



Habitual Offender Laws

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Many states classify drivers who repeatedly offend driving laws as habitual offenders and impose penalties for such chronic dangerous behavior. Twenty-six states implement such laws, which are separate from standard three-strike laws or enhancements for repeat convictions of the same offense. Most of these laws specify a threshold number (typically three) of “serious” traffic offenses after which an offending driver is considered a habitual offender. These serious offenses usually include reckless driving, vehicular manslaughter or homicide, and driving under the influence. A small number of states turn to their points system to regulate the number of offenses one must commit before becoming a habitual offender.

Most states require three high-level traffic offenses for someone to be called a

habitual offender. Some states (Indiana and Michigan) require fewer offenses while



some states (Louisiana, Maryland, Wisconsin, and Vermont) require more.

Alternatively, Montana uses a points system to designate a number of points one must receive to be designated a habitual offender (though it still works out to be three normal impaired driving convictions). Vermont uses its points system merely to designate the offenses which are serious enough to count toward habitual offender status.

Once someone becomes a habitual offender, states generally suspend the driver's license. These suspensions generally last somewhere between one and five years, though certain states provide for longer suspensions. Seven states (Florida, Georgia, Maine, Oregon, South Carolina, Washington, and Wisconsin) allow drivers to petition for reinstatement after completing part of their suspension. Maine provides for an indefinite suspension of the license, though drivers may reapply for reinstatement after three years. Maryland mandates that habitual offenders have an interlock installed for two years on their car after serving a two-year suspension. Only North Carolina's code states that the license of a habitual offender (defined as someone convicted of impaired driving three times in ten years) will be permanently revoked.

These habitual offender laws also have other minor functions. Some impose habitual offender status for more (10-15) violations of less serious traffic/moving violations. Others provide for more consequences as a result of habitual offender status, such as fines, driver improvement courses, or even small terms of imprisonment. All habitual offender laws, however, provide increased punishments for continuing to operate motor vehicles once the driver has achieved habitual status.



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| States with Habitual (Traffic) Offender Laws: | (26 states) California, Colorado, Delaware, Florida, Georgia, Hawaii, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Montana, New Hampshire, New Jersey, North Carolina, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Washington, Wisconsin |
| States without Habitual Offender Laws: | (24 states + DC) Alabama, Alaska, Arizona, Arkansas, Connecticut, District of Columbia, Idaho, Illinois, Kentucky, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Mexico, New York, North Dakota, Ohio, Oklahoma, South Dakota, Texas, Utah, Virginia, West Virginia, Wyoming |

More detailed information, including the text and citations of the relevant statutes, available in the accompanying spreadsheet.

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