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ABSTRACT

On July 1, 1974, an amendment went into effect which lowered Virginia's legal drinking age for beer to 18 years; the minimum drinking age for wine and hard liquor was kept at 21. This move to extend adult drinking privileges to persons of military age had already been made in one form or another in about 30 other states. The most common practice among these states was to allow the purchase of all alcoholic beverages at one particular age. Virginia is the only state which discriminates between beer and wine/hard liquor in its treatment of minimum ages. While it is recognized that the possible effects of lowering the legal drinking age may be far reaching, the sole purpose of the research reported here was to examine the effect of reducing the legal drinking age on the highway safety environment in Virginia. This was accomplished through a review of the literature and an examination of Virginia crash data. It was found that lowering the legal drinking age resulted in increased alcohol-related accidents for young persons, and it was concluded that a more protective stand should be taken toward persons 18 to 20 years old with regard to the legal drinking age in Virginia.

SUMMARY OF FINDINGS AND CONCLUSIONS

It has been previously determined that young persons have traditionally had the worst driving record of all age groups, and that drinking even small amounts of alcohol drastically increases their probability of being involved in a motor vehicle accident. (This is not the case among older drivers, who must drink considerably more alcohol to increase their chances of accident involvement as much.) Considering that young persons are also more likely to combine alcohol with psychoactive drugs such as marijuana than are older drivers, it can be safely said that substance abuse while driving was a potentially serious problem for young persons even before the legal drinking age was lowered.

The actual effects of lowering the drinking age were then examined. First, it was found that the purchase and consumption of alcohol beverages increased for newly enfranchised persons 18 to 20 years old. This was especially true of draught beer consumed in restaurants and taverns, which indicated that the young persons would be more likely to drive after drinking than if they were consuming the beverages at home. Increases in consumption of alcohol were also noted among persons as young as 13, probably because their older schoolmates were legally purchasing the beverages for them.

The ultimate impact of the new drinking age law on highway safety must be measured in terms of accidents. Significant increases in alcohol-related accident experiences associated with the change in the drinking age have been noted, not only for persons 18 to 20 years old but also for persons 16 to 17 years old. These increases have not been noted for non-alcohol-related accidents nor for accidents involving older, and thereby unaffected, drivers. Also, increases have not been noted in states that did not change their drinking age laws. An analysis of Virginia crash data yielded similar results; there were significant increases in alcohol-related crashes for persons 16 to 19 years old subsequent to the lowering of the legal drinking age. No significant increases were noted for non-alcohol-related teenage crashes. At the same time, both alcohol-related and non-alcohol-related crashes significantly decreased for older drivers, probably as a result of the 1974 energy crisis.

It can be concluded from the examination of both the available literature and Virginia accident statistics that lowering the legal drinking age has had an adverse effect upon the accident experience of young persons. From a purely safety standpoint, then, a more protective public policy toward 18 to 20 year olds should be adopted.

RECOMMENDATIONS

It is recommended that the Department of Transportation Safety actively support legislation to raise the legal drinking age which includes the following provisions.

1. That the legal drinking age be raised incrementally for the next three years, so that the drinking age for beer would become 19 years in 1981, 20 years in 1982, and 21 years in 1983. In this way, no group would be disenfranchised, i.e., be permitted to purchase and consume beer during one year and not permitted to do so the next, and the most beneficial step of returning the legal drinking age to 21 years would be assured without requiring subsequent legislative action.

2. That an evaluation of the effects of raising the legal drinking age be required to determine whether this change in age improves the highway safety environment for young persons 18 to 20 in Virginia.

Alternately, should these provisions not be incorporated into proposed legislation, it is recommended that the Department support legislation raising the legal drinking age to 19, and then seek additional legislation in subsequent General Assembly sessions to raise the legal drinking age to 21 years.

FINAL REPORT

THE EFFECTS OF LOWERING THE LEGAL DRINKING AGE IN VIRGINIA

by

Cheryl Lynn
Research Scientist

BACKGROUND

On April 7, 1974, the Virginia General Assembly passed a law lowering the legal drinking age in the state. This legislation, which allowed persons 18 years and older to legally buy beer, went into effect July 1, 1974. Such an action came as the result of a nationwide trend to extend adult privileges such as voting to persons between the ages of 18 and 21. Prior to 1970, only New York and Louisiana had drinking ages lower than 21. Between 1970 and 1973, half of the states amended their drinking laws to allow younger persons to buy and consume various types of alcoholic beverages. While several states have since raised their drinking ages, reversals have still been relatively rare. As noted in Table 1, at this writing 13 states allow the purchase of all alcoholic beverages at 18 years, 3 states allow this privilege at 19 years, 4 allow it at 20 years, and 21 allow it at 21 years. Four states differentiate between types of alcoholic beverages in setting drinking ages. Maryland, North Carolina, and South Carolina allow persons 18 years old to drink both beer and wine, while drinking hard liquor is reserved until 21. Virginia is the only state to allow beer drinking at 18 but to require a person to be 21 before being allowed to drink both wine and hard liquor.

The trend toward lowering legal drinking ages was probably an indirect result of the participation of then minors in the Viet Nam conflict in that it was felt that persons who were old enough to serve in the armed forces were old enough to drink. This same trend was responsible for the enfranchisement of 18 year olds as part of recognizing their already adult role in military action overseas. In that this trend reflects both that persons at 18 are capable of responsibleness in drinking, which may not be the case, and increased availability of alcohol to the young driver, it can theoretically be expected to produce changes in various types of alcohol-related behaviors within this group.(1,2,3,4)

TABLE 1

CURRENT MINIMUM DRINKING AGES

State	Beer	Wine	Liquor	3.2 Beer
Alabama	19	19	19	-
Alaska	19	19	19	-
Arizona	19	19	19	-
Arkansas	21	21	21	-
California	21	21	21	-
Colorado	21	21	21	-
Connecticut	18	18	18	18
Delaware	20	20	20	-
D. C.	18	18	18	-
Florida [1]	18	18	81	-
Georgia [2]	19 (18, 7/1/81)	19 (18, 7/1/81)	19 (18, 7/1/18)	-
Hawaii	18	18	18	-
Idaho	19	19	19	-
Illinois [3]	21	21	21	-
Indiana	21	21	21	-
Iowa	18	18	18	-
Kansas	21	21	21	-
Kentucky	21	21	21	-
Louisiana	18	18	18	-
Maine	20	20	20	-
Maryland	18	18	21	-
Massachusetts [4]	20	20	20	-
Michigan [5]	21	21	21	-
Minnesota	18	18	18	-
Mississippi	21	21	21	-
Missouri	21	21	21	-
Montana	19	19	19	-
Nebraska	19	19	19	-
Nevada	21	21	21	-
New Hampshire [6]	20	20	20	-
New Jersey	21	21	21	-
New Mexico	21	21	21	-
New York	18	18	18	-
North Carolina	18	18	21	-
North Dakota	21	21	21	-
Ohio	21	21	21	18
Oklahoma	21	21	21	-
Oregon	21	21	21	-
Pennsylvania	21	21	21	-
Rhode Island	18	18	18	-
South Carolina	18	18	21	-
South Dakota	21	21	21	18
Tennessee	19	19	19	-
Texas	18	18	18	-
Utah	21	21	21	-
Vermont	18	18	18	-
Washington	21	21	21	-
West Virginia	18	18	18	-
Wisconsin	18	18	18	-
Wyoming	19	19	19	-
Virginia	18	21	21	-

1 Lowered from 21 in 1978.
2 Lowered to 19 as of 9/1/80; will be lowered to 18 on 7/1/81.
3 Raised to 21 from 19 on January 1, 1980.
4 Raised to 20 from 18 in 1979.
5 Raised to 21 from 18 in 1978.
6 Raised to 20 from 18 in 1979.

PURPOSE AND SCOPE

It is clear that there is more potential for change as a result of changing the drinking age than just in the area of highway safety; other aspects of the behavior of young persons could be affected, such as educational and school-related activities, parental and peer relations, vocational interests, and sexual or criminal activities, all of which should be examined to determine the impact of lowering the drinking age. It is the sole purpose of this report, however, to discuss only the highway safety implications of this change in drinking laws both in Virginia and in other states. This will be done through a review of the literature concerning drinking among young persons and through an analysis of crash data for Virginia teenagers.

RESULTS

Literature Review

Based upon this analysis, a number of issues relating to the impact of lowering the drinking age were addressed, including (1) the susceptibility of young persons to the effects of alcohol and drug usage, 2) the impact of lowering the legal drinking age on the purchase and consumption of alcoholic beverages, (3) the effect of lowering the drinking age on accidents among persons 18 to 20 years old as well as its impact on persons 16 to 17, and (4) changes in the highway safety environment in Virginia concurrent with lowering the legal drinking age for beer to 18 years.

In previous studies it has been well documented that persons aged 16 to 20 years are more susceptible to having traffic accidents than are persons in any other age group.[5] Indeed, they tended to have the worst driving records of all age groups even before alcohol was made more readily available to them. Persons 18 and 19 years old traditionally incur the most traffic violations and have the highest accident rates. At one time it was believed that this abnormally high accident rate resulted from a lack of driving experience. However, this peak in accidents at 18 or 19 occurred not only among new drivers but also among those who had begun driving at 15 or 16, and who thus had several years' experience.[6,7] This would indicate that there is something associated with being 18 or 19 that is also associated with or causes an increase in accidents. It has been hypothesized that these extremely high accident rates may result from stress caused by significant life changes and pressure to make and be responsible for various types of decisions, such as high school graduation, concern over vocational choices, pressure to be accepted at a good college, entry into the

working world, concern over personal problems, possible marital choices, sexual anxiety, and concern over military service.[8] In any case, the increased susceptibility to stress and distraction at this age also makes this group a possible target for alcohol problems, especially when the choice of whether or not to drink is added to their other decisions.[5] For all these reasons, young persons would be expected to have an unusually high rate of involvement in alcohol-related traffic crashes.

This high rate of involvement in drinking and driving crashes has been clearly demonstrated through rigorous study. Alcohol-impaired drivers at 18 or 19 are about twenty times more likely to die in a motor vehicle crash than the average non-impaired driver, and about twice as likely to die in a crash as the impaired adult driver.[6] Even more serious is the fact that young people having had only one or two drinks (and thus not considered to be impaired) are still significantly more likely to have accidents. Low concentrations of alcohol in the blood are significantly associated with crash involvement for young people, but not for older drivers.[9] Two explanations for this are hypothesized: some researchers attribute this sensitivity to a lack of experience in coping with the effects of alcohol, while others feel that young persons may simply be more sensitive to the toxic effects of alcohol.[10,11] In any case, it appears to take less alcohol to significantly increase the probability of accident involvement for young drivers than for older ones.[5]

Compounding this problem is the marked preference toward drug usage among young persons. It has been shown that combining psychoactive drugs with alcohol always results in impairment and that the effects can often be additive or synergistic.[12] Young drivers mix psychoactive drugs and alcohol more often than do their older counterparts, and this leads them into increased impaired driving and drug related collisions.[3,14,15,16] In one study of college age students (18-20), over half had used marijuana, and of these, 60% had combined alcohol and marijuana at least occasionally. About 39% combined the two half of the time and 14% used alcohol and marijuana together at least once a week. Of the impaired driving done by these students, 25% was done under the influence of both alcohol and marijuana.[17] Since these figures are now several years old and since they represent self-reported admissions of illegal behavior, it is likely that they underestimate the marijuana/alcohol problem. Additionally, there is little information concerning the actual use of alcohol and other psychoactive drugs such as amphetamines, barbiturates, and cocaine that may have become more available in the last few years.

From the preceding discussion, it is clear that the problem of impaired driving by young persons was already an increasingly serious one even when the purchase of any type of alcoholic beverage was illegal until age 21. Increasing the availability of alcohol for teenagers can accelerate the rising trends in drinking and driving, if it results in increased consumption of alcoholic beverages. In areas where drinking ages have been lowered, commensurate increases in alcohol purchases have been noted,[17,18] often bringing consumption by young people to the same level as that of the adult population.[19] While off-premise sales have increased somewhat, on-premise purchases by young persons in restaurants and taverns have been most affected.[20,21] This increase is most marked with regard to the purchase of draught beer.[21] These increases in beer purchases are especially significant in that (1) beer is the most popular alcoholic beverage among persons 18-20, accounting for 70% of all alcohol consumed by this group; (2) beer drinking plays "a large role in youthful crash fatalities";[22] and (3) all of the currently amended drinking laws, including Virginia's, have made it legal to drink beer at a lowered age.

Increases in the consumption of alcoholic beverages, however, are not limited to 18 to 20 year olds. There have also been dramatic increases in consumption by persons as young as 13 found in a study of students in the 7th, 9th, 11th, and 13th grades. In another study, increases in alcohol consumption concurrent with changing drinking laws were found to be greater for persons 16 to 17 years old than for persons 18 to 20 years old.[18] This effect is commonly referred to as "spillover", and it applies not only to the consumption of alcohol but also to increased involvement in motor vehicle accidents for 16 to 17 year olds. The spillover in drinking is thought to be caused by newly enfranchised 18 year olds, usually high school seniors, purchasing alcoholic beverages for their younger cohorts, or by underage individuals passing for 18, when previously it would have been impossible for them to pass for 21. In any case, it must be recognized that the potential impact of reduced drinking ages is not limited to those who are permitted to drink but also to this much younger group.

The ultimate measure of the highway safety impact of changing the legal drinking age on driving is accident involvement, particularly alcohol-related accident involvement of young persons. There have been significant increases for both the 18-to-20-year old group and the 16-to-17-year-old group.[23] Many of the earliest studies of this phenomenon were conducted in Michigan, where the legal drinking age was lowered to 18 in 1972. Subsequent to this change, blood-alcohol concentrations (the standard measure of alcohol in the bloodstream) increased significantly among teenage drivers as measured in

random roadside surveys.[4] Concurrent with this increase in youthful drinking and driving, alcohol-related crashes among persons 18 to 20 rose 119%, while for older drivers they rose only 14%.[4] Also, young drivers experienced an 88% increase in alcohol-related fatal crashes compared to an 8% to 9% increase for older drivers.[24] Later studies in Michigan noted that significant increases in alcohol-related crash involvement were found for 17 year olds. It also was noted that increases in alcohol-related crash rates for 18 to 20 year olds were more pronounced than the increase normally experienced by 21 year olds when they were allowed alcohol and the effects did not wear off as they had with persons who were 21.[25,26] From these data, it would appear that drinking and driving behavior among persons 18 to 20 approximates and sometimes surpasses that for older drivers, and does not decline over time.[1] Similar findings have been noted in other states, such as Illinois,[27] Wisconsin,[28] and Massachusetts, where vehicle "operation after drinking" fatalities increased 75% after passage of the drinking age amendment and where this legislative change accounted for 5 additional fatalities per month for 18-to-20-year-old drivers.[14,29]* Only one study found less significant increases in crash rates after enfranchisement. In an area where the drinking privileges for young persons were extended from only beer to all alcoholic beverages, alcohol-related fatalities increased in proportion to all crash experiences for persons 18 to 20, while no increases were found for older drivers.[31] It was hypothesized that this effect was subtle because the major impact of lowering the drinking age had already been experienced.

Increases in crash rates for young persons attributable to changes in the legal drinking age have also been noted in other countries, in particular in Ontario, Canada,[23,32] where there was as much as a fourfold increase in the alcohol-related crash involvement of 18 year olds after the enactment of legislation.[13] These results are presented in Table 2. The largest increases in alcohol-related crashes occurred for persons 18 and 19 years old, followed by those for persons who were 16 or 17. No such dramatic increase was noted for the control group, which was made up of 24 year olds. There appeared to be considerable "spillover" of the effect of reducing the drinking age from persons 18 to 20 to those who were younger. Fatal crashes increased significantly for persons 16 to 17, and arrests for driving under the influence increased more for persons under 18 years than for persons 18 to 20. Finally, it was

*It is interesting to note that in 1978 the Michigan legislature raised the legal drinking age to 21 years, based in part on studies confirming the effect on teenage drinking, driving, and collision involvement. Political attacks have thus far failed to result in a re-lowering of the Michigan drinking age.[30]

TABLE 2

PERCENTAGE INCREASES IN CRASH INVOLVEMENT AFTER REDUCING THE LEGAL DRINKING AGE — ONTARIO, CANADA

	Age Groups				
	16-17	18	19	20	24
Increase in Alcohol Crash Involvement	304	469	445	187	54
Increase in Proportion of Alcohol-Related Crashes		172			20

Source: Reference 1.

noted that this trend involving underage drinking tends to become more severe for the first several years after passage of legislation as the effects "filter down" to this younger age group.(1)

These studies indicate that lowering the legal drinking age has resulted in serious accident problems for young persons. However, it has been argued that these deleterious effects are actually a manifestation of some previously existing trend or are caused by some aspect of the highway safety environment other than the lowered drinking age. This question has been extensively studied by comparing crash trends in states where drinking ages were reduced to trends for similar states where they were not. Theoretically, since these states are more or less equivalent in aspects other than drinking age, any differences in crash rates and trends could be attributable to the lowered drinking age. Several studies have documented such differences. Douglass et al., in a number of studies of various aspects of the drinking age problem, found consistent increases in alcohol-related crash involvement for newly legalized 18 to 20 year olds in states where drinking laws were changed, but not for older drivers and not for young drivers in states where the drinking ages were not changed.(21,33,34,35,36) (The only exception to this in the Douglass studies was the state of Vermont, where no significant increase in crashes was noted. It was speculated that since Vermont was a border state to three states that previously had lowered their legal drinking ages, including New York, where drinking had always been legal at 18, it experienced a change in drinking habits prior to the time its drinking age law was amended.(35)) Through interpolation, Douglass projected that the changes in drinking age

were responsible for 4,600 more crashes and 89 more fatal crashes resulting in one or more deaths between 1972 and 1975.[21] In Illinois, where the drinking age was lowered to 19, persons 19 to 20 years old were involved in 62% more crashes than persons in states where drinking ages had not been reduced. Researchers hypothesized that the change in the drinking law contributed to an increase of 41 alcohol-related crashes and 44 fatalities in 1975.[27] Williams discovered similar trends in Ontario, Wisconsin, and Michigan in comparing their crash rates to those for states where drinking ages remained unchanged.[28] Also, Williams noted that crash rates increased for 15 to 17 year olds in reduced-drinking-age states but not in others, again confirming the existence and validity of the spillover effect.

A number of conclusions can be drawn from these studies. First, they have demonstrated that reducing the minimum legal drinking age has had an adverse effect on the crash involvement and accident-related death rate for young persons through increased consumption of alcohol (primarily beer) and increases in the incidence of drinking and driving. Second, this adverse effect on crash involvement extends to children as young as 15 years old, while the increased consumption of alcohol extends to children as young as 13. Third, through application of these study findings to Virginia, it would be expected that increases in both alcohol consumption and crash involvement would have occurred in Virginia as a result of lowering the legal drinking age for beer to 18.

Analysis of Virginia Data

To test the above stated hypothesis, Virginia crash data for the period from 1969 to 1979 were examined. These data were derived from the Virginia State Police crash tape and were broken down by whether the crash was alcohol-related and by the age of the driver. With regard to age, the classifications used were not ideal; age groups were (1) less than 16 years, (2) 16 to 19 years, and (3) 25 years and older (the 20-to-24-year-old group was omitted because it contained persons 21 and older who were able to drink both before and after the age change). While this age breakdown allowed for the discrimination between young, newly enfranchised drivers and older drivers, it did not allow the discrimination of persons 18 and over who could purchase beer and those who were underage (16 to 17). Thus, it was not possible to detect any spillover effects from lowering the drinking age on this age group. It should also be recognized that since the 16-to-19-year-old age group contained both persons who could legally drink and those who could not, the effect of changing the drinking age was underestimated in the analysis.

For each group, a time series analysis was conducted. Historical trends were generated based upon crash data from 1969 to 1973. This pre-reduced drinking age trend was then projected into the period following the change in the drinking age to provide some idea of what crash patterns would have existed had no change been made. Significant differences between the projection of historical trends from 1974 through 1979 and the actual crash patterns for that period could be a result of lowering the drinking age. It would also be expected, if the reduced drinking age had had an effect on traffic safety, that alcohol-related accidents for teenagers would be found to have increased more than expected while non-alcohol-related ones would not.

As seen in Table 3, these hypotheses were borne out. Beginning in 1974, at which time drinking beer at 18 was legal for half the year, the numbers of alcohol-related crashes increased significantly more than would have been expected based on previous trends. (These increases in crashes for teenagers are especially serious in light of the fact that alcohol-related crashes for their adult counterparts actually decreased significantly during this period.) Rather than tapering off, these increases in alcohol-related crashes continued through 1979. The percentage of teenage crashes that were alcohol-related also increased more dramatically than would have been expected had the drinking age not been reduced, as did the percentage of all accidents and all alcohol accidents incurred by this group. All of this information indicates that something which happened in 1974 significantly and consistently caused teenagers to experience increased accident involvement.

A similar analysis was conducted for persons 15 years and under. As seen in Table 4, only two significant increases were noted. The percentage of all crashes involving persons less than 16 years old was significantly higher than expected in 1975, the first full year of the reduced drinking age, as was the percentage of crashes for this age group that were alcohol-related. Although these findings are suggestive, it must be concluded that for the period studied there was no consistent or significant effect of reducing the drinking age on drivers under 16.

Similar crash statistics for persons 25 years and older appear in Table 5. In 1974 and 1975, the numbers of both alcohol-related and non-alcohol-related crashes decreased significantly compared to pre-1974 trends. This most likely occurred due to the energy crisis. It is interesting to note that while the energy crisis reduced the numbers of crashes among older drivers, it did not prevent the dramatic increase in alcohol-related crashes among teenagers. It is also possible that had there been no energy crisis in 1974-1974, the increases in teenage alcohol-related crashes might have been much greater. By 1978, the decreasing trends in the numbers of adult crashes had reversed themselves, and there were more alcohol and

non-alcohol-related crashes than would have been expected had there been no energy crisis. The percentage of all adult crashes that were alcohol-related increased slightly but significantly in 1974 and 1975, indicating that the energy crisis reduced non-alcohol-related crashes more than alcohol-related ones. Why these drinking and driving crashes proved so resistant to the beneficial effect of the energy crisis is unknown.

Comparisons of adult and teenage accident statistics with relation to the change in the legal drinking age are quite revealing. The absolute numbers of alcohol-related accidents for both groups appear in Figure 1. Clearly, adult drivers had more drinking and driving crashes; however, whereas the number of adult alcohol-related accidents decreased about the time the drinking age was lowered, the number of such crashes involving young persons began increasing at a faster rate. With regard to the percentage of all crashes for each age group that were alcohol-related, Figure 2 shows that while a smaller percentage of accidents involving young persons were alcohol-related before the change in the drinking age, youths experienced a higher percentage of alcohol-related crashes than did adults after the change. Young persons continue to have a higher percentage of alcohol-related crashes than do their older counterparts.

TABLE 3

CRASH STATISTICS FOR PERSONS 16 TO 20 YEARS OLD
1969-1979 (EXCLUDING 1977)

Year	No. Alcohol-Related Crashes	No. Non-Alcohol-Related Crashes	% Crashes Which Are Alcohol-Related	% of All Alcohol-Related Crashes	% of All Crashes
1969	1,535	16,492	8.51	10.88	0.693
1970	1,406	17,226	7.55	10.09	0.607
1971	1,614	20,145	7.43	11.14	0.659
1972	1,732	23,228	6.94	11.39	0.652
1973	1,904	24,335	7.26	12.53	0.711
1974	2,603*	22,757	10.27*	16.43*	1.061*
1975	2,970*	20,094	10.36*	18.60*	1.376*
1976	3,508*	30,350	—	18.25*	1.543*
1977	—	—	10,51*	—	—
1978	4,122*	35,715	12.10*	18.04*	1.775*
1979	4,310*	31,307		14.43*	1.979*

*Significantly higher than expected given previous trends, $p < .05$

TABLE 4

CRASH STATISTICS FOR PERSONS UNDER 16 — 1969-1979
(EXCLUDING 1977)

Year	No. Alcohol-Related Crashes	No. Non-Alcohol-Related Crashes	% Crashes Which Are Alcohol-Related	% of All Alcohol-Related Crashes	% of All Crashes
1969	18	339	5.04	0.128	0.8
1970	13	284	4.38	0.093	0.6
1971	20	348	5.43	0.138	0.8
1972	37	552	6.28	0.243	1.4
1973	26	397	6.15	0.171	1.0
1974	46	656	6.55	0.290	1.9
1975	63	572	9.92*	0.399	2.9*
1976	50	490	9.26	0.260	2.2
1977	—	—	—	—	—
1978	52	769	6.33	0.319	2.6
1979	57	734	7.21	0.396	2.2

*Significantly higher than expected based on previous trends, $p < .05$.

TABLE 5

CRASH STATISTICS FOR PERSONS 25 YEARS AND OLDER
1969-1979 (EXCLUDING 1977)

Year	No. Alcohol-Related Crashes	No. Non-Alcohol-Related Crashes	% Crashes Which Are Alcohol-Related	% of All Alcohol-Related Crashes	% of All Crashes
1969	8,964	66,005	11.96	65.54	4.045
1970	9,103	69,879	11.53	65.34	3.929
1971	9,344	75,725	10.98	65.49	3.816
1972	9,890	82,149	10.74	65.07	3.721
1973	9,781	82,254	10.63	64.36	3.657
1974	9,739*	73,903*	11.64**	61.47*	3.971
1975	8,990*	63,016*	12.48**	56.91*	4.164
1976	10,980	100,816	9.82	57.11	4.829
1977	—	—	—	—	—
1978	12,792**	121,418**	9.53	56.36	5.508
1979	12,971**	113,368**	10.27**	55.01	5.956

*Significantly lower than expected based on previous trends, $p < .05$.

**Significantly higher than expected based on previous trends, $p < .05$.

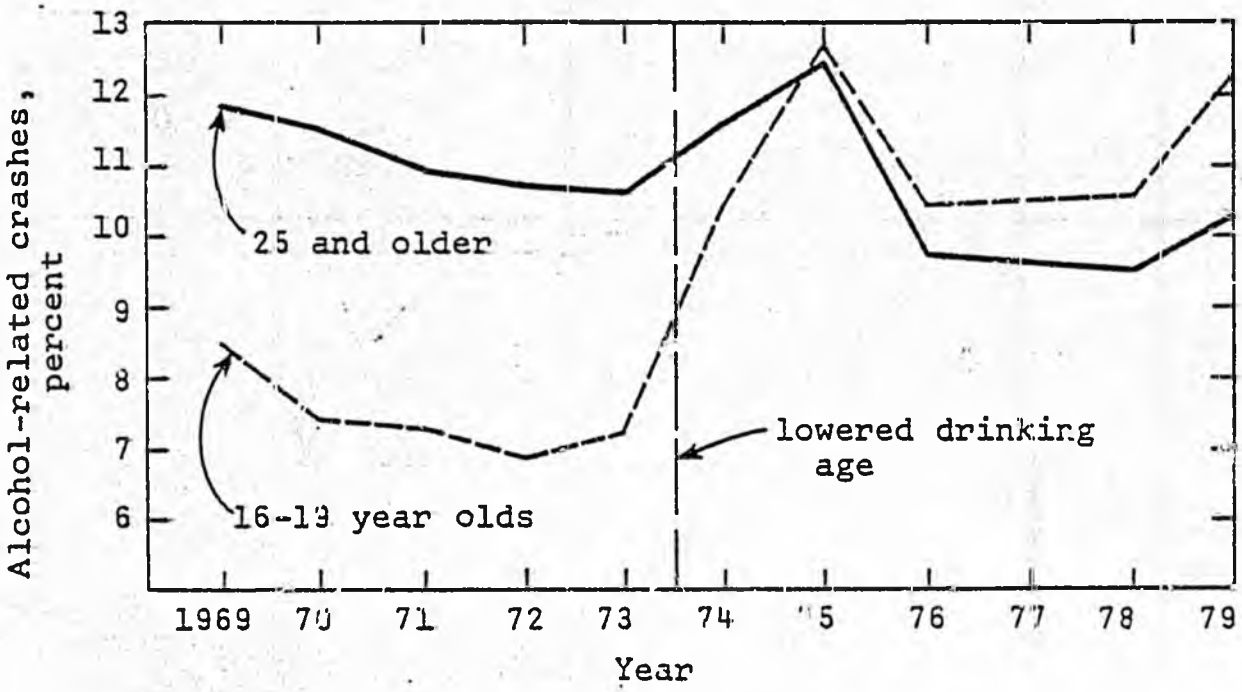

Figure 1. Percentage of alcohol-related crashes over time for young and older drivers.

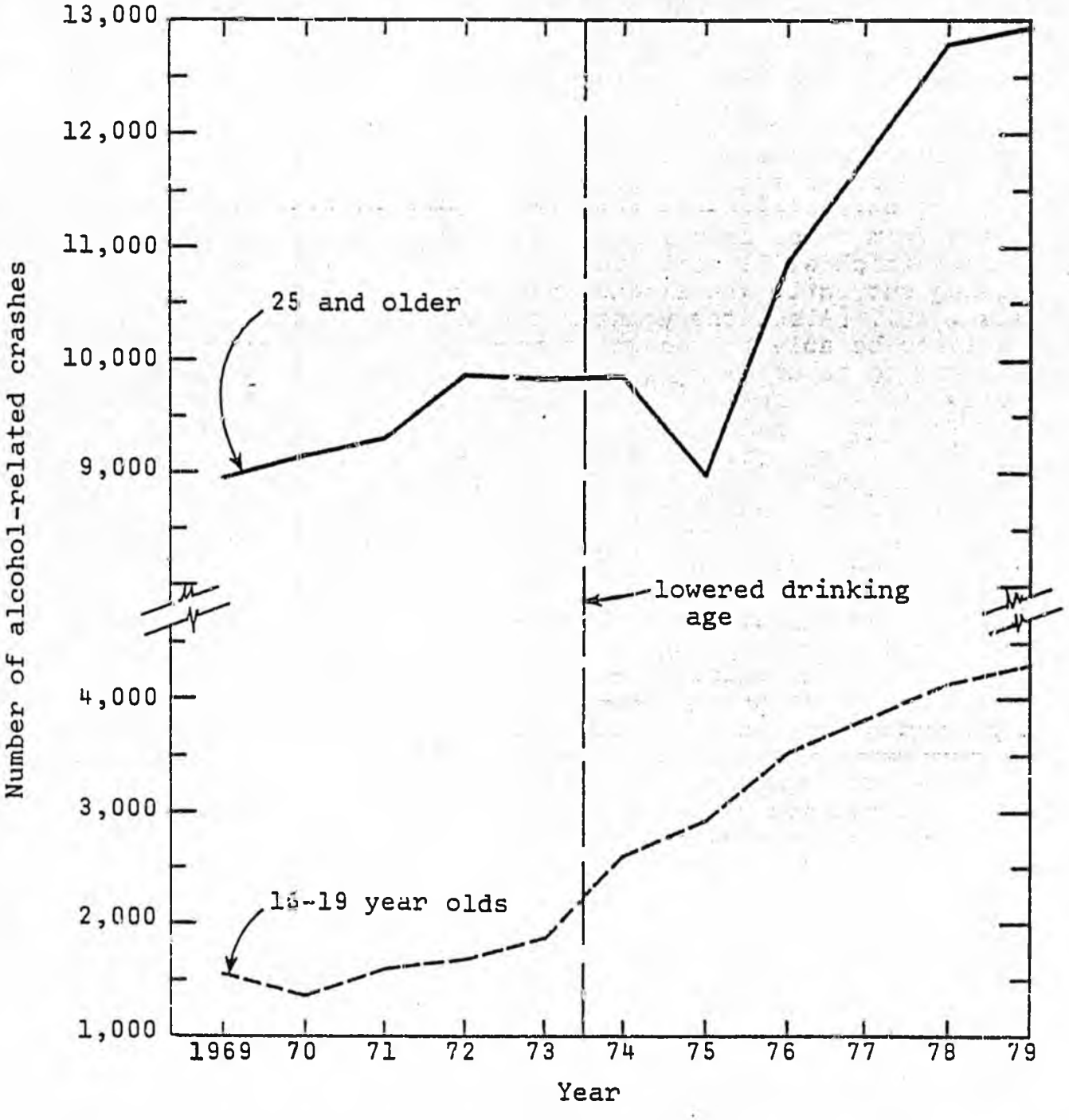

Figure 2. Numbers of alcohol-related crashes over time for youthful and older drivers.

FINDINGS AND CONCLUSIONS

In summary, the adverse impact on driving of reducing the drinking age has been well documented in both the United States and Canada. The consumption of alcohol, particularly the consumption of draught beer, has risen significantly among the newly enfranchised drinkers and among their younger cohorts. Further, these beverages are most often being consumed at restaurants and taverns, which indicates that young persons are most likely driving to and from these drinking spots. These young drivers, because of curfews which still apply to them, "do not have the advantage of staying out until the alcohol has been eliminated from their systems . . .. [Also] the younger the drinker, the less likely he or she is to be able to recognize personal limits, and the more likely they are to be drinking in situations where peer pressure leads to excess."(37) Since it takes very little alcohol to increase a young person's chance of being killed in a motor vehicle accident, and since young persons tend to mix psychoactive drugs and alcohol more often than do adults, these increases in alcohol consumption and driving are indicators of a serious problem.

Serious increases in alcohol-related motor vehicle accident involvement as well as increases in teenage fatalities have been noted for young persons in states where drinking ages have been reduced. No increases have been noted for older drivers, who are unaffected by the legislative change, nor in states that have not lowered their drinking ages. In Virginia alone, the reduced drinking age contributed to an increase of over 600 alcohol-related crashes among drivers 16 to 19 years old during the first six months that the new legislation was in effect, and during the next two years the reduced drinking age contributed to an increase of about 2,900 alcohol-related crashes for this group. It is not known how many of these crashes were fatal, but it can be safely said that each crash resulted in some sort of emotional or financial hardship to the teenagers involved or to their parents.

It is clear from this analysis that from the safety standpoint alone, a more protective stand toward 18 to 20 year olds, and their underage cohorts, should be taken. The most protective stance, of course, would be to raise the legal drinking age to 21 as soon as possible; this, however, would involve disenfranchising young persons who currently have the right to purchase beer in the Commonwealth, and may be politically infeasible.

In a discussion of the social implications of youthful drinking, Whitehead et al. address the overall problem with several interesting legislative suggestions, including the lowering of the presumptive limit to a blood-alcohol concentration of 0.04% for youthful drivers

in light of the low tolerance levels of young people and the increasing use of marijuana with alcohol. With specific reference to the change in the legal drinking age, it has been suggested that the most acceptable solution is to

> raise the drinking age in areas where it has already been lowered and to retain the current legal age in areas where it remains unchanged. Raising it to age 19 for the time being would be less disruptive and perhaps more effective than reverting to age 21 immediately. This approach would virtually eliminate legal drinking among secondary school students and hence the effect of their drinking behavior on their underage schoolmates. Further increases, if desired, could be staged in single-year increments to make the change more palatable to members of the target group. Both fairness and the appearance of fairness would be enhanced.(5)

What is to be expected from such a change in the legal drinking age? Intuitively, it would be expected that raising the legal drinking age in yearly increments would result in stepwise decreases in alcohol-related accidents. In Michigan, which raised its legal drinking age first to 19 and then to 21 in 1978, significant improvements in the crash experiences of young persons were noted after the drinking ages were raised.(38) However, raising the legal drinking age cannot be expected to solve all the alcohol-related safety problems of this age group. Many factors that affect drinking behavior have changed during the six years since the drinking age was lowered, as is evidenced by the increase in alcohol-related accidents for adults in 1978 and 1979. While it has been shown that lowering the legal drinking age in 1974 was responsible for increases in the youth crash problem at that time, changes in the economy, which may be correlated with the drinking behavior of adults; changes in the pressures on young persons; and changes in drug use patterns are only three of many factors that have since compounded this problem. Additionally, it may be impossible to reverse the poor drinking habits learned through early access to alcohol which exist among adults who are enfranchised at 18, since crash rates for these persons tend to increase at 18 and to stay at those higher levels. In any case, it is expected that raising the legal drinking age will result in a dramatic reduction in the involvement of young persons in alcohol-related crashes, but it is not expected that the rates of involvement will return to pre-1974 levels for persons 18 to 20.

RECOMMENDATIONS

Based upon this analysis, it is recommended that the Department of Transportation Safety support legislation to raise the legal drinking age in Virginia. Still in question, however, is what particular type of legislation is preferred. House Bills Nos. 188 and 133 (see Appendix), which were introduced during the last session of the General Assembly and were carried over for consideration this session, would raise the legal drinking age to 19, and 21, respectively. While these bills are more than adequate from a legal standpoint, both have drawbacks. While immediately raising the legal drinking age to 21 represents the ultimate safety goal with regard to this problem and would do the most to protect young persons, it would involve disenfranchising a large number of young voters. However, raising the legal drinking age to 19 this year would still require legislative action in subsequent General Assembly sessions to bring it up to 21 years. In addition, neither bill stipulates that the effect of raising the legal drinking age be evaluated, an important step in justifying this action. Ideally, the Department of Transportation Safety should most strongly support the amendment of proposed legislation to include the following provisions:

1. That the legal drinking age be raised incrementally in July of each of the next three years, so that the drinking age would become 19 years in 1981, 20 years in 1982, and 21 years in 1983. In this way, no group would be disenfranchised and the ultimate goal of returning the legal drinking age to 21 would be assured.

2. That an evaluation of the effects of raising the legal drinking age be required to ensure that this move accomplishes the purpose of improving the highway safety environment for young persons.

If at all possible, this type of legislation should be most actively pursued. However, should these suggestions not be incorporated into current legislation, it is recommended that the Department support legislation raising the legal drinking age to 19 years in 1981, and then encourage additional legislative action in subsequent General Assembly sessions to raise the legal drinking age to 21 years.

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APPENDIX

HOUSE BILLS NO. 188 AND 133

EDUCATIONAL PROGRAMS

April 5, 1983

This section contains:

1. a report titled, "Is High School Education Necessary..."
2. a report titled, "We Have The Answer to Your Curriculum Needs."
3. a response to the question concerning the effects of High School driver's education.
4. a newspaper article on the effects of driver's education
5. conclusions concerning Driver's education from Connecticut DMV.

these older facilities. Not a week goes by but there are new victims of the unforgiving road.

The two bus disasters in Texas and New Mexico, caused by narrow dilapidated bridges could be repeated in almost any community in the country. These dangerous facilities must be put into condition to handle today's traffic demands.

The car too plays an important role in the total traffic safety picture. If your youngster is planning to take the family car out for an evening, you should work up a check list, just like an airplane pilot, to make sure it is in top condition. Pay particular attention to the tread depth and tire pressure; clean the road film from the headlights; replace worn windshield wiper blades; check for fan belt slippage. Sure it takes time, but isn't your youngsters' safety worth it?

You are failing your responsibility as parents if you don't give more personal attention to your youngsters' driving skills, the vehicles they drive, and the roads they will travel. Not only are you failing your responsibility, you are courting disaster and heartbreak.

(UNDERLINES ADDED FOR EMPHASIS.)

distributed as a public service
by your local Automobile Club

AMERICAN AUTOMOBILE ASSOCIATION
8111 Gatehouse Road
Falls Church, Virginia 22042

IS HIGH SCHOOL DRIVER EDUCATION NECESSARY,

OR IS "PASSING A ROAD TEST" ENOUGH?

"Why driver education? Do we need it? Should it be taught in schools? Does it really work? Do the teachers do more than merely ride around in cars all day?"

Parents, administrators, students and community leaders are asking these and other probing questions in a mood of accountability and dollars and cents effectiveness. Many of these same people are wondering--could commercial driving instructors adequately train students? Should driver ed be dropped to keep school taxes down?

Driver education *does* work, primarily because the responsible, qualified school professionals who teach it demand much more of their students than the ability to "pass a road test." These dedicated teachers recognize their student's urgent "need" to get a license, and harness that interest to achieve a learning experience unique in the high school setting. Students acquire not only knowledge of rules of the road and basic driving skills, but learn also to survive in modern traffic through the use of sophisticated perceptual and decision/making methods, emergency driving techniques, and a heightened awareness of their own limitations, as well as those of other highway users.

High school driver education goes well beyond the simplistic "pass the road test" approach used in other courses. Far from being a frill, it is *the single most important course a high school student can take*, and the one most immediately useful.

The following reprinted article, written by *Highway User* Regional Editor John T. Newman, is a moving statement advocating intensified driver education courses, and increased parental involvement in those courses. We hope you'll not only agree, but do something about it.

Sample Computations Showing Rates for Male and Female Drivers age 16, 17, and 18; Principal or Occasional Operators; With and Without Driver Training, (Applicable for Industrial Indemny Company, Kemper and Great American Insurance Companies. Nationwide Insurance Company, State Farm and Insurance Company or North America give a 10% discount for driver education for high school students.

A1 - Underage Female
Principal or Occasional
Without Driver Training

Age	16 - 17	(1.75)
Bodily Injury	25/50	147
Property Damage	10	4
Uninsured Motorist		1
		152
Age 18		(1.60)
BI	25/50	134
PD	10	141
UM		11
		286

B1 - Underage Male
Occasional Operator
Without Driver Training

Age	16 - 17	(2.70)
BI	25/50	227
PD	10	238
UM		11
		476
Age 18		(2.50)
BI	25/50	210
PD	10	220
UM		11
		441

C1 - Underage Male
Principal Operator
Without Driver Training

Age	16 - 17	(3.50)
BI	25/50	294
PD	10	308
UM		11
		613
Age 18		(3.30)
BI	25/50	277
PD	10	290
UM		11
		578

A2 - With Driver Training

Age	16 - 17	(1.60)
BI	25/50	134
PD	10	141
UM		11
		286
Age 18		(1.50)
BI	25/50	126
PD	10	132
UM		11
		269

B2 - With Driver Training

Age	16 - 17	(2.25)
BI	25/50	189
PD	10	198
UM		11
		398
Age 18		(2.10)
BI	25/50	176
PD	10	185
UM		11
		372

C2 - Principal Operator With Driver Training

Age	16 -17	(3.10)
BI	25/50	260
PD	10	273
UM		11
		544
Age 18		(2.90)
BI	25/50	244
PD	10	255
UM		11
		510

Alaska State Auto Club

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Enter 455 H Street - Mail to P.O. Box 2315, Anchorage, Alaska 99510

February 25, 1981

Mr. Ronald W. Kosh
Director, Field Operations
AMERICAN AUTOMOBILE ASSOCIATION
8111 Gatehouse Road
Falls Church, Virginia 22047

Re: Driver Education

Dear Mr. Kosh,

Thank you for your recent letter. I will now ask a favor of you.

We have attempted to convince the Anchorage school administration they should provide behind the wheel driver education in our city. So far, we have failed. We work with Mr. Tom Bibeau, Safety Office for the District. Tom sent us the enclosed this past week. He and the District Planning and Development Division have picked-up on this old Yale University research.

Do your driver education people have some answers to refute those conclusions?

Maybe we should prove shop courses are dangerous by citing the number of young people who are injured by table saws, etc.

If you would kindly refer this to your driver education people, we will be most grateful for anything they might provide.

Cordially,

Robert M. Scott

cc: Ray Coxe
Vern Smith
Dave Anderson
Jay M. Smith

P.S. For your driver education people: We have Highway Users 'Driver Education Support Handbook'; ADTSEA publications and have ordered the AAA books from Rand-McNally. Enclosed is notice of HUFA campaign at Alaska State level to promote statewide funding for driver education. At present, Anchorage is the only major community in Alaska not providing behind the wheel training. And, we probably need it the most.

Added cc: Bill Cushman

Ten Frequently Asked Questions About High School Driver Education

By Gerald Bastarachue,
Highway Users Federation

*Editor's Note: This article was released by the Highway Users' Federation in the spring of 1979 when Driver Education was under severe attack nationwide.

About four million American teenagers will reach driver licensing age this year, and most will begin to experience the pleasures and responsibilities of driving a car. If a teenager is going to drive, concerned parents begin asking questions about what sort of preparation their children ought to get.

The Highway Users Federation, with the help of the American Driver and Traffic Safety Education Association, has supplied answers to the following frequently asked questions about driver education.

1. **Is driver education taught in every high school?**

No. But it is taught in about 17,000 high schools around the country, four out of every five.

2. **Is high school the best place to teach young drivers?**

They can pay for private lessons offered by commercial driving schools, or, for better or worse, be taught by parents or friends. But in most cases, modern, well-equipped high schools offer the best combination of competent staff, administrative capacity, materials and facilities for quality courses. The public agrees. A recent survey found that three of four people think that high school is the best place to teach young people how to drive safely.

3. **Couldn't I teach my children to drive as well as a professional instructor could?**

Sure, if you are well-schooled in how to teach beginning drivers safe and fuel-efficient driving techniques, traffic laws, signs, signals and markings, motorists responsibilities, vehicle handling characteristics, vehicle maintenance, hazard perception and decision-making skills, and are willing to put in the necessary time and effort. Remember, learning how to drive safely involves more than mastering the mechanics of operating a car. You may also have a bad driving habit or two that your child could pick up.

4. **How much does high school drivers education cost the public?**

An average of $90 per student, which covers instructors' salaries, textbooks, films, cars, and other teaching equipment.

5. **Where do they get the cars?**

The majority are provided by local new car dealers at little or no cost to schools, students or taxpayers. During the 1977-78 school year, out of 44,780 motor vehicles used in high school drivers education, more than 37,000 were dealer-loaned.

6. **Couldn't we save a lot of gasoline by abolishing these courses, or at least the practice driving involved?**

On the contrary, abolishing driver education would actually INCREASE

Continued on page 9

FUEL MANAGEMENT INSIGHTS
Taken from Driver Education Newsletter - Chicago Public Schools

Like all programs, the Chicago Public Schools are very conscious of the amount of fuel consumption for Driver Education. Below are some figures which indicate the progress being made. A similar study for your local program might be revealing. (The Editors are interested in compiling the results, so if you have data, please send it to us.)

Chicago Public High School Driver Education Fuel Management Statistics

Two consecutive months:	May 1979	June 1979
Total miles driven	61,114 miles	91,772 miles
Total gallons used	5,963 gallons	7,913 gallons
Average miles per gallon	10.2 mpg	11.5 mpg

Average cost per gallon trend ..... 7.1c increase from May through June

Same month, different years:	June 1978	June 1979
Total miles driven	116,969 miles	91,772 miles
Total gallons used	13,796 gallons	7,913 gallons
Average miles per gallon	8.5 mpg	11.5 mpg

Average cost per gallon trend ..... 17.9c higher this June than in 1978

Two consecutive years:	1977-78	1978-79	Difference
Total miles driven	1,096,863 mi.	952,973 mi.	-143,890 mi.
Total gallons used	129,089 gals.	99,029 gals.	-30,060 gals.
Average miles per gallon	8.4 mpg	9.6 mpg	+1.2 mpg.

Average cost per gallon trend ..... 7.9c increase over last year

GAS WATCHER'S MATCHING QUIZ [Chicago Driver Education]
Write the letters of the CASUAL FACTORS before the appropriate EFFECT.
(Answers at bottom of page)

Causal Factor	EFFECT
a. Increased emphasis in fuel management techniques	.....1. Decrease in the number of gallons used.
b. Increased emphasis in fuel efficient driving performance	.....2. Increase in the average number of miles per gal.
c. Increase in simulation mode	.....3. Decrease in the number of miles driven.
d. Reduction in range mode	.....4. Increase in the average cost per gallon.
e. Increase in traffic mode	
f. Declining enrollment	
g. Winter of '79	
h. Decrease in available number of driver education vehicles	
i. Domestic fuel production	
j. OPEC	
k. Iran	

Answers to Gas Watcher's Matching Quiz:
(1) a, b, c, d, f, g, h; (2) a, b, d, e; (3) c, f, g, h; (4) i, j, k.

TEN FREQUENTLY ASKED QUESTIONS ABOUT HIGH SCHOOL DRIVER EDUCATION

Continued from page 8

our use of gasoline. Fuel-saving techniques which last a lifetime are taught in driver education. One study found that if ALL drivers practiced the fuel-saving measures taught in high school driver education, the country could achieve a ten percent reduction in gasoline use. Moreover, a parent teaching a youngster how to drive in the family car uses more gasoline than the instructor in the driver education car. All the high school driver education classes in the country consume less than two-hundredths of one percent of all highway fuel used in the country, a very small investment for saving lives AND fuel.

7. Doesn't high school driver education encourage youngsters who might not otherwise drive to get a car?

No more than teaching home-economics encourages house-buying. Driver education is a "survival" course. Eight out of ten American adults are licensed drivers, and the percentage is growing. Most young people want to drive, and many NEED to for occupational or other reasons. Driver education teaches them how to do properly what they are likely to do anyway.

8. Does high school driver education pay off?

The evidence says yes. Youths who have completed driver education courses are cited for fewer moving violations and are involved in fewer accidents than those without instruction. That's why many insurance companies offer reduced premiums to driver education graduates. In many states, 16 or 17 year-olds cannot get a regular driver's license unless they complete a driver education course.

9. How are those classes organized?

In most schools, classes begin in the tenth grade. They are a combination of classroom and laboratory instruction. In the classroom, textbooks and other materials are used to supplement lectures, study, and discussions as with any academic subject. The laboratory part is "practice driving," in which the student gains actual driving experi-

Continued on page 10

TEN FREQUENTLY ASKED QUESTIONS ABOUT HIGH SCHOOL DRIVER EDUCATION

Continued from page 9

ence under the guidance of the instructor. Some schools also use driving simulators in the classroom for additional "life-like" experience.

10. How can I help my teenager become a better driver?

Insist on a quality driver education course taught by qualified instructors using up-to-date materials and equipment. You can set a good example, particularly in driving courtesy and attitude. And, you can supplement your child's practice driving by allowing him or her to gain experience under your guidance in night driving, or under various weather and traffic conditions which might not be possible in the school's program.

For further information on high school driver education, and what you can do to help, write the Highway Users Federation, 1776 Massachusetts Ave., NW, Washington, D. C. 20036, for the free booklet, "Who Needs Driver Education?" The Federation is a national, nonprofit organization promoting traffic safety and highway transportation efficiency.

Executive Committee Summer Meeting Highlights

—The IHSCDEA will work in cooperation with the IOE to co-sponsor the activities for the Illinois Youth - Traffic Safety Conference for the 1979-80 year. Ed O'Farrell was appointed to represent the IHSC DEA to work with Jim Churchill of IOE.

—The 1980 Annual Spring Conference will be held April 23-25, 1980 at the Peoria Hilton in Peoria. The management will set aside 50 rooms for Wednesday (4/25) and another 100 for Thursday (4/24). New parking facilities will be available across the street.

—All new legislation related to Driver Education appeared to have been defeated. An exception is a motorcycle law allowing 16 year olds to operate any size motorcycle is still in the legislation process.

—The IHCSDEA has been a member of the Illinois Conference of Women Leaders for Traffic Safety.

Are School Childre Really Safe?

By Jane E. Berthold

Jane E. Berthold is a graduate student at Illinois State University in the Traffic Safety Department. She previously taught three years in the Springfield School district.

A terrible menace prowls streets and by-ways, taking the li of thousands of children each ye This menace will continue to threa the well-being of our children if we not band together and take action prevent its growth.

I'm not speaking of crime, ev though this is a major concern to m of us. I am referring to the threat injury and death brought about lack of traffic safety awareness a responsibility. Absence of the skills and attitudes can result in u necessary risk-taking and accide involvement. Our children a falling prey to situations that frighte mame, and kill them. Many of the accidents occur because children la the skills, education, and experien that could help them avoid dangers.

Safety experts state that traf accidents are the leading cause death among children three throu fourteen. This tragic fact often overlooked unconciously. Too ma people, adults as well as childre think of a traffic crash as somethi that happens to someone else. Ho ever, the sad fact is that no one immune to traffic accidents. Furth the risk posed by these accidents greatest for those children who ha little knowledge of traffic to help decision-making.

If safety records of children are improve, traffic safety education mu begin with the very young an

Continued on page 11

American
Driver and Traffic Safety
Education Association
1201 Sixteenth Street, N.W. • Washington, D.C. 20036
202/833-4140

June 26, 1981

The following statement was forwarded to ADTSEA today (at our request) by the Public Affairs Office of NHTSA. Officials at the Office inform us that the statement has been released (verbally) to the Associated Press and to United Press International.

RESPONSE TO INQUIRIES ON DRIVER EDUCATION STORY

1. The reporter draws conclusions that our data do not support. Contrary to the reporter's conclusion that the study "indicates that drivers' education does not prevent or reduce the incidence of traffic accidents at all," the NHTSA project director Mr. Hall told him specifically that the "data available so far are very tentative and may change, and that therefore no conclusion should be drawn at this time as to program effectiveness or noneffectiveness."

2. As a matter of fact, Mr. Hall told the reporter that although the figures are statistically insignificant, if anything there has been a modest trend in favor of driver education.

3. Mr. Hall did not say that he expects "the preliminary numbers to be born (sic) out in the rest of the study..." He has no basis on which to make any judgment as to what the data may show at the end of three more years.

The response relates to the story "Driver Training Found Not to Cut Auto Accidents" written by Phillip J. Hilts and appearing in the June 25 edition (page one) of the WASHINGTON POST.

The story, under various headlines appeared in other newspapers across the country on June 25, among them the KANSAS CITY STAR, the SAN JOSE MERCURY NEWS, and the ATLANTA JOURNAL. In some cases it was lightly edited but in all that have come to our attention to date, it was attributed to the WASHINGTON POST.

Today, July 26, the story was carried on page one of the WALL STREET JOURNAL.

Also today, the WASHINGTON POST printed the following correction on page two:

> In yesterday's edition, a traffic safety specialist with the National Safety Council, Ray Burneson, was quoted as being critical of a study on driver's education made by the National Highway Traffic Safety Administration; his critical remarks were directed at a study made by Leon Robertson of Yale University.

Driver Training Found Not to Cut Auto Accidents

By Philip J. Hilts
Washington Post Staff Writer

For years the auto insurance industry has given large insurance discounts for children who take drivers' education courses, because statistics show that they have fewer accidents.

The preliminary results of a new major study, however, indicate that drivers' education does not prevent or reduce the incidence of traffic accidents at all.

Many researchers conclude that drivers' education students have lower accident rates not because of their training but because the sort of children who volunteer for it have different social backgrounds and upbringing from those who don't. One study, for example, shows that students who get high grades have fewer accidents than those who don't.

In a study of about 17,500 children in DeKalb County (Atlanta), Ga., the National Highway Traffic Safety Administration finds no difference in the number of accidents and traffic violations between children who take the standard high school drivers' education course, or its equivalent, and

See DRIVERS, A11, Col. 1

Driver Education Found Not to Curb Traffic Accidents

DRIVERS, From A1

those who have no drivers' education at all.

These results back controversial studies that show drivers' education not only does not decrease accidents among 16 to 18 year olds, but actually may cause thousands of additional traffic deaths every year, according to Leon Robertson, a Yale University researcher.

He did a study of 10 Connecticut towns that eliminated drivers' education from their schools which showed that "about 75 percent of the 16-17 year olds who could be expected to have been licensed if they had taken high school driver education waited until they were 18 or older to be licensed when high school training was no longer available."

The result of having fewer licensed children on the road, according to Robertson, was a large decrease in the number of serious accidents in those Connecticut towns.

The Robertson study has begun to have some effect on drivers' education around the country, and at least one community — Farmington, Conn. —has eliminated the course largely on the basis of Robertson's work, according to Farmington school superintendent William Streich.

"We were encouraging [teen-agers] to drive by offering the course in high schools. By not offering it, we may discourage it and postpone licensure," Streich said.

In the $4.2 million NHTSA study, students who volunteered for drivers' education were divided into three groups: those who would get no formal drivers' education, those who would get the common course and those who would get a special, intensive 72-unit course including training on a special driving track.

The director of the NHTSA study, Clay Hall, said it showed "no statistically significant difference" in accident figures among all the groups after three years of the study's six-year run. He said he expected the preliminary numbers to be born out in the rest of the study, but that the interim report would draw no final conclusions.

Robertson's study has been attacked by a number of groups, including the professional association of drivers' education teachers, as unsound statistically.

Ray Burneson, traffic safety specialist with the National Safety Council, criticized the study, saying that it was a product of a group (NHTSA) that was run by people who believe "that you can't do anything to train drivers. You can only improve medical facilities and build stronger cars for when the accidents happen .... This knocks the whole philosophy of education."

Hall said the study would note the "favorable trend" that children in the special course are getting 16 percent fewer traffic tickets than those who haven't taken a drivers' education course. He said this shows that drivers' education can have a positive effect, one that may in later life even have a positive effect on accident rates.

The training part of the program is now finished and the period in which the records of the children are followed in regular highway driving has begun. The interim report is due out next week and the final report is planned for 1983.

CONNECTICUT STATE DEPARTMENT OF MOTOR VEHICLES

Wethersfield, Connecticut

This study, which covers the period from June, 1962, through to October 1, 1963, a total of 15 months, pertains to the motor vehicle violation involvement of 48,628 provisional license holders who participated in one of the three driver training programs permitted under Connecticut Statutes; i.e., parent training, commercial school training and secondary school training, which training is a prerequisite for obtaining a Connecticut operator's license for applicants between 16 and 18 years of age.

The purpose of conducting this study was to determine whether or not the involvement of the youngsters differed depending upon the type of training received.

I. SECONDARY SCHOOL TRAINED

Male operators	6,892	Violators - male	558	8 %
Female operators	6,942	Violators - female	107	1.5%
	13,834		665	4.8%

II. PARENT TRAINED

				1.5%
				4.8%
Male operators	13,158	Violators - male	1,517	11.5%
Female operators	7,985	Violators - female	154	1.9%
	21,143		1,671	7.9%

III. COMMERCIAL SCHOOL TRAINED

Male operators	8,566	Violators - male	1,111	12.9%
Female operators	5,085	Violators - female	97	1.9%
	13,651		1,208	8.8%

Also, approximately nine per cent of these 48,628 operators were involved in accidents during the first nine months of 1963; and it is to be noted that youngsters who participated in the training in the secondary schools were involved in less of the so-called "serious type violations" than those youngsters participating in the other two phases of driver training, as the following tabulation indicates:

Secondary school	1.1%
Parent training	2.1%
Commercial school	2.1%

To broaden this study, the records of all provisional licenses were checked to determine their involvement during this same period; i.e., June, 1962, through to October 1, 1963, and it was determined that of the sum total of 187,408 provisional licensees, approximately 10.6 per cent were involved in some type of motor vehicle violation in this period.

It is to be noted that provisional licensees represent approximately 11 per cent of the driving population in Connecticut; and further that of these 187,408 provisional license holders, in the vicinity of 130,000 obtained their licenses since 1958 and, thus, participated in one of the three phases of training.

January, 1964

Illinois Study Shows Value of Driver Education

Illinois teenagers who have studied driver education are involved in only half as many accidents and convicted of only one-third as many violations as those who have not taken the course, according to a recent study made by Charles F. Carpentier, Illinois Secretary of State.

Using an electronic data processing system, Carpentier screened the records of 516,776 of the state's licensed drivers, aged 16-20. Data on traffic violations included convictions for moving offenses only, which state courts are required to report to the Secretary. Accident data was obtained from the state's Division of Highways, which receives reports of all accidents involving death, personal injury or property damage of more than $100.

Of the half-million licensed minors surveyed, 176,832 had studied driver education. This group showed a rate of 171 convictions per 1,000 drivers as compared with a rate of 493 convictions for the non-driver-educated group. Driver-educated youngsters were involved in accidents at a rate of 56 per 1,000, while non-driver-educated youngsters had an accident rate of 111 per 1,000.

The records of drivers in the 21-26 age group were also run through the electronic brains. It was found that the traffic offense conviction rate for non-driver-educated motorists increased more sharply with age than it did for those who had the course.

New York Study Shows Value of Driver Education

New York State youngsters who have passed full high school driver education courses have fewer accidents and traffic violations than untrained young drivers. This is the finding of the Department of Motor Vehicles in a survey of the accident and violation records of 1,920 high school graduates of 1959 and 1960. Half of them had taken driver training courses while in school. Their records for the 18-month period between January, 1961, and June, 1962, were checked by the Department's Division of Research.

The DMV said the study showed untrained drivers had 22 per cent more accidents and 50 per cent more driving violations than those who had taken driver education. It turned out that academic standing played a significant role in traffic safety; those in the upper half of their classes, both trained and untrained, had fewer violations than did those in the lower half. Strikingly, women without training in the upper half of their class were less prone to violations than any group of men - with or without training. The statistics indicate that men are involved in from three to five times as many accidents as women. "It is reasonably assumed that exposure to accidents is greater with the men," the DMV said. "It is probable that they drive more miles under more severe weather conditions and hence suffer from greater fatigue."

Students from 20 secondary schools throughout the state were checked. Twelve of the schools are located in urban areas and the other eight in rural areas. Each of the main groups involved included 495 young women and 465 young men.

National Safety Council, March, 1964

THE DRIVER EDUCATION EVALUATION PROGRAM (DEEP) STUDY

A REPORT TO THE CONGRESS

July 1975

U.S. Department of Transportation

National Highway Traffic Safety Administration

THE DRIVER EUDCATION EVALUATION PROGRAM (DEEP) STUDY

Report to the Congress, July, 1975

U.S. Department of Transportation

National Highway Traffic Safety Administration

p. 85:

The NHTSA has taken the position that an HSDE program that is 10-15 percent effective in reducing the crash involvement probability of persons exposed to it is feasible and represents a resonable expectation.

NHTSA believes that HSDE offers as much behavior modification and crash reduction potential as any other form of short-term intervention. . .It probably offers more potential than most programs becuase it intervenes earlier and involves more time than most other approaches.

February, 1981/ADTSEA

LICENSE PROVISIONS

April 5, 1983

This section contains:

1. an article on license suspensions and revocations
2. a pamphlet on Administrative license revocation

more information on license provisions is available through Sen. Fischer's office

EFFECTIVENESS OF LICENSE SUSPENSION OR REVOCATION FOR DRIVERS CONVICTED OF MULTIPLE DRIVING UNDER THE INFLUENCE OFFENSES--AN OVERVIEW OF THREE STUDIES

Roger E. Hagen, Rickey L. Williams, and Edward J. McConnell
State of California Department of Motor Vehicles

Note

This paper is a condensation of a paper presented by the authors at the Symposium on Traffic Safety Effectiveness (Impact) Evaluation Projects, May 19-21, 1981. The unabridged version is published in the Symposium Proceedings available from the National Highway Traffic Safety Administration.

Abstract

Three studies of the effects of licensing action on multiple DUI offenders are reported. The first two assessed the impact of license suspension or revocation compared to no licensing action or participation in an alcohol abuse treatment program. The third study dealt with the effects of licensing action on the DUI offender. The results showed that licensing action for multiple DUI offenders had a more positive traffic safety effect than either no licensing action or treatment programs. Both the magnitude and the duration of this effect are documented.

Introduction

In California, new legislation has made it possible for drivers convicted of multiple driving under the influence (DUI) offenses to receive treatment as an alternative to license suspension or revocation. Previously, the laws of the State required a 12-month license suspension for a driver's second DUI conviction in 5 years and a 3-year license revocation for a third DUI conviction in 7 years. The new alternative offers drivers the opportunity to participate in a 12-month State-approved alcohol abuse treatment program. Drivers convicted of DUI while participating in the program may be dismissed from treatment and subjected to the licensing action (suspension or revocation) for which the treatment was an alternative.

Three studies of the effects of licensing action on multiple DUI offenders are reported here. The first two assessed the traffic safety impact of license suspension or revocation compared to no licensing action or participation in a 12-month treatment program. The third study addressed the effects of license suspension or revocation on the DUI offender.

Method

The following sections describe the methodologies used in the three studies.

1. Suspension/revocation vs. no licensing action.

In the first study, all drivers convicted of second or subsequent DUI offenses during the first 6 months of 1970 were identified. Of these, approximately 10,000 drivers had their licenses suspended or revoked, while another 1650 had similar convictions but received no licensing action (1) because their previous convictions were declared unconstitutional. A subject-for-subject matching procedure (Epperson, Harano, and Peck, 1975) was used to pair drivers from the suspended/revoked group with drivers in the second group. A total of 1501 matched pairs of drivers was included in the analysis.

Driver record data for these subjects were secured from the California Department of Motor Vehicles. Each driver's history was collected for 5 years prior to the 1970 project entry date and 6 years subsequent to it.

Analysis of covariance was used to control for potential between-group differences not accounted for in the matching process. Covariates included age, residence change,

[1] Both groups of drivers received standard fines and/or jail sentences.

and the prior 5-year driving history variables of (1) accidents, (2) had been drinking accidents, (3) DUI convictions, and (4) implied consent actions. A separate analysis was conducted for each subsequent driving history variable. No analysis was conducted if the data did not meet the basic analysis of covariance assumption of equality of slopes.

Survival curve analyses were used to assess the duration of license suspension/revocation treatment effect on subsequent accidents and DUI violations. Statistical tests of the survival curve data were conducted annually during the 6-year follow-up period.

2. Suspension/revocation vs. alcohol treatment.

In this study, four alcohol abuse treatment program demonstration counties were selected through a competitive bid process. A comparison county for each demonstration county was selected using a structured three-phase approach (McDonald and McIntire, 1977). Counties with active alcohol treatment programs were not selected as comparison counties, even if they matched well in other characteristics. The demonstration counties and their respective comparison counties were: Kern/San Joaquin, Santa Clara/San Bernardino, Ventura/Monterey, and Yuba/Nevada.

The sample comprised drivers in eight counties who had a second or subsequent DUI conviction between January 1, 1976, and February 28, 1977. As a result of this conviction, 2874 drivers in the comparison counties and 2442 drivers in the demonstration counties had their licenses suspended or revoked. Another 2571 drivers in the demonstration counties participated in alcohol treatment programs in lieu of licensing action.

Each driver's records were obtained from the California Department of Motor Vehicles for 3 years prior to the above DUI conviction and for 12 months subsequent to it. Analysis of covariance was used to analyze the subsequent driving record data. Covariates were age at conviction and the prior 3-year driving history variables of (1) accidents, (2) nighttime (2100-0300) accidents, (3) drunk driving convictions, (4) reckless driving convictions, (5) "one-count" convictions (speeding, illegal turn, etc.), and (6) implied consent actions. A separate analysis was conducted for each variable during the 12-month follow-up period. No analysis was conducted if the data did not meet the basic analysis of covariance assumption of equality of slopes.

Three sequences of covariance analyses were conducted. The first assessed the impact of the alcohol treatment program vs. suspension/revocation and compared the following three driver groups: (1) demonstration county treatment program participants, (2) demonstration county suspended/revoked drivers, and (3) comparison county suspended/revoked drivers. This analysis also assessed the impact of including or excluding 388 drivers who dropped out of the treatment program for various reasons and then had their licenses suspended or revoked.

The second series of analyses compared the overall DUI program in the demonstration counties with that in the comparison counties. This sequence involved two driver groups: (1) all demonstration county multiple DUI drivers (treatment program, suspended/revoked, and program dropouts) and (2) comparison county suspended/revoked drivers.

The third series of analyses was conducted because one pair of counties (Santa Clara/San Bernardino) constituted over 50% of the sample. In order to (1) assure that any effects were not solely attributable to differences between these two counties and (2) obtain results that could be more readily generalized to the urban areas in the State, the analyses described above were repeated using only the Santa Clara/San Bernardino data. Because sample sizes in the three remaining pairs of counties were too small for individual analysis, they were analyzed similarly as a group.

Survival curve analyses were used to assess the duration of effect of the treatment program compared to suspension/revocation. Proportional tests were conducted quarterly during the 12-month follow-up period to insure that any differences were not due to chance variation.

3. Effects of suspension/revocation.

The third study analyzed the effects of suspension/revocation and the incidence of driving while under licensing action using (1) survival rates for accidents and DUI convictions and (2) drivers' self-reports.

For the survival rate analysis, a 10% random sample (N=4488) was selected from among all drivers having a first, second, or third-plus DUI conviction in 1974. A third offender was one whose 1974 offense was the third or more in the 7 years prior to and including 1974; a second offender was one whose 1974 offense was the second in 5 years; and a first offender was one who had no DUI convictions during the 5- or 7-year periods.

To be included in the analysis, a third offender had to have received a 36-month license revocation, a second offender a 12-month suspension, and a first offender no licensing action.

The following data were obtained for each sample driver for the 4-year period subsequent to the 1974 conviction: (1) number of days until next DUI conviction, (2) number of days until next reported accident, and (3) number of days until next driver record update (accident, conviction, FTA, or FTP).

To assess further the incidence of driving while under licensing action, a survey was conducted of 2500 drivers whose licenses were being reinstated after suspension or revocation for multiple DUI offenses. These drivers were selected in January through March of 1980 and were not the same drivers used in the survival rate analyses.

Two waves of questionnaires were sent 10 days apart with both the initial and follow-up waves going to all 2500 drivers. Each wave contained two questionnaires--one to be completed by drivers who admitted driving under license suspension/revocation, the other by drivers who denied doing so. Response anonymity was guaranteed.

Respondents who completed both questionnaires were eliminated from the analysis. If it could be determined that a driver had responded to both waves, the wave 2 questionnaire of that driver was eliminated.

Questionnaires were color-coded to distinguish suspended drivers from revoked drivers and drivers with record updates (see above) during their suspension/revocation period from those with no updates. This permitted an assessment of the incidence of driving while suspended/revoked on the basis of self-reports and driver records, as well as a comparison of the two approaches.

Results and Discussion

1. Suspension/revocation vs. no licensing action.

Analysis of covariance was used to assess the traffic safety impact of licensing action versus no licensing action on the post-conviction driving record of the drivers in Study 1. Nine driving history variables for the 6 years following project entry conviction were analyzed: (1) DUI convictions, (2) reckless driving convictions, (3) one-count convictions, (4) two-count convictions, (5) total countable convictions, (6) accidents, (7) had-been-drinking accidents, (8) injury and fatal accidents, and (9) single-vehicle accidents.

Drivers whose licenses were suspended or revoked had significantly ($p < .01$) fewer subsequent reckless driving convictions, one-count convictions, total countable convictions, accidents, and personal injury and fatal accidents than did drivers not subjected to licensing action. Further, the reported frequencies of convictions or accidents for the no-licensing-action group were a minimum of 30% greater than for the suspended/revoked group.

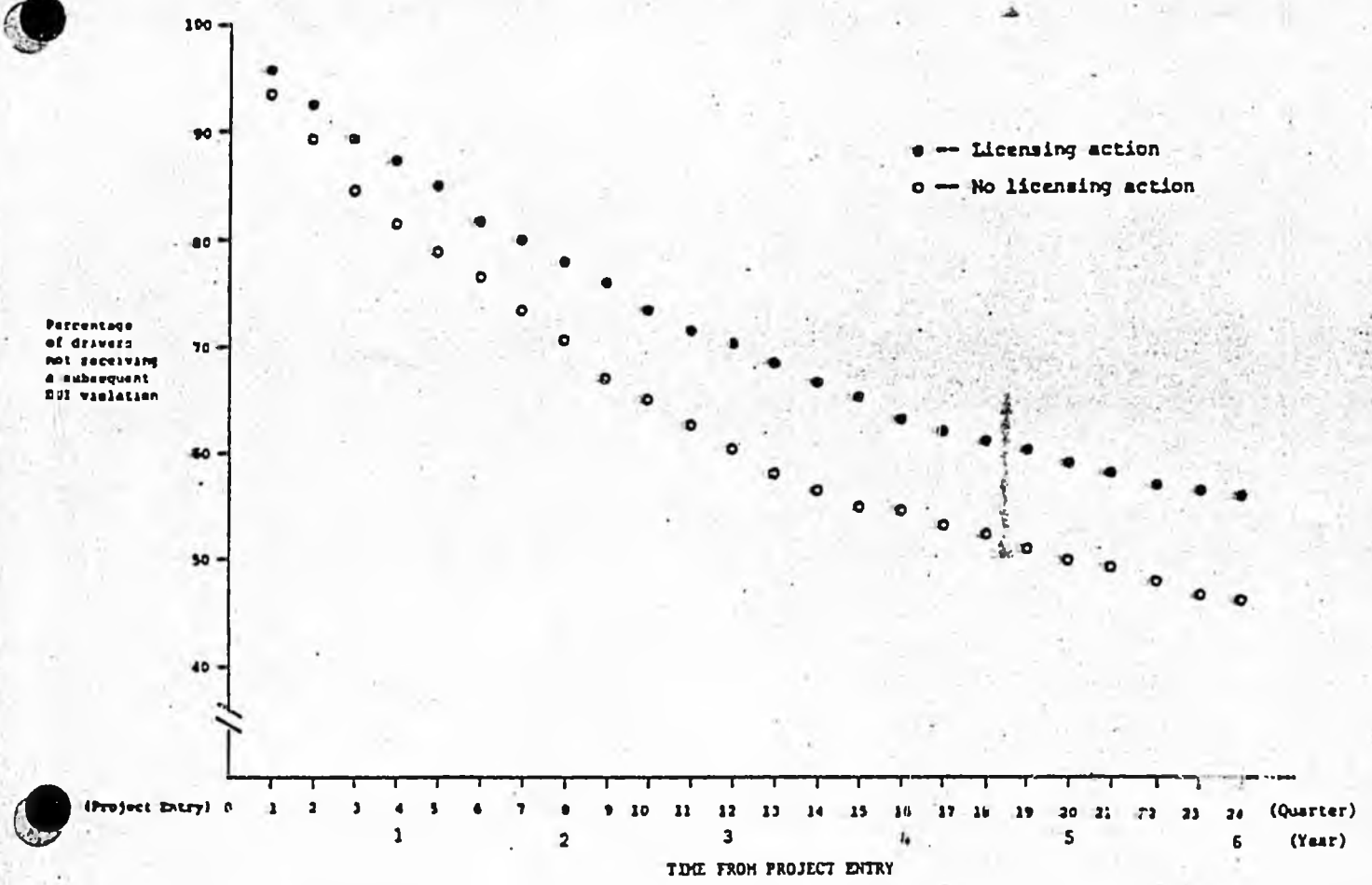
It is apparent from these results that the imposition of licensing controls reduces the driving exposure of drivers convicted of multiple DUI offenses and is thus justified as a traffic safety countermeasure. The duration of this effect is addressed in the following survival curve analysis.

Figure 1 shows the survival curves of the suspended/revoked drivers and the no-licensing-action drivers for the 6 years following project entry. As can be seen, drivers whose licenses were suspended or revoked had fewer subsequent DUI convictions than did drivers not receiving licensing action. Statistical analysis showed the differences in annual survival rates to be significant for each of the 6 follow-up years. In addition, inspection of the survival curves suggests that the treatment effect existed until 42 months (14 quarters) after project entry. At this point, the two curves become parallel, indicating that the impact of license suspension/revocation has ended.

Similar survival curves were plotted for accident involvement with similar significant differences in annual survival rates.

FIGURE I

Survival Curve for Multiple DUI Offenders Not Receiving A Subsequent DUI Violation after Project Entry



Note: Quarterly survival rates are not adjusted for between-group differences in prior driving history.

The suspension/revocation treatment effect on accidents appeared to diminish about 48 months after project entry.

The 42 and 48-month treatment effects of suspension/revocation on subsequent DUI and accident involvement approximate the 36-month revocation period. Although it was not possible to determine the exact proportion of study drivers who received a 36-month revocation as opposed to a 12-month suspension, we would not expect it to exceed 30%. Since the treatment effects actually exceeded the 36-month revocation period, these effects could not have been simply due to no driving or reduced driving during the suspension/revocation period. The many drivers who drove with suspended/revoked licenses probably did so more carefully and less often to avoid detection. These patterns may have generalized beyond the suspension/revocation period and accounted for the positive effects of licensing action.

2. Suspension/revocation vs. alcohol treatment.

The second study used analysis of covariance to assess the traffic safety impact of licensing action versus alcohol abuse treatment on 12-month post-conviction driving records. The subsequent driving record variables analyzed were: (1) all reported accidents, (2) law-enforcement-reported accidents, (3) had-been-drinking accidents, (4) personal injury and fatal accidents, (5) accidents (2100-0300 hours), (6) accidents (1800-0600 hours), (7) DUI convictions, (8) reckless driving convictions, (9) one-count convictions, (10) two-count convictions, (11) total countable convictions, and (12) implied consent actions. When these variables met the equality of slopes criterion and F values were significant, pair-wise comparisons were conducted to determine the nature of the difference.

The first sequence of analyses compared (1) demonstration county treatment program participants, (2) demonstration county suspended/revoked drivers, and (3) comparison county suspended/revoked drivers, with the 388 treatment program dropouts excluded. Significant ($p < .05$) differences were found among the three groups for the following:

1. Demonstration county program participants had significantly more law-enforcement-reported accidents than did comparison county drivers. Demonstration county suspended/revoked drivers were not significantly different from either of the other two groups.

2. Both demonstration county driver groups had significantly more personal injury and fatal accidents than did the comparison county group.

3. Demonstration county suspended/revoked drivers had significantly more 2100-0300 hours accidents than did comparison county drivers. Demonstration county program participants did not differ significantly from either of the other groups.

4. Both demonstration county driver groups had significantly more 1800-0600 hours accidents than did the comparison group.

The second sequence of analyses compared all demonstration county multiple DUI drivers with comparison county suspended/revoked drivers. The demonstration county drivers had significantly ($p < .05$) higher involvement in all six accident variables than did the comparison county drivers.

The preceeding two sequences of analyses were repeated separately from Santa Clara /San Bernardino Counties and for the remaining three pairs of counties. When program participants, demonstration county suspended/revoked drivers, and comparison county drivers were compared, the following significant ($p < .05$) differences were found:

1. Program participants in Santa Clara County had significantly more law-enforcement-reported accidents and personal and fatal injury accidents than did the San Bernardino suspended/revoked drivers.

2. Both Santa Clara County driver groups had significantly more 2100-0300 hours accidents than did the San Bernardino group.

3. Suspended/revoked drivers in the other three demonstration counties had significantly more implied consent actions than either demonstration county program participants or comparison county drivers.

When all multiple DUI drivers in Santa Clara County were compared with suspended/revoked drivers in San Bernardino, the results virtually duplicated those of the previous all-county comparison. The only exceptions were had-been-drinking accidents, which were not significant in the two-county comparison, and implied consent actions, which were significantly greater for San Bernardino but had no significant difference in the overall comparison. For the remaining three pairs of counties, there was only one significant difference-- drivers in the demonstration counties had more total countable convictions than those in the comparison counties.

These results indicate that, as a traffic safety countermeasure, the sentencing strategy employed in the demonstration counties is not as effective as license suspension/revocation alone. This does not mean that the alcohol abuse treatment approach is totally ineffective; it is simply less effective in its current format than traditionally imposed licensing controls.

It has been suggested that avoiding licensing action is the principal motive for program participation and that this lack of personal commitment by the driver thus renders the treatment program ineffective. An alternative might be to impose stringent licensing controls at the beginning of the treatment program and to relax them as treatment progressed successfully, thus providing an incentive to complete the program.

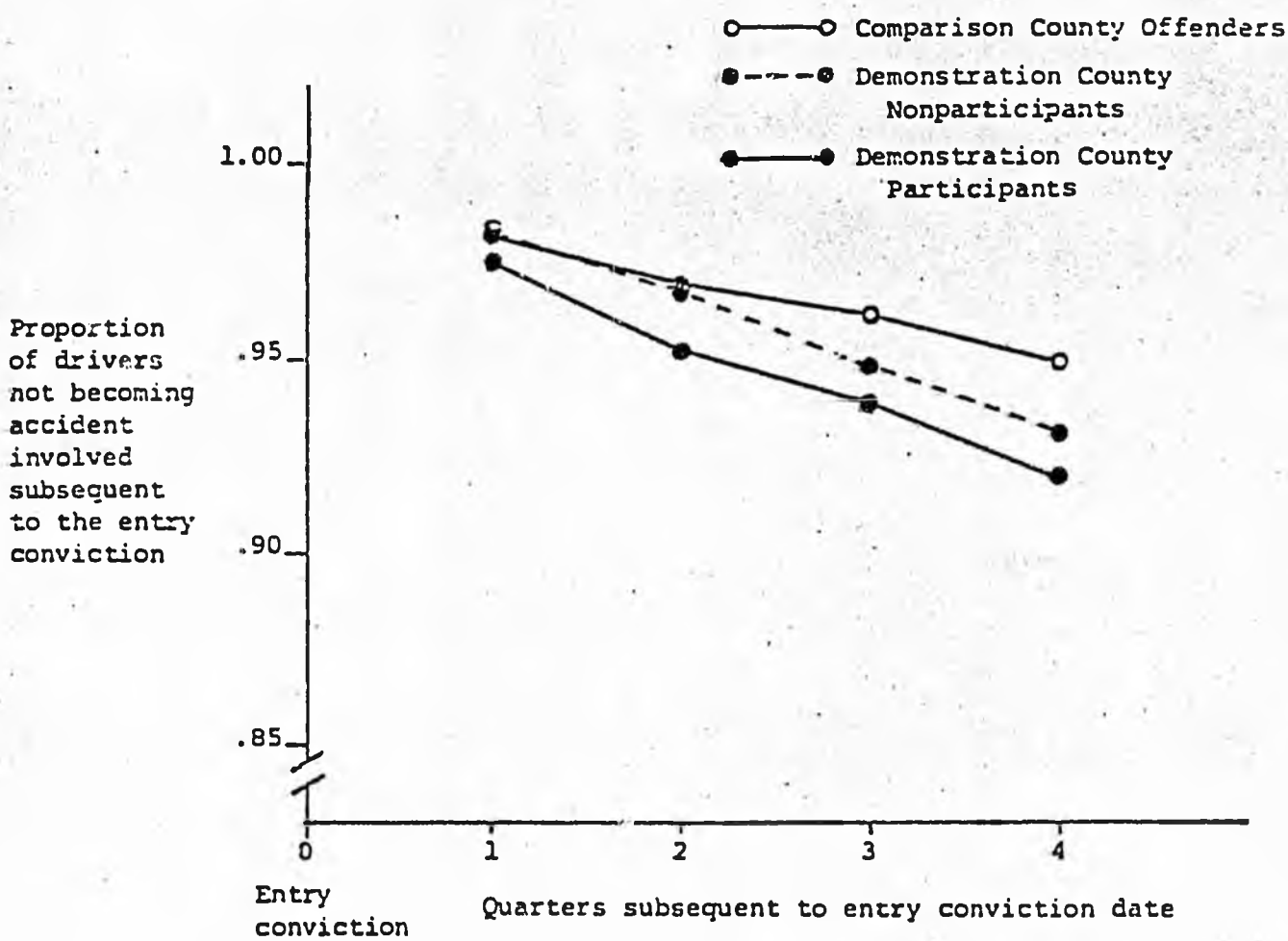
The data from the demonstration and comparison counties were also assessed in a survival curve analysis. Figure 2 shows the

FIGURE 2

Accident Survival Curves For Multiple DUI Offenders

In Demonstration (Participant and Nonparticipant)

And Comparison Counties



proportions of drivers in each group not becoming accident-involved during the 12-month follow-up period. As can be seen, comparison county drivers had the fewest post-conviction accidents and demonstration county program participants the most. Analysis of the quarterly survival rates showed the differences between the comparison county drivers and the demonstration county program participants to be significant ($p < .05$) throughout the follow-up period. Significant differences were also found between the demonstration county treatment program participants and the demonstration county suspended/revoked drivers, but only for the first 6 months of follow-up.

A similar analysis was conducted for post-conviction DUI involvement. The results again favored the comparison county drivers as opposed to drivers participating in the treatment program.

3. Effects of suspension/revocation.

In the third study, a survival analysis was conducted of the subsequent 4-year driving records of first, second, and third-plus DUI offenders convicted in 1974. Of the 4488 drivers in the sample, 1769 were first offenders who received no licensing action, 1808 were second offenders who received a 12-month license suspension, and 911 were third offenders who received a 3-year revocation.

TABLE 1

Percentage of Drivers Not Being Involved in a Subsequent DUI, by Year and Offender Group, and Z-Scores on Tests of Differences in Survival Rates Between Groups

Offender group	Year			
	1	2	3	4
First offender	81.9	76.2	70.8	67.9
Second offender	88.3	78.3	70.7	66.0
Third or subsequent offender	84.2	73.1	66.0	60.7
	Z-Scores			
First vs. second	-5.40*	1.43	0.02	1.21
Second vs. third	3.02*	3.00*	2.54*	2.71*
First vs. third	-1.48	1.79	2.55*	3.71*

*$p < .05$.

TABLE 2

Annual Percentage of Drivers in Original Group Being Involved in a Subsequent DUI by Offender Group

Offender group	Year			
	1	2	3	4
First offender	18.1	5.7	5.4	2.9
Second offender	11.7	10.0	7.6	4.7
Third or subsequent offender	15.6	11.1	7.1	5.3

TABLE 3

Driving Admission Percentages for Each Driver Group

Group	Total Driving Admissions	Percentage of Driving Admissions
Suspension with update	219	75.5
Revocation with update	134	84.3
Suspension no update	253	55.5
Revocation no update	120	58.3
Total	726	65.3

As Table 1 shows, the first offenders had the lowest DUI survival rate during the first year, while the survival rate for the second offenders was significantly higher than that of the other two groups. By the third year, however, rates for the first and second offenders were virtually identical, with the third offenders having a significantly lower survival rate despite the fact that their licenses were revoked. This trend continued through the end of the 4-year period.

The better record for second offenders during the first year suggests that they either did not drive, drove less, or drove more carefully during the 12-month suspension. After the suspension, their survival rate was similar to that of first offenders.

Table 2 shows that the trend over the 4-year period was for fewer drivers to become recidivists in each successive year. This suggests that there may be a high-risk subgroup of DUI drivers who quickly repeat their offense. These drivers may be a potential target group for countermeasures.

The survival rate analysis was repeated for accidents. First offenders had significantly lower survival rates than second or third offenders throughout the 4-year period. Most of this difference occurred in the first year, however, when both other driver groups were under licensing action. The annual percentages of drivers becoming accident-involved were virtually constant after the first year.

The third study also analyzed the incidence of driving while under licensing action. The time from conviction to first driver record update was calculated for drivers in the 1974 sample. The results showed that nearly 32% of second offenders had at least one record update during their 12-month suspension and 61 percent of third offenders had an update during their 3-year revocation. Since this represents only drivers who were caught, clearly large numbers of drivers are on the road while their licenses are suspended or revoked.

The questionnaire responses were also used to determine the incidence of driving with a suspended/revoked license. Table 3 shows the rates of admission to such driving by the various driver groups.

Finally, the questionnaire responses provided some information about the kinds of driving done, the transportation alternatives used under licensing action, and the drivers' perceptions concerning suspension/revocation.

There are few differences in terms of alternative transportation or types of driving among the four subgroups responding to the questionnaire. Most relied on public transportation, friends or family members to go to work and on family members for shopping. Drivers who admitted driving did so frequently, although over 65% reported some decrease in their amount of driving. Most of the driving was done to and from work on city streets during the day, and most drivers reported driving more carefully under licensing action than they had previously.

Generally, the majority of suspended/revoked drivers in all categories perceived their licensing action as fair. In terms of penalties for driving with a suspended/revoked license, most respondents perceived the jail sentence to be more severe than it actually is. It appeared that drivers who reported not driving during their suspension/revocation perceived the penalties as being more severe than did drivers who admitted driving.

Conclusions

The results of these studies demonstrate that license suspension/revocation for multiple DUI offenders has a more positive effect on traffic safety than either no licensing action or treatment for alcohol abuse. Both the magnitude and the duration of the treatment effect associated with licensing action are documented. Analyses of the effects of licensing action indicate that drivers who drive under suspension/revocation generally do so less frequently and more carefully.

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Administrative Revocation for Drunk Driving

Public indignation continues to grow. Citizens have made it clear to lawmakers and public officials that they are no longer willing to tolerate the highway carnage caused by drunk drivers.

In 1982 this grass roots sentiment, widely expressed across the country, resulted in the appointment of the Presidential Commission on Drunk Driving. The Commission's interim report was issued in December 1982 so that states could act on its recommendations during 1983 legislative sessions.

Those recommendations cover a wide range of topics, including changes in state drunk driving laws. The Commission recommends enactment of a "per se offense" at .10% BAC, and a presumption of guilt at .08% BAC. It also supports raising the drinking age to 21 and adopting a system for administrative revocation of drivers' licenses.

Other recommendations pertain to minimum jail sentences and legal sanctions against drunk driving. Legal penalties, however, require county attorneys willing to prosecute and judges willing to hand down the sentences mandated by the legislatures. Unfortunately, some county attorneys grant deferred prosecution, allowing those apprehended by police to continue driving. Those who are tried and convicted, or who plead guilty, are often given deferred sentences by the judge.

In all but a handful of states, drivers' licenses are only suspended or revoked after court conviction, so those charged with drunk driving may keep their licenses for months after being apprehended. One of the Presidential Commission's recommendations addresses that problem.

Administrative Revocation, pioneered in Minnesota in 1976 and adopted by Iowa in 1982, means that the driver's license is confiscated by the arresting officer on behalf of the Department of Transportation. Hearing officers are empowered to grant work permits in some cases. Under the "implied consent" portion of the law, licenses are revoked for refusal to take the chemical test, as well as for test failure.

Under this "two-track" system the loss of driving privilege extends to all those apprehended with a blood alcohol level of .10%, regardless of court action or lack of it. Administrative Revocation accomplishes the most important task in the fight against drunk driving. It takes drunk drivers off the road immediately, and serves as a strong deterrent to others.

Because, in almost every state, prosecution and sentencing vary considerably from one county to another, Administrative Revocation is the only predictable penalty for drunk driving. The American Council on Alcohol Problems has produced an 18-minute video tape documentary on Administrative Revocation in Iowa. Below are quotations from the video presentation:

"By the time that bill reached the floor of the House it was pretty clear from sentiment in the Capitol that they had to vote for something. They had to do something in the way of legislation on drunk driving that year because of the clear public sentiment favoring that, and the national trend in that direction.... There was massive bipartisan sentiment. The first vote in the House was 97-0, and the first vote in the Senate was 45-0."

Don Mason, Attorney
Prosecuting Attorney's Counsel

"I think that the administrative revocation of a drivers' license for all persons above .10 BAC is extremely important.... I think it puts the responsibility for putting people back out on the road back where it belongs — that's back with the state agencies. Since they do the issuing of driver's licenses, they should be responsible for who's out on the road. That's not really a judicial responsibility."

Sven Sterner
Governor's Highway Safety Office

"This is the first time in the history of this ASAP program that people have actually, realistically lost their drivers' licenses when they were arrested for OMVI. . . . We're the ones that initiate the revocation. We take the license right on the spot."

Roger Sanders, Patrolman
Alcohol Safety Action Program
Des Moines Police Department

"In the four and a half months since the law took effect there have been 5,685 drivers' licenses revoked in Iowa."

Bill Kendall, Director
Driver Licensing, DOT

"In the first four months that this law has been on the books there have been 59 fewer alcohol-related fatalities.... In that period there were 189 total highway fatalities — 29% of that 189 were alcohol-related. Over the same period a year ago, that percentage was 46%.... The sanctions that are applied generally — the fine, community service, some hours in jail — do not carry the deterrent effect on the drinking driver that the sure, immediate loss of their license has."

Gordon Sweitzer, Director
Motor Vehicle Division, DOT

"The one advantage we do have in the acronym game in Iowa with MADD and SADD is that we have GLADD. Now we have Good Laws Against the Drunken Driver."

Col. Frank Metzger, Director
Iowa Highway Patrol

To order a copy of the video tape documentary on Administrative Revocation, complete the order form below and mail to the American Council on Alcohol Problems.

Please send me a copy of the ACAP video documentary on Administrative Revocation.

Check video format:
_____ ¾-inch "U-Matic" cassette
_____ ½-inch "Beta" cassette
_____ ½-inch "VHS" cassette

I've enclosed remittance for:
_____ two-week rental ($10.00)
_____ Purchase of cassette ($50.00)

Mail to:
American Council on Alcohol Problems
2908 Patricia Drive
Des Moines, IA 50322

_____
name

_____
address

_____
city state zip

COMMUNITY SERVICE

April 5, 1983

This section contains:

1. testimony to the Presidential Commission on Drunk Driving on community service
2. a letter outlining the costs of Community service programs for counties in California

Testimony to the Presidential Commission on Drunk Driving
Public Hearing August 11, 1982
Denver, Colorado
By Crestienne Van Keulen, Coordinator
CLASP Resource Center & Research Project

Good afternoon, my name is Crestienne Van Keulen, and I am here today to bring your attention to the use of community service sentences for drunk drivers. I represent the California League of Alternative Service Programs, more commonly known as CLASP. CLASP is a grassroots non-profit consortium of community service sentencing programs throughout California. Our job is to interview, place, monitor and report on offenders who have arranged with the courts to perform uncompensated service to the community, most often in lieu of a fine or jail sentence. Drunk drivers compose an enormous segment of our caseloads - when preparing our 1980 Annual Report we found over 75,000 offenders including 35,000 traffic offenders were ordered to perform 4 million hours of work that year. Currently there are 77 community service programs in 56 of California's 57 counties.

Many states like California have or will soon adopt new drunk driving laws designed to impact this horrendous problem. As you all know, drunk driving is a problem of incredible scope and depth that touches every segment of our society without warning and without mercy. Forty to fifty percent of all fatal accidents are alcohol related and some 25,000 alcohol related traffic deaths occur yearly. Like no other single offense it is a crime against society because of the enormous danger the drunk driver puts the community into. Selection of victims is random and tragic and nobody is spared. We are all susceptible and we are all responsible for change because drunk driving is first and foremost a social offense.

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of those ordered to community service do more hours than are required. There is something going on here we need to pay attention to.

Community Service is fair. Many of these new drunk driving laws, such as California's, unequally penalize those with lower incomes thus violating a very basic premise of American justice. In California, under the new law which became effective January 1st, judges theoretically have three sentencing choices encompassing four sanctions in various combinations: Fine, Drinking Driver School, Driver's License suspension or restriction, and Jail.

Fines may very well be effective punishment for some drunk drivers - those without sufficient income to pay easily, but with enough income to pay at all. Drinking Driver School may also be a very effective sanction - if the offender is fortunate enough to have the $600 tuition handy. But seeing how scholarships aren't offered, the lower income citizen is unable to participate and thus goes to jail. Jail is great punishment for some drunk drivers - those with a fear of authority, a distaste for confinement, and the opportunity to serve their sentence in a safe jail. But those of us who have spent time in and around jails can tell you that this is rarely the case - jail is not often a safe deterrant, it is a very risky deterrant because jails are not nice places. People get hurt in jails, every day, by each other and by their keepers. People who are in for just an hour or two, people who are in for just a day or two. Jails are often overcrowded, jailers are overworked, jails are often uncontrollable environments and I cannot believe that to be assaulted and humiliated is fair punishment for drunk driving. Besides which jails are counterproductive - they do nothing to instill the positive or to integrate those on the fringes of society back into society and the community. And only when people feel a part of their community will they obey the laws of their community. Driver's license suspension

* CS is suitable for all socio-economic groups and levels of society as social consciousness remains undeveloped on all levels.
* CS is most suitable for those lacking self-esteem and a social conscious as it can provide them with an opportunity for personal growth and community integration.
* CS is not suitable for those not acknowledging guilt or wrongdoing because this attitude is too frequently reflected in the quality of their community work.
* The alcoholic, the addicted, the physically and emotionally disabled are generally not suitable for community service. Although we frequently are able to work with many of these people, community service programs must not be dumping grounds for the courts. Assignments for those with special problems should occur only after consultation with the program as placement opportunities vary widely from community to community.

The offender's skills, interests, available time, transportation and family circumstances are always taken into consideration by the interviewer before placement. Pre-sentence investigation reports including psycho-social histories and prior criminal record are invaluable tools that must be routinely available to programs for the protection of both the community and the integrity of the program.

I am here today not only to bring this valuable sentencing option to your attention, but to call upon you to help. Comprehensive legislation is needed authorizing and institutionalizing this sanction to limit abuses and mis-uses. We need guidelines defining judge's authority, offender's rights and local government's responsibility to develop these programs. We are concerned that community service assignments are too often contingent upon whim and not reason, and we are concerned that these workers recieve proper accident insurance coverage. Community service is not for all drunk drivers, and neither is any other sanction. But it deserves your further consideration and support so that as part of an effective drunk driving combatment plan, drunk drivers can be as rare in this country as a budget surplus in a Federal agency. Thank you.

February 4,1983

Jane Beatty, Executive Director
Volunteer Bureau of Contra Conta County
2116 North Main Street. Suite E
Walnut Creek, CA 94596

RE: Court Referral Program

Dear Ms. Beatty;

In response to your request for information on local program's cost-per-client, I contacted six community service sentencing programs in the Bay Area counties. (Napa program unable to provide figures).

Their cost-per-client (CPC) is as follows. Unless otherwise indicated, the figure was calculated by dividing the total program cost for one year by the number of referrals served.

(1) Alameda, Community Service Alternatives Program, Volunteer Bureau of Alameda County CPC = $37. Based on 1982-83 program cost of $203,000, with 5,500 total anticipated referrals.

(2) Marin, Alternative Sentence Program, Marin County Probation Department. CPC = $27. Based on 1981-82 budget. Does not include the following costs: Office rent, photocopying, printing, and some Unit Supervisor's and clerical support time.

(3) Santa Clara, Court Referral Program, Voluntary Action Center of North Santa Clara County. CPC = $73. Based on program cost of $51,000 and 700 referrals.

(4) Santa Clara, Sentencing Alternatives Program, Volunteer Center of Santa Clara County. CPC = $39. Program cost minimally estimated to be $178,000 for 1982-83, with 4,600 referrals anticipated.

(5) Santa Cruz, Community Options Inc. CPC = $47. Based on $75,000 program cost and 1,600 referrals annually.

(6) Sonoma, Court Referral Program, Volunteer Center of Sonoma County. CPC = $27, program cost is $43,000 with 1,600 referrals.

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ROADBLOCKS, OR SOBRIETY CHECKPOINTS

April 5, 1983

This section contains:

1. a Maryland Special Order on the implementation of Sobriety checkpoints
2. a Maryland "Advise of Council" on Sobriety Checkpoints
3. an implementation approval from Maryland's AG's office on the implementation of Sobriety Checkpoints
4. selection criteria for checkpoint site
5. letter from the Governor of Maryland on Sobriety checkpoints

STATE OF MARYLAND

DEPARTMENT OF
PUBLIC SAFETY AND CORRECTIONAL SERVICES

MARYLAND STATE POLICE
PIKESVILLE, MARYLAND 21208-3899
AREA CODE 301 486-3101
TTY FOR DEAF AREA CODE 301 486-0677

HARRY HUGHES
GOVERNOR

THOMAS W. SCHMIDT
SECRETARY
PUBLIC SAFETY AND
CORRECTIONAL SERVICES

WILLIAM M. LINTON
DEPUTY SECRETARY

COLONEL W. T. TRAVERS, JR.
SUPERINTENDENT
MARYLAND STATE POLICE

December 6, 1982

SPECIAL ORDER NO. 01-82-399

TO: Troop, Installation and Unit Commanders

SUBJECT: D.W.I. Enforcement - Sobriety Checkpoints

In an effort to reduce the number of motor vehicle accidents on Maryland highways in which alcohol has been identified as a contributing factor, a pilot project has been authorized to use sobriety checkpoints to aid in the detection and apprehension of drivers who are intoxicated or under the influence of alcohol. It is anticipated that a beneficial result of this enforcement strategy will be that it will serve as a deterrent to potential drunk drivers. During the term of the pilot project only the Chief of the Field Operations Bureau will have the authority to authorize specific highway sobriety checkpoints at specific locations for a specific time period. The use of this enforcement strategy shall be in conformance with the procedures set forth in this Special Order.

Sobriety checkpoints may be conducted at selected highway locations to monitor traffic for driver sobriety. The selection of highway locations will be based on standard selective enforcement criteria considering the time of day, day of week, location, and the number of fatal and other alcohol related accidents. The relative safety of a particular location for citizens as well as Agency personnel will be a primary consideration when selecting the location. Sites selected shall have a safe area for stopping of motorists and must afford oncoming traffic sufficient sight distance for the driver to safely stop upon sighting the stopping team. The location selected must be approved by the Chief of the Field Operations Bureau.

A Commissioned Officer will be assigned to each sobriety checkpoint operation and shall be on-the-scene to supervise and direct the enforcement activities. Each site will be manned by a sufficient number of uniformed troopers to maintain a safe and effective operation. Troopers will wear Agency issued reflectorized safety vests while engaged in the checkpoint assignment and will be responsible for

traffic direction and observing traffic conditions. Traffic direction will be conducted by troopers utilizing traffic wands attached to their flashlights. Flares and/or reflectors shall be used to illuminate the site and as an aid to traffic direction. Barricades will not be used to block oncoming traffic. Warning signs designed to give advance notice of the impending stop will be conspicuously displayed. A record will be maintained at each checkpoint of traffic volume passing through the checkpoint.

All traffic approaching the checkpoint will be stopped as long as traffic congestion does not occur. The trooper will approach each motorist and state, "I am Trooper (John Doe) of the Maryland State Police. You have been stopped at a sobriety checkpoint set up to identify drunk drivers." If there is no immediate evidence of intoxication, a traffic safety brochure developed specifically for this enforcement strategy will be given to the motorist. The trooper will suggest to the motorist that he read the brochure at a later time for a more complete explanation of the stop. The motorist will then be assisted to safely proceed.

During the brief stop the trooper will look for articulable facts such as an odor of alcoholic beverage about the driver, slurred speech, the general appearance, and/or other behavior normally associated with D.W.I. violators. A combination of these factors may give sufficient probable cause to believe the person is driving under the influence or intoxicated. In these cases the driver will be detained and required to present his motor vehicle operator's license and vehicle registration. The driver may then be requested to perform certain pysco-motor coordination tests and/or if he consents submit to a preliminary breath test. If sufficient evidence of intoxication is then developed, the driver will be arrested.

As a rule, no action should be taken if a motorist approaching the checkpoint turns around or turns off the highway before approaching the checkpoint.

Generally, sobriety checkpoints will be maintained for a one hour period unless the checkpoint causes significant traffic congestion at the site or circumstances arise that would warrant cancellation of the assignment as determined by the on-scene Commissioned Officer. The location of scheduled checkpoints will be kept confidential but the date, and use of this enforcement strategy should be widely publicized to serve as a deterrent to potential drunk drivers.

SPECIAL ORDER NO. 08-82-399 (Continued)

Prior to the use of this enforcement strategy, the Chief of the Field Operations Bureau will consult with the local State's Attorney regarding this procedure. Information used as the basis for the selection of specific checkpoint sites shall be recorded and filed for use should the enforcement strategy be challenged in court. A record of all checkpoint assignments will be maintained by initiating a Complaint Control Card under the A.I.R.S. coding for Traffic Detail #81. If a D.W.I. arrest is effected as a result of this initiative, an additional CC Card will be initiated under A.I.R.S. Code #85 D.W.I. arrest.

During the term of the pilot project all available traffic safety information will be collected and used to evaluate the effectiveness of sobriety checkpoints as an enforcement countermeasure against drunk driving. An Incident Report will be completed for each sobriety checkpoint operation and will include the number of man hours, number of D.W.I. arrests, the number and type of other violations, and all other information relevant to the assignment. The brochure designed for use in this project also will include a citizen survey that will be used to measure public reaction to the use of sobriety checkpoints. The evaluation will also include an analysis of all relevant motor vehicle accident data prior to, during, and after the use of sobriety checkpoints.

By Order Of,

W. J. Travers, Jr.
Superintendent

WTT:dmb

STATE LAW DEPARTMENT
MARYLAND STATE POLICE
MARYLAND STATE POLICE HEADQUARTERS
PIKESVILLE, MARYLAND 21208
(301) 486-3101

DATED 2-22-82

MEMORANDUM:

FILE NO.: 03-82-008-IOP

TO: Lt. Col. J. G. Lough
Field Operations Bureau

FROM: James J. Doyle, III

SUBJECT: Checkpoints for Intoxicated Drivers

You have asked for my opinion of a proposal that the Maryland State Police adopt highway roadblocks/checkpoints as an enforcement technique to aid in the arrest and detection of drunk drivers.

You have provided me with an informal legal opinion prepared by Bruce Sherman, Assistant County Attorney for Montgomery County. I agree with his conclusion that such roadblocks or checkpoints may be used.

In Delaware v. Prouse, 440 U.S. 648 (1979), the Court considered a situation where a police officer stopped an automobile, smelled marijuana, and then seized that substance which was in plain view on the car's floor. The officer had testified at trial that prior to stopping the vehicle, he had observed neither traffic or equipment violation, nor any suspicious activity, and that he made the stop only in order to check the driver's license and registration.

The Court concluded that there was a violation of the Fourth Amendment, holding that:

> Except in those situations in which there is at least articulable and reasonable suspicion that a motorist is unlicensed or that an automobile is not registered, or that either the vehicle or an occupant is otherwise subject to seizure for violations of law, stopping an automobile and detaining the driver in order to check his driver's license and the registration of the automobile are unreasonable under the Fourth Amendment.

The Court, however, continued:

> This holding does not preclude the State of Delaware or other states from developing methods for spot checks that involve less intrusion or that do not involve the unconstrained exercise of discretion. Questioning of all oncoming traffic at roadblock type stops is one possible alternative.

One Federal Court has relied on Prouse to uphold a search and seizure of eighty-six pounds of cocaine from a Ford Bronco as the result of a New Mexico State Police roadblock on an interstate highway. United States v. Pritchard, 645 F.2d 854 (10th Cir. 1981). The purpose of the roadblock in Pritchard, was to conduct routine license and registration checks. The Court quoted the language from Prouse which suggested roadblock type stops as a permissible police practice. The Court then stated:

> In our view, the roadblock stop of the Ford Bronco does not run afoul of the rule of Prouse. While this may not have been a '100 per cent roadblock' of the type referred to in Prouse, it is

> nonetheless a long way from the selective, single car stop denounced in Prouse. In the instant case, the New Mexico state police were attempting to stop all west bound traffic on a interstate highway, insofar as was humanly possible. The decision not to stop trucks was reasonable under the circumstances, because, presumably, they had all been stopped at a port of entry. The purpose of the roadblock, i.e., to check driver's licenses and car registration, was a legitimate one. If, in the process of so doing, the officers saw evidence of other crimes, they had the right to take reasonable investigative steps and were not required to close their eyes. Furthermore, allowing all these stopped cars through when traffic became congested was also reasonable and, in our view, non-violative of the rule of Prouse. In sum, the roadblock stop of the Ford Bronco was, under the described cirumstances, constitutional.

A Maryland Court of Special Appeals' decision announced shortly before Prouse, Good v. State, 398 A.2d 801 (1979), held that the random stopping a single vehicle by police for a routine check without reasonable suspicion that some violation of law had occurred would be violative of the motorist's constitutional right. However, in a footnote, the Court of Special Appeals stated:

> In holding that the selective stopping of a single motor vehicle is unconstitutional, we do not imply that the non-discriminatory stopping of vehicles at a roadblock is prohibited. Where every motorist who passes a given location is stopped, that detention has been sanctioned.

In Prouse, the Court explained that the essential purpose of proscription in the Fourth Amendment is to impose

a standard of reasonableness upon the exercise of discretion by government officials. The Court focused on the degree of intrusion created by the particular law enforcement practice, as well as the amount of discretion vested in the law enforcement officers in the field.

A checkpoint stop, the Court reasoned, intrudes far less upon a motorist's Fourth Amendment interests than roving patrol stops of single cars. At traffic checkpoints, the motorist can see that all other vehicles are being stopped, he can see visible signs of the officer's authority and he is, therefore, much less likely to be frightened or annoyed by the intrusion. For this reason, I feel that it is important that any roadblock/checkpoints be set up in such a manner that a motorist will realize that he is not being singled out, but is being stopped briefly along with all other vehicles.

Thus, in State v. Hilleshiem, 291 N.W.2d 814 (Iowa 1980), the Court disapproved of the actions of two police officers who decided to stop cars at night entering a city park where vandalism had been a problem. The Court suggested minimal standards for setting up a roadblock, including (1) a checkpoint location selected for its safety and visibility to oncoming traffic, (2) adequate advance warning signs, illuminated at night, timely informing the approaching motorist of the nature of the impending intrusion, and (3) uniformed officers and official vehicles in sufficient quantity and visibility to show the police power of the community. Of course, the intrusion should also be brief and courteous. A brief statement

should be made to each motorist explaining the reason for the checkpoint. The motorist should then be allowed to proceed unless the trooper observes evidence that the motorist is intoxicated or has committed some other violation of law. I note that the draft Special Order on Maryland State Police checkpoints incorporates most of these elements. I would, however, suggest that some sort of warning signs be displayed so that a motorist realizes in advance that he is being stopped at a safety checkpoint, and is not being stopped for a traffic violation. The cite should also be well illuminated by flares at night, again to dispel any fears of oncoming motorists. Incorporating these features would, I believe, further minimize the intrusion.

In addition to considering the nature of the intrusion, the Prouse court also considered the amount of discretion vested in the law enforcement officer in the field. The Court was concerned with "standardless" and "unconstrained" discretion. See State v. Hilleshiem, supra, where the Court recommended a pre-determination by policy-making administrative officers of the roadblock location, time, and procedures to be employed.

What we certainly want to avoid is authorizing our field personnel to set up roadblocks whenever and wherever they wish. I believe that the Special Order should be amended to provide for selection of the checkpoint and its time of operation and other procedures, to be made by a policy making administrative officer, e.g., the barrack commander. The criteria

to be considered by him in authorizing a checkpoint should also be spelled out in the Special Order. His decision should be clear as to the location and time of the checkpoint. No unauthorized checkpoints should be permitted. All vehicles passing the checkpoint should be stopped.

If these suggested changes are incorporated, I feel that the checkpoint procedure would be legal. Of course, there are also policy concerns, such as success rates, man-hours used in making a DWI arrest, public reaction, etc., that also need to be considered. Before any decision is made, I think that it would be wise to look into the success, or lack of it, of the Montgomery County road/blockcheckpoint program.

James J. Doyle, III
Assistant Attorney General
Counsel, Maryland State Police

ADVICE OF COUNSEL, NOT AN OPINION OF THE ATTORNEY GENERAL

OFFICES OF

STEPHEN H. SACHS
ATTORNEY GENERAL

GEORGE A. NILSON
DEPUTY ATTORNEY GENERAL

JAMES J. DOYLE III
ASSISTANT ATTORNEY GENERAL
COUNSEL TO THE
MARYLAND STATE POLICE

THE ATTORNEY GENERAL
MARYLAND STATE POLICE
MARYLAND STATE POLICE HEADQUARTERS
PIKESVILLE MARYLAND 21208-3899
(301) 486-3101
TTY FOR DEAF 486-0677
1-800-492-3062

MEMORANDUM

DATED 12-9-82

FILE NO: 03-82-008-IOP

TO: Colonel W. T. Travers, Jr.
Lt. Col. J. G. Lough

FROM: James J. Doyle, III

SUBJECT: Sobriety Checkpoints Special Order No. 01-82-399

I have reviewed this and believe that it conforms with all the guidelines previously given and, therefore, approve its implementation.

JJD

MARYLAND STATE POLICE

SOBRIETY CHECKPOINT SITE SELECTION CRITERIA CONSIDERATION

ACCIDENT DATA/ANALYSIS ISSUES

Statewide Administration Summary - MAARS Data trends for 2 years

County Administration Summary - MAARS Data trends for 2 years

Population death rate per county

Registered vehicle death rate per county

Mileage death rate per county

Current fatal accident experience (as evidenced by ledger at CARD)

State Highway high DWI roadway locations

Day and time for implementation

SAFETY ISSUES

Roadway conditions

Site safety concerns for public and agency personnel

Traffic volumes on site road

Weather

LOGISTICAL ISSUES

Conventional enforcement strategies effectiveness in dealing with problem

Manpower/mileage

Local installation concerns and MBO plans regarding, 1) DWI arrests, and 2) alcohol related accident experience

POLITICAL ISSUES

Jurisdictional overlap concerns (county agreements)

Acceptability of Sobriety Checkpoints by local governmental agencies (courts, S/A, etc.)

MOTORIST SURVEY - SOBRIETY CHECKPOINTS

DATE OF REPORT 1/27/83

QUESTION #1 - DID THE SOBRIETY CHECKPOINT CAUSE A SIGNIFICANT DELAY TO YOUR JOURNEY?

ANSWER	YES.....	18	NO.....	839
	PERCENT...	2	PERCENT...	90

QUESTION #2 - DO YOU BELIEVE SOBRIETY CHECKPOINTS WILL DETER SOME PEOPLE FROM DRIVING WHILE INTOXICATED?

ANSWER	YES.....	798	NO.....	58
	PERCENT...	93	PERCENT...	7

QUESTION #3 - DO YOU BELIEVE THAT SOBRIETY CHECKPOINTS WILL INCREASE A DRUNK DRIVERS RISK OF BEING DETECTED AND ARRESTED?

ANSWER	YES.....	784	NO.....	69
	PERCENT...	91	PERCENT...	8

QUESTION #4 - DO YOU APPROVE OF SOBRIETY CHECKPOINTS AS A MARYLAND STATE POLICE ENFORCEMENT MEASURE TO DETECT AND REMOVE DRUNK DRIVERS FROM THE HIGHWAY?

ANSWER	YES.....	740	NO.....	112
	PERCENT...	86	PERCENT...	13

QUESTION #5 - DO YOU HAVE ANY COMMENTS ABOUT SOBRIETY CHECKPOINTS?

ANSWER SEE ATTACHMENT.

NO. OF RESPONDENTS	MALE.....	588	NO. OF BROCHURES DISTRIBUTED....	4850
	FEMALE....	281		
	TOTAL.....	861	PERCENT RETURNED	21

DATE DISTRIBUTED	NUMBER DISTRIBUTED	NUMBER RETURNED	PERCENT RETURNED
12/17/82	769	130	17
12/18/82	726	170	23
12/26/82	470	106	23
1/01/83	701	216	31
1/02/83	464	93	20
1/06/83	354	85	24
1/21/83	566	61	11
TOTAL	4850	861	21

REPORT PREPARED BY THE MARYLAND STATE POLICE TRAFFIC PROGRAM PLANNING UNIT.

QUESTION #5
COMMENTS

YOU GUYS ARE DOING A GREAT JOB.
DONE IN A VERY PLEASANT MANNER
DON'T BROADCAST CHECKPOINTS IN ORDER TO STOP DRUNK DRIVING

VERY GOOD IDEA
PERSONNEL WERE COURTEOUS AND EFFICIENT. A WELL RUN OPERATION.
IT WILL PROTECT THE INNOCENT.
GREAT IDEA SHOULD USE THEM OFTEN.

I AGREE WITH MADD.
IF CONTINUED IT MAY CAUSE A SIGNIFICANT LOSS TO THE EVENING BUSINESS CAPITAL OF NIGHTCLUBS AND RESTAURANTS.
MORE OF THEM.

TOO VISIBLE.
GOOD CAUSE BUT A WASTE OF TIME AND MONEY.
I DIDN'T COUNT BUT THERE MUST HAVE BEEN AT LEAST 20 TROOPERS THERE. BIG WASTE OF MONEY. TWO OR THREE WOULD HAVE BEEN PLENTY.
NEED MORE PROBABLE CAUSE. TIME STOPPED 12° SECONDS.

EXCELLENT. SHOULD BE MADE A LAW
KEEP UP THE GOOD WORK. OFFICERS VERY COURTEOUS.

POLITELY. PROFESSIONALLY DONE.

IF ONLY THE FACT THAT PEOPLE KNOW YOU'RE OUT THERE WILL STOP THEIR DRINKING.

EVEN THOUGH I AGREE WITH THIS ACTION IT SEEMS TO BE UNCONSTITUTIONAL.
I THINK IT IS A WASTE OF TAXPAYERS' MONEY AND POLICEMEN' TIME THAT COULD BE SPENT ON THE ROAD.
I THINK THERE'S A BIG CHANCE OF AN ACCIDENT OCCURRING AND THAT THE DELAY COULD PROVE EXTRA HEADACHES.
SOMETHING HAS TO BE DONE TO GET THE DRUNK DRIVERS OFF THE ROAD. THE NON-DRINKER HAS MORE OF A RIGHT TO SAFETY.

I THINK IT'S A GREAT IDEA.

DO MORE OFTEN.

THIS IS THE BEST THING THAT HAS HAPPENED IN HARFORD COUNTY.

VALIANT EFFORT AT A TOUGH PROBLEM.

THIS IS A GREAT IDEA.
TROOPERS VERY COURTEOUS MADE PEOPLE AWARE OF PROBLEM.
KEEP UP THE GOOD WORK.
DON'T STOP TRYING. GET RID OF COURIOUS BYSTANDERS. THEY ARE A HAZARD.

THREAT OF THE CHECKPOINT ALONE CAUSED ME TO STOP HOLIDAY DRINKING AT PARTY ONE AND ONE-HALF HOURS EARLY.
THEY SHOULD BE USED MORE FREQUENTLY.

CHECKPOINTS LOOK LIKE AN ACCIDENT. NEEDS MORE LIGHTS AND ADVANCE NOTICE.
TRY USING THE HORN PLEASE WHEN MOVING CARS UP.
IT VIOLATES THE FOURTH AMMENDMENT.

COURTS SHOULD BE MORE STRINGENT. COULD WE BE WITNESSING THE ESTABLISHMENT OF A POLICE STATE
UNCONSTITUTIONAL. INVASION OF PRIVACY. WOULD NOT STAND UP IN COURT.
REMINDS ME OF SECURITY CHECKPOINTS IN NAZI GERMANY. WE NEED STRONGER PENALITIES.
I AM CONCERNED I COULD FAIL THE BREATH TEST EVEN THOUGH MY DRIVING IS NOT IMPAIRED.
IT'S AGAINST MY CIVIL RIGHTS.
I'M NOT SURE THIS IS THE ANSWER.
THIS PRACTICE IS QUESTIONABLE IN A FREE SOCIETY.
UNCONSTITUTIONAL AND A WASTE OF TAXPAYERS MONEY.

QUESTION #5
COMMENTS
I STRONGLY FAVOR THESE CHECKPOINTS.
THE SYSTEM SEEMS EFFICIENT AND WELL PLANNED.
THE CHECKPOINTS ARE AN INCONVIENCE TO THE DRUNK DRIVER ONLY.
CHECK WAS BRIEF AND OFFICERS COURTEOUS.
I THINK IT'S WORTH TRYING EVEN IF IT ONLY SAVED ONE PERSON'S LIFE
AT THE PARTY WE WERE AT EVERYONE WAS TALKING ABOUT IT AND WAS VERY CAREFUL ABOUT THEIR DRINKING.
DO PEOPLE TRY TO AVOID THE CHECKPOINT?
IT IS INCONVIENT FOR THOSE WHO DO NOT DRINK.
I HOPE THE LAW WILL SUPPORT YOU.
PLACE A STOP SIGN AT THE POINT YOU DESIRE THE MOTORIST TO STOP.

WE'RE ALL FOR IT.

GOOD IDEA.
ALSO CHECK FOR DRUGS. PICK UP TRASH ON SIDE OF ROAD FROM FLAMES.
IT'S A GREAT DETERRENT.

GREAT IDEA. LONG TIME OVERDUE.
IT MADE ME THINK OF HOW MUCH I WAS DRINKING.
A DEFINITE DETERRENT.
VERY GOOD. COURTEOUS

TO HELL WITH A.C.L.U.
THEY SHOULD BE DONE ALL YEAR ROUND.
DRUG OR ALCOHOL IMPAIRMENT ONLY.
A GOOD IDEA.
I'M ALL FOR IT.
I WOULD LIKE TO SEE YOU CHECK FOR DRUG USERS AS WELL.
CERTAIN LIMITATTIONS SHOULD BE EXERCISED

GOOD IDEA.

EXCELLENT IDEA. HOPE THEY CONTINUE WITH IT.
SOBRIETY CHECKPOINTS SHOULD CONTINUE.
KEEP UP THE GOOD WORK. YEAR ROUND.
I AGREE WHOLEHEARTEDLY.
NURSES WHO WORK NIGHTS ARE WORRIED ABOUT BEING STOPPED.
I HOPE THEY PROVE EFFECTIVE; BUT I HAVE DOUBTS.
VERY NICELY HANDLED. GOOD IDEA
GREAT IDEA. CONTINUE YEAR ROUND.

STATE OF MARYLAND
EXECUTIVE DEPARTMENT
ANNAPOLIS MARYLAND 21404

November 30, 1982

Col. Wilbert T. Travers, Jr.
Superintendent
Maryland State Police
1200 Reisterstown Road
Pikesville, Maryland 21208

Dear Colonel Travers:

I have reviewed the proposal submitted to me by the State Police on sobriety checkpoints. Although we are presently experiencing the greatest decline in traffic deaths in our history, I believe that all lawful and productive means should be employed to identify and remove drunken drivers from our highways.

I realize that the use of sobriety checkpoints has been the cause of some concern, but I believe we need to test this technique to determine if it can help to further improve our traffic safety record.

Accordingly, I authorize you to initiate a pilot sobriety checkpoint program on a limited and selective basis, making sure that the public's convenience and safety are guaranteed. You are to immediately discontinue on-road enforcement activities if operational problems are encountered and until such time as the problems can be resolved.

The pilot program should become operational the week of December 12, to coincide with "National Drunk and Drugged Driving Awareness Week," and should continue for approximately three months. Based on a program evaluation, a decision should then be made on whether to authorize the use of sobriety checkpoints on a continuing basis.

Sincerely,

Governor

RECEIVE
DEC 2 1982
SUPERINTENDENT'S

HABITUAL OFFENDERS

April 5, 1983

This section contains:

1. an article on license revocatio.. d alcohol treatment for habitual offenders

License Revocation and Alcoholism Treatment Programs for Habitual Traffic Offenders

Philip M. Salzberg, Ph.D., Richard Hauser, & Carl L. Klingberg, Ph.D.

Research and Technology Division, Department of Licensing, Olympia, Washington

Abstract

The Washington Habitual Traffic Offender Act was evaluated to determine its effectiveness in reducing traffic violations and accidents. The law requires a 5-year license revocation for drivers who have accumulated three or more major traffic convictions or 20 or more total convictions. The law also permits a stay of the revocation for alcoholic drivers who have undertaken an approved alcoholism treatment program. The study was designed to assess the subsequent driving performance of revoked drivers and stayed drivers compared to control groups of drivers who were eligible for but did not receive these sanctions. It was found that revoked drivers had significant reductions in moving violation convictions and accidents compared to control group drivers. Stay of revocation, however, had no impact on subsequent driving performance. The data were consistent with the possibility that revoked drivers continue to drive during the license denial period but may drive more cautiously in an attempt to avoid detection. The stayed drivers, in contrast, apparently did not modify their driving behavior compared to control group drivers.

Introduction

The Washington Habitual Traffic Offenders Act affirms that it is the policy of the State of Washington to "provide maximum safety for all persons who travel or otherwise use the public highways of this State" by denying the "privilege of operating motor vehicles on such highways to persons who by their conduct and record have demonstrated their indifference for the safety and welfare of others..." (RCW 46.65.010). The Act defines an habitual offender as a driver who has accumulated in a 5-year period three or more convictions for driving while intoxicated (DWI), driving while suspended or revoked, negligent homicide, or a hit and run accident resulting in injury or death. (Reckless driving, eluding a police officer, and being in physical control of a motor vehicle while under the influence of intoxicants were added in the 1979 and 1981 revisions of the law.) In addition, drivers who accumulate 20 or more moving traffic convictions in a 5-year period are also subject to habitual offender action.

When a driver's record classifies him or her as an habitual offender, the Department of Licensing (DOL), following a hearing, may revoke the person's driving privilege for 5 years. Some drivers, however, may qualify for a "stay of revocation." If the hearing officer determines that alcoholism is a major contributing factor to the driver's record, and if the driver has undertaken an approved alcoholism treatment program, then the hearing officer may stay (for up to 5 years) the effective date of the revocation, unless the driver is subsequently convicted of one of the major offenses listed above.

At the end of 2 years an habitual traffic offender may petition for early reinstatement. If it is determined through a hearing that the driver has taken positive steps to correct his or her driving behavior, the DOL may authorize reinstatement, imposing such conditions and restrictions as are appropriate.

Prior to the 1979 revision of the law (which transferred administrative responsibility to the DOL), and during the time of the present study, the law was administered by the courts. When a driver met the habitual offender criteria, the DOL sent a copy of his or her driving record to the prosecuting attorney of the person's county of residence. The determination of habitual offender status was made by the court, and the judge then either directed the DOL to revoke the person's license, stayed the revocation in the case of alcoholism, or dismissed the proceedings if there were errors in the driver's record or if the record was that of another person.

The intent of the Habitual Traffic Offenders Act is to discourage the repetition of traffic violations and accidents by individuals who have shown gross disregard for the safety of others using the highways. The law specifies two mechanisms to accomplish this objective. The primary mechanism is revocation of the driving privilege. The second is participation in an alcoholism treatment program. It is presumed that successful participation in treatment will lead to a reduction in subsequent violations and accidents.

The extent to which the objective of the Habitual Traffic Offenders Act has been accomplished has not been quantitatively evaluated. Since the law has a clearly defined intent, it would seem desirable to assess whether its implementation has reduced violations and accidents among habitual offenders. A study of the North Carolina Habitual Offender Law (Li & Waller, 1976) did not find improvements in the subsequent driving records of revoked drivers. In the absence of empirical support demonstrating its effectiveness, questions regarding revision or elimination of the law can be legitimately raised.

The purpose of this study is to provide an empirical evaluation of the Washington Habitual Offender Law. The two major components of the law (revocation and stay of revocation) are assessed for their impact on subsequent driving performance. The driving records of subjects who received these sanctions are compared to control groups of other subjects who met the habitual offender criteria but, for various reasons, did not receive the mandated sanctions. These control groups consisted of: (1) subjects who had been selected for habitual offender prosecution, but for whom apparently no further judicial action was taken; (2) subjects the courts could not locate; and (3) subjects who had the court proceedings dismissed.

Specifically, the study sought to determine whether habitual offenders who received one of the sanctions mandated by law were significantly different from the control group drivers in numbers of: (1) alcohol-related traffic violations, (2) accidents, (3) moving violations, (4) nonmoving violations and (5) major violations.

Method

Subjects. The subjects in this study were drivers who met the habitual traffic offender selection criteria during 1974. These criteria were three or more convictions for DWI, driving while suspended/revoked, hit and run, or negligent homicide, or 20 or more total convictions. All driver records in the State of Washington as of January 1975 were searched, and all records that had an entry of "pending habitual offender" during 1974 were selected. Abstracts of these records were printed. The driver license numbers of these individuals were then compared with all driver records on file as of October 1979. When a match occurred, a second driver record abstract was printed.

A total of 1140 subjects were thus identified. Of these, 39 (3.4%) were female drivers. Because of this small percentage, it was decided to exclude females from further study. The resulting sample thus comprised 1101 male drivers that the DOL had classified as habitual offenders during 1974. An average 10.8-year driving history was available for each subject covering a time period from January 1969 through October 1979.

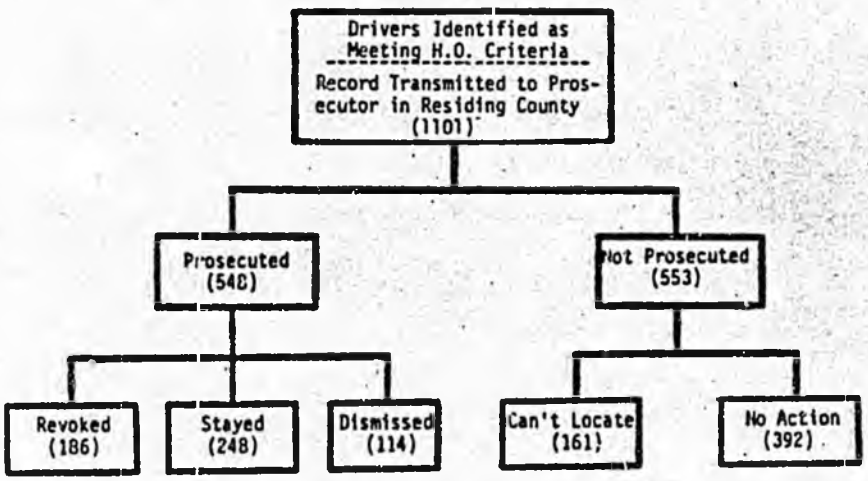
Procedure. The action taken by the courts, reported to the DOL, and entered on the driver record determined the group assignment for each subject. There were five groups in the study: (1) subjects who had their licenses Revoked; (2) subjects who received a Stay of revocation and treatment for alcoholism; (3) those who had the action Dismissed; (4) subjects for whom the courts reported "Cannot Locate"; and (5) subjects for whom No Court Action was indicated on the record. Figure 1 graphically represents the system process that determined these five groups.

The data elements coded for each subject included group, county, sex, birth date, habitual offender pending date, action date, and frequency counts of violations and accidents. The violation frequency counts were made separately for DWI, driving while suspended or revoked, moving violations, nonmoving violations, physical control, hit and run, and negligent homicide. Each of the frequency counts were broken down into three time periods: (1) prior to the pending date; (2) between the pending and action

FIGURE 1

Habitual Offender System Flow Resulting In Five

Comparison Groups (Sample Sizes in Parentheses)



dates; and (3) subsequent to the action date. The "action date" for the No Action group was arbitrarily chosen as 7 months after the pending date, based on an inspection of abstracts from the other four groups.

Some violation and accident dates on the driving record abstracts were partially missing (e.g., the month and day fields contained zeros). Unless these incidents could be unambiguously assigned to either the prior, pending, or post time period, they were not counted. The missing date incidents that were excluded accounted for less than 3 % of all violations and accidents, however.

Results

Sample characteristics. The majority of subjects in the sample (94%) were classified as habitual offenders because they accumulated three or more major violations during the 5 years prior to the pending date. The sample had a mean of 3.47 major violations. Six percent of the sample had 20 or more total violations, and 6% of the subjects met both selection criteria.

Most subjects (87%) had at least one DWI conviction on their records: 22% had only one; 28% had two; 33% had three; and 4% had four or more. The mean number of DWI convictions was 1.89 for the sample as a whole. Subjects typically had either three DWI convictions, or one or two DWI convictions plus driving while suspended/revoked convictions (mean of 1.54).

Negligent homicide and hit and run convictions were rare (mean of 0.03). Subjects averaged 3.34 moving violations, 2.21 non-moving violations, and 0.73 accidents prior to habitual offender selection. Convictions for being in physical control of a motor vehicle while intoxicated averaged 0.12. The mean age of the sample was 35.4 years.

The duration of the tracking interval varied among subjects due to differences in the pending and action dates. The mean tracking period prior to the pending date was 5.37 years (SD = 0.43); the mean duration of the pending-action time period was 0.53 years (SD = 0.49); and the mean post-action tracking interval was 4.82 years (SD = 0.53). This substantial variability in tracking interval precluded the use of simple frequency counts (of violations and accidents) in the data analysis. Thus, the individual violation and accident counts were conditionalized on tracking interval duration. The resulting dependent measures are expressed as mean number of events per 100 drivers per year.

TABLE 1

Mean Age and Pre-habitual Offender Driving Performance for the Five Study Groups

Measure	GROUP					p
	Revoked (N=186)	Stayed (N=248)	Dismissed (N=114)	Cannot Locate (N=161)	No Action (N=392)	
Age	33.0	39.3	34.6	35.1	34.4	$<.05$
DWI	35	44	31	33	32	$<.05$
Driving while suspended/revoked	29	19	29	36	32	$<.05$
Moving violations	73	51	66	61	63	$<.05$
Nonmoving violations	48	24	45	50	44	$<.05$
Accidents	14	14	12	13	13	NS
Hit & run & Negligent homicide	0.7	0.6	0.3	0.1	0.8	NS

Note: Driving performance is expressed as the mean number of events per 100 drivers per year.

TABLE 2

Mean Age and Pre-habitual Offender Driving Performance for the Five Study Groups

Measure	GROUP					p
	Revoked (N=186)	Stayed (N=248)	Dismissed (N=114)	Cannot Locate (N=161)	No Action (N=392)	
DWI	9	9	11	7	9	NS
Driving while suspended/revoked	17	12	8	9	9	$<.05$
Moving violations	14	33	41	33	37	$<.05$
Nonmoving violations	15	18	20	17	16	NS
Accidents	5	10	10	12	9	$<.05$
Hit & run & Negligent homicide	0.4	0.4	0.5	0.3	0.6	NS

Note: Driving performance is expressed as the mean number of events per 100 drivers per year. The data have been adjusted to remove covariate effects.

Study group characteristics. In order to determine the comparability of the five study groups prior to habitual offender selection, an analysis of group composition was conducted. The analysis indicated that numerous between-group differences existed. These data are summarized in Table 1.

The mean age of the subjects differed significantly among groups ($F(4,1096) = 9.10$). The Revoked group was significantly younger and the Stayed group significantly older than the Dismissed, Cannot Locate, and No Action groups, which did not differ from one another.

The mean number of DWI convictions prior to the habitual offender action exhibited an overall significant difference ($F(4,1096) = 16.35$). The three control groups did not differ, while both the Revoked and Stayed groups had significantly more DWI convictions than the combined control groups. In addition, the Stayed group had significantly more DWI convictions than the Revoked group. The inclusion of convictions for physical control exhibited the same pattern.

Convictions for driving while suspended or revoked differed significantly among the study groups ($F(4,1096) = 11.47$). This difference was attributable to significantly fewer convictions in the Stayed group; none of the other four groups differed.

Convictions for moving violations showed significant between-group variability ($F(4,1096) = 4.42$). The Revoked group had significantly more and the Stayed group significantly fewer such convictions than the control groups which did not differ. Nonmoving violation convictions exhibited a significant overall difference ($F(4,1096) = 10.77$), which was attributable to significantly fewer convictions in the Stayed group; the other four groups did not differ. There were no overall differences in either accident involvement ($F < 1$) or hit and run and negligent homicide convictions ($F(4,1096) = 1.40$).

Given these between-groups differences in age and pre-habitual offender driving performance, the analysis of post-habitual offender performance was adjusted to correct for these effects. The statistical technique used was Analysis of Covariance. In the analysis, post-treatment study group differences were tested only after controlling for the covariate effects of age and prior driving performance.

Post-habitual offender driving performance. Violation and accident measures for the 4.8-year post-habitual offender period are summarized in Table 2. These data have been adjusted to remove the covariate effects of age and prior driving performance. The unadjusted data are shown in Appendix A.

There were no group differences in DWI convictions ($F < 1$). All groups averaged about nine DWI convictions per 100 drivers per year. The same result was obtained when physical control convictions were added to DWI convictions ($F(4,1094) = 1.08$). Each group had a mean of two physical control convictions per 100 drivers per year.

Convictions for driving while suspended or revoked were significantly different among groups ($F(4,1094) = 5.54$). The Dismissed, Cannot Locate, and No Action groups did not differ, while both the Revoked and Stayed groups had significantly more convictions than the combined control groups. In addition, the Revoked group had significantly more convictions than did the Stayed group.

Moving violation convictions were significant ($F(4,1094) = 13.91$), with the Revoked group having the fewest such convictions. The Stayed group did not differ from the combined control groups, nor did the control groups differ from one another. The Revoked group had less than half as many moving violations as the Stayed and Control groups. Nonmoving violation convictions showed no differences among groups ($F < 1$). The pattern of group differences in accidents was the same as moving violations. There was an overall significant difference ($F(4,1094) = 4.47$), which was attributable to significantly fewer accidents in the Revoked group than the other four groups. The control groups did not differ, nor did the Stayed group differ from the controls. Again, the Revoked group was involved in half as many accidents as the other groups. Finally, hit and run and negligent homicide convictions did not differ ($F < 1$).

Additional analyses were conducted on a subgroup of 55 subjects in the Revoked

group who received an early reinstatement of their licenses. These subjects were revoked for an average of 3.16 years and had been reinstated for an average of 1.70 years. During the period of reinstatement, driving performance did not change significantly compared to the period of revocation, with the exception that moving violation convictions increased from 8 to 38 per 100 drivers per year ($F(1,54) = 6.21$). DWI convictions were 4 and 13, nonmoving violations 14 and 27, accidents 4 and 18, and driving while suspended/revoked 18 and 11 for the revocation and reinstatement periods, respectively. None of these differences was statistically greater than might be expected based on chance alone, but the consistent absolute differences for all offenses except driving while suspended/revoked suggest that driving performance deteriorated upon reinstatement.

There were 65 subjects in the Stayed group who received a subsequent revocation for violating the conditions of the stay. These subjects received a revocation an average of 1.45 years after their stay and were under revoked status for 3.42 years of the tracking period. During the period the stay was in effect these subjects had exceptionally poor driving records: 83 DWI convictions, 76 driving while suspended/revoked, 80 moving violations, 39 nonmoving violations, and 26 accidents per 100 drivers per year. This extremely poor driving performance may be causally related to the subsequent license revocation. In contrast, during the revocation period these subjects' records improved significantly and were similar to the Revoked group: 9 DWI convictions, 25 driving while suspended/revoked, 14 moving violations, 19 nonmoving violations, and 6 accidents per 100 drivers per year.

Discussion

The results of this study provide support for license revocation as an effective traffic safety countermeasure. Revocation was associated with significant improvements in particular measures of driving performance. In contrast, the data have failed to provide support for a stay of revocation and concommitant treatment for alcoholism as effective countermeasures.

The driving performance results for the Stayed group replicate a previous finding (Salzberg & Klingberg, 1981) that diversion of DWI offenders to treatment (deferred prosecution) did not produce a positive effect on DWI recidivism and, in fact, may have had a negative effect. In addition, a California study (Hagen, Williams, McConnell, & Fleming, 1978) found long-term (12-month) alcohol abuse treatment to be inferior to license suspension or revocation in reducing subsequent accidents and DWI recidivism.

The present results along with the findings of Salzberg and Klingberg (1981) and Hagen et al. (1978) suggest that the potential benefits from diversion of DWI offenders to alcoholism treatment programs are not being realized. There are at least three plausible interpretations of this result.

First, it is possible that current alcoholism treatment may not be providing the kinds of services required to change drinking and driving behavior. It is, of course, likely that some treatment approaches are successful while others fail to accomplish their goals. Nevertheless, when considered in the aggregate, the overall net effect of these programs seems inadequate.

Second, the type of individual who petitions for diversion to treatment and/or the type of individual who is selected for participation may be simply "going through the motions." Diversion to treatment may be perceived by such individuals as a means of avoiding legal sanctions.

Finally, it is possible that the "coerciveness" of legal sanctions may detract from a potentially positive impact of treatment. Monitoring of treatment by the courts and/or government agencies may be antithetical to voluntary participation in treatment that would facilitate a positive outcome. Although a definite interpretation cannot be made, the data do suggest that a stay of revocation, while the driver undergoes alcohol abuse treatment, does not produce the desired traffic safety impact.

The other major finding of the study was that license revocation was effective in reducing accidents and moving violation convictions compared to both the Stayed and control groups. An additional supportive finding was that subjects in the Stayed group whose licenses were subsequently

revoked exhibited driving records similar to the Revoked group during the revocation period.

Other research studies have reported similar effects of license revocation. Hagen (1977) found that multiple DWI offenders who received license suspensions or revocations (of 1 or 3 years' duration), in addition to jail and/or fines, had better subsequent accident and DWI recidivism records than subjects who received only the jail and/or fine sanctions. Hagen et al. (1978) reported that drivers who received 1-year suspensions or 3-year revocations had better subsequent accident and DWI records than drivers who participated in long-term alcohol abuse treatment program in lieu of suspension/revocation. Hagen, McConnell, and Williams (1980) compared the subsequent driving records of first and second DWI offenders. Second offenders who received a 1-year license suspension had fewer accidents and DWI reconvictions than did first offenders who were not suspended. Finally, Homel (1977) found a positive effect for license denial.

There are two possible reasons for the positive effect of license revocation. During the period of revocation, there may be reduced driving exposure or individuals may continue to drive but may be more cautious. Hagen et al. (1980) reported that 65 percent of the suspended drivers admitted to driving during the period that their licenses were denied. Most of the drivers reported that they decreased the amount of their driving, however. Additional evidence consistent with reduced exposure was reported by Hagen et al. (1978). They found a stronger relationship between prior and subsequent driving records for nonsuspended/nonrevoked drivers than for drivers who received these license actions. it was argued that reduced exposure during the license denial period would tend to decrease the relationship between prior and subsequent records. Thus, Hagen et al. (1978) attributed the positive effect of suspension/revocation to a general decrease in the amount of driving. In contrast, other studies (Finkelstein and McGuire, 1971; Li and Waller, 1976; Paulsrude and Klingberg, 1976) reported high levels of traffic convictions during the period of suspension or revocation as evidence for continued driving.

Although previous data tend to favor a reduced driving exposure hypothesis rather than a cautious driving hypothesis, the present results are more consistent with the latter. If there was a generalized reduction in the amount of driving, then reductions should be observed in all measures of driving performance. In the present study, the Revoked group should have exhibited a decreased probability of conviction for DWI violations and nonmoving violations, as well as for moving violations. This result was not obtained; the Revoked group did not differ from the other groups in either DWI or nonmoving violation convictions. In addition, the significantly greater number of convictions for driving while suspended/revoked does not suggest a decrease in driving. This effect, however, is probably related to the fact that subjects in the Revoked group were denied their licenses to a much greater extent than the other groups.

The present data are consistent with the possibility that the revoked subjects continued to drive during the revocation, but may have driven more cautiously. If these subjects moderated their driving behavior to avoid attracting the attention of law enforcement, a reduction in moving violations would be expected. In addition, such driving behavior could also produce a decreased probability of accident occurrence. This increased caution in driving seems not to have influenced the likelihood of driving after drinking, however.

License revocation appears to be associated with improvements in driving performance. An important question is whether this effect occurs only during the revocation period or continues after the driver's license has been reinstated. The evidence pertinent to this issued is equivocal. Hagen (1977) found that the effect lasted at least two and one half years beyond a 1-year license suspension. In contrast, Finkelstein and McGuire's (1971) data show increases in conviction and accident rates following the period of suspension or revocation for second and third DWI offenders. The present data for the Revoked-Reinstated subjects show similar (but nonsignificant) trends for most of the driving performance measures, although moving violations did increase significantly, suggesting the absence of a carry-over effect. The small sample size ($\underline{N}$ = 55) precludes a definite interpretation of these

data, however. Additional research is required to resolve this issue.

The Habitual Traffic Offender Act was intended to improve the safety of persons using the highways by denying the driving privilege to drivers who have shown gross disregard for traffic laws. The present study was designed to assess the effectiveness of the law. The data lead to the conclusion that the law is, in part, effective. Diversion of habitual offenders to alcoholism treatment programs has not produced improvements in driving behavior compared to dismissal or no action. In contrast, revocation of the driving privilege was associated with significant improvements in driving. These improvements, however, may be related to continued but more cautious driving rather than a general reduction in the amount of driving.

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APPENDIX A

Unadjusted Post-habitual Offender Driving Performance for the Five Study Groups

Measure	GROUP					
	Revoked (N=186)	Stayed (N=248)	Dismissed (N=114)	Cannot Locate (N=161)	No Action (N=372)	p
DWI	9	10	10	7	9	NS
Driving While Suspended/Revoked	18	11	9	10	10	$< .05$
Moving Violations	19	28	43	33	38	$< .05$
Nonmoving Violations	17	14	21	19	17	NS
Accidents	6	10	10	12	9	.05
Hit & run & Negligent homicide	0.4	0.4	0.5	0.3	0.6	ns

Note: Driving performance is expressed as the mean number of events per 100 drivers per year.

IMPOUNDMENTS AND FORFEITURES

April 5, 1983

This section contains:

1. a memo on the constitutionality of impoundments and forfeitures
2. a newspaper article on impoundments

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

M E M O R A N D U M

SUBJECT: Impoundment and forfeiture (CSHB 6 (State Affairs))

TO: Representative Mitchell E. Abood, Jr.
Chairman, House State Affairs Committee

FROM: Tamara Brandt Cook
Legislative Counsel TBC

You have asked whether sec. 28.35.036 providing for the impoundment of motor vehicles under certain circumstances is constitutional. Since there is no provision similar to this in the statutes and the court has not considered the question, it is impossible to say with certainty that the section will be upheld. It is clear that a person may not be deprived of property by the state unless due process requirements are met. I believe that the provisions in subsection (c) for a hearing after impoundment and in subsection (d) for the release of certain vehicles that are impounded satisfies minimum due process requirements and that the section is probably constitutional.

In general it is recognized that impoundment of a motor vehicle is proper and may be necessary when a driver is arrested. South Dakota v. Operman, 428 U.S. 364, 40 L.Ed.2d 1000 (1976), 96 S.Ct. 3092, on remand 247 N.W.2d 673 (South Dakota 1976); Brantley v. State, Cr., 548 P.2d 675 (Oklahoma 1976); People v. Roddy, 532 P.2d 958 (Colorado 1975); Harper v. State, 296 S.E.2d 782 (Georgia 1982). Statutes that provide for the impoundment of motor vehicles are intended as a means of enforcing the motor vehicle act and may be used in that way. Graham v. State, 184 P.2d 984 (Oklahoma 1947); Serenko v. Bright, 70 Cal. Rptr. 1 (California 1968); People v. Ortiz, 305 P.2d 145 (California 1956). In California, for example, vehicles driven by certain persons convicted of driving while intoxicated may be impounded for 30 days under section 23102(a) of the Vehicle Code.

You have also asked whether sec. 28.35.037 providing for the forfeiture of motor vehicles under some circumstances is constitutional. It appears to be constitutional to provide for the forfeiture of vehicles that have been used in the commission of the offense of driving while intoxicated or refusal to submit to a chemical test for sobriety.

The law of forfeiture is basically statutory in nature. Some statutes provide for the forfeiture of property which is itself unlawful to possess and other provide for the forfeiture of property that is used in connection with an unlawful act. 40 U.S.C. 781 - 789 provide for the forfeiture of vessels, vehicles or aircraft used to transport or conceal certain contraband articles including narcotics. With some exceptions, a motor vehicle is subject to forfeiture regardless of the innocence of the owner, who may apply to the Secretary of Transportation for remission or mitigation. Motor vehicles used in violation of federal liquor laws are subject to forfeiture, with provision for remission or mitigation made under 18 U.S.C. 3617. (For an analysis of cases dealing with this provision, see 14 ALR3d 128.)

There is no constitutional objection to enforcement of a penalty by forfeiture of an offending article. Calero-Toleo v. Pearson Yacht Leasing Co., 416 U.S. 663, 40 L.Ed.2d 452, 94 S.Ct 2080, rehearing denied 417 U.S. 977, 41 L.Ed.2d 1148, 94 S.Ct. 3187 (1974); United States v. Marathon Pipe Line Co., 589 F.2d 1305 (CA7 Illinois 1978); 36 Am. Jur.2d Forfeitures and Penalties, sec. 15 et seq. The doctrine that property used in the commission of an offense may be forfeited applies to actions of states and other local governments, as well as the federal government. Van Osler v. Kansas, 272 U.S. 465, 71 L.Ed. 354, 47 S.Ct 133 (1926); Lindsay v. Cincinnati, 174 N.E.2d 96 (Ohio 1961) (see 14 A.L.R.3d 221 on state forfeiture of motor vehicles used in the violation of liquor laws and 50 A.L.R.3d 172 on state forfeiture of motor vehicles used in violation of narcotics laws). On the other hand, forfeitures are not favored in the law and statutes providing for forfeiture are strictly construed. 36 Am JUr.2d Forfeitures and Penalties, sec. 8. Even this limitation may not apply if the statute relates to public safety, as that contained in CSHB 6 (State Affairs) arguably does. If the statute providing for forfeiture is considered remedial as well as penal, it will be construed to promote the legislative policy behind the enactment of the statute. Arthur v. Tindel, 96 N.W.2d 208 (Nebraska 1959).

While the Alaska Supreme Court has not approved a specific statutory scheme providing for forfeiture, it has considered the general question. The standards of due process under the state and federal constitution require that deprivation of property be accompanied by notice and opportunity for a hearing at a meaningful time. No notice or hearing is necessary prior to seizure of property used illegally. However, when seized property is used by the owner in earning a livelihood, notice and opportunity to contest the reasons for the seizure most follow seizure ". . . within days, if not hours . . " F/V American Eagle v. State, 620 P.2d 657 (Alaska 1980). Under CSHB 6 (State Affairs) a motor vehicle may be forfeited only after conviction of an offense. This would appear to provide adequate notice and hearing procedures. It should be noted that F/V American Eagle, supra, upheld forfeiture of the catch and a bond posted on a fishing vessel where the owners were, in fact, afforded due process despite possible constitutional inadequacies in the statute involved. The Court refused to consider the constitutionality of that statute.

In State v. Rice, 626 P.2d 104 (Alaska 1981), the Court considered the forfeiture of an airplane used in the violation of a wildlife statute. In that case the Court determined that a remission procedure is mandated under the Alaska Constitution to protect innocent owners and security holders. An opportunity for remission is provided under sec. 29.35.038 contained in CSHB 6 (State Affairs). Under (b) of that section the court is required to order remission upon a showing of innocence on the part of the petitioner. The power of the court to grant relief in those cases may be left discretionary and still satisfy due process requirements. Commonwealth of Pennsylvania v. One 1962 Chrysler Hardtop Sedan, 193 A.2d 636 (Pennsylvania 1968).

It has been recognized that specific notice, hearing, or seizure procedures may vary as a function of the nature of the ownership interest and governmental interest involved and the risk that the property may be removed beyond the reach of the government. Alyeska Pipeline v. The Bay Ridge, 509 F. Supp. 1115 (D. Alaska 1981). Since the Supreme Court in Alaska has not specifically approved any procedure involving impoundment or forfeiture, it cannot be determined with certainty that the procedures established in CSHB 6 (State Affairs) satisfy due process requirements, although they appear to satisfy those requirements articulated by the Court to date.

ANCHORAGE, ALASKA, SATURDAY, APRIL 2, 1983 PRICE 25 CENTS

City seizes 1st vehicle under DWI law

By LARRY CAMPBELL
Daily News reporter

An Anchorage man with a history of drunken driving convictions lost his car Friday in the first application of Anchorage's new drunk driving ordinance that allows the city to confiscate offenders' vehicles.

At the city's request, District Court Judge Elaine Andrews ordered Victor Jackson, 52, to permanently relinquish his 1969 Dodge van to the city after Jackson pleaded no contest to charges of driving while intoxicated and driving with a revoked license.

Andrews also ordered Jackson, who had five drunken driving convictions in 1981 and twice had his driver's license revoked, to serve a total of one year and three months in jail.

His license also was revoked for another five years.

Andrews further ordered that Jackson undergo alcohol treatment while incarcerated, and she ordered a review of his treatment plan in August.

The decision marks the first time a driver has been forced to give up his vehicle to the city under the new ordinance passed in November.

Because Jackson pleaded no contest to the charges, he is limited to appealing the sentence only on grounds that it is excessive, said Municipal Prosecutor Jim Wolf.

Neither Jackson nor his attorney, Susan Orlansky, could be reached Friday to comment on a possible appeal.

The city had asked the court to impose the confiscation ordinance at a hearing March 11. Andrews delayed action, however, until questions of the vehicle's ownership were cleared up.

Department of Motor Vehicle records did not show Jackson as the registered owner, although Jackson had previously admitted to buying the van.

"We never really did get that cleared up," Wolf said. "We contacted one owner who gave it to his son, then he sold it to an employee of his whose last address was in Quebec. Then, Jackson turned up

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with it in Anchorage."

Jackson's acknowledgement that he owned the van was finally considered sufficient for Andrews to bring down her ruling.

"It will be a civil problem for the city if someone else comes along saying the van belongs to them," Andrews said.

What the city will do with the van is uncertain now, Wolf said.

"I suppose the police department could use it, if they wanted it. Or any other municipal office that laid claim to it," Wolf said. "I don't know what we could do with a '69 Dodge van, though."

The municipal ordinance allows judges to impound for not less than 30 days the automobile of a person twice convicted of drunken driving. Upon the third conviction, a judge could order the car impounded for not less than 60 days.

A fourth conviction allows judges to order an offender to turn over his car for not less than 90 days. The forfeiture can be permanent at the judge's discretion.

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* see also SB 226, SB 61 *