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TITLE: An Evaluation of the California Habitual Traffic Offender Law

DATE: May 1986

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REPORT NUMBER: 107

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FUNDING SOURCE: Departmental Budget

PROJECT OBJECTIVE:

To evaluate the California habitual traffic offender law (AB 3529 - Mountjoy) in terms of: (1) the number of habitual traffic offenders (HTO) identified, (2) their prosecution and conviction rates, and (3) the degree of traffic safety risk posed by HTOs.

SUMMARY:

The California habitual traffic offender (HTO) law was enacted in 1982 in an effort to improve the post-disqualification control of suspended/revoked drivers who continue to drive. Under this law, all suspended/ revoked drivers who accumulated a driving history meeting specified criteria were identified as HTOs and reported to district attorneys of jurisdiction for prosecution. Conviction as an HTO carries a heavy fine and mandatory jail sentence. The identification and reporting of HTOs, mandatory under the original 1982 law, was made permissive under remedial legislation enacted in 1984.

Based on the results of this evaluation, the original HTO law was not a successful countermeasure. In only 4% of 13,725 cases did district attorneys indicate a willingness to prosecute identified HTOs, and the overall conviction rate was less than 1%. It is clear from sample driver record data, however, that HTOs represent an extremely high risk group of drivers, with a prior accident rate 5 times, and a fatal/ injury accident rate 10 times, that of the general driving population. Based on study results, it was recommended that the Department of Motor Vehicles not implement immediately the new permissive HTO reporting program, but that further program and / or legislative remedies be developed based on the recommendations of a task force formed to address the HTO problem and in accordance with the results of a then-current OTS-funded study entitled, "Post-Disqualification Control of DUI Offenders" (study published as DeYoung, Report #129).

IMPLEMENTATION STATUS OF FINDINGS AND RECOMMENDATIONS:

The recommendation not to initiate discretionary HTO sanctions was accepted.

SUPPLEMENTARY INFORMATION:

Although the discretionary HTO law remains on the books (CvE §14601.3), no California county is currently prosecuting or requesting identification of HTOs.

Recommendations from report 129 were incorporated into major 1994 legislation (AB 3148 - Katz, and SB 1758 - Kopp) addressing suspended/revoked drivers who continue to drive.