

Approved

10/11/87

Date

MINUTES OF THE House COMMITTEE ON TransportationThe meeting was called to order by Rep. Rex Crowell at
Chairperson1:30 ~~a.m.~~/p.m. on February 22, 1983 in room 519-S of the Capitol.All members were present except: Rep. Cloud, excused.

Committee staff present:

Fred Carman, Revisor of Statutes
Hank Avila, Legislative Research
Pam Somerville, Committee Secretary

Conferees appearing before the committee:

Rep. Francisco
Steve Montgomery, Department of Revenue
Rep. D. Louis
Dick Nelson, Data Processing Manager, DOR
Tom Faust, Manager, Data Processing Services, DOROthers Present: See Attachment 1.

The meeting was called to order by the Chairman. The first order of business was HB 2291. The Chairman recognized Rep. Francisco, sponsor of the bill. Rep. Francisco outlined for the committee how HB 2291 would place certain point values on different traffic offenses. (See attachment 2).

The Chairman opened the meeting to committee questions. The Chairman asked Rep. Francisco if he would be flexible in regard to the points applied to specific violations. Rep. Francisco replied he would be. Rep. Knopp expressed concern that the bill in some instances would allow more violations before suspension occurred and asked would it not be better to adjust the violation limit. Rep. Francisco stated that it was not his intent to increase the number of violations allowed, but rather to address the problem which exists of all violations being treated as equally serious.

Mr. Montgomery presented testimony on HB 2291. Mr. Montgomery stated the department had no position as to the policy of using a point system however they did have some reservations regarding other aspects of this particular bill. The first concern was the schedule itself. Speeding carries no points if less than 11 miles over the speed limit and wreckless driving carries 7 points whereas DUI carries 3 points. The second concern is the bill mandates the division to suspend a license before a hearing. The department has concerns about the constitutionality of this provision. Chairman Crowell asked Mr. Montgomery to provide the committee with an appropriate schedule using a scheme of points the department felt would be satisfactory. Mr. Montgomery said he would comply.

The next order of business was HB 2395. This bill addresses persons passing stopped school busses. The Chairman introduced Rep. David Louis who outlined the bill to the committee. The problem is that a person may get a license number of the vehicle in violation but must be able to identify the driver for prosecution to be successful.

Mr. Montgomery presented testimony for the Department of Revenue. The Department had no position on the bill.

Rep. Guldner, co-sponsor of the bill, explained his feelings regarding the need for such legislation. Rep. Guldner is concerned with the unlawful passing of school busses and the fact it is practically

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impossible to convict a violator due to not being able to identify the driver.

Concern was expressed by several committee members regarding whether this would be a civil or criminal proceeding and who would be responsible for prosecution.

This ended the hearing on HB 2395.

The next order of business was HB 2286.

Mr. Steve Montgomery, Department of Revenue, explained to the committee the intent of the bill but said the department has had second thoughts regarding the bill and no longer wished to have it passed. The bill deals with the waiving of driving examinations for persons whose application for renewal is made more than 90 days, but less than 180 days, from the license expiration date. The hearing ended on HB 2286.

The next order of business was HB 2285. Mr. Montgomery, Department of Revenue, explained the provisions of the bill. Section 1 requires courts to certify to the Division of Vehicles convictions where that conviction would make mandatory a driver's license revocation. The second change is in lines 70-74 on page 2. This clarifies that a "fleeing or attempting to elude" conviction for which revocation is mandatory would also include a municipal ordinance conviction therefore. The third change deals with hearing procedures. Section 3 would broaden the time within which the legal services bureau could hold hearings to 45 days after the request when no action had been taken on the license prior to the hearing request.

The amendment in Section 4 would make it clear that in cases of municipal convictions for driving on a suspended license, the Division of Vehicles could add a like period of suspension to the original period of suspension.

The Chairman opened the meeting to committee questions. Several committee members expressed concern regarding the language on page 4, line 150, which specifies the hearing could be no sooner than 5 days after the request is mailed. Some committee members felt this could be too soon and some felt that in emergency situations it could be too long.

The hearing was ended on HB 2285.

Committee discussion on bills heard previously was the next order of business. HB 2069 was brought up for discussion. The problem of setting up to issue the POW plates without requiring expensive changes in the data processing system was again discussed. Mr. Dick Nelson also explained the difficulties of setting aside a block of numbers in an existing category.

Mr. Tom Faust, Manager Data Processing Services, DOR, gave a brief history of how the data processing procedures for vehicle license plates evolved. Rep. Erne again brought up the question regarding the cost for the new Highway Patrol license tags. Mr. Turntine, explained there was a separate file for state vehicles, and there was little additional cost for the Highway Patrol tags. Committee discussion ended on HB 2069.

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Next, the committee took up HB 2110 for discussion and action. Considerable discussion ensued regarding the cost of tags and the registration fee. Rep. David Webb moved to amend HB 2110 to set the fee for the antique tag at \$40.00 and the registration fee at \$15.00. The motion was seconded by Rep. Justice. Motion passed. The meeting adjourned at 3:05 p.m.


Rex Crowell, Chairman

CHAPTER ONE

POINT SYSTEMS—PRESENT CHARACTERISTICS AND PAST HISTORY

The practice of withdrawing driver licenses upon conviction for certain violations of the motor vehicle law is almost universal in North America. The law in most jurisdictions requires revocation of the driving privilege upon conviction for any of several specific offenses, and permits suspension for others. Additionally, in most jurisdictions, the license may be taken for an accumulation of offenses even though none warranted action by itself. In recent years increasing amounts of attention have been given to the latter group of drivers whose total record is serious though no single offense is particularly flagrant. These programs, variously called habitual violator, negligent operator, or persistent violator programs, differ widely in procedure, stage of development and degree of public support, but they have in common the fundamental assumption that drivers who violate motor vehicle laws are dangerous and must be dealt with.

PRESENT CHARACTERISTICS

The point system as a method of driver improvement operates on the principle of objectively weighting traffic offenses according to their seriousness. When a driver is convicted for a traffic offense, the appropriate state or province motor vehicle agency is notified and appropriate points are charged against his driving record. If, in this manner, a driver accumulates a specified number of points in a given time period, the department initiates action designed to improve his driving behavior. This action may involve sending the driver a letter, meeting him in an interview concerning his driving, or as a last resort, suspending his driving privilege. Typically, points are assessed when the department is notified of a conviction for an appropriate traffic offense, and for the purpose of point assessment, bond forfeiture is usually tantamount to a conviction. In some jurisdictions points are assessed on the basis of events not involving a conviction, such as police warnings and involvement in an accident.

Point systems are usually administered under the powers

delegated to the motor vehicle administrator, but sometimes their operation is specified by law. The point system does not compete with provisions of the law requiring revocation for single serious violations but supplements them by providing a means for accumulating convictions not individually requiring action. In some jurisdictions the point system is an unpublicized administrative guide used to select drivers for action. In other jurisdictions it is highly publicized and detailed information is circulated advertising the schedule of point values as well as point levels at which various departmental actions may be expected.

In many respects, the point system is no different from other methods of dealing with the violation repeater. The use of advisory letters, interviews, suspensions, and publicity as tools of driver improvement is certainly not confined to point system jurisdictions. The only true difference between point systems and others is the application of points, and it will become apparent later that this difference is as important as it is obvious. Point systems have two common elements which differentiate them from other systems of driver improvement and constitute the criteria by which jurisdictions are classified in this report. These elements are:

1. Differential weights applied to various violations (and other events).
2. Departmental action of some kind initiated at certain point levels.

Each of these elements pertains to *selection* of drivers in need of corrective action, and they constitute the only truly distinctive features of the point system. Other features are commonly associated with the point system, but they are not an inherent part of it, and it is important for the purpose of later evaluation that the two be distinguished. If the study should indicate that an inherent feature is inadequate or undesirable, then the very nature of the system would have to be changed to correct the deficiency. If, however, an associated feature should appear undesirable, it would be possible to correct the deficiency without changing the nature of the system.

Inherent Features of the Point System

The inherent features of the point system consist of the two elements mentioned before and each is discussed in turn.

Differential Weights

All point systems have various point values. A driver might have a demerit for three points, and a driver who accumulates three points become subject to departmental action. A driver who accumulates violations of equal weighting violation might be referred to as a point driver. It is also clear that Chapter Nine is devoted to the practice of weighting violations. It is to say that taking a driver's record as a characteristic of the driver's approach to driver improvement is a characteristic of this procedure.

Automatic Action

Point systems have automatic action is automatic or exceeds a certain level. A driver who accumulates points from automatically selected cases by points is a driver who accumulates points, and both the point level is clear of the report. Also, a point level is clear with a certain number of points. Chapter Nine discusses

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* For convenience, point assessment is applied

Differential Weights

All point systems have in common the practice of assigning various point values to traffic violations. Speeding, for example, might have a demerit value of five, improper passing might carry three points, and involvement in an accident one point. A driver who accumulates violations* with higher point values will become subject to departmental action more quickly than one who accumulates violations with lower point values. The practice of weighting violations is clearly not the same as counting each violation equally, though the latter practice has sometimes been referred to as a point system in which each violation counts one point. It is also clearly different from weighting violations subjectively in terms of intuitive criteria of "seriousness." Chapter Nine is devoted to a presentation of research designed to evaluate the practice of weighting violations; therefore, it is sufficient here to say that taking action on the basis of a point score is a unique characteristic of the point system, and the validity of this approach to driver improvement is largely dependent on the usefulness of this procedure.

Automatic Action

Point systems have in common that some form of departmental action is automatically initiated when a driver's record reaches or exceeds a certain point level. The nature of the action ranges from automatically imposing a suspension in some jurisdictions to automatically sending cases for review in others. Selection of cases by points is quite different from the disposal of cases by points, and both these practices will be reviewed in later sections of the report. Also, the practice of initiating action at a certain *point* level is clearly different from initiating action on cases with a certain number of convictions (or other events), and Chapter Nine discusses the implications of this difference.

Associated Features of the Point System

In addition to inherent features of the point system, there are characteristics often associated with point systems but not necessarily confined to them.

* For convenience the word violation refers to *any* event for which point assessment is appropriate.

Publicity

The point system is frequently publicized through newspaper releases and pamphlets. Drivers are informed that traffic violations and other events carry demerits and that accumulation of demerits may result in loss of license. Often the policy in a given jurisdiction includes publicizing the schedule of points, the levels at which action is taken, the nature of departmental actions such as letters, interviews and suspensions, and the time period over which accumulated points are actionable. No other method of selecting and dealing with violation repeaters has been publicized to the extent of the point system, and in view of this fact, the effects of publicity are of great interest in studying the point system. There is no reason to suppose, however, that other programs dealing with violation repeaters could not also be publicized extensively. For this reason, conclusions reached in regard to the role of publicity in the point system can probably be generalized to include other types of programs.

Legal Basis

Most point systems are operated under the same statutory authority as comparable programs in non-point system jurisdictions—that of the broad discretionary powers of the administrator—and, in this respect, there is no appreciable difference between point systems and non-point systems. In a significant minority of point system jurisdictions, however, the exact operation of the system is written into the law. There is no reason to suppose that other methods of selecting violation repeaters could not be specified in the law, and, therefore, a statutory program is not by its nature limited to the point system. It is the case, however, that specific means of designating the violation repeater have been written into the law only in connection with the point system, and this close association makes the legal status of the point system most relevant to this report (see Chapter Eight).

Summary

The point system is a method of designating drivers for corrective action on the basis of a point score which is accumulated through commission of traffic offenses with various demerit values. Inherent features of the point system include weighting violations and other events and selecting cases on the basis of

point totals. Points are often accumulated on the basis of characteristics, the system, are traffic violations, quite important of the point system meaningful if clearly distinguishing

In 1952, a state patrolman under New Jersey law was convicted for speeding. He had been playing a game of chance following him in a tank [17].* Later that truck driver was because of the average driver received this state patrolman more stringent man wanted a would "deprive and pin on the

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* The number of the original source

point totals. Point systems are sometimes written into the law and are often publicized explicitly and extensively. These characteristics, though not necessarily an integral part of a point system, are traditionally associated with it, and are, therefore, quite important items for consideration in this report. Evaluation of the point system will be easier and recommendations more meaningful if inherent features of the point system are kept clearly distinguished from those merely associated with it.

PAST HISTORY

In 1952, a steelworker became the first driver to be suspended under New Jersey's newly inaugurated point system. This man, convicted for several violations during a chase, later said that he had been playing his car radio and had not known the police were following him until their bullets pierced his rear window and gas tank [17].* Later a union in New Jersey expressed the opinion that truck drivers should be suspended at 60 points instead of 12 because of the fact that they drive five times as much as the average driver [18]. The New Jersey Director of Motor Vehicles received this suggestion with coolness. About the same time a state patrolman's benevolent association came out in favor of a more stringent system [16], while a former New Jersey assemblyman wanted a legislative hearing on the point system because it would "deprive thousands of citizens of their driving privilege and pin on them a badge of shame." [15]

Items such as the above are found when searching among the many references that have appeared since 1947, when Connecticut introduced the first point system. Since that time the point system has spread to more than 25 jurisdictions on the North American continent, and the geographical expansion has been accompanied, if not augmented, by an unusual amount of local and nationwide publicity. Many articles that have appeared recently are reviewed in this chapter, and others, not mentioned in the text of the report, are listed in the bibliography as uncited references. Two sources of information about the point system are not included in this report because the indexes used to prepare the bibliography did not contain their publications. These sources were the motor vehicle agencies in publicized point system jurisdictions who prepare and distribute many descriptive pamphlets and the local

* The number in parenthesis indicates the bibliography item showing the original source of the information.

newspapers in those jurisdictions. Pamphlets may be obtained by writing to the motor vehicle agency in point system jurisdictions.

It is appropriate that the review of point system literature begin with the only previous study of the point system. In 1954, Elkow and Stack [6] authored "The Point System: A Phase of the Driver Improvement Program." The booklet consists of a brief survey of the point system, and includes opinions of people working in the field as well as statistics which show the scope of point system activity in several states. Apparently point system officials in several jurisdictions were interviewed and their statements of the purpose of the point system are listed. In another chapter, a number of advantages and disadvantages of the point system are listed and later these will be considered in more detail. The booklet also presents enumeration statistics showing the number of drivers reaching various action levels and the disposition of their cases. One set of statistics shows that successively fewer drivers reach higher point levels. Without a control group, these numbers cannot be interpreted as constituting evidence for the effectiveness of the point system, and, of course, no such claim is made by Elkow and Stack. On page 14 of their report, Elkow and Stack cite the need for a standard point system, and on page 15 they present point values which "reflect an effort to 'average out' the standards and practices reported by different states. . . ." The study concludes with a 20-item bibliography.

The Elkow and Stack study is primarily an objective report of the opinions of people associated with various point systems and does not directly evaluate or attempt to specify its role in driver improvement. Other writings have more directly evaluated the point system and seem to reflect two basic positions with respect to it. A review of some of these should serve as a guide to the reader who wishes to study more closely the development of these positions.

One position is stated in the book "Driver Improvement Through Licensing Procedures" edited by J. Stannard Baker [1]. This book clearly, and rightfully, is a great influence on the thinking of people in the driver licensing field and for this reason can be said to typify one trend of thought about the point system. In this book more space is devoted to warning of possible undesirable consequences of point systems than to a chronicle of virtues it might have, and, for this reason, this writer feels that the general tone suggests lack of enthusiasm about the point system.

The position reflected in detail in Chapter Seven have been presented. (1) opposes specifically warns that disposal of the quality of decision that could arise from with the above position

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Another position with those who view the us improvement, both in terms. This group seems to valuable because it furment of the case review drivers, and permits success of the offense. objectivity of the point system of se impartial estimate of lying entirely on the page 239]. In addition publicizing the point commented on the psy when he begins to accu the greatest values of a publicity given to suc and, on another occasion points in scaling offense

The two positions with respect to endorsement

The position reflected in Baker's book will be discussed in more detail in Chapter Seven after more of the results of this study have been presented. For the present it is sufficient to say that it (1) opposes specification of the point system in the law, (2) warns that disposal of cases on the basis of points may decrease the quality of decisions, and (3) lists possible misconceptions that could arise from publicizing the point system. Consistent with the above position is a statement by Kerrick [10]:

"A point system should be recognized as little more than an administrative aid available to disclose those drivers whose records suggest that they practice faulty driving habits. . . . After the point system has disclosed a faulty driving record it does not follow that driving privileges should be suspended solely on the basis of mechanical tabulation" (page 66).

Kerrick states that cases may be selected on the basis of points, but departmental action should be determined by other factors. In summary, one group of people seems to withhold unqualified endorsement of the point system because of a fear that the principle of individual consideration of each driver improvement case will be abandoned.

Another position with respect to the point system is taken by those who view the use of points as a distinct aid to driver improvement, both in terms of departmental action and publicity. This group seems to feel that the point system is particularly valuable because it furnishes an objective supplement to the judgment of the case reviewer, desirable "psychological" effects on drivers, and permits scaling of point values according to seriousness of the offense. The late Director Keneipp spoke of objectivity of the point system when he said, "The weighted point system of screening records permits a fair and impartial estimate of the driver's traffic record without relying entirely on the judgment of a hearing officer" [9, page 239]. In addition to aiding processing, some feel that publicizing the point system has desirable effects. Halsey [8] commented on the psychological value of reminding the driver when he begins to accumulate points, and Murray said, "One of the greatest values of a point system is the educational feature of publicity given to such a system" [21, page 20]. Kraft [11] and, on another occasion, Halsey [8] commented on the value of points in scaling offenses according to their seriousness.

The two positions summarized above differ considerably with respect to endorsement of the point system, but it can hardly be

said that there is a controversy over the point system. Neither of the two positions has specifically met or attempted to refute the statements of the other, but rather each has emphasized certain aspects of the point system and drawn different conclusions. Further, it would be a mistake to suppose that there are two opposing "groups" of men. The statements of these men were selected to typify *ideas* about the point system rather than to suggest actual alliances. These statements have been considered in some detail because one of the primary aims of this report is to clarify positions and to resolve differences where possible. The positions summarized here are reviewed in greater detail in Chapter Seven after more evidence has been presented.

As the point system spread and became more prominent on the driver improvement scene, the need for research into its operations became apparent. McFarland [12] discussed the lack of research in the entire field of socio-legal control of the driver, and he specifically mentioned demerit systems. A few studies were carried out in various states, some of which had direct bearing on the point system. Several sets of statistics made it apparent that the point system directly affects only a small part of the driving population [7, 14]. Studies by Brody [2] and Baillie [20] (secondary sources cited) indicate that drivers who accumulate more points than average also tend to show greater than average accident involvement. Some of the correlation reported in these studies may be artificial, due to inclusion of accidents in which violations were charged, but the basic relationship undoubtedly exists in substantial degree because it holds up even when *non-accident* violations and accidents are correlated.

As a result of a study carried out in New Jersey, statements pertaining to the effectiveness of the point system are found in several places [5, 13, 19, 21]. The statement is made that 93 percent of drivers receiving action as a result of point accumulation showed no further violations. The significance of this figure depends on the time period over which the records were sampled and this information is not given. The fact that 93 percent of the drivers showed no further violations is particularly interesting in view of an earlier statement [14] that seven percent of New Jersey drivers are convicted for motor vehicle offenses each year (therefore, 93 percent are not). If the post-action period in the New Jersey study was about one year, the figures indicate that drivers receiving departmental action because of point accumula-

tion were no worse. It constitutes a consideration that made them subject to the group, their improvement system.

The present report was commissioned by the origin of this study [23], and prior to its progress were submitted [3, 4].

The titles reviewed as uncited references are the object of much discussion. The point system are reviewed in terms of its value to the driver. The evolution of the system is discussed through articles listed

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8. Halsey, Maxwell, *Statistical Control, Saugatuck*, 1956.

tion were no worse than average subsequent to action. This constitutes a considerable improvement considering the bad record that made them subject to action, but, in the absence of a control group, their improvement cannot be attributed to the point system.

The present report represents the completion of a study commissioned by the AAMVA. Some of the background of the origin of this study has appeared in the *AAMVA Bulletin* [22, 23], and prior to this final report, two preliminary reports of progress were submitted to the AAMVA Point System Committee [3, 4].

Summary

The titles reviewed on preceding pages as well as those listed as uncited references indicate that the point system has been the object of much discussion in recent years. Statements about the point system are recorded ranging from enthusiastic endorsement of its value to guarded acknowledgment of its existence. The evolution of thought about the point system may be traced through articles listed in the bibliography.

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15. *New York Times*, May 23, 1952, p. 14:6.
16. *New York Times*, August 19, 1952, p. 12:6.
17. *New York Times*, July 24, 1952, p. 29:3.
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THE EFFECT ACTION C

Driver improvement is not only to the extent that it poses—that of bringing the "the-wheel" behavior of [3] has mentioned the control of drivers and controlled research in showing that driver changes in drivers fundamental effectiveness too far with elaborate assumption that they major undertakings in driver behavior s

The organization of driver improvement process of selecting of taking one of several that driver improvement most likely to cause and through appropriate glance it would seem for action those drivers and universal fact in most drivers not become but because they have vehicle law (most of This policy is pursued late the law are more than drivers who do fundamental assumption as "a symptom