



# TRANSPORTATION REVIEW

## DRIVING ON A SUSPENDED OR REVOKED LICENSE

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Driver's licenses are essential to ensuring public safety on and around roadways. Licensing dates back to the dawn of the automobile era and ensures that drivers have passed a minimum knowledge and skills test, and that they are held accountable for their actions on the roads. Driving is considered a privilege rather than a right. Consequently the state that issues a license to drive may revoke it when the driver has committed a reckless driving act or if the driver is considered unfit to drive. All 50 states and the District of Columbia issue driver's licenses, and conversely, all have penalties for driving without a license. These penalties vary widely, but follow a similar theme: driving without a license is a serious offense that goes beyond a moving violation. Penalties generally involve fines, jail time or both.

### FEDERAL ACTION

According to a study in 2009 by the National Highway Traffic Safety Administration (NHTSA), in six states, about 42 percent of drivers suspended for driving reasons were subsequently convicted of a violation while their driving privileges were suspended. To improve traffic and transportation safety, NHTSA developed the National Driver Register (NDR) Problem Driver Pointer System (PDPS). PDPS is a nationwide clearinghouse containing identification information about drivers who have had their driving privilege revoked or suspended, or who have been convicted of serious traffic violations. Prior to issuing a driver's license, State driver licensing agencies are required to query the PDPS to see if an individual has lost his or her driving privileges in another state. Find information about the NDR at <http://www.nhtsa.gov/Data/National+Driver+Register>.

### STATE ACTION

#### *Suspended for Non-Driving Reasons*

There are numerous ways that a driver may lose the privilege to drive and sometimes a driver's license can be suspended for a non-driving violation. According to NHTSA and the American Association of Motor Vehicle Administrators (AAMVA), all 50 states and D.C. have laws permitting suspension of driving privileges for non-driving reasons. The most common include:

- Failure to comply with a child support order
- Failure to maintain proper automobile insurance
- Failure to appear in court
- Convictions for drug related offenses

A 2009 NHTSA report noted that in some jurisdictions, non-driving license suspensions outnumber driving-related suspensions.

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## *Suspended for Driving-Related Reasons*

For serious driving related violations, such as drunk driving, many states will suspend the license of a driver for a set amount of time. While they temporarily lose their driving privileges, these drivers will regain them after the suspension is over. Drivers who commit very serious offenses, or who habitually break driving laws, may have their licenses revoked. These drivers have lost all driving privileges and, if allowed, will need to reapply to get them back.

To get one's license suspended or revoked requires serious driving offenses, enough for the state to want to take the driver off the road. The lack of a license, however, may not stop the drivers from getting behind the wheel, and evidence shows that they are more likely than the general population to be dangerous when they are. According to the National Highway Traffic Safety

Administration approximately 30 percent of drivers suspended for driving reasons commit a moving violation while under suspension. The AAA Foundation evaluated data from 1993 through 1999 and reported, "of the 278,078 drivers involved in fatal crashes in the United States...37 percent were un-licensed, 74 percent were driving on an invalid (e.g., suspended, revoked, denied/cancelled) license, and 27 percent were of unknown license status."

To lessen the likelihood of drivers operating a vehicle without a license, states impose serious penalties on those who do. Some states have one statute that defines a penalty for drivers caught operating a motor vehicle without a license. Others differentiate between those who have had their licenses revoked and those who are merely suspended. Still others define a separate penalty for drivers who have never had a driver's license. For more information on suspended and revoked licenses, see <http://www.ncsl.org/default.aspx?tabid=19790>.

### *Criminality*

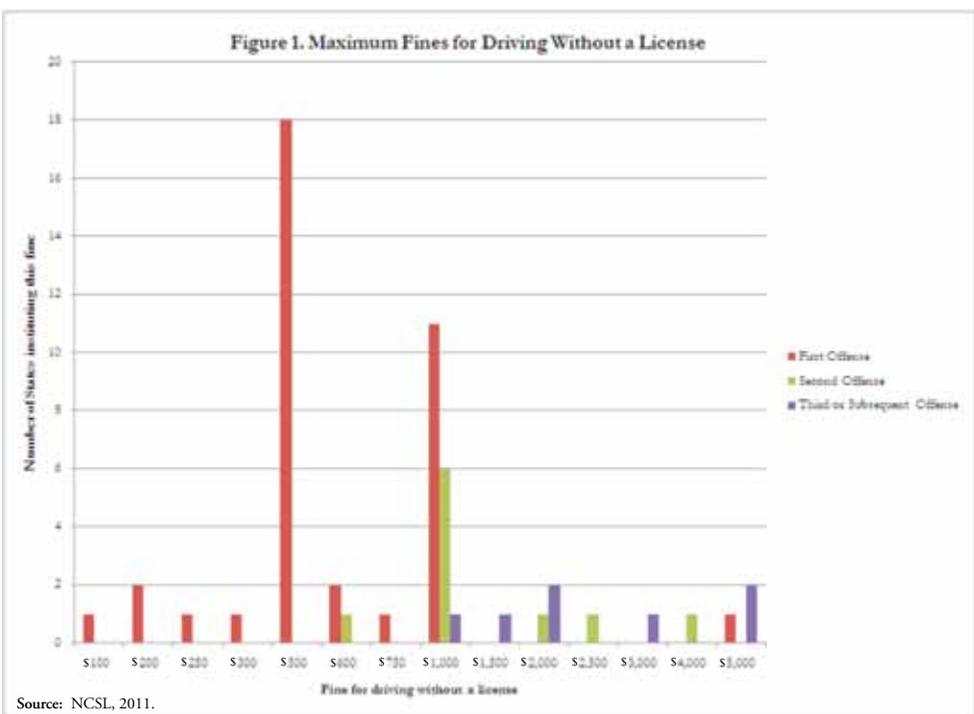
Most states consider driving without a license to be a criminal act, though it can be a civil violation as well. In at least 37 states, driving without a license is a misdemeanor, and is punished accordingly. In different states the act is considered to be a different degree of misdemeanor, and in some, the severity of the charge is based on circumstances such as previous offenses or reasons the license was suspended or revoked in the first place. In at least two states, Florida and Kentucky, a third or subsequent offense of driving without a license is considered a felony. In Oregon, it is considered a felony if the license had been suspended or revoked due to the driver operating the vehicle under the influence, or due to a vehicular manslaughter. In at least 41 states, a driver convicted of driving without a license may face a jail term. These terms vary significantly throughout the 50 states and range from several days to six months or more; in some states repeat violators could face terms of up to a year. Florida leaves open the possibility that habitual offenders could spend up to five years in prison, while Vermont allows for all offenders to receive two-year jail terms. In some states, these terms are laid out explicitly in statute, while others give judges significant leeway to make decisions based on extenuating circumstances.

### *Fines*

Nearly all states levy a fine for driving without a license. Statutes define a range of fines applicable to different violations and, as with jail terms, give judges leeway to assess fines that fit the violation. Some states go further and differentiate different fines based on the class of license the driver had, or other such considerations. While most states differ in the range of fines, the plurality



of states set the maximum penalty for a first offense at \$500, with a significant number allowing a maximum of \$1,000 (Figure 1). Vermont sets the highest allowable fine for a first criminal violation: \$5,000. While not as many states define a different monetary penalty for subsequent offenses, those that do generally set higher maximum penalties. In a minority of states, still higher fines are imposed for a third or further violation. Extremely high fines may be imposed in some states for specific violations. In Michigan, for example, an unlicensed driver who causes serious injury may be fined \$1,000 to \$5,000. If a fatality results from driver recklessness, the fine may be up to \$10,000.



### *Other Penalties for Driving without a License*

A minority of states impose penalties other than jail or fines on drivers who operate a vehicle without a license. Some of these penalties are aimed at the driving record of the violator, such as adding additional time to the suspension of the license or putting more points on the license when it is reinstated. The amount of time added to the suspension varies by state and violation, and ranges from days up to five years. Other states impound the vehicle that was used in the violation. In some states, it is the arresting officer who may impound the vehicle, while in others the judge orders it. In 2011, Virginia passed a bill that allows for vehicle impoundment after a person has been convicted of driving with a suspended license offense for the second time.

## CONCLUSION

All 50 states, the District of Columbia and Puerto Rico issue driver's licenses and have the power to suspend or revoke a motorist's license. In a 2005 AAMVA survey of 32 states, an average of 7.4 percent of licensed drivers had their license suspended. Driving while suspended or revoked is a

major traffic offense, and penalties can involve fines, jail time and vehicle impoundment. Drivers with suspended or revoked licenses pose a traffic safety danger because some studies have shown an increase in crash and fatality rates for suspended drivers.

## SOURCES

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