

# Model Problem Driver Intervention and Education Program

## Model Program



Prepared by:

AAMVA's Problem Driver  
Intervention and Education Working Group



August 2009

## TABLE OF CONTENTS

Forward .....	4
Introduction .....	5
Working Group Mission Statement.....	6
Program Premises.....	6
One License/One Driver Control Record.....	8
Identification of Problem Drivers .....	9
Treatment.....	11
Warning Letters .....	11
Record Review .....	11
Interview/Counseling.....	12
Counselor Requirements .....	14
Sanctioning.....	15
Problem Driver Intervention and Education Courses.....	15
Course Requirements.....	15
On-line Training Course Requirements .....	16
Course Provider Requirements .....	17
Instructor Requirements .....	18
Failure to Appear or to Complete Required Actions.....	19
Out-of-Jurisdiction Offenses.....	19
Multiple Convictions/Single Stop .....	19
Driver Intervention and Education Course.....	19
Novice Driver Accelerated Program .....	20
Standards for Program Effectiveness.....	20
Appendix A – Acronyms and Definitions .....	22
Appendix B – Future Enhancements.....	27
Appendix C – Subset of Applicable ACD Codes .....	29
Duties Failed – Requirements Not Met – Improper Behavior.....	30
Maneuvers – Illegal or Improper .....	30

Speeding ..... 34  
Unclassified Offenses ..... 35  
Appendix D – Model Legislation ..... 36  
Appendix E – Warning Letter Examples ..... 41

## Forward

The first edition of the Model Driver Improvement Program was published and distributed in October 1997 in cooperation with the National Highway Traffic Safety Administration (NHTSA) to assist jurisdictions in dealing with problem drivers.

This 2009 edition has been designed to enhance the uniform treatment of problem drivers in all jurisdictions and to provide levels of treatment for problem drivers receiving three or more offenses within a three year period.

Jurisdictions may not have the resources to incorporate every recommendation or strategy into their system. However, it is hoped that all jurisdictions will adopt the general principles and operational framework outlined in these recommendations and strategies.

A Problem Driver Intervention and Education (PDIE) Working Group was organized and convened in 2008 by the American Association of Motor Vehicle Administrators (AAMVA) with sponsorship from the NHTSA. The PDIE Working Group was charged with the development of this 2009 edition. Participants of the AAMVA PDIE Working Group included:

- Mr. Clint Dickson, Oklahoma Department of Public Safety
- Ms. Gretchen A. Lucas, Massachusetts Registry of Motor Vehicles
- Mr. Gregory Dozier, Georgia Department of Driver Services
- Ms. Kelly McClanahan, Missouri Department of Revenue
- Ms. Mary Grosso, Oregon Driver and Motor Vehicle Services
- Ms. Kathy Ohorilko, Iowa Department of Transportation
- Mr. Scott Schenk, Pennsylvania Department of Transportation
- Ms. Patricia McCormack, Minnesota Driver and Vehicle Services Division
- Mr. Kevin Lewis, American Association of Motor Vehicle Administrators
- Mr. Thomas Manuel, American Association of Motor Vehicle Administrators
- Mr. Brett Robinson, Highway Safety Services, LLC

The AAMVA is a tax-exempt, nonprofit organization developing model programs in motor vehicle administration, law enforcement and highway safety. The association also serves as an information clearinghouse in these areas, and acts as the international spokesman for these interests.

AAMVA is an association representing its U.S. and Canadian membership by working collaboratively to support and improve motor vehicle administration, safety, identification security and law enforcement.

## Introduction

Though often characterized by conflicting findings, traffic safety research has produced consensus on one central issue; as a group, traffic offenders present a much greater threat to their own and others' safety than do drivers whose records are offense free.

Note: Offense and citation are the same; however, for the purposes of this manual offense is used to be consistent with federal regulations.

The objectives of AAMVA's Model PDIE Program are to:

- 1) promote minimum standards which creates a level playing field and supports the aim of the AAMVA Driver Committee to achieve uniform licensing standards,
- 2) be flexible and recognize different resource levels and different approaches in the various jurisdictions, and
- 3) provide a basis for discussion to share expertise and experiences in striving to promote road safety.

In recent years, there has been growing concern within the driver licensing community that existing problem driver intervention and education programs are not adequate to deal with the expected increase of electronically transmitted driver information across jurisdictions.

In this age of "uniformity" within our Association, the Driver Committee is striving to develop uniform guidelines across the entire spectrum of driver licensing activities; from identification, to testing, to medical screening and evaluation, to problem driver intervention and education, to license withdrawal. The foundation for work on problem driver intervention and education relates directly to the desire to enhance and promote the one license/one driver/one driver control record concept. Ultimately, actions taken against a driver should be taken by the jurisdiction of record, not the jurisdiction of arrest/action.

All jurisdictions are encouraged to implement the standards provided within the model. The model focuses on the occurrence of offenses rather than a point system. A point system places values on moving violations; the more severe or dangerous the violation, the more points assigned to the driver's record, which may lead to sanctions, driver improvement, suspensions or revocations. The PDIE Program can work within the existing point system. Jurisdictions may maintain the point system with its existing sanctions program and still implement the PDIE Program; however, in the model program each traffic violation is counted as an offense. An offense based system results in fair and equal treatment for all problem drivers. Regardless if the violation is valued at three points or eight points; it is the unsafe offenses that are the determining factor for entry into the program and not the accumulation of points. Unsafe driving is unsafe

without regard to points accumulated. The exception is any single offense that has its own sanction(s) (i.e., driving under the influence).

The PDIE Working Group was established to address the problem driver intervention and education issue and to revise the model program. Revising the model program with minimum standards helps create a “level playing field” for all member jurisdictions and the motoring public. The flexibility built into the program makes it practical for jurisdictions to implement and promotes traffic safety.

### **Working Group Mission Statement**

AAMVA’s Driver Committee and the PDIE Working Group shall establish, based on the necessary research, a model program with the intent of preventing crashes and highway injuries by focusing on drivers with a record of reoccurring traffic offenses.

The recommended program shall be designed to reduce crashes and traffic offenses within the problem driver population, to enhance uniform treatment of individuals in all jurisdictions, to promote the one license/one driver/one driver control record concept and to provide a smooth transition when a person moves from one jurisdiction to another.

### **Program Premises**

The model program contains minimum standards and includes the following premises:

- the goal of the program is crash prevention
- traffic offenses predict crashes
- the traffic offense date should be used to determine a person’s entry into the program
- the window of time to consider traffic offenses as active is three years from the date of the traffic offense and the window will “slide” based upon the date of the traffic offense
- points will not be applied, instead traffic offenses will be considered
- traffic offenses are considered in determining appropriate problem driver intervention and education program action
- all “usable”/“countable” traffic offenses will be counted towards the problem driver intervention and education program (traffic offenses are defined in Appendix A)
- a warning letter is sent after a driver accumulates three countable traffic offenses within any three year period

- a record review is completed after a driver receives four traffic offenses in any three year period
- a record review may result in a counseling session/interview, medical or vision examination, skills testing, driver intervention and education/education course, restricted licensure or any other action deemed appropriate by the jurisdiction
- a license withdrawal is imposed when a driver accumulates five countable traffic offenses within any three year period
- all convictions should be placed on the driving record regardless of the underlying treatment of the driver (masking convictions)
- completion of any driving program should not reduce or eliminate the underlying traffic offense nor reduce the number of convictions on the driver control record
- remedial or educational efforts to reform the driver should be focused on behavior modification

The model program contains minimum standards for all novice drivers and includes the following premises:

- novice drivers are treated in an accelerated program for three years from the issuance of a permit/license (novice driver is defined in Appendix A)
- novice drivers are ineligible for hardship driving privileges

The model program is designed to:

- identify the driver
- change behavior, and if necessary,
- impose sanctions

## **One License/One Driver Control Record**

The driver control record is the record maintained by the jurisdiction which lists the traffic offenses for each driver. There should be only one driver control record. Each traffic conviction is recorded on a driver's record. Drivers who have numerous and frequent convictions are generally considered unsafe. Action should be taken to withdraw licenses from these drivers.

It is important all drivers have a single record of traffic convictions. If drivers have more than one record, convictions will be spread across different records. An unsafe driver would not be detected because no single record would show all of the traffic convictions.

To assure a single record, the jurisdiction of record shall maintain the driver control record for any person who is issued a license by that jurisdiction. No member jurisdiction shall create a driver control record for a person for whom a driver control record already exists. This is called the "one driver license and one driver control record," concept. Jurisdictions should take the following steps:

- Surrender of license – drivers must surrender their license from another jurisdiction when moving into a new jurisdiction; they may not hold licenses from both jurisdictions.
- Identification – drivers must provide proof of identification in order to prevent them from receiving multiple licenses under different names. A jurisdiction should verify the accuracy and authenticity of any document presented by an applicant.
- Penalties – drivers face a loss of their license and/or fines for falsifying licenses or obtaining duplicate licenses under different names.



## Identification of Problem Drivers

The overall goal of the program is crash prevention. The steps in the program are geared to the accumulation of convictions on the driver's record. Research shows that drivers with traffic offenses on their record are at a higher risk for future convictions.

The action required of a driver and the resources demanded of a PDIE program increases as the number of driver traffic offenses increase. This principle offers the following advantages.

- It allows early intervention with inexpensive actions, permitting crash reduction benefits to reach more people and reduce the number of drivers subject to more intensive action (i.e., warning letters).
- It allows for the more intensive and effective actions for the treatment of frequent traffic offenders.
- It enhances driver awareness through progressive treatment including warning letters for early intervention prior to immediate sanctions, such as license withdrawal.

Once a traffic offender enters the PDIE program, additional violations will result in additional driver improvement action. The specific action taken is determined by the driver's status in the system.

A list of "countable" traffic convictions, which make the driver a candidate for the program, can be found in Appendix B, entitled "Subset of Applicable ACD Codes." The traffic convictions included in the table are directly linked to unsafe driving behavior. Traffic violations include, but are not limited to speeding, careless and reckless driving, stop sign/light violations and some equipment violations.

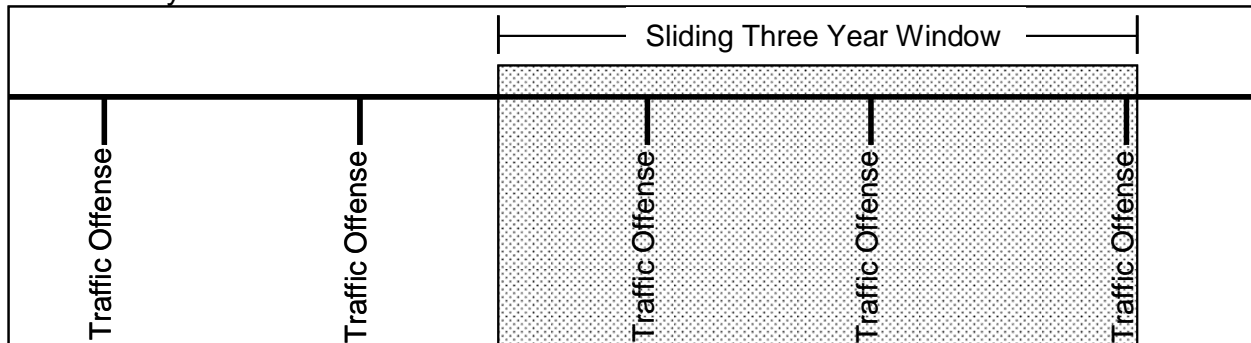
Convictions or administrative actions which usually result in a mandatory license withdrawal, i.e., DWI, felony, etc., are not included in this table as the conviction / action itself should result in a license withdrawal.

In order to enter into the PDIE program, the driver must be convicted of three traffic offenses in a three year period. Please note that traffic crashes have not been incorporated into the program as at-fault traffic crashes usually involve the accumulation of traffic offenses by the violator. A jurisdiction may choose to include the tracking of at-fault traffic crashes within their program.

When calculating the starting and ending dates for the three-year driving period, jurisdictions must use the traffic offense date to calculate whether three or more traffic offenses fall within the same three-year period (see Figure 1). The three year window has been used to be consistent with Federal Commercial Driver License (CDL) Regulations.

Three years from the last traffic offense is the period of time, or window, during which an offense will result in action at the next level. The traffic offense date is used in calculating the three year period and prevents offenders from extending their court date in an attempt to escape the three year window. If the conviction date were used, delays in bringing a case to trial could push the second conviction outside the three year period, defeating the purpose of the rule. It is logical to interpret a traffic violation occurring within the window as evidence that the previous action has failed to have an effect, warranting more severe action.

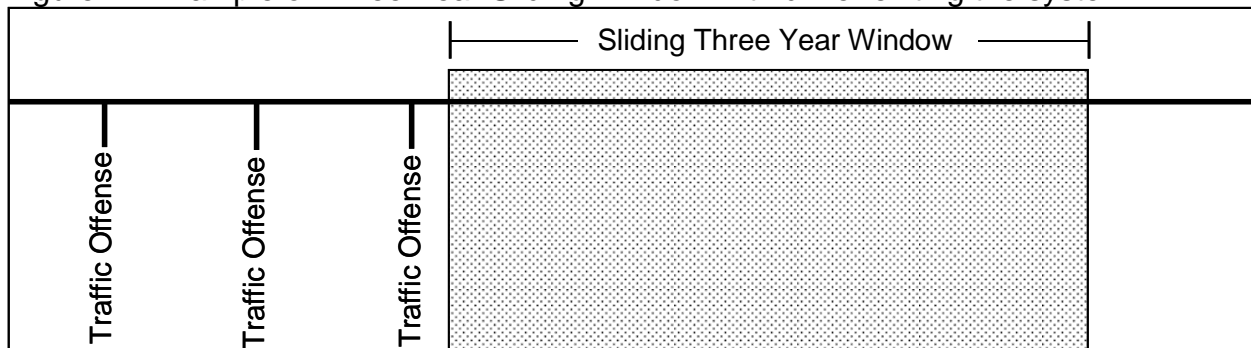
Figure 1 - Example of Three Year Sliding Window with driver entering or remaining within the system.



Note: The examination of the driver control record to determine the number of traffic citations in a three year period is triggered by the notification of a traffic conviction. Once notified of the traffic conviction the driver control record should be examined to determine if PDIE action is required.

After entering the system, drivers must work their way out of the system gradually. A driver who operates for three years without a traffic offense is viewed as no longer representing a “problem” and therefore is no longer considered for actions within the PDIE program (see Figure 2). A driver must remain within the system until they have remained traffic offense free for three full years from the time of the last traffic offense.

Figure 2 - Example of Three Year Sliding Window with driver exiting the system.



## **Treatment**

The intensity of action taken against or required of a driver is based on the number of traffic offenses. This result is a three tier “ladder” consisting of the following “rungs.”

- 1) warning letters (3 offenses)
- 2) record review (4 offenses), and
- 3) sanctioning (5 offenses)

A brief description of each of the three levels of treatment follows.

### ***Warning Letters***

Oregon’s evaluation cited a Masten and Peck (2004) study stating warning letters were estimated to reduce crashes and convictions by 4.34% and 5.7% respectively, while a suspension action was estimated to impact reduction at 17.19% and 21.37%, respectively. Studies of California’s driver improvement program found that warning letters produced the largest net benefit, given their low cost and high volume. However, research also shows a second warning letter is not effective.

Warning letters communicate to problem drivers that their behavior has come to the attention of the licensing authority, and that if the pattern of behavior continues; their driving privileges will be affected. An effective warning notice is a brief non-threatening personal letter written in first person which is easy to understand and which outlines the consequences of further offenses should the negative behavior continue. A warning letter should be mailed to a driver after they accumulate three traffic offenses in any three year period. (The date of the offense is used to calculate the three year time period.)

Letters represent an early intervention method in unsafe driving careers. A warning letter is likely to be a person’s first reference to the actual existence of a program with license actions, giving them an opportunity to take self imposed corrective action. Letters have also been shown to be among the most cost-effective sanctions when compared to the cost of avoided crashes, thereby reducing the number of drivers advancing to more expensive but more effective levels of the system.

### ***Record Review***

The second step in the treatment of a problem driver is a review of the driver’s record. The goal of the record review is to assess any problems the driver may have and require a course of action. The record review may result in a problem driver interview/counseling session, medical or vision examination, knowledge and/or skills testing, problem driver intervention and education course (including defensive driving), restricted licensure or other activity as defined by the jurisdiction.

A record review is required after a driver receives four traffic offenses in any three year period.

### Interview/Counseling

Methods:

Interview or counseling is accomplished in a variety of ways, either in-house or outsourced:

1) Group interview

A problem driver intervention and education counselor meets with a group of drivers to discuss driver improvement actions.

2) Individual interview

A problem driver intervention and education counselor meets with a driver on a one-to-one basis to discuss driver history and driver improvement actions.

Purpose:

The purpose of an interview or counseling session is to:

- evaluate the person's driving habits/behaviors and driving history
- motivate the person to drive more safely
- put the driver on notice that another offense will result in a withdrawal of their driving privileges
- the counselor may require further treatments, sanctions, etc.

Content:

An interview / counseling session is designed to help a driver understand that their driving needs improvement and to motivate them to drive more safely and in compliance with the law.

The methods by which a driver improvement counselor seeks to obtain these objectives includes the following:

1) Review the driver's record:

- A review of the record helps to ensure that the driver understands why they are being counseled.

- Discuss each traffic offense contained on the record.
  - Drivers frequently forget that traffic violations occurred or they are unaware that the violations for which they forfeited collateral (bond, bail, cash, or fine) are part of their driver record and count against them. Being confronted with the series of violations contained on the record should begin to create an awareness of the differences between the driver and the other people on the road.
  - The driver should be asked to explain the circumstances surrounding each offense and discuss what caused their particular behavior at the time of the violation.
- 2) Communicate the consequences of continued bad driving habits.
- The heart of the problem driver intervention and education interview/counseling session is the communication of information pertaining to the consequences of further violations. Consequences include:
    - risk of crashes, which is higher among traffic violators than non-violators
    - crashes may result in injury or death, for the driver or for others
    - financial penalties, including fines imposed by courts as well as substantial increases in insurance premiums
    - possible suspension or revocation of license, with the severe inconvenience resulting from loss of mobility
    - loss of driving privileges may result in a job loss or means of earning a living
    - direct consequences of unsafe behavior on drivers and passengers (anxiety, fatigue, etc.) and upon the vehicle (wasted fuel, wear and tear, etc.)
  - The full meaning of a subsequent violation and its consequences must be explained. A driver must know that the next violation will result in license withdrawal action.
  - Familiarize the driver with safe operating practices to reduce the risk of future crashes and to manage their driving behavior.
  - Discuss proper and safe methods to operate a motor vehicle. Give examples to “draw a picture” for the driver, i.e., driving at 65 mph vs. 55 mph only puts the driver at their destination a few minutes earlier but increases the risk of being involved in a crash.

### Counselor Requirements

A counselor is a qualified person who meets with a driver or a group of drivers to discuss their driver history and problem driver improvement actions during an interview or counselling session. All jurisdictions should train and monitor their problem driver/ driver intervention and education counselors. In order to qualify as a driver intervention and education counselor a person should meet all jurisdictional requirements which may include the following:

- 1) Meet jurisdictional age requirements.
- 2) Pass drug and alcohol tests as required by jurisdictional laws.
- 3) Pass a criminal, financial and driving record background check.
- 4) Have a high school education with four years of experience or bachelor's degree.
- 5) Have a valid driver's license, unless otherwise approved by the department, at the time of application.
- 6) Have an acceptable driving record as defined by jurisdictional standards.
- 7) Have a background or experience in highway traffic safety.
- 8) Training must be provided. The training should cover:
  - a) Counseling and interviewing techniques.
  - b) Laws, regulations and rules of the road.
  - c) Highway traffic safety and driver education driving techniques.
  - d) Overview of standards or standardized curriculum for problem driver courses.
  - e) Overview of the adjudication process.
  - f) Other
- 9) Complete a mentorship program, as defined by the jurisdiction, with an experienced problem driver intervention and education counselor.
- 10) Pass an examination, approved by the jurisdiction, on traffic laws, safe driving practices, operation of motor vehicles, etc.
- 11) Meet jurisdictional requirements for continuing education.
- 12) Qualities of the position may include but are not limited to:
  - a) Good communication and writing skills
  - b) Sound judgment making abilities
  - c) Knowledge of jurisdictional traffic safety laws
  - d) Knowledge of interviewing techniques

Jurisdictions may choose to set additional requirements for the qualifications of counselors when outsourcing the counseling of problem drivers.

### ***Sanctioning***

A person's driving privilege is withdrawn after they accumulate five countable traffic offenses in any three year period. (Countable traffic convictions are found in Appendix B.)

The initial period of license withdrawal should be relatively short (30 to 60 days) for drivers reaching the sanction level for the first time.

A driver convicted for a sixth or subsequent traffic violation within the sliding three year window, should be suspended for a longer period of time (120 days).

### **Problem Driver Intervention and Education Courses**

Intervention and education courses for problem drivers must focus on the correction and modification of the negative driving behaviors problem drivers tend to demonstrate.

To meet this need, problem driver intervention and education courses should meet minimum standards for the delivery of the content and a standardized curriculum should be used. A formal structure for the course will help to ensure the overall goals and objectives of a jurisdiction's problem driver intervention and education course.

### ***Course Requirements***

The content and methods used for the training of problem drivers should be evaluated and designed to be reflective of current teaching methods and content relating to highway safety.

Problem driver education courses should focus on the modification of behaviors which result in negative driving behaviors. Course content should include:

- Driver personality traits, driving behavior, the nature of risk taking and the operation of a motor vehicle
- Risk awareness – being aware of the risks associated with operating a motor vehicle
- Risk acceptance – accepting the risks associated with operating a motor vehicle
- Risk management – managing the risks appropriately in the operation of motor vehicle
- Consequences and repercussions of not following the law

- Decision making skills – time management, trip planning, managing aggression and road rage in a motor vehicle
- Testing requirements for successful completion of training
- Exiting from the PDIE program

Course designers are encouraged to develop interactive teaching methods including peer to peer discussions for younger drivers. Audiences of different ages and varying geographical locations may require different teaching strategies. In other words, one curriculum may not meet the needs for all audiences.

Course delivery should be designed to be interactive and problem solving. Course delivery should utilize state-of-the-art delivery methods designed to be participant based which focuses on behavior modification and places the responsibility for behavior modification on the problem driver. Courses should be conducted utilizing a set of standards for course delivery or a standardized curriculum established by the jurisdiction.

### ***On-line Training Course Requirements***

On-line training course providers should be able to demonstrate through research that their program is effective in reducing crashes and citations.

On-line problem PDIE courses should also focus on the modification of behaviors which result in negative driving behaviors. Courses should include:

- Driver personality traits, driving behavior, the nature of risk taking and the operation of a motor vehicle
- Risk awareness – being aware of the risks associated with operating a motor vehicle
- Risk acceptance – accepting the risks associated with operating a motor vehicle
- Risk management – managing the risks appropriately in the operation of a motor vehicle
- Consequences and repercussions of not following the law
- Decision making skills – time management, trip planning, managing aggression and road rage in a motor vehicle
- Exiting from the PDIE program
- Testing requirements for successful completion of training:



- Participants should be required to successfully pass a test with each module of instruction to proceed onto the next module (progression screening).
- Participants should be required to spend a minimum period of time on each page and/or module of instruction before proceeding onto the end of the module or onto the next module. Participants should not be allowed to skip to the end of the module or to the end of the course for testing without participating in the planned activities.
- A system to verify the participant should be utilized.

Course delivery should be designed to be interactive and problem solving. Course delivery should utilize state-of-the-art delivery methods designed to be participant based which focuses on behavior modification and places the responsibility for behavior modification on the problem driver. On-line training courses should be conducted utilizing a set of standards for course delivery or a standardized curriculum established by the jurisdiction.

### ***Course Provider Requirements***

Course providers should be able to demonstrate through research that their program is effective in reducing crashes and citations.

All jurisdictions should license and monitor the owner or provider of the problem driver training courses when outsourced. The owner or provider should meet the following requirements:

- 1) Maintain an established place of business, which is open to the public.
- 2) Have a classroom approved by the jurisdiction and the proper equipment necessary for instructing the PDIE course.
- 3) Conform to the standards established by the jurisdiction.
- 4) Have lesson plans or curriculum approved by the jurisdiction and provide not less than the minimum instructional time specified in the plan.
- 5) Comply with any federal and state laws prohibiting any discrimination against individuals with disabilities.
- 6) Pass a criminal and financial background check.
- 7) Sign a statement that they agree to administer the program with the rules and regulations set by the jurisdiction.

- 8) Comply with all renewal requirements established by the jurisdiction to maintain certification.
- 9) Is bonded in an amount set by the jurisdiction. Maintains bond as a condition of renewal requirements.
- 10) Agree to authorize the jurisdiction to conduct announced and unannounced audits.

### ***Instructor Requirements***

All jurisdictions should license and monitor their PDIE instructors. In order to qualify as a PDIE instructor and be issued an instructor's license a person should meet the following requirements:

- 1) Be 21 years of age or older.
- 2) Submit an application to apply for an instructor's license.
- 3) Pass drug and alcohol tests if/when required by jurisdictional laws.
- 4) Have a high school education.
- 5) Have a valid driver's license, unless otherwise approved by the department, at the time of application.
- 6) Have an acceptable driving record as defined by jurisdictional standards.
- 7) Have a background or experience in highway traffic safety.
- 8) Attend a training course. The training course should cover:
  - a) Course delivery methods.
  - b) Instructor teaching and facilitation techniques.
  - c) Laws, regulations and rules of the road.
  - d) Highway traffic safety and driver education driving techniques.
  - e) Overview of standards or standardized curriculum.
  - f) Within three attempts, pass an end-of-course examination, approved by the jurisdiction, on traffic laws, safe driving practices, operation of motor vehicles, and teaching techniques/methods.
- 9) Observe a course or courses taught by an experienced instructor. Be observed by or team teach with an experienced instructor for a course or courses and be signed off by the instructor.
- 10) Instructors are required to inform the jurisdiction within seven days of any violations or convictions which may affect the driving record and the persons

driving status.

- 11) Pass a criminal and financial background check.
- 12) Sign a statement that they agree to administer the program with the rules and regulations set by the jurisdiction.
- 13) Comply with all renewal requirements established by the jurisdiction to maintain a license.
- 14) Is bonded in an amount set by the jurisdiction. Maintains bond as a condition of renewal requirements.
- 15) Agree to authorize the jurisdiction to conduct announced and unannounced audits.

### **Failure to Appear or to Complete Required Actions**

If a driver does not appear for a required interview/counseling session, withdrawal action shall be initiated. The withdrawal should remain in effect until the driver appears for the required session.

Failure to complete required actions (i.e., driver intervention, counseling and education course, re-examination, etc.) shall also result in withdrawal action. This withdrawal shall also remain effective until the driver completes the required action.

### **Out-of-Jurisdiction Offenses**

When a jurisdiction receives a notice of conviction or administrative action for a non-resident, the jurisdiction shall forward the notice to the jurisdiction of record. All drivers shall be treated as if the violation occurred in the home jurisdiction of record.

### **Multiple Convictions/Single Stop**

If a driver receives multiple convictions as a result of a single traffic stop, all of the convictions from that stop should be counted as a single offense. For example, if a driver is convicted of speeding, careless and reckless driving, and failure to yield, as a result of a single stop, only one countable conviction should be assessed against the driver for PDIE action.

### **Driver Intervention and Education Course**

A driver should not be allowed to complete a problem PDIE course, traffic violator's school or similar program to receive a reduction or dismissal of charges or to avoid PDIE assessments or recording of a conviction on the driver control record.

## **Novice Driver Accelerated Program**

A novice driver is defined as a person making their first application for a driver's license, regardless of age. Special treatment for novice drivers is warranted by:

- their own involvement in highway crashes – novice driver have almost twice as many crashes as experienced drivers
- the opportunity to influence driving behavior and habits before they are firmly established
- the ability of the jurisdiction to intervene more quickly with somewhat stricter controls, with young drivers, than is publicly acceptable in the case of adults

In an accelerated program for novice drivers, the novice driver should be subject to the same treatments as described in this model except that:

1. the first level a warning should be sent after one traffic offense,
2. the second level counseling or training should be required after two traffic offenses, and
3. the third level sanctioning after three traffic offenses within any three year period.

Immediate and corrective action should be taken on all novice drivers to ensure modification of negative driving behavior before the behavior becomes habit. No limited or hardship license should be available to a novice driver during any period of license withdrawal.

## **Standards for Program Effectiveness**

Each jurisdiction should establish standards to evaluate the effectiveness of their PDIE program. A formal plan and evaluation criteria with milestones should be established and monitored by the director.

Examples of elements to track:

1. Measure each step within the program.
2. Measure the effectiveness of warning letters.
3. Utilize a control group which receives no treatment for the purpose of comparison.
4. Develop and utilize predictors for problem drivers.
5. Track the number of drivers entering and exiting the system within each subset.
6. Track and measure the number of suspensions for problem drivers.
7. Track and measure the number of crashes for problem drivers.
8. Track and measure the increase in suspensions due to taking action.

9. Track the average rate of conviction accumulations and determine an increase or decrease.
10. Compare the driver record of the individual before and after suspensions.
11. Determine the average period of time a driver receives an offense following treatment.
12. Track and measure the habitual offender (the driver who enters the program and never exits). Track the number of drivers entering the program more than once.
13. Track and measure the period of time each driver requires to exit the program.
14. Track and measure the recidivism rate – the number of drivers entering the program versus the total population of drivers.

# Model Problem Driver Intervention and Education Program

## Appendix A – Acronyms and Definitions

## Acronyms

1. **NHTSA** – National Highway Traffic Safety Administration
2. **AAMVA** – American Association of Motor Vehicle Administrators
3. **PDIE** – Problem Driver Intervention and Education
4. **CDL** – Commercial Driver License
5. **DWI** – Driving While Intoxicated

## Definitions

1. **Avoidable or Preventable Crash** – A traffic crash reported by a police officer that indicates a driver failed to do everything a driver reasonably could have done to prevent the crash. Factors used to determine preventability include but are not limited to:
  - (a) Violations of the law even if a citation is not issued;
  - (b) Failure to use defensive driving techniques;
  - (c) Road conditions existing at the time of the crash; or
  - (d) Speed of the driver's vehicle.
2. **Citation** – Any summons, ticket or other official document issued by a law enforcement officer or judicial official for those offenses specified in the DLA Code, which requires the person to respond.
3. **Conviction** – An adjudication of guilt or responsibility by a court, or a determination by a court of guilt or that a person has violated the law, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in a court, a plea of guilty or nolo contendere accepted by a court, the payment of a fine or court costs, or a violation of condition of release without bail, regardless of whether the penalty is rebated, suspended or probated. Conviction shall also include judgments by default or in absentia.
4. **Counselor** – Meets with a driver or a group of drivers to discuss their driver history and driver improvement actions during an interview or counselling session. The session is designed to help a driver understand that their driving needs improvement and to motivate them to drive more safely and in compliance with the law.

5. **Crash** – Any event that produces injury and/or property damage, involves a motor vehicle in transport, and occurs on a traffic way or while the vehicle is still in motion after running off the traffic way.
6. **DLA Code** – The list of convictions and administrative actions to be reported to the Jurisdiction of Record under the Agreement.
7. **DMV** – The Driver and Motor Vehicle Services Division of the Department of Transportation.
8. **Driver Control Record** – The record maintained by the Jurisdiction of Record in accordance with the Agreement.
9. **Driver Improvement Course** – A traffic safety, defensive driving, traffic violator, or similar program or course of instruction approved by the DMV.
10. **Driver License** – An authorization or privilege to operate a motor vehicle pursuant to the laws of a jurisdiction that is recognized by all member jurisdictions.
11. **Entry System** – A program for intervening and educating drivers of motor vehicles by considering the number of convictions or crashes a person has had. When an offense occurs the driver is entered into the program driver intervention and education program. The entry system results in fair and equitable treatment for all problem drivers. Rather than arbitrarily assigning point values to each type of conviction all “countable” traffic convictions will be of equal value.
12. **Failure to Comply** – Failure to answer a citation or failure to pay fines, penalties and costs related to the violation.
13. **Habitual Offender** – A problem driver who enters the program and never exits.
14. **Instructor** – A person who instructs or teaches. In this case they teach driver improvement courses.
15. **Issuance** – The granting of a driver license or identification card by a jurisdiction to a person, including originals, renewals, replacements and re-issuances.
16. **Jurisdiction** – A state, territory or possession of the United States, the District of Columbia or a territory or province of Canada.
17. **Jurisdiction of Record** – The jurisdiction that has issued the last driver license to a person or if a person has not been issued a driver license, the jurisdiction of the person’s address indicated on the citation or report.



18. **Licensing Authority** – The entity responsible for administering the driver licensing laws of the member jurisdiction.
19. **Model Program** – A standard or example for imitation or comparison.
20. **Novice Driver** – A person new to driving, a beginner.
21. **Offense** – A breach, infringement, or transgression of the law and rules of the road, which involves the operation of a vehicle.
22. **Point System** – A system of penalizing drivers of motor vehicles for traffic violations by assigning points for each type of violation and revoking the driver's license if a certain number of points are accrued. Points are assigned to qualifying offenses in such a way as to distinguish the degree of severity or hazard associated with the offense.
23. **Problem Driver** – A driver with a record of reoccurring convictions and crashes.
24. **Provider** – The owner or the person in charge (manager, director, etc.) of a driver improvement program.
25. **Record Review** – Completed after a driver receives four convictions/three crashes in any three year period. May result in a counselling session/interview, medical or vision examination, skills testing, driver improvement/education course, restricted licensure or any other action deemed appropriate.
26. **Record Review Date** – The date DMV records a driver improvement violation or preventable crash to a person's driving record; or the date DMV grants privileges or fully reinstates the driving privileges following a suspension or revocation.
27. **Reportable Crash** – A crash which results in the injury or fatality of a person or results in the damage to a person's property.
28. **Risk Acceptance** – An informed decision to accept the consequences and likelihood of a particular risk.
29. **Risk Awareness** – Identifying the risks associated with driving.
30. **Risk Management** – How to manage the risks associated with driving.
31. **Rolling Window (Accumulative Program)**
32. **Sanction** – A penalty for noncompliance specified in a law that acts to ensure compliance or conformity.

33. **Training Course** – The education, instruction or discipline of a person in a program of instruction. In this case a program of instruction that educates problem drivers on how to improve their driving skills.
34. **Violation** – A breach, infringement, or transgression of the law and rules of the road, which involves the operation of a vehicle.
35. **Warning Letter** – A warning notice mailed to a driver after they accumulate three convictions in any three year period. Communicates to problem drivers that their behavior has come to the attention of the licensing authority, and that if the pattern of behavior continues; their driving privileges will be affected.
36. **Withdrawal** – The suspension, revocation, cancellation, disqualification or denial of a driver license or of the privilege to operate a motor vehicle or to obtain a driver license. Imposed when a driver accumulates five countable convictions within any three year period.

# Model Problem Driver Intervention and Education Program

## Appendix B – Future Enhancements

The following include possible future enhancements for the Problem Driver Intervention and Education (PDIE) Program.

**1. Develop a training curriculum for problem drivers.**

Develop a standardized training program and instructor lesson plans focusing on behavior modification and development of safe driving practices for problem drivers.

**2. Develop a model training program and standards for instructors.**

Develop and establish standards for uniformity and consistency for training problem driver instructors. Education and methodology standards will assist to provide the necessary tools and techniques to modify behavior when educating and teaching problem drivers.

**3. Develop a model training program and standards for counselors & hearing officers.**

Develop and establish standards for uniformity and consistency for training problem driver counselors and hearing officers. Education and methodology standards will assist to provide the necessary tools and techniques to modify behavior when interviewing problem drivers.

**4. Conduct a pilot program for state implementation of the PDIE program.**

Conduct a pilot program to determine the effectiveness of implementation, the reduction of violations and the reduction of problem drivers. Determine the success of the program through evaluation prior to and following implementing the model program.

**5. Develop online course security standards.**

Develop and establish online course security standards to ensure verification of student identity and protection of testing materials to reduce potential for fraud.

**6. Develop and implement a maintenance schedule for the model PDIE program.**

A maintenance schedule will allow for timely updates of the model program including all course training materials. A maintenance schedule will assist in ensuring the most recent and effective methodology practices and standards are incorporated into the existing model program. The maintenance schedule will examine the process for established violator tracks based upon violation (speeding, failure to stop, aggressive driving etc), and the development of a chronic/habitual violator program for those driver who continue to have convictions prior to reinstatement. The maintenance schedule will also examine the establishment of a monitoring program, including a restricted license, for problem drivers and will establish a list of predictors (risk assessment) to identify habitual offenders early in the process.

# Model Problem Driver Intervention and Education Program

## Appendix C – Subset of Applicable ACD Codes

Listed below are all the ACD codes used to communicate convictions and withdrawals over AAMVANet. The list is in alphabetic order by ACD code and is grouped by category of violations and group of violations. Each ACD code is followed by its ACD description and abbreviation. The abbreviations are a short form of the description of the ACD codes. The abbreviations are not sent in any messages, but are used in manual tasks, such as maintaining the equivalency tables.

The codes/convictions listed will result in a driver entering the Problem Driver Intervention and Education Program other than alcohol convictions.

### ***Duties Failed – Requirements Not Met – Improper Behavior***

This category includes the codes that begin with a “B” or a “D.”

ACD Code	Description	Abbreviation
<b>Driver License/Vehicle Reg. &amp; Title, Miscellaneous Duties (DRM Group)</b>		
B51	Expired or no driver license (includes DL, CDL, and Instruction Permit)	EXP/NO DL/ID
B56	Driving a CMV without obtaining a CDL	CMV NO CDL**
B91	Improper classification or endorsement on driver license (includes DL, CDL, and Instruction Permit)	IMP CLS/NDOR
<b>Miscellaneous Duty Failure (MDF Group)</b>		
D70	Driver’s view obstructed	VIEW OBSTRUC
D72	Inability to control vehicle	NO CONTR VEH
D74	Operating a motor vehicle improperly because of drowsiness	OPER: DROWSY
D75	Operating a motor vehicle improperly due to physical or mental disability	OPER W DISAB
D78	Perjury about the operation of a motor vehicle	PERJURY VEHL

### ***Maneuvers – Illegal or Improper***

This category includes the codes that begin with an “M” or an “N.”

ACD Code	Description	Abbreviation
<b>Failure to Obey (FTO Group)</b>		
M02	Failure to obey barrier	FTO BARRIER*
M03	Failure to obey construction or maintenance zone markers	FTO CNST/MNT
M04	Failure to obey flagger	FTO FLAGGER*
M05	Failure to obey lane markings or signal	FTO LANE MRK
M08	Failure to obey police or peace officer	FTO OFFICER*
M09	For all drivers, failure to obey railroad-highway grade crossing restrictions not specifically noted in other railroad-highway grade crossing related codes.	FTO RR RESTR
M10	For all drivers, failure to obey a traffic control device or the directions of an enforcement official at a railroad-highway grade crossing.	FTO RR GAT/S
M11	Failure to obey restricted lane	FTO RST LANE
M12	Failure to obey safety zone	FTO SAF ZONE

M13	Failure to obey school crossing guard	FTO SCH XING
M14	Failure to obey sign or traffic control device	FTO SIGN/TCD
M15	Failure to obey stop sign	FTO STP SIGN
M16	Failure to obey traffic signal or light	FTO TRF SGNL
M17	Failure to obey traffic sign	FTO TRF SIGN
M18	Failure to obey warning light or flasher	FTO WARN LIT
M19	Failure to obey yield sign	FTO YLD SIGN
M20	For drivers who are not required to always stop, failure to slow down at a railroad-highway grade crossing and check that tracks are clear of approaching train.	FTO RR NSLOW
M21	For drivers who are not required to always stop, failure to stop before reaching tracks at a railroad-highway grade crossing when the tracks are not clear.	FTO RR NSTOP
M22	For drivers who are always required to stop, failure to stop as required before driving onto railroad-highway grade crossing.	FTO RR DRIVE
M23	For all drivers, failing to have sufficient space to drive completely through the railroad-highway grade crossing without stopping.	FTO RR SPACE
M24	For all drivers, failing to negotiate a railroad-highway grade crossing because of insufficient undercarriage clearance.	FTO RR CLRNC
M25	Failure to stop – basic rule at unsigned intersection or when entering roadway from private driveway, alley, etc.	FAIL TO STOP
<b>Following Improperly (FOL Group)</b>		
M30	Following improperly	FOL IMPROPER
M31	Failure to leave sufficient distance for overtaking by other vehicles	NSF DIST PAS
M32	Following emergency vehicle unlawfully	FOL EMER VEH
M33	Following fire equipment unlawfully	FOL FIRE EQU
M34	Following too closely	FOL TOO CLOS
<b>Improper Lane or Location (ILL Group)</b>		
M40	Improper lane or location	IMPROPR LOCA
M41	Failure to keep in proper lane	STRAY FRM LN
M42	Improper or erratic (unsafe) lane changes	IMPR LANE CH
M43	Ran off road	RAN OFF ROAD
<b>Improper Lane or Location (ILL Group) continued</b>		
M44	Improper lane or location – crossover	IMP LOC XOVR
M45	Improper lane or location – crosswalk	IMP LOC XWLK
M46	Improper lane or location – entrance/exit ramp or way	IMP LOC RAMP
M47	Improper lane or location – in bicycle lane	IMP LOC BIKE
M48	Improper lane or location – in occupied lane	IMP LOC OCCL
M49	Improper lane or location – in HOV or restricted lane	IMP LOC HOVL
M50	Improper lane or location – limited access highway	IMP LOC LTAC
M51	Improper lane or location – median	IMP LOC MEDN
M55	Improper lane or location – on rail or streetcar tracks	IMP LOC TRAK
M56	Improper lane or location – on fire hose	IMP LOC FHOS
M57	Improper lane or location – oncoming traffic lane	IMP LOC ONCM
M58	Improper lane or location – road shoulder, ditch or sidewalk	IMP LOC SHLD
M60	Improper lane or location – slower vehicle lane	IMP LOC SLOV
M61	Improper lane or location – straddling center line(s)	IMP LOC CNTR
M62	Improper lane or location – traveling in turn (or center) lane	IMP LOC TURN
<b>Passing (PAS Group)</b>		
M70	Improper passing	IMPROPR PASS

M71	Passing in violation of posted sign or pavement marking	PAS PST SIGN
M72	Passing in violation of opposite directions restriction	PAS OP DIREC
M73	Passing on wrong side	PAS WRNG SID
M74	Passing on hill or curve	PASS HIL/CRV
M75	Passing school bus displaying warning not to pass	PASS SCH BUS
M76	Passing where prohibited	PASS WH PROH
M77	Passing with insufficient distance or visibility	PAS NSF DIST
<b>Reckless, Careless, or Negligent Driving (RCN Group)</b>		
M80	Reckless, careless, or negligent driving	RK/CAREL/NEG
M81	Careless driving	CARELESS DRI
M82	Inattentive driving	INATTENT DRI
M83	Negligent driving	NEGLIGENT DR
M84	Reckless driving	RECKLESS DRI
<b>Failure to Yield (FTY Group)</b>		
N01	Failure to yield right of way (FTY ROW)	FT YLD R O W
N02	FTY ROW to animal rider or animal-drawn vehicle	FY 2 AN/RIDR
N03	FTY ROW to cyclist	FY 2 CYCLIST
N04	FTY ROW to emergency vehicle (i.e. ambulance, fire equipment, police, etc.)	FY 2 EMR VEH
N05	FTY ROW to funeral procession, procession or parade	FY 2 FUNERAL
N06	FTY ROW to other vehicle	FY 2 OTH VEH
N07	FTY ROW to overtaking vehicle	FY 2 OVT VEH
N08	FTY ROW to pedestrian (includes handicapped or blind)	FY 2 PEDESTR
N09	FTY ROW to school bus	FY 2 SCH BUS
N20	FTY ROW at crosswalk	FTY ROW@XWLK
N21	FTY ROW at rotary	FTY ROW@ROTR
N22	FTY ROW at stop sign	FTY ROW@STOP
N23	FTY ROW at traffic sign	FTY ROW@T SN
N24	FTY ROW at traffic signal	FTY ROW@T SG
N25	FTY ROW at unsigned intersection	FTY ROW@UNSN

ACD Code	Description	Abbreviation
<b>Failure to Yield (FTY Group) continued</b>		
N26	FTY ROW at yield sign	FTY ROW@YLDS
N30	FTY ROW when warning displayed on other vehicle	FTY ROWWWARN
N31	FTY ROW when turning	FTY ROWWTURN
<b>Failure to Signal (FTS Group)</b>		
N40	Failure to use or improper signal	IMPROPER SIG
N41	Failure to cancel directional signals	FT CANC SGNL
N42	Failure to signal intention to pass	FTS: PASSING
N43	Failure to signal lane change or turn	FTS CHNG/TRN
N44	Giving wrong signal	WRONG SIGNAL
<b>Improper Turns (IMT Group)</b>		
N50	Improper turn	IMPROPR TURN
N51	Improper method of turning	IMP TRN METH
N52	Improper position for turning	IMP TRN PSTN
N53	Making improper left turn	IMP LEFT TRN
N54	Making improper right turn	IMP RGHT TRN
N55	Making improper turn around (not U turn)	IM TRN ROUND



N56	Making improper U turn	IMPROP U TRN
<b>Wrong Way or Side (WWS Group)</b>		
N60	Driving wrong way	DR WRONG WAY
N61	Driving wrong way at rotary intersection	WW AT ROTARY
N62	Driving wrong way on divided highway	WW ON DIV HW
N63	Driving wrong way on one way street or road	WW ON ONEWAY
N70	Driving on wrong side	DR WRONG SID
N71	Driving on wrong side of divided highway	WS ON DIV HW
N72	Driving on wrong side of undivided street or road	WS ON UNDIVD
<b>Miscellaneous Maneuvers (MMV Group)</b>		
N80	Coasting (operating with gears disengaged)	COASTING ***
N82	Improper backing	IMPROP BACKN
N83	Improper starting	IMPROP START
N84	Unsafe operation	UNSAFE OPERA

## Speeding

This category includes the codes that begin with an “S.” Speeding (S\*\*) was made a separate category in order to provide a set of codes which would enable all jurisdictions to report speeding convictions with the level of detail which they possess. AAMVA recommends a jurisdiction should report speeding with the speed limit and actual speed, however, it is recognized that not all jurisdictions have this data available to them and codes have been provided below in 5 mph and 10 mph ranges with optional use of the conviction detail field to indicate the speed limit, if known. When available the speed limit and actual speed are held in the Conviction Offense Detail field.

ACD Code	Description	Abbreviation
<b>Speeding Excess in miles per hour (SPE Group)</b>		
	(5-mile range increments)	
S01	01-05 > Speed limit (detail optional)	SP XS: 01-05
S06	06-10 > Speed limit (detail optional)	SP XS: 06-10
S15	Speeding 15 mph or more above speed limit (detail optional)	SP XS: 15&GR
S16	16-20 > Speed limit (detail optional)	SP XS: 16-20
S31	31-35 > Speed limit (detail optional)	SP XS: 31-35
S36	36-40 > Speed limit (detail optional)	SP XS: 36-40
S41	41+ > Speed limit (detail optional)	SP XS: 41&GR
	(10-mile range increments)	
S51	01-10 > Speed limit (detail optional)	S51 SP XS: 01-10
S71	21-30 > Speed limit (detail optional)	SP XS
S81	31-40 > Speed limit (detail optional)	SP XS
S91	41+ > Speed limit (detail optional)	SP XS
S92	Speeding – Speed limit and actual speed (detail required)	SPEED DTAIL
<b>Speeding (SPD Group)</b>		
S93	Speeding	SPEEDING****
S94	Prima Facie speed violation or driving too fast for conditions	PRIMA FACIE*
S95	Speed contest (racing) on road open to traffic	RACE CONTEST
S96	Speed less than minimum	INSUFF SPEED
S97	Operating at erratic or suddenly changing speeds	ERRATC SPEED
S98	Speeding on freeway (“wasting fuel”)	WASTING FUEL

**Unclassified Offenses**

This category includes codes that begin with a “U.”

ACD Code	Description	Abbreviation
<b>Vehicle Use in Prohibited Actions (VUP group)</b>		
U01	Fleeing or evading police or roadblock	EVADING/FLEE
U02	Resisting arrest	RESIST ARRST
U21	Illegal operation of emergency vehicle	IL OP EMRG V
<b>Unspecified Violations Causing Accidents (VCA Group)</b>		
U31	Violation resulting in fatal accident	VIO: FAT ACC

# Model Problem Driver Intervention and Education Program

## Appendix D – Model Legislation

## Model Legislation

### JY CHANGES

2<sup>nd</sup> 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.



# Model Problem Driver Intervention and Education Program

## Appendix E – Warning Letter Examples

## Warning Letter Example #1

Name  
Address  
City, State, Zip

Date

Dear Name:

[Missouri's] law requires the [Driver License Bureau] to notify a person when he/she accumulates [four points within a twelve-month period.] Your current total point accumulation has reached or exceeded [four or more points.] The points added to your record resulted from conviction(s) we received and processed:

<b>01/15/2009</b>	<b>CARELESS &amp; IMPRUDENT 304.016</b>	<b>4 PTS</b>
<b>02/15/2009</b>	<b>STOP SIGN</b>	<b>1 PTS</b>

Additional points could cause your driving privilege to be suspended or revoked. A suspension occurs when a person accumulates [8 points in 18 months.] The first offense is a [30-day suspension], the second offense is a [60-day suspension], and the third or subsequent offense is a [90-day suspension.] A revocation occurs when a person accumulates [12 points in 12 months, 18 points in 24 months, or 24 points in 36 months.] All point revocations are [one year] in duration.

After a point suspension/revocation is reinstated, points are reduced to [four.] These [four points] remain active and may be used for another suspension/revocation action if additional points are added to your driver record.

It is the goal of the [Driver License Bureau] to help ensure [Missouri's] roads are safe. Thank you for your cooperation in this matter.

Name, [Administrator]  
[Driver License Bureau]

## Warning Letter Example #2

The [Department of Public Safety] keeps the driving record of each driver in the state. Action is taken on the driving privileges of those who violate the traffic laws.

Your current driving record lists the following violations:

June 06, 2008	Speed
January 21, 2009	Speed
January 21, 2009	Fail to Signal

No action will be taken on the above violations. However, if we receive another conviction within [12 months] of the above convictions, your privileges to drive may be withdrawn or restricted.

[Department of Public Safety]  
[Driver Evaluation Unit]