

EQUAL UNDER THE LAW?

Administrative License Revocation for Impaired Drivers



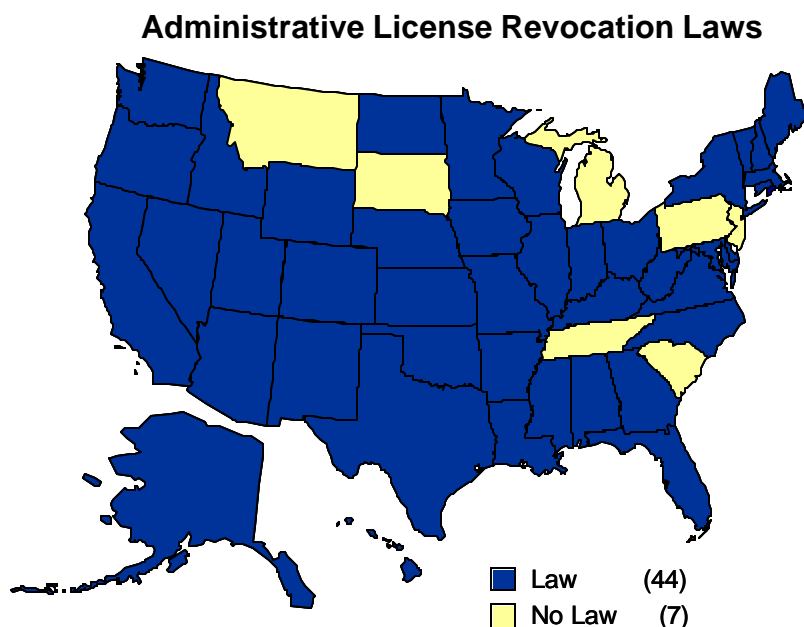
Stacey Knight, Lenora M Olson, and Stephen C Hartsell. Prepared for the 129th Annual American Public Health Association Meeting, Atlanta Georgia, October 21-25, 2001.

What Is An Administrative License Revocation Law?

Administrative License Revocation Laws allow police and driver licensing authorities to revoke or suspend driver's licenses of impaired cited drivers while waiting for a criminal trial. The laws are intended to protect the public by suspending or revoking the driving privilege of impaired drivers, and yet protect the offender's right to due process through an appeals system.

How Many States Have Adopted An Administrative License Revocation Law?

Forty-four states and the District of Columbia have adopted an Administrative License Revocation Law. (National Hardcore Drunk Driver Project. http://www.dwidata.org/sanctions/driver_based.cfm)



Are Administrative License Revocation Laws Effective in the United States?

Yes

- Research indicates that Administrative License Revocation Laws can decrease alcohol-related crashes, on average, about 6% to 9%. (Insurance Institute for Highway Safety. August 1996. *Alcohol Q&A: Administrative License Suspension*. Insurance Institute for Highway Safety.)
- Administrative License Revocation has been shown to be effective in some states in decreasing the recidivism rates of drunk driving offenses. (The specific deterrence of administrative per se laws in reducing drunk driving recidivism. DL McArthur and JF Kraus. *Am J Prev Med* 1999; 16(1S):68-75.)

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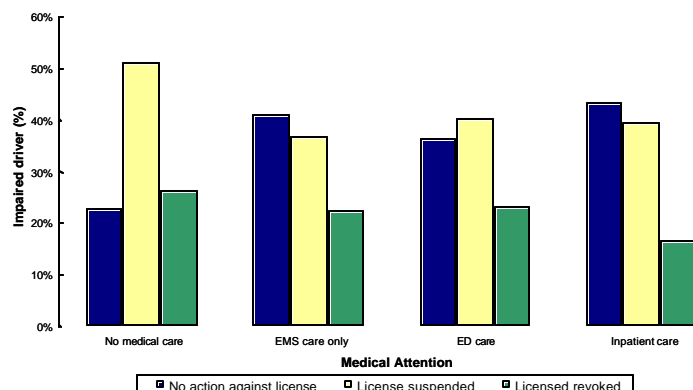


Are Administrative License Revocation Laws Applied Equally to Offenders in Utah?

No

- In Utah crashes for 1996 and 1997, the type of licensing action taken against an impaired driver was associated with the level of medical attention the driver required.
- Cited drivers requiring inpatient hospitalization were 5 times less likely to have action taken against their license compared to impaired driver who required no medical treatment (95% CI: 3.9, 7.1).

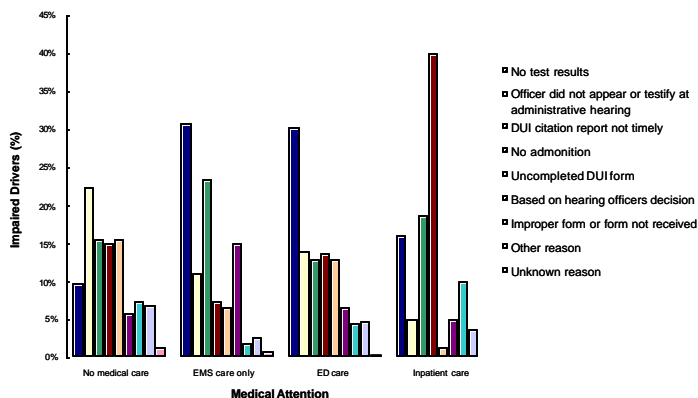
Action Taken Against Impaired Drivers By Medical Outcome



Why Are Administrative License Revocation Laws Not Applied To Some Offenders?

- The leading reason for no action taken against drivers who required inpatient care was “no admonition” (i.e., no clarification of rights), compared to “no test result” for drivers who required emergency medical service (EMS) or emergency department (ED) care, and “officer didn’t appear” for non-injured drivers ($p < 0.001$).

Reason for no action taken against offender’s license by medical outcome



What Does This Mean?

- Law enforcement and driver-licensing authorities need to develop new procedures to handle the license suspension or revocation of injured impaired drivers.
- Improved system for alcohol/drug testing is needed, especially among injured drivers.
- Since a large percentage of offenders did not have their license suspended or revoked because the law officer did not appear or testify at the hearing, there is a need for increased emphasis on or mandating law officers to attend administrative licensing hearings.