



Traffic Safety Facts Banner

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Use And Lose Laws Evaluated In Two States

The term *Use and Lose* has been used to describe laws that result in driver licensing actions against persons found to be using or in possession of illicit drugs and against young persons found to be drinking, purchasing, or in possession of alcoholic beverages. Use and Lose means that if you use alcohol or other drugs you will lose your drivers' license.

The National Highway Traffic Safety Administration (NHTSA) sponsored a study by Preusser Research Group to assess the highway safety effects of Use and Lose laws on subsequent motor vehicle crashes and on subsequent violations for underage persons arrested for alcohol or drug violations in two states.

The objective of Use and Lose laws has been on deterring substance abuse, and presumably they should also have highway safety effects. Of special relevance from the highway safety point of view, are those Use and Lose laws that include alcohol violations since youth have very high crash rates and alcohol is the one drug most often associated with highway crashes. It was recognized that young persons were not very likely to be jailed or otherwise substantially sanctioned by the criminal justice system for alcohol or drug offenses. Some states sought a meaningful sanction to deter these offenses. Removing the drivers license, or denying licensure, was seen as a sanction that could be readily imposed and would be meaningful to youth.

Reports from several states indicate that the actual implementation of Use and Lose laws can vary from case to case. These circumstances created the opportunity to compare the driving records of youth who received a license action with youth who were arrested, but did not receive a license sanction.

Approach in Two States

The Pennsylvania Use and Lose law calls for license suspension or delay in licensing of persons under 21 convicted of: 1) purchase, consumption, possession or transportation of liquor, malt, or brewed beverages; 2) misrepresenting age to obtain alcohol; or 3) carrying a false identification card. The suspension period or delay in licensing is 90 days for a first offense, one year for a second offense, and two years for subsequent offenses. Use and Lose cases filed in the District Courts in Pennsylvania during 1995, 1996, and 1997 were matched with Bureau of Driver Licensing files to obtain data on the crashes and motor vehicle law violations of the person involved.

The Missouri law, *Abuse and Lose*, calls for the suspension of driving privileges of persons under 21 who plea or are found guilty of 1) any alcohol related traffic offense; 2) possession or use of alcohol, committed while operating a motor vehicle; 3) possession or use of a controlled substance; 4) alteration, modification, or misrepresentation of a license to operate a motor vehicle; or 5) a second offense of possession or use of alcohol by persons under 18. The suspension period for a first offense is 90 days and one year for subsequent offenses. Conviction records from the Missouri State Highway Patrol's Traffic Arrest system for 1995, 1996, and 1997 were matched with driver record data from the state. Missouri is one of a few states that does not include crash involvements in its driver record files.

Pennsylvania

Almost all of the Use and Lose charges were for the purchase, consumption, possession, or transportation of alcohol. While Driving While Intoxicated (DWI) is not a Use or Lose law charge in Pennsylvania, about half of the Use and Lose charges were made in the context of a DWI arrest. About one-third of the cases did not undergo license action. Losing the drivers license (or delaying it) reduced subsequent traffic violation convictions and crashes in Pennsylvania.

- Young drivers who received a license action were less likely to have a subsequent traffic violation conviction.
- DWI suspended drivers were the least likely to have a subsequent conviction, followed by the Use and Lose suspended drivers, as compared to drivers whose licenses were not suspended.
- Subsequent convictions were more common among males; less common among older (19 and 20-year old) drivers.
- Use and Lose suspended drivers were the least likely to have subsequent crash involvement; followed by DWI suspended drivers, as compared to those whose licenses were not suspended.

Missouri

DWI offenses are among the charges included in the state's Abuse and Lose law. A large majority of these cases (85 percent) had a drivers' license action. Licensing actions were rarely reported with charges of possession or use of alcohol (16 percent) or the possession or use of a controlled substance (14 percent). These low numbers resulted in small numbers of cases in the comparison groups, making analyses difficult. One third had previous driver license actions. DWI was the arresting charge in 72 percent of the cases, followed by possession or use of alcohol (21 percent) and possession or use of controlled substance (6 percent).

Those whose licenses were lost showed fewer subsequent violations, but the differences were not statistically significant when calculated within the three groups separately.

Conclusions

The young persons examined in these two states had been arrested on charges of alcohol and substance abuse, often including DWI. In both states, the majority of these persons had traffic violation convictions prior to the arrest, and a large minority had a previous action taken against their drivers license.

In Pennsylvania, about one in four had a previous motor vehicle crash. These circumstances suggest that young drivers who have been convicted of Use and Lose violations are a high risk group from a highway safety point of view. The findings in Pennsylvania suggest that license actions taken against this group lead to fewer subsequent violations and crashes. There was not a sufficient enough sample in Missouri to draw conclusions. The Pennsylvania data provide additional evidence that the withdrawal of driving privileges is an effective driver control measure. The study findings do not comment on the possible deterrent effects of Use and Lose laws on substance abuse by young persons.

HOW TO ORDER

For a copy of *Evaluation of Use and Lose Laws* (28 pages), write to the Office of Research and Traffic Records, NHTSA, NTS-31, 400 Seventh Street, S.W., Washington, DC 20590, or fax (202) 366-7096, or download from www.nhtsa.dot.gov. Richard Compton, Ph.D., was the contract manager.

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