

Vehicle-Based Enforcement Works in California

Addressing Unlicensed Drivers

September 2005

Current Legislation

In California, driving is a privilege, not a right. You must have a valid license to drive. A valid license is one that is not suspended, revoked, or expired, and it is issued to you by the California Department of Motor Vehicles.

In 1994 the California legislature passed two bills allowing vehicle impoundment and forfeiture of vehicles operated by subjects driving while unlicensed or with suspended licenses. The first bill, Senate Bill 1758 allowed peace officers to seize and impound for 30 days vehicles driven by a person whose license has been suspended or revoked or a person who has never been issued a license. Police can impound the vehicle whether the driver is the registered owner of the vehicle or not.

Under the law, the impoundment of the vehicle is considered administrative in nature and does not require a judicial hearing. A subject who has his or her vehicle impounded is entitled to an administrative hearing, but the hearing officer can be anyone appointed by the impounding agency. This means that the agency can conduct the hearings with existing personnel and is not required to incur the expense of paying for either a court hearing or an independent hearing officer.

The second law, Assembly Bill 3148, authorized the forfeiture of vehicles driven by certain repeat offenders. The law places a significant burden on prosecutors, who must obtain court permission for the forfeiture and pay the cost of the hearing. Few police agencies and prosecutor's offices have attempted to implement forfeiture under this provision.

Two years after Senate Bill 1758 became law, the California Department of Motor Vehicles commissioned a study on the effectiveness of the law as a deterrent to driving with a suspended license or without a license in California. The study found that first-time offenders who had their vehicles impounded were 18 percent less likely to have additional convictions than those who received citations but did not have their vehicles impounded.

According to the study, repeat offenders who had their vehicles impounded were 22 percent less likely to have additional convictions than those who just received citations but did not have their vehicles impounded. The study also found that first-time offenders were 25 percent less likely to be involved in a subsequent collision if their vehicles were impounded. Repeat offenders were 38 percent less likely to be involved in a subsequent collision if their vehicles were impounded.¹

Studies show that impounding vehicles of unlicensed drivers reduces chances of collisions by up to **38%**

Stopping Dangerous Drivers

There have been a number of studies conducted during the past two decades that convincingly demonstrate that license suspension and revocation are some of the most effective countermeasures currently available for attenuating the traffic safety risk of problem drivers. At the same time, it is also known that most suspended/revoked drivers violate their illegal driving status and continue to drive, accruing traffic convictions and becoming involved in crashes.

A study titled “An examination of the characteristics and traffic risks of drivers suspended/revoked for different reasons,”² evaluated the impact of vehicle impoundment on the 1-year subsequent driving behavior of suspended/revoked and unlicensed drivers who experienced impoundment. The results show that drivers whose vehicles were impounded have, relative to similar drivers whose vehicles were not impounded: 23.8% fewer driving convictions; 18.1% fewer traffic convictions; and 24.7% fewer crashes.

Law enforcement agencies have stated that these tools have helped decrease the number of unsafe drivers on public roads as well as reduce the number of hit-and-run traffic collisions.

The differences between the impound and no-impound groups are even larger when the driving records of repeat offenders (i.e. unlicensed convictions) are examined. Repeat offenders whose vehicles are impounded have 34.2% fewer convictions, 22.3% fewer traffic convictions and 37.6% fewer crashes. These findings provide strong support for impounding vehicles driven by suspended/revoked and unlicensed drivers.³

There are a small number of drivers who appear immune to countermeasures that have proved effective for most highway users. These “hard-core offenders” continue to drive even after losing their license and are over represented in subsequent violations and crashes. It is estimated that as many as three-fourths of suspended and revoked (S/R) drivers continue to drive (van Oldenbeek and Coppin, 1965; Hagen et al., 1980; Ross and Gonzales, 1988; DeYoung, 1990). Even so, they are over represented in subsequent violations and crashes and, based on estimated exposure, are greatly over represented in fatal crashes (DeYoung et al., 1997).

In California, based on an analysis of two-vehicle fatal crashes in which only one driver was judged to be at fault, compared with validly licensed drivers, S/R drivers were found to be over involved by a factor of 3.7:1.⁴

The California Legislature intended to provide safer roads for California’s motoring public by removing the vehicles driven by unlicensed, suspended, or revoked drivers for 30 days. A serious violation of the law calls for a serious response. The 30-day impound begins on the calendar day the car is towed and will be released at the conclusion of the 30th day after the individual obtains a release from the impounding agency.

Deadly Crashes

Drivers with invalid licenses were far more likely to have been driving drunk and to have had multiple suspensions or revocations in the three years before the crash, according to a study from the AAA Foundation for Traffic Safety. The study shows that one in five fatal crashes involves a driver who is not properly licensed. Additionally, a report (Griffen and DelaZerda, 2000) analyzing 5 years of Fatality Analysis Reporting System (FARS) data found similar findings.

Drivers operating on invalid licenses or no license at all at the time of their fatal crashes are different from the rest of us, according to a study performed by Dr. Lindsay Griffin of the Texas Transportation Institute. Dr. Griffin examined five years of fatal crash data, identifying each driver's license status. Drivers with invalid licenses were far more likely to have been driving drunk and to have had multiple suspensions or revocations in the three years before the crash.⁵

Unlicensed Drivers

In response to a high number of collisions, specifically hit-and-run crashes involving unlicensed drivers, law enforcement has emphasized the importance of unlicensed driver enforcement to its officers. While some residents may not see the value in towing away an unlicensed driver's car, law enforcement officials look at it much differently. The truth is, an unlicensed driver is very often a dangerous driver.

In a published article, Capt. Terry Holderness, of the Fontana Police Department, studied the correlation between unlicensed drivers and traffic collisions. His research determined that unlicensed drivers, or those with suspended licenses, are 66.4 times more likely to be involved in a hit-and-run collision.

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Hit & Runs

Hit and run accidents kill 1,500 people annually in the United States. It has been estimated that as many as 50 percent of all traffic collisions in the City of Los Angeles are hit and run, due in part to unregistered vehicles and unlicensed drivers. With aggressive enforcement of these laws, hit and run traffic collisions are greatly reduced.

Hit and run is a cowardly and heinous act. A 2005 AAA Foundation analysis showed that approximately 11 percent of all police reported crashes involve a hit and run driver, and that the problem is especially alarming for pedestrians. About 60 percent of the people killed in hit and run crashes are pedestrians, according to Peter Kissinger, President and CEO of the AAA Foundation for Traffic Safety. One in five pedestrian fatalities involve hit and run drivers.

From 1994 to 2003, a total of 14,914 people were killed in hit and run crashes in the United States, according to the Foundation's analysis of the National Highway Traffic Safety Administration's Fatality Analysis Reporting System and General Estimates System databases. Deadly hit and run crashes most often occur on weekends and during the evening. Fifty-eight percent of fatal hit and run crashes occur on Friday, Saturday, or Sunday; 47 percent of fatal hit and run crashes occur between 9 p.m. and 3 a.m.

30-Day Hold Impound

The California Vehicle Code (CVC) grants peace officers the authority to impound vehicles under specified conditions, including expired registration over six months and vehicles operated by unlicensed drivers. These impound authorities act as deterrents, reducing hit and run traffic collisions and increasing public safety and revenue for the State of California.

Section 14602.6(a) CVC gives a peace officer the authority to impound a vehicle for 30 days when the driver has a suspended license or has never been issued a license. California law and the policy of the Los Angeles Police Department mandate police officers to impound any vehicle that is driven by a person who does not have a valid driver's license.

Law Enforcement believes that an unlicensed driver or a driver with a suspended or revoked license is a threat to public safety. In an effort to reduce the number of drivers without licenses or drivers operating vehicles with suspended or revoked licenses, peace officers have been given citation authorities that are supplemented by impound authorities, including the 30-day hold. Law enforcement agencies have stated that these tools have helped decrease the number of unsafe drivers on public roads as well as reduce the number of hit and run traffic collisions.

Making Our Streets Safe

According to the California Department of Motor Vehicles (DMV), there are over six million registered vehicles in Los Angeles County. Within the City of Los Angeles, the LAPD has estimated that as many as 50 percent of all traffic collisions are hit-and-run, due in part to unregistered vehicles and unlicensed drivers. Law enforcement believes that by strongly enforcing these laws, traffic collisions are reduced.

Research conducted in 2002 by the California Department of Motor Vehicles has shown that drivers who have a history of citations or DUI arrests are four times more likely to be involved in collisions than other drivers. The department also found that at any given time there are more than a million persons in California who have suspended or revoked driver's licenses.

One of the more common sanctions for DUIs is administrative license revocation, where an offender's license is taken away. However, 50 to 75 percent of offenders continue to drive without a license during their suspension/revocation period.⁶ Over 60 percent of third-time offenders who have their license suspended or revoked commit some form of traffic violation during their suspension/revocation period.⁷ Clearly, some other means is necessary to separate the offender from their vehicle.

Impounding the offender's car does just that. About one-third of all drivers arrested for DUI each year are repeat DUI offenders.⁸ Vehicle impoundment has been consistently effective in reducing DUI offenses among convicted drunk drivers.⁹ In Ohio, even two years after the sanction period, those drivers who had had their vehicles impounded still had at least 35 percent fewer DUIs compared with those who had not. This means that vehicle impoundment helps keep convicted drunk drivers from reoffending even once their sanction has been completed. This, in turn, reduces alcohol-related crashes.

California found similar results. First-time offenders who had their vehicles impounded had 25 percent fewer crashes than those who did not; repeat offenders who had their vehicles impounded had 38 percent fewer crashes than those who did not.¹⁰

A Texas Transportation Institute study found that in the United States 20 percent of all fatal collisions involved one or more drivers who were unlicensed or driving with a suspended or revoked license. The title of that study, "Unlicensed to Kill," sums up the public safety issue created by unlicensed or suspended-license drivers.¹¹ That study also found that people who were either unlicensed or driving with a suspended license were 66.4 times more likely to be hit-and-run drivers than people with valid licenses.

Conclusion

Vehicle impoundment is having a positive effect on traffic safety in California

Reducing the number of crashes & removing unlicensed drivers from the street.

Vehicle impoundment works and makes our streets safer. In an August 2005 letter, California Highway Patrol Commissioner M.L. Brown stated, “Those who choose to drive while unlicensed need a powerful deterrent to stop them from driving and continuously placing the public at risk.” In supporting Vehicle Code 14502.6 which allows a police officer to impound a vehicle for 30 days when that vehicle is operated by a person who is unlicensed or whose driver’s license is suspended or revoked. Commissioner Brown said, “although such impoundment is inconvenient and expensive, it serves as a necessary deterrent for suspended and unlicensed drivers. However, when an impound has been determined to be unreasonable or unfair, current law provides for the early release of the vehicle.”¹²

In 2001 Officer David Whitham of the Santa Barbara Sheriff’s Department conducted a study that looked at the effects on offenders who lost their vehicles under the impoundment law versus the effect on drivers who did not experience vehicle impoundment for the entire state of California. The study found that drivers with no prior unlicensed, suspended or revoked convictions had 24.7 percent fewer subsequent convictions, 18.1 percent fewer subsequent traffic convictions, and 24.7 percent fewer subsequent crashes.

For repeat offenders, impoundment had an even larger impact. They had 34.2 percent fewer subsequent unlicensed, suspended or revoked convictions, 22.3 percent fewer subsequent traffic convictions, and 37.6 percent fewer subsequent crashes. However, there was no evidence that simply threatening vehicle impoundment prevented U/S/R driving. Apparently drivers had to experience the impoundment for there to be an impact.

Vehicle impoundment is having a positive effect on traffic safety in California, reducing the number of crashes and removing unlicensed drivers from the street. Removing access to the vehicle by impounding it is one way to limit driving during periods of suspension or revocation.

Bibliography

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² J Safety Res. 2004;35(3):287-95. PMID: 15288562

³ (National library for public medicine)

⁴ Volume 2: A Guide for Addressing Collisions Involving Unlicensed Drivers and Drivers with Suspended or Revoked Licenses – Guidance for Implementation of the National Cooperative Highway Program

⁵ AAA Foundation for Traffic Safety

⁶ Beirness, Douglas, et al. "The Impact of Administrative License Suspension and Vehicle Impoundment for DWI in Manitoba." In C. Mercier-Guyon (Ed.) Proceedings of the 14th International Conference on Alcohol, Drugs and Traffic Safety. Annecy, France: Centre d'Etudes et de Recherches en Medecine du Trafic, 1997: 919-925.

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¹² California Highway Patrol Commissioner M.L. Brown, File No: 001.14290.012.AB1132