

Traffic Safety Facts

Traffic Tech – Technology Transfer Series

Number 352

January 2009



Update of Vehicle Sanction Laws And Their Application

Because of the high number of suspended DWI offenders driving illegally and the limited enforcement resources available to deal with the problem, many States and the Federal government have enacted legislation directed at the vehicles owned by offenders to limit their unlawful driving. Such legislation falls primarily into three broad categories: (1) programs that require special plates on the vehicles of DWI offenders and/or confiscate the vehicle plates and vehicle registration; (2) programs that require installation of devices in the vehicle that prevent it from operating if the driver has been drinking (alcohol ignition interlocks); and (3) programs that impound, immobilize, confiscate, or forfeit the vehicle.

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

Information on each State's vehicle sanction laws was collected primarily from NHTSA's Digest of State Alcohol-Safety Related Legislation (NHTSA, 2003). Additionally, information was obtained from Mothers Against Drunk Driving's (MADD's) "Rating the States" report for 2002, and from the 2003 edition of the Sourcebook for the Century Council's "National Hardcore Drunk Driver Project" (The Century Council, 2003). State officials were asked to identify any corrections or clarifications needed in the documentation of States' vehicle sanctions laws that were sent to them. Interview discussions also included: (a) the extent to which individual vehicle sanction laws were being used; (b) if laws were not being used, why not; (c) the extent to which they were aware of any successes or problems associated with the enforcement of the laws; and (d) knowledge of any studies of the effectiveness of the vehicle sanction programs. Data collected for the report were current as of 2004.

Update: In order to provide a more contemporary listing of vehicle sanction laws, State laws were updated as of 2008 for this Traffic Tech.

Special License Plates: This sanction includes placing special markings or designations on the license plate that alert police that a convicted DWI offender is in a family or group that drives this vehicle. The purpose of this sanction is to allow other family members access to the vehicle, even while limiting the convicted offender's ability to drive it. Six States (GA, HI, MI, MN, NJ, OH) had laws permitting special license plates for impaired-driving offenses.

Alcohol Ignition Interlocks: This sanction requires the offender to take an alcohol breath test prior to starting his or her vehicle. If the offender is sober, the car operates normally, but if the offender takes the test and his or her blood alcohol concentration (BAC) is above a set threshold, the vehicle will not start. Rolling retests may also be required. Forty-six States (AK, AR, AZ, CA, CO, CT, DE, FL, GA, IA, ID, IL, IN, KS, KY, LA, MA, MD, ME, MI, MN, MO, MS, MT, NC, ND, NE, NH, NJ, NM, NV, NY, OH, OK, OR, PA, RI, SC, TN, TX, UT, VA, WA, WI, WY, WV) and the District of Columbia had laws permitting interlocks for impaired driving. In six States (NM, AZ, IL, LA, NE, WA) the law was mandatory for first time offenders with a BAC of .08 grams per deciliter (g/dL) or greater.

License Plate Actions: These actions target the license plates of offenders' vehicles and are intended to prevent anyone from driving that vehicle since the plates are physically removed from the vehicle or the plates are suspended by the State. Twenty-nine States (AL, AR, DE, GA, HI, IL, IN, IA, KS, KY, ME, MD, MA, MI, MN, NE, NV, NH, NJ, NY, NC, ND, OH, OR, RI, SC, SD, VA, WY) and the District of Columbia had laws permitting license plate and/or registration confiscation/suspension for impaired driving and/or DWS offenses).

Immobilization: This sanction prevents the vehicle from being driven by immobilizing it via the installation of a "boot" or "club." The vehicle can be immobilized on the offender's property and does not need to be taken to an

impound lot. Sixteen States had laws permitting vehicle immobilization as a sanction for impaired driving and/or DWS offenses (FL, IA, IL, KS, MD, MI, MS, MT, NE, NM, OH, OR, PA, VA, VT, WI).

Vehicle Impoundment: Twenty-seven States (AL, AZ, CA, CT, DE, FL, IL, IA, KS, ME, MD, MA, MI, MN, MS, MT, NE, NJ, NY, NC, OH, OR, UT, VT, VA, WA, WI) and the District of Columbia had laws permitting vehicle impoundment.

Forfeiture: This sanction allows for confiscation and sale of the offender's vehicle. Thirty-five States had laws permitting vehicle forfeiture for impaired driving and/or DWS offenses (AK, AR, AZ, CA, CO, FL, GA, HI, IA, IL, IN, LA, MA, ME, MI, MN, MO, MS, MT, NC, ND, NM, NY, OH, OK, OR, PA, RI, SC, TN, TX, VT, VA, WA, WI).

Vehicle Sanctions in Other Countries

Officials from other countries (Australia, Belgium, Canada, Denmark, New Zealand, Norway, Spain, Sweden, and the United Kingdom) were contacted. As of 2004 it was found that, except for alcohol ignition interlock programs which are popular in Canada and Australia, vehicle sanctions were rarely used. Impoundment and forfeiture were considered too harsh and too much of a hardship for family members. The one exception was New Zealand which had a comprehensive vehicle impoundment and confiscation program.

Barriers to Implementing Vehicle Sanction Programs

Alcohol Ignition Interlock Programs: Contacts with State officials indicated that only a relatively small percentage – generally less than 10% of eligible offenders – participate in interlock programs. Barriers include claims by offenders that they do not own the vehicle; concerns about the cost of installation and maintenance over the course of the intervention; and ensuring offenders assigned interlocks actually have the interlocks installed.

Vehicle Impoundment, Immobilization, and Forfeiture

Vehicle impoundment, immobilization, and forfeiture sentences remain a problem when a family has only a single vehicle and it would be a hardship if a vehicle sanction was applied. Another problem with vehicle impoundment is the costs of storage may exceed the value of the impounded vehicle, resulting in added expenses to the jurisdiction.

Conclusions

Currently, every State in the United States adopted at least one law allowing for vehicle sanctions for DWI or DWS offenders and several States permitted multiple vehicle sanctions. In many States, however, it was found that these laws are not being used often. Administrative application of these sanctions improved applicability but there are still a number of barriers that need to be overcome. Family hardship issues and the monitoring of compliance with sanctions are significant system problems that need to be addressed. A number of strategies that may increase the use and effectiveness of vehicle sanctions are discussed in the report.

Update

Since this study was completed momentum has been building on the use of ignition interlocks nationwide. In almost every State, except Alabama, Hawaii, South Dakota and Vermont, judges can order interlocks for impaired-driving offenders. In August 2007, the NHTSA Administrator held a meeting with judges, court professionals, safety equipment manufacturers, and national safety advocates to discuss the use of ignition interlocks.

As part of its *Campaign to Eliminate Drunk Driving*, MADD is encouraging States to enact model laws that require alcohol ignition interlock devices for all convicted drunk drivers. Other efforts are focusing on emerging technologies. NHTSA along with MADD, the auto industry, the Insurance Institute for Highway Safety, and others, formed a cooperative research initiative on advanced impairment-detection technology. The goal of this initiative is to develop advanced technologies that require no deliberate action by the driver and could be used on a widespread voluntary basis to prevent or reduce the occurrence of drunk driving.

How to Order

To order *Update of Vehicle Sanction Laws and their Application* (2 volumes), write to the Office of Behavioral Research, NHTSA, NTI-130, 1200 New Jersey Avenue SE., Washington, DC, 20590, fax 202-366-7394, or download from www.nhtsa.dot.gov. Marvin Levy, Ph.D., was the contract manager.



U.S. Department of Transportation
**National Highway Traffic Safety
Administration**

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