

Model Problem Driver Intervention and Education Program

Appendix D – Model Legislation

Model Legislation

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2nd DRAFT 3/30/09

SECTION 1. Short Title

This act shall be known and may be cited as the Uniform Problem Driver Intervention and Education Program.

SECTION 2. Purpose

The program established by this act is intended to reduce motor vehicle crashes and the harm caused by such crashes, by providing uniform treatment and sanctions for drivers identified as problem drivers, to positively influence the future behavior of such drivers.

SECTION 3. Definitions

As used in this Act, the following words and phrases shall have the following meanings:

(A) "Administrative Action" means a final administrative determination that a person has violated laws relating to the operation of a motor vehicle.

(B) "Conviction" has the meaning set forth in Title 49, Section 383.5 of the Code of Federal Regulations.

(C) "Conviction Table" means the list of countable convictions or administrative actions for motor vehicle and traffic related offenses, established in accordance with the Code of the Driver License Agreement and contained in section ____ of this Act. [Alternative for the last phrase: "and contained in regulations adopted in accordance with section ____ of this Act."]

(D) "Countable Violation" means any conviction or administrative action that is used to determine whether a driver is a problem driver required to participate in the Problem Driver Identification and Improvement Program.

(E) "Driver Control Record" means the record maintained by the Jurisdiction of Record in accordance with the provisions of the Uniform Problem Driver Intervention and Education Program.

(F) "Jurisdiction" [A state, territory or possession of the United States, the District of Columbia, the commonwealth of Puerto Rico, a territory or province of Canada or the

Republic of Mexico and any state thereof.] means a state, territory or possession of the United States, the District of Columbia or a territory or province of Canada.

(G) “Jurisdiction of Record” means the state of _____ or if a person has not been issued a driver license, the jurisdiction of the person’s address indicated on the citation or report of a motor vehicle or traffic related offense.

(H) “Licensing Authority” means the government entity responsible for administering the driver licensing laws of the state of _____.

(I) “Novice Driver” means a driver licensed for the first time [for up to] who has been licensed for less than two (2) years.

(J) [Treatment: The administrative action or sanctioning described in Section 4.] “Problem Driver” means a driver who has accumulated three or more countable offenses within any three year period, according to the Driver Control Record.

(K) “Reportable Crash” means a crash which has resulted in an injury to one or more persons, or one or more fatalities, or property damage in excess of \$ _____.

SECTION 4. Upon receipt of a notice of a countable offense from any jurisdiction, the jurisdiction of record may take the following action:

(A) Issue a warning notice to a driver who accumulates three (3) countable offenses in any three year period.

(B) Complete a record review when a driver accumulates four (4) countable offenses within any three year period. The record review may result in a driver improvement interview, counseling session, medical or vision examination, skills testing driver improvement course (including defensive driving courses), restricted licensure or other activity as defined by the jurisdiction.*

(C) Impose a license withdrawal when a driver accumulates five countable convictions within any three year period.

(D) The licensing authority shall periodically review the driver control record of each licensed driver, and of each driver for which the state of _____ is the jurisdiction of record, to determine if the driver has accumulated multiple countable offenses, in such numbers as to require intervention by the licensing authority in accordance with the standards and procedures set forth in this Act.

(A) Except in the case of a novice driver, if a driver has accumulated three countable offenses arising from separate offenses in any three year period, the licensing authority shall issue a written warning notice to such driver. The date of each countable offense shall be deemed to be the date on which the offense occurred. The notice shall inform

the driver that such driver shall be subject to administrative requirements and to the suspension of such driver's license, or privilege to operate a motor vehicle in the state of _____, in accordance with the provisions of this Act, if such driver accumulates any additional countable offenses, such as to increase the total of such countable offenses within the applicable, three year period.

(B) If a driver who has been issued a warning letter accumulates either an additional, countable offense within the applicable, three year period, the licensing authority shall conduct a driver control record review and may, in its discretion, require the driver to take one or more of the following actions:

_____ (1) attend an in-person counseling session;

_____ (2) submit evidence, in the form of a report signed by a qualified medical professional, that the driver meets the functional health and fitness standards, including vision standards, to safely operate a motor vehicle; and

(3) attend and complete an in-person driver retraining and improvement course, based on a curriculum including education and training in the attitudes and skills necessary to practice safe driving behavior, as further specified in regulations that may be adopted by the licensing authority, under the authority of section _____ of this Act.

(4) other actions as determined by the licensing authority.

(C) If a driver fails to comply with any administrative requirement of subsection (B) of this section, after being given reasonable notice and an opportunity to comply, within such time as shall be prescribed by the licensing authority, the licensing authority shall suspend the license or the privilege of such driver to operate a motor vehicle in the state of _____, for an indefinite period, until compliance is demonstrated.

(D) If a driver who has been notified by the licensing authority of the imposition of any requirement of subsection (B) of this section accumulates one or more additional countable offenses, within the applicable three year period, the licensing authority shall suspend the license of such driver for a period of _____. The imposition of any suspension under this subsection shall not relieve the driver of the responsibility to fulfill and complete any administrative requirements of which the driver has been notified, which shall be deemed to be conditions for reinstatement of the license, or privilege to operate a motor vehicle.

SECTION 5. If a driver receives multiple convictions as the result of a single traffic stop, all of the convictions from that stop should be counted as a single offense.

SECTION 6. The driver improvement interview or counseling session referred to in Section 4 of this Act may require but not be limited to medical or vision examination, skills testing, a problem driver intervention and education course (including defensive driving courses) or restricted licensure.**

SECTION 7. Failure to appear at any scheduled driver improvement interview or counseling session may result in license withdrawal action until the counseling session / interview is held.

SECTION 8. A novice driver shall be subject to the same treatments or sanctions described in Section 4 of this Act except that the first level (defined in Subsection A of Section 4) notice shall begin after receipt of one countable offense and the second level (defined in Subsection B of Section 4) after two countable offenses. Suspension action shall begin after receipt of any three countable offenses within any three year period. No limited or hardship license will be available to a novice driver during any period of license withdrawal.

SECTION 9. Attendance and completion of a problem driver intervention and education course (including defensive driving courses) may not be used to avoid treatment, license withdrawal action or other sanction.

SECTION 10. A person shall be required to surrender his or her driver license to the department when a suspension is imposed pursuant to this Act.*

* Wording in italics is optional language.

** Section 7 can be omitted if the italicized language in Section 4 (B) is used.