

# STATE LEGISLATIVE FACT SHEETS

## CONTENTS

- [Key Facts](#)
- [Legislative Status](#)
- [Recommendations for Strengthening and Increasing the Use of Vehicle and Vehicle Plate Sanctions](#)
- [Research and Evaluation Regarding the Effects of Vehicle and Plate Sanctions](#)
- [Transfer and Grant Programs](#)
- [Information Sources](#)

[Return to Main Page](#)



U.S. Department of Transportation  
National Highway Traffic Safety  
Administration

## Vehicle and License Plate Sanctions

Revoking or suspending a motorist's operators license is now a common penalty for many traffic infractions, especially those related to impaired driving. Unfortunately, many of these offenders continue to drive. It is not unusual for suspended drivers to receive additional traffic citations or be involved in crashes during periods of license suspension. As a way of reducing this problem, many states have passed laws that directly affect the offender's vehicle or license plates as a sanction for the impaired driving offense or for driving with a suspended license.

Some states now permit the vehicles of drivers convicted of certain impaired driving offenses to be impounded, immobilized (club or boot), or forfeited and sold. Other states allow the license plates to be removed and impounded. Still others allow for the use of specially marked license plates, or allow for the installment of alcohol ignition interlock devices.

### **Key Facts**

- In 1997, 1.4 million people were arrested in the U.S. for driving under the influence (DUI) or driving while intoxicated (DWI)—more than all other reported criminal offenses except larceny and theft.
- About one-third of all drivers arrested or convicted of DWI each year are repeat DWI offenders.
- Drivers with prior DWI convictions are also overrepresented in fatal crashes and have a greater relative risk of fatal crash involvement.



- Many second- and third-time convicted DWI offenders who had their licenses suspended accumulated traffic offenses or were involved in crashes during the suspension period. In one study, 32 percent of suspended second-time DWI offenders, and 61 percent of third-time offenders received violations or crash citations on their driving records during their suspensions.
- Many drivers do not reinstate their licenses even when eligible to do so. In one study involving first-time DWI offenders who had their licenses suspended for 90 days, 50 percent had not reinstated their licenses three years after they were eligible to be relicensed. Also, many of these offenders drive without auto insurance and do not attend treatment programs when required for reinstatement.

### ***Legislative Status***

Forty-four states have laws that can affect the vehicles or vehicle plates of offenders.

- **Vehicle Impoundment:** Overnight impoundment of the vehicle of an individual arrested for impaired driving is a typical practice in most states. Thirteen states have laws which permit longer-term impoundments for certain offenses, usually for repeat DWI offenses or for Driving While Suspended (DWS) where the original offense was related to a DWI infraction. States which impound vehicles for these types of offenses include California, Delaware, Florida, Illinois, Iowa, Michigan, Missouri, Montana, Nebraska, New York, Ohio, Oregon, and Wisconsin.
- **Suspension of Vehicle Registration:** In 19 states, vehicle registration is withdrawn upon conviction of a DWI or DWS offense where the original licensing action can be related to a DWI offense. States which can withdraw vehicle registrations for a DWI or DWS offense are Arizona, Arkansas, Delaware, Indiana, Kansas, Maine, Maryland, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oregon, Rhode Island, South Dakota, Virginia, and Wyoming. Some of these states have their own enforcement departments that send out

investigators to pick up the license plates of these offenders. However, in general, the vehicle license plate suspension provisions are poorly enforced.

- **Vehicle Confiscation:** Twenty-one states permit the vehicle of multiple DWI or DWS offenders to be confiscated or sold, where the original licensing action can be related to a DWI offense. These states are Alaska, Alabama, Arizona, Arkansas, California, Georgia, Maine, Minnesota, Missouri, Montana, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Washington, and Wisconsin.
- **Vehicle Immobilization:** Courts can prevent a DWI or DWS offender from using his or her car by immobilizing the steering wheel (by using a club) or locking a wheel (with a boot). Currently, only Ohio uses these types of sanctions.
- **Special License Plates or Plate Markings:** Three states—Iowa, Minnesota, and Ohio—issue special license plates to permit the use of the vehicle by family members of convicted DWI offenders. Two states—Oregon and Washington—enacted laws which permitted officers to affix a zebra sticker over the annual year portion of the license plates of offenders.
- **Ignition Interlock:** The purpose of an ignition interlock is to prevent a person who has consumed alcohol from operating a vehicle. The device measures alcohol concentration in the breath and is attached to a vehicle's ignition system. Before the car can be started, a driver must blow a sample of his or her breath into the interlock device. If the driver's breath alcohol is below a specified concentration, the driver will be able to start the vehicle's engine. However, if the driver has a breath alcohol concentration above the established level, the vehicle cannot be started. Thirty-five states have laws providing for either the discretionary or mandatory use of ignition interlock devices for repeat and chronic DWI offenders. The ignition interlock is discretionary in 32 states: Alaska, Arkansas, Colorado, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Michigan, Missouri, Montana, Nebraska, Nevada, New York, North Carolina, North Dakota, Ohio,

Oklahoma, Rhode Island, Tennessee, Utah, Virginia, Washington, West Virginia, and Wisconsin. In three states—California, Oregon, and Texas—the law is mandatory under special circumstances. In some jurisdictions, interlocks may also be used for first offenders.

### ***Recommendations for Strengthening and Increasing the Use of Vehicle and Vehicle Plate Sanctions***

Interviews with state and local officials, judiciary members, and law enforcement officers suggest that while impoundment and forfeiture legislation is common, application of these laws is rare. The reasons cited include: (1) these laws are generally reserved for the relatively few multiple DWI offenders rather than the more numerous first offenders; (2) there are difficulties in dealing with nonoffender owners; (3) it is costly to store junk vehicles that are not reclaimed by their owners; and (4) judges are reluctant to punish innocent family members.

Yet some states have developed innovative ways for dealing with these problems. Minnesota experienced a twelvefold increase in the use of its license plate impoundment law when they switched from court-based to administrative enforcement of the impoundment law.

The following recommendations may help state legislators and local officials revise existing legislation or enact new legislation to increase the use and effectiveness of their laws.

- Consider legislation that provides for administrative impoundment of plates and civil forfeiture of vehicles. In general, try to avoid criminal laws providing for forfeiture, as courts rarely use them.
- Enact legislation that allows for seizure at the time of arrest if officers impound either the vehicle or plate. It is more difficult and costly to track down the offender's vehicle later, and the delay gives the offender the opportunity to transfer vehicle ownership.
- Consider legislation that makes it unlawful for the owner of a motor vehicle to allow another person to drive the vehicle

unless the owner determines the person possesses a valid driver's license. Also, require nonoffender owners to sign an affidavit stating they will not allow the offender to drive the vehicle again while the suspension is in effect.

- Establish a computerized state record-keeping system to document vehicle (impoundment and forfeiture) and license plate actions. This allows states to monitor use of the sanctions.
- Apply impoundment laws to all repeat DWI offenders and to all DWS offenders where the original infraction was for a DWI offense. This will encourage an increase in the use of impoundment since many courts do not apply this sanction to second-time DWI offenders or to first-time DWS offenders.
- Where the law provides for special license plates (e.g., family plates or license plate sticker laws), incorporate a provision that permits officers to stop the vehicle for the sole purpose of checking whether the driver is operating the vehicle while their license is under suspension.

### ***Research and Evaluation Regarding the Effects of Vehicle and Plate Sanctions***

- **Maryland ignition interlock program lowered the re-arrest rate for repeat alcohol offenders:** A Maryland study involving 1,380 repeat alcohol offenders randomly assigned participants to either an ignition interlock group or a control group that did not receive the sanction. Alcohol-related traffic re-arrest rates were tabulated for a full year. They showed that only 2.4 percent of the interlock group was re-arrested, whereas 6.7 percent of the control group was re-arrested—a statistically significant difference indicating that the interlock program reduced the risk of an alcohol traffic violation within the first year by about 65 percent. Additional analyses of post-interlock recidivism are being examined. Other research on ignition interlocks is being conducted in Illinois and Alberta (Canada). Recently, NHTSA initiated another assessment of ignition interlocks. The focus of this congressionally mandated study is to conduct additional

research on the effectiveness of these devices once they have been removed from offenders' vehicles. The findings from this four-year research effort will become available in 2002.

- **Minnesota License Plate Impoundment Study:** In Minnesota, violators incurring three DWI violations in five years, or four or more in ten years, can have their license plates impounded and destroyed. An evaluation of the effects of the law found a significant decrease in recidivism for violators who had their plates impounded versus violators who did not. Violators whose license plates were impounded by the arresting officer showed a 50 percent decrease in recidivism over a two-year period (when compared with DWI violators who did not experience impoundment).
- **Ohio Impoundment and Immobilization Program:** In Franklin County (Columbus), Ohio, researchers conducted a field test to study the deterrent effects that a combined impoundment and immobilization sanctions program has on crashes and violations for multiple DUI (Driving Under the Influence) and suspended license offenders. From September 1993 to September 1995, the vehicles of nearly 1,000 offenders were impounded and then immobilized. The recidivism rates of these offenders were compared to eligible offenders who did not receive a vehicle sanction. Offenders whose vehicles were impounded and immobilized had lower rates of recidivism (7%) both during and after the termination of the sanction than offenders who managed to avoid the impoundment and immobilization sanctions (11%). The project will also provide information on methods and procedures for implementing such a program, the types of problems that may be experienced, and recommendations for solutions.
- **California Impoundment and Forfeiture Program:** NHTSA, in conjunction with the State Department of Motor Vehicles, is conducting a three-year effort to study the impact of California's new vehicle impoundment law as applied to unlicensed and suspended license offenders. The innovative 30-day impoundment law is not typical of those found in most states, but involves a civil action independent of a criminal DWS conviction for those caught driving without

a license. Findings indicate that during 1995, more than 100,000 vehicles were impounded, but only 246 were seized and processed for forfeiture under the new laws. More than 6,300 unlicensed drivers and those with suspended or revoked licenses whose vehicles were impounded were compared to about the same number of drivers in 1994 whose vehicles would have been eligible had the 1995 impoundment law been in effect. Driving records of both groups were compared for a one-year period on subsequent traffic violations and crashes. First offenders whose vehicles were impounded had an average rate of subsequent DWS or driving while unlicensed (DWU) that was 24 percent lower than those whose vehicles were not impounded. Repeat offenders had 34 percent fewer DWS or DWU convictions. Also, both first-time and repeat offenders whose vehicles were impounded had fewer crashes—there was a 25 percent reduction for first-time offenders and a 38 percent reduction for repeat offenders.

- **North Carolina Alcohol Ignition Interlock Program:** A study was conducted to determine the effectiveness of an interlock program in reducing recidivism among second-time DWI offenders. In North Carolina, these offenders are eligible to petition for a conditional license that is valid for the last two years of the four-year revocation period. Assignment of petitioners to the interlock program was based on completion of the petition and the decision of a hearing officer. The findings suggested that as compared to those receiving a full four-year hard license suspension, or those given the conditional license without an interlock, offenders receiving the interlock had a reduced rate of recidivism while the interlock was installed. However, when the interlock was removed and a valid license obtained, the recidivism rate of these drivers rose substantially. The findings from the North Carolina study support those of a research study conducted in Hamilton County (Cincinnati), Ohio. In that study, an interlock program was found to reduce recidivism while the interlock was installed on the vehicles of multiple DWI offenders, but once removed the benefits did not continue (as compared to a license suspension group). Both studies suggest that, at least for multiple DWI offenders, long-term drinking and driving behavior patterns are not impacted.

- **Zebra Tag Program in Oregon and Washington States:**  
In Oregon, suspended license offenders whose vehicle plates were “zebra tagged” had fewer subsequent DWI and DWS violations than suspended offenders who did not receive the special tags. Also, among suspended license offenders, the possibility of receiving a zebra tag if re-arrested appears to reduce subsequent violations and crashes. A similar law in Washington State did not affect subsequent violations or crashes for these types of offenders; however, it was not applied to nearly as many drivers and vehicles and it was not as strongly enforced by the police. (Legislators in both states allowed the zebra tag law to expire.)

### ***Transfer and Grant Programs***

In 1998, as part of the TEA-21 Restoration Act, a new Federal program (see section 164 program) was established to encourage states to address the problem of the repeat intoxicated driver. To comply with Section 164, the state’s laws must require that certain sanctions must be imposed on persons convicted more than once within a five-year period of driving while intoxicated or driving under the influence of alcohol (DWI/DUI). One of the sanctions that must be imposed is:

- that all motor vehicles of repeat intoxicated drivers be impounded or immobilized for some period of time during the driver’s license suspension period, or that an ignition interlock system be installed on all motor vehicles of such drivers for some period of time after the end of the suspension period.

States that do not meet the Section 164 requirements will have a portion of their Federal-aid highway construction funds redirected into other state safety activities, beginning in fiscal year 2001.

In addition, TEA-21 modified the Section 410 grant program. Under the program, as modified by TEA-21, states that qualify for a basic grant may also qualify for supplemental grant funds by meeting one or more of six criteria. One of the six criteria is a program to reduce driving with a suspended driver’s license. In order to qualify for a supplemental grant under this criterion, a state must impose

one of the following sanctions on individuals convicted of driving after their license has been suspended for an alcohol-related offense: suspension of the offender's vehicle registration and return of license plates; impoundment, immobilization, forfeiture or confiscation of the offender's motor vehicles; or the use of distinctive license plates on the offender's motor vehicle.

### **Information Sources**

Beck, Kenneth H., et al. *The Effects of Alcohol Ignition Interlock License Restrictions on Multiple Alcohol Offenders: A Randomized Trial in Maryland*. Paper presented at the 14th International Conference on Alcohol, Drugs and Traffic Safety, Annecy, France, September 1997.

*A Guide to Sentencing DUI Offenders*. NHTSA and NIAAA, DOT HS 808 365, March 1996.

*Model Specifications for Breath Alcohol Ignition Interlock Devices (BAIIDS)*. Federal Register Notice, Vol. 57, No. 67, Tuesday, April 7 (11772-11786).

*Assessment of Impoundment and Forfeiture Laws for Drivers Convicted of DUI, Phase II Report: Evaluation of Oregon and Washington Vehicle Plate Zebra Sticker Laws*. DOT HS 808 136, Final Report, April 1994. Rogers, A. *Effect of Minnesota's License Plate Impoundment Law on Recidivism of Multiple DWI Violators, Alcohol, Drugs and Driving*. Vol. 10, No. 2, 1994.

*In Vehicle BAC Test Devices as a Deterrent to DUI*. Unpublished NIAAA Final Report, January 1993.

*Assessment of Impoundment and Forfeiture Laws for Drivers Convicted of DWI: Phase I Report: Review of State Laws and Their Application*. DOT HS 807 870, Final Report, June, 1992.

Popkin, C., et al. *An Evaluation of the Effectiveness of Sanctions for DWI in Preventing Recidivism in North Carolina*. UNC HSRC, Raleigh, NC, September 30, 1992.

*Alcohol Ignition Interlock Service Support*. DOT HS 807 923, Final Report, December, 1992.

De Young, N.J. *An Evaluation of the Specific Deterrent Effect of Vehicle Impoundment on Suspended, Revoked and Unlicensed Drivers in California*. DOT HS 808 727, Final Report, November 1997.

---

The reports and additional information are available from your State Highway Safety Office, the NHTSA Regional Office serving your State, or from NHTSA Headquarters, Traffic Safety Programs, ATTN: NTS-12, 400 Seventh Street, S.W., Washington, DC 20590; 202-366-2708.

Archived Copy