

New Jersey Department of Transportation
Bureau of Research

Technical Brief



Restricted-Use Licenses for Suspended NJ Drivers

The New Jersey Department of Transportation would like to explore the possibility of a Restricted Driver's License (RDL) program. The research project examined the key issues associated with restricted-use license programs

Background

In New Jersey, driver license suspension for traffic-related offenses was established as a way to remove "bad drivers" from the roads. However, in the early 1990s, this sanction was expanded to non-traffic-related offenses, such as failure to meet financial responsibilities or failure to acquire/maintain proper auto-insurance. In 1992, New Jersey became the first state to pass legislation to adopt a license suspension law for drug offenders. In New Jersey, this has been a controversial issue, causing some groups to ask why non-traffic-related crimes are receiving traffic-related punishments. The primary intent of suspending a driver's license is to keep hazardous drivers off of the roads, in hopes of having a safer driving environment for others on the road. Drivers in New Jersey can have their driver's license suspended for a number of reasons. These include dangerous driving behaviors such as reckless driving and driving under the influence of alcohol or drugs. However, there are also reasons for suspension that have little or nothing to do with driving behavior, such as failure to pay child support, failure to pay Motor Vehicle Commission (MVC) insurance surcharge, or failure to appear in court. Although citizens should comply with these court ordered obligations, they have little or nothing to do with driver behavior. One concern is that suspensions levied for failure to meet financial commitments may actually be counterproductive. These suspensions may lead to loss of a job or reduced income and hinder a driver's ability to meet the financial demands of child support or insurance surcharges which led to the suspension. A number of states in the U.S. have countered this unintended impact by creating Restricted Use License programs, allowing drivers with suspended licenses to drive in specific scenarios, e.g. drive to work.

Research Objectives and Approach

The primary objective for this study was to explore the possibility, the consequences, and the implications of implementing a Restricted Driver's License (RDL) program in New Jersey. In order to address the different issues surrounding New Jersey driver's license suspension and the possibility of a RDL program, the following research objectives were met:

1. Evaluated New Jersey suspension characteristics as a comparison of driving behaviors between drivers with a suspended license and drivers with a valid license.
2. Conducted national survey of State motor vehicle agencies to gather information on other states' experiences with RDL programs.
3. Conducted survey of New Jersey Police Chiefs to gather information on the perceptions of New Jersey stakeholders regarding RDL programs.
4. Evaluated implications of a RDL program for drivers with Commercial Driver's Licenses (CDLs) to understand possible challenges of implementing and enforcing a RDL program.
5. Evaluated crash and violation risk of drivers with non-driving suspensions as a comparison of driver risk between drivers with a suspended license and drivers with a valid license. Also, compared drivers who were suspended for non-driving-related reasons to drivers who were suspended for driving-related reasons.

Findings

This study examined the rationale for license suspensions and the effectiveness of alternatives to suspensions. Driver's license suspension effectiveness was examined in terms of traffic safety, completion of compliance, fairness and affordability, habitual behavior, cost/benefit issues, and feasibility of enforcement. In addition, this study gathered information of other states' approaches of restricted driver's license programs that might be considered by New Jersey.

Demographics and Driving Behavior of Suspended Drivers

The number of suspensions in New Jersey has increased from about 900,000 suspensions in 1995 to nearly 1.05 million suspensions in 2010. In general, there were more male suspended drivers than female suspended drivers, a high percentage of urban and middle income drivers, and a low percentage of rural, high, and low income drivers. A disproportionately high percentage of suspended drivers were from urban areas and the lower income areas. Only 15.4% of currently suspended drivers were suspended because of direct driving offenses. The largest proportion of suspended drivers (36%) had only one suspension. The largest proportion of suspended drivers (41.1%) had an accumulation of over 12 violation points.

Stakeholder Perceptions

A key element of this study was to determine the perceptions of New Jersey police chiefs regarding the possibility of a Restricted Driver's License program in New Jersey, as well as to gather information and examine how other states in the United States approach different strategies for dealing with traffic offenders. In regards to other stakeholder perceptions, the police chiefs strongly believed that the general driving public, the state legislature, and suspended drivers would agree to a restricted driver's license (RDL) program in New Jersey. Over half of the police chiefs agreed that only first time suspensions should be offered RDLs and that requiring completion of help programs should be a part of the RDL programs. The majority of police chiefs agreed that suspensions should be lengthened, or penalties imposed if the driver incurred additional violations during the RDL programs. Nearly two-thirds of police chiefs disagreed with the statement that drivers with non-driving related suspensions have a propensity toward unsafe driving, which is to say that they are no more dangerous on the road than any other driver.

RDL Programs in Other States

This study surveyed other states to determine strategies for dealing with traffic offenders. The survey found that every responding state suspended driver's licenses in their state for non-driving reasons. All but one of the responding states said that a relief/remedial program is offered to suspended drivers (i.e. RDL program). In terms of enforcement, among the responding states one common approach for identifying restricted-use driver's licenses was to use additional documentation that identifies a driver's license as a "limited privilege" license. Another common approach was to have some kind of an identifier on the driver's history record. All responding states, except for Hawaii, reported the possibility of cancellation of the restricted driver's license program and reinstatement of the suspended license if a driver is found in violation of the license restrictions.

Recommendations

This section presents recommendations for an RDL program in New Jersey, and the rationale for those recommendations.

1. Eligibility - All First-offenders, regardless of offense. New Jersey implements a restricted driver's license program in which all first-time offenders are eligible, regardless of offense. This approach is followed by most states in our surveys. The one exception has been that many states do not issue an RDL program for non-driving suspensions, e.g. unpaid fines or child support. In the interest of fairness to drivers with suspension for financial reasons, we recommend that these suspensions also be considered for an RDL. By federal law, RDL is not permitted for Commercial Driver Licenses.
Variation: Exclude DUI and Drug Offenses from RDL. These offenses were concerns of NJ Police Chiefs.
2. Minimum Mandatory License Suspension Period for Second-time offenders. Second-time offenders should be required to first meet a mandatory license suspension period before receiving eligibility for a restricted driver's license. State agency surveys showed that it was a common approach to require a minimum license suspension period that had to be served before receiving eligibility for a RDL.

This minimum serving time should range from one month to up to a year, at the discretion of the courts or NJMVC.

3. Automatic Suspension for Third-time Offenders. Third-time offenders should receive automatic license suspension, and are not eligible for a restricted driver's license. The current policy, which states that any driver with three license suspensions issued within a three year time period can have their license suspended for up to three years, should remain as is. It is also recommended that any driver found to be violating the conditions of the restricted driver's license program, regardless of the number of offenses, receive automatic license suspension. This approach was also common among states with RDL programs.
4. Mandatory Remedial Course. For the RDL program, it is recommended that a mandatory remedial course be required. This remedial course should begin within two-to-four weeks within the initiation of the probationary period. The New Jersey police chiefs who responded to the survey conducted for this study recommended that the RDL program include a requirement of a remedial course. Also, studies have shown that recidivism is most effectively reduced if suspension/probationary programs are given in conjunction with remedial driver programs.
5. RDL Restrictions. Drivers requesting a RDL should be required to list reasons for why they need the RDL, and these reasons should be verified by the MVC before the RDL is approved and issued. Acceptable reasons would include, but not be limited to, driving to work, driving to school, driving for doctor's appointments, driving necessities to care for elderly/children, religious obligations, driving for Alcohol and Drug Programs, e.g. Alcoholics Anonymous, driving to meet court-directed appointments, or in the case of an emergency. All of these acceptable reasons were listed by state agencies that currently offer RDL programs.
6. Documentation. Two variations should be considered to denote that a driver license is a restricted use license. The first is to add a restriction code to the actual license. However, adding a restriction code to a license can be challenging because of limited real estate on the license itself. A second option is to require that drivers carry a separate form showing the actual restrictions along with the driver license. A variation on this strategy would be to replace the basic driver license with a separate driving permit. Several states indicated the need for drivers to carry a separate form or letter which clearly documented the terms of the restrictions. The separate form would specify when and where the licensee is allowed to drive. These forms are particularly important to allow shift workers to drive to and from work.
7. Penalties for Violating Provisions of the RDL. Based on best practices of states with an RDL program, drivers who violate their RDL terms should be cited for Driving under Suspension. As a penalty, NJMVC should consider extending the duration of the original suspension (by up to a year). If NJMVC or the courts decide to permit the RDL to be reissued, the duration of the RDL should also be extended.
8. Costs. Implementation of an RDL program in NJ would incur costs both for initial setup and for operation. The states with existing RDL programs reported that initial setup should budget for IT development costs for data entry of the new license and associated database recordkeeping. Operational costs will vary based upon the number of RDL applications. Many states simply absorbed these costs into their existing budgets, but more realistically an additional budget will be required for the addition of staff to administer this program.

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A final report is available online at: <http://www.state.nj.us/transportation/refdata/research/>. If you would like a copy of the full report, send an e-mail to: Research.Bureau@dot.state.nj.us.

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