that their application fee is refundable if the applicant is not accepted into the program. Connecticut, Missouri, Arkansas and Kansas do not require an application or license fee. It should be noted that application/license fee information was not ascertained for each of the 35 respondents participating in either the follow-up telephone or email interview.

SR-22 insurance – a form/certificate filed with a state motor vehicle agency offering proof of financial responsibility and indicating that the insurance provider will notify the state if the insurance of the individual in question is terminated or cancelled – must be submitted by all restricted license program applicants in 18 of the 35 states responding, including California, New York, Pennsylvania and Oregon. Some respondents, such as Alaska and Minnesota, reported that SR-22 insurance must only be submitted by applicants suspended for failure to maintain insurance. Other states, such as Illinois and Nevada, reported that SR-22 insurance must only be submitted for those applicants who have had their license revoked. North Dakota indicated that applicants with DUI violations and failure to maintain mandatory insurance must submit SR-22 insurance.

With specific regard to SR-22 insurance, the Alaska respondent commented that the requirement of SR-22 for those suspended for failure to maintain mandatory insurance is the most likely reason why few limited licenses are issued in Alaska. For although there are usually over 7,000 suspensions per year for failure to maintain insurance, few such suspendees receive the limited driver's license.

6 respondents reported that an interview, either with the court or driver's licensing agency, is a required component of the application process. Some of these states, such as Colorado, require that a hearing be held with an agency administrative hearing officer. Illinois requires that either a formal or informal hearing be held and as noted above, Minnesota requires that either an in-person or telephone interview be had with a Driver and Vehicle Services evaluator, unless suspended for failure to pay child support. *(As noted earlier, child support offenders must instead complete an application)*. Oklahoma limits interviews to DUI or point violators and Texas similarly restricts interviews to applicants with DUI violations.

In terms of the benefits of including either in-person or telephone interviews as part of the application process, the respondent from Iowa remarked that his agency never determined if the high costs of their once required in-person interviews were justified in terms of results. However, he opined that interviews could serve as a valuable component to the application process.

The entity determining program acceptance varies by respondent as follows: 16 respondents indicated that admittance into the conditional license program is solely an agency decision, 4 indicated that courts alone determine program acceptance and 15 reported that program acceptance can be determined by both courts and/or the agency. Overall, respondents did not provide background information explaining how the determination was made regarding which entity would determine program acceptance.

Some respondent agencies who share authority with the courts to determine program acceptance, such as Alaska, noted that courts usually defer to the Department of Motor Vehicles on such issues. Arkansas and Montana reported that court authority to issue restricted licenses is limited to court-ordered suspensions. As discussed earlier, Tennessee requires drivers whose licenses are revoked due to DUI, refusal to submit to chemical testing, motor fuel theft or drag racing to petition the court for a restricted

license. Those suspended for excessive traffic violations must complete an application through the Department of Safety. Similarly, Virginia noted that the Department of Motor Vehicles is only allowed to issue restricted licenses for point violations, while the courts notify the DMV to issue restricted licenses for offenses levied by them. South Dakota, another respondent who reported that the court as well as the Department of Commerce and Regulation frequently grant restricted licenses, emphasized that when program acceptance can be determined by either the agency and/or the court system, close and frequent collaboration between the two entities is mandated and a reliable driver record sharing system must be established and maintained. Criteria utilized by South Dakota in determining program acceptance include distance from the applicant's residence to the place of employment/school, the presence of a physical disability which will not allow the applicant to walk from his/her residence to work/school and the existence of other means of transportation such as a family member, car pool or public transportation.

Respondents indicating that program acceptance is only determined by the agency, typically reported that agency hearing examiners or administrative staff/analysts are charged with the responsibility of accepting/denying applicants. While this category of respondents noted that staff primarily adheres to statutes when determining program acceptance, other considerations and criteria are sometimes examined. For example, the District of Columbia's Department of Motor Vehicles administrative hearing examiner considers factors that include the general good character of the applicant and the nature and details of his/her offense(s). Minnesota, North Dakota and Alaska are other states that consider factors such as availability of public transportation, potential for carpooling and number of previous motor vehicle violations. The decision criteria utilized by the Idaho Division of Motor Vehicles includes the safety risk of providing a specific offender with a permit and the rehabilitative potential for that individual.

Of the 4 respondents indicating that courts alone determine program acceptance, only Louisiana shared the factors that are considered by the courts in making their decision. These factors include the determination that license loss will deprive offenders and/or family of the "necessities of life", prevent the offender from earning a living or deprive him/her from obtaining medical treatment. Another such respondent, Hawaii, did not offer the criteria considered by the courts in determining program acceptance but did explain that each of the state's 4 county judicial circuit courts has established their own policies and procedures with regard to program implementation.

25 of the 35 respondents reported that those denied a restricted license can appeal the decision, with the procedure for doing so varying among respondents. For example, applicants denied the restricted license can request an administrative hearing in states including Alaska, Delaware and Georgia. In Arkansas and Colorado, rejected applicants can appeal to the district or county court, respectively. The Iowa appeals process is entitled "informal settlement" and individuals can decide to appeal to either the Department of Inspections and Appeals or they can request a judicial review. The Idaho Division of Motor Vehicles offers hearings but that agency's respondent reported that a hearing request has not been received in the past 7 years. He emphasized that the

decision made during the appeals process is based upon the statutes and administrative rules that guide the state's restricted license program. Pennsylvania was the one respondent who noted that a \$100 processing fee is required to file a hearing petition with the state Driver Safety Division.

12 states include installation of an Ignition Interlock Device (IID) as a required component of their restricted license program, depending on the nature of the DUI event. For example, 10 of the 12 states require an IID if the applicant is applying for a restricted license based upon a second or greater DUI suspension/revocation, while Pennsylvania only requires an IID for those with a refusal to submit conviction and Oregon requires an IID for any DUI conviction. One respondent requiring an IID for a second DUI conviction, Delaware, opined that the use of an IID can be valuable and effective, as a low recidivism rate is associated with its use. 9 respondents reported that the requirement of an IID is left to court discretion. Finally, 14 respondents noted that they do not require installation of an IID to receive a restricted license. Three of those states – Alaska, North Dakota and Wyoming – noted that there are no IID vendors in their states who could install, calibrate and monitor the device. Alaska added that courts do have the authority to require an IID, as does the North Dakota Department of Transportation. However, without an IID vendor available at this time, the device cannot be a requirement for receiving a restricted license.

Some respondents, specifically Iowa and Oklahoma, reported requiring participants to retake the DMV knowledge (written) and road exams in order to participate in the restricted license program. If an applicant's license has been revoked, Illinois requires that the written exam be re-taken and Nevada requires the re-administration of the written, road and vision exams. In Oregon, habitual offender participants must take a medical diagnostic exam, defensive driving class and pass the vision, law and road exams before a probationary license can be issued.

Permitted travel and associated restrictions again vary by respondent. It was reported by several respondents, including the District of Columbia, Georgia, Louisiana, Minnesota, North Carolina, Ohio and Oklahoma that the entity(s) determining program acceptance often establishes specific trip restrictions on an individual basis, albeit within the statutory confines of permitted trip purposes, geographic boundaries and time frames. Overall though, all respondents restrict trip purpose to some extent. The main categories of permitted trip purposes are employment, education (self and/or dependent), substance abuse treatment, medical (self and/or dependent) and essential/life maintenance needs. All respondents except for one, permit at least 2 of the above listed trip purposes, with 6 respondents allowing for all 5 listed trip reasons. Connecticut is the one state that restricts permitted travel solely to employment trips.

A variety of trip purposes are encompassed in the category labeled "essential/life maintenance needs". For example, errands are permitted in Wyoming, care related to a dependent child/adult is permitted in Delaware, care related to dependent child is permitted in Colorado, and homemaker trips are permitted in states including Minnesota, North Carolina and Wisconsin. Wisconsin also permits religious service-

related trips. Michigan allows for trips to court-ordered community service and to the court probation department.

Interestingly, some states noted that permitted trip purpose is determined based on the participant's specific offense. For example, those who receive the limited license in Alaska due to mandatory insurance suspension can request medical (self and dependent) privileges, in addition to work privileges. Conversely, those who seek the license due to DUI violations are limited to work privileges. In Oregon, those suspended for uninsured accident and misrepresentation of age may receive driving privileges for family necessity trips, education trips for self/family, care of children and/or elderly family members, in addition to work-related, medical and substance abuse treatment trips permitted to all hardship/probationary license program participants. All respondents reported restricting permitted trip geography and hours of operation, except for California, who did not report limiting geographic boundaries of permitted trips.

Program participants in all respondent states, except for Washington, Minnesota and the District of Colombia are required to surrender their driver's license. In place of the driver's license, participants are issued either one or a combination of the following: license or permit with restrictions, authorization letter and/or photo identification. One state, Ohio, reported issuing a restricted license plate, in addition to an authorization letter.

Methods of creating awareness for the restricted license program among offenders ranges from respondents offering no notification to potentially eligible participants to those creating awareness by notifying participants via mail, in-person at the court level or via department/agency websites. 12 respondents indicated that they do not officially notify eligible applicants. However, 7 of the 12 do publicize the program to some degree on their respective agency website. In total, 15 respondents publicize the program on agency websites. 18 respondents reported notifying offenders via the suspension/revocation letter sent to their mailing address. 8 respondents noted that eligible offenders are usually notified at the time of their suspension/revocation by the courts. Some respondents, such as South Dakota and Connecticut indicated that the restricted license application is available on their respective agency websites, but offender notification of eligibility via mail does not occur. Nebraska is one state who promotes a more active program awareness plan, which includes offering the application on the agency website and notifying offenders via mail about the restricted license program. Finally, the Wisconsin Department of Motor Vehicles provides extensive information on components of their occupational license program on their website, such as program eligibility, information on how to apply and what to do if one's application is denied. A DMV contact email address and phone number is also listed.

Enforcement & Effectiveness

All respondents reported that program enforcement is primarily limited to law enforcement personnel actions. A few respondents did note that their enforcement regimen encompasses other features. For example, hardship/restricted license

participants in Hawaii must return to court on a scheduled basis to demonstrate their continuing proof of compliance. In Idaho, program enforcement is also achieved when a program participant's employer notifies the Division of Motor Vehicles if the said participant is terminated from employment. Similarly, in Nevada follow-up audits are conducted by the Department of Motor Vehicles to ensure that individuals issued a restricted license continue to be employed by the employer specified on the program application.

Penalties for violating program restrictions most typically involve the cancellation of the license and the reinstitution of the offender's suspension or revocation. Some respondents, including Connecticut, Delaware, the District of Columbia, Wisconsin, Iowa, Louisiana, Georgia, Wisconsin, North Dakota and Oklahoma typically also extend the original suspension/revocation period, between several months to double the original period. Tennessee noted that if a participant is convicted of violating program restrictions, a fine is levied but the license is not rescinded. Oregon reported that those who violate program restrictions may lose the hardship/probationary license and are not eligible for another such license for a period of one year. Colorado reported even harsher restrictions, noting that those who are convicted of violating program restrictions lose the license and are not eligible for a conditional license for any subsequent suspensions. Finally, program violators in New York lose their conditional or restricted license and the period during which they held the license is not credited when computing their compliance with the originally specified suspension/revocation period.

With specific regard to program effectiveness, respondents commented that their programs are effective, with Iowa specifically remarking that their program is effective in reducing the number of habitual offenders. The state of Washington remarked that while they do not have a procedure in place to track the effectiveness of the program, only a small number of occupational/limited licenses are cancelled. However, only Wisconsin reported tracking the effectiveness of the occupational licensing program in a 2003 report entitled "Evaluation of the Effectiveness of the Occupational Licensing Program: Comprehensive Analysis and Interpretation of Findings". Overall, the authors of this study concluded that the Wisconsin program was successful. Program participants who shared their thoughts on the program via focus groups and a mail survey seemed to be generally satisfied with the program and experts involved with the occupational license program who were interviewed by researchers agreed that occupational licenses reduce unemployment and help families avoid serious hardships. In addition, the study's database analysis demonstrated that occupational license holders tended to receive fewer citations and be involved in fewer accidents in the year after using occupational licenses than in the year before using such licenses. (Wisconsin Department of Transportation, 2003). *(See literature review section of this report for more comprehensive discussion of this study).*

Program Administration

All respondents – except for Pennsylvania who was unsure of the administrative effort required to manage the state's occupational limited license program and the 9 respondents who completed the follow-up questions via email – remarked that the

administrative responsibilities and required staff resources associated with restricted license initiatives was not significant.² While the specific number of employees working on the restricted license program did vary by respondent, most indicated that managing the program was a small portion of a given staff member(s) workload. For example, Washington offered that it typically only requires 15 minutes for a Washington Department of Licensing staff member to prepare the occupational/limited permit.

Automation of the eligibility process via computer software has eased administrative burdens in Wisconsin and Missouri and the state of Iowa reported that they are similarly developing an automated system to aid in determining eligibility of temporary restricted license applicants. Missouri explained that the automated system is very successful and efficient, as there is a maximum three-day turnaround from the time a limited driving privilege application is received until a decision is made on that application. Additionally, only 5 to 10 percent of Missouri's applications require administrative evaluation in addition to automated system review.

Aside from the assistance offered by technology in terms of easing program administration, the relatively low numbers of program participants in most states also may account for the administrative ease cited by respondents. For example, 14 respondents provided statistics on the number of yearly suspended/revoked drivers and the number of program participants. The percent range of suspended/revoked drivers participating in restricted license programs varied between 1 and 20 percent, with most respondents indicating that less than 5 percent of those suspended/revoked participate in the program. 10 percent of Washington's suspended/revoked drivers participate in that state's occupational and limited license program, 11 percent do so in Minnesota, 12 percent do so in Missouri and 20 percent do so in Wyoming.

Respondents were also asked if they partnered with entities such as other state agencies, nonprofits or community organizations to assist in implementation of the restricted license program. Most responded that while they do not partner directly with other entities to assist with program implementation, they do collaborate with other agencies/divisions on other driver-related initiatives. For example, Wisconsin reported aiding the Department of Corrections and certain county court programs designed to bring those convicted of driving while suspended and possessing outstanding fines into legal status by helping them become re-licensed. Other respondents mentioned working with state alcohol safety programs/initiatives in some capacity. New York was the one respondent who listed several entities they collaborate with to assist in implementation of the conditional use and restricted use licenses. Included were probation officers, the issuing and county department of motor vehicles and the state license production bureau. However, it is likely that most respondents collaborate with similar entities but did not deem them or describe them to the research team as distinct "partners".

Peer Perspectives

Advice and commentary shared by respondents with regard to restricted license programs was overwhelmingly positive. Some respondents, such as Missouri,

² The email follow-up questionnaire did not specifically inquire about program administration.

commented that such programs reduce the number of people driving while suspended because it gives this population viable options. Montana added that such programs ultimately help achieve compliance because they ease the harshness of the sanctions associated with suspensions/revocations. The Montana recipient stressed that the purpose of conditional license programs is to re-instate offenders early and provide them with an option to pursue a positive step toward full license reinstatement. Other respondents highlighted that offering restricted licenses does not disrupt employment and is thus economically beneficial to the individual, his/her family and ultimately, the state. In terms of potential drawbacks associated with such initiatives, Pennsylvania mentioned that program enforcement is difficult to achieve.

Some respondents spoke of specific program elements they consider crucial or valuable to the success of a restricted license program. For example, many respondents, including Arkansas, California, Idaho, North Dakota and Nevada emphasized the importance of developing clear and comprehensive program statutory language/administrative rules to ensure consistent, objective and successful implementation. As discussed above, program-related innovations, such as automation of the eligibility process, were also described by several respondents as valuable components of restricted license programs. Texas mentioned the potential value of issuing program participants a photo-identification, in an effort to reduce fraudulent activities. At this time, Texas does not issue such photo-identification. The Minnesota respondent noted the potential benefits of conducting a public service campaign to advertise a given restricted license program to the public.

In terms of unique aspects of conditional license programs, New York stands out for several reasons. For one, New York is the only respondent who reported honoring restricted licenses issued by other states to a resident of that state. In addition, New York's restricted license (for offenders convicted of non-alcohol related convictions) and conditional license (for those with alcohol/drug convictions) are available as a "restricted use privilege" and "conditional use privilege" respectively, for drivers licensed in other states but suspended in New York.

Payment Plans

As noted earlier in the report, 5 of the 41 Phase I respondents – Arkansas, District of Colombia, Louisiana, Ohio and Tennessee – reported offering formal or informal payment plans to select offenders. Some brief highlights of each of these plans are as follows:

Arkansas – Through the district court system, Arkansas offers a payment plan for offenders with outstanding parking and/or moving violation fines who are deemed unable to pay the said fines. Suspension of the participant's driver's license does not occur as long as program participation continues.

District of Colombia – Through the Department of Motor Vehicles, the District of Colombia offers a payment plan for offenders with outstanding parking and/or moving

violations. The total amount of the liability must be a minimum of \$250 and the initial payment must be a minimum of 25 percent of the liability. The payment plans are unstructured beyond the initial payment. The program has been in existence since 2002 and the respondent reported that there is a 30 percent completion rate for those participating.

Louisiana – Through the court system, Louisiana provides a payment plan for drivers deemed unable to pay fines. In addition, Louisiana offers a license reinstatement fee reduction for offenders who have been suspended for violating the state’s mandatory insurance requirement.

Ohio – Through the courts, Ohio permits a license re-instatement fee payment plan for drivers deemed unable to pay such fees and who are in compliance with all other license reinstatement requirements. Participants in the plan may operate a motor vehicle for employment and family necessity purposes. The payment plan was created by statute in 2004.

Tennessee – Through the courts, Tennessee offers a payment plan for drivers deemed unable to pay local fines or costs arising from various convictions, such as failure to appear in court. In addition, since 2001, Tennessee has offered a payment plan for certain license reinstatement fees. Participating drivers are required to make a down payment of \$400 and pay a \$25 administrative fee at the time he/she enters the payment plan. The participant must then make a payment each quarter of \$300 until the remaining balance is paid, with a maximum of two years given to complete payment.

Phase I respondents without conditional license programs

In an effort to acquire a more thorough comprehension of why 4 Phase I respondents reported not offering conditional license programs, the research team developed a brief telephone questionnaire directed toward those states (*Attachment G*). The four states the team attempted to contact were Alabama, Kentucky, Vermont and West Virginia. However, despite repeated efforts, the team was not able to successfully question Kentucky or West Virginia about their lack of a conditional license program.

Alabama reported that the state has never offered a restricted license program and that the legislature does not support mitigation programs for suspended/revoked drivers. The respondent opined that he is opposed to such programs as they would serve to undermine the law. He added that requests for restricted licenses are sometimes received by the Alabama Department of Motor Vehicles from suspended/revoked drivers.

Vermont reported that a restricted license program was offered by the state at one time. However, the program was terminated thirty years ago for reasons unknown to the respondent. The respondent opined that he is opposed to restricted licenses as he believes program enforcement would be difficult. He added that issuing such licenses would remove the deterrent factor associated with license suspension/revocation.

Requests for examining the feasibility of re-instituting a restricted license program are sometimes received by the respondent from state legislators, with the most recent such request made approximately four years ago.

Phase I non-respondents

In an attempt to determine if the 9 Phase I non-respondent states offered a conditional/restricted license program, the research team attempted to contact the respective states. Results are as follows:

State	Conditional License Program
Florida	Yes
Indiana	Yes
Massachusetts	No response
Mississippi	No
New Hampshire	No
New Mexico	No response
Rhode Island	No
South Carolina	Yes
Utah	No

List of Selected References

- Oregon Department of Transportation, Transportation Development Division, Mark Joerger Policy Section. 2002. "Profile of Driver Problems Follow-up Evaluation: An Examination of Driver Demographic Information and Driving Records." December.
- Wisconsin Department of Transportation. 2003. "Evaluation of the Effectiveness of the Occupational Licensing Program." Report prepared by the Dieringer Research Group, Inc., Milwaukee, Wisconsin, for Wisconsin Department of Transportation. January 10.

INDIVIDUAL STATE INTERVIEW REPORTS

STATE DRIVER'S LICENSE FOLLOW-UP SURVEY RESPONSES

ALASKA

Type of Mitigation program: Limited driver license program

Background:

Alaska differentiates between license suspension and revocation. The former involves the temporary removal of the privilege to operate a motor vehicle while the latter involves the formal withdrawal of the driving privilege. Reasons for suspension include failure to maintain mandatory insurance and accumulation of driving points. Revocations are reserved for offenses such as driving while license is cancelled, suspended or revoked, DUI offenses, reckless driving conviction and felony in connection with a motor vehicle. In addition to mandatory payment of a license restoration fee following the end of the suspension or revocation, those who are revoked must also retake the DMV knowledge (*written*) and road test.

(Statute/code reference: 28.15)

According to the Alaska DMV, Alaska imposes mandatory minimum suspension/revocation for some offenses, as well as discretionary suspension/revocation time. The number and seriousness of the offenses often dictates suspension/revocation time. Mandatory minimums are in place for DUI offenses and are as follows: 90 day revocation for first offense, 1 year for second offense, 3 years for third and 5 years for 4 or more offenses. Mandatory minimums for failure to maintain mandatory insurance are as follows: 90 days for first offense, 1 year for second offense, 1 year for 3 or more offenses.

(Statute/code reference: 28.22.041)

Alaska has had a limited license program since the early 1980's and the program was created by statute. Administrative Code also guides implementation of this program.

(Statute/code reference: 28.15.201 and Title 13 AAC, Chapters 4-8)

With regard to the approximate number of suspensions per year, the following statistics were provided by the Alaska DMV:

- o 480,000 Alaskan licensed drivers
- o 5,356 revocations for DUI
- o 7,650 suspensions for failure to maintain mandatory insurance
- o 3,592 cancellations (*reasons for such action include fraud, medical, PDPS*)
- o 10,517 suspensions for driver points
- o 98 suspensions for failure to pay child support
- o 485 limited licenses issued (*Note: The respondent commented that one of the main reasons for the low number of restricted licenses issued compared to the number of yearly suspensions owes to the fact that the grounds for many of the state's suspensions is failure to maintain insurance and these offenders are*

required to demonstrate SR-22 certification of insurance prior to being considered eligible for a restricted license).

Eligibility requirements:

The classes of drivers eligible for a limited license are those with mandatory insurance suspensions (*first & second offense only*) and those with a first offense DUI. A minor committing the offense of operating a vehicle after consuming alcohol (*second, third, fourth or more offense*) can also apply for a limited license. No adult DUI offender can be issued a limited license if he/she refused a chemical test. Although offenders with mandatory insurance suspensions are eligible for a limited license, other failure to pay types of offenses, such as civil court judgments and child support, are not eligible.

There is no mandatory minimum of suspension that must be served by those suspended for failure to maintain mandatory insurance. However, these individuals must submit a copy of their SR-22 insurance with their limited license application. Those with first offense DUI violations must serve the first 30 days of their revocation prior to being issued a limited license. Eligible under 21 DUI violators must serve the first 30 days of their sentence if they are a third offender and are only eligible for a limited license for the last 60 days of their sentence if they are a 4 time or greater offender.

Courts do have the authority to require an ignition interlock device installation but do not order them since there is currently no vendor in the state to monitor, calibrate or install the device.

Notification & Enrollment process/procedures:

The procedure for acceptance into the program requires completion of a limited license application. The applicant must complete the first part of the application and the section requesting verification of employment and/or need for on the job driving must be completed and signed by the applicant's employer. A \$100 non-refundable application fee is required of those who are applying with DUI violations. In addition, all adult DUI offenders must receive an authorized signature on the application from the Alcohol Safety Action Program and all under 21 DUI violators must receive an authorized signature from a state approved alcohol or drug counseling agency.

Acceptance into the program is an administrative decision made by staff (*with supervisor guidance when needed*) and whether or not public transportation exists within six blocks of the applicant's residence to within six blocks of his/her place of employment is a consideration. An appeals process is available and rejected applicants can request a hearing. Courts do have the ability to issue a limited license as well, but they are restricted by the same statutory constraints as the DMV and generally defer to the DMV on the issue of limited licenses. One exception involves the minor alcohol consuming offense. Revocation for this offense is court ordered and the court can issue a limited license for a second and third offense if the offender is deemed eligible.

Participation in the program necessitates the surrendering of one's license and participants are issued a paper permit and a state identification card w/ photo that indicates the individual's license is not valid.

The limited license specifies the purpose, geography and time frame of allowable trips. Those who seek the license due to mandatory insurance suspension can request medical (*self and dependent*) privileges, in addition to work privileges. Those who seek the license due to DUI violations are limited to work privileges.

Eligible drivers are made aware of the program via the notice of suspension or revocation sent to them by mail from the DMV and through the DMV website. The application is available on the DMV website.

Enforcement & Effectiveness:

Enforcement of the program is limited to law enforcement personnel actions. If convicted of violating the program restrictions, the limited license is canceled and the participant is placed back into suspension.

According to the Alaska DMV, there is no procedure in place to track the effectiveness of the program.

Administrative resources required:

According to the Alaska DMV, the administrative burden of the limited license program is minor, with one staff member working part-time on the program.

Other:

Alaska does partner with other state agencies on a host of initiatives, such as the Alcohol Safety Action Program, but does not partner with any organization/entity to assist in implementation of the limited license program.

In closing, the respondent commented that for limited license programs to be most successful, these conditional permits should be offered to first time offenders only and should be based upon statute.

Interview Participants:

Kerry Hennings, Driver Licensing and Partnership Development manager
Alaska Division of Motor Vehicles
907-269-3771

STATE DRIVER'S LICENSE FOLLOW-UP SURVEY RESPONSES (EMAIL)

ARIZONA

Type of Mitigation program: Restricted Driving Privilege

Background:

Arizona differentiates between license suspension and revocation. A suspension involves the temporary withdrawal of the privilege to operate a motor vehicle for a specific time period, while a revocation involves the formal termination of the driving privilege for an indefinite time period. Reasons for suspension include excessive accumulation of points for offenses such as speeding, a 1st DUI conviction, and aggressive driving. Other reasons for suspension include failure to maintain insurance, compliance issues (*failure to pay & to appear*) including child support. Revocations are reserved for offenses including reckless homicide, multiple Driving Under the Influence (DUI) convictions, habitual traffic offenses, and fleeing the scene of an accident. Those who are revoked may be required to retake both the written and road exams for license reinstatement.

(Statute/code reference: Arizona Revised Statutes 28-3001, 28-3304, 28-3008, 28-1381)

According to the Arizona Revised Statutes, Arizona imposes mandatory minimum suspension/revocation time for some offenses, as well as discretionary suspension/revocation time. The number, seriousness, and circumstances of the offense(s) typically determines suspension/revocation time. Suspension periods may last up to 1 year. Mandatory minimums are in place for refusal to submit to chemical testing violations. A single refusal to submit offense results in a 1-year revocation and a 2 year revocation is imposed for a 2nd refusal to submit conviction committed with a 5-year period. A driver convicted of a 1st DUI offense will be revoked for 90 days. A driver convicted of a 2nd or subsequent DUI offense committed within a five-year period will receive a 1-year license revocation.

(Statute/code reference: Arizona Revised Statutes 28-1321, 28-1381)

The restricted driving privilege program was created by statute and according to the Arizona Motor Vehicle Division (MVD), it has been in existence for over 15 years. Administrative rules also guide implementation of the restricted driving privilege program.

(Statute/code reference: Arizona Revised Statutes 28-3159, 28-1385, 28-3320, 28-4145 Arizona Administrative Code R17-4-402)

The Arizona MVD provided no statistical information. It is known that there are 3.8 million licensed Arizona drivers.

Eligibility requirements:

The classes of drivers eligible for a restricted driving permit include those with a first offense DUI, traffic violators (points), those with suspensions for failure to pay certain

fines and/or maintain insurance and those with under age 18 violations. Those suspended/revoked for a 2nd or subsequent DUI offense, certain compliance issues such as child support, negligent vehicular homicide, habitual offenders, failure to render aid, and/or failure to submit to chemical testing are not eligible.

First-time DUI offenders must serve 30 days of their suspension prior to being deemed eligible for a restricted permit.

An Ignition Interlock Device (IID) is not required for a restricted permit.

Notification & Enrollment process/procedures:

An administrator from the Motor Vehicle Division determines acceptance into the program. The MVD then issues a restricted driving permit to an eligible driver either by mail or in person at any Driver License Office. Proof of financial responsibility in the form of SR22 insurance must be submitted. 1st time DUI offenders must also submit proof of completion of a court-ordered substance abuse program.

Participation in the program necessitates the surrendering of one's license and participants are issued a restricted driving permit. Driving restrictions are determined on an individual basis, with geography and time frame of allowable trips specified. With regard to trip purpose, the successful applicant may be given permission to drive for work and school related trips.

Eligible drivers are not made aware of the program via the notice of suspension/revocation sent to them by the Arizona MVD, nor is program information available on the department website.

Enforcement & Effectiveness:

Enforcement of the program is limited to law enforcement personnel action. If convicted of violating the program restrictions, the privilege is canceled and the participant is placed back into suspension/revocation.

According to the Arizona MVD, there is no procedure in place to track the effectiveness of the program.

Administrative resources required:

Question not asked on the follow-up email questionnaire.

Other:

Arizona does not partner with any organization/entity to assist in implementation of the restricted driving permit program.

Arizona state law permits the court to waive its right to request that the Arizona MVD refuse to renew the vehicle registration of a registered owner who is delinquent in paying a fine or penalty for a civil or criminal traffic violation, if non-renewal of the

vehicle registration would pose an economic hardship on the registered owner and if the failure to pay is not due to an intentional refusal to obey the order of the court or an intentional refusal to make a good faith effort to obtain the monies required for the payment. (*Statute/code reference: Arizona Revised Statutes 28-1635*)

Email respondent:

Richard Schweinsburg, Management Analyst II
Arizona Motor Vehicle Division
602-712-7677

STATE DRIVER'S LICENSE FOLLOW-UP SURVEY RESPONSES

ARKANSAS

Type of Mitigation program: Restricted driver license program & payment plan

Background:

Arkansas differentiates between license suspension and revocation. The former involves the temporary removal of the privilege to operate a motor vehicle, while the latter involves the formal withdrawal of the driving privilege. Reasons for suspension include DWI, point violations, refusal to submit to chemical testing and compliance issues (*failure to pay & to appear*) including child support. Revocations are reserved for offenses which include vehicular manslaughter, fleeing the scene of an accident and habitual DWI offenders. Those who are revoked must reapply for license reinstatement. (*Statute/code reference: Arkansas Statutes Title 27, chapter 16 sections 206, 905, 907*)

According to the Arkansas Department of Revenue, there are mandatory periods of suspension/revocation, as well as discretionary suspension time in Arkansas. The number and seriousness of the offenses often dictates suspension/revocation time. Mandatory periods are in place for DWI and refusal to permit chemical testing. For the former offense, a 120-day suspension is mandated for first time offenders, 24 months for a second such offense committed within 5 years, a 30-month suspension for a person with 2 previous such violations within 5 years and a 4-year revocation for a 4th or subsequent such offense committed within 5 years. Refusal to submit violations mandate a 6 month suspension for first time offenders, 2 years for a second such offense committed within 5 years, a 30 month suspension for a person with 2 previous such violations within 5 years and a lifetime revocation for a 4th or subsequent such offense committed within 5 years.

(*Statute/Code reference: Title 5, chapter 65 sections 104, 205*)

According to the Department of Revenue, the restricted license program was created by statute and has been in existence since 1996. Administrative code also guides implementation of this program.

(*Statute/Code reference: Title 5, Chapter 65 section 120*)

The following figures were provided by the Arkansas Department of Revenue:

- o Approximately 1.9 million Arkansas licensed drivers
- o 101,500 suspensions/revocations in 2003

Eligibility requirements:

The classes of drivers eligible for a restricted license include most DWI offenders, 1st refusal to submit to chemical testing offenders and those with point violations. Individuals ineligible for a restricted license include 4th time DWI offenders, those with 2 or more refusals to submit to chemical testing and those suspended for compliance

issues. However, drivers who have had their license suspended for failure to pay fines may be eligible for a license reinstatement provided they enter into a court approved payment plan.

1st time DWI offenders are immediately eligible for a restricted license. 2nd and 3rd time DWI offenders must serve 12 months of their suspension prior to being deemed eligible for a restricted license. 2nd and 3rd time DWI offenders must also use an ignition interlock device.

Notification & Enrollment process/procedures:

The procedure for acceptance into the program following candidate request for a restricted license involves a hearing. The Department of Driver Services authorizes the issuance of a restricted driving license at the hearing if the individual is deemed eligible. No fee is required.

Acceptance into the program is an administrative decision made by staff. An appeals process is available and rejected applicants can make the appeal to a district court. Courts can also order the agency to issue a restricted license, but only for court-ordered suspensions.

Participation in the program necessitates the surrendering of one's license and participants are issued a paper permit. The restricted license may specify the purpose, geography and time frame of allowable trips. Trip purpose can include work, school, medical and/or safety education and alcohol/drug treatment courses.

Eligible drivers are made aware of the program via the notice of suspension or revocation sent to them by mail from the Department of Driver Services. The application is not available on the DMV website.

Enforcement & Effectiveness:

Enforcement of the program is limited to law enforcement personnel actions. If the participant is found to be in violation of the program restrictions, the restricted license must be surrendered.

According to the Arkansas Department of Revenue, there is no procedure in place to track the effectiveness of the program.

Administrative resources required:

According to the Arkansas Department of Revenue, the Division of Driver Services is responsible for managing the program. 24 full-time employees serve to administer the program.

Other:

Arkansas does not partner with any organization/entity to assist in implementation of the restricted license program.

As mentioned above, the state of Arkansas also provides for a payment plan for drivers deemed by the court as unable to pay fines. The district county court may establish a reasonable payment plan for such offenders and not suspend their driver's license. *(Statute/code reference: Arkansas Statutes 27-19710)*

In closing, the respondent commented that for a restricted license program to be most successful, statutes determining participant eligibility must be clear and explicit.

Interview participants:

Anita Gottsponer, Director of Driver Control
Arkansas Department of Revenue
501-682-7211

STATE DRIVER'S LICENSE FOLLOW-UP SURVEY RESPONSES

CALIFORNIA

Type of Mitigation program: Restricted driving license program

Background:

California differentiates between license suspension and revocation. The former involves the temporary removal of the privilege to operate a motor vehicle while the latter involves the formal termination of the driving privilege. Reasons for suspension include traffic violations, uninsured accidents, and compliance issues (*failure to pay & to appear*) including child support. Revocations are reserved for offenses such as convictions for reckless homicide, DUI, leaving the scene of an accident, reckless driving, and fleeing law enforcement. Those who are revoked must reapply for a new license and may have to retake the written and road exams.

(Statute/code reference: California Vehicle Code sections 13101, 13102, 13351, 16070)

According to the California Department of Motor Vehicles, California imposes mandatory periods of suspension/revocation, as well as discretionary suspension/revocation time. The number, seriousness and circumstances of the offenses often dictates suspension/revocation time. Mandatory periods are in place for statutory DUI summary suspensions and are as follows: 4-month suspension for a first such offense and 1-year for a 2nd or subsequent DUI offense committed within a 7-year period. A first conviction for refusal to submit to chemical testing results in a 1-year suspension, a 2nd such offense within 7 years results in a 2-year revocation, and a 3-year revocation is imposed for a 3rd or subsequent such conviction committed within 7 years.

(Statute/code reference: California Vehicle Code sections 13353, 13200)

The restricted driving permit program was created by statute and according to the California DMV, it has been in existence since 1990.

(Statute/code reference: California Vehicle Code section 13352.5)

The California DMV provided no statistical information. It is known that there are approximately 22 million California licensed drivers.

Eligibility requirements:

The classes of drivers eligible for a restricted driving permit include DUI offenders, those with failure to maintain insurance and those with suspensions/revocations for repeated traffic convictions. Those suspended/revoked for refusal to submit to chemical testing and compliance issues other than failure to maintain insurance (*e.g. failure to pay*) are not eligible.

1st time DUI offenders must serve a mandatory 30 days of their suspension prior to being deemed eligible for a restricted driving permit. Enrollment in a court-ordered alcohol/drug rehabilitation program is also required. Offenders revoked for multiple DUI offenses may apply for a restricted license after serving a specified period of their revocation determined by the DMV and/or courts.

The courts may order an Ignition Interlock Device (IID) for any DUI offender, but use of an IID is required for any person convicted of driving on a suspended or revoked license based on a DUI offense.

Notification & Enrollment process/procedures:

The procedure for acceptance into the program requires completion of a restricted driving permit application. The fee for a restricted permit is \$15. Proof of financial responsibility in the form of SR22 insurance must be submitted and DUI offenders must also submit proof of enrollment in or completion of an alcohol/drug rehabilitation program.

An administrative hearing officer determines acceptance into the program. No applicant can have any other suspensions/revocations pending at the time of the application (*unless the pending suspension/revocation are also the only cause of the current loss of driving privileges*). Courts are not authorized to issue restricted permits. There is no appeals process available.

Participation in the program necessitates the surrendering of one's license and participants are issued a photo license that specifies the purpose and time frame of permitted trips, but not the geographic boundaries of such trips. With regard to trip purpose, the successful applicant may be given permission to drive for employment, to/from state-licensed DUI program and to transport a dependent minor to/from school.

Eligible drivers are made aware of the program via the notice of suspension or revocation sent to them by the Department of Motor Vehicles. The application is not available on the department website.

Enforcement & Effectiveness:

Enforcement of the program is limited to law enforcement personnel actions. If convicted of violating the program restrictions, the permit is canceled and the participant is placed back into suspension/revocation.

According to the California Department of Motor Vehicles, there is no procedure in place to track the effectiveness of the program.

Administrative resources required:

According to the California DMV, there are 60-80 full-time employees working at the DMV central office. A small portion of their work involves managing the restricted license program.

Other:

California partners with the Department of Drug & Alcohol Programs to ensure individuals granted a restricted driving permit attend and complete any required rehabilitation programs.

In closing, the respondent commented that for a restricted driving permit program to be most successful, the program should be designed and administered in a manner that makes the program restrictions and rules clear to both offenders and DMV staff.

Interview Participants:

Julie Montoya, administrator
California Department of Motor Vehicles
916-657-8392

STATE DRIVER'S LICENSE FOLLOW-UP SURVEY RESPONSES

COLORADO

Type of Mitigation program: Conditional/job-related probationary license program

Background:

Colorado differentiates between license suspension and revocation. The former involves the temporary removal of the privilege to operate a motor vehicle while the latter involves the formal withdrawal of the driving privilege. Reasons for suspension include excess accumulation of points and failure to pay child support. Revocations are reserved for offenses such as driving while license is revoked and DUI offenses. In addition to mandatory payment of a license restoration fee following the end of a license suspension or revocation, those who are revoked must also retake the Motor Vehicle Business group knowledge (*written*) and road test. (*Statute/Code reference: 42-2-132, annotation*)

According to the Motor Vehicle Business group, there are mandatory minimums of suspension/revocation, as well as discretionary suspension/revocation time in Colorado. The number and seriousness of the offenses often dictates suspension/revocation time. Currently, there is a 90 day mandatory revocation for a first conviction DUI and a 1 year revocation for a second or subsequent conviction. (*Statute/Code reference: 42-2-126*)

The conditional/job-related license program was created by statute and has been in existence for approximately 30 years. In July 2003, the statute was amended to permit 1st time ALR offenders to apply for a probationary license. (*Statute/Code reference: 42-2-126*)

The Colorado Motor Vehicle Business group did not provide statistical information.

Eligibility requirements:

The classes of drivers eligible for a conditional/job-related license are those whose license was suspended for points. Those with revoked licenses are not eligible. However, those with first time ALR may apply for a probationary license after serving a 30-day minimum revocation. ALR offenders who are granted a probationary license will have their 3-month ALR revocation extended for an additional 2 months.

Those suspended for point violations qualify immediately for a probationary driver license.

Ignition interlock device installation is required in order to receive an early license reinstatement for persons convicted of 2 or more DUI violations within a 5-year period. (*Statute/Code reference: 42-2-132.5*)

Notification & Enrollment process/procedures:

The procedure for acceptance into the program requires that the offender request a hearing with an administrative hearing officer. The officers are employees of the Department of Revenue and they set the duration of suspension and the conditions of the probationary license. Offenders can request the restricted license for work, medical and child care trips. The fee for the license is \$5.00.

An appeals process is available and rejected applicants can pursue their appeal through the county court level. Courts cannot issue conditional permits. Participation in the program necessitates the surrendering of one's license and participants are issued a photo license that lists the conditional/job-related license restrictions. The conditional/job-related license specifies the purpose, geography and time frame of allowable trips. Eligible drivers are made aware of the program via the notice of suspension sent to them by mail from the Motor Vehicle Business group.

Enforcement & Effectiveness:

Enforcement of the program is limited to law enforcement personnel action. If convicted of violating the program restrictions or of committing other offenses, the conditional/job-related license is canceled and the participant is placed back into suspension. In addition, the offender will not be eligible for a conditional license for any subsequent suspensions. According to the Colorado Motor Vehicle Business group, the program's effectiveness is not tracked.

Administrative resources required:

According to the Colorado Motor Vehicle Business group, 4 full-time employees review applicant driving records and 15 administrative officers handle conditional/job-related licenses as one component of their various job responsibilities.

Other:

Colorado does not partner with any organization/entity to assist in implementation of the conditional/job-related license program.

Interview participants:

Steve Monson, CDL/PDPS operations manager
Colorado Motor Vehicle Business Group
303-205-5829

STATE DRIVER'S LICENSE FOLLOW-UP SURVEY RESPONSES

CONNECTICUT

Type of Mitigation program: Employment Permit

Background:

Connecticut does not differentiate between license suspension and revocation. State statutes only allow for license suspensions. Reasons for suspension include: habitual speeding, racing, recklessness or negligence in operating a motor vehicle, responsible as a driver for an accident resulting in serious personal injury or property damage, attempting to elude an officer, failing to stop and render aid, being a habitual violator of traffic laws, operating under the influence of alcohol/drugs, failing to pay child support and failing to appear in court or pay court fines.

(Statute/code reference: Section 14-111, 14-112, 14-222, 14-224, 14-227)

According to the Connecticut Department of Motor Vehicles, there are many mandatory minimums of suspension time in Connecticut, as well as discretionary suspension time. Refusal to submit to a chemical test results in a mandatory suspension of 6 months for a first conviction, one year for a second conviction, and 3 years for a third or subsequent conviction. Driving Under the Influence of alcohol results in a minimum suspension of 90 days for a first conviction, 9 months for a second conviction, and 2 years for a third or subsequent DUI conviction.

(Statute/code reference: 14-227a,b,c)

The employment permit program was created by statute, and according to the Connecticut DMV, the program has been in existence for 10 years. Administrative regulations also guide implementation of the employment permit program.

(Statute/code reference: CSL title 14-37a-1, Regulations of State Agencies 14-37a)

With regard to suspension statistics, the following figures were provided by the Connecticut Department of Motor Vehicles:

- o 2.3 million Connecticut drivers
- o 134,000 suspension letters distributed in 2003
- o 6,000 applicants applied for a work permit; 5,100 issued

Eligibility requirements:

The classes of drivers eligible for an employment permit include first time DUI offenders and other violations except suspension for failure to appear, failure to pay, driving while suspended, reckless driving conviction, and leaving the scene of an accident. There is no mandatory waiting period for a work permit, with the exception of drivers who refuse to take a BAC test. For these offenders, the waiting period is 90 days.

An ignition interlock device is not required to receive an employment permit.

Notification & Enrollment process/procedures:

The procedure for obtaining a work permit requires the eligible offender to file an application obtained from the DMV. The application must include an explanation of the significant hardship that would occur if the permit were not issued and proof of employment. There is no cost associated with the work permit. Acceptance into the program is an administrative decision made by driver improvement analysts. No official appeals process exists, but a rejected applicant can request an administrative conference. The DMV Commissioner also has the discretion to grant a 'hardship' license as stated in Connecticut law, but this authority is never exercised. Applicants are notified of acceptance by mail. Courts do not have the authority to issue a work permit.

If the petitioner for the license has been suspended for DUI charges, the court may require that the individual attend a court-approved program designed to provide alcohol counseling and rehabilitation services. Participation in the work permit program necessitates the surrendering of one's license. Participants are issued a document which specifies geography and time frame of allowable trips. The work permit is for employment trips only. It is incumbent upon the driver to gain awareness of the program. However, the work permit application is available on the Connecticut DMV website.

Enforcement & Effectiveness:

Enforcement of the work permit program is primarily limited to law enforcement personnel action. If convicted of violating the restriction of the work permit, the privilege is revoked. If the given former participant operates a motor vehicle following revocation of the privilege, he/she will be subject to double the penalties imposed by law. According to the Connecticut Department of Motor Vehicles, the program's effectiveness is not tracked.

Administrative resources required:

According to the Connecticut DMV, 12 full time driver improvement analysts work on the work permit program as one component of their various job responsibilities.

Other:

Connecticut does not partner with any organization/entity to assist in implementation of the work permit program.

The respondent reported mixed feelings with regard to the work permit program. She noted the value and importance of offering such a program to offenders though, especially with the lack of comprehensive, statewide transportation options available.

Interview participants:

Kathleen Flanagan-Beal, Driver Services Division
Connecticut Department of Motor Vehicles
860-263-5211

STATE DRIVER'S LICENSE FOLLOW-UP SURVEY RESPONSES

DELAWARE

Type of Mitigation program: Conditional/Occupational driver license program

Background:

Delaware differentiates between license suspension and revocation. The former involves the temporary removal of the privilege to operate a motor vehicle, not to surpass 1 year, while the latter involves the formal withdrawal of the driving privilege. Reasons for suspension include point violations and failure to pay fines, with the exception of parking violations. Revocations are reserved for offenses including conviction of vehicular manslaughter, vehicular assault, and DUI convictions. A mandatory fee must be paid for license restoration - \$25 fee for a license suspension and \$143.75 fee for a license revocation. In addition, those who are revoked must also retake the DMV knowledge (*written*) and road test.

(Statute/code reference: Title 21, chapter 27, section 2732 & 2733)

According to the DMV, there are mandatory minimums of suspension/revocation, as well as discretionary suspension/revocation time in Delaware. The number and seriousness of the offenses often dictates suspension/revocation time. Mandatory minimums are in place for refusals to permit chemical testing and DUI: A 1 year revocation for first time offenders, 18 months for a second offense within 5 years, and a 2 year revocation for a person with 2 or more previous violations within 5 years. The Department of Motor Vehicles has the authority to levy discretionary suspensions/revocations for reasons that include medical conditions, such as mental or physical disabilities.

(Statute/Code reference: Title 21, part 2, Chapter 27 and Policy Regulation 45)

The conditional/occupational license program was created by statute. Administrative code also guides implementation of this program.

(Statute/Code reference: Title 21, part 2, Chapter 27 section 302.2733(a)(4), and Administrative Policy Regulation 45)

The following figures were provided by the Delaware DMV:

- o Approximately 570,000 Delaware licensed drivers
- o 11,948 revocations annually
- o 66,712 suspensions annually
- o 66 conditional licenses and 187 occupational licenses issued annually

Eligibility requirements:

The classes of drivers eligible for a conditional/occupational license include first and second time DUI offenders, those with excessive traffic convictions, and drivers whose license was suspended for reckless driving. Individuals ineligible for a

conditional/occupational license include those who fail to pay child support, fail to pay fines and costs, and those with two suspensions for excessive traffic violations within a 3 year period. 1st time DUI offenders are eligible for a conditional license after serving 3 months of their 12-month revocation and paying any fees associated with their DUI violation. 2nd time DUI offenders must serve 12 months of their revocation and are then eligible for a conditional license, provided they use an ignition interlock device.

Notification & Enrollment process/procedures:

The procedure for acceptance into the program requires completion of a conditional license application. The applicant must complete the first part of the application and the section requesting verification of employment and/or need for on the job driving must be completed and signed by the applicant's employer. If requesting driving privileges for school trips, a school official must sign the application. Signatures of employers and/or school officials must be notarized. A \$10 application fee is required.

Acceptance into the program is an administrative decision made by DMV staff. An appeals process is available and rejected applicants can request a hearing. Offenders are limited to receiving only 1 conditional license in a 12-month period. Courts cannot order a conditional/occupational license.

Participation in the program necessitates the surrendering of one's license and participants are issued a paper permit.

The conditional license specifies the purpose, geography and time frame of allowable trips. Applicants can request that trip purpose include work, school, child/adult care and/or medical.

Eligible drivers are made aware of the program via the notice of suspension or revocation mailed to them by the DMV and through the violation citation. The application is not available on the DMV website.

Enforcement & Effectiveness:

Enforcement of the program is limited to law enforcement personnel action. If convicted of violating the program restrictions or if additional violations are obtained, the conditional license must be surrendered. In addition, the suspension period shall be extended for an additional like period.

According to the Delaware DMV, the program's effectiveness is not tracked.

Administrative resources required:

According to the Delaware DMV, a section of the Division is responsible for managing the program.

Other:

Delaware does not partner with any organization/entity to assist in implementation of the conditional license program.

In closing, the respondent commented that based upon his experience, long-term revocations/suspensions are neither valuable nor effective, as they impose severe burdens on offenders and create a situation where offenders are less likely to pay the fines/fees associated with their suspensions/revocations. The respondent noted his support for short suspension/revocation terms. He also noted that the ignition interlock device is a valuable and effective tool, as a low recidivism rate is associated with its use.

Interview participants:

Art Ericson, Driver Services chief
Delaware Division of Motor Vehicles
302-744-2561

STATE DRIVER'S LICENSE FOLLOW-UP SURVEY RESPONSES (EMAIL)

DISTRICT OF COLUMBIA

Type of Mitigation program: Limited Occupational License Program & Payment Plan

Background:

The District of Columbia (D.C.) statutorily differentiates between license suspension and revocation. Suspension is defined as a temporary withdrawal of the privilege to operate a motor vehicle. Reasons for suspension include excessive points due to traffic violations and compliance issues (*failure to pay & to appear*) including child support. Revocation is defined as the termination of the privilege to operate a motor vehicle. Reasons for license revocation include vehicular homicide, leaving the scene of an accident, eluding law enforcement, and DWI offenses.

(Statute/code reference: D.C. Motor Vehicle Code Chapter 3, Sections 300, 301, & 302)

According to D.C. statutes, D.C. imposes mandatory suspension/revocation periods for some offenses, as well as discretionary suspension/revocation time. Suspension periods are typically at the discretion of the Department of Motor Vehicles (DMV) director and range from 2 to 90 days, depending on the seriousness of an offense. Mandatory revocation periods are in place for all revocations, including DWI convictions. A 6-month revocation is mandated for the 1st offense, 1 year for a 2nd such offense, and 2 years for a 3rd or subsequent offense.

(Statute/code reference: D.C. Motor Vehicle Code Chapter 3, Sections 300, 301, & 302)

According to the D.C. DMV, the limited occupational license program (a.k.a. restricted license program) was created by statute and has been in existence for over 17 years. There are no administrative rules that guide implementation of the restricted license program.

(Statute/code reference: District of Columbia Municipal Regulations Title 18, Section 310)

The respondent provided the following statistic:

- o Approximately 8,000 individuals have participated in court-approved payment plans to address their outstanding fines.

Eligibility requirements:

The classes of suspended/revoked drivers eligible for the restricted license include those with most point violations and failure to maintain insurance. Drivers who have had their license suspended for failure to pay parking and/or moving violations may be eligible for a restricted license provided they enter into a court approved payment plan. Restricted licenses are not issued to those whose licenses are revoked for an offense for which revocation is mandatory by law, such as DUI, reckless driving, homicide

committed by means of a motor vehicle, leaving the scene of an accident involving personal injury and any felony in the commission of which a motor vehicle is used. Those whose license is revoked for physical or mental reasons, driving while suspended, 16 points or more on their driving record or who have been granted a restricted license within the previous 2 year period are also not eligible for a restricted license.

There is no mandatory minimum waiting period prior to being deemed eligible for a restricted license.

An Ignition Interlock Device (IID) is not required for a restricted license as DWI offenders are not eligible for the license.

Notification & Enrollment process/procedures:

Any person whose driver's license is suspended or revoked and seeks a restricted license must submit a written request to the DMV. In order to receive the license, the candidate must demonstrate that his/her suspension/revocation imposes an extreme hardship for which there is no practical remedy. The candidate must also provide proof of his/her good character by submitting with the written request letters of recommendation from business people, the employer of the candidate, law enforcement officers, judicial officials or other credible persons.

A DMV administrative hearing examiner is vested with the authority to approve and issue a restricted license and the determination of eligibility is based upon the following factors: the general good character of the candidate, the number and seriousness of the violations on the candidate's traffic record, the period of time over which the violations were accumulated, the number and seriousness of the violations committed by the candidate during the hours or in the area, or both, for which the candidate desires the license and the probable impact of the limitation on the future driving conduct of the candidate. In addition, the examiner must determine that the safety of the public will not be impaired if the given offender is issued a restricted license. Courts are not authorized to issue a restricted license. There is no appeals process for those individuals who have been denied a limited occupational license.

Participation in the program does not necessitate the surrendering of one's license. Participants are issued a modifying order by the DMV. Driving restrictions are determined by the DMV examiner on an individual basis with driving purpose, geography, vehicles and time frame of allowable trips specified. Employment trips are the most typical driving purpose permitted with the restricted license.

Eligible drivers are made aware of the program through the D.C. DMV website. The application for the restricted license is not available on the website.

Enforcement & Effectiveness:

Enforcement of the program is limited to law enforcement personnel actions. If convicted of violating the program restrictions the permit is revoked, the participant is

placed back into suspension/revocation and the length of suspension/revocation is doubled.

According to the DMV, there is no procedure in place to track the effectiveness of the program.

Administrative resources required:

Question not asked on the follow-up email questionnaire.

Other:

The District of Columbia does not partner with any organization/entity to assist in implementation of the restricted license program.

As mentioned above, the District of Columbia also offers a payment plan for D.C. resident drivers with outstanding parking and/or moving violation fines. The total amount of liability must be at least \$250. The payment plan requires an initial down payment of at least 25 percent of the amount of the liability and the total amount must be paid in six months. Participants may receive a six month driver's license, vehicle registration certificate, and/or residential parking permit. The payment plans are unstructured beyond the initial payment and can be paid in any increments in person, by telephone, by mail or through the DMV website.

These payment plans were created in response to public demand requesting the ability to pay outstanding tickets in increments. Payment plans may be established in person or by mail. The program has been in existence since June 2002 and statistics indicate a 30 percent completion rate for those participating. Persons who fail to complete their payment plan obligations are subject to enforcement through the booting of vehicles, towing and collections.

Email respondent:

Carole Cade, staff
District of Columbia Department of Motor Vehicles
202-939-8000

STATE DRIVER'S LICENSE FOLLOW-UP SURVEY RESPONSES (EMAIL)

GEORGIA

Type of Mitigation program: Limited License Program

Background:

Georgia differentiates between license suspension and revocation. The former involves the temporary removal of the privilege to operate a motor vehicle while the latter involves the formal termination of the driving privilege. Reasons for suspensions include racing, excessive point accumulation, leaving the scene of an accident, driving while license suspended/revoked, 1st or 2nd DUI, drug/alcohol test refusal, compliance issues (*failure to pay & to appear*) including child support, and eluding law enforcement. Reasons for revocation include a 3rd DUI conviction within a 5-year period and unfitness to drive due to mental or physical disabilities. Those who are revoked must reapply for a new license, pay the reinstatement fee, and may be required to retake the written and/or road tests as determined by the Department of Motor Vehicle Safety.

(Statute/code reference: Georgia Un-annotated Code 40-2-1, 40-5-54, 40-5-63)

According to the Georgia Department of Motor Vehicle Safety, there are mandatory and discretionary suspension/revocation periods in Georgia. Mandatory revocations are in place for DUI convictions. A 1-year revocation is mandated for a first DUI offense, 3 years for a 2nd DUI offense committed within a 5-year period, and a 5-year revocation for a 3rd DUI offense committed within a 5-year period. A 1-year license suspension is mandatory for a single conviction for refusal to submit to chemical testing committed within a 5-year period.

(Statute/code reference: Georgia Un-annotated Code 40-6-391 and 392, 40-5-63)

The limited license program was created by statute and according to the Georgia Department of Motor Vehicle Safety, it has been in existence for over 20 years.

(Statute/code reference: Georgia Un-annotated Code 40-5-64)

The following statistical figures were provided by the Georgia Department of Motor Vehicle Safety:

- o 6.1 million licensed Georgia drivers
- o Approximately 16,000 limited licenses issued in 2003

Eligibility requirements:

The classes of suspended/revoked drivers eligible for the limited license include those with a 1st mandatory suspension, 1st and 2nd time DUI offenders, or those with excessive point accumulation. Those suspended/revoked for 2 or more mandatory suspensions

within a 5-year period, a 3rd DUI conviction within a 5-year period, and/or compliance issues (*e.g. failure to appear*) are not eligible.

1st time DUI offenders are immediately eligible for a limited license. 2nd time DUI offenders are eligible for a limited license after serving a 1-year revocation.

An Ignition Interlock Device (IID) is required for a limited license if an offender's license has been revoked due to 2 DUI convictions committed within a 5-year period.

Notification & Enrollment process/procedures:

The procedure for acceptance into the program requires completion and submission of the limited license application with the Department of Motor Vehicle Safety. The application must be notarized. The fee for the limited license is \$25. Proof of financial responsibility in the form of SR22 insurance must be submitted.

The Department of Motor Vehicle Safety issues limited licenses to eligible drivers. Courts are not authorized to issue a limited license. Any person who has been refused a limited license by the Department of Motor Vehicle Safety may request a hearing to appeal the decision.

Participation in the program necessitates the surrendering of one's license and participants are issued a license that specifies restrictions determined by the department. Driving restrictions are determined by the commissioner on an individual basis and include purpose, geography, and time frame of allowable trips. In addition, the vehicle(s) to be used is specified.

The limited license is granted for trip purposes related to employment, education, scheduled medical care (*self and/or dependent*) and/or rehabilitation (*e.g. court ordered treatment program*).

The respondent did not indicate if and how eligible drivers are made aware of the program. The application is not available on the Georgia Department of Motor Vehicle Safety website.

Enforcement & Effectiveness:

Enforcement of the program is limited to law enforcement personnel actions. If convicted of violating the program restrictions, the permit is canceled and the participant is placed back into suspension. The department may also impose an additional period of suspension/revocation.

According to the Georgia Department of Motor Vehicle Safety, there is no procedure in place to track the effectiveness of the program.

Administrative resources required:

Question not asked on the follow-up email questionnaire.

Other:

Georgia does not partner with any organization/entity to assist in implementation of the limited license program.

Email respondent:

Ron Johnson, Driver Services director
Georgia Department of Motor Vehicle Safety
678-413-8488

STATE DRIVER'S LICENSE FOLLOW-UP SURVEY RESPONSES (EMAIL)

HAWAII

Type of Mitigation program: Hardship/Restricted License Program

Background:

Hawaii does not differentiate between license suspension and revocation. Suspensions result from excessive point accumulation for offenses including leaving the scene of an accident, driving while license suspended, reckless driving, DUI offenses, refusal to submit to chemical testing, and compliance issues (*failure to pay & to appear*) including child support.

(Statute/code reference: *Hawaii Revised Code 291-4, 291-4.6, 286-128, 291E-61*)

According to Hawaii statutes, Hawaii imposes mandatory suspension periods as well as discretionary suspension time. Mandatory suspensions are in place for DUI convictions. A 90-day suspension is mandated for a first DUI offense, 1 year for a 2nd DUI offense committed within a 5-year period, and a 1-year minimum for a 3rd DUI offense committed within a 5-year period. A 1-year license suspension is mandatory for a single conviction for refusal to submit to chemical testing committed within a 5-year period. Discretionary suspension periods range from one to six months for excessive traffic violations.

(Statute/code reference: *Hawaii Revised Code 291-4, 286-151.5, 286-128*)

The hardship/restricted license program was created by statute and amended to Section 286-109 of the Hawaii Revised Statutes. According to the Hawaii Highways Division, the purpose of the amendment was to provide judges with the discretion to permit individuals to obtain restricted licenses for employment purposes. A Hawaii County Judge introduced the amendment because although his county had the largest land mass compared to the other four Hawaii counties, it offered very little public transportation. The program has been in existence since July 1, 2002.

(Statute/code reference: *Hawaii Revised Code 286-109(c)*)

The Hawaii DMV provided no statistical information. It is known that there are 787,820 licensed drivers in Hawaii.

Eligibility requirements:

The classes of suspended drivers eligible for a hardship/restricted license include 1st time DUI offenders, or those with excessive point accumulation. Those suspended for 2 or more mandatory suspensions committed within a 5-year period, 2nd or subsequent DUI conviction within a 5-year period, and/or compliance issues (*e.g. failure to appear*) including child support are not eligible.

To be considered eligible, drivers must comply with any required fine payments and/or other conditions imposed by the courts. 1st time DUI offenders must serve a 30-day suspension before being considered eligible for a restricted license.

An Ignition Interlock Device (IID) is not required for a restricted license.

Notification & Enrollment process/procedures:

Only courts have the authority to issue hardship/restricted licenses to eligible suspended drivers. Each Judicial Circuit Court of Hawaii's four counties – Hawaii, Maui, Honolulu and Kauai – has established their own policies and procedures with regard to the implementation of the hardship/restricted license program.

Participation in the program necessitates the surrendering of one's license and participants are issued a hardship license that lists the restrictions as determined by the Circuit Court. Geography and time frame of allowable trips is specified and the hardship/restricted license is only granted for employment purposes and/or participation in substance abuse treatment programs.

Suspended drivers are typically made aware of the program through personal inquiry with the Hawaii Traffic Violations Bureau, an attorney, court staff, or Driver Licensing Agency. The application is not available on Hawaii County Department of Motor Vehicles websites.

Enforcement & Effectiveness:

Enforcement of the program is limited to law enforcement personnel actions. Participants are usually required to return to court to demonstrate proof of compliance on a regular basis. If convicted of violating the program restrictions, the license is canceled and the participant is placed back into suspension.

According to the respondent, there is no procedure in place to track the effectiveness of this relatively new program.

Administrative resources required:

Question not asked on the follow-up email questionnaire.

Other:

The Hawaii Judiciary works with County Driver's Licensing Sections to coordinate the issuance and compliance requirements of the restricted license.

Email respondent:

Peggy Umetsu, Highway Safety Specialist
Hawaii Highway Division
808-692-7656

STATE DRIVER'S LICENSE FOLLOW-UP SURVEY RESPONSES

IDAHO

Type of Mitigation program: Restricted driver license program

Background:

Idaho differentiates between license suspension and revocation. The former involves the temporary removal of the privilege to operate a motor vehicle while the latter involves the formal termination of the driving privilege. Reasons for suspension include DUI violations and accumulation of driving points. Revocations are reserved for offenses such as vehicular manslaughter, leaving accident scene, felony committed with motor vehicle, perjury under any law relating to ownership/operation of motor vehicle and conviction upon three charges of reckless driving committed within 12 months. Drivers who have had their operator's license and/or privileges revoked, must pay a reinstatement fee. (*Statute/code reference: IC 49-325*)

According to the Idaho DMV, Idaho imposes mandatory minimum suspension/revocation for some offenses, as well as discretionary suspension/revocation time. The average suspension time is between 30 and 180 days. Mandatory minimums are in place for DUI offenses and are as follows: 90 day suspension for first offense, 1 year for second offense. Refusal to take an evidentiary test results in the following mandatory suspension time: 180 days for first refusal and 1 year for second refusal. Mandatory minimums for those convicted of reckless driving or fleeing a police officer are as follows: 30 days first offense, 90 days for second offense if occurring within a two year period and 1 year for a third offense if occurring within a three year period. Mandatory 1 year minimums are also in place for offenders who leave the scene of an accident. (*Statute/code reference: IC 18-8002(A) and 49-326*)

Idaho has had a restricted permit program for over 15 years and was preceded by an impaired driver improvement program. The original intent of the program was to limit the economic impact of suspensions/revocations on employees, employers and the state of Idaho. Statutes and administrative rules grant the DMV the authority to issue restricted permits. Administrative rules in Idaho are approved by legislative action and reviewed on an annual basis. (*Statute/code reference: IC 18-002(A), 49-325, 49-326 and Administrative Code 39.02.70*)

With regard to suspension statistics, the following were provided by the Idaho DMV:

- o 1 million Idaho licensed drivers
- o Approximately 70,000 suspensions per year (2,000 of which are ALS)
- o Approximately 1,200 restricted driver permits issued per year (*Note: Respondent noted that the probable reason for the low number of permits issued compared to*

the number of yearly suspensions owes to the stipulation that a permit cannot be issued to an offender who has 21 or less days remaining on his/her suspension or revocation order).

Eligibility requirements:

The classes of drivers eligible for a restricted permit are those convicted of the following: reckless driving, fleeing an officer, point violations, leaving accident scene, use of motor vehicle in the commission of a felony, violation of a restricted license, committing offense in another state and ALS for a first-time chemical test failure. Those not eligible for a restricted permit include the following: offender with failure to pay offenses, non-resident, individual convicted of vehicular manslaughter, individual whose suspension/revocation period has less than 21 days remaining, individual issued a restricted permit for a like offense within a previous 2 year period, revoked out-of-state driver, individual found to be in violation of a restricted permit issued by the court or by the DMV under certain conditions and those who have had their driving privileges suspended or revoked 3 or more times during the past three years. DUI offenders who refuse to take the evidentiary test are also not eligible for the restricted permit.

First time DUI offenders must serve a mandatory 30 days of their suspension prior to being issued a restricted license.

An ignition interlock device restriction requirement is generally only ordered on a person with multiple DUI's. Since such offenders are not eligible for a restricted driver's license, the device is not a requirement of a DMV restricted license. However, if a court order required that such a device be placed on a specific restricted license, then the DMV would comply.

Notification & Enrollment process/procedures:

The procedure for acceptance into the program requires completion of a restricted license application. The applicant must complete the first part of the application as well as the verification of employment form that details the need for on the job and/or to/from the job driving. The applicant's employer must sign this latter form. Lastly, a restricted driving permit agreement entitled Department's Order and Driver's Agreement must be signed by both parties. This agreement lists the basic terms and conditions of issuing the restricted permit and specifies details such as the applicant shall maintain adequate liability insurance or an SR-22 certificate of insurance, the applicant shall not operate any motor vehicle for pleasure or recreation, the applicant shall abide by the rules and regulations concerning the restricted driving permit and if a DUI offender, the applicant will comply with any alcohol evaluation order. A \$35 application fee (*refundable if not accepted*) is also required as is the specified license reinstatement fee, which varies between \$15 and \$180.

Acceptance into the program is an administrative decision made by staff and the decision criteria considered includes the demonstrated need of the individual's driving privilege, the safety risk of providing said individual with a permit and the rehabilitative potential involved in issuing an offender such a permit. Rejected applicants can request

a hearing which is conducted in a semi-judicial setting, but the decision of the hearing officer is based on the aforementioned administrative rules and statutes. The respondent noted that a hearing request has not been made in the past 7 years. Courts can also order a restricted permit that would be honored by the DMV.

Participation in the program necessitates the surrendering of one's license and participants are issued a paper permit that lists the restrictions/limitations on the license. Driver name, address, license number, class, sex, weight, height, hair color, eye color, and date of birth are also included on the document.

The restricted license specifies the purpose, geography and time frame of allowable trips. Restrictions are determined on an ad hoc basis and applicants can request that trip purpose include work, school, medical for self and/or family and life maintenance needs.

Eligible offenders are notified of the program via their notice of suspension or revocation action letter. The DMV does not advertise the program.

Enforcement & Effectiveness:

Enforcement of the program is primarily limited to law enforcement personnel action or notification by the participant's employer that the individual has been terminated from their employment. If convicted of violating the program restrictions or a substantial change occurs in the driver's employment that affects the necessity of driving privileges, the participant's restricted permit may be canceled and his/her suspension or revocation re-activated. According to the Idaho DMV, there is no procedure in place to track the effectiveness of the program.

Administrative resources required:

According to the Idaho DMV, the administrative burden of the restricted permit program was minor, with two staff members of the Driver Record unit dedicated to the program.

Other:

Idaho does not partner with any organization/entity to assist in implementation of the restricted permit program.

In closing, the respondent commented that for restricted permit programs to be most successful, the regulations regarding these conditional permits should be based upon statute and administrative rules/regulations. Grounding the program in statute allows for administrative ease by providing objectivity and eliminating the need for staff to make "mercy calls" dependent on an offender's situation.

Interview participants:

Hal Putnam, Driver Record Unit supervisor
Idaho Division of Motor Vehicles
208-334-4465

STATE DRIVER'S LICENSE FOLLOW-UP SURVEY RESPONSES

ILLINOIS

Type of Mitigation program: Restricted driving permit program

Background:

Illinois differentiates between license suspension and revocation. The former involves the temporary removal of the privilege to operate a motor vehicle while the latter involves the indefinite formal withdrawal of the driving privilege. Reasons for suspension include traffic violations, traffic crashes, drug/alcohol test failure, drug/alcohol test refusal, parking violations and uninsured crashes. Revocations are defined as the removal of driving privileges for an indefinite period, and are reserved for offenses such as convictions for reckless homicide, aggravated DUI, DUI, leaving the scene, reckless driving, auto theft, drag racing and fleeing the police. Those who are revoked must reapply for a new license, meet with a hearing officer, pay the reinstatement fee and retake at a minimum, a vision, written and road test.

(Statute/code reference: 625 ILCS 56-201, 202, 203 and The Illinois Rules of the Road 2003 chapter 6)

According to the Driver Services Department, there are mandatory minimums of suspension/revocation, as well as discretionary suspension/revocation time in Illinois. The number, seriousness and circumstances of the offenses often dictates suspension/revocation time. Suspensions are generally from 1 month to 1 year and revocations last a minimum of 1 year. Mandatory minimums are in place for statutory summary suspensions and are as follows: 3 month suspension for first offense, 6 month suspension for first offense test refusal, 12 month for 2nd or subsequent offenses and 36 months for 2nd or subsequent test refusal.

(Statute/code reference: 625 ILCS 11-501)

The restricted driving permit program was created by statute and according to the Driver Services Department, it has been in existence for many years.

(Statute/code reference: 625 ILCS 5/6 – 205 (c); 625 ILCS 5/6 – 206 (c) 3; 625 ILCS 5/6 – 206.1)

The following statistical figures were provided by the Illinois Driver Services Department:

- o 8.4 million Illinois licensed drivers
- o 36,300 mandatory & discretionary revocations in 2003
- o 222,211 suspensions in 2003
- o 9,213 restricted licenses issued in 2003; 10,098 issued in 2002; 9,523 issued in 2001; 9,518 issued in 2000; 9,277 issued in 1999

Eligibility requirements:

The classes of drivers eligible for a restricted driving permit include certain DUI offenders and suspensions/revocations for repeated traffic convictions. Those suspended/revoked for compliance issues (*e.g. failure to pay*) are not eligible.

If the offender's current revocation is the result of a 2nd or subsequent alcohol-related conviction or if the individual is an under 21 alcohol-related offender, a restricted driving permit will not be issued until the expiration of at least one year from the date of revocation. 1st time DUI offenders must serve a mandatory 30 days of their suspension prior to being deemed eligible for a restricted driving permit.

An ignition interlock device is required for early license-reinstatement if an offender's license has been suspended or revoked due to 2 or more DUI convictions within a 10-year period.

Notification & Enrollment process/procedures:

The procedure for acceptance into the program requires completion of a restricted driving permit application and either an informal or formal hearing. The same application is used whether the offender is applying for an employment, medical, educational or support group permit. The applicant must complete the first part of the application and the relevant section requesting verification of employment, medical, educational and/or support group driving need. The applicant must also specify which forms of transportation (*if any*) are available to him/her and what plans the individual has to become a more responsible driver in the future. The fee for each of the 4 types of restricted permits is \$8 and the offender can request any or all of the permits if eligible. If the applicant has a revoked license, proof of financial responsibility in the form of SR22 insurance must be submitted and the driver's license examine re-taken to receive a restricted permit.

With regard to the required hearing, an informal hearing is conducted on a walk-in basis only and is reserved for applicants with first offense DUI's and those suspended/revoked for reasons such as repeat traffic offenses. To receive a formal hearing, the applicant must make a written request and submit a \$50 filing fee to the desired hearing location (*4 sites are available*). Formal hearings are generally reserved for those with subsequent DUI offenses. Prior to the hearing, DUI offenders must submit an Alcohol/Drug Uniform Report completed by an OASA licensed agency and based upon that report, the individual will be classified into one of 5 specified risk categories. Depending upon which classification level is assigned, the applicant will have to demonstrate compliance with specific requirements at the hearing, such as completion of a DUI risk education course, provide a copy of an individualized treatment plan, etc. No applicant can have any tickets pending at the time of the hearing (*unless the pending citations are also the only cause of the current loss of driving privileges*).

A hearing officer, who is typically an attorney under contract with the Secretary of State office, determines acceptance into the program. The interview respondents were not aware of an appeals process but a hearing officer consultation checklist provided to the

research team indicated that if denied driving relief following an informal hearing, there is a minimum of 30 days before another hearing can be conducted and if denied driving relief following a formal hearing, there is a minimum of 4 months before another hearing can be conducted. Courts do not issue restricted permits but they can instruct the Driver Services Department to issue a judicial driving permit. Judicial driving permits are issued following a circuit judge's order to a first offender age 18 or older serving a statutory summary suspension following an arrest for driving while under the influence of alcohol and/or other drugs.

Participation in the program necessitates the surrendering of one's license and participants are issued a paper permit that specifies the purpose and geography of allowable trips. The time frame of allowable trips is sometimes specified as well. Depending on which of the above described permits one receives, the successful applicant will be given permission to drive for work, school, medical (*self and/or dependent*) and/or rehabilitation (*e.g. support group*) trips.

Eligible drivers are made aware of the program via the notice of suspension or revocation sent to them by the Driver Services Department. The application is not available on the department website.

Enforcement & Effectiveness:

Enforcement of the program is limited to law enforcement personnel action. If convicted of violating the program restrictions, the permit is canceled and the participant is placed back into suspension. The period of the original suspension/revocation may also be extended.

According to the Illinois Driver Services Department, the program's effectiveness is not tracked.

Administrative resources required:

This question was not asked of the respondents.

Other:

Illinois does not partner with any organization/entity to assist in implementation of the restricted driving permit program.

In closing, the respondent commented that for a restricted driving permit program to be most successful, automation of the process is necessary. The program should also be designed in a dynamic and flexible manner so that it can adjust to potential legislative changes.

Upon further inquiry, the project team learned that a probationary license is also available in Illinois. To be deemed eligible, an applicant must be suspended for three months or less for being convicted of three moving violations issued within a 12-month period. In addition, the individual must attend an eight-hour defensive driving course.

The probationary license does not provide geographical restrictions nor limit drivers to operating a vehicle during certain hours of the day.

Interview Participants:

JoAnn Wilson, Programs and Policy legislative liaison
Pam Hurley, Traffic Violations assistant manager
Kevin Duragan, Ms. Hurley's assistant
Illinois Driver Services Department
217-524-6144

STATE DRIVER'S LICENSE FOLLOW-UP SURVEY RESPONSES

IOWA

Type of Mitigation program: Temporary Restricted License (TRL)

Background:

Iowa does not statutorily differentiate between license suspension and revocation. However, the Office of Driver Services and Licensing reported that the department does handle suspensions and revocations differently. The former involves the temporary removal of the privilege to operate a motor vehicle while the latter involves the formal withdrawal of the driving privilege. Reasons for suspension include reckless driving, habitual traffic violations, failure to pay fines, penalties and surcharges, and uninsured crashes. Revocations are reserved for offenses such as convictions for reckless homicide, Operating While Intoxicated (OWI), drag racing and fleeing law enforcement. Those who are revoked must reapply for a new license, meet with a hearing officer and pay the reinstatement fee. If revoked for one year or less, the individual must also retake the written test. If revoked longer than 1 year, both the written and road test must be taken.

(Statute/code reference: 321.209, 321.210, 321.210A)

According to the Driver Services Department, there are mandatory minimums and maximums of suspension/revocation, as well as discretionary suspension/revocation time in Iowa. The number, seriousness, and circumstances of the offense(s) typically determines suspension/revocation time. Suspensions generally last 30 days to 1 year and revocations last a minimum of 6 months to a maximum of 6 years. Mandatory minimums are in place for statutory OWI summary revocations that include a 6-month revocation for first offense OWI, 2 years for a second OWI conviction, and 6 years for a third OWI conviction.

(Statute/code reference: 321J.4; 321J.12)

The restricted driving permit program was created by statute and according to the Driver Services Department, it has been in existence since 1931. Administrative regulations also guide implementation of the restricted license program.

(Statute/code reference: 321.215, Administrative regulation 761-615)

The following statistical figures were provided by the Iowa Driver Services Department:

- o 2 million Iowa licensed drivers
- o 5,700 suspended/revoked drivers were eligible for the TRL in 2003
- o 4,200 took advantage of the program in 2003

Eligibility requirements:

The classes of drivers eligible for a restricted driving permit include OWI violators, habitual traffic violators, and first time drag racing convictions. Those suspended/revoked for compliance issues (*e.g. failure to pay*) such as child support are not eligible.

1st time OWI offenders must serve a mandatory 30 days of their revocation prior to being deemed eligible for a restricted driving permit. If the offender's current revocation is the result of a 2nd or subsequent alcohol-related conviction, a restricted driving permit will not be issued within one year from the date of revocation. 1st time OWI offenders under age 21 must serve at least 60 days of their revocation prior to being deemed eligible for a restricted permit. 1st time refusal to submit offenders must serve 90 days of their revocation and 2nd time such offenders will not be eligible for the permit for the period of at least one year.

An ignition interlock device is required if an offender's license has been suspended or revoked due to 2 or more OWI convictions.

Notification & Enrollment process/procedures:

The procedure for acceptance into the program requires completion of a restricted driving permit application. The same application is used whether the offender is applying for an employment, medical, educational or support group permit. The applicant must complete the first part of the application and the relevant section requesting verification of employment, medical, educational and/or support group driving need. The fee for a restricted permit is \$20. Proof of financial responsibility in the form of SR22 insurance must be submitted and the applicant must complete both the written and road examines in order to receive a restricted permit.

DUI offenders must submit proof of completion of an approved drunk driving course and substance abuse evaluation and treatment rehabilitation services. Once a determination of eligibility is made, a successful applicant is notified by mail to report to a Driver's license station to obtain their temporary restricted license.

A hearing officer from the Department of Driver Services determines acceptance into the program. An appeals process, called an "informal settlement", allows for individuals to appeal licensing decisions from the Department of Driver Services. Individuals can appeal either to the Department of Inspections and Appeals or can request a judicial review. Courts also have the authority to issue temporary restricted licenses.

Participation in the program necessitates the surrendering of one's license and participants are issued a new digital I.D. and an authorization letter that specifies the individual's driving restrictions, including driving purpose, geography, and time frame of allowable trips. Regarding trip purpose, the successful applicant may be given permission to drive for work, school, medical (*self and/or dependent*), rehabilitation (*e.g.*

substance abuse treatment) trips, transportation of a dependent to a child care provider and/or transportation to court-ordered community service.

Eligible drivers are made aware of the program via the notice of suspension or revocation sent to them by the Driver Services Department. The application is not available on the department website.

Enforcement & Effectiveness:

Enforcement of the program is limited to law enforcement personnel action. If convicted of violating the program restrictions, the permit is canceled and the participant is placed back into suspension/revocation. The period of the original suspension/revocation is also extended.

According to the Iowa Driver Services Department, there is no procedure in place to track the effectiveness of the program.

Administrative resources required:

The Driver Improvement Program, which is the unit responsible for the issuance of temporary restricted licenses, has one staff member who devotes one-third of his time to the program. Two other staff members each give approximately twenty-five percent of their time to the program. Currently, the state is developing a new automated system to aid in determining eligibility of TRL applicants.

Other:

Iowa does not partner with any organization/entity to assist in implementation of the restricted driving permit program.

In closing, the respondent stated that the program is effective in reducing the number of habitual offenders and that the program's eligibility is expanding over time. The respondent added that the state's previous requirement of in-person interviews as one component of the application process was valuable, but it was never determined if the high costs for this practice were justified in terms of results.

Interview Participants:

Terry Dillinger, Office of Driver Services/Licensing director
Jane Holorf, staff member
Iowa Motor Vehicle Division
515-237-3153

STATE DRIVER'S LICENSE FOLLOW-UP SURVEY RESPONSES

KANSAS

Type of Mitigation program: Restricted License

Background:

Kansas statutorily differentiates between license suspension and revocation. The former involves the temporary removal of the privilege to operate a motor vehicle while the latter involves the formal withdrawal of the driving privilege. Reasons for suspension include DUI convictions, habitual traffic violations, failure to pay fines, penalties and surcharges, and uninsured accidents. Revocations are reserved for offenses including convictions for reckless homicide, failure to stop and render aid, reckless driving, and fleeing law enforcement. Those who are revoked must reapply for a new license and pay a reinstatement fee. Applicants may also be required to retake both the written and road exams.

(Statute/code reference: Kansas Statutes Chapter 8, Sections 254, 255, 1207, 1210, 1219, & 1567)

According to the Kansas Department of Revenue, Kansas imposes mandatory minimum periods of suspension/revocation, as well as discretionary suspension/revocation time. Mandatory suspension periods are in place for DUI and refusal to submit to chemical testing offenses. DUI suspension periods are as follows: 1 year suspension imposed for a first DUI conviction, 2 years for a second DUI conviction, 3 years for a third DUI conviction and 10 years for a fourth DUI conviction.

(Statute/code reference: Kansas Statutes Chapter 8, Section 1014)

The restricted license program was created by statute according to the Driver Control Department. There are no administrative regulations that guide implementation of the restricted license program.

(Statute/code reference: Kansas Statutes Chapter 8, Section 292)

The following statistical figures were provided by the Kansas Department of Revenue:

- o 1.9 million Kansas licensed drivers
- o 103,000 suspended/revoked drivers in 2003

Eligibility requirements:

The classes of drivers eligible for a restricted license include DUI violators, habitual traffic violators, reckless driving offenders and those convicted of fleeing law enforcement. Those suspended/revoked for compliance issues (*e.g. failure to pay*) such as child support are not eligible.

1st time DUI offenders must serve a mandatory 30 days of their suspension prior to being deemed eligible for a restricted license. If an offender's current suspension is the result of a 2nd, 3rd or 4th alcohol-related conviction, a restricted license will not be issued within one year from the date of suspension. An Ignition Interlock Device (IID) is required to receive a restricted license if a given offender's license has been suspended or revoked due to 2 or more DUI convictions.

Notification & Enrollment process/procedures:

The procedure for acceptance into the program does not require completion of an application nor is there a fee for the restricted license. An administrator from the Department of Driver Control determines eligibility following review of the suspended/revoked driver's record. Eligible offenders receive an authorization letter for the restricted license via mail with their suspension/revocation notice.

An appeals process allows for individuals to appeal licensing decisions and involves meeting with a hearing officer from the Department of Driver Control. Courts also have the authority to issue restricted licenses. Participation in the program necessitates the surrendering of one's license and participants are issued an authorization letter that specifies the individual's driving restrictions, which include driving purpose, geography, and time frame of allowable trips. With regard to trip purpose, the successful applicant may be given permission to drive for work, school, medical (*self and/or dependent*) and/or rehabilitation (*e.g. substance abuse treatment*) trips.

Eligible drivers are made aware of the program via the notice of suspension or revocation sent to them by the Department of Driver Control.

Enforcement & Effectiveness:

Enforcement of the program is limited to law enforcement personnel action. If convicted of violating the program restrictions, the license is canceled and the participant is placed back into suspension/revocation. According to the Kansas Department of Revenue, there is no procedure in place to track the effectiveness of the program.

Administrative resources required:

The Department of Driver Control, which is the unit responsible for the issuance of all licenses, has 45 staff members. A portion of one staff member's work responsibilities includes the authorization and issuance of restricted licenses.

Other:

Kansas does not partner with any organization/entity to assist in implementation of the restricted license program.

Interview Participants:

Marcy Ralson, Driver Control Services manager
Kansas Department of Revenue
785-296-6894

STATE DRIVER'S LICENSE FOLLOW-UP SURVEY RESPONSES (EMAIL)

LOUISIANA

Type of Mitigation program: Restricted License Program & Payment Plan

Background:

Louisiana differentiates between license suspension and revocation. Suspension is defined as a temporary withdrawal of the privilege to operate a motor vehicle while revocation is defined as the termination of the privilege to operate a motor vehicle. Reasons for suspension include leaving the scene of an accident, eluding law enforcement, DWI offenses, and compliance issues (*failure to pay & to appear*) including child support and unpaid state taxes. Revocations are reserved for offenses such as vehicular homicide, a DWI offense resulting in a crash that causes bodily harm and habitual reckless and negligent driving.

(Statute/code reference: Louisiana Revised Code 32.401, 32.432)

According to Louisiana state statutes, Louisiana imposes mandatory minimum suspension/revocation periods, as well as discretionary suspension/revocation time. Mandatory suspensions are in place for DWI convictions. A 90 day suspension is mandated for a 1st DWI offense, 1 year for a 2nd DWI offense, 2 years for a 3rd DWI offense, and a 2 year suspension plus vehicle seizure for a 4th and subsequent such offense. A 6 month license suspension is mandatory for a single conviction for refusal to submit to chemical testing and an 18 month suspension is mandated for a 2nd or subsequent refusal to submit to chemical testing.

(Statute/code reference: Louisiana Revised Code 14.98, 32.666)

According to the Louisiana Office of Motor Vehicles, the restricted license program was created by statute. There are no administrative rules that guide implementation of the restricted license program.

(Statute/code reference: Louisiana Revised Code 32.415.1)

The Louisiana Office of Motor Vehicles provided no statistical information. It is known that there are approximately 3 million licensed Louisiana drivers.

Eligibility requirements:

The classes of suspended/revoked drivers eligible for a restricted license include DWI offenders, those with refusal to submit to chemical testing, and reckless driving offenders. Drivers who have had their license suspended for failure to pay fines may be eligible for a restricted license provided that they enter into a court approved payment plan, while other compliance issues (*e.g. failure to appear*) including child support, are not eligible for a restricted license.

1st time DUI offenders are immediately eligible for a restricted license. 2nd and 3rd time DUI offenders must serve 1 year of their suspension before they are considered eligible for a restricted license.

The court may require the use of an Ignition Interlock Device (IID) as a requirement for receiving a restricted license for DWI offenders.

Notification & Enrollment process/procedures:

The procedure for acceptance into the program involves filing a petition in the district court where the person resides requesting restricted driving privileges. The fee for the restricted license is \$50. Proof of financial responsibility in the form of SR22 insurance must be submitted.

Courts approve the issuance of restricted licenses to eligible drivers upon determination that license loss will deprive the offender and/or family of the “necessities of life”, prevent the offender from earning a living or deprive him/her from obtaining medical treatment. The Office of Motor Vehicles issues the restricted license upon receipt of the order from the court. Applicants denied a restricted license can file an appeal with the court.

Participation in the program necessitates the surrendering of one's license and participants are issued a restricted license that has a large red letter “R” printed on the face of the document. In addition, the participant must carry with him/her the court order granting the license and specifying the driving restrictions. The driving restrictions are determined by the judge on an individual basis with purpose, geography, and time frame of allowable trips specified. Employment, medical, and/or rehabilitation (*e.g. court ordered treatment program*) trips are generally permitted.

Drivers are made aware of the program upon inquiring with the Louisiana Office of Motor Vehicles. If the statute provides for a restricted license it is also noted on the official notification of license withdrawal sent to a given offender. The restricted license petition is not available on the Louisiana Office of Motor Vehicles website.

Enforcement & Effectiveness:

Enforcement of the program is limited to law enforcement personnel actions. If convicted of violating the program restrictions, the permit is canceled and the participant is placed back into suspension/revocation. The length of suspension/revocation is also extended for a period of one year.

According to the Louisiana Office of Motor Vehicles, there is no procedure in place to track the effectiveness of the program.

Administrative resources required:

Question not asked on the follow-up email questionnaire.

Other:

Louisiana does not partner with any organization/entity to assist in implementation of the restricted license program.

As mentioned above, Louisiana provides for a payment plan for drivers deemed by the court as unable to pay fines. In such cases, the district county court may establish a reasonable payment plan and not allow for the suspension of the participant's license. In addition, Louisiana offers a license reinstatement fee reduction for offenders who have been suspended for violating the state's compulsory insurance requirement. *(Statute/code reference: Louisiana Revised Code 32.895)*

Email respondent:

Gloria Jones, Headquarters Administrator
Louisiana Office of Motor Vehicles
225-925-6281

STATE DRIVER'S LICENSE FOLLOW-UP SURVEY RESPONSES (EMAIL)

MICHIGAN

Type of Mitigation program: Restricted License Program

Background:

Michigan differentiates between license suspension and revocation. The former involves the temporary withdrawal of the privilege to operate a motor vehicle while the latter involves the formal termination of the driving privilege. Reasons for suspension include reckless driving, habitual traffic violations, and compliance issues (*failure to pay fines, penalties and surcharges*) including child support. Revocations are reserved for offenses such as convictions for Operating While Intoxicated (OWI), fleeing law enforcement, vehicular homicide, and leaving the scene of an accident. Those who are revoked must reapply for a new license and may be required to retake driving exams as determined by the Department of State.

(Statute/code reference: Michigan Compiled Laws 257.52, 257.66, 257.319, 257.320e)

According to the Michigan Department of State, there are mandatory as well as discretionary suspension/revocation periods in Michigan. The number, seriousness and circumstances of the offenses often dictates suspension/revocation time. Mandatory suspensions/revocations are in place for OWI convictions and refusal to submit to chemical testing. A 6-month revocation is mandated for a first OWI offense, a 1-year minimum for the 2nd OWI offense committed within a 7-year period, and a 5-year minimum for a 3rd OWI offense committed within the previous 10-year period. A 1-year license revocation is mandatory for a single conviction for refusal to submit to chemical testing and a 2-year revocation is mandatory for a 2nd conviction for refusal to submit to chemical testing within a 7-year period.

(Statute/code reference: Michigan Compiled Laws 257.319)

The restricted license program was created by statute and according to the Michigan Department of State, it was updated in 1999 to remove responsibility from the courts of imposing licensing actions in an effort to decrease inconsistencies in licensing actions. In all, the legislature has sought a more uniform system for licensing actions since 1999.

(Statute/code reference: Michigan Compiled Laws 257.323c, 257.319(17))

The following statistical figures were provided by the Michigan Department of State:

- o 7.1 million licensed drivers in Michigan
- o The department does not track the number of restricted licenses issued

Eligibility requirements:

The classes of suspended/revoked drivers eligible for the restricted license include 1st time OWI offenders, 1st time refusal to submit to chemical testing convictions, and habitual traffic offenders. Those suspended/revoked for 2 or more refusal to submit to chemical testing or OWI convictions within a 7-year period and those with compliance issues (*e.g. failure to appear*), including child support, are not eligible.

1st time OWI offenders must serve a mandatory 30-day period of their suspension prior to being deemed eligible for a restricted license.

Ignition Interlock Devices (IID) are not required to receive a restricted license.

Notification & Enrollment process/procedures:

The procedure for acceptance into the program does not require the completion of a restricted license application. The abstract of conviction of the driver is forwarded to the Department of State from the court. The Michigan Department of State then issues a restricted license almost immediately after receiving notice of a driver's conviction, if the driver is eligible.

Courts are not authorized to issue a restricted license except if a driver's license has been suspended for a first implied consent suspension, driving while license suspended or suspended for physical or mental disability.

Participation in the program necessitates the surrendering of one's license and participants are issued a license that specifies the restrictions determined by the Department of State, which include purpose, time frame and geography of allowable trips. Permitted restricted license trip purposes include employment, education, medical (*self and/or dependent*), rehabilitation (*e.g. court ordered treatment program*), court ordered community service and trips to the court probation department.

An appeals process allows for individuals to appeal licensing decisions from the Department of State. The circuit courts are only permitted to review if the agency's revocation action was illegal.

The court notifies eligible drivers of the restricted license program at the time of conviction.

Enforcement & Effectiveness:

Enforcement of the program is limited to law enforcement personnel actions. If convicted of violating the program restrictions, the permit may be canceled and the participant is typically placed back into suspension/revocation. He/she may also be called to the Department of State for a personal interview.

According to the Michigan Department of State, there is no procedure in place to track the effectiveness of the program.

Administrative resources required:

According to the Michigan Department of State, the administrative burden of the program is minor, and only involves staff in the processing and mailing of the restricted licenses.

Other:

Michigan does not partner with any organization/entity to assist in implementation of the restricted license program.

In closing, the respondent stated that Michigan's restricted license program is not a true "hardship" program, for the issuance of a restricted license is not dependent on a given offender's need but is rather a matter of right, if state statute provides for a restricted license based on the type and prior frequency of the conviction in question.

The respondent added that some Michigan legislators have suggested a law that would allow for a "hardship" license. However, the respondent explained that opposition to this law is based on the fact that in some instances, the most serious offenders could continue to drive notwithstanding the severity of their driving record, while persons with lesser records could not qualify for a "hardship" license because they could not prove hardship.

Email respondent:

Ronald Vranceff, Customer Services Administration
Michigan Secretary of State
517-322-3447

STATE DRIVER'S LICENSE FOLLOW-UP SURVEY RESPONSES

MINNESOTA

Type of Mitigation program: Work/School limited license program

Background:

Minnesota differentiates between license suspension and revocation. The former involves the temporary removal of the privilege to operate a motor vehicle while the latter involves the formal rescission of the driving privilege for a specific minimum period of time. Reasons for suspension include habitual violation of traffic laws (*e.g. 4 violations in 12 month period, 5 violations in 24 month period*), habitual reckless/negligent driving, unlawful use of license, failure to pay child support and underage drinking. Revocations are reserved for offenses such as driving-related manslaughter, failure to maintain insurance, felony committed with a motor vehicle, certain DUI offenses and perjury under any law related to a motor vehicle. Suspension periods are between 30 days and 1 year, while revocation periods can last longer than one year.

(Statute/code reference: 171.17 and 171.18 and code 7409)

According to the Minnesota Driver and Vehicle Services Division, Minnesota imposes mandatory minimum suspension/revocation for some offenses, as well as discretionary suspension/revocation time. The number and seriousness of the offenses often dictates suspension/revocation time. Mandatory minimums are in place for DUI offenses and are as follows: 30-day suspension for first offense with submission to a chemical test and 90 days for first offense without submission to chemical testing; 180 days for second or subsequent offense (*occurring within 10 years*) with submission to chemical test and 1 year for second or subsequent offense without submission to chemical testing. The mandatory minimum revocation for failure to maintain insurance is 30 days.

(Statute/code reference: 169A.54)

Minnesota has had a limited license program for over 20 years and statute gives the DVS the authority to issue limited licenses. Administrative code also guides implementation of the program.

(Statute/code reference: 171.30 and code 7400's)

With regard to suspension statistics, the Minnesota Driver and Vehicle Services division provided the following 2002 figures:

- o 3.6 million Minnesotan drivers
- o 115,871 suspensions
- o 47,629 revocations
- o 20,405 cancellations
- o 10,560 limited licenses issued via in-person interviews & 6,000 issued via phone interviews

Eligibility requirements:

The classes of drivers who are eligible for a limited license includes the following suspension categories among others: habitual violators of traffic laws or those deemed habitually reckless/negligent, those deemed incompetent to drive a motor vehicle as determined in a judicial proceeding, those who permitted an unlawful or fraudulent use of their license, those who committed underage drinking and those who are in non-payment of child support. Court ordered suspensions such as failure to pay parking tickets or court fines are not eligible for the work/school limited license. The following revocation categories are also eligible for a limited license: failure to produce proof of insurance, controlled substance offense, manslaughter resulting from operation of a motor vehicle, felony committed in the commission of which a motor vehicle was used, perjury under any law relating to the ownership or operation of a motor vehicle, fleeing a police officer and certain DUI offenses (test refusal or failure). Offenders with failure to maintain insurance convictions must submit a copy of their SR-22 insurance to be eligible for a limited license.

First time DUI offenders must serve a mandatory 15 days of their suspension or revocation prior to being deemed eligible. Second or subsequent offenders who submitted to chemical testing must serve 90 days of their suspension/revocation and second or subsequent offenders who do not submit to chemical testing must serve 180 days. A 60 day waiting period is required for those who have been revoked or suspended for commission of any felony in which a motor vehicle was used and for those who failed to stop and disclose identity in the event of a motor vehicle accident resulting in the death or personal injury of another. Those revoked for feeling a police officer have a 6-month wait period and also need a letter from the judge to be eligible for a limited license and those who commit criminal vehicular manslaughter have a 1-year waiting period.

Currently, the DVS does not require DUI offenders to have an ignition interlock device in order to be eligible for the limited driver license program.

Notification & Enrollment process/procedures:

The procedure for acceptance into the program involves meeting with a DVS evaluator in person or speaking via phone. An application is only required for those seeking a limited license for child support suspension. Limited licenses for these offenders are only valid for 90 days and are not renewable. Employer verification is generally not needed for acceptance into the program.

Acceptance into the program is an administrative decision made by staff and the criteria considered includes number and seriousness of prior convictions and the entire driving record of the offender. Availability of public transportation and potential for carpooling are also considerations. There is no official appeals process but rejected applicants can re-contact the DVS to discuss why the license was denied. Courts do not have the authority to issue limited licenses.

Participation in the program does not necessitate the surrendering of one's license. Participants are also issued a paper permit that lists the restrictions/limitations on the license and includes their driving record.

The limited license specifies the purpose, geography and time frame of allowable trips. Applicants can request that trip purpose include work, post-secondary education and/or chemical dependency treatment/counseling. In addition, a homemaker, defined as the person primarily performing the domestic tasks in a household consisting of at least the person and his/her dependent child or others, can request a homemaker allowance that would permit the recipient driving privileges for specific trips. Homemaker trip examples include 2 hours for grocery store trips, 1 hour for medical trips, etc.

Eligible individuals are made aware of the program via their notice of suspension or revocation. The application is available on the DVS website for those seeking the limited license due to child support suspension.

Enforcement & Effectiveness:

Enforcement of the program is limited to law enforcement personnel actions. If convicted of violating the program restrictions, the restricted license is canceled and the participant is placed back into suspension or revocation. The offender is not permitted to operate a motor vehicle for the remainder of the suspension or revocation, or 30 days, whichever is longer.

According to the Minnesota Driver and Vehicle Services division, there is no procedure in place to track the effectiveness of the program.

Administrative resources required:

According to the Minnesota Driver and Vehicle Services division, the administrative burden of the limited license program is not significant, with fifteen staff members sharing the responsibility of program administration as one component of their many job duties.

Other:

Minnesota does not partner with any organization/entity to assist in implementation of the limited license program.

In closing, the respondent commented that for restricted license programs to be most successful, eligibility criteria for acceptance into such programs must be clear and law enforcement and courts should be involved in the program to some extent. A public service campaign to advertise the program (s) would also be beneficial.

Interview participants:

Joan Kopcinski, Driver Services coordinator
Minnesota Driver and Vehicle Services Division
651-296-7624

STATE DRIVER'S LICENSE FOLLOW-UP SURVEY RESPONSES

MISSOURI

Type of Mitigation program: Limited Driving Privilege

Background:

Missouri statutorily differentiates between license suspension and revocation. A suspension involves the temporary withdrawal of the privilege to operate a motor vehicle while the latter involves the formal withdrawal of the driving privilege. Reasons for suspension include failure to pay fines, failure to maintain insurance, failure to pay child support, and uninsured crashes. Revocations are reserved for offenses including reckless homicide, Driving While Intoxicated (DWI), reckless driving, habitual traffic offenses, failure to submit to chemical testing, and fleeing law enforcement.

Reinstatement of a revoked license requires that the individual retake both the written and road test. Re-testing is not required for reinstatement of a suspended license.

(Statute/code reference: Missouri Revised Statutes Chapter 302, section 304)

According to the Missouri Department of Motor Vehicles Driver Licensing division, there exist mandatory minimums of suspension/revocation time in Missouri. The number, seriousness, and circumstances of the offense(s) typically determines suspension/revocation time. The Driver Services division also has discretionary authority to determine suspension/revocation periods. Suspensions may last anywhere from 30 days to 2 years. Mandatory minimums are in place for statutory DWI summary revocations and include a 30-day revocation for a first offense (followed by a 60 day restricted driving period) and a 1 year revocation for a second or subsequent such offense. A driver convicted of driving while intoxicated for the second time within a five-year period also receives a five-year license denial. A ten-year license denial is imposed against any individual convicted three or more times for driving while intoxicated, with excessive blood alcohol content (BAC) or a combination thereof within a ten-year period. After ten years, the privilege to drive can be restored only by court order.

(Statute/code reference: Missouri Revised Statutes 302.302, 302.525, 577.010, 577.012)

The limited driving privilege program was created by statute and according to the Driver Licensing division, it has been in existence since the 1970s. There are no administrative regulations that guide implementation of the limited driving program.

(Statute/code reference: Missouri Revised Statutes title 19, chapter 302 sections 010 & 309)

The Missouri DMV Driver Licensing division provided the following statistical figures:

- o 3.5 million licensed drivers
- o 320,344 suspended/revoked drivers in the period 7/1/02 to 6/30/03
- o 3,508 limited licenses issued in 7/1/02 to 6/30/03 period; 1,621 denied

Eligibility requirements:

The classes of drivers eligible for a limited driving permit include DWI violators, reckless driving violators, and traffic violators (points). Those suspended/revoked for compliance issues (e.g. *failure to pay*) such as child support are not eligible, nor are drivers who have been suspended for negligent vehicular homicide, habitual offenders, failure to render aid, or for failure to submit to a chemical test two or more times. In addition, no individual may be granted a limited driving permit if one has been issued within the previous 5-year period.

There is mandatory minimum waiting periods prior to being deemed eligible for a limited driving privilege. As noted above, a first-time DWI conviction results in a 30-day revocation. Following the first 30 days, the driver may receive a 60-day restricted driving privilege. The driver is eligible for full reinstatement after 90 days if all reinstatement requirements are met. If the offender's current revocation is the result of a 2nd alcohol-related conviction that falls inside of a five-year period, a limited driving permit will not be issued in the first two years of the revocation period. If the offender's current revocation is the result of a third alcohol-related conviction that falls inside of a ten-year period, a limited permit will not be issued in the first three years of the revocation period.

Courts require the use of an Ignition Interlock Device (IID) if an offender's license has been suspended or revoked due to 2 or more DWI convictions within a 5-year period.

Notification & Enrollment process/procedures:

The procedure for acceptance into the program requires completion of the limited driving privilege application and the relevant sections requesting verification of employment, medical, educational and other special circumstances that require the operation of a motor vehicle. There is no fee for a limited license. Proof of financial responsibility in the form of SR22 insurance must be submitted. DWI offenders must submit proof of completion of an approved Substance Abuse Traffic Offender Program (SATOP).

Acceptance into the program is determined by a DMV Department of Revenue administrator. Circuit courts also have the authority to issue a limited permit. Applicants rejected by the DMV or courts can appeal to the circuit court of the county of their residence or place of employment.

Participation in the program necessitates the surrendering of one's license and participants are issued an 8.5" x 11" limited paper license. Driving restrictions are determined on an individual basis and may specify driving purpose, geography, and time frame of allowable trips. Regarding trip purpose, the successful applicant may be given permission to drive for work, school, medical (*self and/or dependent*), and/or rehabilitation (e.g. *alcohol or drug treatment programs*) trips.

Eligible drivers are not made aware of the program via the notice of suspension or revocation sent to them by the Driver Licensing division. Courts do publicize the limited license program. The application is also available on the DMV website.

Enforcement & Effectiveness:

Enforcement of the program is limited to law enforcement personnel action. If convicted of violating the program restrictions or convicted of a moving violation resulting in a 2-point assessment, the privilege is canceled and the participant is placed back into suspension/revocation.

According to the Missouri Driver Licensing division, there is no procedure in place to track the effectiveness of the program.

Administrative resources required:

According to the Missouri Driver Licensing division, there is an automated system in place to aid in determining a driver's eligibility for the program. The respondents reported that one administrator's full-time responsibility is to enter all driver information into the system and to determine eligibility. There is also one unit supervisor assigned to oversee the program as part of his/her responsibility.

Other:

Missouri does not partner with any organization/entity to assist in implementation of the limited driving permit program.

The respondents reported that the automated system is very successful. There is a maximum 3-day turn-around from the time a limited driving privilege application is received until a decision is made on that said application. Only 5-10% of applications require administrative evaluation in addition to automated system review.

The respondents commented that the limited driving privilege program helps reduce the number of people driving while suspended, by providing them with viable options.

Interview Participants:

Barbara Schaller, Driver Licensing/DWI programs/Driver License and Non-resident violator compacts/CDL/FR assistant administrator

James Whitt

Carol Struempf

Gina Ahlers

Missouri Department of Motor Vehicles

573-526-5332

STATE DRIVER'S LICENSE FOLLOW-UP SURVEY RESPONSES

MONTANA

Type of Mitigation program: Restricted/Probationary License program

Background:

Montana differentiates between license suspension and revocation. The former involves the temporary interruption of the privilege to operate a motor vehicle while the latter involves the withdrawal of the driving privilege. Reasons for suspension include traffic violations and compliance issues (*failure to pay & to appear*), including failure to pay child support. Revocations are reserved for offenses such as convictions for habitual offenders, reckless homicide, DUI violations, drug violations, failure to submit to chemical testing, leaving the scene of an accident, auto theft, and fleeing law enforcement. Those revoked must reapply for a new license and retake the written and road exams.

(Statute/code reference: Montana Consolidated Statutes title 61, chapt. 5, sections 205 & 206)

According to the Montana Department of Motor Vehicles, there are mandatory minimums as well as discretionary suspension/revocation time in Montana. The number, seriousness and circumstances of the offenses often dictates suspension/revocation time. Mandatory revocations are in place for statutory DUI summary violations. A 6-month revocation is mandated for the 1st DUI offense or refusal to submit to chemical testing, and a 1-year revocation is mandated for a 2nd or subsequent DUI or refusal to submit offense committed within a 5-year period.

(Statute/code reference: Montana Consolidated Statutes 61-8-401 & 402)

The probationary license program was created by statute according to the Montana Department of Motor Vehicles and has been in place for decades. Administrative regulations also guide implementation of the probationary license program.

(Statute/code reference: Montana Consolidated Statutes 61-2-206, Administrative Rules of Montana 23.2.122)

The following statistical figures were provided by the Montana Department of Motor Vehicles:

- o 450,000 Montana licensed drivers
- o 31,931 suspensions and revocations in 2003
- o 1,716 probationary licenses issued in 2003 for alcohol offenses. Probationary license statistics for other offenses was not available.

Eligibility requirements:

The classes of drivers eligible for a probationary license include 1st time DUI offenders, reckless driving offenders and repeat traffic conviction offenders. Those suspended/revoked for vehicular homicide, refusal to submit to chemical testing, 2nd or subsequent DUI convictions, medical incompetence, leaving the scene of an accident, underage alcohol violation, driving while license suspended/revoked and compliance issues (*e.g. failure to appear & pay*) are not eligible.

1st time DUI offenders must complete an alcohol safety action program prior to being deemed eligible for a probationary license. No specific waiting period is required.

Courts may require an Ignition Interlock Device (IID) for the issuance of a probationary license for a 1st DUI conviction.

Notification & Enrollment process/procedures:

The procedure for acceptance into the program requires completion of the probationary license application and submission of the petition to the Montana DMV. The application is brief and requires the applicant to describe his/her need of a driver's license.

Acceptance into the program is an administrative decision made by the Montana DMV. Courts also have the authority to grant a probationary license if they levy the particular suspension/revocation. In such instances, the court notifies the Montana DMV to issue the probationary license. Applicants denied a probationary license have no appeals process available to them.

Participation in the program necessitates the surrendering of one's license and participants are issued a probationary license specifying the permitted trip purposes, geography, and hours of operation. Depending on which driving purposes are requested in the probationary license application, the successful applicant may be given permission to drive for work, school, household needs and/or chemical dependency program trips.

Eligible drivers are made aware of the program in the notice of suspension or revocation sent to them by the Department of Motor Vehicles. The probationary license application is not available on the department website.

Enforcement & Effectiveness:

Enforcement of the program is limited to law enforcement personnel actions. If convicted of violating the program restrictions, the probationary license is canceled and the participant is placed back into suspension/revocation.

According to the Montana DMV, there is no procedure in place to track the effectiveness of the program.

Administrative resources required:

According to the Montana DMV, administration of the probationary license program requires minimal administrative support, with one full time employee dedicating a small percentage of her/his time to the program.

Other:

Montana does not partner with any organization/entity to assist in implementation of the probationary license program.

In closing, the respondent stated that the purpose of the probationary license program is to re-instate offenders early and provide them with an option to take a positive step towards license reinstatement. He commented that this program helps with compliance as he stressed that the harsher the sanctions, the more likely offenders are to violate their suspension/revocation.

Interview Participants:

Greg Noose, MVD/Records and Driver Control Bureau chief
Montana Department of Motor Vehicles
406-444-1776

STATE DRIVER'S LICENSE FOLLOW-UP SURVEY RESPONSES

NEBRASKA

Type of Mitigation program: Medical hardship license and employment drive permit programs

Background:

Nebraska differentiates between license suspension and revocation. The former involves the temporary removal of the privilege to operate a motor vehicle while the latter involves the formal termination of the driving privilege. Reasons for suspension include failure to maintain proof of financial responsibility, failure to comply with traffic citations and failure to comply with support orders (*child and alimony*). Revocations are reserved for offenses such as DUI violations, point violations and court convictions. Drivers who have had their operator's license and/or privileges revoked, must pay a reinstatement fee, test and apply for a new license.

(Statute/code reference: 60-476.01, 60-476.02)

According to the Nebraska DMV, Nebraska imposes mandatory minimum suspension/revocation for some offenses, as well as discretionary suspension/revocation time. Mandatory minimums are in place for DUI offenses and are as follows: 90 day suspension for a first offense and 1 year for 2 or more such offenses if committed during the preceding 12 year period. Refusal to take an evidentiary test results in a 1 year mandatory suspension. With regard to point violations, a person accumulating 12 or more points within a 2 year period shall have their license revoked for 6 months.

(Statute/code reference: 60-498.02, 60-4,183)

Nebraska has had an employment drive program for approximately 28 years. The medical hardship program has been in existence for approximately 10 years and was created in response to one constituent's expressed needs. There is little demand for the medical hardship permit.

(Statute/code reference: 60-4,130.1; 60-4,130.2; 60-4,129; 60-4,130)

With regard to suspension/revocation statistics, the following 2002 figures were provided by the Nebraska DMV:

- o 1.3 million licensed Nebraska drivers
- o 53,539 total suspensions/revocations
- o 738 employment drive permits issued

Eligibility requirements:

The classes of drivers eligible for an employment drive permit are those who have been revoked for point violations, first time DUI offenders and violators of support orders

(Note: The employment drive permit given to support order offenders are only valid for

90 days and cannot be renewed). DUI offenders who refuse evidentiary testing are not permitted to receive an employment work permit. A work permit is not allowed for failure to pay court fines or parking tickets or mandatory insurance.

First time DUI offenders must serve a mandatory 30 days of their suspension prior to being issued an employment drive license. Ignition interlock devices are not required in order to receive an employment drive license.

The class of drivers eligible for a medical hardship permit is only those with point violation revocations. This permit is valid for 90 days and upon expiration, a person may reapply for a medical hardship permit in the same manner as the original application.

Notification & Enrollment process/procedures:

The procedure for acceptance into the employment drive program requires completion of a restricted license application. The applicant must complete the first part of the application and his/her employer must complete the employer affidavit section that details the need for on the job and/or to/from the job driving. The application also requires that the applicant provide SR-22 filing and a \$45 application fee. *(Note: The applicant is also presented with the opportunity to register to vote via the restricted permit application).*

The procedure for acceptance into the medical hardship permit program requires completion of a medical hardship application. The application must include an affidavit from the applicant's physician verifying that the individual needs medical treatment at a location other than his/her residence and that the treatment will not impair the applicant's ability to operate a motor vehicle. The application package also requires that the applicant provide SR-22 filing and a \$45 application fee.

Acceptance into each of the programs is an administrative decision made by staff. Rejected applicants can request a hearing but the respondent indicated that the appeal process is never utilized. Courts can also order a restricted permit that would be honored by the DMV.

Participation in each of the programs necessitates the surrendering of one's license and participants are issued a digital permit with photo that lists the restrictions/limitations on the license.

The restricted licenses specify the purpose, geography and time frame of allowable trips. As noted above, the employment drive permit is restricted to work trips only and the medical hardship license is restricted to medical trips (*self only*) from home or place of employment to a specified hospital, clinic, doctor's office, or similar location and return.

Eligible offenders are notified of the programs via their notice of suspension or revocation. Applications are available on the DMV website.

Enforcement & Effectiveness:

Enforcement of the programs is primarily limited to law enforcement personnel action. If convicted of an offense for which points are assessed the participant's restricted permit will be revoked and his/her original suspension or revocation re-activated.

If receiving the employment drive permit due to revocation under the Nebraska point system, the said individual must demonstrate successful completion of the requisite driver improvement course within 60 days of issuance of the restricted permit otherwise the permit shall be suspended. Both the employment drive and medical hardship permits can also be suspended for failure to maintain SR-22 Certificate of Insurance. If the permit is suspended for the former reason, the individual must provide the DMV with a certificate of course completion to have the employment drive permit reinstated. If suspended for the latter reason, the individual's insurance company must submit a new filing prior to reinstatement of the employment drive and/or medical hardship permit.

The employment drive permit will be considered null and void if the permit holder fails to notify the DMV of change or termination in employment and the medical hardship permit will be deemed null and void if a change in medical treatment occurs and the DMV is not notified.

According to the Nebraska DMV, there is no procedure in place to track the effectiveness of the program.

Administrative resources required:

According to the Nebraska DMV, the administrative burden of the restricted permit programs is minor, with 1 staff member dedicated to the programs.

Other:

Nebraska does not partner with any organization/entity to assist in implementation of the employment drive permit or medical hardship license programs.

Interview participants:

Kathy Hraban, Financial Responsibility Division program manager
Nebraska Department of Motor Vehicles
402-471-3901

STATE DRIVER'S LICENSE FOLLOW-UP SURVEY RESPONSES

NEVADA

Type of Mitigation program: Restricted driver's license program

Background:

Nevada differentiates between license suspension and revocation. The former involves the temporary removal of the privilege to operate a motor vehicle while the latter involves the formal termination of the driving privilege. Reasons for suspension include habitual traffic violations, reckless driving, failure to pay child support and failure to appear. Revocations are reserved for offenses such as convictions for vehicular homicide, DUI violations, leaving the scene of an accident, three reckless driving convictions within one year and fleeing law enforcement. Those who are revoked must reapply for a new license, pay the reinstatement fee and retake both the written and road license exams.

(Statute/code reference: Nevada Revised Statutes [NRS] 483.150, 483.180, 483.443)

According to the Nevada DMV, there are mandatory minimums of suspension/revocation, as well as discretionary suspension/revocation time in Nevada. The number, seriousness and circumstances of the offenses often dictates suspension/revocation time. Mandatory revocation minimums exist for DUI convictions, including a 90 day minimum for a 1st offense, one year for a 2nd offense and 3 years for a 3rd DUI offense committed within a 7 year period.

(Statute/code reference: NRS 483.460)

The restricted driving permit program was created by statute and according to the Nevada DMV, it has been in existence since 1941. Administrative code also guides implementation of this program.

(Statute/code reference: NRS 483.490, 483.270, 483.390 & NAS Chapter 483.200)

The Nevada DMV provided the following statistical figures:

- o 1.5 million licensed drivers in Nevada
- o 1,499 restricted licenses were approved, 450 denied in 2003

Eligibility requirements:

The classes of drivers eligible for a restricted driving permit include first offense DUI offenders and those with suspensions/revocations for repeated traffic convictions. In addition, restricted licenses may be issued to minors for the purposes of work, school or if a medical hardship exists in the family. Those suspended/revoked for compliance issues (*e.g. failure to pay*) are not eligible, nor are those offenders receiving a 3rd point-related suspension within a 5 year period.

(Statute/code reference: NRS 483.267)

In general, all applicants must serve half of their suspension/revocation period prior to being considered for a restricted license. If the offender's current revocation is the result of a 2nd alcohol-related conviction or if the individual is an under 21 alcohol-related offender, a restricted driving permit will not be issued. 1st time DUI offenders must serve a mandatory 45 days of their 90-day suspension prior to being deemed eligible to receive a restricted license. For 3rd time DUI offenders within a 7-year period, applicants must wait one year.

A court may order an ignition interlock device if an offender's license has been suspended or revoked due to DUI convictions.

Notification & Enrollment process/procedures:

The procedure for acceptance into the restricted license program requires completion of a restricted driving permit application. Nevada DMV staff determines acceptance and the applicant is notified of their eligibility by mail. There are six types of restricted license applications available: employed, unemployed, medical, school only, school and work, or child support. The applicant must complete the first part of the application and the relevant section(s) requesting verification of employment, medical, and/or educational need. The applicant must also provide evidence of a severe hardship imposed on him/her due to the loss of the driver's license (e.g. – the applicant has no alternate means of transportation). If the applicant has a revoked license, proof of financial responsibility in the form of SR22 insurance must be submitted and the candidate must re-take the written, vision, and road examinations to receive a restricted permit. Courts cannot issue restricted permits. An appeals process is available and conducted by a hearing officer – one officer is located in the northern part of the state and the other in the southern region of the state.

Participation in the program necessitates the surrendering of one's license. Participants are issued a restricted license and a paper permit that specifies the purpose and geography of allowable trips. The time frame of allowable trips is sometimes specified as well. Depending on which of the above described permits one receives, the successful applicant will be given permission to drive for work, life needs, medical (*self and/or dependent*) and for school. Eligible minors may be given permission to drive for work, school and to provide transportation to a medically disabled family member. Work hours are limited to a maximum of six days per week, ten hours per day.

Eligible drivers are made aware of the program via the notice of suspension or revocation sent to them by the Department of Motor Vehicles. The application is not available on the department website but some information about the program is on the website. Courts also sometimes advise eligible drivers during hearings.

Enforcement & Effectiveness:

Enforcement of the program is limited primarily to law enforcement personnel action. If convicted of violating the program restrictions, the permit is canceled and the participant is placed back into suspension/revocation.

According to the Nevada DMV, the program's effectiveness is not tracked. However, follow-up audits are conducted to ensure that individuals issued a restricted license continue to be employed by the employer specified in the application.

Administrative resources required:

According to the Nevada DMV, two coordinators work on the restricted license program. One coordinator works in Reno and the other in Las Vegas.

Other:

Nevada does not partner with any organization/entity to assist in implementation of the restricted driving permit program.

The respondent commented that the program has been effective. Moreover, the respondent stated that in order for a restricted driving permit program to be most successful, the statutory language should be simple and eligibility clear.

Interview Participants:

Tom Fronapfel
Debbie Wilson
Nevada Department of Motor Vehicles
775-684-4719

STATE DRIVER'S LICENSE FOLLOW-UP SURVEY RESPONSES

NEW YORK

Type of Mitigation program: Conditional Use License and Restricted Use License

Background:

New York differentiates between license suspension and revocation. The former involves the temporary removal of the privilege to operate a motor vehicle for a defined period of time while the latter involves the formal withdrawal of the driving privilege. Reasons for suspension include repeated traffic convictions, first Driving While Ability Impaired (DWAI), physical or mental disability, failing to pay child support and failing to appear in court or pay court fines. Revocations are reserved for offenses such as convictions for reckless homicide, refusal to submit to chemical testing, Driving While Intoxicated (DWI), leaving the scene of an accident, operating without a license, drag racing and fleeing law enforcement. *(Note: A DWAI offense is incurred when a driver has a BAC between .05 and .07. A DWI offense is incurred when a driver has a BAC of .08 or higher).* Those who are revoked must reapply for a new license, pay the reinstatement fee and may be required to retake the written and road exams. *(Statute/code reference: New York Consolidated Laws Article 20, section 510; Article 31, Section 1193)*

According to the New York Department of Motor Vehicles, New York imposes mandatory minimum suspension/revocation for some offenses, as well as discretionary suspension/revocation time. Mandatory 6 month revocations are imposed for offenses that include vehicular manslaughter, operating without insurance and leaving the scene of a personal injury accident. Mandatory revocations are also in place for DWI offenses and are as follows: 6 month revocation for a first offense and 1 year revocation for a 2nd and/or subsequent DWI conviction committed within a 10 year period. A first conviction for refusal to submit to chemical testing results in a 6 month revocation, 1 year for a 2nd such offense and 3 years for a 3rd conviction for refusal to submit to chemical testing. *(Statute/code reference: New York Consolidated Laws Article 31 Section 1192 & 1193)*

The Conditional Use License (CUL) and the Restricted Use License (RUL) programs were created by statute and according to the New York Department of Motor Vehicles, they have been in existence for more than 20 years. Administrative rules and regulations also guide implementation of the programs. *(Statute/code reference: New York Consolidated Laws: RUL-Article 21A section 530, Commissioner's Rules and Regulations Part 134- CUL and Part 135 - RUL)*

The following statistical figures were provided by the New York Department of Motor Vehicles:

- o Approximately 11 million New York licensed drivers
- o 33,175 RUL and 27,122 CUL issued from April 2003 to March 2004

Eligibility requirements:

The RUL is permitted for offenders convicted of non-alcohol related violations that include speeding and operating without insurance. Enrollment in a driver rehabilitation program may be required as a condition of program acceptance. Individuals who have been convicted of vehicular homicide, drag racing, and leaving the scene of an accident are not eligible. Those suspended/revoked for compliance issues (*e.g. failure to pay*) are also not eligible, with the exception of child support violators.

The CUL is permitted for offenders who have been convicted of an alcohol/drug offense. Drivers revoked for failure to submit to chemical testing are ineligible for a CUL. To be eligible on a second alcohol offense, the violation date must be more than 5 years after the first conviction. Enrollment in a court-ordered alcohol/drug rehabilitation program is required prior to being considered eligible for a CUL. There is no CUL waiting period for eligible DWAI/DWI offenders.

An individual is considered ineligible for a CUL or a RUL if the applicant has been granted a restricted license within the previous 3 year period or has had a restricted license revoked within the last 5 years.

The court may require an Ignition Interlock Device (IID) as a condition of probation for DWI offenders residing in Albany, Erie, Nassau, Onondaga, Monroe, Westchester or Suffolk counties who have completed the minimum revocation period required after an alcohol-related conviction. These individuals must complete and submit a distinct application for a post-revocation conditional license.

Notification & Enrollment process/procedures:

The procedure for acceptance into the RUL or CUL program begins with the generation of the suspension or revocation order of a driver's license. The DMV reviews the motorist's driving record to determine eligibility. If the motorist is deemed eligible, he/she will be notified via the suspension/revocation order mailed to the motorist. Once a motorist is notified of eligibility, he/she can then apply for the RUL or CUL at a DMV office. The applicant must complete the application and the relevant section requesting verification of employment, medical, educational and/or rehabilitation treatment driving need. The fee for the CUL or RUL is \$75. Proof of financial responsibility in the form of SR22 insurance must be submitted.

A DMV administrator determines acceptance into either restricted license program utilizing an automated computer system. There is no appeals process available for those denied a CUL or RUL. While courts cannot issue either a CUL or a RUL, they do possess the authority to prevent DWI offenders from enrolling in an alcohol/drug

rehabilitation program, effectively making such offenders ineligible for a CUL.

Participation in the program necessitates the surrendering of one's license and participants are issued a photo RUL or CUL and an attachment outlining the conditions of the RUL or CUL. The driver must carry both the license and attachment.

The RUL and CUL specify the purpose, geography and time frame of allowable trips. Depending on which trip purposes are requested in the RUL or CUL application, the successful applicant will be given permission to drive for work, school, medical (*self and/or dependent*), rehabilitation trips and transport for a dependent minor.

Eligible drivers are made aware of the program via the notice of suspension or revocation sent to them by the New York DMV. The application is not available on the department website.

Enforcement & Effectiveness:

Enforcement of the program is limited to law enforcement personnel actions. If convicted of violating the program restrictions, the license is canceled and the participant is placed back into suspension/revocation. Additionally, the period during which the participant held a restricted license will not be credited when computing his/her compliance with the originally specified suspension or revocation period.

According to the New York Department of Motor Vehicles, there is no procedure in place to track the effectiveness of the program.

Administrative resources required:

The respondent did not answer this question.

Other:

According to the New York DMV, the state does partner with other organizations and state entities to assist in implementation of both the CUL and RUL programs. These include:

- o The Issuing & County Department of Motor Vehicles – issues the CUL & RUL
- o Drinking Driver Programs – informs DMV regarding enrollments, completions, etc.
- o Probation Officers – identifies clients who are serving probations terms
- o License Production Bureau – issues photo documents based upon information received from the Issuing & County Department of Motor Vehicles

New York also offers other conditional and restricted license programs, as follows:

Conditional privileges – a limited driving privilege granted to drivers licensed in other states who are suspended/revoked in New York state for alcohol-related convictions.

Pre-conviction conditional privilege – a limited driving privilege granted to drivers licensed in other states who are suspended in New York state for alcohol-related violations but not yet convicted.

Pre-conviction conditional license – a limited license granted to New York state

licensed drivers who have been suspended in New York state for alcohol-related violations but not yet convicted.

Restricted use privilege – a limited driving privilege granted to drivers licensed in other states who are suspended/revoked in New York state for reasons other than alcohol-related convictions.

It was also determined that New York state honors similar types of restricted licenses issued by other states to a resident of the issuing state to the extent of the conditions imposed.

Interview Participants:

Rita Garzone, Chief Driver Improvement adjudicator
New York Department of Motor Vehicles
518-474-3784

STATE DRIVER'S LICENSE FOLLOW-UP SURVEY RESPONSES (EMAIL)

NORTH CAROLINA

Type of Mitigation program: Limited Privilege License (LPL) program

Background:

North Carolina does not differentiate between license suspension and revocation. Revocation/suspension is defined as the formal termination of the licensee's privilege to operate a motor vehicle. North Carolina levies suspensions/revocations for reasons including excessive speeding, excessive points, vehicular homicide, DWI, drug/alcohol test refusal, and compliance issues (*failure to pay & to appear*) including child support, leaving the scene of an accident and reckless driving.

(Statute/code reference: North Carolina General Statutes 20-4.01, 20-24.1, 20-16, 20-17, 20-166, 20-140)

According to the North Carolina DMV, North Carolina imposes mandatory minimum as well as discretionary suspension/revocation periods. The number, seriousness and circumstances of the offenses often dictates suspension/revocation time. Mandatory suspension/revocation periods are in place for DWI convictions and refusal to submit to chemical testing. A 1-year revocation is mandated for the first DWI offense, 4 years for the 2nd DWI offense committed within a 3-year period, and permanent revocation for a 3rd DWI offense committed within a 5-year period. A 1-year license revocation is mandatory for a single conviction for refusal to submit to chemical testing committed within a 7-year period.

(Statute/code reference: North Carolina Drivers Handbook, chapter 2)

The limited privilege license program was created by statute and according to the North Carolina DMV, it has been in existence since 1974. There are no administrative regulations that guide implementation of the limited license program.

(Statute/code reference: North Carolina General Statutes 20-179.3)

The following statistical figures were provided by the North Carolina Department of Motor Vehicles:

- o 5.5 million licensed drivers in North Carolina
- o Approximately 500 limited licenses issued per month

Eligibility requirements:

The classes of suspended/revoked drivers eligible for the limited privilege license include 1st time DWI offenders, 1st time refusal to submit to chemical testing convictions, and offenders with excessive traffic convictions. Those suspended/revoked for leaving the scene of an accident, underage alcohol violation, driving while license

suspended/revoked, 2 or more convictions of DWI within a 7-year period, and compliance issues (*e.g. failure to appear*) are not eligible.

1st time DWI offenders must serve a mandatory period of 30 days of their suspension prior to being deemed eligible for a limited license. 1st time refusal to submit to chemical testing convictions are eligible for a limited license after serving a 6-month suspension.

An Ignition Interlock Device (IID) is not required for a limited license.

Notification & Enrollment process/procedures:

The procedure for acceptance into the limited license program requires completion of the limited license application and submission to the court clerk. Proof of financial responsibility in the form of SR22 insurance must be submitted. Trial court judges authorize the granting of limited licenses to eligible suspended/revoked drivers.

Participation in the program necessitates the surrendering of one's license and participants are issued a photo license that lists the restrictions levied by the court. The specific driving restrictions are determined by a trial court judge on a case-by-case basis and specify driving purpose, geography, and time frame of allowable trips. The limited license is granted for trip purposes considered reasonably connected with the health, education, and welfare of the person convicted and his/her family. Trips for employment, education, medical (*self and/or dependent*), rehabilitation (*e.g. court ordered treatment program*), and the maintenance of one's household needs may be permitted. The court notifies drivers eligible for the program at the time of conviction. The application is not available on the North Carolina DMV website.

Enforcement & Effectiveness:

Enforcement of the program is limited to law enforcement personnel actions. If convicted of violating the program restrictions, the permit is canceled and the participant is placed back into suspension/revocation.

According to the North Carolina DMV, there is no procedure in place to track the effectiveness of the program.

Administrative resources required:

Question not asked on the follow-up email questionnaire.

Other:

North Carolina does not partner with any organization/entity to assist in implementation of the limited license program.

Email respondent:

William Williamson
North Carolina Division of Motor Vehicles
919-715-7000

STATE DRIVER'S LICENSE FOLLOW-UP SURVEY RESPONSES

NORTH DAKOTA

Type of Mitigation program: Work/school permit program

Background:

North Dakota differentiates between license suspension and revocation. The former involves the temporary removal of the privilege to operate a motor vehicle while the latter involves the formal termination of the driving privilege. Reasons for suspension include DUI violations (*unless refuse to take chemical test, then privilege is instead revoked*) and accumulation of driving points. Revocations are reserved for offenses such as driving-related manslaughter or homicide. In addition to mandatory payment of a license restoration fee following the end of the suspension or revocation, those who are revoked must also retake the DMV knowledge (*written*) and road exams. (*Statute/code reference: 39-06*)

According to the North Dakota DOT, North Dakota imposes mandatory minimum suspension/revocation for some offenses, as well as discretionary suspension/revocation time. The number and seriousness of the offenses often dictates suspension/revocation time. Mandatory minimums are in place for DUI offenses and are as follows: 91 day suspension for first offense if BAC is between .08 - .17 or 180 days for first offense if BAC is .18 or higher, 365 days for second offense if BAC is between .08 - .17 or two years for second offense if BAC is .18 or higher, and two years for a third offender if BAC is between .08 - .17 or three years for a third offender if BAC is .18 or higher. Mandatory minimums for point suspensions are as follows: 7-day suspension for 12 points and an additional 7-day suspension for each additional point over 12. (*Statute/code reference: 39-06.1-10*)

North Dakota has had a temporary restricted license program for over 25 years and the DOT has the authority to issue temporary restricted licenses and to establish administrative rules to guide the program's implementation. (*Statute/code reference: 39-06.1-10.1 and code 37.03*).

With regard to suspension statistics, the following 2002 figures were provided by the North Dakota DOT:

- o 457,000 North Dakota licensed drivers
- o 27,000 suspensions
- o 747 temporary restricted driver licenses issued

Eligibility requirements:

The classes of drivers eligible for a limited license are those suspended for points (*provided the offender has not had four or more moving violations in the last 12 months*) and first time DUI offenders. Second and subsequent DUI offenders can apply for a

restricted license and one can be issued for good cause if no offenses have been committed for a period of two years before the date of filing of a written application accompanied by a report from an addiction facility. Individuals with revoked licenses are not eligible for the temporary restricted license. Thus, first time DUI offenders who refuse a chemical test have their licenses revoked and cannot apply for a restricted license. North Dakota also does not allow work/school permits for failure to pay offenses.

DUI offenders must demonstrate their compliance with any ordered alcohol evaluation/treatment. In addition, DUI offenders and those with failure to maintain insurance convictions must submit a copy of their SR-22 insurance with their temporary restricted license application.

DUI offenders must serve a mandatory 30 days of their suspension and those with points must serve the first seven days of their suspension prior to being issued a temporary restricted license.

Currently, the DMV does not require DUI offenders to have an ignition interlock device in order to be eligible for the restricted driver license program, as there are no providers of the device located in North Dakota. However, the law does grant the DMV the authority to require an interlock device if it so desires.

Notification & Enrollment process/procedures:

The procedure for acceptance into the program requires completion of a temporary restricted license application. The applicant must complete the first part of the application and the section requesting verification of employment and need for on the job and/or to/from the job driving must be completed and signed by the applicant's employer. The applicant's signature must be notarized. Eligible temporary restricted license applicants must pay the license reinstatement fee as well.

Acceptance into the program is an administrative decision made by staff and the criteria considered includes availability of other transportation, number of drivers in the household, the nature of the driver's employment, total number of moving violations in the last three years and number of previous temporary restricted licenses issued. There is no official appeals process but rejected applicants can contact the DOT to discuss why the license was denied. After thirty days have elapsed from the day of the denial, rejected offenders can reapply. Courts do not have the authority to issue temporary restricted licenses.

Participation in the program necessitates the surrendering of one's license and participants are issued a paper permit that lists the restrictions/limitations on the license. Driver name, address, license number, class, sex, weight, height, hair color, eye color, and date of birth are also included on the document.

The restricted license specifies the purpose, geography and time frame of allowable trips. Applicants can request that trip purpose include work, school, counseling, medical and life maintenance.

It is incumbent upon the suspended driver to gain awareness of the program. The DOT does not advertise or alert eligible individuals to the program. The program application is available on the DOT website.

Enforcement & Effectiveness:

Enforcement of the program is limited to law enforcement personnel actions. If convicted of violating the program restrictions, the restricted license is canceled and the participant is placed back into suspension. The DOT may also apply an additional suspension due to this violation.

According to the North Dakota DOT, there is no procedure in place to track the effectiveness of the program.

Administrative resources required:

According to the North Dakota DOT, the administrative burden of the limited license program was minor, with one staff member working part-time on the program.

Other:

North Dakota does not partner with any organization/entity to assist in implementation of the restricted license program.

In closing, the respondent commented that for restricted license programs to be most successful, the regulations regarding these conditional permits should be based upon statute and administrative rules which clearly delineate what is and is not permitted under the program. The more comprehensible the policy regulating the program is, the easier the administration of the program will be for staff.

Interview participants:

Lynn Heinert, Driver Improvement Services manager
North Dakota Department of Transportation
701-328-4352

STATE DRIVER'S LICENSE FOLLOW-UP SURVEY RESPONSES (EMAIL)

OHIO

Type of Mitigation program: Limited Driving Privileges & Reinstatement Fee Payment Plan

Background:

Ohio does not differentiate between license suspension and revocation. Suspension is defined by Ohio as a permanent or temporary withdrawal of the privilege to operate a motor vehicle by the action of a court or the Bureau of Motor Vehicles. Reasons for suspension include leaving the scene of an accident, driving while license suspended, drug/alcohol test refusal, DUI convictions, eluding law enforcement, and compliance issues (e.g. *failure to pay & to appear*) including child support.
(Statute/code reference: *Ohio Revised Code 4510.01, 4510.22*)

According to Ohio state statutes, Ohio imposes mandatory minimum suspension periods, as well as discretionary suspension time. Mandatory minimum and maximum suspensions are in place for DUI convictions. A 6 month to 1 year suspension is mandated for a 1st DUI offense, 1 to 5 years for a 2nd DUI offense committed within a 6 year period, 2 to 10 years for a 3rd DUI offense committed within the previous 6 years, and 3 years to life for a 4th DUI offense committed within the previous 6 years. A 1 year license suspension is mandatory for a single conviction for refusal to submit to chemical testing committed within a 6 year period, a 2 year suspension is mandated for a 2nd such refusal, 3 years for a 3rd refusal, and 5 years for a 4th refusal committed within a 6 year period.
(Statute/code reference: *Ohio Revised Code 4510.02, 4511.19, 4511.191*)

According to the Bureau of Motor Vehicles, limited driving privileges are authorized by statute.
(Statute/code reference: *Ohio Revised Code 4510.021*)

The Ohio Bureau of Motor Vehicles provided the following statistical figures:

- o 8,728,546 licensed Ohio drivers in 2003
- o 611,064 license suspensions issued in 2003

Eligibility requirements:

The classes of suspended/revoked drivers eligible for the limited privilege include DUI offenders, those with refusal to submit to chemical testing, or those with excessive point accumulation. Those suspended for compliance issues, a 4th DUI conviction or a 4th refusal to submit to chemical testing conviction committed within a 6-year period are not eligible for a limited privilege.

There are mandatory minimum waiting periods for certain offenders prior to being deemed eligible for the limited privilege. 1st time DUI offenders must serve 15 days of their suspension before being considered eligible for a limited privilege. 2nd time DUI offenders must serve 30 days, and 3rd time DUI offenders must serve 6 months of their suspension before becoming eligible for a limited privilege.

The court may authorize the use of an Ignition Interlock Device (IID) as a requirement for a limited privilege.

Notification & Enrollment process/procedures:

The procedure for receipt of a limited privilege involves filing a petition requesting limited driving privileges with the courts. Proof of financial responsibility in the form of SR22 insurance must be submitted.

The courts grant limited driving privileges to eligible suspended drivers. The Bureau of Motor Vehicles is not authorized to grant limited privileges.

Those given limited driving privileges must surrender their license and participants are issued a court order which must be in their possession while driving. A restricted license plate must also be issued on all DUI offenders who receive limited privileges. Driving restrictions are determined by the judge on an individual basis. Driving purpose, geography, and time frame of allowable trips is specified. Employment, education, medical care (*self and/or dependent*), and/or rehabilitation (*e.g. court ordered treatment program*) trips are typically permitted.

Drivers are made aware of the limited privilege at the time of their court appearance. Information about the limited privilege is available on the Ohio Bureau of Motor Vehicles website.

Enforcement & Effectiveness:

Enforcement of the limited privilege is limited to law enforcement personnel actions. If convicted of violating restrictions, the privileges are canceled.

According to the Ohio Bureau of Motor Vehicles, there is no procedure in place to track the effectiveness of the limited privilege, although it was noted that the courts and BMV consider the limited privilege successful.

Administrative resources required:

Question not asked on the follow-up email questionnaire.

Other:

Ohio does not partner with any organization/entity to assist with implementation of the limited privilege.

The state of Ohio also provides for a re-instatement fee payment plan for drivers deemed by the court as unable to pay their license reinstatement fees but are in compliance with all other license reinstatement requirements. The municipal or county court may establish a reasonable payment plan and allow participants to operate a motor vehicle for employment and family necessity purposes. If a participant in this program is convicted of an offense that contains a driver's license suspension after the plan has been initiated, the plan will be terminated. This program was created by statute and has been in effect since January 1, 2004.

(Statute/code reference: Ohio Revised Code 4510.10)

The Ohio County Welfare Department may also elect to provide assistance to their consumers with suspended driver's licenses by submitting payment of the license reinstatement fee on their behalf.

Email respondent:

Sally Henkle, License Support Services Chief
Ohio Bureau of Motor Vehicles
614-752-2170

STATE DRIVER'S LICENSE FOLLOW-UP SURVEY RESPONSES

OKLAHOMA

Type of Mitigation program: Modified License

Background:

Oklahoma does not statutorily differentiate between license suspension and revocation. A suspension/revocation involves the temporary removal by formal action of the privilege to operate a motor vehicle. Reasons for suspension/revocation include reckless driving, excessive traffic violations, failure to pay fines, failure to pay child support, uninsured crashes, reckless homicide, Driving Under the Influence (DUI), reckless driving, failure to submit to chemical testing and fleeing law enforcement. (*Statute/code reference: 47-1-173, 47-6-205, 47-6-205.1, 47-6-201.1, 47-11-810, & 47-11-901*)

According to the Oklahoma Department of Public Safety, there are mandatory minimums of suspension/revocation time in Oklahoma. The Department of Public Safety does not have discretionary authority to determine suspension/revocation periods, with the exception of offenses committed by minors. Suspensions/revocations may last from 30 days to 3 years. Mandatory minimums are in place for DUI convictions and include a 6-month revocation for a first offense, 1 year for a second conviction committed within a five-year period, and 3 years for a third or subsequent conviction committed within a five-year period. Mandatory suspension/revocation minimums of 1 year are also in place for negligent vehicular homicide and failure to stop and render aid offenses. (*Statute/code reference: 47-6-205.1*)

The modified license program was created by statute and according to the Department of Public Safety, it has been in existence for over 23 years. Administrative regulations also guide implementation of the modified license program. (*Statute/code reference: Chapter 47-6-113, Administrative code Title 595, subchapter 7, section 10-7-15*)

The Oklahoma Department of Public Safety provided the following statistical figures:

- o 2.3 million licensed drivers
- o 81,040 suspended/revoked drivers in 2003
- o 3,269 modified licenses issued in 2003

Eligibility requirements:

The classes of drivers eligible for a modified license include DUI violators, reckless driving violators, and habitual traffic violators (points). Those suspended/revoked for compliance issues (*e.g. failure to pay*) such as child support are not eligible, nor are

drivers who have been suspended for negligent vehicular homicide or for failure to stop and render aid.

There is no mandatory minimum waiting periods prior to being deemed eligible for a modified license. Waiting periods are considered discretionary and can be determined by hearing officers. An exception to that rule occurs if an offender's current revocation is the result of a 2nd or subsequent alcohol-related conviction. In such instances, a modified license will not be issued within one year from the date of revocation.

An Ignition Interlock Device (IID) is required if an offender's license has been suspended or revoked due to 2 or more DUI convictions.

Notification & Enrollment process/procedures:

The procedure for acceptance into the program requires that a written request be made for a modified license application to the Department of Public Safety's legal division. The department conducts an examination of the applicant's record, and if eligible, the department mails the modified license form to the applicant. The applicant must provide employment information on the application if seeking the modified license for work trips and the application must be notarized. The fee for a modified license is \$150. Proof of financial responsibility in the form of SR22 insurance must be submitted and the applicant must complete both the written and road license exams in order to receive a modified license. DUI offenders must submit proof of completion of an approved drunk driving course and substance abuse evaluation and treatment rehabilitation services.

An administrator from the Department of Public Safety determines acceptance into the program. For applicants who are suspended for DUI or for excessive points, an interview is required with a hearing officer. An appeals process is available, as individuals can appeal to the district court where the offense occurred. Courts also have the authority to issue modified licenses.

Participation in the program necessitates the surrendering of one's license and participants are issued a paper license. Driving restrictions, including driving purpose, geography, and time frame of allowable trips are determined on an individual basis. The Department typically permits a wide range of driving purposes.

Eligible drivers are made aware of the program via the notice of suspension/revocation sent to them by the Driver Services Department. The application is not available on the department website.

Enforcement & Effectiveness:

Enforcement of the program is limited to law enforcement personnel actions. If convicted of violating the program restrictions, the permit is canceled and the participant is placed back into suspension/revocation. The period of the original suspension/revocation is also extended 3 to 4 months.

According to the Oklahoma Department of Public Safety, there is no procedure in place to track the effectiveness of the program.

Administrative resources required:

The respondent did not provide information with regard to the administrative resources required.

Other:

Oklahoma does not partner with any organization/entity to assist in implementation of the modified license program.

The respondent stated that the Department of Public Safety does not issue a modified license to drivers suspended due to failure to pay offenses because his Office considers such offenses as simple for the individual to resolve.

Interview Participants:

Clint Dickson, Driver Services assistant programs administrator
Oklahoma Department of Public Safety
405-425-7722

STATE DRIVER'S LICENSE FOLLOW-UP SURVEY RESPONSES (EMAIL)

OREGON

Type of Mitigation program: Hardship and Probationary License program

Background:

Oregon differentiates between license suspension and revocation. The former involves the temporary interruption of the privilege to operate a motor vehicle while the latter involves the termination of the driving privilege. Reasons for suspension include DUI, refusal to submit to chemical testing, careless driving, and compliance issues (*failure to pay & to appear*) including child support. Revocations are reserved for offenses deemed "traffic crimes", and include habitual offender convictions, reckless driving, vehicular assault, fleeing the scene of an accident and fleeing law enforcement. Those revoked as habitual offenders must reapply for a new license, pay the reinstatement fee and retake the road and written tests.

(Statute/code reference: Oregon Revised Statutes 811.140, 811.700, 811.540, 801.435, 801.515)

According to the Oregon Department of Motor Vehicles, there are mandatory and discretionary suspension/revocation periods in Oregon. The number, seriousness and circumstances of the offenses often dictates suspension/revocation time. A 90-day suspension is mandated for a 1st DUI offense and 1-year for a 2nd DUI offense committed within a 5-year period. A 1st refusal to submit to chemical testing conviction results in a 1-year suspension and a 3-year suspension for a 2nd refusal to submit to chemical testing committed within a 5-year period. Habitual offenders receive a mandatory 5-year license revocation. Habitual offenders are defined as anyone convicted of 3 or more of the following offenses within a five-year period: driving while under the influence of intoxicants, driving while suspended/revoked, reckless driving, any degree of murder/manslaughter/assault resulting from the operation of a motor vehicle, failure to perform the duties of a driver after a collision and fleeing or attempting to elude law enforcement.

(Statute/code reference: Oregon Revised Statutes 813.100-160, 813.420)

The hardship/probationary license program was created by statute, and according to the Oregon DMV, it has been in existence for over 25 years. Administrative regulations also guide implementation of the hardship/probationary license program.

(Statute/code reference: Oregon Revised Statutes 813.500, 807.240, 807.270 & Oregon Administrative Code 735-064-0020)

The Oregon Department of Motor Vehicles provided the following statistical figures:

- o 2.6 million Oregon licensed drivers
- o 5,897 hardship licenses issued in 2002

Eligibility requirements:

The classes of drivers eligible for a hardship license include first and second DUI offenders and those with refusal to submit to chemical testing, uninsured accident and repeat traffic convictions. Habitual offenders are eligible for the probationary license. Those suspended/revoked for vehicular homicide, medical incompetence, underage alcohol violation, and compliance issues (*e.g. failure to appear & pay*) including child support are not eligible for either restricted license.

1st time DUI offenders must serve a 30-day suspension prior to being considered eligible for a hardship license. 2nd time DUI offenders within 5 years must serve a mandatory suspension period of 90 days before being deemed eligible for a hardship license. 2nd time DUI offenders and those with subsequent such violations (habitual offenders) must also submit a written mental health recommendation from an approved alcohol treatment program. 1st time refusal to submit to chemical testing requires a 90-day waiting period prior to being considered eligible for a hardship license.

An Ignition Interlock Device (IID) ordered by the court is required for the issuance of a hardship license if an offender's license has been suspended for a DUI conviction.

Notification & Enrollment process/procedures:

The procedure for acceptance into the program requires completion of the hardship/probationary license application and submission of the petition to the Oregon DMV. The applicant must complete the relevant section requesting information about employment driving need. A signed and dated letter from the applicant's employer verifying the days/hours of employment should also be included with the application. Applicants who are self-employed must include a copy of their current business license or signed tax statement. Those suspended for uninsured accident must also provide detailed information about the "family necessity" trips they may wish to make with their hardship license. The fee for a hardship/probationary license is \$50. Proof of financial responsibility in the form of SR22 insurance must be submitted. DUI offenders must be enrolled in a rehabilitation program for alcoholism or drug dependence. Habitual offenders must take a medical diagnostic exam, defensive driving class and pass the vision, law and road tests.

The Oregon DMV determines acceptance into the hardship/probationary license program. For certain offenses, including DUI, reckless driving, and fleeing law enforcement, applicants must obtain the recommendation and signature of the convicting judge on the hardship/probationary application form. Applicants denied a restricted license by the DMV may file a petition with the department requesting a hearing.

Participants are issued a hardship/probationary permit by the Oregon DMV that they must take to a full service DMV field office in order to obtain a hardship/probationary license. Participation in the program also necessitates the surrendering of one's license. The hardship/probationary permit lists the restrictions including trip purpose, geography,

and the hours/days of operation permitted. Program participants must carry the permit and license with them while driving.

Unless suspended for uninsured accident, program participants may only request permission to drive to/from work, during work, to seek employment, medical (*self and/or dependent*) and/or alcohol/drug rehabilitation (e.g. *safety action program*). If suspended for uninsured accident, the applicant may request and receive driving privileges for family necessities including grocery shopping, medical trips, school (self and/or dependent), baby-sitting/day care and care for elderly family members.

Eligible drivers are made aware of the program through the court at the time of conviction. The hardship license application is also available on the Oregon DMV website.

Enforcement & Effectiveness:

Enforcement of the program is limited to law enforcement personnel actions. If convicted of violating the program restrictions, the hardship license may be canceled and the participant will be placed back into suspension/revocation. The driver is not eligible for another hardship license for a period of one year.

According to the Oregon Department of Motor Vehicles, there is no procedure in place to track the effectiveness of the program.

Administrative resources required:

Question not asked on the follow-up email questionnaire.

Other:

Oregon does not partner with any organization/entity to assist in implementation of the hardship license program.

Interview Participants:

Julie Santos, Driver Programs Section
Oregon Department of Motor Vehicles
503-945-5276

STATE DRIVER'S LICENSE FOLLOW-UP SURVEY RESPONSES

PENNSYLVANIA

Type of Mitigation program: Occupational Limited License (OLL) program

Background:

Pennsylvania differentiates between license suspension and revocation. The former involves the temporary removal, usually of finite length, of the privilege to operate a motor vehicle, while the latter involves the withdrawal, either finite or open-ended, of the driving privilege. Reasons for suspension include traffic violations, 1st time DUI, 1st drug/alcohol test refusal, and compliance issues (failure to pay & failure to appear). Failure to pay parking tickets does not result in a license suspension. Revocations are reserved for offenses such as convictions for reckless homicide, aggravated DUI, 2nd or subsequent DUI, leaving the scene, reckless driving, auto theft, racing on highways, and fleeing law enforcement. Those who are revoked must reapply for a new license and retake the vision, written and road tests.

(Statute/code reference: Penn Consolidated Statutes title 75, sections 1541c, subchapter B section 1523, section 1533)

According to the DOT Driver Safety Division, statutes determine all suspension and revocation periods. The number, seriousness and circumstances of the offenses often dictates suspension/revocation time. Suspensions generally last from 15 days to 3 years. Currently, there is a 6 month mandatory suspension for a 1st control substance offense, a 1 year suspension for a second such offense and a 2 year suspension for a 3rd or subsequent such offense. *(Statute/code reference: Penn Consolidated Statutes title 75, section 1532 & 1548)*

The Occupational Limited License (OLL) program was instituted prior to 1959 but was removed from statutes from 1959 until its 1993 reinstitution. The initial 1993 statute was extremely restrictive, as only traffic point offenders were eligible. The program's eligibility was broadened in 1994. Administrative regulations also guide implementation of the OLL program.

(Statute/code reference: Penn Consolidated Statutes Title 75, Chapt. 15:53, Penn Admin. Code Chapt. 86.1-3)

The following statistical figures were provided by the Pennsylvania DOT Driver Safety Division:

- o 8.3 million Pennsylvania licensed drivers
- o Approximately 600,000 suspensions/revocations in 2003
- o The number of OLL issued in any given year was not available

Eligibility requirements:

The classes of drivers eligible for an OLL include first offense DUI offenders; those who refuse to submit to chemical testing and do not have more than one prior such offense; failure to maintain financial responsibility; repeated traffic convictions; and driving while license suspended if driver was unaware of suspension or if the reason for the suspension is due to an unpaid citation, non-payment of a judgment, or failure to appear. Those suspended for reckless driving, vehicular homicide, leaving the scene of an accident, underage alcohol violation, 2nd and subsequent DUI convictions, and compliance issues not specified above are not eligible. In addition, those whose driving privileges have been revoked for any reason are not eligible for an OLL.

1st time DUI offenders must serve a mandatory 60 days of their suspension and those who refuse to submit to chemical testing must serve 12 months of an 18 month suspension prior to being deemed eligible for an OLL. Those offenders suspended for driving while suspended but unaware or for the reasons specified above must serve 3 months of their sentence prior to being deemed eligible for an OLL. The department prohibits an OLL issuance if an applicant has been granted an OLL within the previous 5-year period.

An Ignition Interlock Device is not required to receive an OLL unless the offender seeking the OLL has been suspended for refusal to submit to chemical testing.

Notification & Enrollment process/procedures:

The procedure for acceptance into the program requires completion and submission of the OLL petition to the Pennsylvania DOT Driver Safety Division. The applicant must complete the relevant section of the application requesting verification of employment or educational driving need. The applicant must also explain why the operation of a motor vehicle is essential to his/her occupation or study. The fee for applying for an OLL is \$50. Proof of financial responsibility in the form of SR22 insurance must be submitted.

Acceptance into the program is an administrative decision made by staff. Any driver who is denied an OLL may file a hearing petition with the department accompanied by a non-refundable \$100 processing fee. Courts cannot issue an OLL.

Participation in the program necessitates the surrendering of one's license and participants are issued a photo license and an authorization letter that specifies the purpose, geography and time frame of allowable trips. The successful applicant will be given permission to drive for work, school, medical (*self and/or dependent*) and/or rehabilitation (*e.g. support group*) trips. Medical and support group trips were included in the list of allowable OLL trips in February 2004.

Eligible drivers are not made aware of the program in the notice of suspension sent to them by the Driver Safety Division nor is the application available on the department website.

Enforcement & Effectiveness:

Enforcement of the program is limited to law enforcement personnel actions. If convicted of an offense for which the penalty is license cancellation, disqualification, recall, suspension or revocation, the OLL will be recalled and the participant is placed back into suspension.

According to the Pennsylvania DOT Driver Safety Division, the program's effectiveness is not tracked.

Administrative resources required:

The respondent was unsure what level of administrative effort is required to administer the program.

Other:

Pennsylvania does not partner with any organization/entity to assist in implementation of the OLL program.

In closing, the respondent commented that the OLL program is difficult to enforce, but a necessary program because of the lack of viable transit options.

Interview Participants:

Mike Kistler, Driver Safety Division Chief
Pennsylvania Department of Transportation
717-772-2119

STATE DRIVER'S LICENSE FOLLOW-UP SURVEY RESPONSES

SOUTH DAKOTA

Type of Mitigation program: Work/school permit program

Background:

South Dakota differentiates between license suspension and revocation. The former involves the temporary removal of the privilege to operate a motor vehicle for a specified time or until specified conditions are met while the latter involves the formal termination of the driving privilege for a specified time. Mandatory revocation or suspension is imposed for the following offenses: DUI, failure to maintain proof of insurance, any violation committed prior to the age of 16 by the holder of a restricted minor's permit, eluding a police officer and committing 2nd time reckless driving within a 1 year period. Point violations are generally considered suspensions while drug-related and DUI offenses are considered revocations. The determination of whether or not a particular violation involves a suspension or revocation is often dependent on the particular incident and not necessarily the offense. In addition to mandatory payment of a license restoration fee following the end of the suspension/revocation, those who are revoked must also retake the Driver's license division knowledge (*written*) and road test. (*Statute/code reference: 32-12-47.2*)

According to the South Dakota Department of Commerce and Regulation, South Dakota imposes mandatory minimum suspension/revocation for some offenses, as well as discretionary suspension time. The courts are very involved with license suspension and revocation in the state. The number and seriousness of the offense often dictates suspension/revocation time. South Dakota does not have ALR but there are mandatory minimums in place for DUI offenses that the courts adhere to and they are as follows: 30 days to 1 year for first offense (*1 year guaranteed if refuse chemical test*) and 1 year for a second or subsequent offenses. Failure to maintain mandatory insurance results in suspension/revocation for no less than 30 days but no more than 1 year. Those who receive 15 points within 12 months or 22 points within 24 months receive a 60 day suspension for the first offense; 6 month suspension for the second offense and one year for subsequent suspensions. (*Statute/code reference: 32-12-49.3; 32-23-2; 32-23-3; 32-23-4*)

South Dakota has had a restricted license program for more than 10 years; however, a school trip allowance has only been in place for approximately 5 years. The Driver License division has the authority to issue restricted permits and to establish administrative rules to guide the program's implementation. (*Statute/code reference: 32-12-49.4 and code 61.19*)

With regard to suspension statistics, the following approximate figures were provided by the South Dakota Department of Commerce and Regulation:

- o 550,000 South Dakota licensed drivers

- o 240 restricted permits issued by the Driver License division. No figure was available for the amount of restricted permits issued by the courts.

Eligibility requirements:

The classes of drivers eligible for a limited license via the Driver License division include the following: habitually reckless or negligent operators of motor vehicles, driving point violators, those who are physically/mentally incompetent to drive a motor vehicle, those who failed to pay a fine or comply with the terms of a citation, those who have made a false statement or representation in order to obtain a driver license, those who have eluded police, those who have committed a drug offense, those who have committed underage drinking and those who have failed to maintain mandatory insurance. First and second time DUI offenders (*including those who refuse to submit to chemical testing*) are eligible for a restricted permit but must seek such a permit from the courts. Those who receive a violation for driving while suspended or revoked are not eligible for a restricted permit nor are individuals with child support order violations. In addition, those revoked for eluding a police officer are only permitted to receive a restricted permit for work purposes (*not school*).

Currently, DUI offenders are not required to have an ignition interlock device in order to be eligible for the restricted permit program.

Notification & Enrollment process/procedures:

The procedure for acceptance into the program via the Driver License division requires completion of a restricted permit application. The applicant must complete the first part of the application and the section requesting verification of employment and need for on the job and/or to/from the job driving must be completed and signed by the applicant's employer. Both the applicant and the employer's signatures must be notarized. Those applying for permission to drive to/from school need to have the school administrator complete and sign the relevant section of the application and attach a copy of the applicant's class schedule. The school administrator's signature must be notarized.

Acceptance into the program is an administrative decision made by staff and the criteria considered includes whether or not the distance from the applicant's residence to place of employment/school is more than 1 mile, presence of some physical handicap which will not allow the applicant to walk from the applicant's residence to place of employment/school and existence of other means of transportation such as family member, car pool and/or public transportation. Rejected applicants can contact the Driver's Licensing division and request a hearing. Courts have the authority to issue restricted licenses and do so frequently.

Participation in the program necessitates the surrendering of one's license and participants are issued a paper permit that lists the restrictions/limitations on the license.

The restricted license specifies the purpose, geography and time frame (*12 hour per day maximum*) of allowable trips. Applicants can request that trip purpose include work and/or school.

It is incumbent upon the driver to gain awareness of the program. The Driver Licensing division does not advertise or alert eligible individuals to the program. The application is however available on their website.

Enforcement & Effectiveness:

Enforcement of the program is limited to law enforcement personnel actions. If convicted of violating the program restrictions, the restricted license is revoked and the participant is placed back into suspension or revocation.

According to the South Dakota Department of Commerce and Regulation, there is no procedure in place to track the effectiveness of the program.

Administrative resources required:

According to the South Dakota Department of Commerce and Regulation, the administrative burden of the restricted license program was minor, with one staff member dedicating a small percent of his overall workload to the program.

Other:

South Dakota does not partner with any organization/entity to assist in implementation of the restricted license program.

In closing, the respondent commented that if a restricted license program is implemented by both a state motor vehicle agency and the court system, then a reliable driver record sharing system must be in place between both entities. One of the problems South Dakota faces in implementation of the work/school permit is that the Driver Licensing division is often not aware if the court has granted an individual a limited permit.

Interview participants:

Cynthia Gerber, Driver Licensing director
South Dakota Department of Commerce and Regulation
605-773-4846

STATE DRIVER'S LICENSE FOLLOW-UP SURVEY RESPONSES

TENNESSEE

Type of Mitigation program: Restricted License Program & Payment Plans

Background:

Tennessee differentiates between license suspension and revocation. The former involves the temporary removal of the privilege to operate a motor vehicle while the latter involves the formal withdrawal of the driving privilege. Reasons for suspension include failure to pay child support, failure to appear in court, failure to pay court fines or tickets and excessive traffic violations. Reasons for revocation include drag racing, recklessness/negligence in operating a motor vehicle, Driving Under the Influence (DUI), failing to stop and render aid, and vehicular homicide.

(Statute/code reference: Tennessee Statutes Title 55, Chapter 50, Sections 501, 502)

According to the Tennessee Department of Safety, there are mandatory minimums as well as discretionary suspension/revocation time in Tennessee. Refusal to submit to a blood alcohol test and a 1st time DUI offense results in mandatory revocation for one year. A 2-year revocation is required for a 2nd DUI conviction, and a 3-year revocation for a 3rd or subsequent DUI conviction.

(Statute/code reference: 55-10-403, 55-10-503)

According to the Tennessee Department of Safety, the restricted license program was created by statute. There are no administrative rules that guide implementation of the program.

(Statute/code reference: Tennessee Statutes Title 55, Chapter 50, Section 502)

With regard to suspension/revocation statistics, the following figures were provided by the Tennessee Department of Safety:

- o Approximately 4.2 million drivers
- o Approximately 246,000 suspensions/revocations in fiscal year 2002/2003
- o Approximately 5,000 restricted licenses issued in fiscal year 2002/2003

Eligibility requirements:

The classes of drivers eligible for a restricted license include 1st time DUI offenders, 2nd time DUI offenders (only if the second conviction has not occurred within 10 years of the first DUI conviction), drag racing offenders, and those with excessive point violations. Those suspended/revoked for compliance issues (*e.g. failure to pay*), not including failure to pay child support, and owing more than \$400 in license reinstatement fees can be deemed eligible for a restricted license provided that the driver is participating in a reinstatement fee payment plan established through the Department of Safety.

1st time DUI offenders are immediately eligible for a restricted license while eligible 2nd time DUI offenders must serve a one-year revocation prior to being deemed eligible for a restricted license.

An Ignition Interlock Device (IID) is required for the issuance of a restricted license if an offender's license has been revoked due to 2 or more DUI convictions.

Notification & Enrollment process/procedures:

The procedure for acceptance into the restricted license program is dependent upon the reason for the suspension/revocation in question. Drivers whose licenses are revoked due to a DUI, refusal to submit to chemical tests, motor fuel theft or drag racing violations must petition the court for a restricted license. If the court grants an order for a restricted license, the applicant must provide the certified court order to a Driver's License Station within 10 days in order to receive the license. The applicant must pay a \$67 fee and pass the eye, written and road driver license examinations. Proof of financial responsibility in the form of SR22 insurance must also be submitted. Applicants denied a restricted license could appeal to a district court.

Drivers whose licenses are suspended for excessive traffic violations must request a Driver Improvement Restricted application from the Department of Safety. The application requires applicants to specify the most direct routes from their residence to employment/school and employers must complete the supervisor statement section detailing the need for on the job and/or to/from the job driving. The application must be submitted with the \$67 fee to the Driver Improvement Section of the Department of Safety. Proof of financial responsibility in the form of SR22 insurance must also be submitted. Acceptance into the program for these applicants is an administrative decision made by staff. An appeals process does not exist.

Participation in the restricted license program necessitates the surrendering of one's license. Participants who receive the restricted license via court order must carry the license and the court order with them while driving. Those who receive the restricted license through the Driver Improvement Restricted application process must carry the license and a copy of the application with them while driving. The license specifies the hours of operation, geography and trip purposes permitted.

With regard to trip purpose, the successful applicant may be given permission to drive for work, school, and/or court-ordered rehabilitation (*e.g. substance abuse treatment*) trips.

Some eligible offenders are notified of the program in court. A description of the restricted license program is also available on the Department of Safety's website. The Driver Improvement Restricted application is not available on the Department's website. Eligible offenders are not made aware of the program via the notice of suspension or revocation.

Enforcement & Effectiveness:

Enforcement of the restricted license program is limited to law enforcement personnel action. If convicted of violating the restrictions of the restricted license, a fine is levied but the restricted license is not rescinded.

According to the Tennessee Department of Safety, there is no procedure in place to track the effectiveness of the program.

Administrative resources required:

According to the Tennessee Department of Safety, Driver License Stations located throughout the state process the restricted license application. One full time employee typically reviews the application and another employee prepares the authorization letter.

Other:

Tennessee does not partner with any organization/entity to assist in implementation of the restricted license program.

As mentioned above, since 2001 the state of Tennessee has also offered a payment plan of certain reinstatement fees by installments. A participating driver is required to make a down payment of \$400 plus pay a \$25 administrative fee at the time he/she enters the payment plan. The participant must then make a payment each quarter of \$300 until the remaining balance is paid with a maximum of two years to pay. Failure to make any payment as required will result in the driver again being revoked or suspended.

In addition, the state also provides for a payment plan through the courts for drivers who are deemed by the courts as unable to pay local fines or costs arising from convictions or failure to appear in court.

(Statute/code reference: Tennessee Statutes Title 55, Chapter 50, Section 502 subsections 2-6)

In closing, the respondent commented that the state's suspended/revoked driving population is often frustrated and can not comprehend why most offenses other than DUI are not eligible for a restricted license. She expressed her uncertainty as to how eligible offenses were determined.

Interview participants:

Suzanne Shelton, Financial Responsibility Division manager
Tennessee Department of Safety
615-251-5248

STATE DRIVER'S LICENSE FOLLOW-UP SURVEY RESPONSES

TEXAS

Type of Mitigation program: Occupational license program, entitled "Essential Needs License"

Background:

Texas differentiates between license suspension and revocation. The former involves the temporary removal of the privilege to operate a motor vehicle for a set period of time while the latter involves the formal termination of the driving privilege for an indefinite period of time and requires some form of compliance to lift the revocation. Reasons for suspension include: habitual recklessness or negligence in operating a motor vehicle, responsible as a driver for an accident resulting in serious personal injury or property damage, failing to stop and render aid, committing graffiti, displaying or possessing a fictitious, suspended, cancelled or revoked driver's license and being a habitual violator of traffic laws. Revocations are reserved for offenses such as failing to pay child support and failing to appear in court or pay court fines.

(Statute/code reference: 521.292 and 521.294)

According to the Texas Department of Public Safety, there are mandatory minimums as well as discretionary suspension/revocation time in Texas. Courts typically determine suspension/revocation time periods. Administrative License Revocation laws set mandatory minimums for DWI offenses and are as follows: For a blood or breath test failure, 90 day suspension for first offense and 1 year for the second or subsequent offense (*if occurring within a ten year time frame*). For a blood or breath test refusal, 180 day suspension for first offense and 2 years for the second offense. For a first DWI conviction, the suspension period is between 90 days to 1 year (*determined by the presiding judge*). For a second such conviction, the suspension penalty is typically 1 year. A conviction for driving while intoxicated under the age of 21 will result in an automatic 1 year suspension.

(Statute/code reference: 524.022; 724.035; 521.344)

The occupational license program has been in existence for more than 25 years and is generally not considered a remedial program by the state. Administrative code also guides implementation of the program.

(Statute/code reference: 521.241; 521.242 and Texas Administrative Code Chapter 15)

With regard to suspension/revocation statistics, the following figures (*September 1, 2002 – August 31, 2003*) were provided by the Texas Department of Public Safety:

- o 15 million Texan drivers
- o 430,000 suspensions
- o 12,197 occupational licenses issued

Eligibility requirements:

The classes of drivers eligible for an occupational license are those who have had their license suspended or revoked for a cause other than a physical or mental disability/impairment, failure to pay child support, failure to appear, and failure to pay fines. DWI offenders must seek an occupational license from the state office of administrative hearing.

Drivers who are suspended for DWI convictions are eligible for an occupational license immediately if they do not have alcohol related convictions from the preceding five year period. If a person's driver's license has been suspended as a result of an alcohol or drug-related enforcement contact during the five years preceding the date of the person's arrest, the order granting an occupational license may not take effect before the 91st day after the effective date of the suspension. If the person's driver's license has been suspended as a result of a conviction for a DWI during the five years preceding the date of the person's arrest, the order may not take effect before the 181st day after the effective date of the suspension. Finally, if the person's driver's license has been suspended for a second or subsequent conviction for DWI penal code infractions within five years of the date on which the most recent preceding offense was committed, an order granting an occupational license may not take effect before the first anniversary of the effective date of the suspension.

The Courts make the determination based upon the applicant's criminal history record in relation to alcohol crimes whether or not an ignition interlock device will be required for re-instatement of license.

(Statute/code reference: 521.2465)

Notification & Enrollment process/procedures:

The procedure for acceptance into the occupational license program requires that the eligible applicant file a verified petition with the clerk of the county court or district court with jurisdiction in the county in which the person resides or where the offense occurred for which the person was suspended or revoked. Criteria considered by the judge in determining need for an occupational license rests primarily on the petitioner's driving record. If the court approves the need for the occupational license, then the certified copy of the petition and the court order granting the restricted license is sent to the DPS. DPS then issues the occupational license. As noted above, those seeking the occupational license due to DUI violations must go before the state office of administrative hearing to gain the restricted license. Rejected applicants can pursue an appeals process with the courts.

Approved conditional license applicants must pay a \$10 occupational license fee, file a SR-22 certificate of insurance and pay any required reinstatement fees. If the petitioner for the license has been suspended for DUI charges, the court will require that the individual attend a court-approved program designed to provide alcohol counseling and rehabilitation services.

Participation in the occupational license program necessitates the surrendering of one's license. Participants are issued a non-photo paper permit, in addition to the court order granting the occupational license.

The occupational license specifies the purpose, geography and time frame of allowable trips. The occupational license is restricted to work, school and essential household duty trips only. The restricted license holder is not to operate a motor vehicle more than 4 hours in a 24-hour period. However, with special permission, the participant may travel up to 12 hours in a 24-hour period.

It is incumbent upon the driver to gain awareness of the program. The DPS does not advertise or alert eligible individuals to the program.

Enforcement & Effectiveness:

Enforcement of the program is primarily limited to law enforcement personnel action. If convicted of violating a motor vehicle law or restriction of the license, the court has the authority to suspend the license for a period of time or revoke it completely.

According to the Texas Department of Public Safety, the program's effectiveness is not tracked.

Administrative resources required:

According to the Texas Department of Public Safety, 4-5 full time employees work on the occupational license program.

Other:

Texas does not partner with any organization/entity to assist in implementation of the occupational license program.

The respondent suggested that to prevent fraud, occupational licenses should be issued as a photo license.

Interview participants:

Linda Boline, Driver Improvements/Compacts manager
Ann Bristol, Subject matter expert
Texas Department of Public Safety
512-424-2769

STATE DRIVER'S LICENSE FOLLOW-UP SURVEY RESPONSES

VIRGINIA

Type of Mitigation program: Restricted License program

Background:

Virginia differentiates between license suspension and revocation. The former involves the temporary interruption of the privilege to operate a motor vehicle, while the latter involves the withdrawal of the driving privilege. Reasons for suspension include traffic violations, reckless driving, and compliance issues (*failure to pay & to appear*), including child support. Revocations are reserved for offenses such as convictions for habitual offenders, reckless homicide, DWI violations, drug violations, failure to submit to chemical testing, leaving the scene of an accident, auto theft, and fleeing law enforcement. Those who are revoked must reapply for a new license, pay the reinstatement fee and retake the road test.

(Statute/code reference: Code of Virginia title 46.2-320, 46.2-389, 46.2 sections 392-395)

According to the Virginia Department of Motor Vehicles, there are mandatory minimums as well as discretionary suspension/revocation in Virginia. The number, seriousness and circumstances of the offenses often dictates suspension/revocation time. A one-year revocation is mandated for a 1st DWI conviction, 3 years for a 2nd DWI conviction, and an indefinite revocation is given for a 3rd DWI conviction occurring within a ten year period.

(Statute/code reference: Code of Virginia title 46.2 sections 389-391, title 18.2-266)

The restricted license program was created by statute and according to the Department of Motor Vehicles, it has been in existence since 1975. There are no administrative regulations that guide implementation of the restricted license program.

(Statute/code reference: Code of Virginia title 18.2-271.1)

The following statistical figures were provided by the Virginia Department of Motor Vehicles:

- o Approximately 5 million Virginia licensed drivers
- o On a monthly basis, DMV issues approximately 1,300-1,500 restricted licenses to persons convicted of DWI or drug violations.
- o DMV issues approximately 1,100 driver improvement (point-related) suspensions per month and advises these drivers of their eligibility for a restricted license. There is no available data on the number of restricted licenses issued for this offense.

Eligibility requirements:

The classes of drivers eligible for a restricted license include DWI offenders, reckless driving offenders, and those with repeat traffic convictions. Those suspended/revoked for vehicular homicide, refusal to submit to chemical testing, medical incompetence, leaving the scene of an accident, underage alcohol violation, driving while license suspended/revoked, and compliance issues (e.g. *failure to appear & pay*) are not eligible.

1st time DWI offenders must enroll in and complete an alcohol safety action program prior to being considered eligible for a restricted license. 2nd time DWI offenders within a 5 year period must complete an alcohol safety action program and serve a mandatory revocation period of one year before being deemed eligible for a restricted license. 3rd time DWI offenders within a 5-year period must serve a 3-year minimum revocation prior to being considered eligible for a restricted license.

An Ignition Interlock Device (IID) is required by the court for the issuance of a restricted license if an offender's license has been suspended or revoked due to 2 or more DWI convictions committed within a 10-year period. The court also has the discretion to require an IID for a 1st offense DWI.

Notification & Enrollment process/procedures:

The procedure for acceptance into the program requires completion of the restricted license application and submission of the petition to either the district court where the offense occurred or the Virginia DMV. The applicant must complete the relevant section(s) requesting verification of driving need. Proof of financial responsibility in the form of SR22 insurance must be submitted.

The courts or the DMV determine acceptance into the restricted license program. The Department of Motor Vehicles only issues restricted licenses for point violations (Driver Improvement program). Courts have the authority to notify the Virginia DMV to issue a restricted license for license suspensions/revocations levied by them. Applicants denied a restricted license by the DMV can file an appeal with the district court in which the applicant resides.

Participation in the program necessitates the surrendering of one's license and participants are issued a photo license and either a DMV restricted license order or a court restricted license order specifying the purpose, geography and time frame of allowable trips.

Depending on which of the purposes are requested in the restricted license application, the successful applicant will be given permission to drive for work, school, medical (*self and/or dependent*), rehabilitation (e.g. *safety action program*), and transport of a minor for essential needs.

Eligible drivers are not made aware of the program in the notice of suspension or revocation sent to them by the Department of Motor Vehicles. Those who appear in

court are made aware of the program if deemed eligible. The restricted license program is advertised on the department website but the application is not available on the website.

Enforcement & Effectiveness:

Enforcement of the program is limited to law enforcement personnel actions. If convicted of violating the program restrictions, the restricted license is usually canceled, the offender is charged with driving while license suspended/revoked, and the participant is placed back into suspension/revocation.

According to the Virginia DMV, there is no procedure in place to track the effectiveness of the program.

Administrative resources required:

The respondent stated that all 75 Virginia DMV Customer Service Centers work on administering the program.

Other:

Virginia does not partner with any organization/entity to assist in implementation of the restricted license program.

In closing, the respondent commented that when program eligibility is made clear in statutes, program administration and implementation is not difficult. However, when program eligibility is too rigid, DMV administrator flexibility is sacrificed.

Interview Participants:

Millicent Ford, Driver Monitoring & Medical Review Services deputy director
Shirley Jeffers
Virginia Department of Motor Vehicles
804-367-2454

STATE DRIVER'S LICENSE FOLLOW-UP SURVEY RESPONSES

WASHINGTON

Type of Mitigation program: Occupational and limited driver license program

Background:

Washington differentiates between license suspension and revocation. The former involves the temporary removal of the privilege to operate a motor vehicle for a period less than 1 year while the latter involves the formal withdrawal of the driving privilege for 1 year or greater. Reasons for suspension include reckless driving and first time driving while intoxicated. Additional license suspension reasons include minor in possession of alcohol, drug, and/or firearm, which in the vast majority of cases is not related to a driving offense. Revocations are reserved for offenses including vehicular homicide and vehicular assault. Additional revocation reasons include arrest more than once within the past seven years for driving a motor vehicle while under the influence of an intoxicating liquor or narcotic drug (or under the influence of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle), committing of any felony in the commission of which a motor vehicle is used, failure to stop and give information or render aid as required by law in the event of a motor vehicle accident resulting in the death/personal injury of another or resulting in damage to a vehicle that is driven or attended by another, perjury or the making of a false affidavit or statement under oath to the department, and reckless driving upon a showing by the department's records that the conviction is the third such conviction for the driver within a period of two years.

(Statute/code reference: 46.20.285; 46.04.580; 46.04.480)

According to the Washington Department of Licensing, there are mandatory minimums of suspension/revocation, as well as discretionary suspension/revocation time in Washington. Many administrative actions have discretionary suspension/revocation time periods. The number and seriousness of the offenses often dictates suspension/revocation time. Mandatory minimums are in place for the following offenses: 30 day suspension for reckless driving, 90 day suspension for a 1st offense DUI, 2 year revocation for a second or subsequent DUI offense and a 1 year minimum revocation for failure to take a BAC test.

(Statute/code reference: 46.20.311)

The occupational and limited license program was created by statute and has been in existence for approximately 28 years.

(Statute/code reference: 46.20.391; 46.20.394)

With regard to the approximate number of suspensions/revocations per year, the following figures were provided by the Washington Department of Licensing:

- o 4.3 million Washington drivers
- o 7,000 suspensions/revocations per week

- o Approximately 8 to 10 percent of the 7,000 apply and receive an occupational/limited license

Eligibility requirements:

Any person convicted of an offense for which suspension or revocation of the driver's license is mandatory, including a first offense DUI, are considered eligible for an occupational license. Applicants who have received an administrative suspension for compliance reasons, such as failure to pay or to appear to pay a parking ticket are eligible for an occupational license. By law, those seeking the license due to suspensions/revocations for vehicular homicide, vehicular assault, negligent assault, habitual traffic offenses or refusal to submit to chemical testing are not eligible. In addition, the offender cannot have committed the following offenses within the previous seven years from the date of offense of his/her current conviction: DUI, physical control, vehicular assault, vehicular homicide and negligent homicide. Finally, the offender cannot have committed the following offenses within the previous 12 months from the date of offense of his/her current conviction: DUI, physical control, reckless driving, hit and run, attempting to elude a police officer, racing, vehicular homicide, vehicular assault, negligent homicide or driving while suspended/revoked. The classes of drivers eligible for a workfirst/apprenticeship/on-the-job training occupational license and a substance abuse treatment/12-step group meeting limited license are only those who have had their license suspended administratively for failure to appear in court, failure to pay traffic tickets, violations of the state financial responsibility laws or multiple traffic violations within a specified period of time.

First time DUI offenders must serve a mandatory 30 days of their suspension prior to being issued a restricted license.

Courts do not require an ignition interlock device installation for an occupational license but utilizing such a device may be a condition of license reinstatement.

Notification & Enrollment process/procedures:

The procedure for acceptance into the program requires completion of an occupational license application. The applicant must complete the first part of the application and the section requesting verification of employment and/or need for on the job driving must be completed and signed by the applicant's employer. If the application is based on a court conviction, a representative of the court must complete a section of the application. Proof of financial responsibility must also be filed with the application. A \$25 non-refundable application fee is required. Those who seek an occupational license for workfirst, apprenticeship or on-the-job training must complete a similar application which requires that their employer/program manager/case worker complete an affidavit of enrollment section. Proof of financial responsibility must be filed and the \$25 non-refundable application fee paid. In addition, those applying due to a suspension for unpaid tickets must have an unpaid ticket payment plan section completed by a court representative. Those who seek a limited license to attend substance abuse treatment programs or 12-step group meetings complete a similar application to the one described immediately above but need to have the affidavit of treatment section completed by the

applicant's counselor or program manager. It is possible for an eligible offender to apply for both an occupational and limited license. Acceptance into the program is an administrative decision made by staff. An appeals process is available and rejected applicants can request a hearing. Courts do not have the authority to issue a restricted license. Participation in the program does not necessitate the surrendering of one's license. Participants are issued an 8.5x11 paper permit.

The occupational license specifies the purpose, geography and time frame of allowable trips. Trips to and from work are permitted and driving privileges may not exceed 12 hours in any one day. Trips for substance abuse treatment, 12-step group meetings, workfirst, apprenticeship and on-the-job training may also be permitted if the individual meets the eligibility requirements specified above and completes the appropriate application(s). It is incumbent upon the driver to gain awareness of the program. The DOL does not alert eligible individuals to the program but the applications are available on their website. Information on the program is also available at courthouses.

Enforcement & Effectiveness:

Enforcement of the program is limited to law enforcement personnel action. If convicted of violating the program restrictions or committing a separate offense that would warrant suspension/revocation of a regular driver's license, the occupational license will be cancelled. It was noted that only a small number of restricted licenses are cancelled.

According to the Washington Department of Licensing, the program's effectiveness is not tracked.

Administrative resources required:

According to the Washington Department of Licensing, the administrative burden of the occupational/limited license program was minor, with 2 full-time staff members working on the program. The respondent added that administration of the program is not arduous and it typically requires only 15 minutes for a staff member to prepare the occupational/limited permit.

Other:

Although there are programs in certain Washington counties to assist suspended/revoked drivers in regaining their license (*e.g. King's County District Court Program*), the DOL does not partner with any organization/entity to assist in implementation of the occupational/limited license program.

Interview Participants:

Vicki McDougall, Driver Responsibility Unit Assistant Administrator
Washington Department of Licensing
360-902-4049

STATE DRIVER'S LICENSE FOLLOW-UP SURVEY RESPONSES

WISCONSIN

Type of Mitigation program: Occupational Licensing Program

Background:

Wisconsin differentiates between license suspension and revocation. The former involves the temporary removal of the privilege to operate a motor vehicle while the latter involves the complete termination of the driving privilege. Reasons for suspension include truancy, reckless driving, failure to pay child support, and failure to pay damages resulting from a motor vehicle crash. Act 9, effective with violations after 12/01/99, eliminated the authority of courts to suspend for failure to pay non-traffic related convictions (except for juveniles). This includes failure to pay judgments and restitutions. Revocations are reserved for offenses such as convictions for Operating While Intoxicated (OWI), refusal to submit to a chemical test for intoxication, and fleeing law enforcement. Those who are revoked for a period exceeding 4 years must reapply for a new license, meet with a hearing officer, pay the reinstatement fee and retake the written and road exams.

(Statute/code reference: 343.30(1q), 343.345)

According to the Wisconsin DMV, there are mandatory minimums and maximums of suspension/revocation, as well as discretionary suspension/revocation time. The number, seriousness, and circumstances of the offenses often dictates suspension/revocation time. Suspensions can range from one day to indefinite periods and revocations last a minimum of one day to a maximum of 20 years. Mandatory minimums are in place for OWI offenses and include a 6-month revocation for a first offense OWI, 1 year for a second OWI conviction, and 2 years for a third OWI conviction.

(Statute/code reference: 343.30(1q))

The restricted driving permit program was created by statute. Administrative code also guides implementation of this program.

(Statute/code reference: 343.10(2)(a)1, and Wisconsin Administrative code, chapter 117)

The following statistical figures were provided by the Wisconsin DMV:

- o 3.7 million Wisconsin licensed drivers
- o 403,586 suspended/revoked drivers in 2002
- o 29,445 occupational licenses issued in 2002

Eligibility requirements:

The classes of drivers eligible for a restricted driving permit include OWI violators, habitual traffic violators, and first time drag racing convictions. Those suspended/revoked for compliance issues (*e.g. failure to pay*) except for failure to pay child support are not eligible, nor are OWI offenders under the age of 21.

1st time OWI offenders are immediately eligible for a restricted driving permit. A 60-day minimum wait period is required if the offender's current revocation is the result of a 2nd alcohol-related conviction within a 5-year period. A 90-day minimum wait period is required if the offender's current revocation is the result of a 3rd or subsequent alcohol-related conviction within a 5-year period.

An ignition interlock device is required if an offender's license has been suspended or revoked due to 2 or more OWI convictions.

Notification & Enrollment process/procedures:

The procedure for acceptance into the program requires completion of a restricted driving permit application. The same application is used whether the offender is applying for permission to drive for employment, education, homemaker needs, religious services, or participation in an OWI required driver safety plan. The fee for a restricted permit is \$40. Proof of financial responsibility in the form of SR22 insurance must be submitted and proof of completion of the driver safety plan, if relevant. Required forms are to be submitted to a DMV service center for processing. Currently, applicants can confirm their eligibility for the program by calling the service center and will be able to do so online in the near future.

OWI offenders must submit proof of completion of a drunk-driver training course and substance abuse evaluation and treatment rehabilitation services. Applicants cannot have any tickets pending at the time of the hearing (*unless the pending citations are also the only cause of the current loss of driving privileges*).

Staff from the Department of Driver Services determine program acceptance, often on the same day the application is received. An appeals process, called an "informal settlement", allows for individuals to appeal licensing decisions from the Department of Driver Services. Individuals can appeal either to the Department of Inspections and Appeals or can request a judicial review. Courts can grant requests for an occupational license, but cannot authorize the Wisconsin DMV to grant a conditional license to an individual.

Participation in the program necessitates the surrendering of one's license and participants are issued a new photo license with the individual's driving restrictions, including permitted vehicle(s), driving purpose, geography, and time frame of allowable trips listed on the license.

The successful applicant may be given permission to drive for work, school, church, homemaker duties or for participation in a driver safety plan. Occupational licenses

restrict a person to driving no more than 12 hours per day/60 hours per week. Eligible drivers are made aware of the program via the notice of suspension or revocation sent to them by the Driver Services Department. Extensive information about the program is also available on the department website.

Enforcement & Effectiveness:

Enforcement of the program is limited to law enforcement personnel action. If convicted of violating the program restrictions, the permit is canceled and the participant is placed back into suspension. The period of the original suspension/revocation is also extended.

According to the Wisconsin DMV, the program's effectiveness is tracked. A report titled "Evaluation of the Effectiveness of the Occupational Licensing Program: Comprehensive Analysis and Interpretation of Findings" was published in January 2003. The respondent stated that the report found that the OLP was a very effective tool in keeping drivers licensed and driving safely. The Wisconsin DMV is currently completing a study on habitual traffic offenders. This report will include demographic information.

Administrative resources required:

Most of the work is conducted at the regional service centers. The central office consists of 4 full time employees who each dedicate a portion of their time to the program. The state recently redesigned its database system, with software that can determine occupational license eligibility. The DMV has a one record per driver database.

Other:

Wisconsin does not partner with any organization/entity to assist in implementation of the restricted driving permit program, but does cooperate with the Department of Corrections and County Courts. For example, the respondent mentioned that Wisconsin's DMV is working with Racine County Court to bring individuals who drive while suspended and possess significant outstanding fines into legal status by helping them become re-licensed. Program components include establishing realistic payments plans, offering full and partial waivers of fines or surcharges, and providing financial assistance through loans for those needing their licenses reinstated for work purposes.

In closing, the respondent stated that the occupational license program is successful and keeps people working. Future policy changes should include clarifying state statutes so that determining which violations should result in suspension and which in revocation is more evident. The respondent added that license revocations are currently overused. She also suggested that courts should utilize the "Tax Intercept" program more frequently, as a means to collect unpaid fines rather than suspending a driver's license.

Interview Participants:

Anna Biermeier, Revocations and Suspension Section chief
Wisconsin Department of Motor Vehicles
608-266-9901

STATE DRIVER'S LICENSE FOLLOW-UP SURVEY RESPONSES

WYOMING

Type of Mitigation program: Probationary/Job Related License

Background:

Wyoming differentiates between license suspension and revocation. The former involves the temporary withdrawal of the privilege to operate a motor vehicle while the latter involves the formal termination of an individual's driving privilege. Reasons for suspension include 1st offense Driving While Under the Influence (DWUI), reckless driving, and committing 4 traffic violations within one year. Revocations are reserved for offenses such as repeat convictions for DWUI, refusal to submit to a chemical test for intoxication, and fleeing law enforcement. The Wyoming Driver Services also has the authority to administratively revoke for reasons including repeat traffic violations and accidents, fraudulent use of license, and refusal to appear in court. Those who are revoked must pay the reinstatement fee and retake the road test.

(Statute/code reference: title 31, chapter 7)

According to Wyoming Driver Services, there are mandatory minimums of suspension/revocation, as well as discretionary suspension/revocation time. The number, seriousness, and circumstances of the offenses often dictates suspension/revocation time. Mandatory minimums are in place for DWUI that include a 90-day suspension for the first offense, 1 year revocation for a second DWUI conviction, and 3 years for a third DWUI conviction.

(Statute/code reference: 31, chapter 7, section 105)

The restricted driving permit program was created by statute 15 years ago.

Administrative code also guides implementation of this program.

(Statute/code reference: 31 chapter 7, section 105, Wyoming DOT 4182, section 20)

The following statistical figures were provided by Wyoming Driver Services:

- o 455,000 Wyoming licensed drivers
- o Approximately 15,000 suspended/revoked drivers in 2003
- o Approximately 3,000 occupational licenses issued in 2003

Eligibility requirements:

The classes of drivers eligible for a restricted driving permit include 1st offense DWUI violators, those with excessive moving violations, and those with failure to pay child support. Those suspended/revoked for repeat DWUI violations, reckless driving convictions within a 5 year period, compliance issues (*e.g. failure to pay*) and/or

refusing to submit to a chemical test are not eligible (*Statute/code reference: 31 chapter 5, section 233*).

1st offense DWUI applicants are immediately eligible for a probationary license.

An ignition interlock device is not required, due to a lack of available vendors.

Notification & Enrollment process/procedures:

The procedure for acceptance into the program requires completion of a written request for a Driver Services' record review, which costs a \$15 fee. If the applicant qualifies, a probationary license application will then be sent to the applicant via mail. The same application is used whether the offender is applying for employment, medical, educational, or for support group purposes. The applicant must complete the application and the relevant section requesting verification of employment, educational and/or support group driving need. The fee for a restricted permit is \$25. DWUI offenders must submit proof of completion of substance abuse evaluation and treatment rehabilitation services prior to receiving a conditional license.

A hearing officer from the Department of Driver Services determines acceptance into the program. If an applicant is refused, an appeal process is available. A request can be made for a hearing with an independent hearing examiner. The appeal fee is \$15. Courts do not have the authority to issue conditional licenses.

Participation in the program necessitates the surrendering of one's license and participants are issued a paper permit that states the individual's driving restrictions, including driving purpose, geography, and time frame of allowable trips.

The successful applicant may be given permission to drive for work, school, medical (*self and/or dependent*) and/or rehabilitation (*e.g. substance abuse treatment*) trips. Motor vehicle use is also allowed to conduct errands.

Eligible drivers are made aware of the program via the notice of suspension or revocation sent to them by the Driver Services Department. The application is not available on the Wyoming DOT website.

Enforcement & Effectiveness:

Enforcement of the program is limited to law enforcement personnel action. If convicted of violating the program restrictions, the permit is canceled and the participant is placed back into suspension.

According to Driver Services, there is no procedure in place to track the effectiveness of the program.

Administrative resources required:

Two full time employees operate the conditional licensing program.

Other:

Wyoming does not partner with any organization/entity to assist in implementation of the restricted driving permit program.

In closing, the respondent suggested that eligibility for any conditional license program should be very specific.

Interview Participants:

Tom Loftin, Driver Services manager
Wyoming Department of Transportation
307-777-4802

APPENDIX B

Suspended Driver Survey Questionnaire

January 5, 2005

Dear Motorist,

On or about November 29, 2004 you should have received a survey intended to help the New Jersey Motor Vehicle Commission (MVC) and researchers at Rutgers University to determine if the New Jersey driver license suspension system produces unintended and unfair consequences.

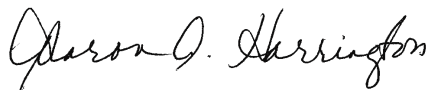
This survey is part of an important research study that MVC and Rutgers began in September 2003. Researchers are reviewing data and information related to driver license suspensions in New Jersey. Both the research study and the enclosed survey will, this year, supplement MVC's Affordability and Fairness Task Force's research into the state's driver license suspension system.

Your name was selected at random for this survey and your participation is voluntary. **All information, including your name, will be kept anonymous.** Even if your driver's license has never been suspended we want to hear from you. If you already responded to our first letter by completing and returning the survey we thank you very much for participating. There is no need to complete another questionnaire.

If you did not respond to the first letter, we want to give you another opportunity. Please take a few minutes to complete the enclosed questionnaire. Your experiences and opinions are very important to us. After completing the survey, please send it to Rutgers University in the enclosed stamped and addressed envelope.

If you have any questions regarding the research study or the survey, please contact Rutgers University by calling (732) 932-6812, ext. 700. If you have any questions regarding the status of your New Jersey driver's license, please contact MVC at 1-888-486-3339.

Sincerely,



Sharon A. Harrington
Chief Administrator, MVC



DRIVER'S LICENSE SURVEY

OVERVIEW AND INSTRUCTIONS:

You are invited to participate in a research study being conducted by the Alan M. Voorhees Transportation Center at Rutgers University. The Voorhees Transportation Center has been hired by the New Jersey Motor Vehicle Commission to conduct a survey and do other research to help understand better driver's license suspension, its impacts in New Jersey and how to improve the suspension program. We request that you please complete the following survey questionnaire. All of your answers will be anonymous and nothing you write will affect your driver's license. **Your participation in the survey is completely voluntary; however, your opinions are highly valued.** If you have any questions about the survey or our study, please feel free to contact the Voorhees Transportation Center at 732/932-6812 x700. **Please return the completed survey questionnaire by Friday, February 4, 2005 using the enclosed postage paid envelope to the Alan M. Voorhees Transportation Center c/o Rutgers, The State University of New Jersey.** Thank you.

Suspension History

In this section we are going to ask a series of questions related to your experiences with having your New Jersey driver's license suspended. We are interested in finding out information about both current and past suspensions, so, even if your license is not currently suspended, please read each question and answer it to the best of your ability. **If your New Jersey driver's license has never been suspended, please answer question 1 and then skip to question 25.**

1. Has your New Jersey driver's license ever been suspended? ☐ Yes ☐ No (If no, skip to question 25)
2. Is your New Jersey driver's license currently suspended? ☐ Yes ☐ No (If no, skip to question 5)
3. How many suspensions do you CURRENTLY have on your driver's license?
☐ One suspension ☐ More than one suspension
4. For how long is your license CURRENTLY suspended?
☐ 0-3 mths ☐ 3-6 mths ☐ 6-12 mths ☐ 1-2 years ☐ 2-5 years ☐ more than 5 years ☐ Indefinite time period
5. Including any current suspensions, how many times since you have had a New Jersey driver's license has your license been suspended?
☐ Once ☐ Twice ☐ Three times ☐ Four or more times
6. If your license is NOT currently suspended but it has been suspended in the past, for how long was it suspended?
☐ 0-3 mths ☐ 3-6 mths ☐ 6-12 mths ☐ 1-2 years ☐ 2-5 years ☐ more than 5 years
7. If you have EVER had your license suspended, what was the reason(s) for the suspension(s). **(Check all that apply)**
☐ Failure to pay an insurance surcharge issued by the Motor Vehicle Commission
☐ Other money-related reason(s) associated with car ownership or use (For example, failure to pay parking tickets, fines, court fees, failure to maintain mandatory insurance or failure to comply with a court-ordered installment plan)
☐ Driving-related reason(s) (For example, driving under the influence of alcohol/drugs, other motor vehicle or traffic violations such as speeding or driving while suspended)
☐ Criminal-related reason(s) (For example, drug and alcohol-related crimes not involving the use of a car, juvenile crimes)
☐ Failure to appear in court
☐ Failure to pay child support
☐ Other (Please Specify) _____

8. Have you ever been charged or convicted of driving while your license was suspended? (**Note: Please remember that all responses are anonymous**) ☐ Yes ☐ No
9. How were you notified that your license was suspended?
- ☐ Received a notice of suspension from the courts or Motor Vehicle Commission
- ☐ Informed of the suspension by law enforcement when stopped for a different offense
- ☐ Never was informed of the suspension
- ☐ Other (Please Specify) _____

Impacts of Suspension

In this section we are going to ask a series of questions related to how having your New Jersey driver's license suspended affected your life. We are interested in finding out information about both current and past suspensions, so, even if your license is not currently suspended please read each question and answer it to the best of your ability.

10. If you have EVER had your license suspended, thinking back, how did it affect you? (**Select one answer for each statement listed below**)

	<u>Not at all</u>	<u>Rarely</u>	<u>Sometimes</u>	<u>Often</u>
I frequently thought of it when I did not intend to	☐	☐	☐	☐
I tried to remove it from memory	☐	☐	☐	☐
I had trouble falling asleep or staying asleep	☐	☐	☐	☐
I had dreams about it	☐	☐	☐	☐
I felt as if it hadn't happened or it wasn't real	☐	☐	☐	☐
I tried not to talk about it	☐	☐	☐	☐
Pictures about it popped into my mind	☐	☐	☐	☐
I was aware that I still had a lot of feeling about it but I didn't deal with them	☐	☐	☐	☐
I tried not to think about it	☐	☐	☐	☐
Any reminder brought back feelings about it	☐	☐	☐	☐
My feelings about it were kind of numb	☐	☐	☐	☐
I felt ashamed	☐	☐	☐	☐
I felt too embarrassed to tell anyone my license was suspended	☐	☐	☐	☐
I felt angry with the court/police/MVC for taking my license away	☐	☐	☐	☐
I felt angry with myself for getting in this situation	☐	☐	☐	☐
I felt I did not deserve to lose my license	☐	☐	☐	☐

11. If you have EVER had your license suspended, thinking back, did it become easier or more difficult over time for you to cope with the impacts of having your license suspended?
- ☐ It became easier to cope with the impacts over time
- ☐ It became more difficult to cope with the impacts over time
- ☐ It became neither easier nor more difficult to cope with the impacts over time
- ☐ Do not know
12. If you have EVER had your license suspended, thinking back, were you employed at the time your license was suspended?
- ☐ Yes ☐ No

12a. Were you able to keep the job you had when your license was suspended?

- ☐ Yes (If Yes, go to question 13) ☐ No (If No, answer the questions below)

12b. In what way did NOT having a driver's license impact your search for new employment?

- ☐ It made my job search much more difficult
☐ It made my job search somewhat more difficult
☐ It did not impact my job search

12c. Were you able to find new employment? ☐ Yes (If Yes, answer question 12d) ☐ No (If No, go to question 13)

12d. Did you earn more or less money at your new job?

- ☐ I earned a lot more money ☐ I earned a little more money
☐ I earned a little less money ☐ I earned a lot less money
☐ I earned about the same

13. If your license is currently suspended or if you have EVER had your license suspended and you are/were employed while your license is/was suspended, how often do/did you use each type of transportation to travel to and from work while your license is/was suspended?

(Select one answer for ALL forms of transportation you may use. Remember, all responses are anonymous).

	Every work day	3 or 4 times a week	1 or 2 times a week	1 or 2 times a month	Less than once a month	Never	Not Available
Bus or train	☐	☐	☐	☐	☐	☐	☐
Car or van pool	☐	☐	☐	☐	☐	☐	☐
Taxi	☐	☐	☐	☐	☐	☐	☐
Private car/van, you are the driver	☐	☐	☐	☐	☐	☐	☐
Dropped off by a friend or family member	☐	☐	☐	☐	☐	☐	☐
Dropped off by a friend or family member at a bus stop or train station	☐	☐	☐	☐	☐	☐	☐
Bicycle or walk	☐	☐	☐	☐	☐	☐	☐
Work at home	☐	☐	☐	☐	☐	☐	☐
Other (please specify)	☐	☐	☐	☐	☐	☐	☐

14. Thinking back, how often did you use each type of transportation to travel to and from work PRIOR to your license suspension?

(Select one answer for ALL forms of transportation you may use. Remember, all responses are anonymous).

	Every work day	3 or 4 times a week	1 or 2 times a week	1 or 2 times a month	Less than once a month	Never	Not Available
Bus or train	☐	☐	☐	☐	☐	☐	☐
Car or van pool	☐	☐	☐	☐	☐	☐	☐
Taxi	☐	☐	☐	☐	☐	☐	☐
Private car/van, you are the driver	☐	☐	☐	☐	☐	☐	☐
Dropped off by a friend or family member	☐	☐	☐	☐	☐	☐	☐
Dropped off by a friend or family member at a bus stop or train station	☐	☐	☐	☐	☐	☐	☐
Bicycle or walk	☐	☐	☐	☐	☐	☐	☐
Work at home	☐	☐	☐	☐	☐	☐	☐
Other (please specify)	☐	☐	☐	☐	☐	☐	☐

15. For those of you NOT currently suspended, what mode of transportation do you rely upon most frequently since your license was restored?

- ☐ Bus or train
 ☐ Bicycle or walk
 ☐ Car/van pool
 ☐ Taxi
 ☐ Private car or van, you are the driver
 ☐ Private car or van, you are a passenger
 ☐ Other (Specify) _____

16. In what ways does (or did) having your driver's license suspended impact your job performance?

- ☐ It had a positive impact on my job performance
 ☐ It had a negative impact on my job performance
☐ It did not impact my job performance

(If yes, please explain)

17. Is (or was) your employer aware that your license is (or was) suspended?

- ☐ Yes
 ☐ No

18. While your license is/was suspended, how do/did you most often meet the following personal and family travel needs? (Choose the type of transportation you used **MOST OFTEN** to make each type of trip listed below)

	Essential home trips (grocery shopping, errands, etc.)	School trips for self and/or dependents	Medical care trips for self and/or dependents	Child/Adult day care trips	Recreation	Other
Bus or train	☐	☐	☐	☐	☐	☐
Car or van pool	☐	☐	☐	☐	☐	☐
Taxi	☐	☐	☐	☐	☐	☐
Private car/van, you are the driver	☐	☐	☐	☐	☐	☐
Dropped off by a friend or family member	☐	☐	☐	☐	☐	☐
Dropped off by a friend or family member at a bus stop or train station	☐	☐	☐	☐	☐	☐
Bicycle or walk	☐	☐	☐	☐	☐	☐
Other (please specify)	☐	☐	☐	☐	☐	☐

19. Are you able to pay the increased insurance costs that may result (or did result) from your driver's license suspension?

- ☐ Yes
 ☐ No
 ☐ My insurance did not/will not increase

20. Are you facing other costs related to your driver's license suspension? ☐ Yes ☐ No (If no, go to Question 21)

(If yes, please explain) _____

20a. Can you afford these other costs? ☐ Yes ☐ No

21. What other impacts have you experienced because your license is/was suspended? (Check all that apply)

- ☐ Loss of freedom
☐ Increased stress
☐ Strain on family/friends/colleagues
☐ Lack a form of identification
☐ Other (Please explain) _____

22. Aside from paying a license reinstatement fee, what requirements did you meet/must you meet in order to have your license restored? **(Check all that apply)**

☐ Wait until the license suspension period is over

☐ Pay fees/fines

☐ Attend a driving class

☐ Other (Please Explain) _____

23. If your license is CURRENTLY suspended, do you believe you will receive your license back in the foreseeable future?

☐ Yes

☐ No

24. If your license is CURRENTLY suspended, do you plan on having your license restored as soon as you are deemed eligible?

☐ Yes

☐ No

(If no, please explain) _____

The Future of License Suspension in New Jersey

One program utilized by some states to address the impacts of driver's license suspension allows certain types of suspended drivers to drive under limited circumstances. Basically, some suspended drivers receive conditional driving permits that allow them to drive for specific reasons (For example, to get to work or school), in a specific area (For example, a specific town, county, or state) during specified times of the day. New Jersey does not currently offer conditional driving permits. In this section we are going to ask a series of questions to help us understand better how you feel about creating a conditional driving permit program in New Jersey. Everyone's opinion is important to us, so even if your license has never been suspended, please read each question and answer it to the best of your ability.

25. If New Jersey were to offer a conditional driving permit, who should be eligible to receive one? **(Check all that apply)**

☐ People suspended for failing to pay an insurance surcharge issued by the Motor Vehicle Commission

☐ People suspended for money-related reason(s) associated with car ownership or use (For example, failure to pay parking tickets, fines, court fees, insurance surcharges, or failure to maintain mandatory insurance)

☐ People suspended for driving-related reason(s) (For example, driving under the influence of alcohol/drugs, other motor vehicle or traffic violations such as speeding or driving while suspended)

☐ People suspended for criminal-related reason(s) (For example, drug and alcohol-related crimes not involving the use of a car, juvenile crimes)

☐ People suspended for failing to appear in court

☐ People suspended for failure to pay child support

☐ Suspended drivers should NEVER be given a conditional driving permit under any circumstances **(If you checked this option, please skip to question 27)**

☐ Other (Please Specify) _____

26. Which of the following trip purposes should be permitted under a conditional driving permit? **(Check all that apply)**

☐ Driving to and from work

☐ Driving to and from medical appointments for self and/or dependent

☐ Driving to and from school for self and/or dependent

☐ Driving to and from child or adult day care

☐ Driving for personal/family needs such as grocery shopping and/or personal appointments

☐ Driving to and from drug/alcohol counseling programs

☐ Other (Please Specify) _____

27. What suggestions do you have, if any, for improving the driver's license suspension program in New Jersey?

Personal Characteristics

In this section, we are going to ask a series of questions for classification purposes.

28. Where do you live? Town _____ Zip Code _____

29. Approximately how old are you? **(Check only one)**

☐ under 18 ☐ 18-24 ☐ 25-34 ☐ 35-44 ☐ 45-54 ☐ 55-64 ☐ 65 and over

30. Are you: ☐ Male ☐ Female

31. What is your race or ethnic origin?

☐ Asian American ☐ African American ☐ Hispanic American ☐ Native American ☐ White (non-Hispanic) ☐ Other

31a. If you selected Asian American above, how would you further describe your place of origin?

☐ Pacific Islander ☐ Chinese ☐ South Asian ☐ Filipino ☐ West Asian ☐ Japanese ☐ Middle Eastern
☐ Korean ☐ Southeast Asian ☐ Other Asian: _____

31b. If you selected Hispanic American above, how would you further describe your place of origin?

☐ Mexican, Mexican-American, Chicano ☐ Cuban ☐ Puerto Rican ☐ Other Hispanic: _____

31c. Were you born in the United States (that is, any of the fifty states, or the District of Columbia), Puerto Rico, or in another country or area?

☐ Born in the United States ☐ Born in Puerto Rico ☐ Born in another country

31d. Is any language besides English spoken in your home? ☐ Yes ☐ No

31e. How well do you understand English? ☐ Very Well ☐ Well ☐ Not very well ☐ Not at all

32. What is your marital status?

☐ Single, never married ☐ Married ☐ Divorced or separated ☐ Widowed ☐ Living with a partner
☐ Other: _____

33. How many people, including children and adults, live in your household? _____

34. How many children do you have?

☐ None ☐ 1-2 ☐ 3-4 ☐ 5 or more

34a. If you have children, how many are over the age of 18 years old?

☐ None ☐ 1-2 ☐ 3-4 ☐ 5 or more

34b. If you have children, how many are under the age of 18 years old?

☐ None ☐ 1-2 ☐ 3-4 ☐ 5 or more

35. What is the last year of school you completed? **(Check only one)**

- ☐ less than high school ☐ high school graduate / GED ☐ some college ☐ trade or technical school ☐ college graduate
☐ post graduate ☐ Other (Please describe) _____

36. What is your employment status? **(Check only one)**

- ☐ Employed ☐ Not employed, but currently seeking employment ☐ Not employed and not currently seeking employment ☐ Retired ☐ Student ☐ Other (Specify) _____

37. If you are employed, where do you work? Town _____ Zip code _____

38. Including all members of your household, what is your total annual income? **(Check only one)**

- | | |
|--|---|
| ☐ Under \$10,000 | ☐ \$100,001 to less than \$300,000 |
| ☐ \$10,001 to less than \$20,000 | ☐ \$300,001 to less than \$500,000 |
| ☐ \$20,001 to less than \$30,000 | ☐ \$500,001 to less than \$1 million |
| ☐ \$30,001 to less than \$40,000 | ☐ \$1 million or more |
| ☐ \$40,001 to less than \$50,000 | |
| ☐ \$50,001 to less than \$75,000 | |
| ☐ \$75,001 to less than \$100,000 | |

39. How much do you agree with the following statements? **Check the answer that best describes how much you agree or disagree with EACH statement.**

	Strongly agree	Somewhat agree	Neither agree nor disagree	Somewhat disagree	Strongly disagree
When making a purchase, I would rather stick with a brand I usually buy than try something I am not very sure of.	☐	☐	☐	☐	☐
I never buy anything I don't know about because I don't want to make a mistake.	☐	☐	☐	☐	☐
I am cautious in trying new/different products.	☐	☐	☐	☐	☐
I get a kick out of doing things every now and then that are a little risky or dangerous.	☐	☐	☐	☐	☐

40. Generally speaking, how much would you say that you can trust the following groups? **Please circle the number that most closely indicates your level of trust for each group listed below. Use the following scale as a guide for your responses:**

1 = Trust them a lot 2 = Trust them some 3 = Trust them only a little 4 = Can't trust them at all

- | | | | | |
|---|---|---|---|--------------------------------|
| 1 | 2 | 3 | 4 | Other people in general |
| 1 | 2 | 3 | 4 | People in your neighborhood |
| 1 | 2 | 3 | 4 | People you work with |
| 1 | 2 | 3 | 4 | Police in your local community |
| 1 | 2 | 3 | 4 | Court judges |
| 1 | 2 | 3 | 4 | Local government |
| 1 | 2 | 3 | 4 | State government |
| 1 | 2 | 3 | 4 | Federal government |

41. In the past twelve months, about how often have you been involved in (For example: attended a meeting, event or function) any of the following groups or organizations? **Please make ONE selection for EACH group or organization listed below.**

	Never in the past year	One or two times in the past year	Between 3 and 10 times	Monthly or more than one time a month on average	Weekly or more than one time a week
Religious organization or place of worship	☐	☐	☐	☐	☐
Adult sports club or league, or an outdoor activity club	☐	☐	☐	☐	☐
Youth organization like a youth sports league, the scouts, 4-H club, or Boys and Girls Club	☐	☐	☐	☐	☐
Parents' association, like a PTA or PTO, or other school support or service group	☐	☐	☐	☐	☐
A veteran's group	☐	☐	☐	☐	☐
A neighborhood association, like a block association, a homeowners or tenants association or crime watch group	☐	☐	☐	☐	☐
Clubs or organizations for senior citizens	☐	☐	☐	☐	☐
A charity or social welfare organization that provides services to the needy	☐	☐	☐	☐	☐
A labor union	☐	☐	☐	☐	☐
A professional, trade, farm, or business association	☐	☐	☐	☐	☐
Service clubs or fraternal organization such as the Lions or Kiwanis or a local woman's club or a college fraternity or sorority	☐	☐	☐	☐	☐
Ethnic, nationality or civil rights organization, such as the National Organization for Women, the Mexican American Legal Defense or NAACP	☐	☐	☐	☐	☐
Other public interest groups, political action groups, political clubs, or party committees	☐	☐	☐	☐	☐
A literary, art, discussion, or study group or a musical, dancing or singing group.	☐	☐	☐	☐	☐
Any other hobby, investment or garden clubs or societies	☐	☐	☐	☐	☐

42. In the past twelve months, have you served as an officer or served on a committee of any local club or organization?

☐ Yes ☐ No

43. In the past twelve months, about how often have you participated in the following activities? **Please make ONE selection for EACH activity listed below.**

	Never in the past year	One or two times in the past year	Between 3 and 10 times	Monthly or more than one time a month on average	Weekly or more than one time a week
Attended a celebration, parade, or a local sports or art event in your community	☐	☐	☐	☐	☐
Played cards or a board game with others	☐	☐	☐	☐	☐
Had friends over to your home	☐	☐	☐	☐	☐
Went to the home of a friend for dinner or other gathering	☐	☐	☐	☐	☐
Socialized with coworkers outside of work	☐	☐	☐	☐	☐
Hung out with friends at a park, shopping mall or other public place	☐	☐	☐	☐	☐
Played a team sport	☐	☐	☐	☐	☐
Attended a public meeting in which there was a discussion of town or school affairs	☐	☐	☐	☐	☐
Signed a petition	☐	☐	☐	☐	☐
Attended a political meeting or rally	☐	☐	☐	☐	☐
Worked on a community project	☐	☐	☐	☐	☐
Participated in a demonstration, protest, boycott or march	☐	☐	☐	☐	☐

44. How satisfied are you in your life? **Please circle the number that most closely matches your level of satisfaction. Use the following scale as a guide for your responses:**

1 = Very Dissatisfied 2 = Dissatisfied 3 = Neither Satisfied nor dissatisfied 4 = Satisfied 5 = Very Satisfied										
1	2	3	4	5	Most things in general					
1	2	3	4	5	How things are going for you at work or school					
1	2	3	4	5	Your accomplishments					
1	2	3	4	5	Yourself					
1	2	3	4	5	Your friends					
1	2	3	4	5	Your family life					
1	2	3	4	5	Your relationships with supervisors or teachers					
1	2	3	4	5	Where you live					
1	2	3	4	5	Your health					
1	2	3	4	5	How the future looks for you					

Thank you very much for taking the time to complete this survey. Your participation is greatly appreciated. Please return the completed survey questionnaire by Friday, February 4, 2005 using the enclosed postage paid envelope to the Alan M. Voorhees Transportation Center c/o Rutgers, The State University of New Jersey.