



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

Administrative license suspension/revocation laws are an immediate countermeasure and deterrent for the offense of drunk driving. These laws allow law enforcement officers to confiscate a driver's license if an individual fails or refuses to submit to a chemical test. The suspension/revocation typically occurs immediately with the arresting officer taking possession of the license at roadside and is classified as an administrative sanction that is separate from criminal or court proceedings. Individuals have the ability to 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 program to be eligible for reinstatement of full driving privileges. Again, there is significant variance in these laws from one state to another.

### **Research Highlights:**

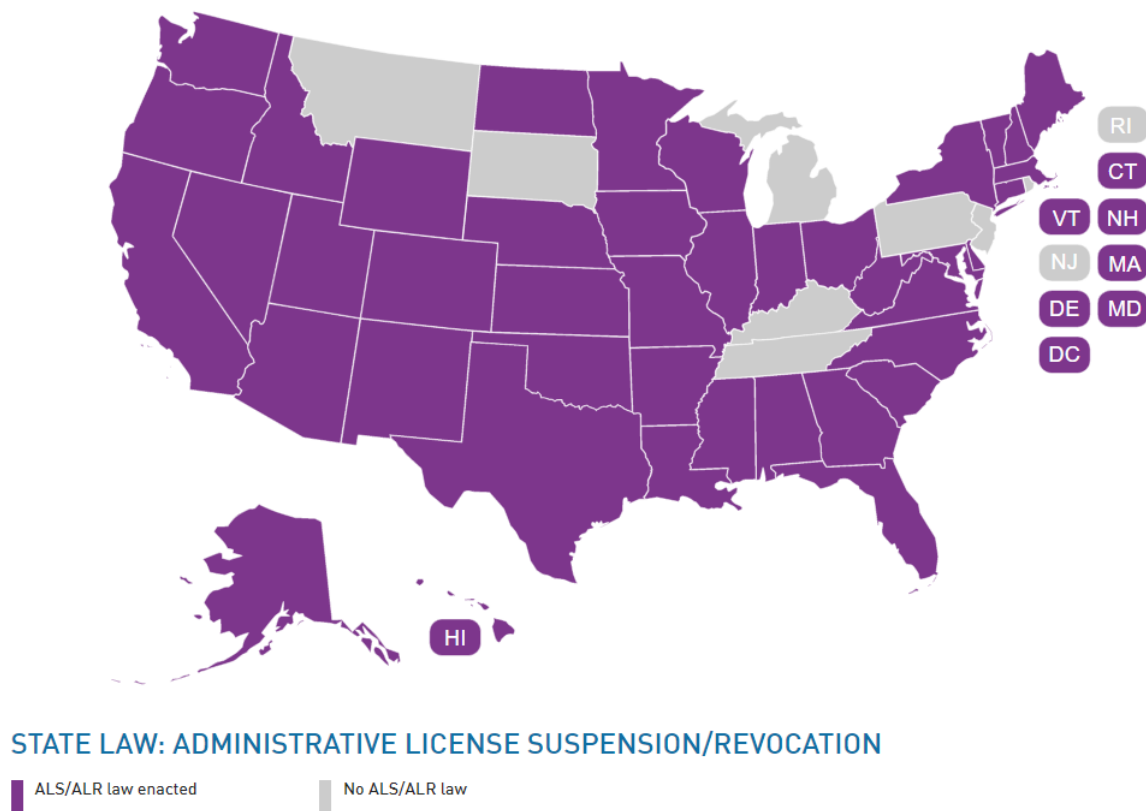
- ALS/ALR laws have proven to be an effective DUI deterrent on account of the swift and certain nature of the sanction (NHTSA, 2008).
- A national study (Voas and Tippetts, 1999) examined the general deterrent effect of ALR and found that these laws, in combination with a variety of other countermeasures, 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, forgo interlock program participation to avoid costs and inconvenience (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 DUI offenders who install interlocks. There are several benefits to this policy approach. First, it incentivizes impaired drivers to install the devices which increases interlock program participation rates and prevents these individuals from starting their vehicle if they have consumed alcohol. Moreover, with more jurisdictions passing interlock laws that allow DUI defendants to opt into the program at the pre-trial phase and having the time the device is installed credited to future interlock requirements, individuals are inclined to install the devices relatively quickly post-arrest. As many of these individuals might otherwise continue to engage in DUI behavior, this ensures that the public is protected. Lastly, by restoring driving privileges in exchange for interlock installation, many individuals remain in the licensing system who otherwise might be inclined to continue to drive while under suspension/revocation for an indeterminate period.

### Prevalence:

As of 2020, 42 states and the District of Columbia have enacted ALS/ALR laws.<sup>1</sup> Visit Responsibility.org's interactive [State Laws Map](#) to learn more.



<sup>1</sup> The states that have yet to enact ALS/ALR laws are: Kentucky, Michigan, Montana, New Jersey, Pennsylvania, Rhode Island, South Dakota, and Tennessee.

## **Responsibility.org Position:**

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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