

HOUSE FINANCE COMMITTEE
February 26, 2004
1:53 P.M.

TAPE HFC 04 - 31, Side A
TAPE HFC 04 - 31, Side B

CALL TO ORDER

Co-Chair Williams called the House Finance Committee meeting to order at 1:53 P.M.

MEMBERS PRESENT

Representative Bill Williams, Co-Chair
Representative Kevin Meyer, Vice-Chair
Representative Eric Croft
Representative Richard Foster
Representative Mike Hawker
Representative Reggie Joule
Representative Carl Moses
Representative Bill Stoltze

MEMBERS ABSENT

Representative John Harris, Co-Chair
Representative Mike Chenault
Representative Hugh Fate

ALSO PRESENT

Representative Bruce Weyhrauch; Linda Sylvester, Staff,
Representative Bruce Weyhrauch; Mark Johnson, Chief,
Community Health and Emergency Medical Services, Department
of Health & Social Services; Cindy Cashen, Mothers Against
Drunk Driving (MADD)

PRESENT VIA TELECONFERENCE

Kevin Quinlan, Chief, Safety Advocacy Division, National
Transportation Safety Board, Washington, D.C.; Richard
Cattanach, American Automobile Association (AAA), Anchorage;
Anna Barnwell, Student, Anchorage; Jeff Jesse, Legislative
Vice President, Alaska State Parent-Teacher Association
(PTA), Anchorage

SUMMARY

HB 213 An Act relating to a provisional driver's license and to issuance of a driver's license; and providing for an effective date.

CS HB 213 (FIN) was reported out of Committee with a "do pass" recommendation and with fiscal note #1 by the Department of Administration.

#HB213

HOUSE BILL NO. 213

An Act relating to a provisional driver's license and to issuance of a driver's license; and providing for an effective date.

Vice Chair Meyer MOVED to adopt work draft version #23-LS0786\Z, Luckhaupt, 2/26/04, as the version of the legislation before the Committee. There being NO OBJECTION, it was adopted.

REPRESENTATIVE BRUCE WEYHRAUCH explained that HB 213 would implement a Graduated Driver's License (GDL) by creating a three-tiered system, whereby young drivers pursue their full, unrestricted driver's license. He stated that at the age of 16, the youth could be eligible for a Provisional License when:

- The youth has held a learner's permit for six months;
- Their parent certifies that the youth has at least 40 hours of driving experience, including 10 hours of driving under progressively challenging conditions such as nighttime or inclement weather conditions; and
- The youth has not been convicted for violating a traffic law for at least 6 months before applying.

He continued that once the youth holds a Provisional License, they would be subject to several "limitations" during their first six months of driving:

- Driving between 1 a.m. and 5 a.m. would be prohibited;
- No passenger except a parent, a person 21 years of age or older, or two siblings in the car with the novice driver.

Representative Weyhrauch noted that six months after the issuance of the Provisional License, the young driver could apply to the Division of Motor Vehicles, Department of Administration, for an unrestricted license as long as they

had not been convicted of a traffic offense for at least six months preceding their application.

Two important exceptions to the Provisional License law are:

- A driver with a Provisional License may be eligible for a work permit so that they could drive to and from work and/or driving during the scope of their employment.
- Driver's issued permits or licenses under the Division of Motor Vehicles (DMV) hardship clause on off-systems licensing programs would in no way be affected by the GDL licensing provisions.

RICHARD CATTANACH, (TESTIFIED VIA TELECONFERENCE), EXECUTIVE DIRECTOR, ASSOCIATED GENERAL CONTRACTORS OF ALASKA, AMERICAN AUTOMOBILE ASSOCIATION (AAA), ANCHORAGE, voiced support for HB 213. He commented that driving is a skill that is learned by doing and that by nature, driving is inherently risky. He recommended that extending the learning process reduces the exposure to risk while teens are gaining skills. Experience reduces the number of teenage crashes. HB 213 addresses that.

Mr. Cattanach pointed out that two out of five deaths among teens are the result of traffic accidents. Crashes for teenage drivers are three times that of older drivers. Teen drivers have a fatality rate that is four times higher than the fatality rate of 25-65 years old.

Mr. Cattanach addressed components in the bill regarding:

- Varying length of the learning permits;
- Passenger restrictions; and
- Night restrictions.

Mr. Cattanach stressed that HB 213 encompasses all the components of a "successful" GDL. The legislation provides "time to learn" by providing a six month instruction period of behind the wheel experience with 40-hours of certified driving experience, provides responsibility with six months citation free driving and approves the two major risk factors of novice drivers, passengers and late night driving.

Mr. Cattanach noted that with a GDL in place, the State of Alaska could prevent nearly 970 injuries, over 3,000 crashes and save \$21 million dollars. He ascertained that the time has come to change the ways we teach our teens to drive. A recent AAA poll shows that Americans support additional laws with regard to teenage drivers. He stressed that it is not

an issue of restriction and/or burden, but rather an issue of traffic safety.

Representative Weyhrauch noted that at age 14, a youth can get a drivers permit in the State of Alaska. Under the proposed bill, at 16 years of age, a youth could still get a provisional drivers license if an adult certifies that they had 40-hours of driving experience or 10 hours in nighttime and more challenging driving. There is nothing in the legislation, which prohibits getting a provisional driver's license at age 16. The committee substitute will allow the driving of a sibling and allows for other teenagers to be in the car if there is an adult present. He pointed out that the legislation does not affect rural off road situations. The bill attempts to accommodate concerns voiced throughout the State. The Alaska Mental Health Board and the state Parent-Teachers Association (PTA) has indicated that this is their top priority.

Representative Stoltze referenced Page 1, Line 11, "person's parent" and asked if there had been discussion to further expand that language.

LINDA SYLVESTER, STAFF, REPRESENTATIVE BRUCE WEYHRAUCH, responded that in regard to the certification, that would be the statement acknowledging that the youth had experienced driving under the supervision of a parent, guardian or employer. There is a statement on the application that the parent must sign as they are assuming legal liability for their child's driving. She added that they want the certification to be "flexible and permissive" and that there is no enforcement associated with it. It is a small item, serving as an educational tool.

Representative Weyhrauch responded to Representative Stoltze's query regarding custodial versus non-custodial parent. He clarified that the law does not distinguish that indication. An adult person can certify that the teen driver has met the requirement and is not intended to be restrictive to a non-custodial parent.

Representative Stoltze pointed out that he has a rural district in which bus routes have been cut off. In that area, there are "real considerations" regarding how to get to and from school and work. He questioned the value that the legislation would have for those people.

Representative Weyhrauch advised that the restricted period of time would only be six months and would restrict the student's ability to drive with other teens without an adult in the car. Data from other states indicates that the time when there are two or more teenagers in a car, the possibility of accident increases significantly. To

restrict the number of teens in a car is worth the number of lives that are going to be saved.

Representative Stoltze commented that kids in his district have a different point of view than their parents have. Representative Weyhrauch reiterated that youth drivers could drive their younger siblings to school, just not other teenagers.

Representative Stoltze pointed out that there are other states that have less restrictive laws than that proposed. Representative Weyhrauch emphasized the legislation only will affect a six-month restriction period.

Representative Stoltze referenced Representative Green's bill proposed two years ago regarding driving restrictions. Representative Weyhrauch did not know about that legislation.

Ms. Sylvester explained that when discussing the proposed bill with young people, once they understand what and how little it really does, they then become supportive. The legislation restricts for six months, youth drivers at night. Night driving can be dangerous behavior. The bill provides protection for young drivers until they get more experience. When the young drivers are 16.5 years old then they can drive on the roads unaccompanied. The benefits indicated in other states are a lowering of accident and fatality rates by 20%. Representative Weyhrauch interjected that driving is a privilege and everyone must abide by certain restrictions.

Representative Stoltze noted that he appreciated the goals of the legislation and would attempt to "balance" it with "real world applications".

Vice Chair Meyer asked if the bill would have effects on insurance rates. Representative Weyhrauch reiterated that the legislation would restrict driving for six months for a certain class of individuals. He noted that there was a representative from the insurance industry present to testify. He added that the good news is that insurance costs can be saved.

Vice Chair Meyer questioned if the legislation would be delaying licensing by six months. Representative Weyhrauch explained that the beginning driver would receive a provisional drivers license for six months. They can still drive themselves and their siblings during the day but it would restrict them from driving with other teenagers and driving at night. He emphasized those are the critical components.

Vice Chair Meyer asked what would happen if the driver received a conviction during the six months unrestricted phase. Representative Weyhrauch thought the individual would have to wait for six months from the time of the conviction not the time of being cited. He acknowledged that might be a "loop hole".

Vice Chair Meyer inquired if historically, there are more traffic accidents in the first six months of operation. Representative Weyhrauch guaranteed that there are.

Vice Chair Meyer mentioned the fiscal note. He asked if the youth would have to go back to the Division of Motor Vehicles (DMV) after the six-month period to get a new unrestricted license. Representative Weyhrauch responded that was his understanding.

Ms. Sylvester provided an overview of the charts brought before the Committee.

- Chart #1 - Indicates accidents per 1,000 licensed drivers;
- Chart #2 - Teen Driving with Passengers - for teen drivers, the presence of passengers results in higher crash rates per 10,000 trips;
- Chart #3 - When car accidents are likely to happen to teens indicating that 16 & 17 year olds are involved in more crashes between the hours of midnight and 5 a.m. than during daytime hours.

Ms. Sylvester noted that the bill does not have language requiring driver education programs in the schools. She stated that the problem with driver's education is that it is expensive and that it would be unreasonable to require schools to offer the program during the cutbacks happening to education. Also, research indicates that the Driver's Education Program does not have a tremendous amount of impact on accident rates. It keeps kids in a "holding pattern" of practicing driving longer, same as the GDL.

Representative Foster voiced his appreciation for the work on the legislation, pointing out that he had co-sponsored the bill. He noted that in some areas of the State, it is nighttime half the year. Representative Weyhrauch stated that there had been discussion in the House Transportation Committee regarding the distinction between nighttime versus dark.

Co-Chair Williams mentioned an 11 p.m. curfew. Representative Weyhrauch responded that the legislation would not affect the curfew and that the laws would continue to overlap. Co-Chair Williams thought that a curfew would address the youth singled out in the bill. Representative

Weyhrauch agreed that it could help and that the legislation would also lead to a potential citation extending the period of time that they cannot drive. Ms. Sylvester added that the curfew laws vary throughout the State and that Juneau does not have a curfew law on the books any longer.

Co-Chair Williams asked about the implication of the fiscal revenue change. Representative Foster pointed out that the note is positive, providing increased revenue. Representative Weyhrauch stressed that was the "least important aspect" of the proposed legislation.

MARK JOHNSON, CHIEF, COMMUNITY HEALTH AND EMERGENCY MEDICAL SERVICES, DEPARTMENT OF HEALTH & SOCIAL SERVICES, voiced support for the legislation. Through studies, it has been determined that Alaska "mirrors" what is happening in the rest of the states. The rates of crashes and deaths are highest at 16 years old. Then they significantly decline. Young drivers are 2.9 times more likely than adults to be involved in crashes resulting in hospitalization. These drivers put not only themselves but also others at risk. He pointed out that studies demonstrate that the cost of medical care and payment provided is usually through private care insurance. The bottom line is that experience in other states shows consistently that GDL does reduce crashes, injuries and fatalities.

CINDY CASHEN, MOTHERS AGAINST DRUNK DRIVING (MADD), JUNEAU, testified in support for the legislation. She noted that MADD advocates that each state adopt laws providing for GDL privileges to persons less than 21 years of age. She commented that the bill would allow young, inexperienced drivers extra time to gain critical experience behind the wheel without the distraction of other youth in the vehicle, and it emphasizes the increased risk of driving during the late night/early morning hours. According to statewide records, in Alaska in 2000, there were 3,889 crashes involving 16-20 year old drivers. In 2001, that number rose by 500. It is getting worse. Overall, Alaska had 26% of evening crashes involving teenage drivers.

Ms. Cashen pointed out that the National Safety Council reported that for every youth that is in a car with a teenage driver, the chances of crash doubles. She concluded that teens need to learn to drive defensively before they obtain a final license. HB 213 would provide that. High school students, once they realize the benefits of the GDL, they usually are in support of it.

In response to comments made by Representative Stoltze, Ms. Cashen explained that the reference to 21 years of age was a "blanket statement" including no drinking under that age. GDL is a part of the policy recommended by MADD.

KEVIN QUINLAND, (TESTIFIED VIA TELECONFERENCE), CHIEF, SAFETY ADVOCACY DIVISION, NATIONAL TRANSPORTATION SAFETY BOARD, WASHINGTON, D.C., referenced his written statement in the packet from the National Transportation Safety Board. (Copy on File). He pointed out that the work of the Board is to investigate not regulate. The Board does not tell states what to do but rather asks them to do the right thing based on those recommendations. The recommendations can be adapted to the state's needs. Since 1993, the Board has recommended GDL to all states.

Mr. Quinland pointed out that 90% of traffic fatalities occur on the highways. He added that 40% of teen deaths occur in car crashes and that is the number one cause of death for teens. In Alaska, teens are 7% of the driving population, 17% of the drivers in fatal crashes and 26% of all highway fatalities in Alaska involve teen drivers. He continued, nationwide there has been about a 25% increase in the number of young drivers. Teen passengers are particularly risky for teen novice drivers. The risk of a crash increases by 39% when one teen passenger is in the car, 86% with two teen passengers, and 282% with more than 3 teens in the car.

Mr. Quinland stated that the current system is "broken" and it only teaches the young driver how to pass a test. It does not provide experience that is needed. The GDL really does work and it is the answer. He noted that the only thing that he would add to the component would be a restriction for the use of cell phones during the intermediate license phase.

Mr. Quinland noted that there are 39 states that have the three-phase system in place; 46 states have some elements of the GDL; 37 states have the nighttime driving restrictions; and 26 states have passenger restrictions. He referenced the chart accompanying his printed testimony regarding the effectiveness of the GDL throughout the nation. He noted that one statistic not indicated is that the GDL reduces alcohol related fatalities. He added that the GDL is so important to the National Transportation Safety Board that it is on the list of the most wanted recommendations. Enactment of HB 213 would be one of the most effective actions that the State could take to prevent teen deaths and the deaths of others. It passes the "common sense" test and it is the right thing to do.

Representative Stoltze asked if there were other age demographics that indicate disproportionately high accidents or fatalities. Mr. Quinland responded that 16 years old are the highest; there is a u-shaped curve of highest risk beginning at age 16 and then decreasing as the age increases. It starts back up again at age 65. At no point

are the older drivers at as high a risk as the younger drivers.

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ANNA BARNWELL, (TESTIFIED VIA TELECONFERENCE), STUDENT, ANCHORAGE, voiced support for the legislation and urged that it be passed. She noted that she was 18 years old and had totaled a car when she was 16. Ms. Barnwell commented that she would also feel safer on the highway with passage of the legislation.

JEFF JESSE, (TESTIFIED VIA TELECONFERENCE), LEGISLATIVE VICE PRESIDENT, ALASKA STATE PARENT-TEACHERS ASSOCIATION (PTA), ANCHORAGE, stated that the PTA organization has 15,000 members statewide. Every year, priorities are identified for each legislative session and this year, GDL is one of their top priorities. Passage of the legislation will save lives and injuries. Passage of HB 213 will assist in insuring that the teenage drivers would be able to gain the experience that they need to drive safely. Mr. Jesse reiterated that the more experience kids get, the better able they will be negotiate all types of problems.

Representative Foster MOVED to report CS HB 213 (FIN) out of Committee with individual recommendations and with the accompanying fiscal note. There being NO OBJECTION, it was so ordered.

CS HB 213 (FIN) was reported out of Committee with a "do pass" recommendation and with fiscal note #1 by the Department of Revenue.

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ADJOURNMENT

The meeting was adjourned at 2:46 P.M.