

Costs and Benefits of Non-Automatic Driver License Reinstatement

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Authors' Note

This is the final report of the work accomplished under research project ID 0092-09-18 for the Wisconsin Department of Transportation. WisDOT wanted to learn about non-automatic license reinstatement practices in other states, including pre-reinstatement hearings that may bar a driver from reinstatement even if the suspension period has expired and all necessary fees are paid. The methods used to conduct this study and the results are documented in this report, which was reviewed and completed based on comments received from WisDOT.

Disclaimer

The conclusions and opinions expressed in this document are those of the authors. They do not necessarily represent those of the State of Wisconsin, the Wisconsin Department of Transportation or any of its departments, or any political subdivision of the state or federal government.

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<p>16. Abstract</p> <p>Following suspension or revocation, driver licenses reinstatement may be <i>automatic</i>—requiring only payment of a reinstatement fee and proof of financial responsibility (if required), or non-automatic—requiring the driver to undergo a review, attend a hearing, provide some proof of improvement, or other agency-administered program designed to ensure that the driver no longer poses an unacceptable safety risk. This project was designed to identify research on the costs and effectiveness of non-automatic license reinstatement practices in order to assist the Wisconsin Department of Transportation in deciding whether or not to implement a program. The research identified very few examples of non-automatic reinstatement and no directly relevant data on the effects of these programs on safety. States such as California, Pennsylvania, and to a lesser extent, Illinois, represent the best opportunity for measuring effectiveness at some point in the future, and it is recommended that Wisconsin Department of Transportation maintain an awareness of these other states' programs and progress. A description of the activities, size, and estimated costs of a program involving both reviews and hearings is provided. The report includes a synopsis of current laws and practices for all 50 states regarding reinstatement following suspension or revocation.</p>			
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Executive Summary

The Wisconsin Department of Transportation, Division of Motor Vehicles, Bureau of Driver Services initiated this research project to determine if non-automatic driver's license reinstatement following suspension or revocation would result in improved safety. The project included a review of US state laws and a survey of license reinstatement practices in the US and Canada. Follow-up interviews were conducted with selected states who initially reported having a non-automatic reinstatement process, or data related to the cost and/or effectiveness of driver control hearings.

The project resulted in a number of examples of driver control hearings, only a small portion of which are directly related to reinstatement following suspension or revocation actions. Three examples of effectiveness evaluation for driver control programs were found to include relevant data on hearings. The most useful analysis (from California) included benefit/cost data that incorporated the effect of driver sanctions on subsequent violations *and* at-fault crash involvement.

The project's primary goal of providing analytic support for alternative methods of non-automatic license reinstatement was not met. There simply are not examples of valid evaluation of directly relevant programs. In the interest of providing Wisconsin with a set of reasonable alternatives, however, we have recommended two alternatives based on the information obtained:

1. Monitor other states. With respect to establishing a program in Wisconsin, our primary recommendation is to wait to see what programs develop in other states—notably California, Illinois, and Pennsylvania—and thus defer a decision on new program development in Wisconsin until such time as definitive proof of effectiveness can be obtained.
2. No-cost option. As an alternative proposal, we recommend developing a program that would be cost-neutral to the Department and the State. This program would be designed from the beginning to support valid evaluation of its effectiveness so that it could be expected to prove itself to have a positive benefit/cost ratio and thus be deserving of further support. This program should start with modest goals and be supported through application fees (at least initially) in order to be successful.

Table of Contents

Introduction 1

Review of Wisconsin Laws and Practices 1

Review of Other State Laws and Practices 4

State Survey 14

 Driver's License Reinstatement Questionnaire
 Results for All States 15

 State Program Details 22

 Summary of State Experience 30

Recommendations 31

Summary and Conclusions 37

References 39

Appendix A. Driver's License Reinstatement Questionnaire for All States

Introduction

The Wisconsin Department of Transportation (WisDOT), through its Division of Motor Vehicles, Bureau of Driver Services, is responsible for administering the program to license drivers in the state. WisDOT is interested in reviewing alternatives to its current post-suspension license reinstatement processes for drivers whose original suspension was for serious driving-related violations. In particular, WisDOT would like to learn about non-automatic license reinstatement practices in other states, including pre-reinstatement hearings that hold the potential to bar a driver from reinstatement even if the suspension period has expired and all necessary fees were paid.

The following tasks were conducted to obtain information for WisDOT to assist them in determining whether to move forward with a proposal for non-automatic license reinstatement and how best to proceed.

Review of Wisconsin laws and practices

The relevant laws governing driver license reinstatement processes in Wisconsin were examined and summarized.

Review of state laws and practices

Laws of other states were compared to Wisconsin's motor vehicle laws with respect to driver license reinstatement after suspension or revocation.

State survey

This task was designed to obtain knowledge of which states have (or once had) non-automatic reinstatement practices in place, how the programs operated, their costs, and their effectiveness. WisDOT expressed an interest in all possible alternative ways that states have used in non-automatic reinstatement, both failures and successes, with the reasons for those failures or successes.

Data analysis

The data collected from the survey was evaluated and summarized in terms of program effectiveness.

The methods used to conduct each of these tasks and the results of each task are documented in this report.

Review of Wisconsin Laws and Practices

The following presents Wisconsin State laws and practices with respect to driver license reinstatement. The quoted sections of the law are based on the online resource *Electronic reproduction of 2007–08 Wis. Stats. database, updated and current through 2009 Act 406 and June 30, 2010.*

Costs and Benefits of Non-Automatic Driver License Reinstatement

343.38 Reinstatement after revocation, suspension, cancellation, or disqualification.

(1) REINSTATEMENT AFTER REVOCATION.

Except as provided in ss. 343.10, 343.39, and 351.07, the department shall not reinstate the operating privilege of a person whose operating privilege has been duly revoked unless the period of revocation has expired and the person:

- (a) Pays to the department all required fees; and
- (b) If the secretary so prescribes, passes an examination including the tests specified in s. 343.16 or such parts thereof as the secretary may require; and
- (c) 1. Except as provided in subd. 2., files and maintains with the department proof of financial responsibility in the amount, form and manner specified in ch. 344. This subdivision does not apply after 3 years have elapsed since the expiration of the period of revocation.
- 2. No proof under subd. 1. shall be required for any of the following:
 - a. A vehicle subject to the requirements of s. 121.53, 194.41 or 194.42.
 - b. A vehicle owned by or leased to the United States, this state or any county or municipality of this state.
 - c. Reinstatement of an operating privilege revoked under s. 343.30 (1q) (b) 2. or (d), 343.305 (10) (d) or 343.31 (3) (b) or (bm) 2.
 - d. Reinstatement of an operating privilege revoked under s. 343.31 (1) (b) or (2) if, within the 5-year period preceding the violation, the person has not been convicted of a prior offense that may be counted under s. 343.307 (2) and if, within the 10-year period preceding the violation, the person has not been convicted of 2 or more prior offenses that may be counted under s. 343.307 (2).

(2) REINSTATEMENT OF NONRESIDENT'S OPERATING PRIVILEGE.

A nonresident's operating privilege revoked or suspended under the laws of this state is reinstated as a matter of law when the period of revocation or suspension has expired and the nonresident pays the fees specified in s. 343.21 (1) (j), (jr), if applicable, and (n).

NOTE: Sub. (2) is shown as affected by 2 acts of the 2009 Wisconsin legislature and as merged by the legislative reference bureau under s. 13.92 (2) (i).

(3) REINSTATEMENT AFTER SUSPENSION.

Except as provided in sub. (2) and s. 343.10, the department shall not reinstate the operating privilege of a person whose operating privilege has been duly suspended while the suspension remains in effect. Upon the expiration of the period of suspension, the person's operating privilege is reinstated upon receipt by the department of the fees specified in s. 343.21 (1) (j) and (n) and, for reinstatement of an operating privilege suspended under ch. 344, the filing with the department of proof of financial responsibility, if required, in the amount, form, and manner specified under ch. 344.

(3g) REINSTATEMENT AFTER CERTAIN CANCELLATIONS.

- (a) The department may reinstate the operator's license of a

person whose operator's license has been duly canceled under s.343.25 (2) or (3) if the person pays the fees specified in s. 343.21 (1) (m) and (n) and either the person is at least 18 years of age or the requirements specified in s. 343.15 are satisfied.

- (b) The department may reinstate the operator's license or identification card of a person whose operator's license or identification card has been duly canceled because of the person's nonpayment of a fee if the person pays that fee, pays any fee required by the department under s. 20.905 (2), and pays the fees specified in s. 343.21 (1) (m) and (n).

(3r) REINSTATEMENT OF COMMERCIAL DRIVING PRIVILEGES FOLLOWING DISQUALIFICATION.

- (a) Except as provided in pars. (b) and (c), upon application for reinstatement after a person's disqualification by the department, the department may issue a commercial driver license to the person if the person has paid the fees required under s. 343.21 (1) (jm) and (n), taken any examination required by the department under s. 343.16, and satisfied any other requirement under this chapter for reinstatement.
- (b) Any disqualification under s. 343.315 (2) (g) terminates at the beginning of the 25th hour following issuance of the citation specified in s. 343.315 (2) (g). If a person has been disqualified solely on the basis of s. 343.315 (2) (g), the person's authorization to operate a commercial motor vehicle is automatically reinstated upon termination of the disqualification, as provided in this paragraph, and no application or fee is required for reinstatement.
- (c) If a person is authorized to operate a commercial motor vehicle under s. 343.055, the person's authorization to operate a commercial motor vehicle may be reinstated without issuance of a commercial driver license to the person.

(4) FIRST ISSUANCE OF LICENSE IN WISCONSIN AFTER SUSPENSION OR REVOCATION BY ANOTHER STATE.

The department may issue an operator's license to a person moving to this state whose operating privileges have been previously suspended or revoked in another state when their operating privilege has been reinstated in that state and the following conditions have been met:

- (a) When the period of suspension or revocation required by law for conviction for the same traffic violation in this state has terminated.
- (b) Acceptable proof of financial responsibility has been filed.
- (c) Application for a Wisconsin operator's license has been made.
- (d) Any required examination has been passed.
- (e) The fees required for the issuance of an original license have been paid.

(5) RESTRICTIONS ON LICENSE.

If a court has ordered that the person's operating privilege be restricted for a period of time after the revocation period is completed to operating vehicles equipped with an ignition interlock device, the license issued under this section shall include that restriction.

History: 1977 c. 29 s. 1654 (7) (a), (c); 1979 c. 306, 316; 1983 a. 525; 1989 a. 72; 1991 a. 277, 316; 1997 a. 27, 84; 1999 a. 143; 2007 a. 20; 2009 a. 100, 103; s. 13.92 (2) (i).

343.39 When operating privilege automatically reinstated.

(1) An operating privilege is automatically reinstated under any of the following circumstances:

(b) When, in the case of a revocation, suspension, or disqualification based on a conviction, the conviction is reversed, set aside or vacated. This paragraph applies whether or not the conviction occurred in this state and whether or not the conviction was cause for revocation, suspension, or disqualification only when considered in connection with the person's entire operating record.

(c) Whenever any other provision of law provides for automatic reinstatement.

(2) Whenever a person's operating privilege is automatically reinstated, the department shall forthwith notify such person thereof. If the person's license is expired, the person may renew the license at the standard renewal fee at any time after the reinstatement of the person's operating privilege. If the person states to the department that he or she no longer possesses the license because the license was surrendered to a court, and the person has satisfied all requirements under sub.

(1), the department shall issue a new license without any additional fee for the license.

History: 1973 c. 90; 1977 c. 29 s. 1654 (7) (a); 1977 c. 273; 1991 a. 39, 277; 1993na. 16; 1997 a. 84; 2007 a. 20; 2009 a. 100, 103.

Reinstatement under sub. (1) (b) is not retroactive to the date of conviction. *State v. Orethun*, 84 Wis. 2d 487, 267 N.W.2d 318 (1978).

343.40 Judicial review of suspension, revocation, cancellation or denial of license.

The denial or cancellation of a license or the revocation or suspension of an operating privilege is subject to judicial review in the manner provided in ch. 227 for the review of administrative decisions.

History: 1977 c. 43, 187.

The preceding are the major sections of Chapter 343, *Operators' Licenses* that cover the reinstatement (or granting) of operating privileges following a suspension, revocation, denial or cancellation. Other sections of the law are mentioned by reference in the above quoted sections but not presented here. The full text is available online at: <http://legis.wisconsin.gov/statutes/Stat0343.pdf>

The law specifies the requirements for reinstatement following revocation (343.38(1)) and the automatic nature of reinstatement following suspension (Section 343.38 (3)). In neither case—reinstatement following revocation or suspension—is there a requirement for a hearing or any other provision for the Department to review a driver's history of prior violations, current behavior or attitude, or any other potential bar to reinstatement beyond satisfying temporal, financial and court prerequisites. A knowledge or skills test may be required by the Secretary for reinstatement following revocation under certain conditions. It was reported to us that this is not a routine practice. We did not request

Costs and Benefits of Non-Automatic Driver License Reinstatement

data from WisDOT on the proportion of revoked drivers required to take a knowledge or skills test prior to reinstatement.

For all practical purposes, WisDOT reported to us that current practice is to require all reinstating drivers to serve out their period of suspension or revocation, pay the appropriate fees, and, if required to do so, provide proof of financial responsibility. If a court or other agency has imposed additional requirements, those must also be satisfied prior to reinstatement. From a driver control, perspective, however, the practices in Wisconsin are said to be “automatic” in that there is no provision for a review, hearing, or other driver control activity that has the potential to bar reinstatement to a driver who meets all the other requirements. In particular, the driver’s behavior and attitude are not part of an assessment prior to reinstatement, except insofar as one might be performed under a court-ordered treatment program.

Review of Other State Laws and Practices

The following table summarizes state laws and practices with respect to driver license reinstatement following suspension or revocation. Where available, the fees charged and the differences between reinstatement following non-alcohol-related and alcohol-related suspensions are presented.

Costs and Benefits of Non-Automatic Driver License Reinstatement

State	Reinstatement Requirements & Fees	Time Only ¹
Alabama	<ul style="list-style-type: none"> - Suspended/Cancelled: \$100, \$275 for alcohol/drug-related - Revoked: \$175 plus re-exam & FR²; \$275 for alcohol/drug-related - Additional \$25 fee for drug-related offenses - Reinstatement must be in person at one of 10 offices 	Yes
Alaska	<ul style="list-style-type: none"> - One action, non-DUI: \$100; DUI-related \$200 - Two actions, one or zero DUI: \$250 - Two DUIs: \$500 - SR-22 required 3 years (1st offense, non-DUI) to life (4th offense DUI or refusal) - Proof of compliance with alcohol education requirement for DUI offenses - Some revocations require signoff from court and DMV prior to reinstatement 	Yes ³
Arizona	<ul style="list-style-type: none"> - Suspension: \$10 fee plus court clearance if required; \$20 if DUI or <i>per se</i> violation - SR-22 requirement varies whether administrative or court-ordered - Revocation requires prior approval of MVD (eligibility check), plus submission of revocation investigation packet (99-0139). MVD conducts review and notifies submitter of final decision. 	Yes ³
Arkansas	<ul style="list-style-type: none"> - Possibility of pre-suspension hearing based on 14 points accrued (3 months suspension) - Mandatory pre-suspension hearing at 24+ points (1 year suspension) - Reinstatement fee (non-DUI): \$100, (DUI): \$150 - DUI-related also requires proof of completion of education requirement 	Yes
California	<ul style="list-style-type: none"> - Negligent Operator Suspension: \$55, court fines, FR, accident-free during suspension - DUI-related: \$125, FR, completion of treatment, court fees - Hearing upon request: \$120 fee for hearing 	Yes
Colorado	<ul style="list-style-type: none"> - Point suspension: duration determined at hearing, reinstatement fee: \$95 + FR - Failure to pay: as above plus court clearance & proof of fine payment, no FR - Revocation for DUI: \$95 fee, SR-22, treatment/education & interlock completion, requirements increase for second and subsequent DUI offenses 	Yes ⁴

Costs and Benefits of Non-Automatic Driver License Reinstatement

State	Reinstatement Requirements & Fees	Time Only ¹
Connecticut	<ul style="list-style-type: none"> - Suspension or Revocation license restoration fee: \$175 - No in-person reinstatement/restoration. All decisions based on correspondence providing proof of eligibility for restoration - An “operator retraining program” course (\$60 vendor fee) may be substituted for payment of the restoration fee in some cases 	Yes
Delaware	<ul style="list-style-type: none"> - Suspension reinstatement: \$25 fee plus required behavior modification/attitudinal driving course completion; Course may forestall suspension in certain cases. - Revocation reinstatement: \$143.75 fee - Possible retest (written, road, and eye tests) for reinstatement post-revocation 	Yes
District of Columbia	<ul style="list-style-type: none"> - Suspension or revocation reinstatement: \$98 fee - Reinstatement hearings for revocations following major moving violations including DWI/DUI. - Revocation requires relicensing including learner’s permit and passing written and road tests – this requirement would add costs to reinstatement following revocation (\$20 learners permit, \$44 license fee) 	No ⁵
Florida	<ul style="list-style-type: none"> - Suspension reinstatement: \$45 or \$60 fee depending on circumstances - Revocation reinstatement: \$75 fee plus \$130 admin fee plus relicensing fees and proof of FR - Reinstatement following revocation for DUI-related offenses requires proof of <i>enrollment in or completion of</i> approved treatment program and DUI School. Second and subsequent DUI offenses add <i>completion of</i> treatment requirement. Interlock may be required along with associated fees. 	Yes
Georgia	<ul style="list-style-type: none"> - Suspension reinstatement: \$200 fee if a mandatory suspension (e.g., points or DUI – related); \$50 fee for failure to prove FR; \$10 in-person add-on fee - Revocation: \$200 fee plus relicensing fees; \$10 in-person add-on fee - Habitual violator revocations include a pre-reinstatement review. 	Yes
Hawaii	<ul style="list-style-type: none"> - Suspension or Revocation reinstatement fee: \$50; SR-22 required - Reinstatement following revocation requires certificate of eligibility from the director, proof 	Yes

Costs and Benefits of Non-Automatic Driver License Reinstatement

State	Reinstatement Requirements & Fees	Time Only ¹
	of compliance with all court and DMV requirements, plus relicensing fees	
Idaho	<ul style="list-style-type: none"> - Suspension or Revocation reinstatement fee: \$15 to \$285 depending on reason for suspension - Possible SR-22 and court release may be required depending on circumstances 	Yes
Illinois	<ul style="list-style-type: none"> - Suspension reinstatement fee: \$70 except for FR suspensions (\$100) and statutory summary suspensions (\$250 for first offense; \$500 for second or subsequent offense) - Revocation reinstatement fee: \$500 - Informal hearings may result in restricted license or full reinstatement. Drivers are eligible for informal hearings unless the offense category is serious. - Formal hearings are at request of the driver and apply in cases of multiple DUI and other serious offenses. 	Yes ⁶
Indiana	<ul style="list-style-type: none"> - Reinstatement fee: 1st time: \$150; 2nd \$225; 3rd or more: \$300 - Proof of insurance (SR-22 in some cases) - Must apply in person at one of eight reinstatement centers 	Yes
Iowa	<ul style="list-style-type: none"> - Pre-suspension requirement to complete driver improvement school based on number of violations or one serious speeding violation, followed by one-year probation during which any moving violation results in suspension - Reinstatement after suspension or revocation requires proof of FR, not necessarily SR-22 - Non-OWI-related reinstatement fee is \$20 - Reinstatement following OWI revocation requires \$200 fee plus drinking driver course and proof of completion of evaluation and treatment/rehabilitation 	Yes
Kansas	<ul style="list-style-type: none"> - Limited information - Reinstatement fees vary from \$50 up - Reinstatement following DUI revocation requires reexamination and additional \$25 fee 	Yes ⁷
Kentucky	<ul style="list-style-type: none"> - Reinstatement fee following suspension: \$40 - Court release and proof of treatment completion for alcohol-related suspension 	Yes
Louisiana	<ul style="list-style-type: none"> - Reinstatement after suspension or revocation requires payment of all court fines and 	Yes

Costs and Benefits of Non-Automatic Driver License Reinstatement

State	Reinstatement Requirements & Fees	Time Only ¹
	<ul style="list-style-type: none"> OMV fees; fees are determined at time of reinstatement - Must pay in person at OMV reinstatement office 	
Maine	<ul style="list-style-type: none"> - Reinstatement fee: \$35 	Yes
Maryland	<ul style="list-style-type: none"> - Reinstatement fees: non-alcohol \$45; alcohol-related: \$75 (includes \$15 application fee in both cases) - Two-step process for reinstatement: 1) request a pre-application review and, if current suspension issues are cleared up, 2) apply for reinstatement. The application will be approved or denied based on driver control assessment. - Those with alcohol-related suspensions must provide proof of successful treatment/rehabilitation and may be required to attend an interview with the Medical Advisory Board. 	No ⁸
Massachusetts	<ul style="list-style-type: none"> - Reinstatement fees: \$50 up to \$1200 (or more) depending on the number of fees owed. - Depending on the reason for suspension, retesting may be required. Some violators are required to attend driver retraining, attitude retraining, or State Courts Against Road Rage (SCARR) training. - Revocations for Vehicular Homicide or Manslaughter, OUI, or Habitual Traffic Offender require appearance before a hearing officer prior to reinstatement. 	No
Michigan	<ul style="list-style-type: none"> - Reinstatement fees: \$125 for most suspensions/revocations, additional court fees may apply in cases of court-ordered suspensions - Revocations for habitual alcohol violators (2 convictions in 7 years or 3 in 10) require relicensure. Hearings are held requiring petitioner to prove that alcohol/drug problems are under control and likely to remain under control; petitioner represents a low/minimal risk of repeating behavior; and petitioner has ability and motivation to drive safely within the law. 	Yes ⁹
Minnesota	<ul style="list-style-type: none"> - Reinstatement fees: non-alcohol: \$20; alcohol-related \$250 plus \$430 surcharge - Following any suspension/revocation, the Department of Public Safety (DPS) may require completion of an approved driver improvement course - For alcohol-related reinstatements, the DPS may process the driver as a new licensee, 	Yes

Costs and Benefits of Non-Automatic Driver License Reinstatement

State	Reinstatement Requirements & Fees	Time Only ¹
	including an application, plus written and on-road testing. In practice, the written test is always required.	
Mississippi	<ul style="list-style-type: none"> - Reinstatement fees: \$25 (non-DUI) to \$100 (DUI-related) - SR-22 required in DUI-related suspensions - Court clearance required for failure to pay or failure to appear. 	Yes
Missouri	<ul style="list-style-type: none"> - Reinstatement fees: \$20 (non-alcohol); \$65 (alcohol-related) - SR-22 required for some suspension reinstatements (includes alcohol-related). - Completion of Substance Abuse Traffic Offender Program (SATOP) required prior to reinstatement for alcohol-related suspensions (includes assessment and assignment to one of six service/ intervention levels) (screening and supplemental fees total \$375, paid at time of screening, not as part of reinstatement). 	Yes
Montana	<ul style="list-style-type: none"> - Reinstatement fees: \$100 to \$200, specific amount is recorded in individual driver records, with 50% off for completion of approved training course. - Revocation includes relicensure requirements and licensing fees. 	Yes
Nebraska	<ul style="list-style-type: none"> - Reinstatement fees: \$50 (failure to pay fines); \$125 (points & alcohol-related) - Proof of FR - Revocation requires retest & relicensure. Applies to all ALR. 	Yes
Nevada	<ul style="list-style-type: none"> - Reinstatement fees: \$40 - \$85 following suspension; \$65-\$125 after revocation - SR-22 following revocation - Reexamination and driving skills test required for suspensions/revocations longer than one year. 	Yes
New Hampshire	<ul style="list-style-type: none"> - Reinstatement fees: \$100 in all cases - SR-22 required in some cases – always required following DUI suspension - DUI suspension requires proof of completion of approved alcohol program 	Yes
New Jersey	<ul style="list-style-type: none"> - Reinstatement fees: \$100 in all cases - \$150 Driver improvement course offered in lieu of suspension for points violation, completion initiates one-year probation during which any new violations result in 	Yes

Costs and Benefits of Non-Automatic Driver License Reinstatement

State	Reinstatement Requirements & Fees	Time Only ¹
	<p>suspension.</p> <ul style="list-style-type: none"> - DUI suspensions incur additional fines/fees some of which must be paid prior to reinstatement. Total fees = minimum \$3,515 paid over 3 years (i.e., a portion is paid annually even after the driver is eligible to reinstate) in addition to the fines associated with the specific DUI violation. 	
New Mexico	<ul style="list-style-type: none"> - Reinstatement fees: \$25 (suspension); \$100 (revocation) - Driver improvement course required if suspended for points violation - Proof of FR - Extensive requirements for reinstatement following DUI-related revocation 	Yes
New York	<ul style="list-style-type: none"> - Reinstatement fees: \$50 for suspension; \$70 for suspension following failure to pay or appear; \$100 for revocation - Revocation requires new license application and may require civil penalties ranging from \$500 to \$750. - Driver responsibility assessments of \$100/year (for points violations) up to \$250/year (for alcohol violations) must be paid in each of 3 years following suspension. 	
North Carolina	<ul style="list-style-type: none"> - Reinstatement fees: \$50 (non-alcohol), \$75 (alcohol-related) for all suspensions/revocations - Points suspension has option of Driver Improvement Clinic to remove 3 points 	Yes
North Dakota	<ul style="list-style-type: none"> - Reinstatement fees: \$50 (non-alcohol), \$100 (alcohol related); proof of FR for all cases - Alcohol-related suspensions/revocations require evaluation and treatment after conviction - Alcohol-related revocation requires relicensing with complete retest 	Yes
Ohio	<ul style="list-style-type: none"> - Reinstatement fees: suspensions = current minimum fee (on new offenses) \$100 (failure to report accident) up to current maximum \$600 (3rd offense failure to report) - Minimum ALS/OVI fee = \$475 - All require proof of FR - GDL holders may be revoked for 2+ violations, reinstatement fee is \$40 	Yes
Oklahoma	<ul style="list-style-type: none"> - Reinstatement fees: \$0 - \$100 for suspension; \$300 revocation 	Yes

Costs and Benefits of Non-Automatic Driver License Reinstatement

State	Reinstatement Requirements & Fees	Time Only ¹
	<ul style="list-style-type: none"> - Additional fees assessed for certain violations to support trauma care - Reinstatement of “habitual users” requires evaluation and affidavit of successful treatment & professional assessment of “low” risk. 	
Oregon	<ul style="list-style-type: none"> - Reinstatement fee: \$75 for suspension or revocation plus any applicable replacement, renewal or original issuance fees - Reinstatement requires written or online form request to DMV. The review is to verify only that all DMV and court/other requirements are met (i.e., no other suspensions on record, court fines cleared, etc.). 	Yes
Pennsylvania	<ul style="list-style-type: none"> - Reinstatement fee: \$25-\$100 fee for suspension or revocation - Proof of FR required for all reinstatements - Revocation requires relicensure, retest, and may require application for a learners permit 	Yes
Rhode Island	<ul style="list-style-type: none"> - Reinstatement fees: \$151.50 (non-alcohol), \$351.50 (alcohol-related) - All reinstatements handled on a case-by-case basis; however, the information available indicates that there is no hearing or review beyond identifying requirements (court, other agency, DMV) for each individual. - FR required after revocation. 	Yes
South Carolina	<ul style="list-style-type: none"> - Reinstatement fee: \$100 per suspension, unless failure to maintain SR-22 (\$400) - Alcohol-related suspensions require completion of Alcohol and Drug Safety Action Program (ADSAP) - SR-22 required for three years from end of suspension 	Yes
South Dakota	<ul style="list-style-type: none"> - Reinstatement fees: \$50 - \$200, plus separate application fee for suspension/revocation - Revocation requires relicensure & associated tests & fees - Proof of FR following judgment, conviction for no insurance, vehicular homicide, DWI, or two reckless driving w/in a year 	
Tennessee	<ul style="list-style-type: none"> - Reinstatement fees: No information available. Individuals must contact the Department of Safety to obtain requirements to clear their case. Individual fees may be paid online. - No review of prior to reinstatement 	Yes ¹⁰

Costs and Benefits of Non-Automatic Driver License Reinstatement

State	Reinstatement Requirements & Fees	Time Only ¹
	<ul style="list-style-type: none"> - Driver improvement course option to avoid suspension is available only if the driver requests a hearing. 	
Texas	<ul style="list-style-type: none"> - Reinstatement fees: \$100 (non-alcohol), \$125 (alcohol-related) - SR-22 required for crash- and alcohol-related suspensions - Alcohol-related violations require proof of completion of court-required treatment/education programs prior to reinstatement 	Yes
Utah	<ul style="list-style-type: none"> - Reinstatement fees: \$30 (non-alcohol), \$65 + \$170 admin fee (drug/alcohol-related) applies for suspensions or revocations - SR-22 required for three years following FR-related suspensions 	Yes
Vermont	<ul style="list-style-type: none"> - Reinstatement fees: \$71 for all suspensions or revocations - Individuals must apply to learn personal reinstatement requirements; however, for simple suspensions this means completion of suspension period plus payment of fee. 	Yes
Virginia	<ul style="list-style-type: none"> - Reinstatement fees: \$40 - \$220 depending on reason for suspension/revocation - Additional requirements for reinstatement are shown on a compliance summary provided upon request or online when payment is processed. - Alcohol-related suspensions require completion of VA Alcohol Safety Action Plan - SR-22 required in some cases 	Yes
Washington	<ul style="list-style-type: none"> - Reinstatement fees: \$0 (FR-related and other non-compliance violations), \$75 (non-alcohol moving violations); \$150 (alcohol-related) applies for suspensions and revocations - SR-22 may be required following suspension or revocation - Revocation requires relicensure including tests and application fees - Revocation as a habitual traffic offender requires a hearing prior to application for licensure 	Yes
West Virginia	<ul style="list-style-type: none"> - Reinstatement fees: \$50 (non-FR), \$100 (FR-related, includes plate fee) applies to all suspensions or revocations - Alcohol or drug-related must complete approved Safety and Treatment program. 	Yes

Costs and Benefits of Non-Automatic Driver License Reinstatement

State	Reinstatement Requirements & Fees	Time Only ¹
Wisconsin	<ul style="list-style-type: none"> - Reinstatement fees: \$60 for all suspensions/revocations except DUI-related. - Reinstatement following DUI: \$200 as of July 1, 2010. - FR required for safety responsibility or damage judgment suspensions. FR may be required for revocations, but not for 1st-offense OWI. - Revocation may require relicensure and reexamination. 	Yes
Wyoming	<ul style="list-style-type: none"> - Reinstatement fees: \$5 for child support violators, \$50 all others applies to both suspensions and revocations - SR-22 required for some suspensions and all revocations - Revocation requires relicensure including testing and application fees - Revocation for alcohol-related offenses requires evaluation prior to relicensure 	Yes

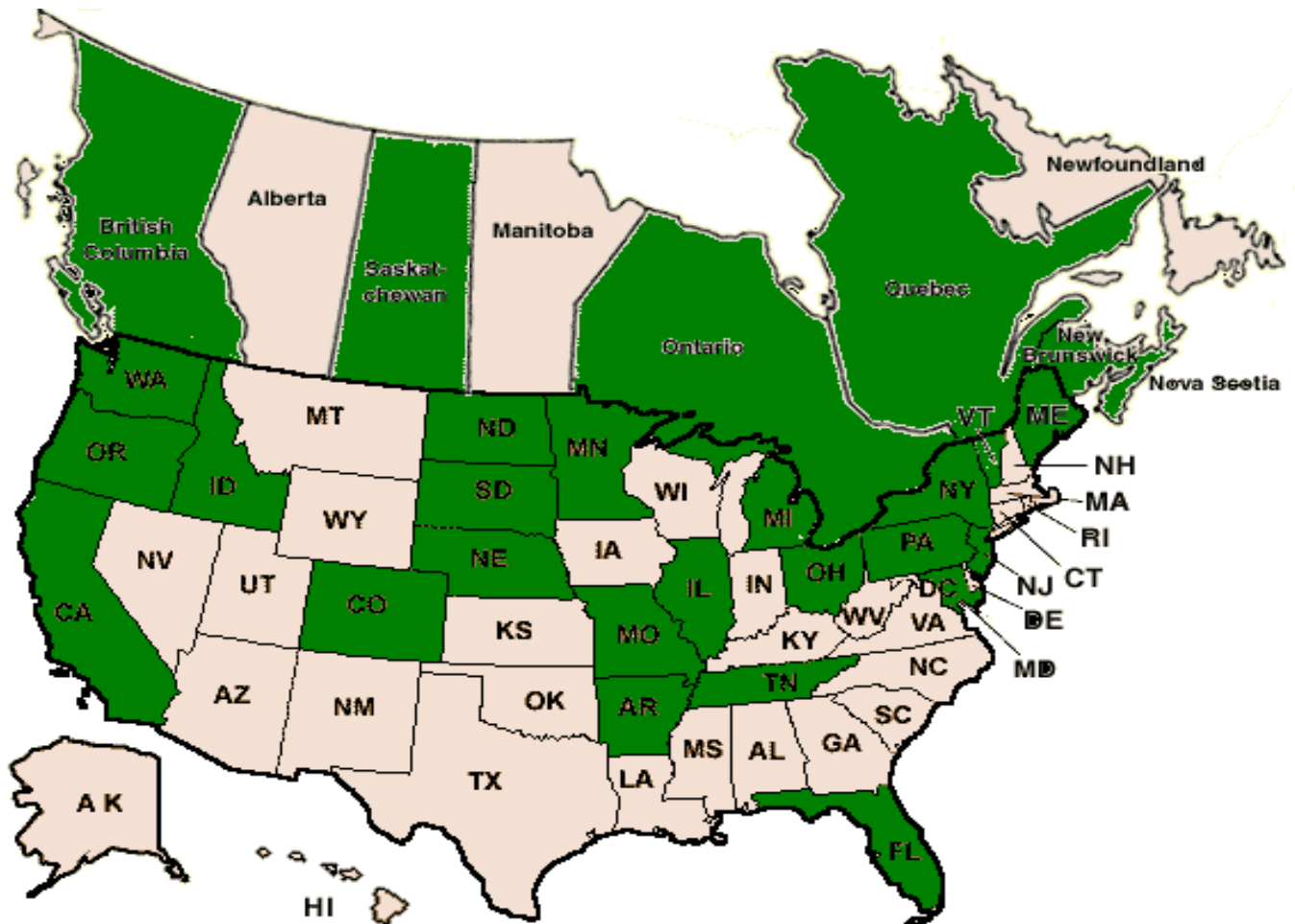
Table Notes:

- 1) Time only means that suspended (or equivalent) license can be reinstated after the period of suspension is completed with only payment of fees and (if required) proof of financial responsibility/SR-22 insurance. That is, there is no requirement for a hearing or review prior to reinstatement.
- 2) FR = requires proof of financial responsibility or SR-22 insurance.
- 3) Revocation may (or does) require DMV review/sign-off.
- 4) State has mandatory hearing as part of original suspension, not for reinstatement.
- 5) DC revokes the license for first offense DUI and requires a hearing prior to reinstatement. This would be the equivalent of a post-suspension reinstatement hearing in many states.
- 6) Illinois does not require a hearing (informal or formal) prior to reinstatement. A driver may request a hearing. Depending on the seriousness of the violation, either an informal or a formal hearing is the appropriate venue.
- 7) Kansas has limited information available online and through AAMVA on reinstatement fees & processes. It appears, however, that they do not have hearings as part of the reinstatement process.
- 8) Maryland's process is marked "non-automatic" because of the possibility of a medical review interview prior to reinstatement for those with two-or-more alcohol-related violations.
- 9) Michigan's process is marked "automatic" because most suspended and revoked drivers are allowed to reinstate without review, however relicensure for multiple DUI offenders does include a formal hearing process.
- 10) Tennessee holds a hearing at the driver's request in case of a points-related suspension. If the driver requests a hearing, they may be offered the option to take a driver improvement course in lieu of suspension.

Costs and Benefits of Non-Automatic Driver License Reinstatement

State Survey

In order to gather information regarding their current reinstatement practices, a questionnaire (Appendix A) was distributed through the American Association of Motor Vehicle Administrators (AAMVA). This mechanism reaches driver licensing and driver control staff in all US states and Canadian provinces. Using distribution through AAMVA results in response rates that are generally very good, as was the case here. The figure below shows a map of responses received – responding states are shown in green.



The remainder of this section provides a summary of the answers that were provided to each of the survey questions. In the following section, the answers provided on the questionnaire are presented for each responding state. Following this, a separate section provides the information gained through follow-up with selected states and provinces.

Costs and Benefits of Non-Automatic Driver License Reinstatement

Driver's License Reinstatement Questionnaire Results for All States

1) Under what conditions (if any) is driver's license reinstatement **not** automatic in your state?

Twenty-six (26) states/provinces responded to the questionnaire. The answers were used in follow-up with states and are presented in a later section of the report. US states and Canadian provinces (alphabetized left-to-right in the table) provided the following:

<p>Arkansas (AR): If a license were suspended/revoked for medical reasons, there would be no automatic reinstatement. If a license is suspended due to suspected fraud, and the case is unresolved, there would be no automatic reinstatement. Any permanent or lifetime revocation would not automatically be reinstated. Any financial responsibility suspensions would not be reinstated without further action from the licensee.</p>	<p>California (CA): Suspensions/revocations for physical or mental conditions, fraud, serious injury/fatal accidents, and lack of skill/knowledge.</p>	<p>Colorado (CO): When the restraint was taken for a felony in which a MV was used (usually someone who is already under restraint as an HTO who was caught driving), when a person leaves the scene of an injury accident, failing to give aid and information, vehicular homicide, vehicular assault, and 3 reckless driving convictions in 2 years. Statute requires that the hearing officer is satisfied, after an investigation of the character, habits and driving ability of the person, that it will be safe to grant issuance of a new license or restore the driving privilege.</p>
<p>Florida (FL): There are several programs where reinstatement is not automatic. DUI cases require compliance beyond fees and period of revocation and insurance. In many instances, mandatory appearance at a hearing is needed before payment of fees. If the revocation period has expired for a DUI, then no hearing will be required and an "automatic reinstatement" will take place upon paying fees. All Habitual Traffic Offender violations require mandatory hearings.</p>	<p>Idaho (ID): None</p>	<p>Illinois (IL): Reinstatement is not automatic whenever driving privileges are revoked. If suspended, automatic reinstatement applies.</p>

Costs and Benefits of Non-Automatic Driver License Reinstatement

<p>Maine (ME): Habitual Offender, OUI charges with vehicular manslaughter, and Road Rage Revocations.</p>	<p>Maryland (MD): All applicants in Maryland must complete an application to have their license reinstated after serving a period of revocation, which is established in statute. The reinstatement application is reviewed by Case Managers and is evaluated based on criteria established in Maryland Regulations. There is no reinstatement process for an individual serving a period of suspension. Once the required suspension period is completed, the individual is eligible to receive their license.</p>	<p>Michigan (MI): Revocations and Denial/Revocations</p>
<p>Minnesota (MN): No answer to the questionnaire. A follow-up was conducted with the state because the contractor team is aware of two programs: formal hearings are required for reinstatement after cancellation or denial resulting from multiple DUI convictions; and a former hearing program aimed at reducing suspension/revocation through timely intervention prior to the State initiating a license action. Information on both programs is provided in a later section of this report.</p>	<p>Missouri (MO): Ten (10) year denial for alcohol requires a court ordered reinstatement through the court where the last alcohol conviction occurred.</p>	<p>Nebraska (NE): All reinstatements in NE may be automatic under the above given definition. NE law provides reinstatement if the person has been revoked, suspended, cancelled, or disqualified so long as the person meets the specific requirements for reinstatement related to the reason the license was removed in the first place. Persons whose license was impounded and held by a court would automatically get the license back from the court when the period of impoundment expires without any further action at the DMV.</p>
<p>New Jersey (NJ): If the customer failed to pass the Probationary Driver Program (PDP), the Intoxicated Driver Resource Center Program (IDRC), Medical Review, or the Bus Driver Review.</p>	<p>New York (NY): Revoked drivers who were not eligible for a Restricted Use/ Conditional Use License.</p>	<p>North Dakota (ND): Medical and vision suspensions; civil judgments due to a motor vehicle crash; non-payment of child support.</p>

Costs and Benefits of Non-Automatic Driver License Reinstatement

Ohio (OH): No answer	Oregon (OR): Any revocation of driving privileges, as well as suspensions related to: fraud; medical reasons; and alcohol offenses.	Pennsylvania: None
South Dakota (SD): No answer	Tennessee (TN): No answer	Vermont (VT): Reinstatements after lifetime revocations for multiple alcohol convictions. Medical/eyesight suspensions, special re-examinations.
Washington (WA): Habitual Traffic Offender (HTO). The criteria for HTO is if the person receives three mandatory violations or 20 moving violations within a 5- year period, the driving privilege is revoked for seven years. After four years, the driver may petition for early reinstatement. The driver must have a hearing to be considered for reinstatement if more than one alcohol or drug related offense is on the record, there is no evidence of a driving incident in the preceding two years, and the treatment requirements have been met, (if any). The driver must show good and sufficient cause to be reinstated. SR-22 insurance may be required.	CANADIAN PROVINCES	British Columbia (BC): None, as long as the suspension is not "indefinite." Every reinstatement, however, requires that a driver satisfy any outstanding debts owing to government and the Insurance Corporation of British Columbia (ICBC).
New Brunswick (NB): If they are required to provide medical documentation of fitness to drive or complete testing.	Ontario (ON): Drivers who are suspended as a result of a medical or vision condition(s), failing to file a medical or vision report when required; failure to complete the Remedial Measures Program; failure to attend a demerit point interview; non-payment of a fine or fines; failure to settle a court ordered judgment; and non-payment of family support.	Saskatchewan (SK): None

Costs and Benefits of Non-Automatic Driver License Reinstatement

- 2) Does your agency or state hold *any* hearings or reviews as part of any driver control/improvement process?
(NOTE: this is for hearings *other than* the court processes leading to conviction):
- 92% Yes
 - 4% No

Twenty-six (26) respondents answered, but one response was both “yes” and “no” and was excluded from percentages.

- 3) If yes, please indicate under which conditions the hearings or reviews are held (check all that apply):
- 27% for drivers who are approaching a points/violations threshold for suspension
 - 27% for drivers with a pattern of crash-involvements
 - 58% for drivers who are referred by law enforcement, courts, others
 - 77% for drivers wishing to contest or appeal a suspension or revocation
 - 65% for drivers facing cancellation/withdrawal for medical or other reasons
 - 46% for drivers subject to administrative license suspension for DUI
 - 46% for drivers who qualify as habitual traffic offenders
 - 8% as a condition for license reinstatement in *all* cases
 - 46% as a condition for license reinstatement in selected cases (please specify types):

Types listed were:

AR: Medical.

CA: Physical/mental condition, negligent operator, APS, fraud, lack of skill/knowledge, special certificates, fatal or serious accident.

CO: Felony involving MV, HTO with driving while suspended, fleeing the scene, failure to render aid, vehicular homicide/assault, three reckless convictions in two years.

FL: All driving-related cases except FR. Includes all drug/alcohol-related reinstatements.

IL: Any revocation.

ME: HTO, vehicular manslaughter w/OUI, and road rage revocations.

MN: 3+ DUI convictions.

NJ: Any fatal crash involvement plus bus-driver review.

PA: Suspension >5 years may request a hearing to obtain probationary license.

VT: Any reinstatement after lifetime revocation for multiple DUI. Also medical/eye suspensions.

WA: HTO only.

Costs and Benefits of Non-Automatic Driver License Reinstatement

NB: Reinstatement after alcohol offense requires alcohol re-education course.

23% Other (please explain): _____

Responses were as follows:

AR: No detail provided.

MO: If requested, accident hearings are held to contest “at fault” penalties, mandatory insurance, and third party tester sanctions.

NY: Motorists involved in fatal crash, test refusal, misuse of junior operator’s license, excessive speed, or false statement to police.

OH: Hearing is held to verify identity and that suspension is “good” (i.e., meets the criteria for administrative suspension).

PA: Per 1538 PA code, 6+ points accumulated for second or subsequent time or have a “high speed” conviction must attend a hearing.

SK: Interviews are conducted under the Driver Improvement Program for individuals who have had several education courses and several suspensions. Also, interview if the license has been altered or misused.

k. 23% A different agency in the state holds the hearings (please provide contact information):

Annotations were as follows:

CO: The hearing officers are part of the DOR but not directly in the DMV chain of command

MD: the Office of Administrative Hearings hears Appeals of departmental hearings

NE: District Courts hear appeals of department hearings

OR: The Administrative Office of Hearings handles all hearings

SD: Office of Hearing Examiners is separate from DL examiners

VT: Transportation agency hearing unit

BC: Provincial Government is responsible for law/policy. The Insurance Corp for British Columbia has some delegated authority for hearings

4) For any items marked in question 3, what types of hearings or reviews are held in your state? (check all that apply)

a. 46% Mandatory, initiated by the DMV

b. 8% Mandatory, ordered by the courts

c. 85% Hearings or reviews at the request of the driver (e.g., to contest or appeal)

Costs and Benefits of Non-Automatic Driver License Reinstatement

- d. 35% Informal hearings (single hearing officer, without binding outcome)
- e. 65% Formal hearings (single hearing officer, binding outcome)
- f. 4% Review panel (more than one reviewer)
- g. 27% Reviews in which the driver is not present
- h. 8% Other (please explain):

Explanations provided:

CA: No explanation

NE: Informal ALR hearings are with a single officer and are binding. All may be appealed to district court.

- 5) Can you provide data on the costs of any of the hearings or reviews marked in question 3?
- a. 23% Yes
 - b. 31% No, we don't have the data
 - c. 42% No, we don't track the costs or cannot estimate them easily

NOTE: Totals 96% because one state did not answer this question

- 6) Can you provide data on the *effectiveness* of hearings or reviews?
- a. 19% Yes
 - b. 77% No

NOTE: Totals 96% because one state did not answer this question

- 7) Can you provide data on the number of drivers who recommit the same offense(s), which led to their initial suspension or revocation?

- a. 31% Yes.

If yes, can you provide the data for specific types of suspended or revoked drivers based on the reason for suspension or revocation?

- 1. 75% Yes
- 2. 25% No
- b. 69% No

8) Please add any comments you would like to share about non-automatic license reinstatement processes that your state has tried or considered: The following comments were added:

CA: Only limited data available on effectiveness of DMV “level 3” hearings which are reserved for drivers classified as “negligent operators” due to a history of violations or at-fault crashes

FL: Data would be available through special programming. Summary data on whether hearings are sustained or not are available now.

ME: Provided recidivism rate on OUI offenders: 27.5%

NE: Does not track individual hearing expenses. Cannot separate out the effectiveness of hearings versus other driver control program actions.

NY: Is working on an online reapplication process for *revoked* drivers.

ND: Data on hearings would require special programming through IT department

PA: Entire hearing program costs just under \$600,000

SK: Interviews/reviews are very limited. Only drivers who have gone through all education course options and continue to incur convictions and/or at-fault collisions get an interview and review. “Not very many drivers reach this last stage.”

State Program Details

The following details were gathered during follow-up with states selected from among those that answered the original questionnaire. These are presented as “case studies” for consideration by Wisconsin in designing an effective program for non-automatic reinstatement. It should be noted that information was solicited from several states, only a subset of which were able to respond with actual data or a useful description of their program(s). Thus, the following is not a comprehensive presentation of all state programs, but a selection based on states willing and able to cooperate with our requests for information. Some of the programs described relate to hearings following initial suspension or revocation, and not reinstatement. They are included here because the state was able to provide at least some information about cost or effectiveness of hearings – two items that were generally lacking from the states.

General information

Most states that have any version of non-automatic license reinstatement have designed that program to focus on the most serious violators – those who are revoked rather than suspended, those who qualify as habitual traffic offenders, those judged at fault in serious injury or fatal crashes, and/or those who committed a felony (felony DUI, vehicular manslaughter, etc.). Many states offer hearings as an option that may be exercised by the suspended or revoked driver. Such hearings are often limited to findings of fact – did the officer perform all required steps before charging the person with the offense which then lead to administrative license suspension, or are strictly limited to requests for relief (e.g., no or a shorter suspension period, granting of limited driving privileges under a hardship license, etc.).

Depending on the perspective of the state’s driver control staff, some view reinstatement requirements of any type *other than mere passage of time and payment of fees* as a non-automatic reinstatement process. That would include, for example, a requirement to enroll in or complete a drunk driver re-education course, a requirement to obtain clearance from a court, the agency that processes child-support payments, or others. These are not the processes of interest for the purposes of this report, however. The goal was to identify examples of non-automatic reinstatement processes that afford the state an opportunity to review a driver’s likelihood of behaving in a safe and lawful manner. In effect, we set out to find processes that would allow for a final review focused on the driver’s skill and/or attitudes prior to reinstatement. That review could be in the form of a face-to-face hearing, a departmental review of materials without the driver present, or some other activity involving a final approval by the department prior to reinstatement.

Arkansas

The Arkansas Department of Finance and Administration, Office of Driver Services employs 25 Driver Control Hearing Officers throughout the State. Drivers suspended for points violations are notified of a mandatory hearing at which the hearing officer may decide to take no action, probation (suspension if further points accrue), restricted driving privileges, or suspension. Failure to appear at the hearing results in automatic

Costs and Benefits of Non-Automatic Driver License Reinstatement

suspension. Drivers facing administrative suspension or revocation for alcohol-related violations may request a hearing within seven days of arrest. The hearing is to determine only the facts of whether they were driving while intoxicated, registered a .08 BAC or greater, or refused the alcohol test. Hearings are not held prior to reinstatement. Arkansas could not provide data on the number, outcome, or effectiveness of hearings for either points violations or DWI offenses.

California

California DMV manages the Negligent Operator Treatment System (NOTS), most recently evaluated in 2009 by the Research and Development Branch. California vehicle code defines a negligent operator as anyone who reaches four points in a year, six in a two-year period or eight in three years. Four levels of progressively stronger interventions are involved in NOTS:

- 1) Warning letter – low-level threat encouraging the driver to change behavior
- 2) Notice of Intent to Suspend (a more severe warning letter)
- 3) Probation with suspension hearing
- 4) Probation-violator suspensions and revocations.

Individual driver's NOTS level is determined under the state's point system: partial-to-total responsibility for a crash and minor traffic convictions accrue one point. Major traffic convictions (DUI, reckless, hit-and-run) accrue two points. A Level 1 warning letter is sent to a driver who is judged responsible for a crash or who accumulates two negligent operator points in one year, four in two years, or six in three years. Approximately 250,000 warning letters are sent each year.

Level 2 letters are sent when a driver is one point below being classified as a negligent operator (i.e., three points in one year, five in two years, or seven in three years). The letter serves as notice that another at-fault crash or moving violation can result in suspension. Approximately 60,000 notice of intent letters are sent each year.

Level 3 notices of suspension action are sent when a driver crosses the threshold to qualify as a negligent operator. Drivers have 34 days from the date of mailing to request a hearing. DMV hearing officers have the latitude to place a driver on probation and suspension (i.e., simultaneous actions, not probation in lieu of suspension). Drivers who do not request a hearing are automatically placed on probation and suspension. Approximately 40,000 level three actions are taken each year, including 11,000 hearings.

Level 4 is reserved for those who commit violations (including driving while suspended) during the suspension or probation periods. First and second offenses result in a six-month suspension added to the original suspension and probation periods. Third and subsequent offenses result in additional one-year revocation. Approximately 14,000 Level 4 actions are taken each year, including approximately 3,000 hearings. California conducts periodic evaluations of Levels 1 through 3 NOTS effectiveness using an experimental methodology where a random selection of drivers at each level is delayed in receiving the treatment appropriate to their level. If the treatments are

Costs and Benefits of Non-Automatic Driver License Reinstatement

effective, it is expected that drivers receiving the treatment at the normal time (immediately) will show a lower risk of crashes and violations over the next six-to-twelve months compared to those who were delayed in starting the program. The 2009 evaluation produced the following results (significance levels shown in parentheses):

- Level 1: Reduces the six month crash risk by 4.62% (ns: $p < .095$)
Reduces the six month citation risk by 5.02% (ns: $p < .082$)
- Level 2: Reduces the six month crash risk by 8.04% (ns: $p < .078$)
Reduces the six month citation risk by 6.29% ($p < .001$)
- Level 3: Reduces the twelve month crash risk by 14.40% ($p < .005$)
Reduces the twelve month citation risk by 13.92% ($p < .001$)

A less rigorous evaluation of the effects of Level 4 interventions estimated an 18.15% ($p < .04$) reduction in crash risk over the following 18 months. The Level 4 reduction in citations is not provided in the report, but is reported as statistically significant. That the program is cost-effective is indicated by the overall cost of the program at each level (includes wages, benefits, postage, and misc.) and the cost-per-crash prevented. The California analysis does not show an estimated savings (using a crash cost model), so in the table below we have added conservative estimates of crash costs from the National Safety Council as a way to show program savings.

NOTS Level	FY 2008 Cost	Crashes Prevented	Cost per crash prevented	Net Savings per crash avoided ¹	Net annual savings ²
Level 1	\$184,767	436	\$424	\$7,876	\$3,433,936
Level 2	\$38,128	200	\$191	\$8,109	\$1,621,800
Level 3	\$525,779	303	\$1,735	\$6,565	\$1,989,195
Level 4	\$155,244	371	\$418	\$7,882	\$2,924,222
Total	\$903,918	1,310	\$690	\$7,610	\$9,969,153

Table Notes

1. This is a very conservative estimate using the 2008 NSC property-damage-only crash cost of \$8,300 per event. The much higher costs associated with any injuries or fatalities are not included.
2. Net annual savings are based on subtracting the annual cost of the program from the annual savings based on crashes avoided. Note column and row grand total savings mismatch by \$53 due to rounding error. The column total is presented.

The California NOTS program treated some 300,000 drivers in 2008 at a cost of just under \$1 million. It generated a minimum of almost \$10 million in savings from reduced crashes alone. As noted in the table, this is a minimum estimate using crash costs for property damage only – ignoring the costs of any injuries and fatalities that may have

Costs and Benefits of Non-Automatic Driver License Reinstatement

resulted from the crashes that were avoided. The reduced crash involvement and reduced citations lower the number of people who progress from one program level to the next. That means that the lower levels of the program serve (in part) to generate savings at the higher levels of the program. These internal programmatic savings are also not part of the net annual savings presented in the table. Conservatively, it is reasonable to assign the California NOTS program a benefit cost ratio of 10-to-1.

Colorado

The Colorado Department of Revenue (DOR), created a data run specifically to assess the effects of voluntary hearings for points-suspended drivers. Drivers who attend a hearing in Colorado have the possibility of probation with restricted driving privilege and/or a reduction in the duration of their suspension. Some drivers who request a hearing are given the normal suspension. Drivers who do not attend a hearing receive the normal suspension by default.

In order to have sufficient time in the post-suspension period, the analysis reviewed the driving records of individuals who received their first-ever points suspension in 2004. All drivers in the analysis have a current valid license (as of the time of analysis in 2010). A five-year post sanction period was used to assess the points accumulation subsequent to 1) voluntary hearing or 2) no hearing. The table below presents the data for all 7,241 drivers in the analysis. Sub-tables produced for drivers sorted by age are not reproduced for this report, but are available for review.

Points in 5 years	Hearing Attendees (N=5402)	% of total	No hearing (N=1839)	% Total
0	1366	25.29	724	39.37
1-5	1299	24.05	587	31.92
6-11	1573	29.12	334	18.16
12-17	765	14.16	137	7.45
18-23	274	5.07	36	1.96
24-29	76	1.41	19	1.03
30-35	34	0.63	1	0.05
36-41	8	0.15	1	0.05
42+	7	0.13	0	0.00

A Chi-Squared test of association shows that the two distributions (hearing and no-hearing) are different ($X^2 = 284.35$, $p < .001$). Examination of the table and residuals from the chi-squared analysis shows evidence that the most salient differences are that a greater proportion of the no-hearing drivers sustained a zero or very low point total for five years, in comparison to those drivers who did attend a hearing. In other words, the Colorado experience would indicate that hearings did not result in improved driver performance. The self-selection process may explain this surprising result because

Costs and Benefits of Non-Automatic Driver License Reinstatement

drivers who chose not to attend a hearing may have decided to drive less or in a different manner than those who received a suspension. In fact, Colorado's data may be viewed as confirmation of the "reinstatement paradox" cited in earlier studies (see, for example, Voas, 2001) comparing the post-reinstatement driving records of drivers who reinstate versus those who choose the option of not reinstating (whether or not they continue to drive while under suspension is an open question).

Indeed, the major weakness in the Colorado analysis is that the state could not adequately filter the records for date of reinstatement. While it is known that all of the drivers included in the analysis are *currently* licensed, it is possible that a greater proportion of the "no hearing" drivers spent more than just the minimum amount of time suspended. It is thus possible that one reason the point accruals are lower for the no hearing drivers is that they, in fact, were not drivers for a significantly greater portion of the past five years. This possibility points to a weakness in many state driver records systems in terms of supporting analyses of the type that would be required in order to assess the effectiveness of driver control programs; that is, the databases either lack the pertinent data on individual records, or are too unwieldy. As discussed in the summary below, many states said they could not supply data because the IT effort involved in conducting the needed database queries was excessive.

Illinois

Illinois Administrative Code, Title 92, Chapter II, Part 1001, SubPart D states: In cases in which a person's driver license and driving privileges are suspended or revoked, the Secretary [of State] has been given the following statutory mandate:

In no event shall the Secretary issue such license unless and until such person has had a hearing pursuant to the Code and the appropriate administrative rules and the Secretary is satisfied, after a review or investigation of such person, that to grant the privilege of driving a motor vehicle on the highways will not endanger the public safety or welfare.
(Emphasis shown as in the original).

The Illinois Secretary of State (SOS) manages the license reinstatement process with this mandate in mind. In particular, this statement in the law was referenced as the support for administrative procedures used in the review of drivers applying for reinstatement after suspension or revocation for alcohol or drug related offenses. To carry out this role, the SOS has established a two-tier hearing system: informal and formal hearings. These are described as follows:

Informal hearings

Informal hearings are performed on a first-come-first-served basis by hearing officers working in any of the SOS facilities statewide. There is no fee for the hearing. Hearings are not recorded. The results of the hearing are binding (no appeal). No specific duration was listed for informal hearings, but they were described as "shorter than a formal hearing" (i.e., less than 40 minutes). First-offense DUI violators are eligible for an informal hearing, as are most other suspended drivers.

Costs and Benefits of Non-Automatic Driver License Reinstatement

Formal hearings

Formal hearings must be scheduled in advance and are held in only four locations. In addition to the SOS hearing officer, an attorney is also present representing the State's interest. There is a \$50 filing fee for a formal hearing. The hearings are recorded. Results may be appealed to the Circuit Court. A typical hearing lasts 40 minutes. Drivers revoked for multiple DUI offenses as well as more serious driving related offenses such as causing a death.

In all hearings, the intent of the hearing officers is to withhold driving privileges until/unless the driver provides clear and convincing evidence (the State's legal standard) that they have resolved their problem and would not pose a risk to public safety or welfare.

Data on the informal hearings is difficult to obtain. Information provided indicates that the SOS holds between 10,000 and 12,000 formal hearings a year, however, this is a mix of first-time and subsequent hearings. Individuals may request a new formal hearing every 3 months. Informal hearings (if eligible) may be requested once per month. It was stated that "very few" drivers get any sort of relief at their first hearing, but that overall, 1/3 of hearings result in full reinstatement, 1/3 in restricted driving permits, and 1/3 in "no relief."

Based on the information supplied, although the administrative code focuses expressly on alcohol offenders, the hearings are for any driver seeking reinstatement. In both tiers, the hearing officer is tasked with reviewing documents and questioning the driver to determine if the individual has "learned from the experience." Documentation supplied by the applicant is reviewed in detail, not simply taken "at face value."

Maryland

The Maryland Motor Vehicle Administration (MVA) does not hold hearings prior to reinstatement, but does a thorough review of revoked drivers who apply for reinstatement. In a typical case involving a DUI offender, the MVA checks to make sure that the person meets all conditions of reinstatement, including driver improvement training, alcohol counseling, and treatment. For most first-time offenders, the review ends without contact or follow-up with the revoked driver. In some cases, an investigator will determine if the offender is driving while revoked. For some first-time DUI offenders and all offenders with two or more DUI convictions, the Medical Advisory Board (MAB) interviews the applicant to determine compliance with and success of the alcohol treatment and counseling. Hearings are offered if a person is denied reinstatement following the MVA or MAB reviews. It is rare for a hearing to override the opinion of a medical professional.

Minnesota

The Minnesota Department of Public Safety, Driver and Vehicle Services (DVS) provided information on two programs involving hearings – one current program for drivers whose licenses are cancelled (essentially the same as revocation in most states) for multiple alcohol offenses, and a previous program aimed at first-time revocations

Costs and Benefits of Non-Automatic Driver License Reinstatement

(same as suspension in most states). In both cases, hearing officers are senior clerks (in a salary range of \$40,000 to \$50,000 in current pay grades). The now-defunct program was designed to forestall suspension (deferred action) of driving privileges by establishing an agreement between the driver and the DVS for six months to one year as long as the person remained conviction-free during that period. The program was halted in 2003 because it violated federal guidelines by masking suspensions (especially of concern for commercial vehicle drivers). There were no data available on the effectiveness of the program, but the DVS felt it was successful in reducing the violation rate of targeted drivers. It was limited to drivers who were the least likely to recidivate (first time facing suspension and no alcohol-related convictions); however, so the relevance to drivers with a history of more serious offenses is limited.

Minnesota's ongoing program for multiple DUI offenders is similar to the formal hearing program in Illinois. Drivers who are cancelled (or denied if they have recently moved into the state) due to multiple alcohol offenses cannot obtain a new license unless they can show proof of treatment, ongoing support group attendance and after care. A personal affidavit of alcohol abstinence with supporting material is required. Applicants may bring a lawyer with them to the hearing. Unlike the Illinois process, the hearing officers are not generally assessing the sincerity of the applicant's recovery efforts, but only ensuring that the steps required for obtaining a new license have been met. Hearings are held statewide based on a schedule of visits of the hearing officers to each region in the state.

Missouri

The Missouri Department of Revenue, Driver License Bureau has a cadre of 13 attorneys who serve as administrative hearing officers, conducting some 8400 hearings per year for alcohol-related suspensions. Hearing officers are paid an average of \$45,000 per year. Hearings are not mandatory, but are scheduled only upon application by the offender. The hearings are not related to reinstatement following suspension, but may result in removal of the suspension (rescission). Approximately 8% of the hearings result in rescission of the suspension, about 6% end in default (the applicant fails to appear), and the remainder end with the suspension sustained (i.e., no relief). The most frequent reasons for rescission are the failure of the arresting officer to observe the offender for the required 20-minute period, equipment failure/out of certification, and no probable cause for the stop.

Pennsylvania

The Pennsylvania Department of Transportation, Bureau of Driver Licensing maintains a staff of 10 Driver Safety Examiners working in 21 of 72 licensing locations throughout the state. They do not keep statistics on the number of hearings they hold each year, but current data shows a backlog of over 1000 hearings waiting to be scheduled. Pennsylvania's point system and driver control program includes the following sanction possibilities (depending on number and type of violations, passage of time, and, in the case of young-driver sanctions, the age of the driver:

Costs and Benefits of Non-Automatic Driver License Reinstatement

- 1) Special Written Exam – triggered when a driver reaches 6 points. Successful completion removes 2 points from the license. Failure to complete the exam within 30 days results in the suspension until the exam is passed.
- 2) Type II Hearing – triggered when a driver reaches 6 points a second time. The hearing examiner reviews the driver’s record and may recommend no action, or a 15-day suspension and/or a skills test. If the driver’s license is suspended or the skills test is required, successful completion of either results in removal of 2 points. Failure to attend the hearing results in a 60-day suspension.
- 3) Type III Hearing – triggered when a driver reaches 6 points a third (or subsequent) time. The hearing officer reviews the driver’s history and recommends no action or a 30-day suspension. Failure to attend the hearing results in indefinite suspension until the driver attends the hearing.
- 4) Suspension – For alcohol-related violations, a separate process is followed that results in administrative suspension. For non-alcohol violations, whenever a driver accumulates 11 or more points, the license is automatically suspended for a period of time depending on the number of prior suspensions, from a minimum of 55 days (5 days per point) up to a maximum of one year (for 4+ suspensions).
- 5) Speed Hearing – drivers convicted of driving 31 mph or more over the posted speed limit are required to attend a hearing, with the same consequences as a Type II hearing.
- 6) Young Driver Hearing – Drivers under 18 years old will be suspended for accumulating 6 points or conviction for driving 26 mph over the posted speed limit. The first suspension is 90 days and suspensions are for 120 days, in addition to the requirements posted for other sanctions applicable to all drivers.

Three points are removed for each 12-month period without a point violation, suspension, or revocation. Drivers who have reached zero points for 12 consecutive months are treated as first-time violators with respect to the sanctions listed.

A 2008 evaluation of the full range of Pennsylvania’s driver control program included an analysis of the effectiveness on the six sanctions listed above. The nature of the evaluations was to compare the pre-sanction “trajectory” of points accumulation against the actual points accumulation after the sanction was put in place. In this method, the pre-sanction rate of point accumulation was calculated for each driver in a random 10% sample, calculated separately for people who experienced each particular sanction (written 6-point exam, Type II hearing, etc.). That rate established a baseline against which any reduction in point accumulation can be compared during the post-sanction period. The following table shows the reduction in points accumulated for the drivers in the sample and estimated reduction for all drivers experiencing that sanction.

Costs and Benefits of Non-Automatic Driver License Reinstatement

Sanction	N in Sample	Pre-sanction point accumulation rate	Post-sanction point accumulation rate	Percent Reduction	Projected Reduction in Violations
6-pt exam	15,862	0.86	0.74	10%	5,693
Type II hearing	4,429	2.38	0.79	66%	28,200
Type III hearing	1,114	2.95	0.61	79%	9,950
Suspension	15,651	1.20	0.52	52%	38,627
Speed hearing	1,834	1.55	0.71	50%	5,437
Young driver	217	3.55	1.08	68%	1,860

The analysis projects a total annual reduction of almost 90,000 violations for the drivers subject to sanction under the Pennsylvania driver control program overall. This analysis has some limitations with respect to the questions asked in the current research project by the State of Wisconsin. Most notably, the driver control program elements being examined are not directly related to non-automatic license reinstatement. In addition, the use of a pre-sanction points accumulation rate as the prediction for later behavior under a fictitious “no sanctions” condition may be too simplistic. The duration of the post-sanction period in the analysis is sufficiently long (multiple years of data), however, to give us some confidence that the sanctions did indeed result in some lasting changes in driver behavior. Unfortunately, the Pennsylvania study did not include an evaluation of the effect of sanctions on crash risk, so it is impossible to make the direct connection to safety improvement that is the expected result from improved driver behavior. It is also worth noting that the Pennsylvania study is one of two (see the presentation of California’s Negligent Operator Treatment System for the other) we found that directly measured the effectiveness of driver license sanctions for other-than alcohol-related violations.

Summary of State Experience

- 1) States generally lack the data needed to evaluate effectiveness of their driver control programs: Several of the states that answered the questionnaire in the affirmative with respect to having data to evaluate their hearing processes turned out to be unable to provide data. While it is usually true that the state driver history databases contain sufficient detail to allow identification of drivers who attended a hearing, and to support review of their post-hearing record of convictions (and possibly, crash involvement), the states generally do not request these reports. In effect, that means that any analysis of effectiveness must allow sufficient time for an analysis to be requested, programmed, and delivered. In addition, none of the states we spoke with could do an analysis without supplying funding to their IT staff. The lone exception, Colorado, could do so, but only in a limited way (requesting an analysis that could not control for the important variable of time-since-reinstatement).

Costs and Benefits of Non-Automatic Driver License Reinstatement

- 2) There is limited experience with non-automatic reinstatement of the type(s) of interest to Wisconsin. In particular, while some states do hold hearings or reviews prior to reinstatement (especially for drivers convicted of alcohol-related offenses, felony violations in general, and/or those who reach a special “high” offense category), the effectiveness of hearings alone is simply not subject to separate evaluation. The state may evaluate the effectiveness of its entire driver control program (or its high-level offender program), but isolating out the effects of the activities just prior to reinstatement is not normally done.
- 3) California and Pennsylvania are the closest to providing relevant data for the question of hearing effectiveness. These two states provided reasonably valid analyses of effectiveness using radically different methodologies. Both studies showed an effect of hearings on subsequent convictions. The California study goes further by making the link to improved driver safety in terms of a post-sanction reduction in at-fault crash involvement. While both studies have their limitations, it is encouraging to see that it is possible to make the link between sanctions and behavior change.

Recommendations

The examples drawn from various states that answered the questionnaire and provided information during the post-survey follow-up contacts make it difficult to recommend that Wisconsin establish a non-automatic license reinstatement process. There is a lack of valid analysis that directly addresses the question of program effectiveness. Thus, it is impossible to provide Wisconsin with a “data-driven” set of recommendations. That is not to say that such programs are ineffective, but simply that there aren’t enough evaluation reports to support a determination of the effectiveness of non-automatic reinstatement practices.

Overall Recommendation_Monitor Other States:

Our overall recommendation is to stay aware of research being done in California and Pennsylvania in the hope of obtaining strong evidence of program effectiveness. Future reports from these states should be useful in deciding whether to pursue or expand a similar program in Wisconsin. We further recommend staying in contact with the neighboring state of Illinois—there may be an opportunity for analysis of the effectiveness of formal hearings conducted by that State in the future.

Recommendations on Alternatives:

- (A) **Do nothing:** One obvious alternative for the State of Wisconsin is to do nothing (beyond the overall recommendation to remain aware of progress in other states). The cost of doing so is essentially zero and the benefit may be that another state (such as California or Pennsylvania) provides more conclusive data on the effectiveness of non-automatic license reinstatement that would provide WisDOT with sufficient justification to pursue its own program.

Costs and Benefits of Non-Automatic Driver License Reinstatement

- (B) **Cost Neutral Alternative:** We believe, however, that WisDOT could pursue a non-automatic license reinstatement program in the near term, even in the absence of conclusive data from other states. This would require a modest program with essentially no net cost to the state because the assumption would have to be that WisDOT could not immediately prove the value of the program for safety or reduced recidivism. In essence, the program would have to be funded through other sources and managed in a way that quickly produced results suitable for evaluation.

We believe that a non-automatic reinstatement program could be designed to be cost-neutral to the State, and that it could include an evaluation component that would ultimately support the desired effectiveness analyses. Since there is no evidence that non-automatic reinstatement would result in a *decrease* in safety, a cost-neutral option may well be worth implementing with an eye toward proving its value over subsequent years as valid data are collected and analyzed.

In the interest of helping Wisconsin to explore alternatives – another goal of this research project – we make the following recommendations on what practices and policies could be included in a cost-neutral non-automatic license reinstatement program in Wisconsin. These recommendations are suggestions that would apply if Wisconsin decides now or in the future to pursue a program.

- 1) Whatever program Wisconsin pursues, it should be sure to make the up-front commitment to valid evaluation of the outcomes, and ensure that current or revised driver records systems can support the required analysis. Comparing the two best analyses provided by California and Pennsylvania, and the problems highlighted by the Colorado analysis, we suggest the following steps in advance of implementing a non-automated reinstatement program in Wisconsin:
 - a. Conduct a data needs analysis involving the WisDOT IT and Driver Control staff to determine the requirements for programming to support a valid reporting of driver history data to include:
 1. individual driver records pre- and post- reinstatement.
 2. reporting of specific violation history for a sufficiently long pre-suspension period (suggest at least 5 years prior history, or full licensure period for those driving less than 5 years).
 3. tracking of violation history post-suspension, and post-reinstatement. If violation history is not available, then conviction history should be used. The period between suspension and reinstatement should be separable for the purposes of analyzing driving while suspended/revoked.
 4. long-term tracking of previously suspended and reinstated individuals so that longitudinal analyses of program effectiveness (e.g., survival analysis, trend analysis, etc.) can be supported.

Costs and Benefits of Non-Automatic Driver License Reinstatement

5. the ability to annotate records with any “special status” that results from departmental actions prior to (or as a condition of) reinstatement. If drivers are reinstated “with probation,” for example, that fact should be noted on the driver history along with the duration of the probation.
 6. crash-involvement and, if possible, “at fault” crash involvement should be recorded for all drivers. The determination of “at fault” need not be part of the public portion of a driver’s record, but it should be available for review by hearing officers and analysis of program effectiveness. If this information cannot be added to all driver history records, then a plan for conducting a periodic special analysis on a subset of suspended/revoked drivers should be conducted and included in the proposal for IT resources and costs.
- b. Draft suggested law revision to include broad latitude for administering a non-automatic reinstatement program. The issues to be addressed in the revised language include:
1. Revocation and suspension should both be candidates for non-automatic reinstatement under selected conditions (suggested conditions are described below)
 2. The section of the law dealing with reinstatement after revocation (343.38 (1)(b) should be broadened to include the phrase “*If the secretary so prescribes, passes examinations and reviews as specified by the Department; and*” in place of the current wording.
 3. Section 343.39 (1)(a) –statements on automatic reinstatement have been moved (i.e., section 343.39 (1)(a) no longer appears, but section 343.38 (3) includes the statements formerly under 343.39 (1)(a)). It now appears to us that a law change is required to allow non-automatic reinstatement. We recommend a statement added to 343.33 (3) to say: “*Except as the Secretary requires the driver to pass examinations and reviews as specified by the Department.*”
- 2) Implement pre-reinstatement reviews and hearings as follows:
- a. All suspended and revoked drivers should have to apply for reinstatement. The application can be a simple statement or online form such as “I believe my suspension/revocation period has expired and that I have completed all requirements for reinstatement.”
 - b. All revoked drivers should have a review prior to reinstatement. At a minimum, these drivers should go through a process similar to if they were obtaining a new license including a written exam and on-the-road driving skills test.
 - c. Those revoked for alcohol or drug-related offenses should go through a further review/examination modeled after the Illinois formal hearing process to include:

Costs and Benefits of Non-Automatic Driver License Reinstatement

1. Review of driver compliance with court-imposed and administrative requirements
2. Review of driver attitude regarding their drug or alcohol problem and the risk of future violation posed by the driver.

NOTE: Although the Illinois processes have not been proven effective through valid analyses of safety outcomes, the formal hearing process is appealing from the standpoint of being thorough and amenable to analysis if the proper data are collected. A less formal process would potentially lead to variability in the way hearings are conducted and what is covered during the hearings. In addition, the formal hearing process affords the best possible case for the State upon appeal since it could prove, by virtue of its high standards for hearings that it had not acted in an arbitrary or capricious manner. For these reasons, we recommend the Illinois formal hearing process as a model.

- d. Drivers suspended for multiple violations or a pattern of unsafe driving should be reinstated automatically (the majority), internally reviewed, or subject to a hearing if the staff believes it is warranted.
 1. Automatic reinstatement would be the norm following suspension for non-traffic related violations and all failure-to-pay/failure-to-appear suspensions.
 2. Reviews prior to reinstatement should be used primarily as a review of the person's driving history prior to suspension.
 3. A hearing should be triggered based on standard criteria addressing the number and type of prior violations, time lapse since prior violations, reason for suspension, driving while suspended violations, and others, as the department deems appropriate.

3) Budgeting

- a. The program budget should include the following components (recommended values are provided where possible):
 1. Programming of required reports to support program management and analysis. The amount of money to allocate for this activity will depend on the needs assessment recommended in recommendation 1(a).
 2. Personnel at the level of a hearing examiner (hourly pay grade \$16.902 - \$38.875) should conduct departmental reviews. These personnel would be responsible for reviewing some portion of the approximately 200,000 drivers' who reinstate each year. Because of this volume, we recommend that the level of activity here be limited to drivers who were suspended for "driving record" reasons. This would amount to some 40,000 reviews. The cost per review is not excessive assuming the mid-point of the salary range and a reasonable amount for fringe benefits and overhead.

Costs and Benefits of Non-Automatic Driver License Reinstatement

Depending on how the law is changed, one possibility would be to charge application fee for reinstatement. About \$400,000 would be needed to cover a headcount 20 hearing officers plus 30% additional costs. An application fee could be set appropriately to cover the cost of the proposed reviews.

3. Departmental hearings are six-times as costly as an internal review, based on two assumptions: 1) a higher salary level for attorneys to conduct the hearings (\$23.673 - \$57.218) and 2) an average of one hearing per productive work hour. To accomplish the work load resulting from just 10% of all internal reviews resulting in a hearing would require a minimum of two attorneys (each handling about 2,000 hearings per year), plus administrative support staff, resulting in an annual cost of about \$240,000 assuming the middle of the attorney pay grade and 30% additional costs. A separate application fee could be charged to cover the costs of Departmental hearings.
4. For appeals, it is difficult to estimate the proportion of hearings that would result in an appeal. Assuming the attorneys would represent the Department at any appeal, and that the costs would have to be included in the budget rather than offset by application fees, about \$25,000 would need to be added to the budget (just over 10% of the total cost of Departmental hearings). If the hearing program expands, the cost associated with appeals would have to be increased as well. One possible way to cover this cost would be to add a surcharge to the cost of hearing applications. The assumptions here do not include costs external to the Department for the court to hear the appeal.

Based upon a U.S. Supreme Court ruling (1984), the judiciary affords broad discretion to an administrative agency in determinations made relative to its authority. In order to be overturned, the agency must be found to have acted arbitrarily and capriciously, exceeded its authority, or made an erroneous interpretation of the law. One of the benefits of holding such hearings is that, over time, the courts hear more appeals and become more familiar with traffic law and traffic case law. This fact, in and of itself, provides for more equitable treatment of violators.

4) Analysis of Program Effectiveness

As noted earlier, many states have programs that are administered in the absence of basic data on volume and productivity, let alone valid measures of effectiveness. It is recommended that Wisconsin build in support for analysis as follows:

- a. Productivity measures should be used to track the number of reviews, the number of hearings, the time spent on each review and hearing, and the administrative costs of the two programs. These measures should be generated in an automated fashion wherever possible based on data captured by the staff involved and entered into Departmental databases.
- b. Outcome measures should track the total number of drivers reinstated without review, the number of reviews ending in a hearing recommendation, and the

Costs and Benefits of Non-Automatic Driver License Reinstatement

number of hearings resulting in reinstatement, probation (with reinstatement), denial of reinstatement, and whatever other actions the program supports.

- c. Effectiveness analysis should be supported in a manner similar to, but improving upon, the method used by Pennsylvania in 2008. This method used the trend in points accumulation for drivers subject to sanction to develop a predicted number of points *in the absence of* a license sanction or action. The improvement we recommend on this method is to use drivers who were subject to a review, but ultimately not brought in for a hearing, to establish a baseline condition against which to compare the improvement seen in drivers who have a hearing prior to reinstatement. Given that the drivers brought in for a hearing are selected because they appear to have generally worse driving records than those not selected for a hearing, it is expected that they will have a higher potential for improvement (their trend line should be increasing faster than other suspended/revoked drivers, in general). The true test of their improved behavior would be if their trend line compares favorably to drivers who originally were judged to pose a lower safety risk. Comparing drivers who had a hearing to those who did not will allow the state to make a stronger claim for success than otherwise. In addition, if Wisconsin is able to include at-fault crash involvement (as done in California, but not Pennsylvania) in the analysis, it will be able to make the link between improved driving behavior and improved safety.
- d. Given the established principles of sovereign immunity in Wisconsin, we can provisionally recommend the method used in the California study of selecting some drivers (who would otherwise be subjected to a hearing) to have a “delayed” hearing. The advantages of the California method in terms of scientific rigor are, we feel, are worth exploring as long as the state is satisfied that the drivers selected for a delayed hearing are unlikely—during the brief period of the delay—to cause a serious crash. There are potential safety risks associated with the delayed hearing approach and these concerns should be weighed carefully before deciding whether to implement those practices, despite the obvious benefits in supporting a more rigorous level of analysis.

As stated above, this cost-neutral alternative was developed based on the desire to explore options rather than on research evaluation of the effectiveness of non-automatic license reinstatement. The goal in providing this program description is to give the State a sense of what we believe would be a strong program in that it would meet the following goals:

- It could be implemented in the near term.
- It would support valid analysis of program effectiveness.
- It would meet a requirement to avoid arbitrary/capricious decisions with respect to driver license reinstatement
- It would (if supported through application fees), be designed as cost-neutral to the State, thus virtually guaranteeing a positive benefit/cost ratio once it is proven to be effective through valid analysis.

Summary and Conclusions

This report represents an effort to identify methods used successfully to forestall automatic license reinstatement for drivers who pose a significant risk of recidivism and/or pose a higher-than-normal threat to safety. In polling the US states and Canadian provinces, it was clear that most drivers coming off a suspension are merely required to pay a fee to reinstate their license. In some cases, automatic license reinstatement includes proof of clearance of court-ordered barriers (e.g., payment of the original fine, court costs, etc.) or approval of another state agency (e.g., in cases of non-payment of child support). Some suspended drivers also must show proof of financial responsibility, usually in the form of automobile insurance. This is proof of coverage (or financial responsibility) for the future, since the insurance company is required to report immediately upon cancellation or non-payment of the policy. All of these qualify as automatic reinstatement for the purposes of this report. The goal here was to identify programs whereby a driver who meets all the requirements for reinstatement might still be barred from reinstatement based on a state review. Specifically, this review should include the driver's history, current "attitude," or perceived likelihood of posing a safety risk.

There were few such programs identified either through a review of the state laws or through a survey broadcast to all state motor vehicle/driver licensing agencies through the AAMVA network. The survey response was moderate and prompted a follow-up with several states, along with an appeal to some states who did not initially respond. The follow-up, as might be expected, resulted in some states essentially modifying their initial survey responses. In particular, several states who had previously indicated that they had data available on the costs or effectiveness of their "non-automatic" reinstatement process turned out not to have data available or to have an automatic process for most (or even all) reinstatements.

The follow-up information presented from states in this report has been selected to provide descriptions of existing programs and, where possible, give some useful indication of expected volume of hearings, costs, or, in three cases, effectiveness of driver control practices (whether or not directed at reinstatement specifically). Based on this information, a series of recommendations are presented which Wisconsin may find useful in developing a proposal to pursue a non-automated reinstatement process for suspended and revoked drivers. The recommendations outlined here include:

- Support for necessary IT activities to ensure availability of data to manage the program and evaluate effectiveness.
- A two-tier process for internal review (no driver presence) followed by mandatory hearings for a select few drivers.
- Estimated costs for a program resulting in prioritized review of about 40,000 reinstating drivers (approximately 1/5 of all reinstatements expected in a year), with about 10% of those resulting in a face-to-face hearing.

Costs and Benefits of Non-Automatic Driver License Reinstatement

- The estimated cost of the program would be less than \$1 million annually. We recommend an application fee to cover the majority of the costs (all but the cost of appeals). Depending on how the state implements this fee, it might even be possible to fund a larger program than the 40,000 reviews and 4,000 hearings recommended here.

The primary recommendation of the report is to stay in close contact with three states (California, Illinois, and Pennsylvania) to learn of future evaluations of their hearing programs. Those states, and in particular California and Pennsylvania) are the currently most likely sources for the kinds of evaluation WisDOT hoped to learn of through this research project. We provide an alternative that would start out as a self-supporting program that would develop evaluation data analyses over time in Wisconsin. Realistically, though, lacking such data analyses from other states to prove in advance the likely value of non-automatic driver license reinstatement, the more prudent approach may be to see what develops in the small number of states that have such programs and may provide more compelling proof of their programs' success in the future.

We recognize that the alternative program represents a significant head count increase in the driver control program of WisDOT. The salaries associated with a staff of some 20 hearing officers to conduct reviews, and an additional two attorneys to conduct hearings and represent the Department during appeals accounts for the majority of the estimated annual cost (costs plus fringe are estimated at between \$640,000 and \$1 Million). We believe the only way this program could be implemented in the current economic climate is as a cost-neutral effort supported by application fees. An increase in the WisDOT budget to cover the cost of the program is explicitly not considered a viable option at this time. The program described here is designed to provide data that would support effectiveness evaluation so that, in time, the benefit/cost ratio for the program could be calculated. Again, these ideas are offered as an alternative.

Costs and Benefits of Non-Automatic Driver License Reinstatement

References

Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc. 467 U.S. 837, 104 S. Ct. 2778, 81 L.Ed.2d 694 (1984)

Electronic reproduction of 2007–08 Wis. Stats. Database, updated and current through 2009 Act 406 and June 30, 2010. *Chapter 343, Operators' Licenses*.

URL: <http://legis.wisconsin.gov/statutes/Stat0343.pdf>

Gebers, M.A., *Enhanced Negligent Operator Treatment Evaluation System: Program Effectiveness Report #1*. CAL-DMV-RSS-09-230. California Department of Motor Vehicles, Research and Development Branch, 2009.

Vance, R.J., et al., *The Impact of the Sanctioning Process on Driver Safety: Final Report*, Pennsylvania Department of Transportation, 2008.

Voas, R. B., *DWI Offenders' Failure to Reinstate Driver's Licenses*. Paper presented at the National Association of Governors highway Safety Representatives Conference, Long Beach, October 14-17, 2001.

Costs and Benefits of Non-Automatic Driver License Reinstatement

Appendix A. Driver's License Reinstatement Questionnaire for All States

Respondent Information: *Please provide information to enable us to follow-up with you or a designated person.*

Name: _____
Agency: _____
Title: _____
Address: _____

Phone: _____
Email: _____

NOTE to Respondents: If you have documents or comments that you would like to submit as part of your answer, please e-mail or send a link for the appropriate web page to jvecchi@spike.dor.state.co.us

CONTEXT: **Automatic reinstatement** is the reinstatement of suspended or revoked drivers' licenses *without possibility of denial*, following completion of the period of suspension or revocation, once they have paid the fees and, if required, provided proof of insurance.

A state is interested in learning about non-automatic license reinstatement processes used by DMVs, including but not limited to holding review panels prior to reinstatement of drivers suspended for serious moving violations. **Information on any alternatives to automatic reinstatement is of interest.**

Are you interested in receiving a copy of the final report of this study?

Yes
 No

1. Under what conditions (if any) is driver's license reinstatement **not** automatic in your state?

2. Does your agency or state hold *any* hearings or reviews as part of any driver control/improvement process? (NOTE: this is for hearings *other than* the court processes leading to conviction):

a. Yes
b. No

3. If yes, please indicate under which conditions the hearings or reviews are held (check all that apply):

a. for drivers who are approaching a points/violations threshold for suspension
b. for drivers with a pattern of crash-involvements
c. for drivers who are referred by law enforcement, courts, others

Costs and Benefits of Non-Automatic Driver License Reinstatement

- d. ___ for drivers wishing to contest or appeal a suspension or revocation
 - e. ___ for drivers facing cancellation/withdrawal for medical or other reasons
 - f. ___ for drivers subject to administrative license suspension for DUI
 - g. ___ for drivers who qualify as habitual traffic offenders
 - h. ___ as a condition for license reinstatement in *all* cases
 - i. ___ as a condition for license reinstatement in selected cases (please specify types):

 - j. ___ other (please explain): _____
 - k. ___ A different agency in the state holds the hearings (please provide contact information):

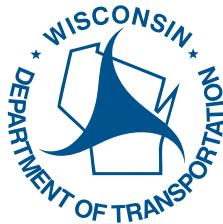
4. For any items marked in question 3, what types of hearings or reviews are held in your state? (check all that apply)
- a. ___ mandatory, initiated by the DMV
 - b. ___ mandatory, ordered by the courts
 - c. ___ hearings or reviews at the request of the driver (e.g., to contest or appeal)
 - d. ___ informal hearings (single hearing officer, without binding outcome)
 - e. ___ formal hearings (single hearing officer, binding outcome)
 - f. ___ review panel (more than one reviewer)
 - g. ___ reviews in which the driver is not present
 - h. ___ other (please explain): _____
5. Can you provide data on the costs of any of the hearings or reviews marked in question 3?
- a. ___ Yes
 - b. ___ No, we don't have the data
 - c. ___ No, we don't track the costs or cannot estimate them easily
6. Can you provide data on the *effectiveness* of hearings or reviews?
- a. ___ Yes
 - b. ___ No
7. Can you provide data on the number of drivers who recommit the same offense(s), which led to their initial suspension or revocation?
- a. ___ Yes
If yes, can you provide the data for specific types of suspended or revoked drivers based on the reason for suspension or revocation? ___ yes ___ no
 - b. ___ No
8. Please add any comments you would like to share about non-automatic license reinstatement processes that your state has tried or considered:
- _____
- _____
- _____
- _____

Costs and Benefits of Non-Automatic Driver License Reinstatement

NOTE 1: We may wish to contact you (or a designated staff person) to follow-up on the answers to these questions. If you have additional information you would like to provide, you may send it via e-mail to jvecchi@spike.dor.state.co.us or by mail to:

Data Nexus, Inc.
P.O. Box 11770
College Station, TX 77842-1770

NOTE 2: If you answered “yes” to questions 5, 6, or 7 and you can supply the data now, please do so at the same e-mail or physical address above. Please supply contact information for any data submitted if different from the person completing this form.



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