

From: Maxine [maxjg@gmavt.net]
Sent: Wednesday, January 13, 2016 6:58 AM
To: London, Sarah
Subject: Re: Reports

thank you.

On Jan 12, 2016, at 11:17 PM, London, Sarah <Sarah.London@vermont.gov> wrote:

Hi Chair Grad, understand you wanted some follow up from DLS testimony today. Hope below is helpful. If you need more from us, just let us know. Thanks,
Sarah

(1) Below is the American Association of Motor Vehicle Administrator report cited in the Vermont DLS Task Force report.
www.aamva.org/WorkArea/DownloadAsset.aspx?id=3723<<http://www.aamva.org/WorkArea/DownloadAsset.aspx?id=3723>>

The AAMVA report notes below in a couple places, and cites studies within the report including: Robert Eger III, Ph.D. "Enhanced Analyses of Suspended/Revoked Drivers Related to Crashes." Florida State University. 2011:

Examples of social non-conformance violations include fuel piracy/theft, failure to pay taxes, minor in possession of alcohol, false public alarm, illegal solid waste burning, vandalism, failure to pay alimony, selling alcohol to a minor, truancy, unlawful possession of firearms, prostitution, and many more (a complete list may be found in Section 4). However, there is no empirical evidence which indicates that suspending a person's driving privilege for social non-conformance reasons is effective in gaining compliance with the reason for the original non-driving suspension. Research indicates that approximately 75 percent of all suspended drivers continue to drive. The addition of suspensions for social non-conformance reasons has however, dramatically increased the number of suspended drivers on our roads resulting in a tremendous burden on law enforcement, departments of motor vehicles, the courts, and local communities. [Pg 6 of report]

AAMVA Report Introduction [pg 2] states:

Some studies¹ have shown that suspending driving privileges for non-highway safety related reasons is not effective. [citing See http://apps.dmv.ca.gov/about/profile/rd/r_d_report/Section_6/S6-238.pdf] The costs of arresting, processing, administering, and enforcing social non-conformance related driver license suspensions create a significant strain on

budgets and other resources and detract from highway and public safety priorities.

When licenses are suspended for social non-conformance reasons, the suspension is "watered down" in value; it becomes less serious in the minds of law enforcement, the courts and the public. It was estimated that as many as three-fourths of suspended or revoked drivers continue to drive. This fact indicates that driver license suspension is no longer the solution to force compliance. Data shows that drivers suspended for traffic safety related reasons are three times more likely to be involved in a crash than drivers suspended for social non-conformance reasons; therefore, our limited resources should be focused on dangerous drivers. To best serve the community, the penalties for social non-conformance violations should not include the suspension of an individual's driving privileges.

(2) Other sources support the lack of empirical evidence on the use of license suspensions as an effective deterrent to under-age violations, including below report funded by US Health and Human Services/ National Institutes of Health:

<http://www.ncbi.nlm.nih.gov/books/NBK37599/>

National Research Council (US) and Institute of Medicine (US) Committee on Developing a Strategy to Reduce and Prevent Underage Drinking; Bonnie RJ, O'Connell ME, editors.
Washington (DC): National Academies Press (US); 2004.

License Suspension and Revocation

An increasingly common response by legislatures is to suspend or revoke an offender's driver's license (NHTSA/NIAAA, 1999). Previously, license suspension and revocation were pursued in the context of drunk driving. However, states have expanded the grounds for which driver's licenses may be suspended or revoked to encompass underage drinking offenses that do not involve the operation of a motor vehicle (OIG, 1991). Imposition of the suspension may be mandatory or discretionary, depend on the age of the youth, civil or criminal in nature, decided by the court or an administrative agency, preestablished or of various lengths, and independent of or enhanced by prior offenses. For an examination of these statutes, their permutations, and constitutional challenges that have been lodged against them, see Appendix 8-A.

According to a report by OIG (1991), law enforcement personnel strongly believe that the possibility of license revocation is an effective deterrent because a driver's license is important to most youth. There is some concern, however, that because

the threat of detection of driving without a license is so low, youth will simply drive without a license (Canadian Cancer Society, 2001). However, this has not been empirically demonstrated nor has the belief that license revocation is an effective deterrent to underage drinking in general.

Sarah London
Counsel to the Governor
802-828-3333
sarah.london@state.vt.us<mailto:sarah.london@state.vt.us>

<winmail.dat>

Maxine Grad, Chair
House Judiciary Committee
House of Representatives
Montpelier, VT 05633
maxjg@mavt.net