

TITLE: Using Traffic Violator School Citation Dismissals in Addition to Convictions as the Basis for Applying Postlicense Control Actions

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PROTECT OBJECTIVE:

To determine whether TVS dismissals should be used, along with negligent operator (neg-op) points, in selecting drivers for level 3 license control action (suspension and probation). Implicit in this objective is the fact that any change in policy (or law) that would include TVS dismissals in triggering license control actions would be expected to produce a corresponding increase in the number of neg-op interventions. It is argued that any group of drivers whose accident expectancy (average accident rate) exceeds that of prima facie negligent (level 3) drivers is a legitimate target group for such actions.

SUMMARY:

Several strategies for using TVS dismissals in addition to neg-op points as the basis for neg-op actions were evaluated in a sample of drivers receiving a TVS citation dismissal for violations occurring during 1989. Specifically, the effect on the annual volume of level 3 neg-op actions, and the number of accident involvements that would be avoided were estimated for each of five selection options.

Each option differed according to the condition under which TVS dismissals would be added to the incident count or, alternatively, the neg-op point count. All options identified additional drivers eligible for level 3 actions and produced reductions in accident involvements. In addition, the accident expectancy for the additional drivers selected for level 3 actions under each option exceeded the average subsequent accident rate of neg-op treatment system (NOTS) level 3 drivers. For example, an option of and the felony marijuana group tended to have the best record. No such tendencies were readily discernible for the post-arrest time periods.

The rate of traffic violations and accident involvement by the drug arrestees decreased during the years after arrest (most probably due to incarceration and resultant reduced driving exposure), but the commission of traffic violations by drug arrestees was still significantly greater than for the general driving population (except for felony narcotics group accidents during the two years after arrest).

The highly significant results obtained in this study should be interpreted as indicating a significant correlational relationship between drug arrests and traffic safety risk, and probably indicating at least some degree of causal relationship.

IMPLEMENTATION STATUS OF FINDINGS AND RECOMMENDATIONS:

These findings provide a public safety justification for state and federal initiatives designed to institute driver licensing actions against drug offenders, and some support for the implementation of Public Law 101-516 in California.

SUPPLEMENTARY INFORMATION:

Assembly Bill 79X (Frazee, 1994) was passed and signed into law, effective November 30, 1994 for one year. The law provided that the driver licenses of drug convictees be suspended or delayed for six months for each conviction. Enactment of this law assured that California would receive about \$100 million in federal highway funds for federal fiscal years 1994/1995 and 1995/1996. Federal highway funds were ensured for 1995/1996 federal fiscal year because AB 99X was still in effect on October 1, 1995, the first day of the 1995/1996 fiscal year.

AB 95 (Bowler, 1996) became effective on September 30, 1996 which again required courts to report all drug convictions to DMV, with DMV then suspending the driving privilege for six months all individuals convicted of controlled substance offenses. This legislation will sunset on March 1, 1997.

SB 131 (Kopp, 1997) has been submitted to go into effect after AB 95 sunsets. This legislation declares that the state does not want to impose driver license suspensions on individuals convicted of a violation of the controlled substance act.. Instead, the Governor and Legislature will meet the provisions of federal law (PL 101-516) by certifying through this bill to the Secretary of Transportation their opposition to the enactment or enforcement of this law.

AB 79 (Bowler, 1997) has been submitted to remove the repeal date from AB 95, extending the driving suspension sanction for drug convictions. No sunset date has been included in this legislation.

The Secretary of Transportation recently (1997) sent a letter to the Governor and Legislature stating the temporary legislation addressing PL 101-516 would not be considered as meeting the provisions of the law and would result in loss of highway funds.

A revised version of this report has been published in *Alcohol, Drugs and Driving, 11(1)*, 1-22, Jan-Mar 1995.