



SUMMARY OF IMPOUNDMENT AND FORFEITURE LAWS AND PRACTICES FOR DWI-INVOLVED DRIVERS

Ensuring that DWI offenders who receive the license suspension penalty actually do not drive is a major problem in most states. Many continue to drive, receive traffic citations and are involved in crashes during periods of license suspension. States have passed laws that directly affect the offender's vehicle, or license plates as a possible way of reducing this problem. For example, some states permit offenders' **vehicles** to be incapacitated (booted), impounded, or forfeited and sold. Other states permit their **license plates** to be removed and impounded. Still others permit specially marked license plates to be used.

Recently, Phase I of a NHTSA sponsored study was completed containing a description of these laws, information on their limitations and use, and the feasibility of conducting an impact evaluation for one or more of these laws.

Thirty-two states have passed these kinds of laws. Fourteen States (Alaska, California, Illinois, Montana, New Mexico, North Carolina, Nebraska, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Wisconsin) permit the impoundment, immobilization or forfeiture and sale of the **vehicle** of offenders who are convicted of DWI or driving while suspended as related to a DWI conviction. Laws in 11 States (Indiana, Iowa, Maryland, Michigan, Minnesota, New Hampshire, Ohio, South Dakota, Virginia, Washington, Wyoming) permit the suspension or revocation of the **vehicle registration** as well as the impoundment, destruction, or marking of **plates**. Also, 7 States (Arizona, Arkansas, Delaware, Maine, New York, North Dakota, Oregon) permit action to be taken against the registration, license plates **and** vehicle itself--depending on the offense.

Contact with State and local officials, members of the judiciary and police officers suggested that use of

vehicle impoundment and forfeiture is rare, because such laws are generally reserved for multiple DWI offenders and because of administrative, liability, and other problems such as judges reluctance to impact innocent family members. Laws applying to **license plates** that are handled using an administrative procedure are used in only 5 states (Ohio, Oregon, Washington, Iowa, Minnesota) but have been applied more often. For example, in Oregon, thousands of "zebra striped" stickers have been placed by police on the plates of cars of DWI offenders stopped for driving on a suspended license. Use of these stickers precludes problems associated with vehicle liability or added costs for towing and storage as with vehicle impoundment or forfeiture laws.

In Phase II of this study, NHTSA is conducting an evaluation of the effectiveness of the sticker laws in Oregon and Washington State for drivers convicted of DWI. The primary question being addressed is what effect does the law have on driving while suspended.

A detailed technical report prepared by National Public Services Research Institute of Landover, Maryland entitled *Assessment of Impoundment and Forfeiture Laws for Drivers Convicted of DWI: Phase I Report* is now available. It should be a useful resource to States and Communities interested in vehicle sanction laws and practices as applied to DWI offenders. Also, States considering passage of license plate impoundment laws for multiple DWI offenders under the 410 Supplemental Grant Criterion may find it helpful.

For additional information about this project, contact: Office of Program Development and Evaluation
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