



## Administrative License Revocation

The U.S. Department of Transportation's National Highway Traffic Safety Administration (NHTSA) encourages States to require prompt, mandatory suspension of drivers' licenses for alcohol and/or other drug test failure and refusal. Traffic crashes are the greatest single cause of death for every age 6 through 28, and over 40 percent of those fatalities involve alcohol and/or other drugs. Suspending or revoking a driver's license for driving while under the influence of alcohol or other drugs has proven to be a most successful deterrent to this behavior.

Administrative license revocation (ALR) laws are based on objective chemical tests (blood, breath, or urine), similar to "illegal per se" criminal laws against impaired driving. Administrative license revocation allows police and driver licensing authorities to revoke the driver's license swiftly, without long delays while waiting for a criminal trial, and protects the offender's right of due process through an appeal system. ALR is similar to "implied consent" laws in states which automatically suspend a driver's license for **refusing** a BAC test. ALR automatically suspends the license for **failing** the BAC test.

### Key Facts

- In 1995, 41 percent of the 41,798 motor vehicle crash deaths were alcohol-related. This percentage translates into 17,274 alcohol-related deaths last year.
- As of 1996, 39 States and the District of Columbia have adopted some form of administrative license revocation.
- Administrative license revocation is constitutional and is not double jeopardy. All cases in the highest state

appellate courts have upheld ALR as a constitutional means of protecting the public from impaired drivers.

- The U.S. Supreme Court has found that the right of due process is not violated if a driver's license is suspended prior to an administrative hearing, as long as provisions are made for a swift post-suspension hearing. (*Mackey v. Montrym*, 43 U.S. 1. 1979).
- An independent study found that administrative license revocation laws reduced fatal crashes approximately nine percent during high-risk (late night) periods of alcohol involvement.
- Illinois, New Mexico, Maine, North Carolina, Colorado and Utah have observed significant reductions in alcohol-related fatal crashes following the implementation of administrative license revocation procedures, according to a NHTSA study.
- Based on data obtained in an agency-sponsored study of the effects of certain types of legislation, NHTSA estimates that 162 additional lives could have been saved in 1995, if administrative license revocation laws had been adopted in the 13 States without such laws at that time. (*continued*)

### Contents

- **Key Facts**
- **What Provisions Should Be Included In An Administrative Revocation Law?**
- **How Much Does An Administrative License Revocation Program Cost?**
- **How Can Administrative License Revocation Be Financed?**
- **Who Supports Administrative License Revocation?**
- **Section 410 of the Highway Safety Act**
- **Research Studies**
- **Information Sources**

## **Key Facts** *(continued)*

- Publicity is an important factor. A NHTSA-sponsored study carried out in Nevada found a 12 percent reduction in alcohol-related crashes following implementation of a publicity campaign designed to inform the public about the administrative license revocation procedure.
- Administrative license revocation does not have a major impact on offender's job or income. A 1996 study compared three ALR states with one state that used other sanctions for impaired driving. There was no difference between ALR and non-ALR states in offender employment or income. In both, 94 percent of the offenders who were working at the time of arrest were still working one month later, 4 percent were unemployed, and the remaining 2 percent were in school. License revocations as long as 90 days did not lead to loss of job or income.

## **What Provisions Should Be Included In An Administrative Revocation Law?**

- The language of the administrative license revocation law should be consistent with the provisions of the State's administrative procedures laws.
- The arresting officer should, at the time of arrest, serve the notice of revocation, take the offender's license, and issue a temporary license.
- The driver shall have the opportunity for an administrative appeal hearing.
- The hearing request should not be allowed to delay the revocation. If the hearing request does not stay the revocation, between 25 and 30 percent of the offenders request a hearing. If the hearing request stays the revocation, nearly 100 percent of the offenders request a hearing.
- The initial revocation for test failure should be at least 90 days with full revocation for 30 days, followed by at least 60 days of restricted driving. Restricted driving licenses should be permitted only in very limited circumstances, and only after an initial "hard" suspension period. The initial revocation for a test refusal should be a full 90 days, with no restricted driving privileges. For a repeat offense within five years, the revocation should be a full revocation for one year, with no restricted driving privileges. Suspensions should take effect within 30 days of notice.

- The administrative sanction is handled separately from the criminal proceeding. The outcome of the administrative action should have no bearing on the criminal proceedings, including sanctions.

## **How Much Does An Administrative License Revocation Program Cost?**

A 1991 NHTSA-sponsored study looked at the cost and benefits associated with administrative license revocation laws in Illinois, Mississippi, and Nevada. The study found that start-up and operating costs were more than covered by reinstatement fees assessed to offenders. In addition, the annual savings in costs of night-time crashes that were reduced as a result of ALR ranged from \$37 million in Nevada to \$104 million in Mississippi.

## **How Can Administrative License Revocation Be Financed?**

The offenders, rather than taxpayers, should pay for these programs. Some States have significantly increased the reinstatement fee for those whose licenses are revoked for driving while intoxicated (DWI), some have raised all reinstatement fees, and others have increased all license application and renewal fees. Other fines, fees or taxes that can be considered to provide funding include alcoholic beverage taxes that can be earmarked for alcohol program expenses such as ALR.

## **Who Supports Administrative License Revocation?**

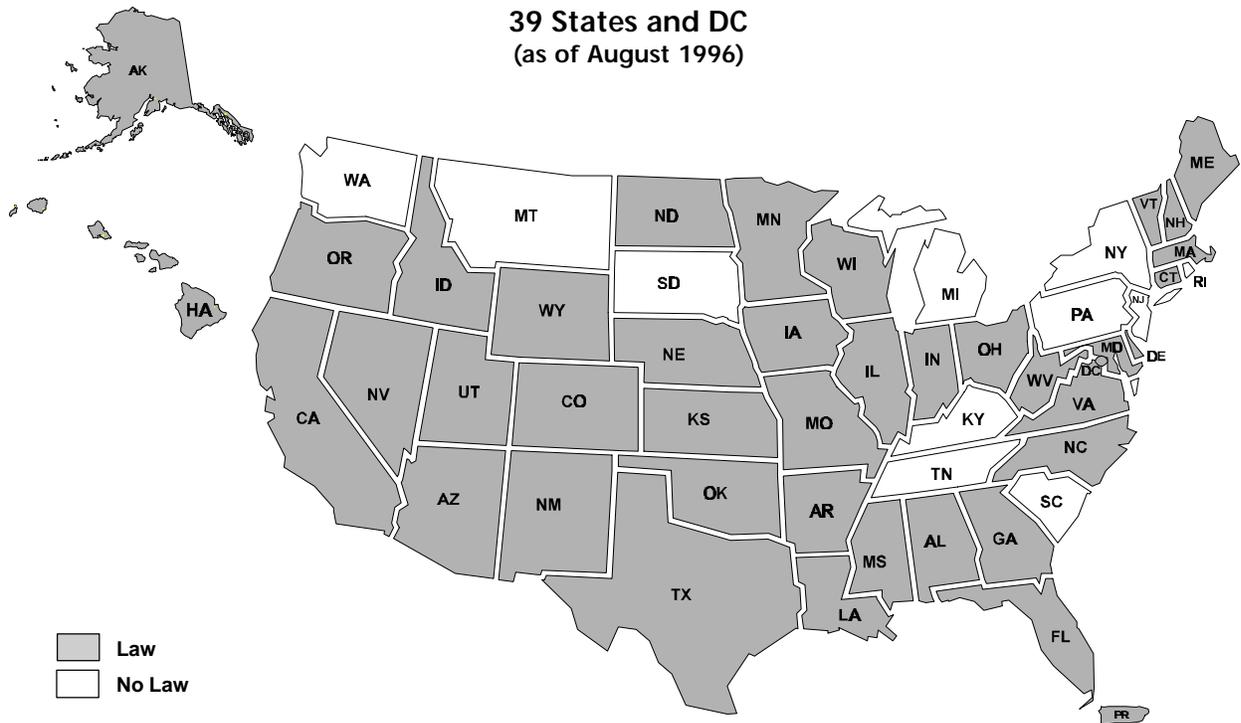
The following organizations have publicly supported administrative license revocation:

- Advocates for Highway and Auto Safety
- Allstate Insurance
- American Alliance for Rights and Responsibilities
- American Association of Motor Vehicle Administrators
- American Automobile Association
- American Automobile Manufacturers Association
- American Coalition for Traffic Safety
- American Insurance Association
- Center for Substance Abuse Prevention
- The Century Council

## Who Supports Administrative License Revocation? *(continued)*

- Federal Highway Administration
- GEICO
- General Federation of Women's Clubs
- Highway Users Federation for Safety and Mobility
- Insurance Information Institute
- Insurance Institute for Highway Safety
- International Association of Chiefs of Police
- Kemper Insurance Group
- Mothers Against Drunk Driving (MADD)
- National Association of Governors' Highway Safety Representatives
- National Association of Independent Insurers
- National Association of State Alcohol and Drug Abuse Directors
- National Association of State Emergency Medical Service Directors
- National Commission Against Drunk Driving
- National Highway Traffic Safety Administration
- National Safety Council
- National Sheriffs' Association
- National Transportation Safety Board
- Nationwide Insurance
- Operation Lifesaver
- Police Executive Research Forum
- Remove Intoxicated Drivers (RID)
- Students Against Driving Drunk (SADD)
- U.S. Department of Justice
- USAA Insurance

## Administrative License Revocation Laws\* 39 States and DC (as of August 1996)



■ Law  
□ No Law

\*For Test Failure and Refusal

## Section 410 of the Highway Safety Act

Section 410 provides incentive grants to States that achieve at least five of the following seven criteria:

- An expedited system for suspending the license of drunk drivers such as administrative license revocation;
- A law that deems a 0.10 blood alcohol concentration to be driving while intoxicated (after three years, it must drop to 0.08);
- A statewide program for stopping motor vehicles to enforce drunk driving laws;
- A self-sustaining drunk driving prevention program;
- A program to prevent drivers under age 21 from obtaining alcoholic beverages;
- A mandatory sentence of 48 consecutive hours in jail or not less than 10 days of community service for any person convicted of DWI more than once in any 5-year period; and
- A new law that deems 0.02 blood alcohol concentration to be driving while intoxicated for drivers under age 21.

States can earn more grant funds by meeting additional goals.

### Research Studies

An Assessment of the Effects of Publicizing Administrative License Revocation for DWI in Nevada. John Lacey, et al, University of North Carolina Highway Safety Research Center, DOT-HS-807-600, March 1990.

Changes in Alcohol-Involved Fatal Crashes Associated with Tougher State Alcohol Legislation. Sigmastat, Inc. for NHTSA, July 1989.

Cost-Benefit Analysis of Administrative License Suspension. John Lacey, et al, Mid-America Research, DOT-HS-807-689, January 1991.

Effects of Administrative License Revocation on Employment, Ketron, DTNH22-93-C-05002. NHTSA, September 1996, in print.

Fatal Crash Involvement and Laws Against Alcohol-Impaired Driving. Paul L. Zador, et al, Insurance Institute for Highway Safety, February 1989.

Impact of Driver's License Suspension on Employment Stability of Drunken Drivers. Elisabeth Wells-Parker and Pamela Cosby, Mississippi Alcohol Safety Education Program, Social Science Research Center, Mississippi State University, June 1987.

### Information Sources

"Administrative License Revocation: Resource Manual," NHTSA, DOT HS 807 873, July 1992.

"Questions Most Frequently Asked About Administrative License Revocation" NHTSA, DOT HS 807 906, December 1992.

Administrative License Revocation Video, produced for NHTSA by USAA, 12 minutes.

"Administrative License Revocation: Facts, Myths, and Fictions", Kathryn Stewart, published by the Office for Substance Abuse Prevention, January 1991.

"Administrative License Revocation Costs and Benefits" NHTSA, Fact Sheet.

"Police Costs Associated with Administrative License Revocation", NHTSA Traffic Tech, No. 59, January 1994.

"Potential Lives Saved If Administrative License Revocation Law Adopted -1990" NHTSA Traffic Tech, No. 24, March 1992.

Sample State Administrative Driver License Suspension Forms, DOT-HS-807-547, March 1990.

"Study in Four States Shows that ALR Has Little Effect on Violator's Employment or Income," NHTSA Traffic Tech, October 1996.

***These reports and additional information are available from your State Highway Safety Office, the NHTSA Regional Office serving your State, or from NHTSA Headquarters, Traffic Safety Programs, ATTN: NTS-21, 400 Seventh Street, S.W., Washington, D.C. 20590, 202-366-9588.***