

CHAPTER 5

Ensuring Drivers Are Fully Licensed, Competent, and Insured

KEY TOPICS

- administrative license revocation (ALR)
- barred driver privileges
- driving while license revoked (DWLR)
- driving while license suspended (DWLS)
- operating while intoxicated (OWI)
- Rocket Docket program

GOALS

- Identify and implement the strategies that most effectively keep suspended/revoked drivers off of the road.
- Maintain and increase the effectiveness of license suspension/revocation.
- Ensure the competency of more drivers through an enhanced renewal system.
- Improve compliance with insured driver laws.
- Further improve interagency communication, cooperation, and effective processes to expedite information sharing and maintain an emphasis on safe and legal driving.

BACKGROUND

Five years of fatal traffic crash data were analyzed to learn more about the license status of drivers involved in fatal crashes.... It was found that 20% of all fatal crashes—one fatal crash in five—involves at least one improperly licensed driver.

AAA Foundation for Traffic Safety, *Unlicensed to Kill*

Research indicates that substantial numbers of drivers continue to drive after their privileges have been suspended or revoked. In addition, a number of drivers continue to drive even though their cognitive and/or motor skills have degenerated to levels that make them unsafe drivers. Loss of ability may stem from permanent conditions such as aging, permanent disabilities, and chronic health conditions or temporary conditions such as injury and illness. (Aging is further addressed in Chapter 8, Sustaining Safe Mobility in Older Drivers. OWI is further discussed in Chapter 6, Reducing Impaired Driving.)

The combination of all unlicensed, revoked, or suspended drivers—plus those who are physically or mentally incompetent—creates a large public safety risk factor on our roadways. Law enforcement officials and the

5. Ensuring Drivers Are Fully Licensed, Competent, and Insured

general public are acutely aware of the number of suspended or revoked license drivers who continue to drive—placing themselves and others in peril. In light of the many serious reasons for which driving privileges are revoked or suspended, keeping these less than competent drivers off the highway is an important traffic safety objective.



NATIONWIDE

National Facts

In *Unlicensed to Kill*, the AAA Foundation for Traffic Safety reported the following:

- Unlicensed drivers may be 4.9 times more likely to be involved in fatal crashes than valid license holders.
- Suspended or revoked license drivers may be 3.7 times more likely to be involved in fatal crashes than valid license drivers.
- The alcohol ignition interlock has also been shown to be an effective device for use with operating while intoxicated OWI probationers in reducing re-arrests for OWI.
- Vehicle impoundment has been shown to be an effective program for reducing the violations and crashes associated with unlicensed driving and driving with a suspended or revoked license.

Unlicensed drivers in this study were defined as invalid (suspended, revoked, expired, or cancelled), no known license, or those reported as unknown license status. In Iowa, “unlicensed drivers” are identified as driving while license suspended or driving while license revoked.

A study of medically restricted drivers in Utah (1992–1996) concluded that those driving with certain medical conditions were more likely to be involved in accidents than those without medical driving restrictions. Based on crash risk factors, priority categories for evaluation and restriction levels include learning, memory, and other communication disorders; psychiatric and other mental/emotional conditions; alcohol and other drugs; and musculoskeletal abnormalities.

5. Ensuring Drivers Are Fully Licensed, Competent, and Insured

IOWA

Iowa SMS has adopted the following definitions of driver's license suspension, driver's license revocation, and barred driver privileges (from the *Iowa Driver's Manual*) as enforced in Iowa:

Driver's License Suspension

An Iowa driving license can be suspended for unsafe driving behaviors or other conditions.



Unsafe driving behaviors and conditions include habitual recklessness or negligence; habitual driving violations; failure to pass a license examination or satisfy adequate mental or physical conditions; violation of license restriction; being a juvenile ruled delinquent by a court for violating drug or alcohol laws; or conviction for excessive speeding or traffic violation(s) contributing to a fatality.

Other conditions include failure to pay a fine, penalty, or surcharge or court cost resulting from a traffic ticket; failure to attend an approved school if you are under age 18; falsifying information on an application; or failure to pay child support or to satisfy debts owed to the state.

Driver's License Revocation

A driver's license will be taken away for any of the following serious unsafe driving conditions: manslaughter resulting from driving a motor vehicle; using a motor vehicle when committing a felony; failure to stop and give aid at the scene of a personal injury or fatal accident in which the driver was involved; lying about the registration or operation of a motor vehicle; eluding or trying to elude a marked law enforcement vehicle driven by a uniformed police officer after being signaled with lights or a siren to stop, and while doing that going over the speed limit by 25 mph or more; driving a motor vehicle under the influence of an alcoholic beverage or other drug or combination of such substances; refusing to take a chemical test when requested by a peace officer; having an alcohol concentration of 0.10 or more (0.02 or more if under age 21) in a second conviction for reckless

5. Ensuring Drivers Are Fully Licensed, Competent, and Insured

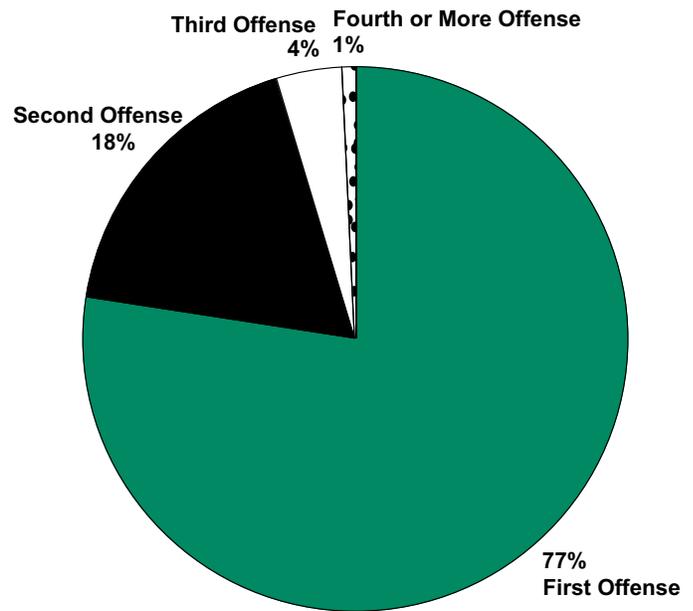
driving; drag racing; conviction of an Iowa resident in a court in Iowa or in another state or federal court of certain drug-related offenses; or conviction or juvenile court action for drug/drug-related violations.

Barred Driver Privileges

A driver may be ruled a habitual offender if convicted of three or more certain violations in a six-month period. Driver privileges may be barred in accordance with the Iowa Department of Transportation (Iowa DOT) point system.

Iowa OWI revocation data show that most OWI revoked drivers do not become repeat offenders. An average of 20,587 drivers receive OWI convictions every year (based on five years of Iowa OWI revocation data). Of these, 77% are first offenders, 18% are second offenders, 4% are third offenders, and only about 1% have more than three offenses, as indicated in the figure. (See Chapter 6, Reducing Impaired Driving, for more details.)

Iowa OWI Revocations by Number of Offenses (1996–2000)



Iowa Public Opinion

Iowa SMS Public Opinion Survey

The 1999 Iowa Safety Management System (Iowa SMS) *Iowa Strategic Highway Safety Plan* included a number of potential strategies for dealing with these safety elements. The Iowa SMS public opinion survey asked over 1,000 Iowans whether they would support these strategies.

Goals:

- 66% said ensuring “physical and mental competency for all drivers” should receive high emphasis over the next five years.
- 55% said ensuring “older drivers are able to drive safely” should receive high emphasis over the next five years.

5. Ensuring Drivers Are Fully Licensed, Competent, and Insured

Strategies:

- 93% supported “greater efforts to stop those with suspended licenses from driving.”
- 84% supported “measuring physical and mental health when renewing licenses.”

Comments:

- Iowa residents and police officers expressed concerns about mail-in renewal when they commented on the draft Iowa SMS plan. Mail-in renewal is not currently practiced in Iowa but could be reinstated in the future.
- Although enforcing stringent laws can be a burden for local police departments, the peace officers commenting on the proposed strategies stated support for strong enforcement and strong penalties for license violators.



POTENTIAL STRATEGIES

Legislation, Policy, and Enforcement

- Improve the use and procedures for impounding vehicles of those found to be driving while revoked under the OWI chapter or arrested for second or subsequent OWI.
- Monitor the American Association of Motor Vehicle Administrators (AAMVA) research, studies, and proposed standards for enhancements appropriate for Iowa licensing. Continue Iowa DOT Driver Services participation in AAMVA Older Drivers Working Group for continued research on competent driving concerns.
- Support meaningful fines and limit reducing charges on first offense.
- Support the retention of administrative license revocation for OWI.
- Increase the use of alcohol assessment and driver education for drivers who drink.
- Review and revise the schedule of fees and fines for various offenses relative to the severity of those offenses (see Successes and Strategies Implemented section in this chapter for rewriting of Section 805.8 passed in the 2001 Iowa legislative session).
- Review the safety impact of issuing tickets rather than arresting DWLS/ DWLR drivers.

5. Ensuring Drivers Are Fully Licensed, Competent, and Insured

- Support and promote multiple entities collaborating on streamlining processes such as Iowa's Rocket Docket program (see Successes and Strategies Implemented section in this chapter).
- Consider lifelong periodic competency testing and graduated licensing for both increased and decreased skills and capacity.
- Review aviation (pilot) licensing as a model for ensuring driver capacity throughout their driving years.
- Require proof of insurance or proof of financial responsibility when renewing car registration as required in other states.
- Improve the availability of alternative transportation for those who do not or cannot hold a valid Iowa driver's license.
- Require mandatory reporting by certain appropriate medical professionals such as medical, vision, and mental health professionals.
- Consider a special licensing program for certain medical conditions. (Utah model: Utah has a special licensing program developed under the Utah Medical Advisory Board for drivers who have certain medical conditions. The program was developed to create the least restrictive license eligibility standards that would still protect public safety and limit risk to an acceptable range. In addition, this program helps address the fact that it is unlawful for any state to discriminate against a qualified person with a disability on the basis of those disabilities.)
- Continue the Rocket Docket program by expanding to include more counties (see Successes and Strategies Implemented section in this chapter).

Education and Public Awareness

- Assess the use of simulators and electronic media to evaluate driving skills and provide training for new drivers.
- Develop and deploy an informal assessment system that drivers, family, and medical personnel can use to assess an individual's capacity to drive safely.
- Include competent driving concerns in new driver education.
- Encourage medical and visual health care professionals to report drivers who may be incapable (see Chapter 8, Sustaining Safe Mobility in Older Drivers).
- Evaluate and support the development of tools to encourage self-assessment by drivers and assessment by concerned family members and others (see Chapter 8, Sustaining Safe Mobility in Older Drivers).
- Include information on suspension and reinstatement on the proposed driver education web site.

5. Ensuring Drivers Are Fully Licensed, Competent, and Insured

Design and Technology

- Study potential uses of new technology (e.g., electronic devices) to monitor worst-case habitual driving offenders such as chronic unlicensed OWI offenders.
- Monitor developments in potential use of an electronic driver's license for driver authentication for vehicle operation.
- Use new technologies to better assess driver skills and capacity to driver safely.

Other Initiatives

- Conduct driver history initiative projects. The Federal Highway Administration will fund projects to evaluate citation issuance, conviction process, and licensing procedures and policies for efficiency and accuracy.
- Develop and provide technical aids such as driving skills simulators and electronic media for private self-assessment and improvement of driver skills.



SUCCESSSES AND STRATEGIES IMPLEMENTED

- Iowa recently amended its OWI laws, especially as they relate to younger drivers.
- The Iowa DOT currently allows examiners discretion to require medical evaluations if a condition could potentially affect driving ability.
- Support for the retention of the ALR for OWI is ongoing.
- Iowa's Rocket Docket program swiftly disposes of certain cases of driving under suspension and driving while barred sanctions that clog up court dockets. The judicial district judges, clerks of court, county attorneys, law enforcement agencies, public defenders, and driver services staff collaborate in special Rocket Docket court days to resolve all the issues related to unresolved and unpaid cases that get "stuck" in the normal process.
- Legislation rewriting 805.8 was passed in the 2001 Iowa legislative session. This legislation addressed a range of changes made through the years by reorganizing the chapter and changing some fines and fees.
- The Iowa SMS funded *Older Driver Video* and *Older Driver Assessment Guide* address self-assessment by drivers and concerned family members. Availability of these resources is expected for spring 2002.
- Iowa SMS is planning an Older Drivers Conference (for June 2002) to build public awareness of older driver concerns.

5. Ensuring Drivers Are Fully Licensed, Competent, and Insured

NOTE

The potential strategies in this chapter do not represent specific recommendations of the Iowa SMS Coordination Committee or any agency, group, or individual represented in Iowa SMS. The strategies represent a range of alternatives for legislators, department or agency directors, local governments, and citizen groups to consider when they elect to address a specific highway safety concern.

This toolbox is a living document that will continue to provide information, direction, and ideas for highway safety decision makers. Any strategies selected for implementation by Iowa SMS or any other entity will require further development through identifying potential partners, entities impacted, potential funding, steps for implementation, evaluation, and other pertinent tasks.

RESOURCES

Information in this chapter is drawn from many individuals and sources. Known sources are listed here. **Contributors:** Scott Falb (primary), Kim Snook (primary), Denny Beckman, Jan Goldsmith, Jack Latterell, Craig Markley, Shirley McGuire, Bob Thompson, and Daron Van Helden.

AAA Foundation for Traffic Safety

Unlicensed to Kill (June 2000):

www.aaafoundation.org/pdf/unlicensed2kill.PDF

American Association of State Highway and Transportation Officials

Strategic Highway Safety Plan (Sept. 1997):

A comprehensive plan to substantially reduce vehicle-related fatalities and injuries on the nation's highways.

safetyplan.tamu.edu/plan/toc.asp

Iowa Department of Transportation Office of Driver Services

www.dot.state.ia.us/mvd/ods

Iowa Driver's Manual:

www.dot.state.ia.us/mvd/ods/dlmanual.htm

Iowa General Assembly

Iowa Code Section 805.8

Iowa Safety Management System

www.IowaSMS.org

Iowa Strategic Highway Safety Plan (Aug. 1999):

www.iowasms.org/pdfs/ishsp.pdf

Iowa Strategic Highway Safety Plan Goals and Strategies: Statewide Survey of Adults (Oct. 2000):

www.iowasms.org/pdfs/publicopinionsurveyexecsumm.pdf

5. Ensuring Drivers Are Fully Licensed, Competent, and Insured

Iowa State University Department of Public Safety
www.public.iastate.edu/~dps_info/homepage.html

National Highway Traffic Safety Administration
www.nhtsa.dot.gov
Traffic Tech, NHTSA Technology Transfer Series No. 219 (April 2000):
www.nhtsa.dot.gov/people/outreach/traftech/pub/tt219.html