Administrative License Suspension/Revocation (ALS/ALR) Laws

Responsibility.org Position:

Responsibility.org is dedicated to eliminating all forms of impaired driving. As a part of this commitment, we support the use of administrative license suspension/revocation (ALS/ALR) as an established driving under the influence (DUI) and/or driving under the influence of drugs (DUID) countermeasure and deterrent. In the context of ignition interlock programs, Responsibility.org is also in favor of reducing license suspension periods (in states that have passed statutes allowing this reduction) for offenders who provide proof of device installation and use to the appropriate monitoring authority.

This paper includes the most current and relevant data for this position as of Jan. 9, 2025.

Overview:

ALS/ALR laws are an immediate countermeasure and deterrent for the offense of drunk and drugged driving. These laws allow law enforcement officers to confiscate a driver's license if they fail or refuse to submit to a chemical test. The suspension/revocation typically occurs immediately with the arresting officer taking possession of the license roadside and is classified as an administrative sanction separate from criminal or court proceedings.

Individuals can appeal suspensions through administrative hearings and thus, are afforded due process. While state laws vary in terms of the protocol for challenging a suspension, individuals typically have a window in which to request an administrative hearing. If that hearing is waived, the person will serve the suspension which frequently ranges from 30 days to at least a year for a first offense; for repeat offenses, the suspension or revocation is often much lengthier. The National Highway Traffic Safety Administration (NHTSA) recommends that ALS/ALR laws include a minimum suspension of 90 days (NHTSA, 2006).

While ALS/ALR laws are under the authority of licensing agencies (e.g., Department of Motor Vehicles or its equivalent), suspensions and revocations can also be imposed by the courts at the time of sentencing. Post-conviction suspension/revocation typically requires the impaired driving offender to adhere to certain requirements or fulfill specific conditions to be eligible for reinstatement. For example, in many states, convicted DUI offenders must install an ignition interlock for a certain period of time and demonstrate compliance while in the interlock program to be eligible for reinstatement of full driving privileges. Again, there is significant variation in these laws from one state to another.

Prevalence:

Access Responsibility.org's interactive State Laws Map for more details.

Research Highlights:

- ALS/ALR laws have proven to be an effective DUI deterrent on account of the swift and certain nature of the sanction (NHTSA, 2008).
- Research found as the license suspension enforcement period increased, the ratio or proportion of drinking drivers decreased. States with suspension periods of 181+ days had lower drunk driving ratios than those with shorter periods, and even then, states with a suspension period of 30 days or less still had a lower drunk driving ratio than those states with no ALR law (Fell and Scherer, 2017).
- A national study (Voas and Tippetts, 1999) examined the general deterrent effect of ALR and found that these laws, in combination with a variety of other countermeasures, reduced alcohol-related fatal crashes in the United States by about 30% over the period 1982-1997.
- A summary of 12 ALS/ALR evaluations found that these laws reduced crashes by an average of 13% (Wagenaar et al., 2000).
- According to a 2007 study conducted by NHTSA, ALR reduced alcohol-related fatal crash involvement by approximately 5% (Wagenaar and Maldonado-Molina, 2007).
- Studies in Colorado, Illinois, Maine, New Mexico, North Carolina and Utah revealed significant reductions in alcohol-related crashes after ALS/ALR laws were enacted in these states (NHTSA, 2008).
- Similar to enforcement efforts, to achieve the maximum deterrent effect of these laws, there needs to be awareness on the part of the public. A study in Nevada found a 12% reduction in alcohol-related crashes following a media campaign about ALR (NHTSA, 2008).

ALS/ALR and Interlock Programs:

The long suspension periods historically associated with ALS/ALR, particularly for repeat offenders, has indirectly affected ignition interlock program participation rates. Literature reveals that between 25-75% of suspended or license-revoked drivers will continue to drive (Griffin III and De La Zerda, 2000; McCartt et al. 2002); in other words, **these offenders learn that they can drive unlicensed and undetected for an extended period of time, and subsequently, forgo interlock program participation to avoid costs and perceived inconvenience** (Marques et al. 2010).

To overcome this problem, many states, including Minnesota, New Mexico, and Washington, have either removed or greatly reduced the hard suspension/revocation period for DUI offenders who install interlocks. There are several benefits to this policy approach. First, it incentivizes offenders to install the devices, which increases interlock program participation, prevents these individuals from starting their vehicle if they have consumed alcohol and allows

them to practice sober driving. Moreover, with more jurisdictions passing ignition interlock laws that allow DUI defendants to opt into programs at the pre-trial phase and credit the time the device is installed to future interlock requirements, individuals are inclined to install the devices soon after arrest. Given that many of these individuals might otherwise continue to engage in DUI behavior, this ensures that the public is protected. Lastly, by restoring driving privileges contingent upon interlock installation, more individuals remain in the licensing system, reducing the likelihood of unlicensed, unauthorized driving.

Established in 1991 as a national not-for-profit organization, Responsibility.org leads the fight to eliminate drunk and impaired driving and underage drinking.

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