

Investigation of the Effectiveness of the Virginia Habitual Offender Act

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In 1968, Virginia passed the Habitual Offender Act (the Act), one of the first laws in the United States directed at motorists who repeatedly violate traffic laws. Persons convicted as habitual offenders are subject to long-term license revocation, and those who violate this revocation may be incarcerated. A study was conducted to determine the effectiveness of the Act in enhancing traffic safety in Virginia. A sizable number of individuals whose driving records include a sufficient number of convictions to allow the Virginia Department of Motor Vehicles to certify them as habitual offenders are never brought before the courts on the charge. The existence of such a group of certified yet nonadjudicated habitual offenders is an indication that the procedures implementing the Act need to be changed to promote a more global implementation. However, the existence of this group allowed the researchers to compare a sample of certified habitual offenders with a group that had been adjudicated. In general, the adjudicated group had more prior convictions for driving under the influence of drugs or alcohol, and the certified group had more convictions for operating under a suspended operator's license and more convictions that were defined as minor offenses under the Act. However, the adjudicated group had fewer subsequent traffic convictions and crashes and were conviction-free and crash-free for a longer period of time. These data indicate that adjudication under the Act may enhance traffic safety.

A number of states have enacted statutes directed at motorists who repeatedly violate traffic laws. These "habitual offender" statutes seek to provide maximum safety for all drivers by denying the privilege of driving to persons convicted of a specified number and type of traffic offenses. Persons convicted as habitual offenders are subject to long-term license revocation, and those who violate this revocation may be incarcerated.

In 1968, Virginia enacted one of the first habitual offender laws in the United States, preceded only by Colorado in 1953 and Delaware in 1958. The Virginia Traffic Safety Study Commission recommended the legislation in a report to the governor and the general assembly in 1967, stating its belief that there were many serious offenses that warranted permanent revocation of driving privileges. The commission endorsed and recommended the passage of a modified version of a habitual offender bill that had been drafted by the Virginia Association of Insurance Agents, Inc.

Since the enactment of the Habitual Offender Act (the Act) more than 20 years ago, there have been no published studies on its effectiveness in promoting traffic safety. Likewise, there has been no analysis of whether the sanctions imposed by the Act have accomplished the objective of reducing the number

of crashes and convictions of persons adjudicated as habitual offenders. Because of the lack of information concerning the Act's effectiveness, some members of the Advisory Committee to the Commission on VASAP urged the committee's Subcommittee on Habitual Offenders to conduct a review of the Act. The subcommittee requested that the Virginia Transportation Research Council (VTRC) study how the Act has affected traffic safety.

The Act defines a habitual offender as any resident or non-resident whose driving record, as maintained by the Virginia Department of Motor Vehicles (DMV), shows an accumulation of 3 major offenses, 12 minor offenses, or a total of 12 major and minor offenses, all within a 10-year period. Major offenses include voluntary or involuntary manslaughter resulting from the operation of a motor vehicle; driving while under the influence of drugs or alcohol (DUI); driving on a suspended or revoked license (SOL); perjury as to matters pertaining to the motor vehicle laws; any felony involving the motor vehicle laws or the use of a motor vehicle; and hit and run involving injury, death, or property damage in excess of \$500. Minor offenses under the Act are those that require the DMV or authorize a court to suspend or revoke a driver's license for a period of 30 days or more. The court does not have to actually suspend or revoke a license for an offense to be counted toward habitual offender certification.

Out-of-state convictions and convictions under local Virginia ordinances that substantially conform to the offenses listed in the Act are included for habitual offender status. Multiple offenses committed in a 6-hr period are counted as one offense provided a driver has no prior chargeable violations. Once a driver has one or more chargeable convictions, all future convictions are counted separately regardless of the time period in which they occur.

Once a driver's record has been identified by DMV as qualifying under the Act, DMV must certify three abstracts of the convictions that counted toward the habitual offender certification to the commonwealth's attorney of the political subdivision in which the person resides. In the case of a non-resident, the commonwealth's attorney of Richmond is sent the three abstracts. The abstract is prima facie evidence that the person was duly convicted. A person who denies any of the convictions on the abstract has the burden of proving that the questioned information is not correct.

The commonwealth's attorney then has the discretion to pursue one of the following courses of action:

1. To file an information against the certified driver in a court of jurisdiction (an information is an official criminal

charge presented by the commonwealth's attorney without the interposition of a grand jury),

2. Not to file an information, or
3. To ignore the certification.

If the court finds that the accused is not the person named in the abstract or that the individual is not a habitual offender under the terms of the Act, the proceedings are dismissed and DMV is notified of these results. If the person is found to be a habitual offender, the court directs the person to surrender to the court his or her license to drive a motor vehicle. The court further orders the offender not to drive on the commonwealth's highways.

In any case where the accused is charged with SOL, the Act directs the court to determine whether the person is currently under a habitual offender revocation. If the court finds that the accused has been held to be a habitual offender, it certifies the case to a court of record for trial. Any person who is under a habitual offender revocation and is subsequently convicted of violating that order is confined to a state correctional facility for not less than 1 and not more than 5 years or confined in jail for 12 months. No part of the sentence may be suspended except any portion in excess of 1 year or where the accused drove in the case of an extreme emergency to save life or limb.

Although the court order is for a permanent revocation, the offender may petition the court for reinstatement after a 10-year period. The burden of persuasion is on the petitioner to show good cause why the revocation should be lifted. The court, at its discretion, may restore the person's driving privileges under whatever conditions it prescribes.

There are three exceptions under which the 10-year period may be shortened. The first is for individuals who were adjudged to be habitual offenders in part on the basis of findings of "not innocent" as juveniles. The offender may petition the court for a return of driving privileges after turning 18 years old.

The second exception is for individuals adjudged habitual offenders in part on the basis of convictions for DUI. Upon petition, a court may issue a restricted license after 3 years and a full license after 5 years provided that (a) the petitioner was psychologically dependent on or addicted to alcohol or drugs at the time of the previous conviction, (b) the petitioner is not addicted to or psychologically dependent on alcohol or drugs at the time of the hearing, and (c) the petitioner is no longer perceived as a threat to himself or herself or the public while operating a motor vehicle.

The final exception is for individuals who were found to be habitual offenders in part on the basis of convictions for SOL where the suspension or revocation was due to either a failure to pay fines; furnish proof of financial responsibility; or satisfy a judgment, provided the judgment has been paid before the petition is filed. These individuals may petition after a 5-year period and may have their driving privileges reinstated provided the court determines that the petitioner is no threat to himself or herself or others while operating a motor vehicle.

PURPOSE AND SCOPE

The purpose of this study was to gain insight into how habitual offender acts work and how Virginia's act has affected traffic

safety. The study further sought to determine what types of offenses typically result in an individual being certified a habitual offender and whether certain types of offenses are more likely to result in an individual being later adjudged as a habitual offender.

METHOD

How Habitual Offender Acts Work

Studies investigating the effectiveness of habitual offender programs in other states were critically reviewed and summarized. Next, a survey of other state statutes was conducted, and statutes dealing with the most serious repeat offenders were described.

Impact of Virginia's Act on Traffic Safety

One way to measure the effectiveness of the Act on traffic safety would be to measure how many of those drivers who have their privilege to drive revoked no longer operate a motor vehicle. However, determining whether habitual offenders still drive is both methodologically and practically impossible. Instead, the performance measure chosen for this study was the effectiveness of the Act in reducing future traffic crashes and convictions—its ultimate intent. Thus, even if persons adjudicated under the Act continued to drive, albeit illegally, the Act would be considered effective if those adjudicated became less of a traffic safety risk by driving less, driving more safely, or both.

To carry out this objective, the driving records of habitual offenders certified under the Act but not adjudicated were compared with those both certified and adjudicated. Because many habitual offenders are not brought to trial, an adequate sample of such drivers can be compared with drivers who are adjudicated by the court system and have their license revoked.

Driver history data for the samples were obtained from the internal DMV "transcript of record" printouts, which are the most comprehensive DMV driver history records. The researchers initially hoped to draw a 25 percent sample of individuals who were certified as habitual offenders by DMV in 1986. Going back to 1986 would allow individuals to be tracked for up to 5 years, during which some of the cases would eventually be adjudicated and others would not have been processed through the courts. However, this proved to be impossible because until 1992 the certification date was purged from the driver history file once a certified habitual offender was adjudicated. Hence, DMV has records only of habitual offenders certified in 1986 who have not yet been adjudicated. To rectify this problem, a 25 percent sample of those certified in 1986 who had not yet been adjudicated and a 25 percent sample of those who were adjudicated in 1986 were selected.

Once records of certified and adjudicated habitual offenders were examined, however, it became clear that it was a common practice for DMV to recertify drivers as new convictions were recorded. In addition, in some cases, these recertified drivers were then adjudicated, thus placing them in

the adjudicated group. These discrepancies in group membership could have been alleviated by restricting both the adjudicated and certified groups to drivers who had been certified only once. However, since the certification date and the record of certification are purged from the DMV record once a certified habitual offender is adjudicated, it is impossible to identify recertified drivers in the adjudicated group. Since it was impossible to remove equivalent recertified drivers from both the adjudicated and certified groups, it was decided that recertified drivers would be included in the analysis. In addition, a few drivers had been readjudicated, but because of their small number, they were left in the adjudicated group and not subjected to separate analysis. Thus, two groups of drivers were compared in this study: (a) adjudicated (drivers who had been certified and then adjudicated at least once) and (b) certified (drivers who had been certified at least once but were never adjudicated).

An obvious limitation of this sampling strategy is that the certified and adjudicated samples may not be comparable. That is, there are likely reasons why an individual might fall into one group or another. It might be the case that commonwealth's attorneys pursue adjudication against only the worst offenders or that the certified group is composed of a transient population more difficult to contact. Assignment to the groups, therefore, may not be random. Hence, it was necessary for the researchers to determine whether the two samples were comparable in terms of their previous driving record before analyzing their subsequent driving behavior. Using a *t* test at the 0.05 significance level, the groups were compared on the basis of five variables: age, sex, number of prior convictions for DUI, number of prior convictions for SOL, and prior convictions for minor violations under the Act. As Table 1 indicates, there were significant differences between the prior driving records of the certified and adjudicated groups. The adjudicated group had more previous DUI convictions than the certified group, but the certified group had more prior SOL and minor violation convictions. There were no significant differences between the two groups in terms of age and sex, with the average age being approximately 31 years and approximately 95 percent of each sample being male.

RESULTS

Literature Review

Very little research has been conducted with regard to the operational aspects of effectiveness of habitual offender legislation. North Carolina evaluated its 1969 Habitual Offender Law in 1975 by comparing the 2-year subsequent driving records of adjudicated habitual offenders with the subsequent records of those whose cases had been pending in the courts or had no action taken over that time period. Li and Waller (1) found no consistent significant differences between the two groups in terms of subsequent records. In Pennsylvania, on the other hand, Staplin (2) found that there was a sharp decline in traffic violations after license revocation even though 75 percent of the interviewed habitual offenders continued to drive. There are problems with both studies, however, since the North Carolina study examined only 2 years of driving behavior subsequent to revocation and the Pennsylvania study did not use a control group to document changes in subsequent driving behavior.

With regard to operational issues, a 1986 California study noted that after 2 years of implementation of a habitual offender act, with lesser penalties than Virginia's, only 4 percent of drivers eligible to be habitual offenders had been prosecuted and, of these, only 21 percent were convicted (3).

Survey of State Statutes

A number of states have what they call habitual offender programs, which deal with less serious offenders and fall under the purview of the driver improvement program. These programs are different from Virginia's habitual offender program and were excluded from this multistate comparison. The distinctive feature of Virginia's Act is the possibility of incarceration for a violation of the habitual offender revocation. Nineteen states other than Virginia have attempted to deal with habitual violators by including provisions for incarceration following a violation of the revocation. Table 2 gives the comparison between the Virginia statute and the habitual offender statutes of the 19 other states.

TABLE 1 Prior Convictions and Demographic Characteristics: Certified Versus Adjudicated

Variable	Mean		T	Significance
	Certified	Adjudicated		
Age	30.996 (n = 661)	31.759 (n = 611)	-1.41	N.S.
Sex	.051 (n = 662)	.044 (n = 613)	.61	N.S.
DUI	1.631 (n = 662)	1.940 (n = 613)	-4.36	<i>p</i> < .01
Minor Violations	1.100 (n = 662)	.936 (n = 613)	2.40	<i>p</i> < .05
Driving SOL	2.113 (n = 662)	1.915 (n = 613)	2.27	<i>p</i> < .05

TABLE 2 Statutory Definition of Habitual Offender Status

State	No. Major Offenses	Within No. Years	No. Minor Offenses	Within No. Years
California ^a	—	—	—	—
Colorado	3	7	10	5
Delaware	3	5	10	3
Florida	3	5	15	5
Georgia	3	5	—	—
Indiana	2 (most serious) 3 (serious)	10	10	10
Iowa	3	6	6	2
Kansas	3	5	—	—
Maine	3	5	—	—
Massachusetts	3	5	12	5
Montana ^b	*	3	—	—
New Hampshire	3	5	12	5
Oregon	3	5	20	5
Rhode Island	3	3	6	3
South Carolina	3	3	10	3
Tennessee	3	3	—	—
Vermont	8	5	—	—
Virginia	3	10	12	10
Washington	3	5	20	5
Wisconsin	4	5	12	5

^a Major offenses for the habitual offender laws are counted only after a person has been convicted for driving on a suspended or revoked license where the revocation or suspension is based on a conviction for DUI or negligent driving. The number of qualifying offenses is counted during a 12-month period after specified offenses.

^b Weighted offenses in point system add up to 30 points.

In defining the type of offenses used in qualifying a driver for habitual offender status, Virginia's Act differentiates between major and minor offenses. A total of 3 major offenses are needed within a 10-year period or 12 minor offenses within the same time frame (see Table 2). Twelve other states also make a distinction between major and minor offenses, and four states have no provision for minor offenses. Montana's unique system of assigning points to weight offenses includes all motor vehicle violations in one category. In California, a driver convicted of driving with a suspended or revoked license is designated a habitual traffic offender. Subsequent offenses are based on a point system with a large number of varying categories.

Like Virginia, fourteen states require three major offenses, but usually within a shorter time frame than Virginia's 10-year time period. Although Indiana's statute provides a category for three major offenses, it further designates a "most serious" category that requires only two convictions. Vermont requires eight major offenses, and Wisconsin requires four. California and Montana use a point system that varies in the number of offenses required, depending on the number of points assigned for each violation.

The number of years in which the major offenses can be accumulated varies among the states from 3 to 10. Only Virginia and Indiana extend the time period to 10 years. Colorado uses 7 years, Iowa uses 6, 11 states use 5, and the remaining 4 states use 3. Under California's system, the number of qual-

ifying offenses are counted during the 12-month period after a specified triggering offense.

Of the 12 states that use major and minor offense categories, Virginia and 3 other states require 12 minor offenses, 2 states require 20, 1 state requires 15, 4 states require 10, and 2 states require only 6. As in the major offense category, only Virginia and Indiana extend the time period for minor offense accumulation to 10 years. Seven states use 5, three states use 3, and one state uses 2.

As can be seen in Table 3, the states are almost evenly split on the procedure followed in declaring a driver a habitual violator, with 11 states implementing an administrative process and 9 states requiring a court proceeding. The procedures used in states in which court action is taken resemble the process followed in Virginia, where the department in charge of motor vehicle records certifies a driver's record to a prosecutor, who in turn brings the action in a court proceeding. The states that require administrative action have varying procedures. Some states automatically revoke a driver's license after the threshold conviction, some provide a hearing after the revocation, and others provide an administrative hearing before the revocation.

Once a person's privilege to drive has been revoked, additional penalties are imposed if this revocation is violated. As indicated in Table 4, all states included in this analysis impose some sort of incarceration, but some states further provide for fines and an additional revocation period. Indiana

TABLE 3 Procedures for Adjudicating/Processing a Habitual Offender

State	Department Certifies/ Court Convicts	Administrative Action
California	X	—
Colorado	—	X
Delaware	X	—
Florida	—	X
Georgia	—	X
Indiana	—	X
Iowa	X	—
Kansas	X	—
Maine	—	X
Massachusetts	—	X
Montana	X	—
New Hampshire	X	—
Oregon	—	X
Rhode Island	X	—
South Carolina	—	X
Tennessee	X	—
Vermont	—	X
Virginia	X	—
Washington	—	X
Wisconsin	—	X

extends the violator's license suspension indefinitely if the initial revocation is violated. Montana extends the revocation period for an additional year. The imposition of a fine varies from \$50 in Massachusetts to a possible \$100,000 fine in Oregon. The differences in the length of incarceration among the states are numerous. The most lenient incarceration length, 10 days, is imposed by Massachusetts and Washington upon the first subsequent conviction. Tennessee allows for the most stringent length, a possible 6-year prison term. The typical sentence is between 1 and 5 years, as is imposed in Virginia.

Impact of Virginia's Act on Traffic Safety

The impact of the Act on traffic safety was determined by comparing the subsequent driving records of drivers who were merely certified as habitual offenders (and who may or may not be aware of this certification) with records of drivers who had been adjudicated.

Because of the statistically significant differences between the prior records of the adjudicated and certified groups, a direct comparison of subsequent driving records was not appropriate. To compare the subsequent records, an analysis of

variance (controlling for significant differences in previous driving records) was used to adjust the data to make the prior driving records of the two groups equivalent. Using prior driving record as a covariate tests the independent effect of adjudication by holding factors such as number of DUIs constant for the adjudicated and certified groups.

The groups' subsequent records were compared on four variables: number of convictions for DUI, number of traffic events resulting in a conviction, number of crashes, and number of days between adjudication (or last certification date) and the date of the first traffic offense resulting in a conviction.

As can be seen in Table 5, after the prior records of the groups were statistically equated, the comparison of the subsequent driving records of the certified and adjudicated groups yielded the following information:

1. The group of certified drivers had more subsequent convictions for DUI and for other traffic events than did the adjudicated group.
2. The group of certified drivers had more subsequent traffic crashes than did the adjudicated group.
3. The group of certified drivers did not remain conviction-free and accident-free as long as the adjudicated group.

TABLE 4 Penalties for Driving After Being Declared a Habitual Offender

State	Revocation	Fine	Jail Term
California ^a	—	\$2,000	180 days
Colorado	—	\$1,000	2 years
Delaware	—	—	1–5 years
Florida	—	—	≤ 1 year
Georgia	—	\$750.00	1–5 years
Indiana	Indefinite	1st offense—\$10,000 ^b Subsequent \$10,000	1 1/2 years ^b 4 years
Iowa	—	\$5,000	≤ 2 years
Kansas	—	\$5,000	1–5 years
Maine	—	—	≤ 5 years
Massachusetts	—	\$50–\$100	≤ 10 days
Montana	1 year	\$1,000	≤ 1 year
New Hampshire	—	—	1–5 years
Oregon	—	\$100,000	5 years
Rhode Island	—	—	< 5 years
South Carolina	—	—	1–5 years
Tennessee	—	\$1,000	1–6 years
Vermont	—	\$5,000	≤ 2 years
Virginia	—	—	1–5 years
Washington	—	1st offense \$500 2nd offense \$500 Subsequent \$500	10 days–6 months 90 days–1 year > 1 year
Wisconsin	—	\$5,000	≤ 180 days

^a Within 7 years of prior conviction.

^b A lesser penalty of a \$500 fine and a prison term of not more than 1 year can be imposed at the discretion of the court.

TABLE 5 Subsequent Offenses: Certified (N = 662) Versus Adjudicated (N = 613) Controlling for Previous Driving Under Suspension/Revocation Violations, Previous DUIs, and Previous Minor Violations

Offense	Grand Mean	Deviation from Grand Mean ^a		Significance Testing	
		Certified	Adjudicated	F ^b	Significance
DUI Convictions	.192	.04	-.05	11.56	p < .01
Crashes	.073	.03	-.04	18.35	p < .01
Traffic events	.809	.29	-.32	68.96	p < .01
Days to traffic event	1,116.78	-68.16	73.61	27.53	p < .01

^aTo obtain the mean for each group, add the deviation from the grand mean to the grand mean.

^b1 degree of freedom.

This type of post hoc analysis, although not definitive, suggests that the habitual offender statute had a positive impact on traffic safety. An alternative explanation, however, has been posed to explain these findings. As mentioned previously, persons who are adjudicated as habitual offenders and are then convicted of driving under habitual offender revocation (also referred to as the felony revoked violation) are sent to a local jail for 12 months or to a state prison for 1 to 5 years. This is not true of persons who are merely certified. It has been hypothesized that the reason adjudicated drivers

were found to have fewer subsequent offenses than certified drivers is that a number of adjudicated drivers were incarcerated during the data collection period and, thus, were physically prevented from driving and incurring convictions and accidents. To test this alternative explanation, adjudicated drivers who had incurred a felony revoked conviction were removed from the analysis. As seen in Table 6, with these drivers removed, the results of this analysis still supported the finding that the Act had a positive impact on adjudicated drivers. Interestingly, when these drivers were included, the

Act seemed to have less of an impact on subsequent DUIs than when these drivers were excluded.

Impact of Virginia's Act on DUI Offenders

Adjudicated Drivers

If a habitual offender adjudication is based on at least one conviction for SOL resulting from failure to pay fines, furnish proof of financial responsibility, or satisfy a judgment, the habitual offender can petition for early restoration after 5 years. If the adjudication is based on at least one DUI, the habitual offender can petition for a restricted license after 3 years and for full restoration after 5 years. Since DMV purges information on outstanding fines and judgments 2 years after they are satisfied, it is often impossible to determine the rea-

son a driver is convicted for SOL. Since this information is not available, very few individuals can petition for early restoration based on an SOL. Thus, the DUI exemption is responsible for most early restorations. For this reason, the impact of the Act on drivers whose previous DUI convictions contributed to their adjudication was also investigated.

Table 7 compares the number of subsequent DUIs, the number of subsequent crashes, the number of subsequent traffic events, and the time to the next traffic event for drivers whose adjudication was based on at least one DUI with drivers whose adjudication was not based on any DUIs. In addition, the records of drivers whose adjudication was based on at least three DUIs were compared with those of drivers who had no DUI. From these data, it can be seen that overall there were no significant differences in subsequent driving history between the two groups. Thus, in terms of driving behavior during the first 4 years after revocation, habitual

TABLE 6 Subsequent Offenses: Certified ($N = 662$) Versus Adjudicated ($N = 497$) Controlling for Previous Driving Under Suspension/Revocation Violations, Previous DUIs, and Previous Minor Violations (Excluding Possibly Incarcerated Offenders)

Offense	Grand Mean	Deviation from Grand Mean ^a		Significance Testing	
		Certified	Adjudicated	F ^b	Significance
DUI convictions	.169	.07	-.09	33.92	$p < .01$
Crashes	.072	.03	-.04	19.98	$p < .01$
Traffic events	.745	.35	-.47	113.84	$p < .01$
Days to traffic event	1,165.57	-116.73	155.48	104.51	$p < .01$

^aTo obtain the mean for each group, add the deviation from the grand mean to the grand mean.

^b1 degree of freedom.

TABLE 7 Subsequent Driving Records of Adjudicated Drivers With One or More DUIs ($N = 503$) and Those Without DUIs ($N = 110$)^a

Year	Offense	Grand Mean	Deviation from Grand Mean ^b		Significance Testing	
			No DUIs	One or More DUIs	F ^c	Significance
First	DUI convictions	.038	-0.03	0.01	1.46	N.S.
	Traffic events	.135	-0.05	0.01	0.68	N.S.
Second	DUI convictions	.031	-0.03	0.01	2.33	N.S.
	Crashes	.008	-0.01	0.00	2.01	N.S.
	Traffic events	.108	-0.08	0.02	4.78	$p < .05$
Third	DUI convictions	.041	-0.02	0.00	0.97	N.S.
	Crashes	.008	-0.01	0.00	1.07	N.S.
	Traffic events	.103	-0.02	0.01	0.44	N.S.
Fourth	DUI convictions	.036	0.00	0.00	0.00	N.S.
	Crashes	.020	-0.01	0.00	0.58	N.S.
	Traffic events	.116	-0.01	0.00	0.13	N.S.
Total	DUI convictions	.145	-0.08	0.02	3.29	N.S.
	Crashes	.036	-0.03	0.01	3.06	N.S.
	Traffic events	.462	-0.17	0.04	3.39	N.S.
	Time to next event	1,201.018	90.39	-19.77	3.73	N.S.

^aControlling for previous driving-under-suspension/revocation violations and previous suspensions.

^bTo obtain the mean for each group, add the deviation from the grand mean to the grand mean.

^c1 degree of freedom.

offenders with one or more DUIs were similar to those with no DUI.

For the purposes of the Act, persons whose adjudication is based on one DUI combined with two other major violations are treated the same as those whose adjudication is based on at least three DUIs. No previous research or data support treating a driver with only one DUI as alcohol addicted. In addition, these data indicate that there is no rationale for treating habitual offenders with at least one previous DUI differently from those with no previous DUI.

However, when the subsequent driving records of persons whose adjudication was based on three or more DUIs (a subgroup of the one or more DUI group) were compared with those having no DUI, there were significant differences. Table 8 indicates that drivers in the first group had more total subsequent DUIs. In terms of other violations, there were no significant differences between two groups. Although not definitive, these results do not support the early relicensing of habitual offenders whose adjudication is based solely on DUI offenses.

Adjudicated Versus Certified Drivers

Another question pertaining to this DUI population is the effect of the Act on DUI offenders as opposed to non-DUI offenders. To answer this question, the subsequent driving records of adjudicated drivers were compared with those merely certified for three groups: (a) drivers whose adjudication or certification was based on non-DUI traffic offenses, (b) those whose adjudication or certification was based on at least one

DUI, and (c) those whose adjudication or certification was based on three or more DUIs.

The impact of the program on habitual offenders with one or more previous DUIs was very similar to the impact on those with no DUIs (see Tables 9 and 10). For both groups, the adjudicated group had fewer subsequent traffic events than did the certified group in each of the 4 years. The adjudicated group also had fewer total subsequent crashes. The certified and adjudicated groups with no previous DUI did not differ in terms of subsequent DUIs. However, the DUI adjudicated group had fewer subsequent DUIs in the fourth year and fewer total DUIs than the DUI certified group. This indicates that the positive impact of the Act was similar for the two groups except that adjudication resulted in fewer subsequent DUIs than certification for the group with one or more previous DUIs.

This was not the case for drivers whose adjudication was based on three or more DUIs. As seen in Table 11, there were no significant differences between the numbers of subsequent DUIs, crashes, traffic events, or time to next traffic event of the adjudicated and certified groups who had three or more DUIs. Thus, although there was a significant positive effect of adjudication shown for drivers with no previous DUI and those with at least one previous DUI, no positive effect was shown for drivers with three or more previous DUIs. This indicates that the Act was not effective in reducing either the amount of driving or the negative consequences of driving for drivers with a serious drinking problem. This finding suggests that persons with one or two DUIs contributing to their adjudication may have benefited from the Act but that the group with three or more DUIs did not.

TABLE 8 Subsequent Driving Records of Adjudicated Drivers With Three or More DUIs ($N = 220$) and Those Without DUIs ($N = 110$)^a

Year	Offense	Grand Mean	Deviation from Grand Mean ^b		Significance Testing	
			No DUIs	Three or More DUIs	F ^c	Significance
First	DUI convictions	.039	-0.03	0.01	1.48	N.S.
	Traffic events	.118	-0.02	0.01	0.30	N.S.
Second	DUI convictions	.021	-0.02	0.01	1.80	N.S.
	Crashes	.006	-0.01	0.01	2.37	N.S.
	Traffic events	.091	-0.07	0.03	2.99	N.S.
Third	DUI convictions	.045	-0.05	0.02	3.70	N.S.
	Crashes	.009	-0.01	0.01	1.45	N.S.
	Traffic events	.100	-0.03	0.02	0.69	N.S.
Fourth	DUI convictions	.033	0.00	0.00	0.00	N.S.
	Crashes	.018	0.00	0.00	0.00	N.S.
	Traffic events	.118	0.00	0.00	0.01	N.S.
Total	DUI convictions	.139	-0.10	0.05	4.77	$p < .05$
	Crashes	.033	-0.03	0.01	1.69	N.S.
	Traffic events	.427	-0.13	0.06	2.02	N.S.
	Time to next event	1,220.876	52.14	-26.07	1.06	N.S.

^aControlling for previous driving-under-suspension/revocation violations, previous suspensions, and previous failure-to-stop-at-the-scene-of-an-accident (misdemeanor) violations.

^bTo obtain the mean for each group, add the deviation from the grand mean to the grand mean.

^c1 degree of freedom.

TABLE 9 Subsequent Driving Records of Adjudicated Drivers ($N = 110$) and Certified Drivers ($N = 156$) with No DUIs^a

Year	Offense	Grand Mean	Deviation from Grand Mean ^b		Significance Testing	
			Certified	Adjudicated	F ^c	Significance
First	DUI convictions	.026	0.00	-0.00	0.26	N.S.
	Traffic events	.259	0.08	-0.11	5.09	$p < .05$
Second	DUI convictions	.034	0.02	-0.02	2.69	N.S.
	Crashes	.019	0.01	-0.02	3.83	$p < .05$
	Traffic events	.248	0.10	-0.15	11.44	$p < .01$
Third	DUI convictions	.019	0.01	-0.01	0.55	N.S.
	Crashes	.041	0.02	-0.03	3.10	N.S.
	Traffic events	.312	0.14	-0.20	15.53	$p < .01$
Fourth	DUI convictions	.049	0.00	-0.01	0.11	N.S.
	Crashes	.038	0.02	-0.03	3.70	N.S.
	Traffic events	.376	0.16	-0.23	13.46	$p < .01$
Total	DUI convictions	.128	0.03	-0.04	2.01	N.S.
	Crashes	.098	0.05	-0.08	8.37	$p < .01$
	Traffic events	1.195	0.48	-0.69	30.62	$p < .01$
	Time to next event	1,023.470	-110.06	156.08	17.12	$p < .01$

^aControlling for previous driving-under-suspension/revocation violations and previous suspensions.

^bTo obtain the mean for each group, add the deviation from the grand mean to the grand mean.

^c1 degree of freedom.

TABLE 10 Subsequent Driving Records of Adjudicated Drivers ($N = 503$) and Certified Drivers ($N = 506$) with One or More DUIs^a

Year	Offense	Grand Mean	Deviation from Grand Mean ^b		Significance Testing	
			Certified	Adjudicated	F ^c	Significance
First	DUI convictions	.053	0.01	-0.01	2.16	N.S.
	Traffic events	.181	0.04	-0.04	5.62	$p < .05$
Second	DUI convictions	.046	0.01	-0.01	1.46	N.S.
	Crashes	.010	0.00	0.00	0.00	N.S.
	Traffic events	.152	0.04	-0.04	6.04	$p < .05$
Third	DUI convictions	.056	0.01	-0.01	1.42	N.S.
	Crashes	.022	0.01	-0.01	7.76	$p < .01$
	Traffic events	.019	0.08	-0.08	20.26	$p < .01$
Fourth	DUI convictions	.055	0.02	-0.02	7.17	$p < .01$
	Crashes	.035	0.01	-0.01	3.83	$p < .05$
	Traffic events	.184	0.06	-0.07	18.27	$p < .01$
Total	DUI convictions	.209	0.05	-0.05	9.83	$p < .01$
	Crashes	.066	0.02	-0.02	8.96	$p < .01$
	Traffic events	.708	0.22	-0.23	35.93	$p < .01$
	Time to next event	1,141.375	-55.35	55.68	13.42	$p < .01$

^aControlling for previous driving-under-suspension/revocation violations, previous suspensions, previous administrative revocations for DUI, previous ASAP attendance, and previous failure-to-stop-at-the-scene-of-an-accident (misdemeanor) violations.

^bTo obtain the mean for each group, add the deviation from the grand mean to the grand mean.

^c1 degree of freedom.

DISCUSSION OF RESULTS

Perhaps the most striking finding of this study is that there is a sizable group of individuals who were certified as habitual offenders by DMV in 1986 but who had not been adjudicated as of 1991. Although the existence of this group provided for the methodology used to analyze the effectiveness of the Act on traffic safety, it is somewhat disconcerting that so many

individuals are never brought to court on the charge of being a habitual offender. Unfortunately, there was no requirement or means for DMV to track the reasons the certified group had not been adjudicated. However, voluntary reporting by some courts indicated that a substantial portion of the certified group could not be located.

In general, however, the data analyzed in this study indicate that the individuals who are adjudicated under the Act have

TABLE 11 Subsequent Driving Records of Adjudicated Drivers ($N = 220$) and Certified Drivers ($N = 151$) with Three or More DUIs^a

Year	Offense	Grand Mean	Deviation from Grand Mean ^b		Significance Testing	
			Certified	Adjudicated	F ^c	Significance
First	DUI convictions	.049	0.00	0.00	0.04	N.S.
	Traffic events	.129	0.02	-0.02	0.68	N.S.
Second	DUI convictions	.032	0.00	0.00	0.19	N.S.
	Crashes	.011	0.00	0.00	0.05	N.S.
	Traffic events	.113	0.03	-0.02	1.90	N.S.
Third	DUI convictions	.054	-0.02	0.01	1.24	N.S.
	Crashes	.019	0.01	-0.01	2.24	N.S.
	Traffic events	.108	0.01	0.00	0.11	N.S.
Fourth	DUI convictions	.030	0.00	0.00	0.04	N.S.
	Crashes	.032	0.02	-0.01	1.91	N.S.
	Traffic events	.121	0.01	-0.01	0.34	N.S.
Total	DUI convictions	.164	-0.01	0.01	0.18	N.S.
	Crashes	.062	0.03	-0.02	2.65	N.S.
	Traffic events	.472	0.08	-0.05	1.94	N.S.
	Time to next event	1,224.593	-11.50	7.90	0.18	N.S.

^aControlling for previous driving-under-suspension/revocation violations, previous suspensions, and previous failure-to-stop-at-the-scene-of-an-accident (misdemeanor) violations.

^bTo obtain the mean for each group, add the deviation from the grand mean to the grand mean.

^c1 degree of freedom.

more prior DUI convictions than the certified group, even though the certified group have more prior SOL and minor convictions. The data also indicate that adjudication results in the commission of fewer traffic violations and crashes and a longer average conviction-free or crash-free time than only certification. Thus, there is some indication that the Act has a positive impact on traffic safety.

However, three-time DUI offenders fare much worse than others after adjudication and are most likely to have subsequent DUIs. Although Virginia law allows for the early restoration of driving privileges for rehabilitated DUI offenders, it is clear from this analysis that not all DUI habitual offenders deserve special consideration for relicensure. Clearly, guidance should be provided to the courts to assist judges in discriminating between DUI habitual offenders who no longer pose a risk on the highway and those whose driving may still endanger themselves and others.

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