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TRAFFIC CONVICTION DISMISSALS DISTORT OFFENDERS' RECORDS; HIDE FUTURE CRASH RISK

California's Department of Insurance has issued new regulations under which insurance companies must determine rates for passenger cars. Under these rules, the driving records of insured drivers *must* be the single factor with the largest influence on premiums charged. This raises the issue of the extent to which driving records that are available to the public can be used to predict future crash risk.

The findings of a 1987 California Department of Motor Vehicles study provide detailed information on this issue, showing that the state of California's system of penalizing drivers for violations and crashes has built into it a method for hiding drivers' future crash risk.

One in Seven Convictions Dismissed

About 1,000,000 traffic convictions were removed from public driving records in 1988 under California's traffic violator school program, according to the California Department of Motor Vehicles. This amounts to dismissing 14 percent of all traffic citations issued in the state that year.

(California law allows judges to give accused traffic violators the option of attending violator school in return for having the charges dropped. A person who takes such a course is assessed no points for the violation, and the violation is removed from the driver's public record. Points for a second violation may also be removed by attending violator school but, this time, the dismissal appears on the driver's public record. One point is entered on the driving record for each routine moving-violation conviction. One point is entered for each crash for which a driver is deemed responsible. More points are charged for serious offenses such as driving under the influence of alcohol or drugs.)

The 1987 study concludes that "the policy of dismissing traffic citations [in return for attending violator school] distorts...and reduces the ability to predict, or calibrate, the future accident expectancies of

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1005 N. Glebe Rd.
Arlington, VA
(703) 247-1500

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drivers. This, of course, should not be surprising since the masking of traffic convictions necessarily results in a driving record that less accurately reflects a driver's 'true record'...any understatement of an offender's conviction record results in an underestimate of the offender's [future] accident risk."

Dismissals in return for attending violator school are reported only to the Department of Motor Vehicles for research purposes. They may not be reported to anyone or any agency other than the courts, according to California law. Many drivers' true records are thus hidden, and insurers may misclassify them for ratings purposes.

"Many insurance companies graduate premiums based, in part, on a driver's conviction record. The avoidance of convictions...results in [some] drivers underpaying their 'fair share' and could ultimately result in [other] drivers paying higher premiums," the Department of Motor Vehicles report says.

Effectiveness of Violator School Questioned

The schools drivers attend in order to have convictions removed from their records don't work. With names like Laff 'n Learn, Lunch 'n Learn, and LA Singles Traffic School, much of the instruction may be secondary to entertainment.

According to the Department of Motor Vehicles study, there's no evidence the schools have "any impact on traffic accidents...only a 10 percent reduction in convictions for the first subsequent six months — an effect almost identical to that produced by a simple warning letter." The study also says completion of traffic violator school is "associated with increased subsequent accident frequency."

As a result, officials at California's Department of Motor Vehicles have recommended legislation "to abolish or greatly restrict" such schools. Yet hundreds of traffic violator schools are still operating in California.

Violation Records Predict Future Crash Involvement

There are relationships between the number of traffic convictions and future crash risk. Among all California drivers, those with no convictions on public record in a three-year period (1983-85) had 2.0 crashes per 100 drivers in the subsequent six months, compared with 3.3 crashes per 100 drivers among those with one conviction. But drivers who completed traffic violator school and had no convictions on their public records were even more likely to crash in the subsequent six months (4.8 crashes per 100 drivers) than the average driver with two convictions on public record (4.2 crashes per 100 drivers).

These comparisons and other information in this Advisory are from the 1987 California Department of Motor Vehicles report, "Traffic Violator School Dismissals," by Michael A. Gebers, Helen N. Tashima, and William C. Marsh. See also "Basic California Traffic Conviction and Accident Record Facts" by Gebers and Raymond C. Peck, published by the California Department of Motor Vehicles in 1987.

Relationship Between Driving Records and Future Crash Likelihood

Convictions on public record (1983-85)	Crashes per 100 drivers 6 mos. (1986)	
		Drivers who completed violator school
		Average for all drivers
0	4.8	2.0
1	5.4	3.3
2	6.7	4.2
3+	7.7	5.2