



ISSUE: ENSURING DRIVERS ARE FULLY LICENSED, COMPETENT AND INSURED



Introduction

The freedom to drive a motor vehicle on a public highway is not a fundamental "right."

Instead, it is a revocable "privilege" that is granted upon compliance with statutory licensing procedures.

In 1931 the Iowa General Assembly passed a law authorizing the Iowa Secretary of State to issue driver licenses for the purposes of: (1) generating tax or user fees to support the county sheriffs; and (2) protecting public safety by recognizing those individuals who met the necessary standards to receive state permission to operate a motor vehicle. (Generally, those standards address age, knowledge of traffic laws, physical capability to drive, and practical driving competence.) Since 1954, all states have required drivers to be licensed.

In 1938 the Iowa General Assembly shifted the driver license issuance responsibility to the Iowa Highway Patrol. It was subsequently transferred to the Iowa Department of Transportation (Iowa DOT) in 1975.

Today, an average of \$10 million annually in driver license-related fees is collected and deposited into Iowa's Road Use Tax Fund. Those funds are used to support the program's administrative costs within the state and certain counties, and for building and maintaining the state, county and local roads and streets.

Although driver's licenses today are also used for many purposes tied to verifying identity - from obtaining a library card to cashing a check to boarding an aircraft - the principal purpose of a driver's license remains unchanged; the only required use of a driver's license is to prove state sanction to drive. Except for the commercial driver's license (CDL), states retain control of the standards governing driver's license issuance and enforcement.

Described below are some of the strategies employed by the Iowa DOT to ensure that drivers are fully licensed, competent and insured. These go beyond those described in the "Education and At-Risk Populations," "Statutory Changes" and "Traffic Law Enforcement" fact sheets published as a part of this educational series.

Snapshot of Iowa driver license facts

- 2,127,890 licensed drivers
- Driver license sanctions in effect Sept. 8, 2004:
 - Barred – 15,483
 - Cancelled – 2,265
 - Denied – 1,184
 - Revoked – 30,692
 - Suspended – 227,139
 - Total – 276,763
- In 2003, 489,573 traffic convictions were recorded by the Iowa DOT, including the following:
 - No driver license - 19,530
 - Expired license – 6,292
 - OWI – 11,614
 - Driving while suspended or revoked – 19,436
 - Driving where prohibited – 485
 - Driving while barred – 3,202

Iowa's Rocket Docket Program

In 1997, cases involving driving while suspended or under revocation were clogging up the judicial system in many Iowa counties. A judge in Linn County, Michael Newmeister, along with a committee including representatives from the Linn County attorney's office, public defender's office, Linn County Advocates and the Iowa DOT came up with an alternative court setting. Newmeister dubbed the new court "Rocket Docket" since it was designed to expedite specific driving-related cases through the system. The concept of Rocket Docket is fairly simple---move as many cases as possible through the system in a short period of time. This

leads to the goal of ensuring drivers are licensed and legally back on the road. Linn County is one of eight counties in Iowa to adopt a form of Rocket Docket. Linn and Polk counties are the only ones that handle cases involving driving while barred and driving while revoked for operating while intoxicated, which are more serious infractions of the law.

Integrity of License Issuance:

Preventing fraud and use of false identities

All states verify the identity of a potential license holder before issuing a driver's license. The documents used to verify identity for this purpose are known as "foundation documents" because they provide the building blocks for the personal information on which the license is issued. Foundation documents range from birth certificates, social security cards and marriage licenses to immigration documents. The principal challenge related to foundation documents is states' ability to verify their authenticity and validity. States do not routinely verify, for instance, that the foundation documents with which they're presented are authentic (i.e. that the document is genuine) or valid (i.e. that the document is eligible to be used). For example, a deceased individual's birth certificate may be authentic, but it is invalid for use as a foundation document for a driver's license. Additionally, relying on an individual state employee's ability to recognize authentic documents is unrealistic. Indeed, the U.S. Secret Service recently reported that more than 16,000 different kinds of birth certificates are produced in the United States.

A second but related issue is the process by which a state ensures that the individual presenting valid foundation documents is indeed the individual to whom those documents belong. It is possible, in other words, for Jane to present Sally's birth certificate and get a valid driver's license in Sally's name. The birth certificate itself is an authentic document, but it does not belong to the person presenting it.

Then, of course, there is fraud. An individual who chooses to produce fraudulent foundation documents has the potential to illegally hold a valid license or licenses. Such documents provide the ability to assume the identity of another individual in order to commit a host of criminal offenses or avoid responsibility for previously committed acts.

It is, therefore, in the state's interest to create a system that significantly hampers criminals' ability to misuse the driver's license system. That is exactly what Iowa has done and continues to refine as new fraud methods are devised and technologies are developed to prevent their use. This system is supported by ongoing employee training in the identification of fraudulent documents.



Driver License Security: Tamper and Counterfeit- Proof Features

Not to be forgotten is the importance of the actual driver license

itself. The Iowa DOT is dedicated to ensuring the authenticity and integrity of driver licenses and to ensuring that the licenses cannot be easily reproduced. Technological advancements in digital imaging have made Iowa's identification cards among the most secure and tamper-proof driver and non-driver license documents produced in the nation. This technology includes a 2-D barcode, magnetic stripe, digitized portrait image and signature, and various security features. Many of the fraudulent practices that plagued the old paper licenses and early computer technology have been eliminated with digital imaging.



Vertical Licenses

Prior to 2001, Iowa had a serious problem with fraudulent use of driver's licenses by minors who were using their licenses to purchase alcoholic beverages and tobacco, and to participate in other activities for which they had not attained legal age. Effective July 1, 2001, a law was adopted in Iowa that mandates driver's licenses and non-operator's identification cards for Iowans under age 21 be printed in a vertical format. The vertical cards aid law enforcement, drinking establishments and retailers by offering quick identification for individuals under age 21, and discourage alteration of the licenses.

Motorcycle Skills Testing

Motorcycle fatalities have increased every year since 1996. In 2003, motorcycle fatalities were approximately 219 percent higher than in 1996, while the number of licensed motorcycle riders had increased only 4 percent. Also, motorcycle injuries rose by 22 percent during the same

period. These statistics indicate a serious safety issue.

In the spring of 2002, the Iowa DOT's driver licensing stations and county licensing facilities implemented a new testing procedure for motorcycle riders. Called the Alternate Motorcycle Operator Skills Test (MOST), the test incorporated elements of the basic testing previously in place in Iowa and added assessment of two new skills. The goal is to test riders in more "real world" situations, including evasive maneuvers at higher speeds. The two additional maneuvers now measure the rider's crash avoidance capabilities, such as reaction to unexpected hazards. The obstacle-swerve exercise evaluates the rider's ability to maneuver quickly to avoid a hazard. A second exercise measures a rider's ability to stop quickly.

Graduated Driver License

For every age group, the best way to gain driving experience is to get behind the wheel. But allowing teenagers to drive without a certain amount of experience has always been a serious safety concern.

In January 1999 Iowa adopted the graduated driver licensing (GDL) system to help young drivers gain experience, while instituting common sense restrictions.

The GDL system is a partnership between the teen, his or her guardian and the state. It's designed to encourage 14- to 17-year-old drivers to successfully complete each phase of the three-stage program. If a moving violation or contributory crash goes into the record of a young driver, while in the learner or intermediate phases, a meeting is held with the driver, guardian and a representative of the Iowa DOT's Office of Driver Services. At this meeting each person will have input into what could help resolve the situation. The representative from Driver Services will ultimately render a decision as to any additional restrictions or sanction placed on the teen's driving privileges.

The GDL system is having a positive impact in modifying negative driving behavior. For more information on the results of this program see the fact sheet entitled "Statutory Changes," which was published as a part of this educational series.

Older Driver Safety

Statistics show that one Iowa driver in six (nearly 350,000) is age 65 or older. Drivers age 85 and over, 75 to 84, and 65 to 74 represent Iowa's fastest, second fastest, and third fastest growing groups of drivers, respectively. Iowa also has the second highest percentage of over-age-85 drivers in the nation, trailing only Florida.

Many seniors retain the physical and mental capabilities to operate a motor vehicle. For others, their cognitive and/or motor skills may have degenerated to levels that make them unsafe drivers. Loss of ability may stem from permanent conditions such as aging, disability and chronic health conditions; or from temporary conditions such as injury and illness. This creates a significant public safety risk factor on our roadways.

One of the challenges at the DOT is to appropriately test and license older drivers to allow them mobility without greatly increasing the safety risks to themselves and other drivers.

Involvement of those who can monitor the senior driver, whether that might be family members or medical professionals (licensed physicians and optometrists), is an important element in assessing driver capability. Iowa law states a medical professional may report to the DOT any physical or mental issues that would render a person incompetent to operate a motor vehicle in a safe manner. Since this reporting is voluntary, the input of family members is another important aspect of assessing the competency of an older driver.

The Iowa DOT's goal is not to keep older drivers off the road, but to allow people to drive within their capabilities. The DOT works diligently with the driver, family and medical professionals to assess those capabilities. Weighing all of this information into their decision, it is ultimately the examiner's responsibility to render a final decision and license the driver accordingly.

Accommodations for testing older drivers can include oral knowledge testing, drive tests administered in local areas, and training DOT examiners in what to look for during an older driver's road test.

The term of license renewal for older drivers is set by the legislature, with the authority to test drivers given to the Iowa DOT. Currently, drivers

70 years old or older are licensed for two years. A vision screening is required at each renewal, but written and driving tests are at the discretion of the examiner.

Once testing is complete and an assessment made of the results, driver license personnel have the authority to place restrictions on the license to allow the driver to continue to enjoy limited privileges, even if full privileges cannot be granted. These restrictions may include no nighttime driving, limited distance driving, speed limitations or reevaluation in less than two-year increments.

The National Driver Register (NDR)

The National Driver Register (NDR) is a central repository of information on individuals whose driver's licenses have been revoked, suspended, cancelled or denied; or who have been convicted of certain serious traffic-related violations such as driving while impaired by alcohol or other drugs. When an individual applies for a license, state driver licensing officials query the NDR to determine if the individual's driving privilege has been withdrawn in any other state. Because the NDR is a nationwide index to driver records from all states, a state needs to submit only a single inquiry to obtain this information. The information obtained from the NDR assists the state driver licensing official in determining whether or not to issue a license. The Federal Aviation Administration and the Federal Railroad Administration also use the NDR to process their inquiries for the detection of driving violations, especially alcohol-related, among their applicants for certification. In addition, the U.S. Coast Guard recently was authorized to receive NDR information regarding their applicants for certification. All 50 states have established electronic access to the NDR file.

Interstate Compacts

A driver's license represents a tool that affords its holder vastly increased mobility to move within a state and among states. Therefore, states have collaborated to ensure the safety of the nation's roads. Two interstate compacts --- contractual agreements among the states --- govern states' administration of drivers. The Driver License Compact (DLC) and the Nonresident Violator Compact (NRVC) provide a means for state cooperation and information sharing. These compacts were developed by

the states and are currently administered by the American Association of Motor Vehicle Administrators (AAMVA). The DLC, created in 1961, ensures that a driver's home state receives and processes information about traffic violations committed by that driver in another state. Forty-five states have adopted the DLC. The NRVC standardizes methods used by different jurisdictions to process traffic citations received by out-of-state residents. Forty-four states have adopted the NRVC since its development in 1972. These compacts, while limited in scope, illustrate the states' ability to work cooperatively.

Operating While Impaired and Implied Consent Laws:

Administrative License Revocation

Operating while impaired is a major public safety issue across the country. Nationally, about 18,000 persons are killed each year in alcohol-related crashes.

Fortunately, over the past few decades the number of drunk driving fatalities and injuries has been declining, largely due to increased education, enforcement and societal changes; however, the numbers are still substantial.

In Iowa, more than 100 persons are killed each year in alcohol-related accidents. Alcohol is involved in one-quarter to one-third of all fatal crashes. Approximately 2,500 persons are injured in Iowa each year due to alcohol-related crashes.

Like nearly every other state, Iowa has a two-track system for persons apprehended for operating while intoxicated or drugged (OWI). On one track, the person faces a criminal charge of operating while intoxicated, which may include, among other things, jail time, fines and a criminal record. The criminal charge of OWI is handled by the county attorney's office in whichever of the 99 counties the offense was committed.

Iowa Code Chapter 321J covers matters concerning operating while intoxicated. Under Iowa law, it is unlawful to operate a motor vehicle in this state in any of the following conditions: (1) while under the influence of an alcoholic beverage or other drug or a combination of alcohol and another drug; (2) with a blood alcohol concentration of .08 or

more; (3) while having any amount of a controlled substance in one's body.

In addition to the criminal aspect of OWI, a person arrested for OWI also faces a civil process. This consists of an action by the Iowa DOT revoking the person's privilege to operate and register motor vehicles. This is referred to as an administrative license revocation because the administrative agency that issues a driver's license (the Iowa DOT) is imposing a revocation of the operator's license.

This matter is handled in the administrative license revocation process. The DOT revokes the operating privilege through evidence supplied by a peace officer who certifies that the person was operating a motor vehicle in violation of Iowa Code section 321J, that the officer had reasonable grounds to believe the offense had been committed, and that the person either refused chemical testing or submitted to a chemical test which indicated an unacceptable level of alcohol and/or drugs.

Implied consent laws also assist in removing impaired drivers from the roadways. The law states that any person who operates a motor vehicle anywhere in Iowa in a manner giving reasonable grounds to believe that they are operating in violation of the OWI statute is deemed to have given consent for withdrawal and testing of a specimen to determine the alcohol or drug content in the person's body. An important difference between the two aspects (criminal and civil) is the burden of proof. The state has the burden of proof in the criminal court system. In the civil or administrative license revocation system, it is the licensee who carries the burden of proof. While the state must prove the person committed the offense of operating while intoxicated in a criminal case, it is the burden of the licensee to, in essence, prove he did not violate the implied consent law in the license revocation process.

Not all arrests for OWI result in convictions; however, administrative revocations may still be imposed. Therefore, implied consent laws play an important role in removing impaired drivers from the roadway.

Each year in Iowa, approximately 20,000 persons have their privileges to operate motor vehicles revoked for OWI and another 2,000 persons under age 21 have their licenses

revoked for zero tolerance violations. Iowa law also requires the revocation of licenses for persons driving under the influence of illegal drugs and the disqualification of operating privileges for operators of commercial motor vehicles with blood alcohol concentrations of .04 or more.

Ignition Interlock

Iowa law provides for certain individuals who have had their driver's license revoked for operating while intoxicated or drugged to be eligible for a Temporary Restricted License if an ignition interlock device is installed on all vehicles.

An ignition interlock device is designed to prevent an individual from operating a motor vehicle while under the influence of alcohol. Connected directly to the electrical system of a motor vehicle, it prevents the vehicle from starting when the alcohol level of the driver's breath is above a preset limit.

TraCS

The Traffic and Criminal Software (TraCS) program began in 1994 as a personal computer-based system used to capture driver and vehicle information related to motor vehicle crash reports. From those humble beginnings, TraCS has grown to a suite of software enabling a peace officer to enter data for motor vehicle crash reports, traffic citations, operating while intoxicated reports, commercial motor vehicle inspections, and incident-based crime reports.

The basic use for TraCS is the electronic capture of data on-site by scanning the bar code on the driver's license, vehicle registration receipt, and/or commercial vehicle cab card of the individual involved in a crash or citation. This data, as well as information entered into onboard computers by the officer at the scene, is stored electronically at the user agency and transmitted all the way through the system, including citations going to the courts. This entry of information at the scene prevents duplication of effort and increases the accuracy of the information.

Officers with the Iowa DOT's Office of Motor Vehicle Enforcement and Iowa State Patrol use the in-vehicle computer system to record almost all of their safety-related data. More than 190 local law enforcement agencies in

Iowa are also using TraCS. Currently, more than half of officer crash investigative reports and about 17 percent of citations issued in the state are sent through the system. In addition, the Iowa DOT has issued licenses to use the software to nearly 20 other states.

Driver Improvement Program

In Iowa, your driving privileges may be suspended for being a habitual violator, for being convicted of a serious violation or "countable" moving violations.

- **Countable Moving Violations:** All moving violations (except the first two speeding convictions) within a 12-month period that occur in speed zones between 34 and 56 mph limits, and in which a person is convicted of speeding 10 mph or less over the posted speed limit. A moving violation is defined as any violations not specifically excluded by Iowa Code 321.210. (Examples of excluded violations include parking violations, failure to appear, equipment violations, registration violations, or disturbing the peace with a motor vehicle.)
- **Habitual Violator:** A person who has been convicted of, or pled guilty to, three or more countable moving violations (including out-

of-state violations) committed within a 12-month period.

- **Serious Violation:** A person who has been convicted of, or pled guilty to, speeding 25 miles or more over the legal speed limit.

When a person's record shows convictions of three countable moving violations committed within a 12-month period, or conviction of a speeding violation of 25 to 29 mph over the limit, the person may be required to complete a driver improvement school at their local community college. After they have successfully completed the program, they will be on probation for one year. If they are convicted of a moving violation while on probation, the Iowa DOT's Office of Driver Services will begin action to suspend their license. Also, a suspension notice is mailed to the individual if they fail to complete the driver improvement program.

Sources: Iowa Attorney General's Office, National Highway Traffic Safety Administration,