

Administrative License Suspension (ALS) / Administrative License Revocation (ALR)

Administrative license suspension/revocation laws are an immediate deterrent and countermeasure used for the offense of drunk driving. These laws allow law enforcement officers to confiscate a driver's license if that individual fails or refuses to take a breath test. The suspension/revocation typically occurs immediately with the arresting officer taking the license at roadside and is classified as an administrative sanction (i.e., it is not a criminal punishment). Offenders have the ability to appeal suspensions through administrative hearings and are thus, afforded due process. While ALS/ALR laws are under the authority of licensing agencies, suspensions and revocations can also be imposed post-conviction by the courts.

The National Highway Traffic Safety Administration (NHTSA) recommends that ALS/ALR laws include a minimum suspension of 90 days (NHTSA, 2006). Currently, 42 states and the District of Columbia have these laws in place and 35 of these states adhere to the 90-day NHTSA recommendation (GHSA, 2015).

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).
- 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).
- A 2007 study conducted by NHTSA found that ALR reduces alcohol-related fatal crash involvement by approximately 5% (Wagenaar and Maldonado-Molina, 2007).
- Studies in Colorado, Illinois, Maine, New Mexico, North Carolina, and Utah have revealed significant reductions in alcohol-related crashes after ALS/ALR laws were enacted in these states (NHTSA, 2008).
- Similar to enforcement efforts, in order 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. With the passage and implementation of ignition interlock laws, the historically lengthy hard suspension periods associated with ALS/ALR, particularly for repeat DUI offenders, has indirectly affected program participation rates. Literature reveals that between 25-75% of suspended or 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 and subsequently elect to forgo interlock program participation (Marques et al. 2010).

In order to overcome this problem, many states (such as Minnesota, New Mexico, and Washington) have either removed or greatly reduced the hard suspension/revocation period for offenders who install the interlock. The benefit of this practice is that the offenders install the device, which prevents them from starting their vehicle after drinking, and they remain within the licensing system.

Responsibility.org Position:

The Foundation for Advancing Alcohol Responsibility (Responsibility.org) supports the use of administrative license suspension/revocation as an established DUI countermeasure and deterrent. In the context of interlock programs, Responsibility.org is in favor of reducing hard suspension periods (in states that have passed statutes allowing this reduction) for offenders who provide proof of device installation to the appropriate monitoring authority.

References

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