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Supplementary Notes

Abstract <p>In the fall of 1989, the content and statutory/regulatory provisions for other states' driver improvement programs were examined. This was done by both surveying the driver improvement managers in the various states and by conducting an analysis of their statutes and, where possible, their administrative rules and regulations. It is clear from these analyses that Virginia has one of the most complicated driver improvement systems in the country.</p> <p>The first analysis of information gained through these surveys involved the innovative practices in place in other states. These innovations fall into five categories: (1) point system innovations (in terms of both positive and negative point assignments), (2) innovations in scheduling, (3) new types and uses of treatment, (4) licensing innovations, and (5) statutory and policy innovations. Once these innovations were catalogued, attention was turned to the mechanisms by which the Virginia program could be changed.</p> <p>Statutory and regulatory data indicate that a majority of states permit their administrative agencies more discretion in administering driver improvement programs than is the case in Virginia. Most of these jurisdictions permit the administrative agency to promulgate point values by regulation. Alternatively, where points are not used, administrative agencies are allowed to determine the type and frequency of traffic violations that result in various driver improvement actions. Also, other states tend to allow their agencies more discretion in the number, type, and sequencing of treatments, often establishing the program in statute and describing it in regulations. Recommendations were made concerning possible statutory language to give the Commissioner of Motor Vehicles more flexibility in administering the program.</p>

FINAL REPORT
A SURVEY OF DRIVER IMPROVEMENT PROGRAMS
IN THE FIFTY STATES

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(The opinions, findings, and conclusions expressed in this report are those of the authors and not necessarily those of the sponsoring agencies.)

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EXECUTIVE SUMMARY

In the fall of 1989, the content and statutory/regulatory provisions for various states' driver improvement programs were examined. This was done by surveying the driver improvement managers in the various states and by conducting an analysis of their statutes and, where possible, their administrative rules and regulations.

It is clear from these analyses that Virginia has one of the most complicated driver improvement systems in the country. Virginia, of course, uses advisory letters, a group interview, a personal interview, probation and/or a driver improvement clinic as a result of the personal interview, and, as a last resort, suspension. (A habitual offender statute, although not a part of the driver improvement system, offers a long-term revocation for incorrigible traffic offenders.) It is interesting to note that of all the other states, only Connecticut uses as many different levels of treatment. Even California, the state upon which the Virginia program was modeled, abandoned the treatment-oriented approach in the late 1970s because of a decrease in its deterrent effect over time.

The first analysis of information gained through these surveys involved cataloguing innovative practices taking place in other states. These innovations fall into five categories: (1) point-system innovations, (2) innovations in scheduling, (3) new types and uses of treatment, (4) licensing innovations, and (5) statutory and policy innovations. Once these innovations were catalogued, attention was turned to the mechanisms by which the Virginia program could be changed.

Statutory and regulatory data indicate that a majority of states permit their administrative agencies more discretion in administering driver improvement programs than is the case in Virginia. Most of these jurisdictions permit the administrative agency to establish point values by regulation. Alternatively, where points are not used, administrative agencies are allowed to determine the type and frequency of traffic violations that result in various driver improvement actions. Also, other states tend to allow their agencies more discretion in the number, type, and sequence of treatments, often establishing the program in statute and then describing it in regulations.

The results of the survey of state driver improvement programs indicate that of those states responding:

- Seven claimed not to have a driver improvement program.
- All but nine states use a point system to identify negligent drivers.
- Of the states using point systems, nine include mandatory violations, such as vehicular manslaughter or use of a vehicle in the commission of a felony, in their point systems. Eighteen include driving under the influence of alcohol.
- Twenty-three states use an advisory or warning letter as part of their system of remediation. Sixteen use a one-on-one interview, and 5 use a one-

time-only group interview. Twenty-eight offer defensive driving courses or driver improvement schools as either a mandatory part of their program or for point reduction on a voluntary basis.

In Virginia, the Commissioner of the Department of Motor Vehicles has circumscribed powers with regard to driver improvement. Current law gives the Commissioner power to “develop, implement and review, in conjunction with relevant state and federal entities, a comprehensive highway safety program for the Commonwealth....” Sec. 46.2-223(8) Va. Code (1989). The Commissioner also has authority to “promulgate regulations which he deems necessary to carry out the provisions” of the driver improvement program. Sec. 46.2-489. The Commissioner’s authority to develop, implement, and review safety programs is limited, however, by very specific statutory language.

Innovations from Other State Programs

From the information collected from the various states, more than 65 innovative practices were catalogued for consideration in Virginia. These innovations fall into the following categories:

1. the point system, including both negative, or demerit points, and positive points
2. the scheduling of offenders into treatment to ensure that offenders do not escape or unduly delay treatment
3. innovative forms of treatment that more nearly address the driving problems of the various offenders
4. innovative licensing practices that could enhance the effectiveness of the driver improvement program
5. statutory and policy practices that enhance program operations.

A number of these appear to be appropriate for use in Virginia.

Statutory Changes Needed To Implement Innovations

It is clear from these analyses, however, that no matter which innovations are chosen, Virginia’s driver improvement statute limits the Commissioner and the Department in incorporating innovations into the program. If innovations are to be incorporated under the present scheme, significant changes in legislation will be necessary. Since statutory changes must be sought in any case, it seems appropriate that the method by which program requirements are established should also be amended at this time. This report contains detailed recommendations that constitute a preliminary effort to achieve greater administrative flexibility without attempting a wholesale revision of Virginia’s statutes.

Virginia may wish to consider following the actions of California upon whose driver improvement program Virginia's was largely modeled. The California program has undergone dramatic changes in the past 10 years. At one time, California had many levels of treatment, thereby reducing the probability of immediate suspension and increasing the time it took to arrive at that ultimate sanction. Evaluations of the California program done in the late 1970s found that the effectiveness of their program as a deterrent was significantly declining. For that reason, they instituted a new Negligent Operator Treatment System (NOTS) whose "treatments" consisted only of a warning letter, an "intent to suspend" letter, and a negligent operator suspension (combined with probation in some cases). Clearly, this system is much more stringent and has resulted in a 45 percent increase in suspensions. Although impact evaluation studies of the new California program have not been forthcoming, the California experience points up the need for an evaluation of the current deterrent effectiveness of the Virginia program. The VTRC's reports from 1979 through 1982 evaluating the Virginia program noted that the licenses of relatively few drivers were being suspended under driver improvement. It was hypothesized that, based on indirect evidence, this reduction in suspensions contributed to the lack of effectiveness of the group interview when combined with the advisory letter in that the more contacts individuals had with the program without incurring suspension, the more aware they were of the lack of direct penalties. The researchers also speculated that as drivers became more aware of the "easiness" of the system, the effectiveness of the program as a deterrent would decrease. An evaluation of its effectiveness is now needed to determine whether this did indeed occur. If deterrence has declined as it did in California, then administrators should choose options that would stiffen the penalties resulting from convictions and integrate the penalties more closely with the treatment system.

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INTRODUCTION

In 1975, Virginia's Department of Motor Vehicles abandoned its formerly punitive system of dealing with traffic offenders. Prior to 1975, statutorily mandated sanctions provided for suspension and revocation of driving privileges almost immediately after conviction for offenses of a certain gravity. Presently, the system of assigning points according to the seriousness of the violation offers treatment that allows drivers to keep driving privileges that would previously have been lost. The belief that treatment makes convicted persons better drivers is implicit in this system, and the move to a less stringent method of handling violators was one that was popular with both the public and politicians.

The Virginia Driver Improvement Program was initiated with the intent of updating the way negligent drivers were treated by moving toward a system of remediation similar to ones used in other states. The point system identifies drivers who are habitually negligent and prescribes a progressive scale of interventions designed to improve performance. Virginia's point system is set up as follows:

- For a serious offense that involves endangerment of others, reckless vehicle operation, and/or the conscious disregard for the safety of others, 6 points are assigned.
- For a relatively serious offense that does not involve endangerment of others but shows a lack of attention to circumstances and a lack of caution in vehicle operation, 4 points are assigned.
- For a less serious offense in which the hazard level is moderate, the degree of culpability is slight, and there is a failure to observe proper safety procedures, 3 points are assigned.

Virginia's Driver Improvement Program consists of three levels of treatment. The driver is assigned to a level in accordance with his/her cumulative point total, which is related to the number or severity of his/her traffic convictions. Level I treatment consists of an advisory letter. To become eligible for the advisory letter, a violator needs to accumulate 6 points in 1 year or 9 points in 2 years. Level II treatment involves a group interview. A driver who receives 8 or more points in a single year (or 12 or more in 2 years) is assigned to a group interview. The third level of treatment, the personal interview, is assigned to those who have accumulated 12 points in 1 year or 18 points in 2 years. The personal interview/driver improvement clinic is assigned as the form of treatment for the chronically deficient driver. After a one-on-one diagnostic interview, the analyst has two options: to assign the individual to the clinic or to put the individual on probation for some period of time. The clinic is most often the treatment assigned to the driver. However, suspension of privileges is utilized in more severe cases. In most cases, probation accompanies the clinic assignment.

An evaluation of Virginia's Driver Improvement Program was undertaken in 1978 by the Virginia Transportation Research Council. In early 1982, an interim report on the impact of the program, which was based on 12 months of data, was submitted, and in late 1982, the final 24-month evaluation was completed. These reports concluded that various aspects of Virginia's Driver Improvement Program had been effective in reducing convictions, but the program's effect on accident reduction had not been demonstrated. Since no points are awarded for accident involvement, the Driver Improvement Program is designed more to reduce convictions, which it was believed would ultimately result in accident reductions. In addition, because multiple treatments tended to be less effective than individual ones, it was speculated that the more contact drivers had with the system, the more they realized that additional treatment rather than suspension was imminent. It was hypothesized that as more drivers became aware of the treatment orientation, the deterrent effects of the program would decrease. A periodic reevaluation of the system was recommended in order to determine whether the potential exists for further improvements in the reduction of convictions as well as accidents.

In addition to the evaluation conducted on the impact of driver improvement, a study of inefficiencies in the present method for scheduling and/or rescheduling participants for the treatment options was conducted. In a report prepared by the Department of Information Technology (DIT), it was found that 35 percent of persons scheduled for the group interview were rescheduled or withdrawn in 1980, whereas by 1985, that number had increased to 57 percent. For the personal-interview group, 14 percent had rescheduled or withdrawn in 1980, and by 1985, that figure had increased to 24 percent. The increasing frequency of rescheduling suggests that there is a need for a more stringent rescheduling policy to eliminate much of the backlog created. In the winter of 1989, the Transportation Research Council reviewed the rescheduling policies and procedures of other states and made recommendations concerning a revision of Virginia's policies (see Appendix A).

The DIT report also pointed out problems in the administration of the point system, which are directly related to the treatments involved. Those problems included the following:

1. There are inappropriate candidates for treatment because in Virginia's system, the severity of convictions varies; thus, there can be very different types of violators at the same point level.
2. Because of the method used to accumulate points, some violators receive inconsistent "amounts" of treatment and, in some cases, may skip certain treatment levels. For instance, violators who quickly incur two 4-point speeding convictions bypass the advisory letter and are immediately assigned to the group interview.
3. The time between the last offense and the treatment is inconsistent as well as inappropriate. In order for treatment to be effective, it must follow driving violations very closely. However, in Virginia, the amount of time between the violation that triggers treatment and the treatment itself may vary between 28 to 51 weeks, thus making the effectiveness of treatment minimal.
4. Policies governing scheduling or withdrawal from treatment are unclear, and the inability to locate individuals because of incorrect information on file results in excessive walk-in and failure-to-appear rates.
5. The program lacks a statute of limitations on the assignment of treatment. This results in postponing treatment until a date remote from the date of the offense; it also reduces the credibility of and respect for the program.

This survey examines ways that other states have addressed these problems.

PURPOSE AND SCOPE

In an effort to ensure (1) that Virginia's Driver Improvement Program is of maximum effectiveness in improving both the skills and attitudes of convicted drivers and (2) that as a consequence, it reduces the frequency of accidents, a survey of the driver improvement programs in operation in the 50 states was conducted to determine the state of the art. The survey solicited information on most of the issues that concern driver improvement program administrators. (For a complete listing of these issues, see Appendix B). The survey generated a compendium of current practices about the characteristics of the components of successful driver improvement programs. The identification of these successful and innovative components and their incorporation into Virginia's current procedures is the long-term goal of this project.

METHODOLOGY

This project was conducted in two stages. The first stage consisted of collecting all documentation available on each state's driver improvement efforts. Although a great deal of information and research literature has already accumulated, much of that information is outdated for the purpose of improving and updating Virginia's Driver Improvement Program; consequently, a questionnaire was sent to each state's driver improvement manager. The questionnaire contained several questions concerning the program and requested that any written materials on the program that were available be returned with the questionnaire. This questionnaire appears in Appendix C along with a listing of the driver improvement managers who returned questionnaires. Once these materials were received, the interviewer read them thoroughly and reviewed each state's statutes and administrative regulations concerning driver improvement programs. Completion of these steps ensured that the interviewer was reasonably knowledgeable about the state program and informed as to whom to contact in each state.

Stage 2 of the project involved interviews with state driver improvement managers. In order to limit the interviews to a reasonable length of time, managers were polled only on questions that could not be answered by reading the written material. The following is a brief overview of the information that was solicited by the interviewer:

- general information about the state's driver improvement programs, including point assignments of violations, types of treatments, results of evaluations, administrative methods (scheduling, monitoring etc.), participants in other state programs, and the percentage of the driving population taking part in driver improvement programs
- changes in programs over the last five years, both statutory and administrative
- comparative effectiveness of various treatments
- special driver improvement treatments, including age- and offense-related programs
- the timing of treatment and its impact on subsequent violations and accidents
- the impact of positive points and incentives on program effectiveness
- the characteristics of the "ultimate sanction" in each state and how it is meted out, including how often it is invoked in each state
- cost accounting procedures in each state and the use of funds collected from offenders.

The information collected during this project was summarized in four ways:

1. A separate report containing answers to all questions noted in Appendix B was prepared for each state, along with a summary sheet for quick ref-

erence (samples of these documents appear in Appendix D). These documents were then merged with each state's statutes, administrative regulations, policy and procedures manuals where available, and all other materials sent with the submission for the state's data file.

2. The components of both the point system and treatment features of each state's program was summarized for cross-state comparisons.
3. The innovative aspects of each state's program, i.e., those that were not commonly used in Virginia or other states, were described.
4. Virginia's driver improvement statute was compared with legislation from other states, and recommendations were made concerning possible legislative changes for the 1991 session of the General Assembly.

FINDINGS

Summary Of State Programs

Summary information on each state's driver improvement program appears in Tables 1 and 2. Table 1 contains a listing of the components that make up each state's program. Table 2 outlines the components of each state's point system, gives comparative examples of point levels for similar violations, and notes the numbers of points necessary for minimal driver improvement action and for suspension. Alaska, Hawaii, Illinois, Kansas, Missouri, Utah, and Wyoming did not respond to the survey or to subsequent telephone calls and thus are not included in the table.

The point system is the most common component of the driver improvement system, although several states (for example, Michigan) use an event-based system in which treatment is triggered by accidents or convictions rather than points. Some states (for example, Oregon) use both events and points to trigger actions. All but nine of the states surveyed have point systems. Several states do not have what we would call a driver improvement program. These states impose penalties only. It is interesting to note that the responses to the original questionnaire indicate that there is no accepted definition for the term "driver improvement program." Several states responded that they had no program because their agency did not administer one even though through statute and practice skeletal components of a program were in place. For instance, in several states, point values can be lowered and suspensions set aside by attendance at some sort of driver improvement school/defensive driving course taught outside the agency. Some states licensing such schools and accepting point reductions claimed not to have a program, whereas others with fewer components and less involvement claimed to have a program. Also, being empowered by statute does not necessarily ensure that a program will be in place. Several state statutes have established either a point system or one or more treatments (usually a warning letter) that state administrators have chosen not to enforce.

Table 1

DRIVER IMPROVEMENT PROGRAM COMPONENTS

State	Point System	Warning Letter	One-on-One Interview	Group Interview	School or DDC	Penalties Only
Alabama	yes	yes	no	no	no	----
Alaska						
Arizona	yes	no	no	no	yes	----
Arkansas	yes	yes	no	no	yes	----
California	yes	yes	no	no	no	----
Colorado	yes	no	no	no	no	yes
Connecticut	yes	yes	yes	yes	yes	----
Delaware	yes	no	yes	no	yes	----
Florida	yes	no	no	no	yes	----
Georgia	yes	no	no	no	yes	----
Hawaii						
Idaho	yes	yes	no	no	no	----
Illinois						
Indiana	yes	no	no	no	yes	----
Iowa	no	yes	yes	no	yes	----
Kansas						
Kentucky	yes	yes	no	no	yes	----
Louisiana	no	no	no	no	no	yes
Maine	yes	yes	no	no	yes	----
Maryland	yes	yes	yes	no	yes	----
Massachusetts	no	no	no	no	no	yes
Michigan	yes	yes	yes	yes	no	----
Minnesota	no	no	no	no	no	yes
Mississippi	no	no	no	no	no	yes
Missouri						
Montana	yes	no	yes	yes	yes	----
Nebraska	yes	no	no	no	yes	----
Nevada	yes	yes	no	no	yes	----
New Hampshire	yes	yes	no	no	yes	----
New Jersey	yes	yes	yes	no	yes	----
New Mexico	yes	yes	no	no	yes	----
New York	yes	yes	yes	no	yes	----
North Carolina	yes	no	yes	no	yes	----
North Dakota	yes	no	no	no	no	yes
Ohio	yes	yes	no	no	yes	----
Oklahoma	yes	yes	yes	no	yes	----
Oregon	no	yes	yes	no	yes	----
Pennsylvania	yes	no	yes	no	yes	----
Rhode Island	no	no	no	no	no	yes
South Carolina	yes	yes	no	no	yes	----
South Dakota	yes	yes	no	no	no	----
Tennessee	yes	no	yes	no	yes	----
Texas	no	no	yes	no	yes	----
Utah						
Vermont	yes	yes	no	no	no	----
Washington	no	no	yes	yes	yes	----
West Virginia	yes	yes	yes	yes	yes	----
Wisconsin	yes	yes	no	no	no	----
Wyoming						

Table 2

POINT SYSTEM COMPONENTS

State	Point System	DUI Incl.	Mand. Incl.	Speeding 1-10 mph	Points for DI action pts. period		Points for Suspension pts. period	
Alabama	yes	yes	yes	2 (1-15)	---	-----	12	2 yrs.
Alaska								
Arizona	yes	yes	no	3 (P.f.)	8	1 year	14+	----
Arkansas	yes	yes	no	3	10	-----	21	----
California	yes	yes	yes	1	2	-----	4	1 yr
Colorado	yes	yes	no	1 (1-4)	6	-----	12	1 yr
Connecticut	yes	yes	yes	2	7	-----	addl	1 yr
Delaware	yes	no	no	2 (1-9)	8	-----	8	----
Florida	yes	no	no	3 (1-15)	12	1 year	12	1 yr
Georgia	yes	---	---	2 (15-18)	---	-----	15	1 yr
Hawaii								
Idaho	yes	no	no	3 (1-15)	---	-----	12	1 yr
Illinois								
Indiana	yes	yes	yes	2 (1-15)	12	2 years	17	2 yrs
Iowa	no	---	---	-	---	-----	--	----
Kansas								
Kentucky	yes	no	no	3 (1-15)	6	2 years	12	2 yrs
Louisiana	no	---	---	-	--	-----	--	----
Maine	yes	no	no	2 (1-9)	8	-----	10	----
Maryland	yes	yes	yes	1 (1-9)	3	2 years	8	2 yrs
Massachusetts	no	---	---	-	--	-----	--	----
Michigan	yes	yes	yes	2	--	-----	--	----
Minnesota	no	---	---	-	--	-----	--	----
Mississippi	no	---	---	-	--	-----	--	----
Missouri								
Montana	yes	yes	yes	2 (P.F.)	6	18 mon.	6	18 mo
Nebraska	yes	yes	yes	1 (1-5)	12	2 years	2	2 yrs
Nevada	yes	no	no	-	6	-----	12	----
New Hampshire	yes	yes	no	3 (1-25)	12	1 year	12	1 yr
New Jersey	yes	no	no	2 (1-14)	6	-----	12	2 yrs
New Mexico	yes	no	no	-----	5	1 year	12	1 yr
New York	yes	no	no	3	4	18 mon.	11	18 mo
North Carolina	yes	no	no	3 (over 55)	7	-----	12	3 yrs
North Dakota	yes	yes	no	1 (6-10)	12	-----	12	----
Ohio	yes	yes	yes	2	5	-----	12	2 yrs
Oklahoma	yes	yes	no	2	5	-----	10	----
Oregon	no	---	---	-	--	-----	--	----
Pennsylvania	yes	no	no	2 (6-10)	6	-----	12	----
Rhode Island	no	---	---	-	--	-----	--	----
South Carolina	yes	no	no	2	6	-----	12	----
South Dakota	yes	yes	no	0	7.5	1 year	15	1 yr
Tennessee	yes	no	no	1 (1-5)	6	1 year	12	1 yr
Texas	no	---	---	-	--	-----	--	----
Utah								
Vermont	yes	yes	no	2 (1-9)	5	2 years	10	2 yrs
Washington	no	---	---	-	--	-----	--	----
West Virginia	yes	no	no	3 (1-5)	6	1 year	12	1 yr
Wisconsin	yes	yes	no	3	6	1 year	12	1 yr
Wyoming								

With regard to their point systems, the states are mixed as to whether they include mandatory convictions for driving under the influence of drugs or alcohol or vehicular manslaughter (See Table 2). Most states charge between 1 and 3 points for initial or low-level speeding violations, although some assign a point value for all speeding or for speeding everywhere except interstate highways or freeways. The threshold for driver improvement action differs greatly among states, with states using low point totals and states using a warning/advisory letter having the lowest totals.

Virginia has one of the most complicated driver improvement systems in the country. Virginia uses all of the components listed in Table 1. The Virginia program was originally modeled on the California driver improvement program. It is interesting to note that of all the other states, only Connecticut uses as many different levels of treatment. Even California abandoned the treatment-oriented approach in the late 1970s because of a decrease in its deterrent effect. Although some states do not have as many levels of treatment as Virginia, many use different treatments at the same level and tailor their treatments more carefully to the needs of the offender. For instance, Oregon uses three different types of driver improvement training—one for new drivers, one for experienced drivers, and one for drivers with an “attitude problem.” These variations on the basic driver improvement components will be discussed in greater detail in the section on other states’ innovative practices.

Driver Improvement Innovations

Various states have taken great interest in creating innovative driver improvement options. These innovations fall into five categories: (1) point-system innovations, (2) innovations in scheduling, (3) new types and uses of treatment, (4) licensing innovations, and (5) statutory and policy innovations

Point System Innovations: Negative Points

Most states, whether or not they have a full-blown driver improvement system, have some sort of point system. Interestingly, in several states not having a point system, their legislatures have empowered their revenue or motor vehicle departments to promulgate a point system and even make reference to point-system consequences in the statutes. In some states without a point system, driver improvement consequences are triggered directly by traffic offenses or transactions. In most states, if two or more offenses occur within the same 24-hour period or from the same incident, only the violation with the highest point value is counted.

States are split between those that use the number of points accrued in a particular time period to trigger driver improvement action (Virginia) and those that simply say that whenever drivers accrue a certain number of points, they receive treatment. These states either (1) stipulate that the same points can be used for only one set of driver improvement actions (or one suspension) or (2) after treat-

ment, they reset point values below the threshold level for action, or (3) they simply wait until points are naturally dropped from individuals' records.

The following innovations were noted in various states' point systems:

1. *Accidents as part of the point system.* Several states have included, in one form or another, accident involvement in their point systems. In Florida, drivers receive a point bonus for violations that lead to or are associated with an accident. This constitutes a hidden penalty for accidents. The same is true in Maryland, where although some violations are rated at less than 3 points, a conviction contributing to an accident results in an award of 3 points. In Nebraska, failure to yield the right of way to a pedestrian is a 2-point violation, but if the pedestrian is injured (i.e., an accident occurs), it is a 4-point violation. In California, drivers receive points for any accident in which they are deemed responsible.

Although Oregon does not have a point system, it does use both convictions and preventable accidents in triggering its driver improvement treatments. For instance, a driver having two convictions on his record or two or more preventable accidents receives an advisory letter. If drivers receive one more conviction or accident in the next 6 months or if they have one conviction and one accident in an 18-month period, they receive the warning letter, and so forth. Tennessee directly awards points for "at fault" accidents: 3 points for a property damage accident, 4 for an injury accident, and 8 for a fatal accident. Texas uses "accidents involving negligence" as part of its system, where six or more "transactions" in a 24-month period (either accidents or convictions) results in a required re-examination. Also, at the discretion of the driver improvement analyst, the person can be called for re-exam on the basis of two accidents in a 12-month period, even though this is less than the threshold that triggers program actions. In Tennessee, drivers who have three or more avoidable accidents in a 1-year period can be declared "accident prone" (a category separate from habitual offender).

2. *Mandatory violations.* The states also differ in the way they treat what we would call mandatory suspension violations. Most set serious offenses aside for mandatory suspension or revocation (like vehicular manslaughter or homicide, motor vehicle felony, high speed chase in eluding police, leaving the scene of an injury or fatal accident, motor-vehicle-related perjury, DUI or DUID, and sometimes reckless driving). In Nebraska, however, most of the usual "mandatories" are included exclusively in the point system and are remedied exclusively by the driver improvement program. For instance, vehicular homicide carries a point value of 12, the amount needed to trigger a revocation and an entrance into their program. Other mandatories, such as leaving the scene, carry lower point values. Other states may include some "mandatories," such as DUI and reckless driving, in the point system, while leaving other violations out. Arkansas includes first or second offenses of some violations in the point system but includes the third offense for the same violation under the "mandatories" (such as DUI or DUID). In several other states, a third offence of reckless driving is treated as a mandatory offence, while the first and second are part of the point system. In North Dakota, serious violations are included in the point system but given an extremely high point value; for instance,

the first DUI is worth 63 points, and the second DUI is worth 115 points. This is in a system where reckless driving is an 8-point violation. This makes suspension an automatic and immediate outcome of driver improvement.

3. *Methods of counting points.* Several states count points in unusual ways. For instance, South Carolina recognizes that persons may go through a period of change in their life when they accumulate points and then not commit violations for a long period of time. Points earned during this year of change count their full value but are reduced by half the next year. Delaware has a similar system, except that in addition to points being reduced by half after 12 months of violation-free driving, the points are reduced by half after attendance at traffic school.

As mentioned earlier, in Arkansas and South Carolina, particular points cannot be used for more than one suspension. Thus, once a person is suspended, their point total, even though it is high for the record, essentially is treated as being 0 for suspension purposes. In Delaware, only half of the points used for a previous suspension can be used for a current suspension. In Nebraska, the same 12 points cannot be used for the same revocation (revocation is the first suspension penalty invoked). In North Carolina, reinstatement of the license after suspension cancels all previous points. Attendance at the Kentucky State Traffic School is court ordered: the judge orders drivers to attend, and if they successfully complete the course, the points for the violation with which they were charged are dropped completely (as opposed to reducing the individuals' point total by a set number of points, as is done in most states). In Indiana, points become inactive and drop from a person's driving record, but the violation for which he or she was convicted stays on the record. This is presumably to allow the courts full access to a person's driving record during subsequent proceedings. In Rhode Island, first offenders may request a "special hearing based on good driving record" at which, if they have been licensed for at least 3 years and have never had a violation, they can have the offense expunged.

4. *Methods of program entry.* As mentioned earlier, the states differ in the way they stratify their programs. Many set a point limit for suspension. At the time the point total is reached, the driver is called in for driver improvement action in lieu of suspension or for enough points to lower their total below threshold values. Other states (such as Virginia) begin treatment early in the point total and use suspension as a last resort. Iowa, however, falls somewhere in the middle. An offender is sent an advisory letter early, but anyone receiving one additional motor vehicle conviction after receiving an advisory letter, is declared to be a habitual offender. Other treatments follow, with consequent reductions in point totals.

5. *Treatment of speeding violations.* Many states recognize that speeding is a serious offense and take steps to accelerate speeding violators in their programs. In Ohio, persons with two speeding offenses in 1 year get the point value for speeding plus 1 additional point for each 5-mph increment the driver was traveling over the posted limit. For a third offense, drivers get the point value plus 2 points for each 5-mph increment. In Arkansas, speeding 100 mph or more is a separate, point-assigned offense (6 points in a 3- to 10-point system). In Kentucky, speeding more than 25 mph over the posted limit calls for an automatic 90-day suspension. In New

York, persons with 9 speeding violation points are eligible for a suspension hearing, whereas it takes 11 or more points of other kinds to trigger such a hearing. In North Carolina, two speeding convictions for traveling 55 mph to 80 mph triggers a suspension, although the usual point value for such action is 12 points in 3 years. In Maine, a single 10-point suspension, such as criminal speeding, will trigger up to a 60-day suspension.

On the other hand, the laws passed in some states reflect a blatant disregard for speeding violations. For instance, in Idaho, a state that abandoned driver improvement in the early 1970s, no points are assessed for traveling 66 to 70 mph on rural interstate highways posted at 65 mph (and there is a similar limitation on the urban interstates). As a reaction to the lowering of the speed limit to 55 mph during the energy crisis, legislation was later passed stipulating that no points would be assessed for traveling 56 to 70 mph on roads previously posted at 70 mph. The same held true for Nevada, where violating the then national maximum speed limit of 55 mph by less than 15 mph was not a point system offense. Iowa also excludes some speeding offenses from its system. For instance, there are no point values for speeding 10 mph or less over the posted limit if the posted limit is 35 to 55 mph. This applies, however, only to the first violation in a 12-month period.

6. *Special treatment thresholds for particular driver groups.* Several states, such as Maryland, California, and Colorado, have established a separate point system for professional drivers, i.e., those who make their livelihood driving. Interestingly, in most states, the threshold for assignment to the program or for suspension is higher than for other drivers. From the standpoint of safety, it would seem that professional drivers, because of their increased exposure, should be held to a higher standard not a lower one. For instance, in Maryland, drivers usually are assigned to attend a conference (personal interview) if they receive 5 points in 2 years. Professional drivers have to get 8 points in 2 years to be required to attend a conference. For suspension, the average driver has to have 8 points, whereas the professional driver can have 16 points before being suspended. The same is true in the case of revocation. In California, the department makes a distinction between points earned as the result of operating a vehicle used for the person's profession, such as a large truck, and those earned in ordinary vehicles. Usually, regular license holders need 4 points in 12 months to be declared a negligent operator. The holder of a professional license or certificate needs 6 points in 12 months. The point thresholds for program entry are higher for persons holding professional licenses, unless, for instance, 4 of the 6 points they have to earn were earned in their passenger vehicles rather than in the vehicles they use in their professions. Also, for persons holding professional licenses or certificates, each violation incurred in the vehicle used professionally counts 1.5 times its normal point value.

Several states have established different threshold levels for entrance into the driver improvement program or for suspension based on age. Indiana is one such state. All drivers are treated equally during the initial DDC portion of the program, but if the 6- to 7-month probation following the course is violated, it takes (1) persons with a learner's permit 8 points to receive an administrative hearing, (2) persons under 18 with a regular permit, 10 points to be assigned a hearing, and (3)

persons over 18, 12 points to be assigned an administrative hearing, which can lead to suspension. The same holds true in New Hampshire, which has a graduated entry system for persons under 18, those 18 to 21, and those 21 and older, with new drivers needing fewer points to enter the driver improvement program. The same holds true for Texas, where two motor vehicle convictions trigger driver improvement action for probationary drivers under 18, instead of the four mandated for adults. Colorado has a separate point threshold system for minors and for persons with provisional licenses. New Jersey also has a lower threshold for provisional drivers during their first 2 years of licensure.

North Carolina has a special point threshold system for drivers who have had their licenses reinstated after a suspension.

7. *Miscellaneous.* In North Dakota, some points are available for public access and some are not, and some apply to the record and some do not. For instance, violations rated at 1 or 2 points appear on the record but do not count for DIP and are not available to the public. Several states also have time limits for the recording of points. In Pennsylvania, if points are not recorded within 6 months, they are not assigned to the individual at all. The same holds true in Oklahoma. In Tennessee, if points are not recorded within 1 year from the date of the offense, they cannot be awarded. In Ohio, the bureau must record the violation within 10 days of receipt from the court, or the points cannot be assessed.

In New York, when a person reapplies for a license after suspension or revocation, their record is reviewed for disability, alcohol or drug history, and safety factor units. Such units are awarded separately from the point system, and different incidents result in the award of different numbers of units. Also, the offense counts for more negative safety factor units if it occurred within the year preceding the application for re-licensing than if it occurred 1 to 3 years preceding. For instance, having an accident involving gross negligence or reckless disregard earns a driver 5 to 8 points depending on the number of years preceding the application for re-licensing. If the driver has 25 or more units against his or her record, he or she is denied a license. This decision may be overturned by the director, based upon extenuating circumstances.

In New York, points are assessed for safety belt or child seat violations involving persons under 16 years old. However, in California, the statute specifically prohibits the application of restraint-use offenses in determining negligent operator status.

Point System Innovations: Positive Points

Most states award some sort of positive points, either based on the length of time the person remains violation free or on attendance at one or more treatment programs. When attendance is the criterion, the individual usually can only receive the benefit once in a given time period. Virginia is one of the few states that allows the person to accumulate positive points for use against future violations (Maine also follows this procedure). Generally, positive points may only offset existing negative points. Innovations related to positive point awards are as follows:

1. *Numbers of positive points awarded.* Arkansas has an interesting way to award positive points: they give 6 points for the first violation-free year after treatment, 4 points for 6 more violation-free months, and 6 points for each additional year. Thus, 18 months of violation free driving yields 10 points. Some states, like North Dakota and Oklahoma, award hidden positive points for attendance at treatment programs. In these cases, point totals are reset to a level below the driver improvement threshold after treatment is completed. This also puts offenders on de facto probation until points are removed from their records by attrition, since any violation will re-trigger program actions.

2. *Timing of point awards.* In North Dakota, positive point awards for completion of a treatment do not take effect until suspensions are served and completed. In New Mexico, when the court assigns an individual to the DIP school as a result of traffic violations, attendance has no impact on their driver improvement status, whereas when individuals attend through the program (i.e., if their point total triggers entry into the program), their driver improvement suspension is waived in lieu of attendance. In Oklahoma, in addition to other positive awards, after 3 years without a violation, point totals are reduced to 0.

Scheduling Innovations

There does not seem to be any consistent way of handling scheduling among the states surveyed. Many leave scheduling exclusively to the treatment providers because they see their own role as providing record keeping, awarding points, and imposing sanctions. In other states, headquarters takes full responsibility for scheduling all forms of treatment. For instance, in New Mexico, headquarters collects the names of potential students in DDC/DIP school, and when the appropriate class size is met for a region, a class is scheduled. In these cases, outside organizations and agencies, such as the state safety council or the community colleges, actually give classes. The headquarters role in administrative matters also varies from place to place. New Mexico provides not only oversight of the curriculum and instructors but also all materials for the driver improvement schools including films and video. Most states that handle scheduling for the schools also handle scheduling for the court-referred cases as well.

Few states seem to be as concerned about scheduling problems as Virginia. Those with little active role in the process found the questions repetitive. Even some of those with scheduling problems seemed to have few answers. For instance, only about 50 to 60 percent of the people who are supposed to attend the driver improvement school in Connecticut actually enroll. Thus, about 40 percent were never scheduled. The respondent attributed this to lack of personnel and noted that they should be scheduling everyone.

Innovations in scheduling practices include:

1. *Making the rescheduling process more difficult.* Several states make rescheduling less than easy for the participant. For instance, in Maryland, drivers wishing to reschedule treatment must provide a written narrative of why they need

to be rescheduled at least 7 days prior to their originally scheduled date accompanied by a \$10.00 rescheduling fee. Not all rescheduling requests are honored, and when they are, treatments can be rescheduled only twice. Maryland (and Missouri) checks the reasons given for rescheduling. Failure to appear is met with a suspension notice to take effect within 2 weeks, giving the driver ample time to be rescheduled. Oregon, although allowing one free rescheduling, charges \$25.00 for the second. Missouri charges a \$10.00 rescheduling fee. In North Carolina, Connecticut, Indiana, and Iowa, there is a one time limit on rescheduling their driver improvement schools. In Kentucky, only two reschedulings are allowed for any one treatment.

2. *Imposing a treatment deadline.* A number of states (including Connecticut, Delaware, and Missouri) require that the driver complete treatment within a given period, thus encouraging them to be scheduled early and to attend the sessions. In Oregon, there is a time limit imposed on the completion of treatment (90 days for the school; 60 days for the re-exam). In Washington State, offenders have 10 days from the date of notification to appear for a driver improvement interview. In Missouri, the court usually imposes a deadline of 60 to 90 days for completion of the entire program. In Arizona, participants must report to the Traffic Survival School (TSS) within 15 days of the mailing of the notice that they must attend. Only after they report, can they receive a temporary, 60-day license (good for only one 60-day extension). Upon completion of the TSS, the permanent license is restored.

3. *License incentives.* A number of states that suspend drivers as they enter the program make compliance with treatment assignments a requirement for keeping their license or obtaining a probationary or occupational permit. As part of the personal interview in Delaware, the interviewer keeps the drivers license, issuing a temporary license for the duration of the two-session DDC course to which the driver is assigned. The original license is returned after successful completion; thus, there is considerable incentive to finish DDC quickly to get the original license back. A similar procedure is used in Arizona. Because New Jersey suspends all drivers on entry into the program and makes compliance a condition of keeping their licenses, drivers are more likely to attend. Failure to appear or pay is less likely since the suspension order will be invoked as the result of any failure. In Nebraska, drivers who wish to obtain an employment driving permit, the temporary hardship license, must certify that they will complete the driver improvement school within 60 days.

4. *Making failure to appear (FTA) or failure to pay (FTP) an infraction.* Most states treat FTA or FTP as a suspendable offense. In a few states (including Montana and Connecticut) points are assessed for failure to appear. For instance, in Montana, if the driver does not appear for a required counselling session or a required re-exam, he or she receives 6 points and a 3-month suspension. Failure to pay for a treatment yields an indefinite suspension pending payment. In Connecticut, the points are accompanied by a show-cause hearing and a possible 30-day suspension. Even though Washington has no point system, failure to appear for a court-ordered driver improvement school is considered a traffic infraction.

5. *Court imposed sanction.* In many states (such as Missouri and Kentucky), at least some of the participants in their programs, especially in their schools, are court referred. Given that these cases can be returned to the court (as in Oregon) and an additional court appearance required, this acts as incentive to attend treatment. For instance, since a large part of Kentucky's State Traffic School is court ordered, failure to attend or complete is punishable by being found in contempt of court. In Connecticut, the driver is actually issued a summons to appear at the driver improvement clinic (personal interview). In Indiana, the court can suspend up to 50 percent of the court costs in lieu of attendance at a driver improvement school, making the attendance at this alternative more appealing.

6. *Miscellaneous methods.* North Carolina, like Rhode Island, does the initial scheduling for its driver improvement classes, but delegates its rescheduling function to the individual instructor. Most states that handle scheduling try to distribute classes in various regions in the state to avoid the need to travel long distances to class.

Treatment Innovations

States differ greatly in the number and complexity of their treatment programs. Many states have only a defensive driving course, taught by outside agencies. Others have several levels of treatment and several choices of treatment within each level. In general, the most common treatments available are the advisory letter, the warning letter, some type of one-on-one interview, some type of group interview, various traffic schools or driver improvement classes, administrative hearings, and suspension or revocation (if those can be thought of as treatment).

Innovations in treatment assignments included the following:

1. *Use of both advisory and warning letters.* Arkansas uses separate advisory- and warning-letter phases in their treatment program. The advisory letter is sent at the 10-point level, and the warning letter is sent at the 14-point level. The warning letter is issued either alone or with the scheduling of an interview. Oregon also uses separate advisory- and warning-letter phases. The advisory letter is sent after two offenses or accidents, and the warning letter is for one more in the 6 months following the sending of the advisory letter. On the other hand, Delaware gave up sending warning letters 20 years ago because they found the letter was not cost-effective.

2. *Group interviews.* Washington State has established a number of interesting study guides for treatment programs, in particular, their group interview. They have worked goal-setting activities into the curriculum for their group interview as well as some self analysis of driving problems and have noted the effectiveness of this.

3. *Personal interviews.* A number of states use a one-on-one interview. Some place it at the beginning of their program as a diagnostic tool, and some toward the end as a means of counselling. In fact, one state calls the meeting the "helping" in-

terview. The Iowa driver improvement program uses an informal driver improvement interview as its most serious treatment; it is required if a driver receives four motor vehicle convictions in a 12-month period (entry level for the advisory letter is two motor vehicle convictions). Montana schedules its driver rehabilitation session, a counselling meeting, for the time when they feel that it will be most helpful—the first day of the suspension. As part of the personal interview in Delaware, the interviewer personally takes the driver's license, issuing a temporary license for the duration of the two-session DDC course to which the driver is assigned. The original license is returned after successful completion of the course. This—it is hoped—will make the driver more receptive to material discussed at the interview.

4. *Driver improvement classes.* Oregon has one of the most complete driver improvement school programs available. At a personal interview, the interviewer must require probation, but may also assign drivers to one of three driver improvement schools, each with separate criteria for assignment (the school must be completed within 90 days):

- National Safety Council Defensive Driving Course
- National Corrective Training Institute (NCTI) Course, Part I (While not designed exclusively for young drivers, NCTI-I is recommended for drivers 16 to 21 years. Iowa also uses the NCTI curriculum for all drivers, as does Oregon.)
- National Corrective Training Institute Course, Part II (recommended for drivers with an attitude problem).

The interviewer may also require a re-exam within 60 days, impose restrictions on the person's license such as times, places, and routes the person may drive with the license or assign the person to receive additional treatment from social services agencies. New Jersey also assigns people to mental health clinics as part of driver improvement. The length of traffic schools does not vary much, but since Washington's traffic schools are court ordered, their statute reads that a judge cannot assign a person to traffic school for more days than the person could have spent in local jails for the offense. In Arizona, the school for offenders cannot exceed 9 hours and each class cannot exceed 3 hours. Interestingly, the Arizona older driver class cannot be longer than 8 hours and cannot have more than 4 hours occurring in any one 24-hour period.

5. *Financial responsibility.* Some states (such as Ohio, Colorado, and Nebraska) require proof of financial responsibility for some period of time as a sanction and/or treatment. As a penalty, Nebraska requires an offender to furnish proof of financial responsibility for 3 years following a revocation. California requires the same for 3 years following attainment of negligent operator status. North Dakota makes proof of financial responsibility part of its point system.

6. *Re-examination.* Some states (such as Florida, Ohio, Oregon, Pennsylvania, Nebraska, and Texas) use re-examination as part of their treatment sanctions. Also, Montana uses the on-the-road portion of the state's driver education training program for negligent operators as well as mental and physical exams, as treatment

alternatives. Pennsylvania uses re-examination as its first level of treatment in lieu of a 15-day suspension. In Washington, if a person has trouble completing a quiz given at the group interview, they may be referred on the spot for a re-examination.

7. *Probation.* A number of states use probation as part of their treatment program. Those that reset point values to just below threshold for program entry after treatment is completed are placing their participants on de facto probation since one more offense prior to points leaving their records will trigger additional action. Some states (such as Oregon) assign mandatory probation as part of their personal-interview/driver school phase. Kentucky allows probation to be substituted for suspensions, in which case, the length of the probation is twice that of the suspension. In Washington, the driver's license is put on conditional status for a year after a group interview. Additional traffic offenses may trigger a suspension. For first offenders (persons who have not been in the program in the last 5 years) who have to leave the state or country, Tennessee will put them on administrative probation in lieu of suspension. In North Carolina, a 1-year probation may be substituted for suspension. However, accumulation of 3 points during probation constitutes violation of probation.

8. *Special treatment for specific groups.* Several states have targeted specific age groups for special treatment. For instance, although Delaware no longer uses warning letters, the parents of every 16-year-old who violates a traffic law receive a letter notifying them of the violation. In Washington, whenever the state intends to suspend the license of a minor, his or her parents or guardians must attend a driver improvement interview. Oregon has specific driver improvement classes (NCTI-PART I) for young drivers. New Jersey's driver improvement program appears to have begun as a program aimed specifically at young, probationary drivers, and although the program has been expanded to include all offenders, they offer a special curriculum for novice drivers. In addition, some young drivers in New Hampshire write term papers on various accident-related topics in lieu of other treatments.

With regard to older drivers, many states use the American Automobile Association's course for older drivers. Indiana's Mature Driver Course is offered free of charge to anyone 55 and older to encourage their attendance. In Florida, older drivers may be issued a restricted license that is destination-specific in lieu of treatment or a more comprehensive re-examination. New Mexico and Kentucky run the Motor Vehicle Accident Prevention Course for drivers 55 and older, who then receive an insurance discount as a result of completion. A similar program for drivers 65 years or older is operated in Arizona. In several locations, such as New Hampshire and Delaware, the American Association of Retired Persons is the course provider for older drivers who want an insurance discount. The agency administering the driver improvement program runs these programs in Indiana and Florida where the insurance discount is mandatory.

Of course, other groups of drivers may be targeted for special treatment. In addition to the separate point thresholds for entering driver improvement discussed

earlier, Indiana has a DDC course specifically designed for professional drivers. Speeders are targeted by other programs. Pennsylvania uses what they call a "high speed hearing" for violators who are convicted of traveling 31 or more mph over the limit. This "high speed violator," is either assigned a driver re-examination (and receives 2 positive points) or is suspended for 15 days and has his or her points reset to 5, which is just under the minimum for additional driver improvement action, rather than wait for the usual treatment alternatives.

9. *Experimental programs.* In New York, the Commissioner is empowered to run experimental programs for the purpose of assessing their feasibility. Mentioned in New York regulations was the Home Study Driver Improvement Program. Randomly selected participants studied materials at home, completed a text booklet, and took a re-examination. Also mentioned was an experimental evaluation of the Motor Vehicle Accident Prevention Course (taken for insurance discount and point reduction).

Licensing Innovations

1. *Temporary or hardship licenses.* Many states issue some form of restricted or temporary license for persons involved in their driver improvement program who are eligible for suspension (Arkansas, North Dakota, Montana, Iowa, Nebraska, Tennessee, Oklahoma). There are two classes of these licenses: those that are issued to everyone entering the program (sometimes with provisos concerning violations) and those that are awarded to some participants based on hardship.

In several states (e.g., North Dakota, Montana), drivers issued a temporary license during program participation must remain violation free. On the other hand, North Dakota requires that a minimum suspension (7 days) be served before the temporary license can be issued. Montana does not award a probationary license to persons who have been suspended indefinitely (for instance, those who are suspended for failure to attend treatments). In Delaware, a temporary license is issued for the duration of DDC. The original license is returned only after successful completion. Tennessee grants a restricted license to first offenders (those who have not been in the program in the last 5 years) if they show proof of liability insurance, pass the re-exam, and pay the restricted driver fee. In Montana, even habitual offenders may receive a probationary license. In Arizona, the temporary license is issued at the first traffic school meeting and is good for only 60 days. Drivers eligible for mandatory suspension for serious offenses, such as manslaughter or vehicular homicide, are also eligible to enter the Arizona program and receive a temporary license. In Florida, the temporary license is destination specific.

Delaware awards what it calls an occupation license. As long as the violation that triggered the 3-month suspension did not involve an accident and as long as no previous hardship license has been issued, the offender may submit a notarized statement from an employer, instructor, or family member documenting hardship at work, school, or home (family emergency) and receive an occupational license. Iowa has a similar requirement for a temporary restricted license, but it also includes driving to court-ordered community service and being responsible for a dependent

person. In Nebraska, all the driver needs to do is claim employment hardship and pay a \$40 fee. Texas awards an occupation license based on "essential need" if the court orders the same. As with other states, the Texas license is awarded for necessary vehicle use in one's job or while attending school or "in performance of essential household duties." In New York, drivers can obtain a hardship license for "employment, business, trade, occupation or profession," school, or if the suspension poses a financial hardship for the applicant or his immediate family. The license is awarded at the discretion of the Commissioner and can be awarded only once every 4 years. In Oklahoma, the driver improvement hearing officer awards the occupational license (for occupational hardship only). Some states (such as Oregon) use license restriction as part of their sanctions, which involves restricting the times and routes an individual may travel.

2. *Licensing of minors and young persons.* In addition to special point-system thresholds for young drivers and special treatments, many states issue special probationary licenses for these drivers. New Jersey puts all drivers on probation for 2 years after receiving their first license. Oregon gives drivers under 18 a provisional license until they turn 18. The same is true in Texas. In West Virginia, persons under 18 are issued a Junior Operator's Permit, which can be revoked if the driver incurs two violations before age 18. In Washington State, whenever the state intends to suspend the license of a minor, his or her parents or guardians must attend the driver improvement interview. In Oklahoma, warning letters for minors are sent to their parents or guardians.

3. *License suspensions.* Some states (e.g., North Dakota, New Jersey, Florida, and Pennsylvania) make the length of suspension directly dependent on the number of points a driver has accumulated. For instance, North Dakota issues its first suspension order when the driver accumulates more than 12 points. That suspension is for 7 days plus 7 additional days for each point over 11. New Jersey has six levels of points. The suspension periods begin at 30 days and increase 30 days for each level of points. In Florida, there are three levels of points and three sets of suspension times. For the first driver improvement suspension in Pennsylvania, a person receives 5 days for every point accrued (it takes at least 11 points to be suspended). For the second suspension, the driver is penalized 10 days per point, and for the third, 15 days per point.

Some states have explicit special treatment for minors in terms of suspension. In Mississippi, the court may "suspend" the license of a minor by holding it at the court for up to 90 days, entering on the docket: "Defendant's drivers licence suspended for XX days in lieu of conviction." If the minor appeals, the judge reimposes the fines and penalties originally due.

In Texas, drivers can have their license suspended or be put on probation without being convicted of vehicular manslaughter or homicide if it is judged that they were responsible for an accident resulting in death.

Statutory and Policy Innovations

Driver improvement programs are established and empowered in two ways: either the legislature empowers the commissioner or director to promulgate rules for the program, or the program's components and workings are spelled out in the statute (or some combination of the two). The following policy or statutory changes were noted in other states' submissions:

1. *Experimental programs.* In New York, the Commissioner is empowered to institute and study the effects of experimental treatments. The language is as follows:

The Commissioner may study the feasibility of programs to improve driver behavior, attitude, performance, or skills in order to reduce motor vehicle accidents and traffic violations and to promote highway safety. He shall have the authority to establish such programs on a limited, experimental basis in order to assist in such feasibility study provided any such a program is funded by any source other than state funds, or if any such program is to be funded with state funds, then he may establish such program only with the Director of the Division of the Budget. (Title 5, Article 21, Section 523-b)

2. *Policies and guidelines.* Texas' set of policies for driver improvement are expressed extremely well. They outline the philosophy of the program (backed up with empirical evidence supporting the philosophy), its rationale, the duties and responsibilities of each agency and each individual within each agency having a role in the program. The Texas program is also given very strong and well-organized ties to the medical review program. Arizona's program is also very well defined in its statutes and regulations. Indiana's guidelines to help the hearings officer decide whether to assign the driver to DDC, probation, or suspension are very clearly outlined in the statute. The same goes for Maryland. Ohio's curriculum is so carefully set out in the statute that the films to be used are specified therein.

3. *Departmental discretion.* As noted above, many states give departments discretion in propagating and revising the point system. In several states, the department is not confined to driver improvement actions. Rather, if the director feels that someone is a threat to the public safety or is an habitually reckless driver, other measures may be taken. In Arkansas, this power is given with almost no other statutory or regulatory guidelines. In Connecticut, the commissioner can suspend or revoke a license at will, with or without a hearing, if in his opinion, safety is endangered. In Washington, the commissioner or director can suspend licenses when there is evidence that "the safety of persons upon the highways requires such action." In New Jersey, the Director may impose driver improvement instead of a mandatory suspension or revocation. Some states' directors (e.g., in Alabama) may cancel any suspension, revocation, or driver improvement action for a variety of reasons (including hardship).

4. *Miscellaneous.* In Indiana, by statute, the Point Study Committee is appointed by the commissioner to set point values. It is required by statute that the

point values be updated by the committee every 4 years, thus ensuring up-to-date evaluation of the severity of offenses. New Jersey, as with several other states, gives the director the authority to change the point system through regulation. The same holds true for Idaho and Iowa, which though they have the statutory authority to promulgate a point system, have chosen not to. Positive points are even mentioned in the statute, though none are awarded.

In Montana, the driver improvement committee, as created by administrative regulation, decides on all suspensions, revocations, denials of licenses, and awards of probationary licenses. The group consists of one driver examiner, one commissioned officer, and one lawyer. In Florida, fees for the driver improvement program are set by a judicial committee that assists in the administration of the program.

STATUTORY REVIEW: ADMINISTRATIVE FLEXIBILITY IN VIRGINIA'S DRIVER IMPROVEMENT PROGRAM

Once a listing of innovations was collected, the researchers' attention was turned to the way innovations could be implemented in the Virginia program. The first step in this process was to analyze the amount of discretion under current statutes permitted the Virginia Department of Motor Vehicles in implementing, reviewing, and changing the Driver Improvement Program. In comparison to other states, Virginia's statutes are unusually detailed and restrictive. We have recommended several alternatives to increase the flexibility and effectiveness of Virginia's approach to carrying out the driver improvement program.

Overview of Driver Improvement Programs and Statutes

The driver improvement programs reviewed in this report share three important goals: human safety, the protection of property, and respect for traffic laws. To promote these goals, all states make some effort to identify "problem drivers." Once a problem driver is identified, states either withdraw driving privileges or require some form of treatment. Most states incorporate both withdrawal of driving privileges and remedial treatments in their driver improvement programs. Driver improvement treatments are designed to change driving behavior. These treatments are supplemented by periods of probation or suspension or by the revocation of licenses. There are significant differences from state to state in the type and the sequence of treatment and in the number of offenses necessary for entry into the driver improvement system.

Driver improvement systems need continuous review if these goals are to be met. New treatments, changes in course curricula, differing periods of probation or suspension, special programs for younger or older drivers, and other measures can make driver improvement programs more effective. Point levels should be examined periodically to make sure that particularly dangerous violations receive an appropriate number of points.

States vary considerably in the amount of flexibility granted to the department of motor vehicles or equivalent agency to review and revise driver improvement programs. In some states, point values, treatments, and periods of suspension or probation are set by statute. In other states, most of these elements are established (and changed) by administrative regulation. Finally, some states allow a special board or commission to review changes in the driver improvement system without requiring action by the entire legislature.

The Driver Improvement System in Virginia

In Virginia, the Commissioner of the Department of Motor Vehicles has powers that are restricted with regard to driver improvement. Current law gives the Commissioner power to "develop, implement and review, in conjunction with relevant state and federal entities, a comprehensive highway safety program for the Commonwealth." Sec. 46.2-223(8) Va. Code (1989). The Commissioner also has authority to "promulgate regulations which he deems necessary to carry out the provisions" of the driver improvement program. Sec. 46.2-489. The Commissioner's authority to develop, implement and review safety programs is limited, however, by very specific statutory language.

Virginia statutes make two forms of driver improvement treatment mandatory and significantly limit administrative discretion in implementing other measures. The initial sequence of driver improvement treatments (advisory letter, group interview, personal interview) is also determined by statute, and it is based on the number of accumulated points. Group interviews and personal interviews are mandatory for drivers who accumulate specified numbers of points within specified periods of time. Sec. 46.2-496, 46.2-497. Advisory letters may be mailed at the Department's discretion only to drivers who have reached specified point levels. Sec. 46.2-495.

Following the mandatory personal interview, driver improvement analysts in Virginia must choose from a limited number of treatment options. At the lowest point level resulting in a personal interview, the analyst may either suspend an individual's driver's license for up to 6 months (with an ensuing probation period) or require the driver to attend a driver improvement clinic (also with a probation period). The Commissioner may review these recommendations but may not make them more severe. For drivers with higher point totals, analysts must impose a 3-month suspension followed by probation. The Commissioner cannot alter the period of mandatory suspension. Analysts and the Commissioner have greater flexibility in recommending and approving treatment for drivers who appear to suffer from physical or mental disability or disease. Sec. 46.2-497(C),(D).

Drivers who fail to attend driver improvement clinics in Virginia face mandatory suspension, which may be rescinded for "good cause." Drivers who violate traffic laws while on probation face mandatory suspension for specified time periods. Sec. 46.2-499. Probation periods in the Virginia driver improvement system are

supplemented by a “driver control period.” Sec. 46.2-500. A driver who is convicted of violating a traffic law during the driver control period returns to probationary status. The length of the driver control period and the length of ensuing probation are set by statute. Sec. 46.2-500.

The number of points assigned for each traffic offense is also set by statute. Sec. 46.2-492(D)(1)-(3). Statutes further specify that “[d]emerit points . . . shall be valid for a period of 2 years” and that “one safe driving point shall be awarded for each calendar year of safe driving.” Secs. 46.2-493, 46.2-494. A driver who attends a driver improvement clinic “shall have five demerit points subtracted from his total accumulation of demerit points.” Sec. 46.2-498. There is no provision for periodic review of point levels, nor is there any explicit statutory rationale for the point values that have been established.

Virginia statutes impose precise requirements in other areas of the driver improvement system as well. Unless the Commissioner finds “unusual conditions or circumstances,” driver improvement clinic classes must be conducted “for a 2-hour period, one night each week for 4 consecutive weeks.” Sec. 46.2-499. Statutes also require that advisory letters be posted by first-class mail. Sec. 46.2-495.

Virginia Compared to Other States

The Virginia Transportation Research Council has conducted a 50-state survey of driver improvement programs. There are several interesting initiatives in other states that deserve consideration here. No state has a perfect driver improvement system. Some areas of Virginia’s program compare quite favorably with other states, and some areas need improvement.

Statutory limits on the flexibility of Virginia’s driver improvement system must be considered before examining Virginia’s program in greater detail or considering innovations in other states. It is useful to compare Virginia’s approach to that of other jurisdictions. Virginia, which administers a relatively sophisticated set of driver improvement treatments, is also bound by unusually specific statutory guidelines. Several states surveyed grant considerably more discretion to their administrative agencies. A third group of states utilizes a review board or other panel to consider changes in the driver improvement program without requiring full legislative action.

States Restricting Agency Discretion

Several states, like Virginia, define their driver improvement program by legislation. Florida, like Virginia, sets out detailed statutory requirements for its driver improvement system. Point values are set by the legislature rather than by a motor vehicle department. Entry into the driver improvement system occurs when the department receives “evidence that the licensee has been convicted of violation[s] . . . amounting to 12 or more points as determined by the point system.” At-

tendance at driver improvement schools is mandatory for those suspended for points. See Fla. Stat. Sec. 322.30 (Motor Vehicles). Michigan and Vermont are examples of states with comparable requirements. See Michigan Vehicle Code Sec. 257.320a, Vt. Stat. Ann. T.23, Sec. 2502.

States with specific statutory restrictions do not wholly eliminate agency discretion. Michigan, for instance, sets only minimum suspension periods. Florida allows its administrative agency considerable discretion in developing new programs. Virginia's statutes allow its DMV to decide whether or not to utilize advisory letters. In comparison with other jurisdictions, however, these states place significant constraints on the agency's flexibility.

States Permitting Greater Agency Discretion

Data indicate that a significant majority of states permit their administrative agencies more discretion in administering driver improvement programs than Virginia does. Most of these jurisdictions permit the administrative agency to promulgate point values by regulation. Alternatively, where points are not used, administrative agencies are allowed to determine the type and frequency of traffic violations that result in various driver improvement actions.

In Delaware, for instance, statutes provide that the Department may "immediately suspend the license and driving privileges or both of any person without hearing and without receiving a record of conviction of such person of crime whenever the Department has reason to believe that such person . . . [i]s an habitual reckless or negligent driver of a motor vehicle or has committed a serious violation of the motor vehicle laws." Del. Code Ann. tit. 21, Sec. 2733 (Motor Vehicles). Based on this statutory authority, the administrative agency is permitted to determine point values and appropriate driver improvement actions.

Utah has very similar statutes: "The division may immediately suspend the license of any person without hearing and without receiving a record of the person's conviction of crime when the division has been notified or has reason to believe . . . the person has been convicted of serious offenses against traffic laws governing the movement of vehicles with a frequency that indicates a disrespect for traffic laws and a disregard for the safety of other persons on the highways." Utah Code Ann. Sec. 41-2-128 (Motor Vehicles). Statutes further provide that "the division shall establish and administer a point system," and that "points shall be based upon actual relationships between types of traffic violations and motor vehicle traffic accidents." Point values and specific driver improvement actions under the point system are set out by regulation.

Alabama employs language similar to that of Utah and Texas. See Alabama Code Sec. 32-5A-195(k). Alaska uses somewhat different language to the same effect: "For the purpose of identifying habitually reckless or negligent drivers and habitual or frequent violators of traffic laws, the commissioner shall adopt regulations establishing a uniform system for the suspension, revocation, limitation or denial of a driver's license or driving privilege by assigning demerit points for convictions for

violations of traffic laws.” Alaska Stat. Sec. 28.15.221 (Motor Vehicles). In Connecticut, too, the point system is established by regulation: “Such regulations shall provide specific information as to the total number of points which, in a period of time specified by the commissioner, shall require a hearing before the commissioner or permit automatic suspension without prior hearing, and the period of time during which any such suspension shall extend.” Conn. Gen. Stat. Sec. 14-137a (Motor Vehicles).

Where states establish specific treatment programs under statute, it is also possible to provide significant administrative discretion. New York, for instance, provides the following: “[T]he commissioner may establish, by regulation, guidelines for alcohol and highway safety programs. . . . The commissioner shall establish criteria for requiring attendance at such clinics, and may, pending attendance at such clinic, suspend the driver’s license or privilege of any person who fails to attend such clinic as required by such regulations.” New York Veh. & Traf. Law Sec. 523-a.

It should be pointed out that even states that grant their administrative agencies considerable discretion in implementing and revising driver improvement systems set some limits on agency discretion. Certain offenses, such as DUI or vehicular manslaughter, lead to mandatory suspension or revocation in most states. Administrative flexibility in driver improvement programs can coexist with significant mandatory elements, particularly in terms of suspension or revocation. Many states also specify fees for driver improvement treatments by statute. In the area of fees, however, some states permit more flexibility. In Indiana, “The commissioner may impose a fee at a rate adequate to reimburse the state for the direct cost to the state of conducting . . . educational programs, such fees to be paid by participating individuals or groups.” Ind. Code Sec. 9-1-9-6. New York has a similar provision. New York Veh. & Traf. Law Sec. 523-a.

Provisions for Periodic Review of Driver Improvement Programs

Where changes in the point system or other aspects of driver improvement do not require full legislative action, some states have established boards or committees to review periodically various aspects of the driver improvement program. Indiana, for instance, utilizes a “point study committee” appointed by the governor and “composed of [five] traffic safety officials from the state of Indiana.” 140 IAC 1-4.5-3; Authority IC 9-2-1-3. Points are assigned or reassigned values based on “the committee’s evaluation of each traffic offense according to that offense’s severity and history as a cause of accidents.” 140 IAC 1-4.5-3; Authority IC 9-2-1-3. The point system in Indiana is updated every 4 years.

In Alabama, a “state safety coordinating committee” has authority to review all aspects of the driver improvement program. The committee is composed of the governor, the director of public safety, the director of the state highway department, two members of the senate appointed by the president of the senate, two members of the house appointed by the speaker, the attorney general, the administrator of the state alcoholic beverage control board, the state toxicologist, the chief justice of

the Alabama supreme court, and a person appointed by the governor for a term of 4 years from the state at large. Ala. Code Sec. 32- 3-1 (Motor Vehicles and Traffic). Under this arrangement, the program may be revised without legislative action.

In Vermont, a statute provides that “[p]rior to September 15 of every year, the commissioner of motor vehicles or the chairman of either the house transportation committee or the senate highways and traffic committee may request a meeting in joint session to review the operations and point values assigned” under statute. In Idaho, apparently by administrative initiative, point values are regularly reviewed and reset without legislative action.

In summary, based upon the statutes and regulations of other states, many use statutory language less restrictive than Virginia’s and many have incorporated administrative oversight, which has allowed them to more quickly and easily amend their programs when needed.

CONCLUSIONS AND RECOMMENDATIONS

Based upon the results of this survey, there appear to be many innovations developed by and adopted in other states that might be appropriate for use in Virginia. It is clear, however, that Virginia’s driver improvement statutes limit the Commissioner and the Department in incorporating innovations into the program they administer. If innovations are to be incorporated under the present scheme, significant changes in legislation will be necessary. Since statutory changes must be sought in any case, it seems appropriate that the method in which program requirements are promulgated also be amended at this time.

The following recommendations constitute a preliminary effort to achieve greater administrative flexibility without attempting a wholesale revision of the statutes:

1. The broad statutory language permitting the Commissioner to “develop, implement and review” safety programs and to promulgate “regulations which he deems necessary” to carry out the driver improvement program should be retained. Secs. 46.2-223(8), 46.2-489.
2. Virginia should also consider adopting language giving the Commissioner clear authority to suspend the licenses of those identified as “problem drivers” under the driver improvement system. The suggested language would be as follows: “The commissioner may immediately suspend the license of any person without hearing and without receiving a record of the person’s conviction of crime when the commissioner has sufficient indication by his or her records that the person has been convicted of serious offenses against traffic laws with a frequency that indicates a disrespect for traffic laws and a disregard for the safety of other persons.”
3. Section 46.2-492, which establishes the Uniform Demerit Point System, could then be revised to state: “In the determination of whether a person

has been convicted of serious offenses against traffic laws with a frequency that indicates a disrespect for traffic laws and a disregard for the safety of other persons, the Commissioner shall assign point values for convictions of violations of the traffic laws based on each violation's severity and evidence of each violation's contribution to traffic accidents." The remainder of Section 46.2-492 could be revised to give guidance to the Commissioner in establishing point values rather than to make certain point values mandatory.

4. Sections 46.2-493 and 46.2-494 could be revised to give the commissioner the option of awarding safe-driving point credits and dropping points from the driver's record after a specified time period, instead of making these provisions mandatory.
5. A point study committee should be established to review point values, data on motor vehicle accidents, and the effectiveness of driver improvement treatments. Representatives from the Department of Motor Vehicles, the State Police, the Virginia Department of Transportation, and the Attorney General's Office could comprise this committee. The precise composition of such a committee, if approved, could be determined following appropriate consultation.
6. Language on specific driver improvement treatments and other actions in the Virginia Code should be rewritten to make specific treatments and other actions optional rather than mandatory. See Sections 46.2-495-46.2-500 (concerning advisory letters, group interviews, personal interviews, driver improvement clinics, probation, and the driver control period). In general, this may be accomplished by substituting "the Commissioner may . . ." for "the Commissioner shall . . ." Consideration should be given to eliminating references to specific point levels at which each treatment is administered.
7. Virginia should adopt explicit statutory language allowing the Commission to study the effects of experimental treatments. The New York statute on this matter is as follows:

The Commissioner may study the feasibility of programs to improve driver behavior, attitude, performance or skills in order to reduce motor vehicle accidents and traffic violations, and to promote highway safety. He shall have the authority to establish such programs on a limited, experimental basis in order to assist in such feasibility study provided any such program is funded by any source other than state funds, or if any such program is to be funded with state funds, then he may establish such program only with the Director of the Division of the Budget. New York Veh. & Traf. Law, Section 523-b.

Although the Virginia Commissioner has power "[t]o accept grants from the United States government and its agencies and instrumentalities" and to "initiate,

conduct and issue special studies on matters pertaining to transportation safety," more specific language along the lines of the New York statute could be useful in Virginia.

With regard to the innovations that would tentatively seem appropriate for trial use in Virginia, the program administrators must examine the many options presented in this paper and choose those that fit into the program while meeting their needs to serve their constituents better. However, they should be aware of the trends in other states away from the overtly rehabilitative programs and toward programs that meld treatment with strong sanctions.

The Virginia program was based at least in part on the California driver improvement program in operation in the 1970s. To this day, the Virginia program is more similar to the California model than is any other state program. However, the California program has undergone dramatic changes in the past 10 years. At one time, the California program had numerous levels of treatment, thereby reducing the probability of immediate suspension and increasing the time it took to arrive at the suspension sanction. The Council's reports from 1979 through 1982 evaluating the Virginia program noted that relatively few drivers were being suspended under driver improvement. Based on indirect evidence, it was hypothesized that this reduction in suspensions contributed to the the lack of effectiveness of the group interview when combined with the advisory letter in that the more contacts the individuals had with the program without incurring suspension, the more aware they were of the lack of direct penalties. The authors also speculated that as drivers as a group became more aware of the "easiness" of the system, the deterrent effect of the program would decrease. Interestingly, studies of the California program that were done in the late 1970s found that its deterrent effect was significantly declining. For that reason, they instituted a new Negligent Operator Treatment System (NOTS), whose "treatments" consisted only of a warning letter, an intent to suspend letter, and a negligent operator suspension (combined with probation, in some cases). Clearly, this system is much more stringent, and it has resulted in a 45 percent increase in suspensions. Although impact evaluation studies of the new California program have not been forthcoming, the California experience points up the need for an evaluation of the current deterrent effect of the Virginia Program. If, as in California, deterrence has declined, then administrators should choose options that would stiffen the penalties resulting from convictions and integrate the penalties more closely with the treatment system.

APPENDIX A

Survey of Other States' Scheduling Policies

MEMORANDUM

February 23, 1989

TO: Janet Smoot

FROM: Veronica Kelly

SUBJECT: State Survey of Scheduling and Rescheduling Policies for Driver Improvement Classes

When a Virginia driver is required to complete a driver improvement course for a reason such as too many "points" on his license, the Driver Improvement Staff of the Department of Motor Vehicles has to schedule the person for a particular class series. Some rescheduling is obviously anticipated for those who cannot attend the classes to which they were originally assigned. However, the volume of rescheduling requests is staggering. The Driver Improvement Staff handles over 200 such calls each day. The Research Council was requested and authorized to conduct a quick survey of other states to gather information about how they handle scheduling and rescheduling. Eleven states were surveyed.

The requests for and the need to accommodate rescheduling seems to be a problem common to all states. Several techniques are employed to deter rescheduling (whether it was the original intent of the technique or not). The most common are: (1) the collection of a rescheduling fee in addition to the base fee, (2) a limit on the number of times a person can reschedule, and (3) a specific time within which the person must complete the class. An additional technique is to permit rescheduling only when the person can offer a "good reason" for having to do so. This approach encounters the problem of determining what a good reason is. None of the states surveyed has an inflexible cause policy. That is not to say that they are as lenient as Virginia. Generally, it's a case-by-case decision of whoever is in charge. Connecticut has an adjudicative unit in its Department of Motor Vehicles that may be called upon to address this issue. Verification of reasons is also employed. Each of the other three techniques for limiting rescheduling suffers from the same problem because leeway may be granted if the person can show cause.

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A number of states also have the client participate in the initial scheduling process. This participation ranges from self-scheduling to allowing the client to select the location for the class for which he will be scheduled.

It should be noted that North Carolina and Connecticut do not have the same centralized rescheduling problem that Virginia and other states have. In North Carolina, this is because once the central office schedules a person for particular class, all rescheduling is handled by the individual class instructors. In Connecticut scheduling and rescheduling for the "long program" is handled by the individual schools. Likewise, local offices of the Department of Licensing in Washington handle scheduling and rescheduling.

Maryland: (additional fee, limited number of reschedules)

General: All scheduling is handled out of the Central Office of the Motor Vehicle Administration (MVA). The process is now substantially automated. Anthony Pagvlialonga is a knowledgeable person to contact at 301-787-7799. The class is a four-part series on four different dates to be completed in order. The fee is \$40. Rescheduling is permitted, but usually only twice and for a "good reason." An additional fee of \$10 is collected for rescheduling.

Whenever there is an opening in a class in the location closest to the client's home, the client is scheduled for that class. The client and the counselors receive two weeks advance notice. A copy of the scheduling/rescheduling letter sent to clients is attached for your convenience. If the client cannot attend the scheduled class series or if one in the series of classes is missed, the client does have the opportunity to reschedule. This is done in writing. The client is to state the reason for requesting a rescheduling. The decision to reschedule is made on a case-by-case basis and medical excuses (and others) are often verified by the MVA. If rescheduling is permitted, an additional fee of \$10 is collected. The MVA usually permits only two reschedulings. If the client is not permitted to reschedule, whatever penalty was pending (suspension) takes effect. When a client simply does not show up for a scheduled class and does not contact the MVA, a notice of suspension, with a two week grace period to contact the MVA to get scheduled goes out. The MVA reports substantial success in getting this latter group of clients to respond.

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Delaware: (self-scheduling, limited time period)

General: The program is handled through the Delaware Safety Council out of a Central Office. Chris Masafari can be contacted at 302-654-7786 for more information. The class is a two-part series to be completed in order on two separate dates. The client must schedule himself within the time allowed by the Department of Motor Vehicles. The fee is \$20. Rescheduling is freely permitted, and there is no rescheduling fee.

The client is instructed to pick class dates within the period of time allowed by the DMV. If the client does not complete the class within the allotted time, the suspension (or other penalty) takes effect. Apparently anything goes in rescheduling, resulting in much fluctuation in the size of classes. Rosters are given to the instructors, and the instructors collect the \$20 fee. No additional fee is required of clients who have rescheduled. Approximately 20,000 clients complete the class each year.

Oregon: (additional fee, limited time period)

General: The Department of Motor Vehicles handles scheduling. The contact is Genelle Natz, 503-378-5749. The process is two-part: an interview and perhaps a required class. Rescheduling for the interview is permitted once. Rescheduling for the class which is a one day, eight-hour course, is permitted twice for a good reason, and a second \$25 fee is required after a second rescheduling. The client is limited in his ability to reschedule over a long period of time because the client is generally required to complete the course within a ninety day period to avoid the impending penalty.

A client is scheduled to meet with an interviewer. The client is permitted to reschedule once if he calls before his scheduled interview date. If the client simply does not show up at either the first or second scheduled interview, his license is suspended. The client is permitted to reschedule, but his license remains suspended. The interviewer may require the client to attend a defensive driving or a National Transportation Safety Institute course. Both generally operate the same. The classes meet one time each month. The client usually has ninety days within which to attend a class. The fee is \$25. If a client does not show up for a scheduled class, his license is suspended. If the client calls ahead of time, rescheduling for a "good reason" is permitted once without an additional fee, and a second time with collection of an

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additional \$25 fee. If the class is not completed within the ninety days allotted, the client's license is suspended until the class is completed. An occasional exception has been made for medical emergencies. It should be noted that there are some locations in the state where classes are held once every three months. In this case a client's license is suspended if he doesn't attend that class, unless of course he's willing to travel. If it was a court referral in any of these cases, the court takes the case back to levy any sanctions.

Kentucky: (client chooses location, limited number of reschedules)

General: The Department of Transportation, Driver Licensing Division handles the scheduling. Ron Howard can be contacted at 502-564-6800 for further information. After the client chooses a location, he is scheduled for the next available class in which there is room. Two reschedulings are permitted when the client has a "good reason." There is no rescheduling fee.

The client is informed in writing that he must attend a class. He is to submit a \$15 fee and choose the location where he would like to attend class. Currently there are thirty-five locations. The client is placed in an inventory file until there are fifty people requesting a particular location. The client is then scheduled and notified. The classes average forty-two clients. The client is permitted to reschedule twice and no additional fee is assessed. This includes clients who do not show up at the class, but do later contact the Department. After the second rescheduling, the client has to complete the course or face license suspension. Reasons for rescheduling are handled on a case-by-case basis. Approximately 35,000 clients complete the program each year.

North Carolina: (limited number of reschedules, decentralized rescheduling)

General: Warth McDonald, 919-733-3083, is the contact. The class is a two-part series that must be completed in order. The fee is \$25. Only one rescheduling is permitted. The scheduling is handled by the central office, but the rescheduling is handled by the individual instructors to which the client has been assigned. There is no rescheduling fee.

The client is notified of the date, time, and location of the class to which he is assigned. Once a client is assigned, the central office is no

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longer involved. All rescheduling is handled by the instructor to which the client has been assigned. If a client does not show up for his designated class and he has never been heard from, his performance is deemed unsatisfactory and the pending penalty takes effect. If clients do not show up for the second class, after having completed the first night, they are automatically reassigned--held over until the next cycle of classes--and permitted to complete the program then. A client is only permitted to reschedule one time for a "good reason." A good reason generally only includes an emergency situation or a job related excuse. In 1988, 10,757 people were to have participated in the classes (331 were volunteers). Of those, 8,602 completed the course and 2,294 were deemed unsatisfactory, with 1,408 being reassigned. Most of the group deemed unsatisfactory were people never heard from.

Missouri: (additional fee, limited time period)

General: The contact for this survey was William Nelson, 314-621-9200, who is with the Safety Council of Greater St. Louis (SCGSL). There are a number of different schools who get referrals from the courts, and each school is handled differently. Only one was surveyed. The class is a two-part series that must be completed in order. Rescheduling is permitted as often as the court will allow. There is also generally a limit on the time within which the client must complete the class. The rescheduling fee is \$10.

Upon referral by a court, a client has the opportunity to select the location where he would like to take the class. When the SCGSL receives a referral, it assigns the client to a date and time for the classes. The client is to pay his fee (\$?) upon arriving for the first class. If the client is late, misses one part, or misses both parts, then the individual must contact the SCGSL for rescheduling. A notice is sent to the client telling him that he must respond or he will be referred back to the court. The SCGSL will reschedule. An additional fee of \$10 is required. They started with a \$5 additional fee, but find that the \$10 fee is much more effective in deterring rescheduling. The additional fee may be waived if there is a "real good reason," and the reason is often verified. There is no limit to the number of times a client can reschedule. This is up to the individual courts, and each has its own policy. A client is usually given a sixty to ninety day window during which he must complete the program to avoid the penalty.

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Indiana: (limited number of reschedules)

General: All scheduling and rescheduling is handled through the central office of the Bureau of Motor Vehicles (BMV). The contact is Celeste English at 317-232-2827. The class is either a four-part series over a two week period or a two-part series on consecutive Saturdays. The series must be completed in order. The fee is \$20. There is no rescheduling fee, per se, but there is an additional fee of \$10 that must be paid upon failure to pay the initial fee after completing the class or after suspension. The equivalent of two reschedulings are permitted for what appears to be "any reason."

The BMV handles both court and BMV referrals. The BMV schedules the client for particular class dates and location. The client is to pay his \$20 fee upon arrival at the first class of the series. If the client fails to complete the entire series or fails to show up, he gets a "makeup chance." The BMV, by letter, informs the client of the new dates and location. The client is then permitted to reschedule once. If the BMV does not hear from the client, his license is suspended directly by the BMV or the court orders the same. Occasional exceptions to the limit of one reschedule are made on a case-by-case basis. Once a license is suspended, it remains so until completion of the class. There is no rescheduling fee. However, a \$10 fee is assessed upon a client who fails to pay the initial \$20 fee three weeks after completing the class or upon a client who received a suspension, but desires to complete the class. Approximately 53,000 people complete the class each year. However, for a given class roster, only 50-70% complete the class. This results in class-size fluctuations.

Connecticut: (limited number of reschedules, limited time period, DMV adjudicative unit, decentralized rescheduling)

General: The Department of Motor Vehicles (DMV) handles the initial scheduling. Frank Miskow at 203-566-3347 can be contacted for more information. The driver improvement program has two facets: (1) a short driver improvement clinic that must be completed when a driver has accumulated ten points, and (2) a longer program that a driver may be required to complete when he has accumulated eleven or more points after having completed the short program. The driver is permitted to reschedule for the short program once, and all rescheduling activity (if any) for the long program is handled by the individual schools offering the course. There is a limited time period (varies with orders of the adjudicative unit) within which the client must complete the long program.

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The DMV schedules a client for the driver improvement clinic which is a one to two hour class. The DMV also reschedules the client once if they did not attend the clinic to which they were assigned. If the client fails to attend or cannot attend the second scheduled clinic, the driver has a hearing before an adjudicative unit of the DMV. Any question of "good cause" is taken up at this hearing. After the hearing the client may be reassigned or his license may be suspended.

If, after having completed the short clinic, a driver, through additional violations, has accumulated eleven or more points, he is given a hearing before the adjudicative unit. His license may be suspended or he may be required to attend an approved driver improvement course which is usually an eight-hour program held on two or four nights. If the driver must attend the course, he is referred to one of the schools that individually handle the scheduling and rescheduling. The driver is given a time frame in which he must complete the course. If the course is not completed within the time allowed, the driver's license is suspended.

Washington: (decentralized scheduling and rescheduling)

General: Both the Traffic Safety Commission and the Department of Licensing (DOL) are involved in the driver improvement program. Franz Nijaman can be contacted at 206-586-3872 for more information. There are no mandatory driver improvement classes in Washington, but there is a two-hour "goal setting" program that identified problem drivers are required to attend.

When DOL identifies a problem driver, the driver is notified that he must attend a goal setting program which is a two-hour group discussion. Rescheduling is freely permitted for an extended period of time, but "obstinate" no-shows who do not contact the DOL will have their licenses suspended. Each local office of the DOL has a person on staff who takes care of all scheduling and rescheduling activity. There is no fee charged for the goal-setting discussion. Twelve people are assigned to each discussion group, and about eight to ten attend. Over 30,000 people attend the discussions each year.

Several other states were contacted regarding their driver improvement programs, but have not been given detailed treatment in the above discussion. West Virginia apparently does not have a mandatory driver improvement program. In theory, Michigan does, but the program is in the midst of reorganization to the extent that only six schools in three counties are presently operating; this is hardly sufficient to handle referrals.

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A final observation is the effect that a series of classes to be completed in order has on the need for rescheduling. First, in Virginia there are four classes in the series (Va. Code Ann. §46.1-514.12), each with potential need for rescheduling. Second, if one class is missed the whole series has to begin anew creating yet more potential for rescheduling activity.

Hopefully, the information herein will lend guidance to the Driver Improvement Section of the Virginia Department of Motor Vehicles in developing regulations and policies to curtail rescheduling. Careful attention should be paid to the present statutory scheme (Va. Code Ann §§ 46.1-514.12 to 46.1-514.18 (1988)) to determine which, if any, of the techniques used elsewhere can be adopted without an amendment to the Code. Please let me know if you need further assistance in this matter.

VMK:sdc

APPENDIX B

Listing of Driver Improvement Issues

I. LITERATURE REVIEW AND SURVEY OF STATES:

While the questions which can be answered about the DI Program by a review of the literature are not particularly pressing, the review can provide background information concerning almost every other issue posed by DSA and DI. The review and survey of states provides a catalogue of current practices and can lead to a wealth of information about the administration of special DI components, the implementation of new elements, and the streamlining and improvement of current procedures (such as scheduling). The literature review and survey of states would include the following:

- descriptions of DI programs, including point assignments of violations, types of treatments, results of evaluations, administrative methods (like scheduling, monitoring etc.)
- changes in programs over the last five years
- statutory or administrative enablement
- comparative effectiveness of various treatments, controlling for time lags and point value and scheduling differences
- determine what special DI treatments (and violations/point values) are sponsored by other states, including age related programs, offense related programs (speeding, alcohol), special probationary controls (monthly contact), special delivery of treatments (by mail testing, etc.) and special treatments (based on special theories or offering special services)
- examine state experiences in changing point values for convictions, including their methods for determining when to change values
- determine whether states include non-moving or very rare violations, as well as what we now classify as mandatories
- determine how other states group speeding offenses and how this was decided
- determine from other state data whether timing of treatments (i.e. based on the point structure) has an impact on subsequent violations and accidents
- examine the policies of other states with regard to the time set aside for accumulation of points
- determine, based on other states' data, whether the award of positive points effects program effectiveness

-survey how other states schedule their by-mail treatments/correspondence with offenders, including whether they use a warning letter in conjunction with an advisory letter, whether they provide positive reinforcement letters, how their letters are worded, how much threat is involved, etc.

-determine how other states handle violators who have equipment or financial responsibility violations only

-determine how other states handle scheduling problems, including the monitoring of schedule, the use of self-scheduling, the handling of FTAs, the use of positive and negative incentives to get offenders into treatment quickly. Determine if other states allow Walk-ins. Also, collect all software used by other states for scheduling purposes

-determine what the ultimate sanction is in each state and how is this meted out, including how much time it commonly takes to achieve the sanction and the average number of points. In states with formal hearings, what are the criteria for revocation.

-For states with treatments (like the personal interview) which allow some discretion in sentencing, how are the options meted out? Examine other states' data on how consistency in 'sentencing' is maintained. Determine if other states allow sentencers to deliver treatment

-determine the most common causes of backlogs in other states and how they have approached these problem areas. examine any studies which correlate the timely receipt of treatment with the effectiveness of the intervention

-obtain policies and procedures manuals for other states programs. Also collect curriculum information

-determine the qualifications required of treatment providers at all levels in other states. Examine the contracting and feedback procedures in other states, as well as the procedure they must follow to set treatment requirements

-determine if other state statutes refer to good cause and how this is operationally defined elsewhere

-examine cost accounting procedures in other states and use of funds collected from offenders

-review surveys of public awareness of DI programs

II. DEVELOPMENT OF TRACKING, MONITORING AND EVALUATION COMPONENTS

III. MANAGEMENT REPORTS

It is clear that the Monitoring and Evaluation System described under element II is the basis for almost all other administrative and impact studies suggested by the DI staff. Thus, this element should have a high priority in the long range development of the DI research effort. I would suggest that Bill Kelsh and myself represent the Council in this effort, which would obviously also involve DSA and MIS staff members.

The first question which should be answered in relation to the tracking system involved what elements should be tracked: The choice of data elements depends almost entirely on the questions for which DMV and DSA need answers. A reasonable compendium of questions appears in attachment A, as developed by the DI staff. In order to identify data elements, each question should be analyzed in terms of the data needed to provide an answer. Some questions will require that basic data be collected for all participants or programs. Other questions can be answered by drawing and flagging a sample of participants or program events and analyzing these data. Thus, determination of sample sizes and establishing evaluation strategies will be required for such studies on an individual basis. With regard to some special topics mentioned in the attachment:

The prediction of future volume of activity: This project would require collection and documentation of date related events. Time series methodology could be applied to the data to determine seasonal and annual trends, based on raw conviction data combined with information on lag times at various stages of processing

Determination of the impact of program changes: Within statutory limitations, some special or additional handling could be offered to a small but statistically adequate sample of participants to help predict the results of some program changes. In other cases, simple analysis of collected participant data would suffice to answer questions. For instance, if we wished to re-group speeding convictions into four rather than three categories, we could determine which past participants would have achieved different point values and thus would have received different treatments. By looking at their driving record between the time they might have ultimately been suspended, we could determine what violations and accidents theoretically could have been averted.

Identification of sources of lag time: This project could lead to strategies designed to reduce lag time which are aimed at each individual component.

Client Tracking: If this component is introduced as part of the monitoring system, several of the communications issues mentioned in the attachment could be addressed, at least in part.

859 Finally, the tentative format of reports would have to be developed, along with their production schedules and their intended audiences. Developers are cautioned to consider carefully the "need to know" as the criteria for reporting.

IV. REVIEW OF POINT ASSESSMENTS

Since the point system is the basis upon which the DI program operates, the valuation of points is of particular importance. As I understand it, point values were originally determined by examining systems used in other states and adapting them to Virginia's statutory violations. DI now wants to evaluate whether these original values are appropriate and whether some point levels need to be revised.

Obviously, point assessments are meant to reflect the likelihood that committing the violation will lead to an accident. One way to confirm the choice of point values would be to rank order violations according to the frequency with which they are associated with accidents. While this wouldn't directly suggest point values, it would help to make an initial rough check as to whether one violation should be assessed more points than another. This would also provide an initial indication of whether non-moving violations should be assessed points. If they are rarely associated with accidents, than DMV may wish to handle them in another way. A similar analysis of speeding convictions might also suggest the best way to group speeds within differing violations. Additionally, this type of analysis, although crude, may provide some insight into the placement of mandatory convictions, which are assumed to have special deterrent value outside the DI system and are thus excluded from point assessment.

Another question suggested by the DI staff involves the characteristics and DI needs of drivers having the same number of points. The current assumption is that all drivers receiving 6 points in violations are equivalent, requiring the same type of intervention. For instance, this assumes that a person accumulating 6 points in equipment or following-too-close violations needs the same type of treatment as someone accumulating the same number of points by speeding or running a red light. One way to look at this question would involve selecting all persons accumulating the same number of points in one year, say 1986, and grouping by the violations with which they accumulated their points (exclusive of safe driver points). By comparing the subsequent (1987-1988) driving record for one group (say speeders) with another (say FTC-ers), we can get an indication of whether they benefited equally from the treatment or whether one group needed something else. This analysis might also indicate whether special DI treatments are needed for special demographic or violation related groups.

Another issue raised by the DI staff involves the usefulness of positive or safe driver points accumulated in accident and violation free years or earned by attending the Clinic. If these points act as an incentive, then their use should be continued. However, if positive points allow drivers who would ordinarily continue to incur violations to continue driving, then their use is counterproductive. One way to look at this problem is to recalculate point

values for a random sample of persons and determine which of them would have been eligible for suspension or formal hearing in 1986 had it not been for their positive points. We can hypothesize that those persons who would likely have been suspended would have in theory stopped driving (even though we know that many continue driving but drive less frequently or more cautiously). By making this assumption, and by examining their subsequent driving records, we can make a rough estimate of the number of accidents which might not have occurred had these persons had their licenses suspended. Also, both types of positive points (accident-free and clinic-earned) can be analyzed separately, to indicate whether the method of earning the points makes a difference. Again, this analysis does not provide a hard and fast answer to the question posed, but it can suggest whether the use of positive points does any harm.

Of course, you know that one of my own abiding concerns involves the fact that while previous accidents are the best predictors of future accidents, no point value is assessed for accident involvement. This same type of analysis can be conducted for accident involvement (i.e. what would have happened if we had imposed a 1-point or 2-point penalty for accident involvement, regardless of fault? How many persons would have been suspended, with what theoretical effect on subsequent driving records?).

V. SCHEDULING

According to the DSA staff, this issue has the highest priority. Some of the questions posed with regard to scheduling are: (1)What level of activity can be expected within the system at any given time? (2)How can these levels be predicted more accurately? (3)How can we ensure that classes will be filled but not overbooked? (4)How do we best select locations and times for treatment activities? (5)What are the major sources of backlog and how much delay can be attributed to each? (6)Under what conditions should repeated rescheduling be curtailed? These types of questions can most likely to answered by investigating practices of other states and by applying them to data collected within the Monitoring and Evaluation System. Several other special studies can be included within this category:

Feasibility Study of Citizen Scheduling: Clearly, there are some current policies which are counterproductive in relation to the stated goal of getting participants into treatment with a minimum of administrative effort. First, scheduling without input from the participant encourages rescheduling even among persons who sincerely wish to attend treatment. By allowing the participants to schedule their treatment, needless rescheduling may be avoided. There are questions, however, which must be answered prior to piloting this idea. First, can such scheduling be introduced and still meet statutory requirements? (Would special legislation be required, even on a pilot basis?) Second, what forms could the pilot program take (how many different alternatives do we want to test) and are the advantages and disadvantages of each? What are the costs and savings implicit in each? Third, possible public reaction should be taken into account: Will the public use and approve of such a system? Fourth, what is the projected impact of the system on FTAs? Finally, which locations are candidates sites for pilot projects? It is my initial feeling that this feasibility study (with the exception of the public opinion

portion) can more easily and more efficiently be conducted on-site at DMV than at the Council; However, the issue is still open to discussion.

The Impact of "Lag Times" on Treatment Effectiveness: It has been noted with regard to intervention programs that the sooner the intervention occurs after the "offense" (or the sooner after the event which brings the participant under scrutiny), the more likely the treatment is "to work". While this finding has been applied to various types of treatments-in several other states, it has not been tested with regard to the DI Program in Virginia. By examining existing data on the length of time between the various phases of the program (violation, conviction, recording the conviction at DMV, contacting and scheduling the participant, rescheduling, and successful completion of the treatment) and comparing a participant's lag times with his or her subsequent driving record, we may be able to establish how quickly the DI treatments need to be imposed to obtain the maximum effect from the program. We may also be able to pinpoint which type of lag time is most crucial: for instance, it may be that a quick conviction by the court and quick contact by DMV may be more important in reducing subsequent accidents and violations than quick scheduling after contact.

The Impact of Using Positive and Negative Incentives to Encourage Early Treatment Attendance: We know that the likelihood of treatment intervening is dependent upon several conditions: The first and foremost is that treatment must be contingent upon the behavior we hope to change. Thus, the offense and the treatment must be related in the mind of the participant. As mentioned above, it is to our advantage, and the participants, to have the treatment occur as soon after the offense as possible. Clearly, some incentive could be offered to participants to schedule and attend treatments quickly. Currently, there are many incentives to postpone treatment and almost none to attend on time. Even an FTA suspension is a less than powerful threat, since most people drive on suspension anyway (and experienced violators may drive while suspended more often than that). For instance, we could investigate treating DI violations the same way parking tickets are treated: if the person schedules (and attends) treatment within a given period of time, the fee is less than if the time period is exceeded, regardless of reason (no reason is needed for parking tickets). Or charge more for reschedules. Or offer fewer safe driving points after FTAs, etc..

V. FINANCIAL SYSTEMS

The questions associated with this category are basic to financial project: (1)Are fees appropriate? (2)Is the program paying for itself? (1)Are individual components paying for other components? (3)Are certain geographic areas paying for other areas? (4)How are the collections of monies monitored and are the funds being channelled properly? While the Council currently does such research and makes such projections for the VDOT, the Safety Team does not have either the expertise or the experience in the field to assist DSA. The Administration and Finance Team, which is headed up by Gary Allen, would be the appropriate group to undertake studies in this area. I have discussed this with Gary and his group might be willing to entertain proposals in this area.

VII. MISCELLANEOUS STUDIES

There are a number of studies suggested within the long range Driver Improvement Program Issues document which don't seem to fall into one of the six categories but which might ultimately be conducted by the Council staff.

Survey of Public Awareness of the Driver Improvement Program: Throughout the previous discussions, a number of public information issues were brought out. Clearly, the deterrent effect of the program is based on the public's awareness of the sanctions and their impact on the driver. This "general deterrence" creates a perception in the mind of drivers prior to their first conviction or accident that something deleterious will happen to them if they drive improperly. It is this respect for the consequences of improper driving behaviors that causes the driver to avoid actions which could lead to the imposition of Driver Improvement sanctions, thus preventing some violations and accidents. Thus, this general deterrence acts on the total population of driver (whereas specific deterrence acts only on those drivers who have already entered the DI system). Thus, at least in theory, the impact of the program is dependent upon the public's awareness of it and their concurrence that the sanctions are worth avoiding. In the future, then, some additional effort to educate the public may be called for. If so, some baseline measure of public awareness will be needed with which to compare awareness resulting from future campaigns.

The Impact of Classroom Overcrowding, Classroom Location, and Instructor Qualifications on the Outcome of the DI Clinic: By examining the subsequent driving records of individuals attending DI Clinics (or group Interviews) while controlling for previous driving record, it is possible to document the effect of differing class sizes and different instructors. Additionally, subsequent driving records can be used to identify "outlier" regions or communities whose participants have the statistically poorest subsequent driving records in the state. While this type of analysis cannot determine why subsequent records are poor, it can identify localities for more scrutiny. Such scrutiny can determine if some characteristic of the local driving population is causing poor subsequent driving (something outside the control of the program) or whether some characteristic of the program is at fault.

The influence of persons receiving the same treatment several times: About one third of all persons attending group onterview have attended the interview before.

Consistency of PI decisions: How are these decisions made, what types of guideline are used, how consistent are decision makers in handing out sentencing

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In summary, this memorandum outlines the various research areas in which the Council might become involved, in conjunction with DSA and the DI Program. I will be meeting with the group again on January 5th and would like to discuss these issues with you prior to that meeting.

APPENDIX C

**Driver Improvement Program Mail-Out Questionnaire
and List of Respondents**



NAME _____

TELEPHONE # _____

TITLE _____

STATE-OF-THE-ART STUDY:

Driver Improvement Programs: A 50-State Evaluation

July 1989

The following questionnaire has been prepared for a study requested by Virginia's Department of Motor Vehicles. The goal of this study is to improve Virginia's driver improvement programs and subsequently improve the way in which the state deals with negligent operators.

This state-of-the-art study will prove extremely valuable to our program (and perhaps to others). We appreciate your taking time to answer these questions. We have enclosed a mailing label for your convenience.

PART I

The following is a list of materials that would help us understand the workings of your state's programs. Please check off whether or not your state has any of these documents. We would appreciate you sending us a copy of any of these documents that you have when you return your response to this questionnaire.

	<u>YES</u>	<u>NO</u>	<u>Can You Mail Us A Copy?</u>
1. Organization Chart	_____	_____	_____
2. Policies and Procedures Manual	_____	_____	_____
3. Administrative Regulations Governing the Program's Operation	_____	_____	_____
4. Point System Description	_____	_____	_____
5. Policies Determining Point Assignment	_____	_____	_____
6. Positive Point Letters	_____	_____	_____
7. Statement of Goals, Objectives, and Mandates	_____	_____	_____
8. Statistics on the Number of Persons in Various Parts of the Program Each Year	_____	_____	_____

	<u>YES</u>	<u>NO</u>	<u>Can You Mail Us A Copy?</u>
9. Qualifications for the Treatment Provider (Contracted and/or In-house)	___	___	_____
10. Studies on Point System Effectiveness	___	___	_____
11. Advisory/Warning Letters	___	___	_____
12. Treatment Descriptions	___	___	_____
13. Treatment Curricula	___	___	_____
14. Studies of Treatment Effectiveness	___	___	_____
15. Descriptions of Scheduling Software	___	___	_____
16. Studies of Treatment Timing	___	___	_____

PART II

The next few questions concern general features of your state's driver improvement program.

1. In what year was your driver improvement program established? _____
2. What is the driving population in your state? _____
3. How many individuals participate in your program each year? _____
4. Does your state use a point system?
 YES NO (If no, please skip to question No. 6)

5. What types of violations/actions are included?

	<u>YES</u>	<u>NO</u>
Moving violations	___	___
Non-moving violations (equipment, financial responsibility, etc)	___	___
Vehicular manslaughter	___	___
Reckless driving	___	___
Driving under the influence of alcohol or drugs	___	___
Accidents	___	___

6. Does your state have a program where extremely negligent drivers are certified to be habitual offenders?

YES NO (If no, please skip to question No. 9)

7. How long is the habitual offender license revocation? _____ years

8. How many violations of what type in what time period qualify a driver as a habitual offender?

9. What is the most severe penalty of your program?

10. On the average, how many points (numbers and/or types of violations) and in what time period does it take before this penalty is brought to bear on an offender?

11. How many drivers received this penalty within the last calendar year? _____

12. Would you like to receive a copy of the results of this study?

YES NO

Again, thank you for taking time to answer these questions. We appreciate your efforts in helping us improve Virginia's Driver Improvement Program. If you have any questions or comments concerning the study, please do not hesitate to call Emily Vermillion (Research Assistant) or Cheryl Lynn (Research Scientist) at (804) 293-1900.

Please return your response along with any documents you feel would be useful in helping us to understand your program to:

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Bureau Of Driver Improvement
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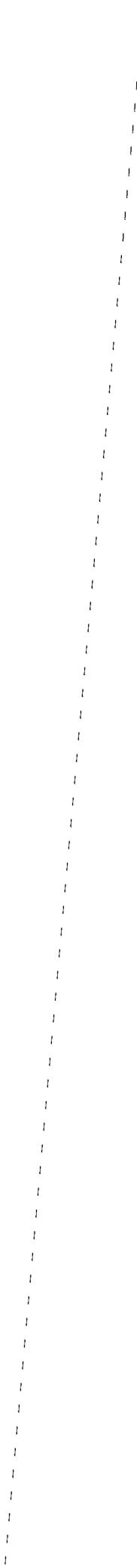
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APPENDIX D

**Sample State Driver Improvement Full Questionnaire
and Summary Sheet**



Washington

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206-753-6972

AND: Stephen Lang
Hearing Specialist
206-545-6758

I. PROGRAM HISTORY AND ORGANIZATION

1 Does your state have a driver improvement program?

Yes.

2. What is the administrative organization of your driver improvement program, both internally and within the larger framework of state government? May we have a copy of your organizational chart? [Check questionnaire.]

The program is run by the Department of Licensing.
Organizational chart is enclosed (Appendix B).

3. Is there a statement of policies and procedures for your driver improvement program at present? Does this or any other document set out goals and objectives for the program? What other documents describe the program? May we have copies of these documents? [Check questionnaire.]

There is no policy and procedures document.

4. What is your state's driving population? [Check questionnaire.]

3,200,000. Appendix A.

5. How many people participate in your driver improvement program each year? [Check questionnaire.] What is this as a percentage of the total driving population?

20,000 per year. Appendix A.

6. Can you break the number of participants down by treatment types? [Be alert to overlapping categories.] [Check questionnaire.]

3,200,500

Washington

7. When was your state's Driver Improvement Program begun? [Check questionnaire.]

Begun in 1965. Appendix A.

11. How has the program changed since it began? What were the specific problems, if any, that prompted the changes? [If the time frame is unwieldy, ask respondent to describe changes in the early years and any recent changes.]

The program's focus has shifted from goal-setting, where counselors worked with participants to set goals for improving their driving skills, to educational. The change was prompted by research which showed no difference between those participants who received no treatment and those which received goal-setting counseling.

12. Were changes administrative or legislative? How was it decided whether to pursue administrative or statutory change? What were legislative strategies, if any?

The changes were administrative.

II. POINT SYSTEM

A. GENERAL QUESTIONS

13. Does your state have a point system?

No. The Washington system is event based.

14. Please describe your present point system: What are the specific point values assigned to different violations? What time periods have been set out for accumulation of points? [Please send copies of any written descriptions.] [Check questionnaire and statutes.]

Not Applicable.

15. Do you have a written policy on the rationale and methodology for assigning point values?

Not Applicable.

16. What mechanism is there for the review and revision of point values?

Not Applicable.

Washington

17. Have there been any studies of the effectiveness of the point system? Can we get a copy? [Check the questionnaire.]

Not Applicable.

18. What were the point values assigned to specific violations when your driver improvement program began? How were these values decided upon? By statute? If so, what was the legislative rationale? Have these point values changed? Why or why not?

Not Applicable.

B. SPECIFIC QUESTIONS

20. How are speeding offenses grouped? How was this decided?

Not Applicable.

21. How do you assign point values to newly-created violations or violations which are included in the point system for the first time?

Not Applicable.

22. Are points assigned for driving under the influence of drugs or alcohol?

Not Applicable.

23. Are points assigned for vehicular homicide or vehicular manslaughter?

Not Applicable.

24. What non-moving violations are assigned points? Are equipment violations or financial responsibility violations included in the point system? [Check questionnaire.]

Not Applicable.

25. Are points assigned for accident involvement? How are these determined and assigned?

Not Applicable.

Washington

26. Does your state award positive driving points? [N.B.: this is not the same as reduction of points following satisfactory probation or completion of driver improvement treatments.] What specific criteria do you have for awarding positive driving points? Do drivers receive positive points for attending driver improvement courses?

Not Applicable.

27. How are drivers notified that they have accumulated positive driving points? If letters are used, may we have a copy of such letters?

Not Applicable.

28. In your opinion, how does the award of positive points affect the program's effectiveness?

Not Applicable.

III. TREATMENTS AND PROGRAMS

A. GENERAL QUESTIONS

29. Please describe the participants in your driver improvement program. Are reckless drivers included? What about habitual violators? Substance-abusing drivers?

All individuals incurring at least three traffic offenses in one year are included.

30. What types of treatments do you utilize? Specifically, do you use group interviews? Personal interviews? Drivers' schools?

The treatments used in Washington State are:

Driver Improvement Interview	Three offenses in one year Four offenses in two years
Suspension	
Goal setting (group interview)	As a result of the interview
License on conditional status	for one year
Traffic School	Court Ordered/ no reductions

Washington

31. What are the criteria for assigning participants to each form of treatment? [Check questionnaire.]

See question 30.

32. If a point system is used to determine appropriate levels of treatment, please indicate the number of points that must be accumulated in order to be assigned to each treatment level. Please give examples of offenses committed by one or two typical participants who progress through the various levels of treatment.

Not Applicable.

33. Have there been any studies of the effectiveness of different forms of treatment in your state? Have any of these studies examined the relationship between the timing of treatment (including time elapsed between offenses and treatment) and the effectiveness of the intervention? May we have copies of these studies? [Check questionnaire.]

A 1985 study of the Goal Setting Program showed it to be effective in reducing moving violations.

34. What do you think about your state's structure of point accumulation for various levels of treatment? How does the timing and sequence of treatments under this structure of point accumulation affect subsequent violations and accidents? In your opinion, are there changes that could make the treatments more effective?

Not Applicable.

B. SPECIFIC QUESTIONS

35. Does your program use advisory or warning letters? Are these letters personalized? Are they threatening? May we have a copy of your letter(s)? [Check questionnaire.]

No letters are used.

36. Are there special treatments or programs relating to age? Substance abuse? Reckless drivers? Speeders?

Not as part of Driver Improvement.

38. May we have copies of curricula or other materials describing your treatments? [Check questionnaire.]

Goal setting curriculum enclosed.

Washington

39. Does your driver improvement system include periods of probation? For instance, are there probationary programs for participants after completing driver improvement courses? What other mechanisms do you have for monitoring participants after completion of treatments?

Yes. After the Goal Setting class, the individual's license is on conditional status for one year.

40. How is the driver improvement program itself monitored? How do treatment providers inform program managers of participants' progress?

All treatments are offered in-house.

41. Who provides each of your levels of treatment? Are there standard qualifications for treatment providers? What are the qualifications for treatment providers at each level of treatment?

See question 40.

42. How much discretion is exercised in assigning drivers to treatment? Who has this discretionary authority? Hearing officers? Other treatment providers? What is the basis for exercising this discretion? Are one on one personal interviews part of the process?

The hearing officer administering the Driver Improvement Interview can select to immediately suspend the driver, if his driving has indicated that he is a threat to other drivers, or the individual can be assigned to Goal Setting, and go on probation.

43. Are treatments provided in-house, that is, by employees of the same department responsible for assigning participants to treatment? Which treatments are provided by departmental employees and which by other state agencies or private contractors?

No treatments are provided.

45. Are participants charged fees for participation in any of your programs? Which ones? How much are they charged?

No fees are charged.

46. Does this reflect the true cost of the treatment program? Does the program generate a surplus?

Not Applicable.

Washington

47. Who controls funds collected from program participants?

Not Applicable.

48. How are these funds used?

Not Applicable.

IV. SCHEDULING AND TIMING

49. How are participants scheduled for treatment?

Once selected for treatment, individuals are informed of the place and time of the class they must attend.

50. Is scheduling done manually or is it automated? What software is used for scheduling? May we have a copy of documentation and software that you use to implement your scheduling system?

The scheduling is done manually.

51. How much discretion are participants permitted in scheduling their own treatments? Are walk-ins allowed? For which types of treatments?

Participants are permitted very little discretion. Walk-ins are not allowed.

52. How does the degree of participant discretion in scheduling affect the administrative efficiency of your program? How do these factors influence the effectiveness of the treatment?

Not Available.

53. What is the number [and/or percentage] of treatments that must be rescheduled? [Please break this down, if necessary, between first-time and continuing treatments.]

10 percent are rescheduled or, possibly less.

54. Is there a limit on the number of times a person can reschedule?

Rescheduling for a good reason, a second rescheduling would require an extremely good reason, e.g. medical.

55. Have you experienced backlogs or other difficulties in scheduling or rescheduling? What caused these difficulties?

No backlogs have been experienced.

Washington

56. How have you responded to backlogs or other scheduling problems?

No backlogs have been experienced.

57. What specific department or agency has responsibility for scheduling?

The Internal Hearing Section has responsibility.

58. What is the volume of customer complaints? How are complaints handled?

Negligible. Since most complaints are the result of a misunderstanding, after a review of the circumstances, a letter is sent explaining the misunderstanding, along with an apology if it is deemed necessary.

59. Does your state use positive or negative incentives to get participants into treatment quickly? Please describe these incentives.

Positive incentives are used. State encourages those with a potential problem to come in by educating them about the rewards which come with a good driving record, i.e. lower insurance rates, money saved by not having to pay fines, etc.

60. Were any operational differences noted after the incentives were introduced?

None were noted.

61. How does your state respond to participants who fail to appear for treatment?

License is suspended for 30 days.

62. Are there time limits within which participants must complete assigned treatments?

No, because participants are expected to appear for treatment when they are initially scheduled.

63. What are the penalties for failing to complete various forms of treatment? How many times can a participant attempt to complete a treatment?

Failure to complete treatment results in suspension and may be attempted only once.

Washington

65. Is there a statute of limitations for completion of treatment assignments? For instance, if a participant leaves the state before completing an assigned treatment and returns to the state five years later, must that participant still complete the treatment?

There is no statute of limitations.

66. Does your state release participants from treatment assignments if the state cannot process them within a certain period of time?

No participants are released.

V. Ultimate Sanctions

67. Does your state have a habitual offender statute? How are habitual offenders identified?

Yes. Habitual Offenders are those who incur twenty violations in a five year period or three major violations in five years (such as DUI, hit and run, etc.). This results in a five year revocation.

68. What are the ultimate sanctions of your state's driver improvement program? [Check questionnaire.] At what point or points in your treatment program are these sanctions imposed? How often are these sanctions imposed?

[Ideally, over the last five years.]

The Driver Improvement Program imposes a one year suspension at the Driver Improvement Interview level. Most DI suspensions are for thirty days, except for recidivists.

69. What is the average amount of points it takes to achieve these sanctions?

Not Applicable.

71. What is the number of people who had their licenses suspended or received other ultimate sanctions in your state's driver improvement program last year? How many licenses were suspended or other serious sanctions imposed by mechanisms outside the driver improvement program? Please break down these numbers as clearly as possible and indicate what percentage of the total driving population this represents.

The administrators do not have this information.

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DRIVER IMPROVEMENT SURVEY SUMMARY SHEET

Washington

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Department of Licensing
Highway License Building
4507 Woodview Drive
Lacey, Washington 98503
206-753-6969
206-753-6972

AND: Stephen Lang
Hearing Specialist
206-545-6758

Description of Program:

Treatment Types	Points Required	Time	Provider	Fee	Comments
1. Driver Improvement Interview	3 traffic offenses or 4 traffic offenses	1 years 2 years			Or whenever probation or suspension is about to be imposed (not for mandatory infractions).
2. Suspension or	3-4 traffic offenses				License placed on conditional status for 12 months.
3. Goal Setting	"				
4. Traffic School	Voluntary or Court ordered				Court Ordered.

1. Driver Improvement Program? Yes. Date begun: 1965.
2. Driving population: 3,200,500.
Number or percent in DIP: 20,000

3. Treatment Types [include for each treatment type, if possible, points, time period, fee, number attending, whether in-house or contracted]:

The treatments used in Washington State are:

Driver Improvement Interview	Three offenses in one year Four offenses in two years
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Suspension

Goal setting (group interview)	As a result of the interview
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License on conditional status	for one year
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Traffic School	Court Ordered/ no reductions
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4. Special Program:

Not as part of Driver Improvement.

5. Point System:

No point system.

6. Ultimate Sanction:

Yes. Habitual Offenders are those who incur twenty violations in a five year period or three major violations in five years (such as DUI, hit and run, etc.).

This results in a five year revocation.

The Driver Improvement program imposes a one year suspension at the Driver Improvement Interview level. Most DI suspensions are for thirty days, except for recidivists.

7. Scheduling:

Once selected for treatment, individuals are informed of the place and time of the class they must attend.

The scheduling is done manually.

Participants are permitted very little discretion.
Walk-ins are not allowed.

8. Sources of Information/Documents provided:

- A. Response to survey questionnaire.
- B. Organizational Chart.
- C. Goal setting format.
- D. "Effectiveness of the Goal Setting Program," (November 1985)
- E. Code of Washington, Driver's Licenses.

9. Innovative aspects of their program:

The goal setting group interview was developed in Washington.