

# STATUS REPORT

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## Sobriety checkpoints work but they aren't used often

Most states don't conduct sobriety checkpoints frequently, even though this enforcement method deters alcohol-impaired driving and reduces crashes. Thirty-seven states and the District of Columbia conduct checkpoints, but only 11 states conduct them as often as once a week.

"Sobriety checkpoints probably are the most effective enforcement strategy we can use against alcohol-impaired driving," says survey leader James Fell, director of traffic safety and enforcement programs at the Pacific Institute for Research and Evaluation. He adds *(continues on p.2)*



## Zero tolerance laws

**Many teenagers are unaware of them, perhaps because the laws aren't being enforced**

In all 50 states, drivers younger than 21 are covered by laws that prohibit driving with any measurable alcohol. An Institute study finds that awareness of these so-called zero tolerance laws is limited among young drivers. Awareness varies to some extent according to the enforceability of the specific laws in effect in various *(continues on p.7)*

## Ways to deter DWI start with better methods of detection

The purpose of detection programs isn't just to identify impaired drivers, confirm they have consumed illegal amounts of alcohol or other drugs, and remove them from the road. A truly successful detection system deters people from drinking and driving in the first place.

"Detecting impaired drivers is important to create deterrence, but it isn't easy to do," says Institute chief scientist Allan Williams. "Even when people have blood alcohol concentrations that are high enough to cause them to be significantly impaired, it can be difficult for experts and others to detect. This is especially true among people who drink regularly and heavily."

Improving the ability of law enforcement officers to accurately detect alcohol or other drugs in drivers and establish the basis for criminal prosecution was the subject of a workshop held by the Transportation Research Board's Committee on Alcohol, Other Drugs, and Transportation, of which Williams is chairman. As he and other participants note, the initial detection of impaired drivers and any follow-up procedures must be conducted without violating motorists' legal and constitutional rights.

Williams adds, "If people don't think there's much chance they'll be encountered by the police, or if they think their impairment isn't likely to be detected, or if it's detected they're not likely to be sanctioned, then there hardly will be any discouragement from driving while impaired."

Some of the committee's main suggestions include these:

1. Simplify state impaired driving laws. Make them uniform from state to state. These steps would reduce the chance that small procedural errors could be challenged in court.

2. Encourage the use of administrative license revocation, or suspension, sanctions that bypass the criminal justice system.

3. Improve police efficiency by, for example, reducing paperwork requirements that might discourage officers from making arrests or divert resources from other needs. Target police patrols to the times and places favored by impaired drivers, and train officers to better recognize possible impairment.

4. Conduct extensive and well-publicized sobriety checkpoints. These have been shown to reduce crashes involving impaired driving (see p.1). The committee calls for further research aimed at improving checkpoint effectiveness.

5. To help police make further judgments about drivers who have been stopped, increase the use of passive alcohol sensors, which can determine whether alcohol is present in the occupant compartments of vehicles. Also increase the use of the horizontal gaze nystagmus test, a method of examining drivers' eyes for signs of impairment.

As important as it is to learn what works to detect and deter impaired driving, nothing is possible without the support of the public, according to committee member James Hedlund, who summarizes the workshop proceedings: "Research can provide tools ... but the community must decide where and to what extent these tools are used."

"Issues and methods in the detection of alcohol and other drugs" (Transportation Research Circular E-C020) is available on the web: [www4.trb.org/trb/onlinepubs.nsf/web/circular](http://www4.trb.org/trb/onlinepubs.nsf/web/circular).

(continued from p.1) that "if checkpoints are conducted routinely in a community — that is, on a weekly basis — they can result in a 20 percent reduction in alcohol-related fatal crashes." This finding is from a state-wide study of Tennessee's checkpoint program (see *Status Report*, June 19, 1999; on the web at [www.highwaysafety.org](http://www.highwaysafety.org)).

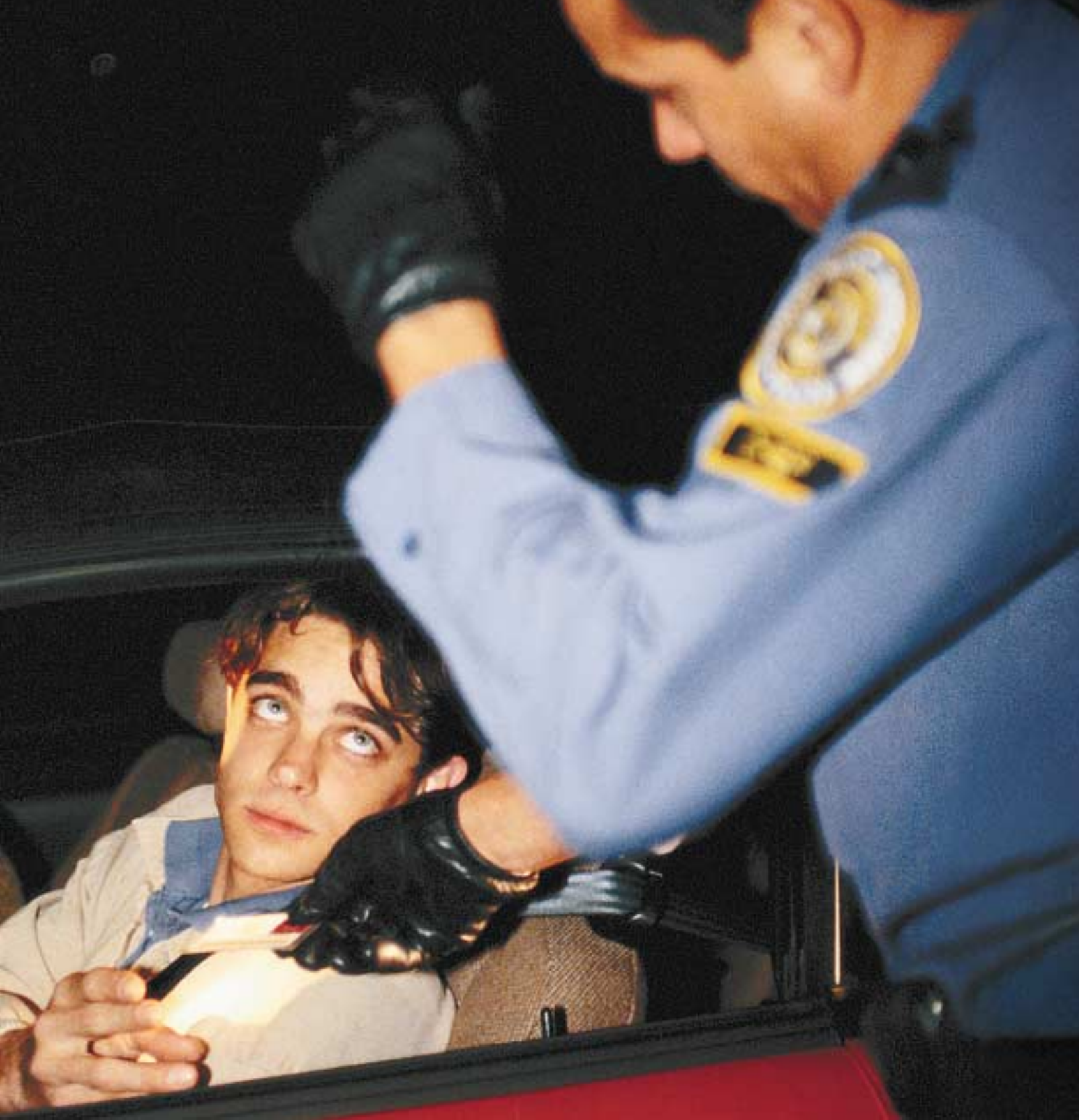
Not all states conduct checkpoints. State laws prohibit them in nine states, and in four others checkpoints aren't conducted either because the laws are subject to interpretation or because of policy issues.

In some of the remaining 37 states and the District of Columbia, the question is why sobriety checkpoints aren't conducted more often. To find out, Fell compared five states where checkpoints are relatively frequent (Georgia, Indiana, New York, Nevada, and Virginia) and five states where they aren't (Alabama, Arizona, Illinois, Maryland, and Ohio).

In the first group of states, enforcement officials generally have community support from DWI task forces and pressure from citizen groups such as Mothers Against Drunk Driving (MADD). Such support appears to be a key factor in whether and how often checkpoints are conducted. States where there are few of them usually don't have active task forces, and officials don't feel pressured to conduct more checkpoints. Officials in some of these states say checkpoints aren't conducted more frequently because police view regular patrols as more productive.

"There's a perception that checkpoints are less effective than other enforcement strategies because they don't yield as many arrests. But that's missing the point," explains Susan Ferguson, the Institute's senior vice president for research. "Checkpoints are more likely to prevent the offense in the first place."

Another factor involves police resources. States with less frequent checkpoints often use 15 to 30 or more officers, which increases the cost and complicates the logistics. States with frequent checkpoints tend to use only 2 to 15 officers.



“You don’t need 20 or 30 officers. You just need enough to take care of any safety issues,” Fell says. Research has shown that as few as 2 to 5 officers can handle a checkpoint without any loss of effectiveness.

Minimizing the use of police resources is one way costs could be controlled even

as sobriety checkpoints are conducted more frequently. Still, officials in all 10 states included in Fell’s study say funding is an issue and more federal support would help them conduct checkpoints more often. Federal grants are available for this, and states with frequent checkpoints are more

likely to use all available funds from federal, state, and local sources.

For a copy of “Why aren’t sobriety checkpoints widely adopted as an enforcement strategy?” by J.C. Fell et al., write: Publications, Insurance Institute for Highway Safety, 1005 N. Glebe Rd., Arlington, VA 22201.

## One of the strongest graduated licensing laws in the United States attracts widespread support

***Four of five parents strongly favor the law in California; many teenagers approve, too***

Parents of teenagers subject to California's tough graduated licensing requirements support the program. So do many of the teenagers. Despite restrictions on nighttime driving and limitations on the number of passengers allowed in a car with a beginning driver, most teenagers subject to the new rules say they're still able to pursue their activities.

Previous studies have indicated that parents in a number of states are strong supporters of graduated licensing (see *Status Report*, Dec. 4, 1999; on the web at [www.highwaysafety.org](http://www.highwaysafety.org)).

"How families adapt to the rules is important because the safety benefits of graduated licensing will be limited if compliance isn't widespread," Institute chief scientist Allan Williams points out.

Graduated systems can cause some inconvenience among both teenagers and their parents by delaying the process of getting full driving privileges and, in effect, prohibiting some types of travel previously available to young people. The potential for inconvenience is greatest in jurisdictions like California, where the restrictions are relatively strong. Not every state restricts teen passengers in a car when a beginner is behind the wheel, for example.

**California's law is one of the toughest:** Adopted in 1998, the law in California was the first to include a meaningful passenger restriction. No passengers younger than 20 are allowed in the car during the first 6 months of licensure unless an adult 25 or older is present. There's also a ban on

nighttime driving, although it doesn't begin until midnight. Restrictions in other states start as early as 9 p.m.

California extended the learner's permit stage from 1 to 6 months and now requires parents to certify, prior to full licensure, that their children have driven at least 50 hours under supervision, including 10 hours at night.

**Majorities favor the law:** To see how Californians are adapting, Institute re-

searchers surveyed two sets of license holders three times during their first year of licensure. One group of teens was subject to the graduated licensing law. The other wasn't. Researchers also interviewed the parents twice.

"We found the new system is well tolerated by both teens and their parents. It has substantially changed driving behaviors. Collectively, the changes should lead to crash and injury reductions," Williams says.





**TEENAGERS: How much did the restrictions keep you from doing the things you want?**

**NIGHT DRIVING**

37% none

40% not much

**PASSENGERS**

17% none

56% not much

**PARENTS: Overall, how do you feel about California's new graduated licensing system?**

79% strongly favor

17% favor

Parents strongly endorse the system. Among those with children subject to the new rules, 79 percent said they strongly favor the state's graduated licensing system. Only 4 percent are neutral or said they oppose it.

Teenagers are less positive. The majority said they favor the night driving restriction, while only about one-third like the passenger restriction. Most teenagers subject to the new rules said they're able to

continue their activities despite the changes. About three-quarters said they aren't affected much by either the nighttime driving rule or the restriction on passengers in the car.

**Law results in changes:** Compliance with the new rules in California isn't universal or even close, especially regarding the passenger restriction. Still, the rules do mean young people hold their permits longer and accumulate more practice driv-

ing before they earn full licensure. The rules also substantially decrease the amount of reported driving after midnight and transport of teen passengers by newly licensed drivers.

For a copy of "Responses of teenagers and their parents to California's graduated licensing system" by A.F. Williams et al., write: Publications, Insurance Institute for Highway Safety, 1005 N. Glebe Rd., Arlington, VA 22201.

## 0.08 BAC laws effective, studies show

A hot issue in state legislatures lately has been whether to lower the blood alcohol concentration (BAC) at or above which it's illegal to drive. Part of the debate is whether a 0.08 percent BAC threshold instead of 0.10 percent has any effect on crashes involving alcohol. A soon-to-be-released federal review concludes it does.

Many studies of 0.08 laws have been conducted. The new review by the Centers for Disease Control and Prevention's National Center for Injury Prevention and Control is one of the first to systematically analyze existing research. It includes several large multistate studies. On average, crash deaths involving alcohol dropped 7 percent after 0.08 percent BAC laws were adopted, says lead researcher Ruth Shults.

In some states, it's impossible to determine how much of the crash reductions are due to 0.08 laws or to the administrative license suspension (ALS) laws adopted about the same time. ALS laws,

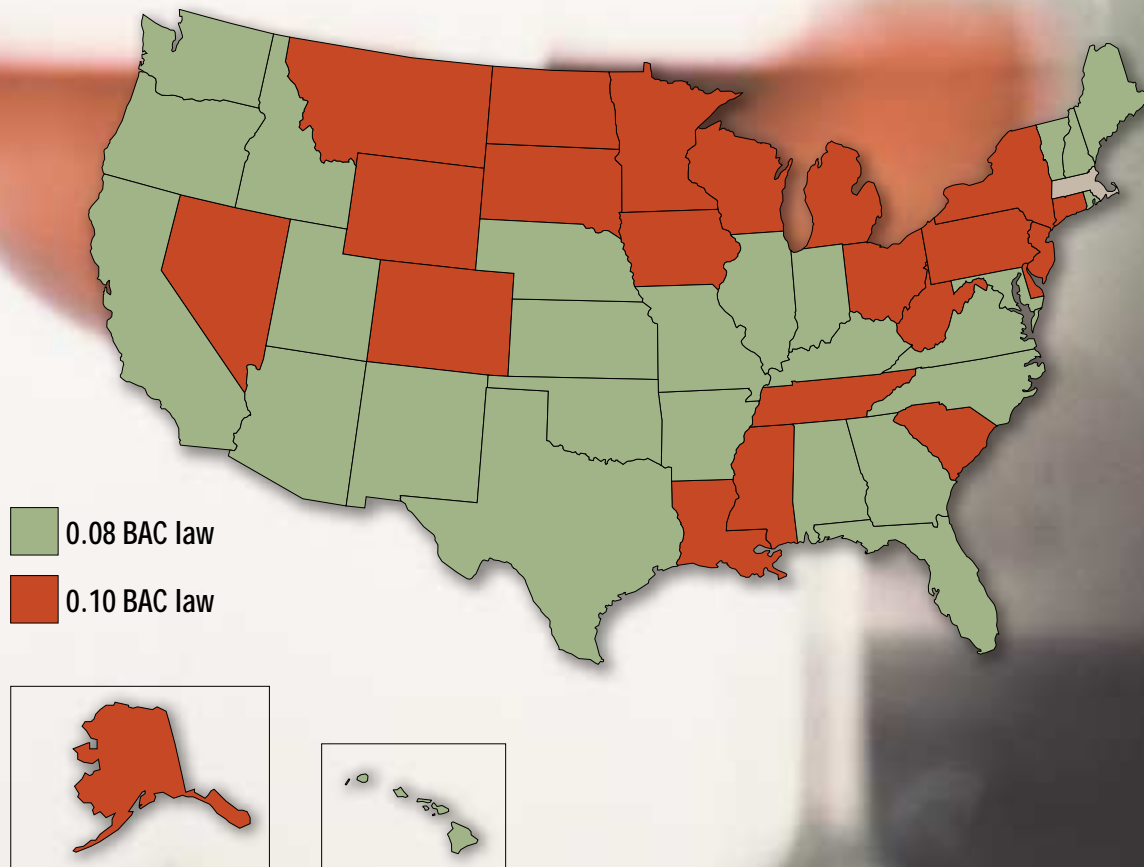
which allow license suspension immediately when a driver fails or refuses to take a BAC test, have been shown to deter alcohol-impaired driving (see *Status Report*, March 14, 1988). Studies in states with long-standing ALS laws indicate an additional 5 to 8 percent crash reduction associated with 0.08 percent BAC thresholds.

Another question addressed by the review is whether 0.08 percent BAC laws deter alcohol-impaired driving at higher BACs. Five of the reviewed studies look at fatally injured drivers with BACs at or above 0.10 percent. Reductions in fatalities among these drivers were reported for most states.

More than half of the states have 0.08 percent BAC laws. Those that don't will lose a portion of their federal highway construction funds starting in October 2003.

"Reviews of evidence regarding interventions to reduce alcohol-impaired driving" by R.A. Shults et al. will be in "Systematic reviews to prevent injuries to motor vehicle occupants," a supplement to the November 2001 issue of the *American Journal of Preventive Medicine*.

Forty-nine states and the District of Columbia have laws defining it as a crime to drive with a blood alcohol concentration (BAC) at or above a proscribed level — 0.08 percent in 27 states and the District of Columbia, 0.10 percent in 22 other states. In Massachusetts, a BAC of 0.08 percent is evidence of alcohol impairment, but it isn't illegal per se.



(continued from p. 1) states. Researchers surveyed 17-20 year-olds in California, New Mexico, and New York — three states in which research has shown differences in the enforceability of zero tolerance laws and the extent of enforcement.

California's law is easiest to enforce (see *Status Report*, March 11, 2000; on the web at [www.highwaysafety.org](http://www.highwaysafety.org)). A preliminary breath test is enough to prove a zero tolerance offense, and violations can be written at the roadside without taking a driver into custody. In contrast, New Mexico's law cannot be enforced independently of the DWI law because the tests that legally establish a driver's blood alcohol concentration (BAC) can be conducted only if the driver is arrested for DWI. There's no such legal impediment in New York, but police say they don't enforce the zero tolerance law very much because of the paperwork burden involved in citing offenders.

In all three states, teenagers' awareness of zero tolerance laws is limited. When teenagers were asked if there is a drinking and driving law that applies only to younger drivers, just 60 to 70 percent of the teens in California and New York indicated awareness of such laws. Awareness is particularly limited in New Mexico, where only a third of the teenagers said they're aware of the law.

Many teens who know about zero tolerance laws said they don't think enforcement is very frequent. Californians are somewhat more likely to think the laws are often enforced (63 percent), compared with New Mexicans (56 percent) and New Yorkers (53 percent). California teens aware of the law also are more likely to think that penalties are always applied when offend-

ers are caught and that penalties could include license suspension.

Data on zero tolerance license suspensions confirm that police officers in California are enforcing the law and applying penalties more often than police in either New Mexico or New York. "Young drivers have to know about zero tolerance laws

changes to the laws that govern BAC testing may be required. States like New York might benefit from shorter and simpler citation procedures.

Police then must enforce the laws in practice. Few programs in any state target apprehending young drivers with low BACs. Passive alcohol sensors can make



**Many teenagers aren't aware of the impaired driving laws that apply to them. In California and New York, about 60 to 70 percent know about the laws. Only a third do in New Mexico. Too little enforcement, in some cases because of the way laws are written, could be to blame. New Mexico's law is virtually unenforceable, while California's is easier to enforce.**

and they must perceive there's a good chance they will get caught for violations, if the laws are going to work," says Susan Ferguson, the Institute's senior vice president for research.

Now that all states have adopted zero tolerance laws, Ferguson says the focus needs to be on making such laws easier to enforce. In states like New Mexico,

detection easier, and conducting checkpoints where teens congregate could help send the message that zero tolerance laws are being enforced.

For a copy of "Awareness of zero tolerance laws in three states" by S.A. Ferguson et al., write: Publications, Insurance Institute for Highway Safety, 1005 N. Glebe Rd., Arlington, VA 22201.

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