

ALASKA LEGISLATURE COMMITTEE FILES 1990-1990 00/2

9085 SENATE TRANSPORTATION

SJR

42

**CS FOR SENATE JOINT RESOLUTION NO. 42(TRA)
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - SECOND SESSION**

BY THE SENATE TRANSPORTATION COMMITTEE

**Offered:
Referred:**

Sponsor(s): SENATE TRANSPORTATION COMMITTEE BY REQUEST

A RESOLUTION

1 **Relating to reconstruction and paving of the Alaska Highway.**

2 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 **WHEREAS** the United States and Canada entered into an agreement to reconstruct and
4 pave the Alaska Highway from the Alaska-Canada border to Haines Junction, Yukon
5 Territory, Canada, and the Haines Cutoff Highway from Haines Junction, Yukon Territory,
6 Canada, to the Alaska-Canada border near Haines, Alaska, known as the Shakwak project, as
7 authorized in the Federal-Aid Highway Act of 1973; and

8 **WHEREAS** the Congress authorized \$59,000,000 in 1973 for the project and has
9 appropriated \$47,000,000 to the Federal Highway Administration for actual construction by
10 Canada; and

11 **WHEREAS** the Congress further authorized \$20,000,000 a year for fiscal years 1993 -
12 1996 under the Intermodal Surface Transportation Efficiency Act of 1991 which has been fully
13 appropriated; and

14 **WHEREAS**, in the last 15 years, the state has provided \$37,000,000 of state federal-
15 aid highway apportionments to assist in meeting the obligations of the agreement; and

16 **WHEREAS** the estimated amount necessary to complete the entire project was in the
17 order of \$260,000,000 in United States dollars; and

1 **WHEREAS** the state prefers a system of federal administration with state concurrence,
2 rather than state administration, of this construction project;

3 **BE IT RESOLVED** that the Alaska State Legislature respectfully requests the United
4 States government and the Canadian government to honor their agreement and provide the
5 additional funds necessary through direct federal appropriations to complete the remaining
6 portions of the Shakwak project; and be it

7 **FURTHER RESOLVED** that the United States Congress is respectfully requested to
8 immediately appropriate an additional \$94,000,000 to allow work on additional project
9 segments to proceed to a bituminous surface treatment standard; and be it

10 **FURTHER RESOLVED** that the Alaska State Legislature endorses federal
11 administration, with state concurrence, for the Shakwak project.

12 **COPIES** of this resolution shall be sent to the Right Honourable Jean Chretien, Prime
13 Minister of Canada; the Honourable Diane Marleau, Minister of Public Works and
14 Government Services, Canada; the Honourable Audrey McLaughlin, Member of Parliament,
15 House of Commons, Canada; the Honourable John Ostashek, Government Leader, Yukon
16 Territory, Canada; the Honourable Bill Brewster, Minister of Community and Transportation
17 Services, Yukon Territory, Canada; the Honourable John Devries, Speaker, Legislative
18 Assembly, Yukon Territory, Canada; the Honorable Bill Clinton, President of the United
19 States; the Honorable Al Gore, Jr., Vice-President of the United States and President of the
20 U.S. Senate; the Honorable Newt Gingrich, Speaker of the U.S. House of Representatives; the
21 Honorable Frederico F. Pena, Secretary of the U.S. Department of Transportation; Rodney E.
22 Slater, Administrator, Federal Highway Administration, U.S. Department of Transportation;
23 and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and
24 the Honorable Don Young, U.S. Representative, members of the Alaska delegation in
25 Congress.

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SJR 42

Revision Date: 4/29/96 Dept. Affected: DOT&PF
 Title: *A Resolution relating to reconstruction and paving of the Alaska Highway.* BRU: All
 Component: All
 Sponsor: Senate Transportation
 Requester: N/A COMPONENT SERIAL NO. N/A

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY96) cost: \$ _____

POSITIONS

FULL-TIME					
PART-TIME					
TEMPORARY					

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Loren Rasmussen, P.E., Acting Director Phone: 465-2960
 Division: Engineering and Operations Date: 4/29/96
 Approved by: Joseph L. Perona Date: 4/29/96
 Agency: Department of Transportation and Public Facilities

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SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 4/26/96

DATE TURNED INTO OFFICE: 5/1/96

The Transportation Committee considered SJR 42

Relating to reconstruction and paving of the Alaska Highway.

and recommends:

be replaced with CS SJR 42 (TRA)

adopt previous CS ()

attached amendment(s)

adopt Letter of Intent by Committee

further referral to the Committee

Senate Bill:

same title

new title

House Bill:

same title

technical title

new: SCR#

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>W. Taylor</i>	✓				
<i>Ryder Miller</i>	✓				
CHAIR: <i>Steve Pi</i>	✓	CHAIR:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal
DOT/PF	4/27/96	-0-	

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

include fiscal notes accompanying Governor's bill

SHAKWAK HIGHWAY PROJECT

Project History

The original construction of the Alaska Highway and Haines Road was undertaken by the U.S. Army and the U.S. Public Roads Administration during 1942 and 1943, as part of the supply line to the State of Alaska during World War II. At the end of the war, responsibility for maintenance and improvements to these highways (North West Highway System) was passed to Canada.

Canadian efforts, since takeover, have been directed at the more southerly, well travelled portions of the Alaska Highway.

In 1955, initial discussions were held regarding the possible upgrading of the Haines Road and Alaska Highway from Haines Junction, Yukon, to the Alaska/Yukon border near Beaver Creek, Yukon. In 1970, Congress requested that a feasibility study be made for paving the Haines Road and the portion of the Alaska Highway described, to provide an all-weather roadway between Southeast and Interior Alaska. These discussions culminated in an agreement, dated February 11, 1977, between the Canadian and United States Governments. The agreement, in general, provided that Canada would arrange for the reconstruction of the highway, to a jointly agreed asphalt concrete pavement standard, using funds appropriated for that purpose by the Congress of the United States. Canada, in part, would provide the highway right-of-way and maintain the highway.

The Shakwak Highway Reconstruction Project covers 325 miles (520 kilometres) of which 50 miles (80 kilometres) are located in northwestern British Columbia, the remainder being in the Yukon Territory. The Project derives its name from the Shakwak Trench through which a significant portion of the highway runs.

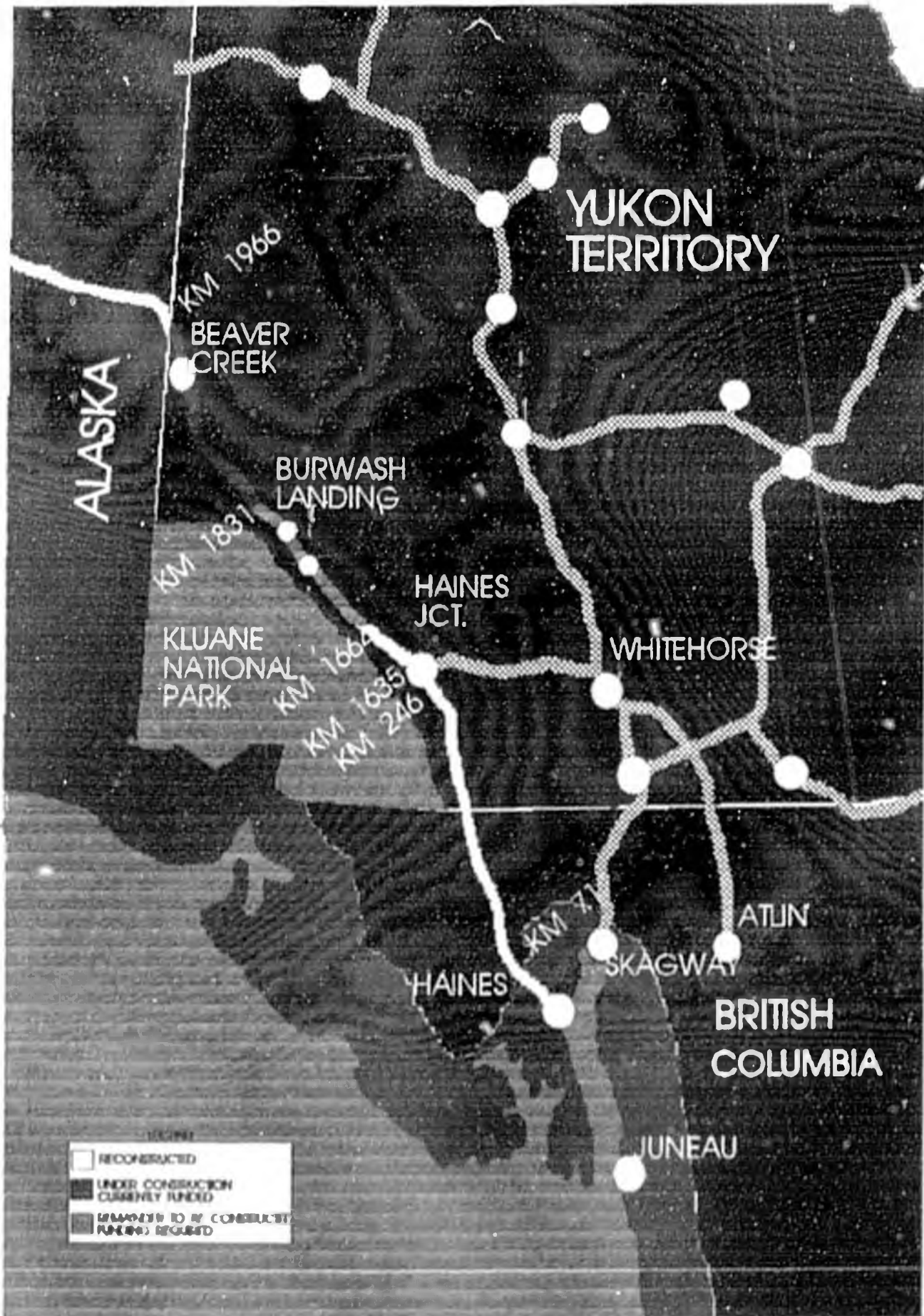
The Project was proposed by the United States Government, to provide for the predominately American users of the highway (80 to 85%), and has been funded by the United States Government through the Federal Highways Administration, and during the 1980's through the State of Alaska. The design and construction until 1992 was managed by Public Works Canada. Transfer of responsibilities for the Alaska Highway to the Government of the Yukon in 1992 also provided for the transfer of responsibility for management of site work on the project.

Current Status

In the initial allotment the 115 miles (185 kilometres) of the Haines Road, as well as 18.5 miles (30 kilometres) of the Alaska Highway, immediately north of Haines Junction, have been reconstructed to a Bituminous Surface Treatment (BST) standard. The cost of the work was \$74.7 million (US \$). The current available funding of \$89.6 million (US\$) largely through ISTEA for 1992 to 1996 is anticipated to reconstruct 84 miles (135 kilometres) of the northern end of the project to a BST standard and construct a new bridge over the White River. So far 37 miles (59 kilometres) of this work has been completed and surfaced. A further 14 miles (23 kilometres) is ready for surfacing this summer and 21 miles (33 kilometres) is presently under construction. Contracts for reconstruction of another 12 miles (20 kilometres) and the new bridge over the White River will be let later this year.

It is anticipated that an additional \$94 million (US\$) will be required to reconstruct the remaining 104 miles (167 kilometres) of the project to BST standard, including four major bridge replacements across the Slims, Duke, Donjek, and Beaver Rivers. An additional stage to provide asphalt concrete in order to complete the agreement could be undertaken at some future date.

SHAKWAK PROJECT LOCATION



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5

8

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SENATE COMMITTEE REPORT

DATE: 4/19/95

FURTHER: Judiciary

DATE TURNED INTO OFFICE: 5/2/95

Transportation Committee considered CS FOR HOUSE BILL NO. 48(JUD)

"An Act relating to motorcycle helmets."

and recommends:

be replaced with _____ CS _____ (_____)

adopt previous _____ CS _____ (_____)

attached amendment(s)

adopt Letter of Intent by _____ Committee

further referral to the _____ Committee

Senate Bill:

same title

new title

House Bill:

same title

technical change

new: SCR _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Lylee Neer</i>	<input checked="" type="checkbox"/>	<i>Al L... ..</i>	<input checked="" type="checkbox"/>		
CHAIR:		<i>Steve...</i>	<input checked="" type="checkbox"/>		

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

Department	Date	Zero	Fiscal
Public Safety / ^{Militia} Police	3/22/95	<input checked="" type="checkbox"/>	
Dept of Law	3/22/95	<input checked="" type="checkbox"/>	
DOT PF	3/22/95	<input checked="" type="checkbox"/>	
Public Safety / ^{Planning} Police	3/22/95	<input checked="" type="checkbox"/>	

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

No. 5

Bill Version: CSHB 48 (JUD)

(H) Publish Date: 3/22/95

STATE OF ALASKA 1995 LEGISLATIVE SESSION

Revision Date: March 17 1995 Dept. Affected: Public Safety
 Title: Motorcycle Safety Motor Vehicles
 Component: Driver Services
 Sponsor: Representative Rice
 Requestor: H Judiciary COMPONENT SERIAL NO. 0500

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES	-0-	-0-	-0-	-0-	-0-	-0-
Revenue Code						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF Program Receipts						
1006 GF MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 95) impact: \$ _____

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)

No fiscal impact is anticipated to the Department of Public Safety

Prepared By: Juanita M. Hensley Phone: 465-4850
 Division: Motor Vehicles Date: 3/17/95
 Approved by Commissioner: [Signature] Date: 3/17/95
 Agency: Ronald L. Otte, Dept. of Public Safety

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FISCAL NOTE

No. _____
 Bill Version: HB -3
 (H) Publish Date: 2/13/95

STATE OF ALASKA
 1995 LEGISLATIVE SESSION

BILL NO _____

Revision Date _____ Dept. Affected Public Safety
 Title Motorcycle Safety BRU Motor Vehicles
 Component Driver Services
 Sponsor Representative Brice
 Requestor TRANS COMPONENT SERIAL NO. 0500

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
OPERATING						
PERSONAL SERVICES						
TRAVEL	.4					
CONTRACTUAL	.4					
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	.8	0.	0.	0.	0.	0.
CAPITAL EXPENDITURES	0.	0.	0.	0.	0.	0.
CHANGE IN REVENUES ()	0-	0-	0-	0-	0-	0-
Revenue Code						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GE Match						
1004 GE	.8					
1005 GE/Program Receipts						
1006 GE/MHTA						
Other						
TOTAL	.8	0.	0.	0.	0.	0.

Estimate of current year (FY 95) impact \$ _____

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS (Attach a separate page if necessary)

This bill will require the Department to promulgate regulations regarding motorcycle safety programs and motorcycle training classes. Cost analysis is as follows:

Hearings would be held in Anchorage, Fairbanks, Soldotna/Kanai and Juneau. Travel = \$980.00 Airfare from Juneau to Anchorage, Anchorage to Fairbanks, Fairbanks to Soldotna and return to Juneau. Per-diem = \$336.00. Car Rental in Anchorage, Fairbanks, Soldotna \$75.00. Total of travel = \$14

Contractual = Publishing cost to publish notice of regulations 2 times in 6 different newspapers = \$2.1. Cost of contracting with the Legislative Information Offices to hold public hearings \$25.00 an hour, 4 hours in each location = \$04. Total cost of contractual is \$2.5.

Prepared By: Juanita M. Hensley Phone: 465-2650
 Division: Motor Vehicles Date: 2/12/95
 Approved By Commissioner: [Signature] Date: 2/13/95
 Agency: Ronald L. Otis, Dept. of Public Safety

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FISCAL NOTE

No. 4
 Bill Version: HB 48
 (H) Publish Date:

STATE OF ALASKA
 1995 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Department of Law
 Title: "An Act relating to motorcycle safety and the use BRU: Prosecution
of helmets by operators of motorcycles." Component: Criminal Justice Litigation
 Sponsor: Representative Bruce
 Requester: House Transportation Committee COMPONENT SERIAL NO. 0089

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES						
--------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTLA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0


Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

POSITIONS	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill will not have a fiscal impact on the Department of Law.



Prepared by: Richard I. Peques, Director Phone: 465-3672
 Division: Administrative Services Division Date: 2/14/95
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 2/14/95
 Agency: Department of Law

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FISCAL NOTE

No. J
 Bill Version: HB 4
 (H) Publish Date: 2.22.95

STATE OF ALASKA
 1995 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: DOT & PF
 Title: Motorcycle Safety BRU: Commissioner's Office
 Component: Commissioner's Office
 Sponsor: Representative Brice
 Requester: Fred Pascoe/Brice's Office COMPONENT SERIAL NO. 530

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MFTA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Sam Kilo III Phone: 465-3604
 OMAIOR: Commissioner's Office Date: 2/13/95
 Approved by Commissioner: Joseph L. Dubino Date: 2/13/95
 Agency: Department of Transportation and Public Facilities

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Fiscal Analysis
HB 43

Section 151 of the Intermodal Surface Transportation Efficiency Act of 1991 required that every state have in place a mandatory helmet use law by FFY 95. Failure to enact a mandatory helmet use law would initiate a transfer of funds from the Department of Transportation and Public Facilities to the Alaska Highway Safety Planning Agency in the amount of one and one half percent for the first year and three percent each year thereafter.

Transferred funds come from three discrete highway programs: The Surface Transportation Program, the National Highway System, and the Congestion Mitigation and Air Quality Improvement Program.

On October 1, 1994, \$2.9 million was transferred for FFY 95. The estimated transfer for FFY 96 will be \$5.5 million.

ABATE OF ALASKA

March 15, 1995

From; Scott D. Hamann
ABATE OF ALASKA
State Legislative Coordinator

To; Representative Tom Brice
ALASKA STATE LEGISLATURE

RE; HB 48

Due to recent changes in Washington D.C. , the position of ABATE OF ALASKA concerning HB 48 has been modified. Sections 1 and 2 of HB 48 were originally included to bring the STATE OF ALASKA into compliance with the motorcycle helmet provisions in ISTPA, if a pending federal bill (S 1842) was passed. S 1842 said that states with a state funded motorcycle safety program would be exempted from penalties for not passing mandatory helmet laws. This year U.S. Senator Ben Nighthorse Campbell introduced his bill (S 234) with an important change. It now exempts states that have a state funded or authorized motorcycle safety program. Because ALASKA already has several authorized motorcycle safety programs, the need for section 1 and 2 of HB 48 has been removed. We also believe that with the current budget shortfalls that the state is facing , it would be an unnecessary burden on the Department of Public Safety to duplicate existing paper work. We believe that we can trust the Department of Public Safety to maintain the status quo without their being mandated to. Therefore we respectfully request that section 1 and 2 of HB 48 be amended out.

ABATE OF ALASKA is still very strongly behind HB 48. We salute REP. Brice for his courage in introducing this legislation and urge that this amended bill pass out of committee.

Sincerely,



Scott D. Hamann

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A. B. A. T. E.

Tanana Valley Chapter
P.O. Box 74773
Fairbanks, Alaska 99707

February 20, 1995

Representative Tom Brice
District 30
Alaska State Legislature

Re: House Bill NO. 48

Dear Mr. Brice,

During the last general membership meeting of ABATE of the Tanana Valley on February 11, 1995, HB 48 was discussed. A vote for support was unanimously passed. This letter is to confirm support of this bill. If you have any questions please contact me at 457-3246. Thank you for introducing this bill.

Sincerely,



Charles E. Mitchell
President, ABATE of Tanana Valley



Representative Tom Brice

ALASKA STATE LEGISLATURE

119 N. Cushman, Ste. 206
Fairbanks, AK 99701
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While in Juneau
State Capitol
Juneau, AK 99801-1182
907-465-3466 Fax: 465-2294

REPRESENTATIVE TOM BRICE HB 48 Sponsor Statement

The federal highway safety act, ISTEA, requires each state to adopt a mandatory helmet law. The penalty for noncompliance in the first year (FY95) is 1.5 % of federal transportation funding which must be transferred from DOT&PF to the 402 fund for safety, training, and enforcement. In October 1994 (FY95) \$2.6 million was transferred to the 402 fund. Each year thereafter for the remaining four years of the act 3% will be moved. Depending on whether the act is fully funded by the US Congress, \$5.2 million will be moved to 402 each year. Over the life of ISTEA the total would be approximately \$23.5 million.

During the summer and fall of 1993, the state's Attorney General's office, in an attempt to bring Alaska into compliance with ISTEA mandates, issued an opinion supporting the state's ability to mandate the use of a helmet for motorcycle operators. The opinion's argument revolved around the use of "singularly licensed to drive a motorcycle." Although the opinion has been withdrawn, this is a new interpretation of a statute that has been on the books since 1976, and is contrary to legislative intent and current enforcement policy.



MEMORANDUM

State of Alaska

Department of Law

TO: The Honorable Bruce Campbell
Commissioner
Department of Transportation
and Public Facilities

DATE: September 28, 1993

FILE NO.

TEL. NO. 465-3603

SUBJECT: Motorcycle Helmet Law

FROM: Deborah Vogt
Assistant Attorney General
Transportation Section-Juneau

You have asked for an interpretation of the statutory and regulatory requirements for motorcycle helmets in Alaska.

AS 28.35.250 provides:

(b) A person who has reached the age of majority as defined by AS 25.20.010 may not be required to wear a helmet while operating a motorcycle if the person is the holder of a license that, under regulations adopted under AS 28.15.041, is classified singly as a license to operate a motorcycle.

The classes of licenses are set out in 13 AAC 08.150, which is "adopted under AS 28.15.041." While many classes license the driver for any motor vehicle, class M1 licenses the driver only for "motorcycles, motor-driven cycles, and motorized bicycles, singly or in combination with trailers or sidecars designed to be used with these vehicles." 13 AAC 08.150(b)(2)(B). Thus, it is my opinion that only a Class M1 license is "classified singly as a license to operate a motorcycle."

The requirement for a helmet is set out in 13 AAC 04.150. That regulation provides:

(a) Except as otherwise provided by statute, a person operating or riding upon a motorcycle or motor-driven cycle upon a public roadway must wear protective headgear

Thus, this regulation makes helmets mandatory unless "otherwise provided by statute" The only statute that qualifies the helmet requirement is AS 28.35.250(b), set out above, prohibiting the requirement of a helmet when an adult holds a license classified singly for motorcycles.

/DV:ae

Distributed by:
Representative Brice



**In Support Of
Voluntary Helmet Use:**
*Facts and fallacies surrounding
the current helmet law debate.*

CONTENTS

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COMPREHENSIVE PROGRAMS THAT PROMOTE MOTORCYCLE SAFETY	11
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INTRODUCTION

The debate over mandatory helmet use for motorcyclists will soon enter its third decade and the temperament of the discussion remains as heated now as it was when such laws were first mandated by the Highway Safety Act of 1966. Historically, the debate has centered around a rider's freedom to make decisions affecting his or her personal safety versus the government's, or society's, power to mandate such protection. However, in recent years the debate has swung away from this philosophical argument to encompass a more difficult, but more easily quantified element: the claim that motorcycle accident victims represent a disproportionate burden to society. This issue has now set the tone of the debate.

The Highway Safety Act of 1966 incorporated language that required states to pass mandatory helmet use laws or lose a portion of their highway construction money. Few states could afford to lose construction dollars. As a result, by 1975 all but three states had passed helmet-use laws. In that year, largely as a result of pressure applied by citizens who objected to such legislation, this "blackmail" power was removed from the federal government by the passage of the Federal Aid Highway Act of 1975. Subsequently, 31 states moved to permit adult riders to make their own decisions on helmet use.

The "blackmail" element was reintroduced into the debate with the passage of the Intermodal Surface Transportation Efficiency Act of 1991. Section 153 of this bill requires states to enact mandatory seat belt and helmet-use laws or lose control of a portion of their highway construction dollars.

The restoration of this heavy handed federal coercion, combined with the "social burden" argument, has radically changed the nature of the legislative debate on helmet-use legislation. No longer are such laws presented as merely issues of "individual choice." The threat of federal sanctions has reduced the decision to one of simple dollars and cents for beleaguered state legislators looking at million dollar deficits. This has caused a renewed interest in helmet legislation affecting adult motorcyclists.

Not since the passage of the original 1966 act have so many states contemplated helmet use laws for all riders. Currently, 25 states maintain freedom of choice for adult motorcyclists, three have no requirements. However, during the 1992 legislative session, twelve of these states considered legislation to require helmet use for all riders.

Legislation has already been introduced in both houses of the U.S. Congress to remove the federal "blackmail" sanctions. If either of these repeal bills, Senate Bill 2204 and House Resolution 4207, are to have a chance of passing, riders must be familiar with the new elements surrounding the mandatory helmet law debate.

The interest of the American Motorcyclist Association in these contemporary issues is heightened because the rationale that supports mandatory helmet laws for adults is also frequently cited in support of other public policy issues which are potentially detrimental to motorcycling. Proponents of catastrophic health insurance, legislative bans on certain classes of motorcycles and other forms of discrimination rely on similar arguments to justify their position.

Regardless of one's beliefs with respect to mandatory helmet-use laws, familiarity with the information in this booklet will be helpful in responding to other forms of legislation that threaten motorcycling. Many of the arguments put forth by our detractors are simply wrong, but only by being informed can you protect your right to ride and motorcycling's future.

THE AMA POSITION IN FAVOR OF VOLUNTARY USE OF HELMETS

POSITION

The American Motorcyclist Association (AMA) has always encouraged the use of helmets, gloves, sturdy footwear, and protective garments in general, as part of a comprehensive motorcycle safety program to help reduce injuries and fatalities in the event of a motorcycle accident.

The Association will not oppose laws requiring helmets for riders and passengers who are minors. It believes that many young motorcyclists and passengers who are minors may lack the maturity to make an informed decision regarding the use of motorcycle helmets. It is, therefore, appropriate to require the use of safety helmets for minors.

Although the Association strongly encourages helmet use by all motorcyclists, it maintains a long-standing fundamental belief that adults should continue to have the right to voluntarily decide when to wear a helmet.

The Association further believes that helmet use alone is insufficient to ensure a motorcyclist's safety. There is a broad range of other measures that can be implemented to improve the skill of motorcycle operators as well as reduce the frequency of situations where other vehicle operators are the cause of accidents involving motorcycles.

DISCUSSION

The AMA has traditionally supported the right of adults to choose whether to wear a helmet. Our position has remained unchanged since the 1966 inception of mandatory helmet laws across the nation. Even though our members are strongly encouraged to wear helmets, we believe the choice clearly should remain with the individual.

To better understand the Association's position on helmet laws, it is first necessary to make a distinction between the use of helmets and mandatory helmet laws. Some members of society tend to view the helmet only as a mechanical safety device in the same category as seatbelts. What they fail to realize is that it is viewed by motorcyclists as an accessory of personal apparel connected with their chosen lifestyle and their right as adults to make their own decisions. Unlike seatbelts, helmets do not come "standard" with motorcycles and represent a separate purchase. Helmet laws, on the other hand, are a manifestation of society's belief that its members lack the wisdom to make decisions about personal safety and must therefore be subjected to arbitrary laws. This is a concept we must reject.

The injuries from which a helmet may protect a rider do not occur until after a rider is involved in an accident. A mandatory helmet law does nothing to prevent an accident from occurring. The AMA has been a strong advocate of motorcycle rider education, improved licensing and testing and increased public awareness, all proven preventive measures that actually reduce accidents and improve safe operation. These statistically viable programs did not exist twenty years ago. There is evidence that these programs, and the comprehensive approach to motorcycle safety they represent, have contributed significantly to the improved safety record of motorcycles.

It is suggested by some that permitting mature adults to make their own decisions on helmet use creates an excessive burden for society as a result of health care costs incurred by helmetless riders. However, when the costs of motorcycle related injuries are examined in the context of the total social health care picture, the figures are not unusually startling.

According to the U.S. Department of Health and Human Services, Americans spent \$75 billion on all motor vehicle accident related medical expenses in 1989. This compares with \$60.4 billion for total U.S. health care costs (reported by Health and Human Services Secretary Louis W. Sullivan), indicating that

motor vehicle accidents account for 12.4% of our nation's annual health care costs. The National Highway Traffic Safety Administration reports that there were 11,522,000 crashes involving motor vehicles in 1989, 101,000 of which were motorcycles. Simply translated, motorcycles represented less than 9/10ths of one percent of all crashes involving vehicles or approximately .001% of our nation's total annual health care expenses when compared proportionately. This figure would be further reduced if it were possible to determine what percentage of those expenses were incurred by helmeted vs. non-helmeted riders.

Realistically, motorcyclists are certainly not the only group of people who might create a social burden as a result of individual decisions. We are a society of risk takers and even by avoiding the "extremes," mountain climbers, bicyclists, skiers, equestrians, and joggers could be placed in a similar category. Despite these "burdens," we don't see aggressive legislative action designed to limit society's exposure to these costs nor would such legislation be appropriate. We have long ago decided as a civilized society to balance individual freedoms with necessary social costs.

The value of a helmet is neither enhanced nor diminished by the presence or absence of a mandatory helmet law. We believe that the same principle applies to mandating personal safety, whether it be for motorcycling, skiing or some other risk related activity. We must rely on individuals and society to provide the education and the experience to aid us in making decisions that are right for us. Ultimately, society cannot be expected to make individual decisions we must be free to make ourselves.

RESPONSES TO CLAIMS MADE BY HELMET LAW ADVOCATES

CLAIM

"Injured motorcyclists do not pay their hospital bills, they are usually uninsured and rely on the public to pay for their injuries!"

RESPONSES

- A study conducted at Harborview Medical Center in Seattle, Washington, reported that 63.4% of the injured motorcyclists in the trauma center relied on public funds in order to pay their hospital bills. However, according to testimony by the director of the trauma center, David Gitch, 67% of the general patient population also relied on taxpayer dollars to pay their hospital bills in the same time period.
- In a more recent study conducted by the University of North Carolina's Highway Safety Research Center, researchers reported that 49.4% of injured motorcyclists had their medical costs covered by insurance while 50.4% of the other road trauma victims were similarly insured. *Motorcyclists are just as likely to be privately insured as any other injured road user.*
- Spiraling health care costs and the difficulties many Americans have in obtaining adequate health insurance are very real problems. Mr. Charles Browsher, the Comptroller General of the United States, testified before the House Ways and Means Committee that if current trends in health care spending continue, the nation will expend nearly 15% of its Gross National Product on health care by the year 2000. This is an amount equivalent to our current defense budget. Additionally, there are an estimated 32 million Americans lacking any form of health insurance whatsoever. However, the problems evident in our nation's health care system are in no way the fault of America's motorcyclists.

CLAIM

"Many injuries and deaths occur as the result of motorcycle accidents and society must take steps to minimize the costs associated with these accidents."

RESPONSES

- Motorcycles account for only 9/10ths of 1% of all the crashes involving vehicles in this country, the smallest recorded category.
- Recent studies indicate that injured motorcyclists constitute the smallest identifiable category of trauma victims, representing between 2.8%–6.4% of the injured patient population.^{2,3,4}
- The cost of treating an average motorcycle-related injury is similar to the cost of treating other road trauma victims. One recent study reported that hospital charges for 765 identified motorcyclists, were "not significantly different from patients injured in other transportation-related accidents⁵." Additionally, "hospital charges were not different in helmeted and unhelmeted patients." Motorcyclists comprise a very small fraction of trauma patient populations and the costs associated with their treatment are similar to other road trauma victims.

CLAIM

"Mandatory helmet laws are the most effective way to reduce the injuries and fatalities that result from motorcycle accidents."

RESPONSES

- Helmets do not prevent accidents.
- While the AMA strongly encourages motorcyclists to use all the appropriate protective gear, we recognize that motorcycle safety requires a comprehensive approach that many helmet law proponents ignore. Advocates of mandatory helmet laws claim that "Laws requiring helmet use by all motorcyclists have been shown by a variety of studies to reduce motorcycle deaths by about 30 percent."⁶ If this claim were true, presumably it would be reflected in drastically lower fatality rates in states that have mandatory helmet laws. However, when

the figures for fatalities per 100 accidents are compared between states, there is no evidence to support the claims of helmet law advocates. In short, given 100 accidents, more of these accident victims would be expected to survive in states with mandatory helmet laws. **THIS IS NOT THE CASE.** In fact, the average figure for fatalities per 100 accidents in states without helmet laws is identical to the national average.

- A recent University of North Carolina study examined the relationship between helmet use and injury severity and found that, "Helmet use was not found to be associated with overall injury severity (ISS), discharge facility (home, rehab, etc.), or insurance status."

RESPONSES TO CLAIMS MADE CONCERNING THE FEDERAL TRANSPORTATION BILL

Recently passed federal legislation, known as the Intermodal Surface Transportation Efficiency Act of 1991, includes language intended to coerce states into passing mandatory helmet laws. This bill defines both grants and sanctions applicable to states that have or have not passed mandatory helmet and seat belt laws. While the grant language may seem initially attractive, the requirements that must be met in order to obtain a grant are prohibitive and will ultimately cost the state money.

CLAIM

"If the state passes a mandatory helmet law for adults, the state will receive federal grant money in accordance with the new federal transportation bill."

RESPONSES

- In order to secure a federal grant, the state is required to match a portion of the federal allotment total. 25% of the first year's grant would be borne by the state, increasing to 50% and 75% in the succeeding two years. These grants cannot be used to offset what the state had previously been spending on highway safety programs. Grants will be issued only to states that maintain their previous levels of spending on state and community safety projects (402 funds)

- Federal grants under this provision can only be spent on a very limited number of highway safety programs and *cannot be used to offset any fiscal shortfalls in the state's general fund*. These federal safety grants will provide absolute, no relief to the state's general fund
- There is no guarantee that a state would receive any grant money even if an adult helmet law was passed. The state may receive a grant in the first year, but the federal government is not required to issue a grant to states that have both helmet and seat belt laws. Federal requirements dictate that in order for states to receive grants after the first year, they must meet stringent compliance rates for both helmet and seat belt use. Efforts to boost compliance will result in further state expenditures.

CLAIM

"The state must pass a helmet law; otherwise, a portion of its federal highway construction dollars will be diverted into highway safety programs."

RESPONSES

- In no case will a state lose a single dollar if they choose not to pass a helmet or seat belt law. A portion of their highway construction dollars would be rechanneled into highway safety programs, but all the money allocated to the state would remain within the state
- The sanctions will not take effect until fiscal year 1995 and there are presently two bills in the U.S. Congress, H.R. 4207 and S.B. 2204, which would repeal the sanction provisions in the federal helmet law. State governments do not like their policies arbitrarily set for them by the federal government and there is time available to repeal the federal penalties. These repeal bills will bring the states rights issue to the forefront unlike the federal transportation bill, which buried the issue inside a very big and important piece of legislation

COMPREHENSIVE PROGRAMS THAT PROMOTE MOTORCYCLE SAFETY

In the past decade, motorcycle fatalities have decreased 38 percent while accidents have plummeted 41 percent. These figures are particularly impressive in light of the fact that the Federal Highway Administration estimates that the average vehicle miles traveled by motorcyclists has increased 85 percent since 1975. These statistics are unmatched by any other category of road user but there remains room for improvement. There are several less personally intrusive measures that can be taken to make motorcycling safer.

- Approximately 40 percent of all fatally injured motorcyclists are unlicensed.⁸ Creative motorcycle safety programs that provide incentives to promote licensing and training can reduce accident and fatality statistics further. These rider education programs are funded solely with surcharges upon motorcycle licenses and registrations and are no drain whatsoever on state resources. The Ohio Motorcyclist Enrichment Program recently completed a study which showed that their course graduates under 18 years of age are 1/7th as likely to be involved in an accident as untrained riders in the same age group.
- Approximately 50 percent of all fatal motorcycle crashes involve alcohol.⁹ Alcohol awareness programs and "Dial a Risk" campaigns can drastically reduce alcohol-related accidents and fatalities.
- Two-thirds of all motorcycle related multi-vehicle crashes are caused by the driver of another vehicle.¹⁰ The most common accident involves an automobile failing to yield the right of way to the motorcyclist. Motorist awareness campaigns and conspicuity programs can reduce the frequency of these sorts of accidents.

CONCLUSION

Motorcyclists have a vested interest in their own safety. Ultimately, the issue is not the efficacy of helmet use but a question of whether adults should be able to make personal decisions regarding their own safety, free from state interference. A recent Motorcycle Industry Council survey identified the average motorcyclist as being 32½ years of age, married and college-educated with an income slightly in excess of \$33,000 a year. There are risks inherent in any form of transportation, but these demographics describe the type of individuals who can evaluate safety issues for themselves.

Think about the facts presented in this booklet. If you have any questions, contact the AMA Government Relations Department at 614 891-2425 for more information.

END NOTES

1. *Trauma Care, Lifesaving System Threatened by Unreimbursed Costs and Other Factors.* United States General Accounting Office, GAO/HRD 91-57
2. *Motorcycle Injuries, An MTOS Perspective.* Cooper, Dickman, Champion and Sako
3. *The Association of Helmet Use with the Outcome of Motorcycle Crash Injury Severity.* Rutledge, Stuffs, Foil, Otter and Meredith
4. *An Analysis of Injury Outcome and Insurance Status of Hospitalized Motorcyclists.* Stuffs, Rutledge and Marshall
5. *The Association of Helmet Use with the Outcome of Motorcycle Crash Injury Severity.* Rutledge, Stuffs, Foil, Otter and Meredith
6. *The Injury Fact Book, 2d edition.* Baker, O'Neill, Ginsburg. Oxford University Press 1992
7. *1991 Motorcycle Statistical Annual.* Motorcycle Industry Council
8. *Highway Safety Priority Plan 1991-1993.* USDOT, National Highway Traffic Safety Administration
9. *Fatal Accident Reporting System 1990.* USDOT, National Highway Traffic Safety Administration
10. *Summary of Results: "Advances in Accident Factors Study."* USDOT, National Highway Traffic Safety Administration

HB

57

SENATE COMMITTEE REPORT First Committee of Referral

DATE: 2/5/96

FURTHER: Judiciary
Finance

Date of 5-Day Notice: 2/8/96
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 2/28/96

The Transportation Committee considered HOUSE BILL NO. 57

"An Act relating to driver's licensing; and providing for an effective date."

and recommends:

- be replaced with S CS HB57 (TRA)
- adopt previous CS ()
- attached amendment(s)
- adopt Letter of Intent by Committee
- further referral to the Committee

Senate Bill:
same title
new title
House Bill:
 same title
technical title
new: SCR

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
		<i>Benjamin Lail</i>	✓		
<i>Lyle Mee</i>	✓	<i>John Taylor</i>	✓		
CHAIR: <i>Steve Nitz</i>			✓		

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

Department	Date	Zero	Fiscal
<i>Public Safety - revised</i>	<i>2/12/96</i>		✓

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: HB 57

Revision Date: 2/6/96 Dept. Affected: Public Safety
 Title: An Act relating to driver licensing BRU: Motor Vehicles
 Component: Driver Services
 Sponsor: Representative Green
 Requestor: S Transportation COMPONENT SERIAL NO. 500

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	22.9	36.7	36.7	36.7	36.7	36.7
TRAVEL	5.6	0	0	0	0	0
CONTRACTUAL	62.8	2.3	2.3	2.3	2.3	2.3
SUPPLIES	0.5	0.5	0.5	0.5	0.5	0.5
EQUIPMENT	16.5	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	108.3	39.5	39.5	39.5	39.5	39.5

CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
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CHANGE IN REVENUES (1006)) Revenue Code	163.0	163.0	163.0	163.0	163.0	163.0
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FUNDING: (Thousands of Dollars)

1002 Federal Receipts	77.1	0	0	0	0	0
1003 GE Match	0	0	0	0	0	0
1004 GE	31.2	39.5	39.5	39.5	39.5	39.5
1005 GE/Program Receipts	0	0	0	0	0	0
1006 GE/MHTIA	0	0	0	0	0	0
Other	0	0	0	0	0	0
TOTAL	108.3	39.5	39.5	39.5	39.5	39.5

Estimate of current year (FY 95) impact: \$ _____

POSITIONS:

FULL-TIME	1	1	1	1	1	1
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS (Attach a separate page if necessary)

SEE ATTACHED

Prepared By Juanita M. Hensley Phone 485-2650
 Division Motor Vehicles Date 2/6/96
 Approved by Commissioner: *Ronald L. Otte* Date 2/13/96
 Agency Ronald L. Otte, Dept. of Public Safety

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February 6, 1996

In 1993, the National Highway Traffic Safety Administration (NHTSA) offered to state's direct grants to assist in the implementation and evaluate a graduated license system. In 1994, Alaska and North Carolina were the only two states to be awarded these grants. Alaska's grant was in the amount of \$77.1.

Traffic crashes are the number one cause of death for youth nationwide. Alaska statistics are no different than the national statistics.

The impact this bill has on the Division of Motor Vehicles is the issuance of the full driver's license after the provisional license period is over. This bill requires the person be re-issued a driver's license without the provisional license restriction. The person will be required to pay a duplicate license fee of \$10. The division issued approximately 10,000 driver's licenses in 1994 to individual's in this age group. This will generate approximately \$100.0 in new general fund program receipts.

A person of this age group will have the driver's license suspended for accumulation of points at the 6 point level instead of 12 points in a 12 month period. In 1994, 1,205 warning notices were sent to individual's in this age group. It is anticipated, this bill, will cause a deterrent effect on this age group and, approximately 500 of these individual's will not reach the 6 point accumulation. This will result in approximately 700 additional point suspensions yearly. Since the point suspension notices are automated, the cost the Division will incur is for the postage to mail the suspension notices to the individual. The law requires these notices to be mailed by certified mail return receipt. Postage rate for certified mail is \$2.52 each.

It is estimated, 90 percent of all persons whose license is suspended will reinstate their driver's license. A \$100.00 reinstatement fee is charged anytime a person has had their license suspended. This will generate approximately \$63.0 in new general fund program receipts revenue. The total amount of additional new general fund program receipt revenue generated by this bill is \$163.0.

The following is a cost breakdown associated with Alaska's graduated license implementation grant.

Personnel Services.....\$ 4.5 (Overtime cost associated with the grant administration)
 Travel.....\$ 5.6
 Contractual.....\$60.5
 Equipment.....\$ 6.5
 TOTAL.....\$77.1

The following analysis is an estimate of the operational cost the Division of Motor Vehicles anticipates with the passage of this bill

	<u>FY 97</u>	<u>FY 98</u>
<u>PERSONAL SERVICES</u>		
1 Motor Vehicle Representative (Anchorage) 1/2 year FY 97	\$18.4	\$36.7
Federal Grant Receipts	\$4.5	
<u>TRAVEL</u>		
Federal Grant Receipts	\$5.6	
<u>CONTRACTUAL</u>		
Postage 700 notices (certified mail) @ \$2.52 each	\$1.8	\$1.8
Computer (Mainframe Connection) yearly costs	\$0.5	\$0.5
Federal Grant Receipts	\$60.5	
\$9.6 Data Processing Fees		
\$30.0 Computer Programming		
\$6.6 Public Service Announcements and Brochures		
\$13.0 Public Opinion Survey		
\$1.3 Tuition-National Judicial College for Hearing Officer Training		
<u>SUPPLIES</u>		
Routine office supplies	\$0.5	\$0.5
<u>EQUIPMENT</u>		
1 Complete Computer Workstation	\$10.0	
One time costs		
Federal Grant Receipts	\$6.5	
Upgrade of Computer equipment and software		
<u>TOTAL</u>	\$108.3	\$39.5

STATE OF ALASKA
1995 LEGISLATIVE SESSION

FISCAL NOTE
BILL N

Bill Version: HB 57
(H) Publish Date: 3/10/95

Revision Date: _____ Dept. Affected: Public Safety
Title: An Act relating to driver licensing... BRU: Motor Vehicles
Component: Driver Services
Sponsor: Representative Green
Requestor: H. TRA. COMPONENT SERIAL NO. 500

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 95	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	31.2	36.7	36.7	36.7	36.7	36.7
TRAVEL	5.3	0	0	0	0	0
CONTRACTUAL	52.9	2.3	2.3	2.3	2.3	2.3
SUPPLIES	0.5	2.5	2.5	2.5	2.5	2.5
EQUIPMENT	16.5	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, C. AIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	126.5	79.5	79.5	79.5	79.5	79.5
CAPITAL EXPENDITURES	0	0	0	0	0	0
CHANGE IN REVENUES (1005) Revenue Code	163.0	163.0	163.0	163.0	163.0	163.0

FUNDING: (Thousands of Dollars)

1002 Federal Receipts	0	0	0	0	0	0
1003 GE Match	0	0	0	0	0	0
1004 GE	79.5	79.5	79.5	79.5	79.5	79.5
1005 GE Program Receipts	0	0	0	0	0	0
1006 GE MHTA	0	0	0	0	0	0
Other	0	0	0	0	0	0
TOTAL	79.5	79.5	79.5	79.5	79.5	79.5

Estimate of current year (FY 95) impact: \$ _____

POSITIONS:

FULL TIME	0	0	0	0	0	0
PART TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)

SEE ATTACHED

Prepared By: Juanita M. Hensley Phone: 465-2650
Division: Motor Vehicles Date: 2/1/95
Approved by Commissioner: Ronald L. Cline Date: 2-6-95
Agency: Ronald L. Cline, Dept. of Public Safety

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ORIGINAL

Traffic crashes are the number one cause of death for youth nationwide. Alaska statistics are no different than the national statistics.

The impact this bill has on the Division of Motor Vehicles is the issuance of the full driver's license after the provisional license period is over. This bill requires the person to come into the office and be re-issued a driver's license without the provisional license restriction. The person will be required to pay a duplicate license fee of \$10. The division issued approximately 10,000 driver's licenses in 1994 to individuals in this age group. This will generate approximately \$100.0 in new general fund program receipts.

A person of this age group will have the driver's license suspended for accumulation of points at 6 point level instead of 12 points in a 12 month period. In 1994, 1,205 warning notices were sent to individuals in this age group. It is anticipated, this bill, will cause a deterrent effect on this age group and, approximately 500 of these individuals will not reach the 6 point accumulation. This will result in approximately 700 additional point suspensions yearly. Since the point suspension notices are automated, the cost the Division will incur is for the postage to mail the suspension notices to the individual. The law requires these notices to be mailed by certified mail return receipt. Postage rate for certified mail is \$2.52 each.

It is estimated, 90 percent of all persons whose license is suspended will reinstate their driver's license. A \$100.00 reinstatement fee is charged anytime a person has had their license suspended. This will generate approximately \$63.0 in new general fund program receipts revenue. The total amount of additional new general fund program receipt revenue generated by this bill is \$163.0.

The Division of Motor Vehicles applied for a grant to assist in implementation cost for a graduated license program. Alaska was awarded the grant from the National Highway Traffic Safety Administration in the amount of \$77.1 for this pilot project. The only other state to receive this type of grant was North Carolina.

The following analysis is an estimate of the operational cost the Division of Motor Vehicles anticipates with the passage of this bill.

	<u>FY96</u>	<u>FY97</u>
<u>PERSONAL SERVICES</u>		
1 Motor Vehicle Representative (Anchorage)	\$36.7	\$36.7
Federal Grant Receipts	\$4.5	
<u>TRAVEL</u>		
Federal Grant Receipts	\$5.6	
<u>CONTRACTUAL</u>		
Postage 700 notices (certified mail) @ \$2.52 each	\$1.8	\$1.8
Computer (Mainframe Connection), yearly costs	50.5	50.5
Federal Grant Receipts	\$60.5	
\$9.6 Data Processing Fees		
\$30.0 Computer Programming		
\$6.6 Public Service Announcements and Brochures		
\$13.0 Public Opinion Survey		
\$1.3 Tuition-National Judicial College for Hearing Officer Training		
<u>SUPPLIES</u>		
Routine office supplies	\$0.5	\$0.5
<u>EQUIPMENT</u>		
1 Complete Computer Workstation	\$10.0	
One time costs		
Federal Grant Receipts	\$6.5	
Upgrade of Computer equipment and software		
<u>TOTAL</u>	\$128.6	\$39.5

Alaska State Legislature

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DEPT. OF ENVIRONMENTAL CONSERVATION

Representative Joe Green

District 12

Sponsor Statement

HB 57 - "Licensing Requirements for Drivers"

Currently 16-20 year old drivers comprise 6.2 percent of Alaskan drivers, but account for 28 percent of all fatal crashes. Due to this high incidence of accidents, injury, and death among teenage drivers many states are changing the rules which grant teenagers the "license" to drive.

One strategy to reduce young driver accidents is the provisional licensing system. HB 57 establishes a graduated system whereby a 14 year old may apply for a learners permit. At age 16, providing the driver has held a permit for at least 6 months, he/she can be graduated to a provisional license. This provisional license has restricted nighttime driving hours between 1AM and 5AM, with an exception made for driving to and from work. At age 17, if driving performance has been satisfactory during the one year provisional period, an unrestricted license can be awarded.

Currently, 12 states have laws which limit teenagers from operating motor vehicles during late evening or early morning hours. Studies in these states have shown that nighttime restrictions have significantly reduced accidents.

HB 57 is designed to allow the Department of Public Safety to take advantage of new federal funding to implement such legislation. The epidemic of disproportional teenage accidents nationwide led to the "High Risk Drivers Act of 1993" which established monetary incentives for states that implement programs for young drivers. I believe that enacting a graduated drivers license will help stop the teenage carnage on our highways, just as it has in every state that has enacted similar legislation.

HB 57 SUMMARY

1. The process begins with the instructional permit at 14.
2. Under current law, the permit holder must be accompanied by a driver who is at least 19 years old. Under HB 57 the accompanying driver must be at least 25.
3. When the driver turns 16 and has met the requirement of having had their instructional permit for at least 6 months, a provisional license is granted. Under this legislation, if you are 16 or 17 years old you must have had an instructional permit in Alaska, or in a state with substantially similar requirements for a period of at least six months.
4. The provisional license restricts nighttime driving between 1AM and 5AM (except driving between home and work). Additionally, only 6 points may be accumulated during a 12 month period, as opposed to the 12 points allowed on regular drivers license.
5. After a driver has had a provisional license for 1 year, they may receive a regular license.
6. The usual routine would be for a 14 or 15 year old to get an instructional permit, then at aged 16 get a provisional license. After 1 year, at aged 17, the driver would be issued a regular drivers license.

DISTRIBUTED BY REPRESENTATIVE JOE GREEN

13 AAC 08.210 ADMINISTRATIVE CODE SUPPLEMENT 13 AAC 08.210

CHAPTER 08. DRIVER LICENSING AND SAFETY RESPONSIBILITY.

Article

- 4. Traffic Violations Demerit Point System (13 AAC 08.210 — 13 AAC 08.290)
- 6. Standards for Licensing of Drivers (13 AAC 08.310 — 13 AAC 08.400)

ARTICLE 4. TRAFFIC VIOLATIONS DEMERIT POINT SYSTEM.

Section

210. Demerit point schedule

13 AAC 08.210. DEMERIT POINT SCHEDULE. For purposes of administratively identifying habitually reckless or negligent drivers and habitual or frequent violators of traffic laws and in order to identify problem drivers, the following violations will be accorded these corresponding numerical weights upon conviction:

Violation or Type of Violations	Point Value
(1) except as provided in (18) of this section, driving while license cancelled, suspended, or revoked or in violation of license limitation	10
(2) except as provided in (20) of this section, driving while intoxicated	10
(3) reckless driving	10
(4) speed contest-racing	10
(5) fleeing or attempting to elude a police officer	10
(6) leaving scene of accident	9
(7) negligent driving	6
(8) failure to yield right-of-way to authorized emergency vehicle	6
(9) failure to stop for school bus while bus is loading or unloading	6
(10) failure to obey official traffic control device in school zone, playground crosswalk, or park	6
(11) speeding:	
in school zone or playground crosswalk	6
3 to 9 miles per hour over limit	2
10 to 19 miles per hour over limit	4
20 or more miles per hour over limit	6
(12) violation of oversize or overweight permit pertaining to restriction on speed:	
3 to 9 miles per hour over limit	2
10 to 19 miles per hour over limit	4
20 or more miles per hour over limit	6

Violation or Type of Violations	Point Value
on hours of operation	3
(13) careless driving	4
(14) following too closely	4
(15) failure to stop or yield	4
(16) assault with vehicle	10
(17) negligent homicide or manslaughter with a vehicle	10
(18) driving a commercial driver's license disqualified, cancelled, suspended, revoked, or in violation of a license limitation	10
(19) driving a commercial motor vehicle after being ordered "out of service" under 49 C.F.R. 396.9(c) or AS 28.33.130(c)	6
(20) driving a commercial motor vehicle while intoxicated or under the influence of a controlled substance	10
(21) all others	2

(Eff. 11/4/74, Register 52; am 3/29/75, Register 53; am 12/1/78, Register 68; am 9/28/80, Register 76; am 3/28/82, Register 81; am 10/2/92, Register 123; am 10/1/94, Register 131)

Authority: AS 28 05 011 AS 28 15 221 AS 28 32 080

ARTICLE 5. STANDARDS FOR LICENSING OF DRIVERS.

Section

330. Requirements of applicant

13 AAC 08.330. REQUIREMENTS OF APPLICANT. (a) All applications for driver's licenses must be made on the form provided by the department. The application will include questions concerning a person's eligibility for a license, including the existence of physical or mental conditions which may impair the ability of the person to operate a motor vehicle safely. If the answers to these questions indicate the existence of a physical or mental disability which may affect the safe operation of a motor vehicle by an applicant, the department will, in its discretion, require an examination of the person by a licensed physician, psychiatrist, optometrist, or other competent medical authority before issuance of a driver's license. The expense of the examination must be paid by the applicant. The results of an examination within the previous six months will suffice unless the condition has commenced or changed since that examination.

(b) A person who makes an original application for a driver's license must furnish documentary proof of the person's date of birth, and one form of identification to verify the person's name. The proof of date of birth may consist of one of the following:

- (1) an original or certified copy of the person's birth certificate;

Anchorage Daily News

Fuller A. Cowell
Publisher



Kent Pollock
Editor

Michael Carey, Editorial Page Editor
Patrick Dougherty, Managing Editor

Gerald E. Grilly, Publisher, 1984—1993
Katherine Fanning, Editor and Publisher, 1971—1983
Lawrence Fanning, Editor and Publisher, 1967—1971
Founded in 1946 by Norman C. Brown

Young drivers

Let's start them off slowly

State Rep. Joe Green, R-Anchorage, wants to make it harder for teenagers to win full driving privileges. More power to him. The graduated licensing process he has in mind should help make Alaska roads safer for both youths and adults.

Rep. Green's bill is grounded in a reality that makes every parent of a teen worry. Young drivers simply have more accidents.

In Alaska, drivers age 20 and under are only 6.2 percent of the driving population, but they account for twice that number of accidents — 12.8 percent. (That's according to 1993 data from the Alaska Highway Safety Planning Agency.)

No doubt Rep. Green's idea will prove unpopular with Alaska youths. They'll naturally resent being barred from late night driving or having to maintain a clean record before getting full driving privileges.

At 16, a driver's license is a ticket to freedom, a chance to exercise new-found independence, to feel the power of sitting behind the wheel.

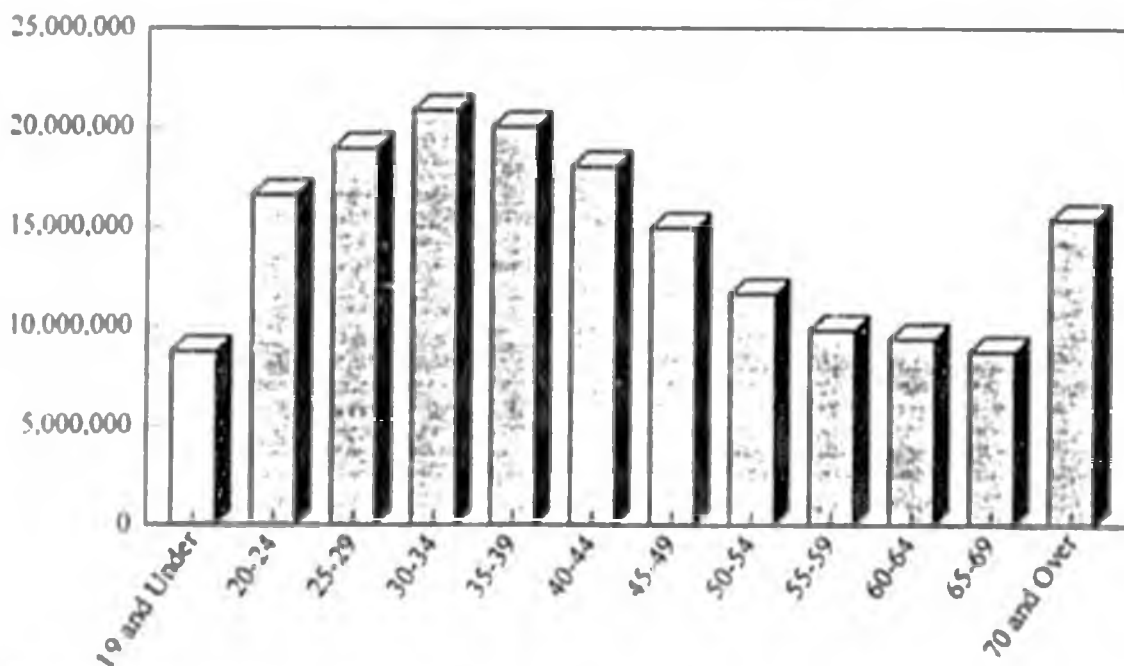
Unfortunately, that driver's license is often a ticket to something else — the hospital, or worse. And when young drivers make misjudgments, they aren't the only ones who suffer the consequences. Often their fellow passengers or other drivers wind up hurt or dead.

Contrary to what some youths may think, driving is not a right, it's a privilege — a privilege that carries a heavy responsibility. Creating a graduated license will encourage Alaska youths to use their new-found freedom and power safely.

Teenage Driving Statistics

- Auto accidents are the number one killer of teenagers
- Teenagers make up 5 percent of the licensed population
- Teenagers are involved in 14 percent of all fatal accidents
- The risk of fatal crashes for teenagers is highest between 9 p.m. and 6 a.m.
- In 1993, 44% of the 16-year-old drivers involved in fatal accidents were single vehicle crashes
- Research indicates night driving curfews have resulted in crash reductions of 69%
- 20% of all passengers who die in crashes do so when a teenager is driving
- 67% of teen passenger deaths occur in crashes in which another teen is driving

Number of Licensed Drivers by Age



Source: National Association of Independent Insurers

TONY KNOWLES, GOVERNOR

Ronald L. Otte

Commissioner

P.O. BOX 111200

JUNEAU, ALASKA 99811-1200

PHONE: (907) 465-4371

FAX: (907) 463-5660

DEPARTMENT OF PUBLIC SAFETY

HIGHWAY SAFETY PLANNING AGENCY

March 30, 1995

The Honorable Mark Hanley
Alaska State Legislature
State Capitol, Room 507
Juneau, AK 99801-1182

Dear Representative Hanley:

The Alaska Highway Safety Planning Agency (AHSPA) is responsible for the Governor's highway safety program. The goals of this program are to reduce fatalities and injury vehicle accidents on Alaska's roadways. In 1994 drivers between the ages of 16 through 20 represented only 6.2% of all licensed drivers in Alaska, they represent however, 12.9% of the drivers involved in traffic crashes within the state. This same age group was also involved as drivers in 28.8% of total fatal crashes in Alaska. Nationwide more than 40% of all deaths of persons ages 15 to 20 result from motor vehicle crashes. This is a loss of over 6,500 young lives. Many of these deaths may have been avoided if a Graduated Licensing System nationwide had been in place.

Recent studies conducted by the Department of Transportation's National Highway Traffic Safety Administration (NHTSA) indicate that graduated licensing systems can reduce crashes, injuries and deaths through a graduated drivers licensing program. Under this system, novice drivers are required to demonstrate responsible driving behavior in each stage of the licensing before advancing to the next level.

The Highway Safety Planning Agency encourages you to give strong consideration to passage of HB 57. We believe it will have a positive effect on ensuring the safety of our States most valuable resource, it's young people. We thank you for your consideration, and look forward to working with you on this issue.

Sincerely,


Lorn M. Campbell
Administrator

TONY KNOWLES, GOVERNOR

DEPT. OF HEALTH AND SOCIAL SERVICES

**DIVISION OF PUBLIC HEALTH
EMERGENCY MEDICAL SERVICES SECTION**

PO BOX 110616
JUNEAU ALASKA 99811-0616
PHONE: (907) 465-3027
FAX: (907) 465-4101

February 2, 1995

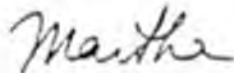
Juanita Hensley
Chief, Driver Services
Department of Public Safety
Division of Motor Vehicles

Dear Nita,

Attached is information from the Alaska Trauma Registry on motor vehicle drivers involved in crashes and admitted to an Alaskan hospital for 1991 through 1994. Missing from this data are passengers requiring hospitalization after a vehicle crash involving a youthful driver.

Please let me know if you have any questions or if there is additional information that you need.

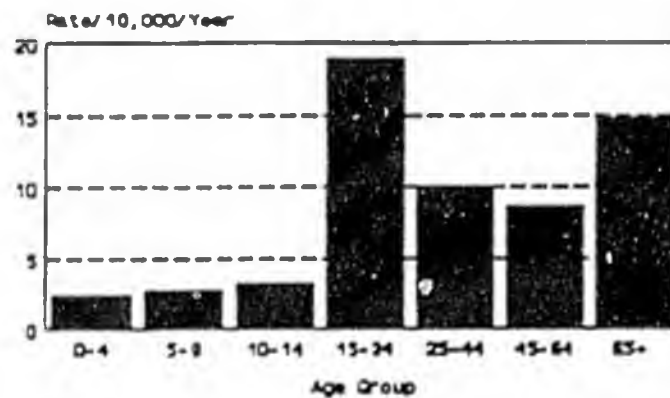
Sincerely,



Martha Moore
Trauma Registry Coordinator

For the years 1991 and 1992, the 15-24 age group had the largest rates of fatal and non-fatal hospitalized motor vehicle crash injuries in Alaska.

Fatal and Non-Fatal (Hospitalized) Injuries, 1991-1992
Alaska Statewide
Motor Vehicle Traffic [N=1057]



Alaska Trauma Registry
Bureau of Vital Statistics

From 1991 through 1994, the Alaska Trauma Registry has information on traumatic injuries resulting in hospitalization, transfer to another hospital, or emergency department death, including 'Dead on Arrival'. Data for 1994 is not yet complete.

Out of 979 drivers hospitalized due to motor vehicle crashes, 128 (13%) were age 20 and under. Of the hospitalized youth, alcohol was suspected to be a factor in 31 (24%) of the incidents. Of the 277 hospitalized drivers for whom alcohol was suspected to be a factor, 11% were age 20 and under.

Injury time was indicated for 106 of the youth drivers. In 24 (21%) of the cases, the injury occurred between 1:00 AM and 5:00 AM. In another 29 cases (36%), the injury occurred between 9:00 PM and 1:00 AM.

Of the 128 youth drivers 8 (6.3%) were critically injured, 11 (8.6) were severely injured, 41 (32%) seriously injured, 53 (41.1%) moderately injured, and 11 (8.6) sustained minor injuries. Four were not scored for injury severity.

Of the 128 youth drivers hospitalized, 8 died and 12 were discharged with a permanent disability. Five were discharged to an inpatient rehabilitation facility and 1 to a residential facility.

Based on available hospital charge information, the average cost per patient per admission in the 14 through 20 age group was about \$20,000. Not included is physician fees, rehabilitation costs, and subsequent disability payments.

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By DMV

Alaska and North Carolina are the only states to receive grants to develop a pilot project and evaluate the provisions of a graduated license program. If legislation (HB 57) passes the legislature, Alaska will evaluate the project and report back to the National Highway Traffic Safety Administration by June 1998.

GRADUATED LICENSE. WHAT IS IT?

Graduated license basically is a restricted license program that allows youth drivers to learn over a period of time with restrictions. The idea is to help beginners learn to drive step by step by controlling their progression toward full driving privileges. Restrictions are lifted gradually and systematically until the driver graduates to an unrestricted license. This helps in two ways. It ensures that new drivers accumulate the behind-the-wheel experience in low-risk settings. It also means drivers are older and maybe more mature by the time they get their regular licenses. Alaska does not have driver education programs in our schools, so our youth driver's commonly learn by trial and error.

Youth drivers in Alaska are definitely over-represented in all of the statistics. Drivers between 16 through 20 represent only 6.2% of the licensed drivers in Alaska, however, they represent 12.9% of the total traffic crashes in the state, 28.8% of the total fatal crashes involved youth between 16 and 20 for 1993.

In the states that have implemented graduated licensing systems show the following benefits:

California and Maryland report a 5 percent reduction in crashes for drivers ages 15-17. Maryland also reports a 10 percent reduction in traffic convictions for driver's age 16-17.

Oregon reports a 16 percent reduction in crashes for male driver's age 16-17.

HB57 was introduced again this year by Representative Joe Green from Anchorage. This bill, if enacted, would establish a graduated driver license program for Alaska.

Intermediate (Provisional) Stage

- Pass behind-the-wheel skills test.
- Violation free record for six months before progressing to next stage.
- All occupants must wear safety belts.
- Zero tolerance for under age 21.
- Permit revocation for any alcohol - related offense.
- Driving restricted; no driving 1.00 am - 5.00 am (exceptions).
- Youth - oriented and more rapid driver improvement actions.
- Parent participation.
- Applicant age 16, but not yet 18 must have been licensed under and instruction permit under state law or under the law of another state with substantially similar requirements for at least six months.

Legislation: Currently, Alaska has statutes in place to cover driver improvement actions for all drivers with suspension at 12 points and a interview at six points. Proposed provisional license bill states that drivers with a learner's permit or provisional license will be subjected to suspension at six points and an interview at three points. The bill is being amended to also include:

- Parent participation in the process.
- Violation free driving record for one year during the provisional license phase.

Evaluation: During the intermediate stage the following will be evaluated:

- Clean driving record for six months prior to issuance of provisional license.
- Zero tolerance.
- Revocation for any alcohol - related offense.
- Restricted hours of operation.
- Youth - oriented and more rapid driver improvement actions.
- Parental participation in the process.

Full licensure

- Complete intermediate phase with clean driving record for one year.
- Zero tolerance for under age 21.
- Provisional license requirement for all suspended or revoked drivers requiring violation - free driving for one year.

Evaluation: All three elements of the phase will be evaluated.



THE DRIVER LICENSING *Eagle Eye*

Volume 1

November, 1994



This is the inaugural issue of The Driver Licensing Eagle Eye, a bi-monthly newsletter reporting the latest news and developments in driver licensing. The Eagle Eye is published by Eagle Vision Consultants

and is available by subscription only. A subscription form is enclosed for your convenience. Please send it to: Eagle Vision Consultants, P.O. Box 34, Williamston, MI 48895.

Momentum continues to build for states to adopt graduated driver licensing systems. Recent releases from NHTSA and the NTSB clearly indicate their programs will emphasize graduated licensing as a measure to improve traffic safety for under 21 year old drivers. In addition, the High Risk Drivers Act (HR 1719), a bill that would provide incentives to states to try innovative graduated licensing programs is being revived.

NHTSA

On September 8, 1994, the National Highway Traffic Safety Administration (NHTSA) announced it has developed a plan to improve driver education for young drivers that seeks to help foster positive attitudes in addition to teaching them to drive safely.

In a report to Congress, NHTSA pointed out that while most teenagers are safe drivers, about 15 percent of them have a crash in their first year of driving. In many cases, these crashes are not caused by a lack of knowledge of traffic laws or driving skill. The reasons are complex and reflect risk-taking, susceptibility to peer pressure, inexperience, poor judgment, or alcohol use.

NHTSA's plan includes these recommendations:

- Driver licensing should be done in three states—commonly known as graduated licensing—so that learning to drive is spread over an extended period. The novice would have to comply with certain restrictions for at least six months in each stage before qualifying for a less restrictive license.
- Driver education should be an integral part of the graduated licensing process. Basic vehicle handling skills would be taught under a learner permit, while more complex decision and perception skills would be taught under a provisional license, the stage before full-license privileges.
- Research also should be done on ways to involve parents and other adults in the education and licensing of novice drivers, in order to help form mature attitudes toward driving.

AAA

In a recent news release, the AAA Foundation for Traffic Safety announced the Foundation has contracted with Northport Associates to develop a new model curriculum outline to improve the training of novice drivers in North America.

The project researchers will interview traffic safety training experts and

INTRODUCTION

GRADUATED DRIVER LICENSING

locate programs that work, such as approaches that develop vehicle handling skills more quickly, change risk-taking attitudes, or help young drivers develop good judgment and spatial awareness. Northport will present an integrated package of recommendations, including changes in enforcement, sanctions, and graduated licensing. Graduated licensing, in combination with improved driver education, holds promise as a way to provide positive incentives to new drivers to drive safely. The project is scheduled for completion in January, 1995.

NTSB

The National Transportation Safety Board (NTSB) recently sent a letter to the governor of each state informing them of revisions in NTSB's "Most Wanted" list. The "Most Wanted" list highlights those transportation safety improvements sought by the Board that offer the greatest potential for significant and immediate reductions in accidents and loss of lives.

Among the recommendations were:

- Enact comprehensive laws that prohibit drivers under the age of 21 from driving with any measurable blood alcohol concentration.
- Enact laws to provide for a provisional license system for young novice drivers.
- Enact laws that prohibit driving by young novice drivers

IIHS

Recent Insurance Institute of Highway Safety (IIHS) research indicates that teenagers living in states with short learners permit terms obtain their licenses sooner and have higher crash rates than teens in states that delay or restrict licensure or require longer supervised driving periods.

Allen F. Williams of IIHS indicates that states can reduce teenage crash risk by delaying the age at which practice driving is permitted, providing learners permits that are valid for long periods of time, and establishing a higher minimum licensing age.

The research examined the driving records of 15, 16, and 17 year old drivers in Delaware, Pennsylvania, New York, Connecticut, and New Jersey. For copies of "Teenage Driving Practices and Licensing Laws: Differences in Four States" and "Differences in Young Driver Crash Involvement in Five States with Varying Licensure Practices" write: Publications, IIHS, 1005 North Glebe Road, Arlington, VA 22201.

Growing Up Behind the Wheel



BY JOHN ARCHER

When are you treated as an adult? When you graduate from school? Get your first full-time job? Cast your first vote? American society recognizes all those events as mileposts along the road to maturity.

But long before most of us earn a diploma, get a regular job, or cast a ballot, we obtain society's ticket to mobility in the world of grown-ups—a driver's license.

Unfortunately, because in many places little more than a warm body is required to obtain that license, it too often becomes a ticket to tragedy. In 1992, for example, more than 6,000 teenagers were involved in fatal crashes. Half of them died. In fact, although teenagers represent only 5 percent of all drivers and on average drive much less than you and I, they account for 13 percent of all collisions.

Congress is now considering legislation sponsored by Rep. Frank Wolf (R-Va.) and Sen. John Danforth (R-Mo.) that focuses attention on teenagers and other high-risk motorists. Known as the High-Risk Drivers Act, it encourages states to take several steps that would make new drivers safer drivers, most notably:

- ◆ Establish graduated licensing under which a novice driver would earn first an instructional license, then a provisional license, and finally a full license. No one under age 18 could earn a full license without a clean driving record for one year.

- ◆ Encourage improved driver education. Research would identify ways to make driver's ed more effective, relevant, and stimulating for new drivers. States would set minimum standards for public and private driver training programs.

- ◆ Crack down on alcohol use. In addition to prohibiting open alcoholic beverages in a car and imposing stiffer penalties on sales to minors, states would set a maximum .02 blood-alcohol content for drivers under 21.

The High-Risk Drivers Act offers a common-sense approach to improve safety for everyone on the road. It would help address a very disturbing trend: as statistics continue to pile up demonstrating that teenagers pose higher risks than any other age group, training for them has dwindled. In fact during the last 20 years, the percentage of students taking driver education has dropped by a third. And many states no longer even offer driver education programs.

The High-Risk Drivers Act can help reverse that trend by stimulating innovative driver education. Particularly attractive options include interactive computer and video technology that have the potential to revolutionize driver training by conveying well-established driving concepts through techniques today's MTV generation views as "user friendly."

Graduated licensing would legally recognize what we all know intuitively: maturity and driving capability aren't marked by a single event, but by a gradual process. Safe driving demands practiced skills, sound judgement and a sober attitude. A system of graduated licensing would allow teenagers to develop those traits as they acquire behind-the-wheel experience.

If we only eliminate the overrepresentation of novice drivers in collisions, thousands of lives could be saved. How can we afford not to try?

John Archer is managing director of AAA Public Policy and Special Programs in Washington, D.C.

LETTERS

Building Roads Right

John Archer's article, "Let's Build Roads Right" (January/February) was on target about using new technologies rather than relying on "the same, tired ways" of building roads.

By rewarding use of the cheapest, lowest-quality materials and the least-expensive labor—as we do now—we actually penalize innovative efforts to improve road quality or offer superior workmanship. Our current system is inflexible, unwise, and short-sighted, costs taxpayers billions of dollars in unnecessary highway repair bills, and results in intolerable and costly traffic delays.

I have introduced legislation that would permit states to include contractor guarantees and to set performance standards for highway projects.

Demanding that contractors guarantee

a minimum standard of quality would not, by itself, cure our country's infrastructure ills. But Americans should be outraged that, in an era of huge budget deficits, we have failed to fulfill our responsibility to see that federal highway money is well spent.

REP. ANTHONY C. BIELSON
U.S. House of Representatives
Washington, D.C.

Water, Water, Everywhere?

Although you tried to think of all eventualities to prevent accidents ("What to Do When Your Home's Alone," May/

Let us know what you think about the issues raised in AAA World. Write "Letters," AAA World, 1000 AAA Dr., Heathrow, FL 32716-3641. Letters may be edited for clarity and length.

June), you missed something very important. We always turn off the toilets and washing machine faucets when we leave town. We have two friends who had major toilet problems with a leak or a crack while they were on the other side of the world. And washing machine hoses can spring a leak anytime.

JERRY RUBIN
ALBANY, N.Y.

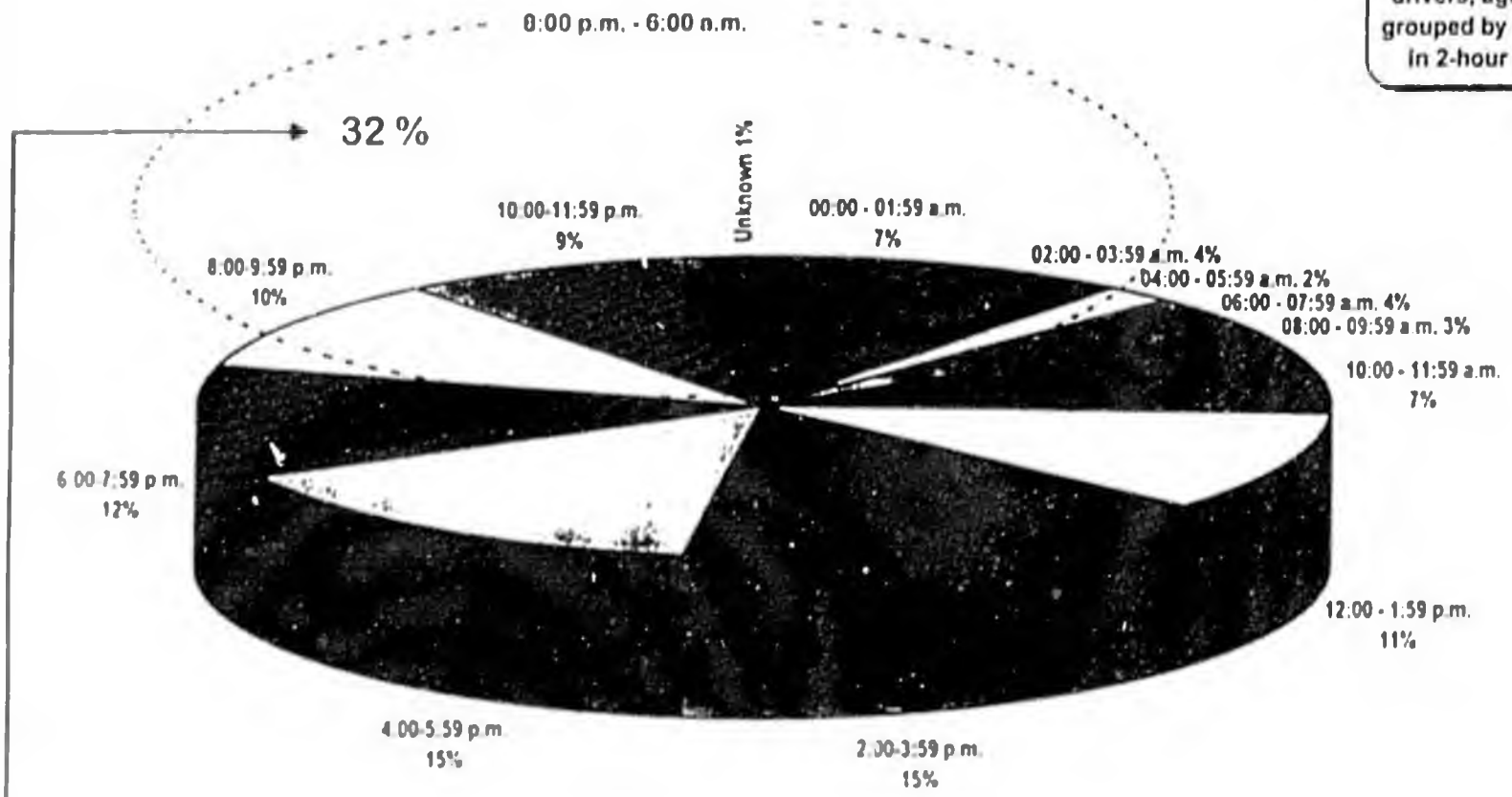
Where I Begins

I enjoyed your May/June issue, as always, but as a former resident of Madawaska, Maine, I must tell you that U.S. 1 starts in Fort Kent—not Madawaska ("Rediscovering Our National Routes")—about 25 miles north.

ALINE KOPP
St. Raphael, N.Y.

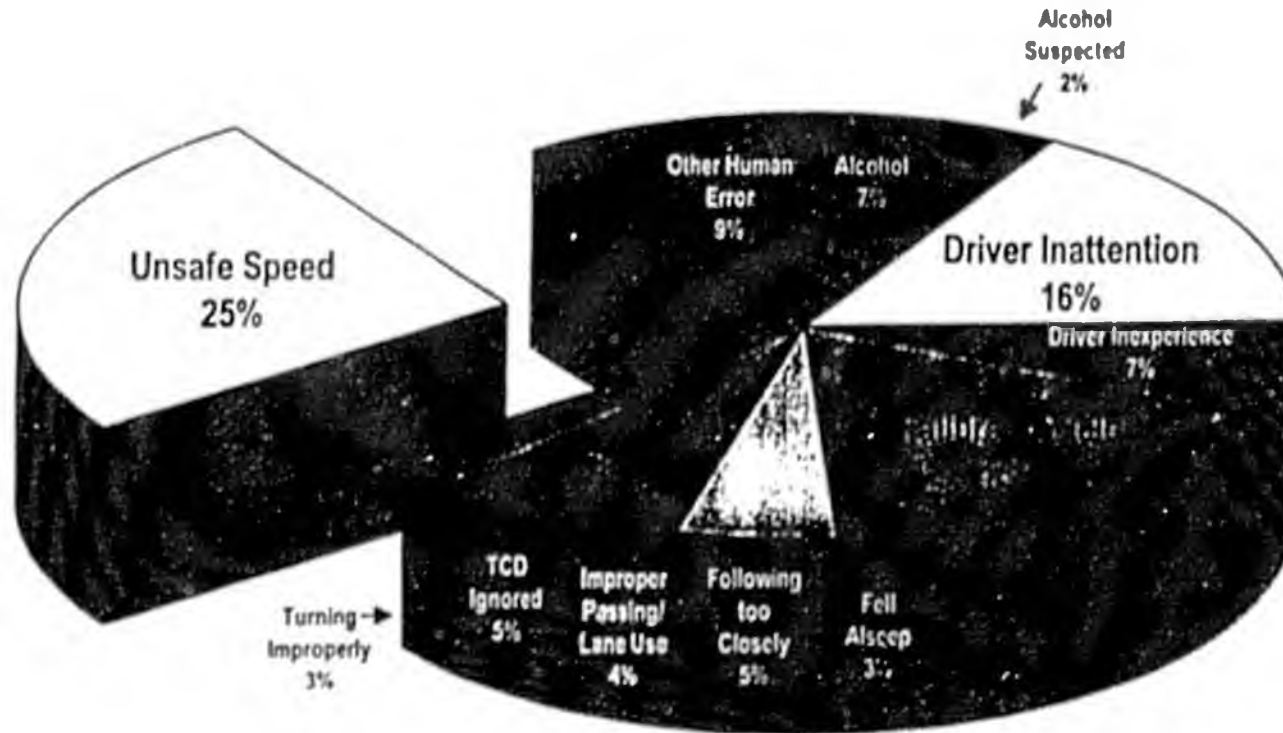
**1993 YOUTH DRIVERS INVOLVED IN
INJURY AND FATAL CRASHES
{AGES: 16 - 20}**

DATA REPRESENTED
Percentage of 1,138
injury and fatal crash
drivers, ages 16 to 20,
grouped by time of day,
in 2-hour intervals.



32 percent of youth crash drivers were involved in crashes which resulted in injuries and/or fatalities between the hours of 8:00 p.m. and 6:00 a.m.

**1993 HUMAN ERRORS KNOWN TO HAVE CONTRIBUTED TO
INJURY AND FATAL TRAFFIC CRASHES
INVOLVING YOUTH DRIVERS (AGES 16-20)**



DATA REPRESENTED
Percentage of 814 known human errors contributing to injury and fatal crashes which involved a youth driver, age 16-20.

Other Known Factors

There were an additional 145 contributing factors other than human error. Of those other factors, 83 involved roadway conditions. 'Slippery pavement' was cited in 71% (59 of 83) of roadway factors. **SPECIAL NOTE: 'unsafe speed' was cited in combination with 'slippery pavement' 88% of the time (40 of 59 occurrences).**

Year	YOUTH DEATHS				ALCOHOL-RELATED					
	Total Deaths	Youth Deaths	< Diff >	% Total Deaths	Total Alcohol Deaths	Youth Alcohol Deaths	Alcohol < Diff >	Youth % of Total Alcohol Deaths	Youth Death < Diff >	Alcohol % of Youth Deaths
1979	91	32	59	35.2%	69	23	46	33.3%	9	71.9%
1980	88	18	70	20.5%	64	8	56	12.5%	10	44.4%
1981	100	25	75	25.0%	76	23	53	30.3%	2	92.0%
1982	107	9	98	8.4%	54	9	45	16.7%	0	100.0%
1983	150	45	105	30.0%	64	15	49	23.4%	30	33.3%
1984	117	37	100	27.0%	70	14	56	20.0%	23	37.0%
1985	127	30	97	21.6%	69	14	55	20.3%	16	46.7%
1986	101	14	87	13.9%	50	6	44	12.0%	8	42.9%
1987	76	17	59	22.4%	44	7	37	15.9%	10	41.2%
1988	97	22	75	22.7%	48	6	42	12.5%	16	27.3%
1989	84	12	72	14.3%	46	8	38	17.4%	4	66.7%
1990	98	8	90	8.2%	48	3	45	6.3%	5	37.5%
1991	101	16	85	15.8%	50	9	41	18.0%	7	56.3%
1992	108	25	83	23.1%	61	10	51	16.4%	15	40.0%
1993	118	14	84	28.8%	49	10	39	20.4%	24	79.4%
Total	1583	344	1,239	21.7%	862	165	697	19.1%	179	48.0%

Year	FATAL YOUTH CRASHES				ALCOHOL-RELATED					
	Total Crashes	Youth Crashes	< Diff >	% Total Crashes	Total Alcohol Crashes	Youth Alcohol Crashes	< Diff >	Youth % of Total Alcohol Crashes	Youth Crash < Diff >	Alcohol % of Youth Crashes
1979	81	28	53	34.6%	45	19	26	42.2%	9	67.9%
1980	79	15	64	19.0%	43	7	36	16.3%	8	46.7%
1981	90	19	71	21.1%	50	17	33	34.0%	2	89.5%
1982	98	9	89	9.2%	54	9	45	16.7%	0	100.0%
1983	135	40	95	29.6%	53	13	40	24.5%	27	32.5%
1984	123	37	86	30.1%	61	14	47	23.0%	23	37.8%
1985	107	27	80	25.2%	58	12	46	20.7%	15	44.4%
1986	89	14	75	15.7%	46	5	41	10.9%	9	15.7%
1987	70	15	55	21.4%	40	6	34	15.0%	9	40.0%
1988	86	20	66	23.3%	43	6	37	14.0%	14	30.0%
1989	79	11	68	13.9%	44	7	37	15.9%	4	63.6%
1990	92	8	84	8.7%	47	3	44	6.4%	5	37.5%
1991	90	13	77	14.4%	45	7	38	15.6%	6	53.8%
1992	89	21	68	23.6%	50	9	41	18.0%	12	42.9%
1993	88	28	60	31.8%	37	9	28	24.3%	19	32.1%
Total	1,196	305	1,091	21.8%	716	143	573	20.0%	162	46.9%

1993 DRIVERS IN TRAFFIC CRASHES

Age Group	1993 Licensed Drivers	% Of Licensed Drivers	1993 Crash Drivers	% Represented in Total Crashes
< 16	1	0.0%	75	0.3%
16-20	24,310	6.2%	3,257	12.8%
21-25	41,861	10.6%	3,195	12.6%
26-30	48,780	12.4%	2,919	11.5%
31-35	57,756	14.7%	3,123	12.3%
36-40	58,506	14.9%	2,902	11.4%
41-45	50,586	12.8%	2,416	9.5%
46-50	37,471	9.5%	1,622	6.4%
51-55	25,819	6.6%	1,094	4.3%
56-60	17,226	4.4%	733	2.9%
61-65	12,396	3.1%	490	1.9%
66-70	8,979	2.3%	370	1.5%
71 +	10,236	2.6%	439	1.7%
Unknown	4	0.0%	2,740	10.8%
Totals	393,931	100.0%	25,375	100.0%

FACT SHEET

April 1994

STATE LEGISLATIVE

Graduated Driver Licensing System

The United States Department of Transportation's National Highway Traffic Safety Administration (NHTSA) believes that state graduated driver licensing systems for young drivers can materially reduce crashes, injuries and deaths. A graduated driver licensing system is a multi-tiered program designed to ease young novice drivers into the driving environment. It is implemented through controlled exposure to progressively more difficult driving experiences or driver licensing stages, prior to full licensure.

Graduated/Provisional Driver's License Systems Work

Under this system, novice drivers are required to demonstrate responsible driving behavior (no convictions or crashes for a specified period) in each stage of licensing before advancing to the next level. For example, there may be a six-month learning stage and one-year intermediate stage prior to gaining full driving privileges. Currently, 13 states have multi-tiered or graduated driver licensing entry systems. They are: California, Colorado, Indiana, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, Oregon, Pennsylvania, Vermont, Utah, and West Virginia.

In 1977, NHTSA published a "model" entry level licensing program. Development of a Model System for Provisional (Graduated) Licensing of Novice Drivers: Final Report. The Maryland Department of Motor Vehicles then implemented and evaluated portions of a provisional licensing concept. Their program showed a five percent reduction in

crashes and a 10 percent reduction in traffic convictions for 16- and 17-year-old provisional licensed drivers.

California's provisional licensing program became operational on January 1, 1983. The California Department of Motor Vehicles reported, December 1988, that there is evidence that the provisional licensing system reduced the rate of crashes involving 15-17 year-old drivers by 5.3 percent. In 1991, the Oregon Motor Vehicle Division reported that their program reduced crashes 16 percent for male drivers under age 18 with provisional licenses. New Zealand implemented a graduated licensing system in 1987 and reported in 1992 that the program has had a continuous 8 percent crash reduction for drivers under age 25.

NHTSA, in cooperation with the American Association of Motor Vehicle Administrators (AAMVA), completed in 1989 the development of "An Improved Driver Entry System for Young Novice Drivers." It is part of the AAMVA/NHTSA "Guidelines for Motor Vehicle Administrators" series of publications. The purpose of this proposed graduated driver licensing system, based upon the NHTSA "model" entry system, is to ease young novice drivers, under more controlled conditions, into the driving environment. This is achieved by (1) increasing the amount of their behind-the-wheel driving practice, (2) increasing their exposure to progressively more difficult driving experiences, and (3) requiring novice drivers to earn their full driving privilege by demonstrating crash and conviction free driving performance prior to full licensure.

U.S.
Department of
Transportation



National
Highway
Traffic Safety
Administration

Graduated vs. Provisional Licensing Programs

The terms "graduated" and "provisional" licenses have been used interchangeably in past years, but they are very different programs.

Provisional License: A provisional drivers license is issued to all drivers under a certain age, for example the age of 21 (or 18), and includes persons operating during the learning or intermediate licensing stages. At a minimum, the provisional license is distinctively different from a regular driver's license to facilitate enforcement of licensing and drinking age laws. The provisional license is subject to an illegal per se BAC level of zero percent and quicker driver improvement actions. All occupants of a motor vehicle being operated by them must occupy only seats designed for passengers and use available seat belts (i.e., no passengers riding in the cargo compartment of a pickup truck).

Graduated Driver Licensing System: Based upon research and the experience of the States, a graduated driver licensing system has at least three stages: learner stage, intermediate stage(s), and full license stage. It includes some or all of the following features:

- (1) Successful completion of a basic driver education course and required a learner's permit for a specified period of behind-the-wheel training.
- (2) A second level driver education program (e.g., safe driving decision making skills) after the new drivers have acquired basic driving skills.
- (3) Require that a parent, or adult licensed driver age 25 or older, supervise basic driving practice and advance practice sessions during high risk (nighttime) hours.
- (4) Lower legal blood alcohol concentration (e.g., zero BAC) requirements for under age 21 drivers.
- (5) Nighttime driving restriction (e.g., no driving from 10:00 pm to 6:00 am) either as part of an intermediate licensing stage, or as a post-licensing driver improvement action.
- (6) More rapid driver youth-oriented improvement actions for accidents and violations.

- (7) Mandatory safety belt usage by all occupants and limitations on the number of passengers in a motor vehicle being operated by a teenager.
- (8) Demonstrated safe driving performance, i.e., having no crashes or convictions for a specified period of time prior to advancing to the next licensing stage (e.g. one year prior to full licensure).
- (9) Issue a provisional license to all drivers under the age of 21 that is distinctive from the regular driver's license (e.g. marked "PROVISIONAL," different colored photo background).
- (10) Require all suspended or revoked drivers being restored for traffic safety violations to be placed in a provisional driver's license program.

While many states are already implementing some features of the graduated/provisional licensing entry system, none is implementing a major portion of the features proposed. There is a need for States to review their novice driver programs in light of the California, Maryland, New Zealand and Oregon findings. We recommend that States seriously consider implementing a young driver graduated licensing system designed to ease young novice drivers into the driving environment. NHTSA and AAMVA can provide, at no cost to the states, technical planning and implementation assistance; also, limited financial assistance may be available to plan, implement and evaluate a state's program.

Key Facts

- In 1992, it was estimated that 40 percent of all deaths for people ages 15 to 20 (over 6,500), resulted from motor vehicle crashes.
- Young drivers represent 7 percent of the total driving population, but represent 14 percent of the drivers involved in fatal crashes.

- Young drivers are four times more likely to be in a crash than an adult, per mile driven.
- Few of the specific elements of a graduated or provisional licensing system have been documented to reduce crashes. However, the California, Maryland, New Zealand, and Oregon systems reduced the rate of crashes involving 15-17 year-old drivers.
- The National Highway Traffic Safety Administration (NHTSA) is responsible for providing assistance to states, other government and public organizations to support efforts designed to promote improvement of traffic safety for the public.

Resources

NHTSA has established, through a grant to the American Association of Motor Vehicle Administrators (AAMVA), funds to support a cadre of experts to assist states, without cost, interested in aspects of a graduated licensing system. These persons can provide expert testimony and technical planning, implementation and evaluation assistance. Should you desire additional information or assistance, contact your Governor's Representative for Highway Safety, the appropriate NHTSA Regional or National Office, or AAMVA Regional and Headquarter's staff.

Model Graduated Licensing System*

<i>Leamer Stage*</i>	<i>Intermediate Stage</i>	<i>Full Licensure</i>
✓ Pass Knowledge I & Vision Tests	✓ Pass Skills I Test	✓ Provisional License**
✓ Take Basic Driver Education	✓ Complete Basic Driver Education	✓ Clean Driver Record
✓ Restricted Driving Parent/Driver Education Supervision	✓ Take Advanced Driver Education	✓ Complete Advanced Driver Education
✓ Parent I Activity	✓ Nighttime Restriction** Supervisor Age 25+	✓ Pass Knowledge II & Skills II Tests
✓ No Passengers	✓ Parent II Activity	✓ Parent Certification
✓ Speed/Road Limits	✓ Limited Passengers	
	✓ Clean Driver Record	
	✓ Speed/Road Limits	

* A Provisional Driver's License is issued to all drivers under age 21, to problem drivers reaching a certain negligent point threshold, and/or to problem drivers being reinstated after license suspension/revocation actions, regardless of age. Such license would be subject to the following conditions:

- Distinctively different from other driver licenses
- Illegal per se 0.0 BAC level
- Mandatory seat belts for all occupants
- Graduated driver improvement actions
- Clean/Driving record for one year
- Nighttime restriction**

Also, a Provisional Driver's License would be issued to problem drivers reaching a certain negligent point threshold and to problem drivers, regardless of age, being reinstated after a driver improvement suspension/revocation actions.

** Nighttime restriction can be a condition of the intermediate phase and/or as a condition of the provisional license issued as a post licensing driver improvement activity problem for drivers who have demonstrated irresponsible driving performance.

Resources (con't)

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Additional Sources of Information

*Copies of the following material are available
upon request:*

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GRADUATED DRIVER LICENSING SYSTEM QUESTIONS AND ANSWERS

This paper provides basic information about graduated driver licensing for young novice drivers. While many states have driver licensing programs which have features prescribed for a graduated licensing system, none have adopted a major portion of these features. We hope the following information will assist you in the consideration of legislation for a graduated driver licensing system and/or adoption of its various features.

1. What is a graduated driver licensing system?

A graduated driver licensing system is a multi-tiered program designed to ease young novice drivers into the driving environment through controlled exposure to progressively more difficult driving experiences or driver licensing stages, prior to full licensure. Under this system, novice drivers are required to demonstrate responsible driving behavior (no convictions or crashes for a specified period) in each stage of licensing before advancing to the next. For example, a 6 months learning stage and one year for the intermediate stage prior to gaining their full driving privilege.

2. Why a graduated driver licensing system?

Teenage drivers are over represented in traffic crashes, in fact they are twice as likely to be in a fatal crash as the average driver. The graduated driver licensing system addresses the driving problems attributed to this group by traffic safety experts: (1) driving inexperience and lack of adequate driving skills; (2) excessive driving during high risk hours, especially nighttime; (3) risk-taking; and (4) poor driving judgment and decision making. It is believed that considerable driving experience is required before young drivers achieve dependable driving know-how, skill, and judgment.

3. What is the purpose of a graduated driver licensing system?

The purpose of a graduated driver license system is to ease young novice drivers, under controlled conditions, into the driving environment by (1) increasing the amount of their behind-the-wheel driving practice, (2) increasing their exposure to progressively more difficult driving experiences, and (3) requiring them to earn full driving privileges by demonstrating crash and conviction free driving performance.

-2-

4. What evidence is there to indicate that a graduated driver licensing system will reduce young driver crashes?

In 1987 New Zealand implemented a graduated licensing system and reported in 1992 that the program continues an 8 percent crash reduction for drivers (drivers under age 25) in the program has resulted. The Maryland Department of Motor Vehicles implemented in 1979, and evaluated portions of the graduated licensing concept. The Maryland program showed a five percent reduction in crashes and a 10 percent reduction in traffic convictions for 16 and 17 year old provisional licensed drivers.

The California Department of Motor Vehicles reported, in December 1988, that there is evidence their provisional licensing system, implemented January 1, 1983, reduced by 5.3 percent the rate of crashes involving 15-17 year-old drivers. In 1991, the Oregon Motor Vehicle Division reported that their Provisional Licensing Program implemented in 1989 reduced crashes 16 percent for male drivers 16 and 17 years old with provisional licenses.

5. What are the features of a graduated licensing system?

Based upon research and the experience of the States a graduated driver licensing system is a multi-staged licensing system (learner stage, intermediate stage(s), and full license stage) which includes some or all of the following features:

- (1) Successful completion of a basic driver education course and require a Learner's Permit for a specified period of behind-the-wheel training.
- (2) A second level driver education program (e.g., safe driving decision making skills) after the new drivers have acquired basic skills.
- (3) Require that a parent, or adult licensed driver age 25 or older, supervise basic driving practice and advance practice sessions during high risk (nighttime) hours.
- (4) Lower legal blood alcohol concentration (e.g. zero BAC) requirements for under age 21 drivers?
- (5) Nighttime driving restriction (e.g. no driving from 10:00 pm to 6:00 am) either as apart of an intermediate licensing stage, or as a post-licensing driver improvement action.
- (6) Youth-oriented and more rapid driver improvement actions for accidents and violations.

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- (7) Mandatory safety belt usage by all occupants and limitations on the number of passengers in a motor vehicle being operated by a teenager.
- (8) Demonstrated safe driving performance, i.e., having no crashes or convictions for a specified period of time prior to advancing to the next licensing stage (e.g. one year prior to full licensure).
- (9) Issue a provisional license to bridge the gap between a learner's permit and full licensure all drivers under the age of 21 which is distinctive from the regular driver's license (e.g. Marked "PROVISIONAL," different colored photo background).
- (10) Require all suspended or revoked drivers being restored for traffic safety violations to be placed in a provisional driver's license program (see Q&A No. 7 below).

6. What is a provisional driver's license?

A provisional drivers license is issued to all drivers under the age of 21 (or 18) and includes persons operating during the learning or intermediate licensing stages. It is distinctively different from a regular driver's license to facilitate enforcement of licensing and drinking laws and the driver would be subject to an illegal per se BAC level of zero percent and quicker driver improvement actions. All occupants of a motor vehicle being operated by a provisional licensed driver must occupy seats designed for and use available seat belts (i.e., no passengers riding in the cargo compartment of a pick-up truck).

7. What is a provisional driver's license program?

This is a new proposal taken from an early draft of the High Risk Driver Act of 1993 and provides "that any driver whose driving privilege has been restored after license suspension or revocation resulting from a traffic safety violation shall be required to enter the provisional license program and 1) successfully complete, no at-fault accidents nor convictions, a period of not less than one year (supervised nighttime driving practice, a night driving restriction between the hours of 12:00 p.m. and 6:00 a.m., unless supervised by an adult at least 25 years of age with a clean driving record), 2) subject to immediate suspension upon conviction of any moving traffic violation, and 3) deemed to be driving while intoxicated with a blood alcohol concentration of .02 percent or greater. A waiver may be granted by appropriate state authority for applicants to drive during the nighttime restricted period for purposes of work or school."

Provisional Licensing for Teenagers

MADD's Position

MADD advocates that each state adopt laws providing that persons under 21 receive driver's licenses which are more restrictive than full licenses, under which violations would result in driver improvement actions and license revocation and civil sanctions in addition to any criminal sanctions and penalties.

What is it?

The standard age for full adult licensing is 18. However, most states have provided for licensing teenagers at a considerably earlier age, in some farm states as early as 14 but more generally at age 16. Learner's permits may be available at age fifteen and a half. Provisional licensing provides special rules for those who apply for and receive licenses below the age of 18. These rules cover the period between the age an individual receives a license and age 18. During this period, young drivers may be limited to driving only in the daytime or early evening. There may be special conditions placed on these provisional licenses. If, for example, youth are guilty of a serious traffic offense, they will lose their provisional license until they reach age 18. The purpose of such provisional licensing is to ease the young driver into the adult driving population by limiting his or her exposure to more dangerous late-night driving and by providing special incentives to drive carefully during the period when a youthful driver is gaining the experience necessary to become a safe driver.

What is needed?

Legislation

A law which requires at least six months driving with parent or adult on a learner's permit before provisional licensing.

A provisional licensing law which covers the period between ages 16 and 18 and provides:

- a. A requirement of six months of citation-free daytime driving before late-night solo driving is permitted.
- b. A limit of only one passenger in vehicle for the first twelve months unless an adult is present in the vehicle.
- c. A requirement that all passengers be safety-belted.
- d. License suspension to age 18 in the event of a DWI offense.

What Can Be Done?

- Support legislation to establish a comprehensive provisional licensing system which requires these recommended limits and conditions.
- Work with local police and schools to publicize and enforce the provisional licensing system.

MADD®

Provisional Licensing

Each year, 16- and 17-year-old drivers are involved in more than twice the average number of crashes per mile driven as are experienced adult drivers. These crashes occur most frequently between midnight and 5:00 a.m. Studies show that although only 2 percent of the miles driven by 16-year-olds occurs in these hours, 17 percent of their fatal crashes occurred in that five-hour period. Also, novice driving between 9:00 p.m. and 6:00 a.m. account for 16 percent of their miles driven, but 43 percent of their fatal crashes.¹ Driving inexperience is further compounded when alcohol consumption is also involved.

One way to reduce this disproportionate involvement is through the use of provisional licenses for novice drivers. The provisional license serves as a tool to "ease" young drivers into gaining driving experience on the road. With restrictions mandated under a provisional license, the novice driver would gradually gain driving skills through education, driving during lower-risk hours or with supervision.

When young drivers do not have the option to drive during the high-risk hours under high-risk conditions, their driving experience is gained during the lower-risk hours, with fewer deaths as a result.

MADD advocates the adoption of the following provisional licensing elements.

1. Nighttime restriction either as a phase/stage of the system or as a remedial action.
2. Parent-supervised basic driving practice and advanced sessions during high-risk hours.
3. Improved licensing and testing procedures tailored to the needs of young drivers.
4. Youth-oriented and prompt driver improvement action.
5. Mandatory safety belt usage by all occupants of motor vehicles while operated by a teenager.
6. .00 blood alcohol concentration (BAC) requirements for underage drivers.
7. Driver education, required learner's permit and a behind-the-wheel training period.
8. A license distinctive from regular driver's licenses.²

At the end of a predetermined period, the driving restrictions could be removed or extended depending upon the driver's crash or violation records.

Although no state has all the aspects of this model, provisional licensing programs are becoming more common as more states adopt restrictions for young drivers. For "hands on" training, most states require a learner's permit (often used in driver education classes). Several states have a .00 BAC tolerance for youth and six states have restrictions against nighttime driving.

The results from provisional licensing programs are encouraging. States which place certain restrictions on driver's licenses show a sharp decline in the number of crashes and fatal crashes. The states with curfews show significant reductions in fatal crashes involving 16-year-olds during restricted hours: Pennsylvania, 69 percent; New York, 62 percent; Maryland, 40 percent; and Louisiana, 25 percent. The states which have the earliest curfew hours show the greatest crash reduction totals.³

MADD advocates that all states adopt such measures as a means of further reducing youthful crash involvement.

1. National Highway Traffic Safety Administration. "Provisional Licensing or New Driver Entry System."

2. Ibid.

3. Insurance Institute for Highway Safety, Teenage Drivers, 1984.

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Provisional Licensing for Teenagers

What Is It?

The standard age for full-adult licensing is 18. However, most states have provided for licensing teenagers at a considerably earlier age, through learners' permits available at ages 14 - 16. Provisional licensing provides for special rules for those who apply for and receive licenses below the age of 18 for the time between the age they receive their license and age 18. During this period, young drivers may be limited to driving only in the daytime and may have a special restriction that if they are guilty of a serious traffic offense, they will lose their provisional license until age 18. The purpose of such restricted licenses is to ease the young driver into the adult driving population by limiting his or her exposure to the more dangerous nighttime driving and by providing a special incentive to drive carefully during the period when a youthful driver is gaining the experience necessary to become a safe driver.

How Does It Work?

The American Association of Motor Vehicle Administrators has developed a program for easing young people into the driving population. They describe the goal of this program as follows:

"The purpose of this proposed improved driver entry system is to ease young novice drivers, under more controlled conditions, into the driving environment by increasing the amount of their behind-the-wheel driving practice and their exposure to progressively more difficult driving experiences. The program requires novice drivers to earn their full

driving privilege by demonstrating safe driving performance, and by being crash- and conviction-free for a minimum driving period."

The program provides for the three step process outlined in Figure 6.1 and includes the nine elements listed in Figure 6.2.

Licensing normally begins with the issuance of a learner's permit which, for states that provide an initial license at age 16, may be provided as early as age 15+. The learner's permit becomes the basis for on-the-road training which provides sufficient skill to pass the road test and move on to the second stage which is the issuance of a provisional license. Provisional licenses cover the period between age 16 and age 18 after which all states provide for full adult licensing (though special laws applicable to drivers under 21, such as a zero BAC limit, may apply).

Step 1. Learner's Permit

The first step in this driver entry system is obtaining a learner's permit and using this privilege to begin to develop the essential skill and experience which are required to drive safely. The young person should be protected as he or she learns to cope with traffic by being required to drive only with an adult over 21 years of age — preferably a parent and not, in any case, a slightly older friend who happens to have a license. This period of supervised practice should extend for at least six months. Some states permit a novice driver to receive a full driving permit as soon as they can pass the road test. Finally, any traffic citations received while on a learner's

Stages in the Licensing of Teenagers

Step 1	Learner's Permit Drive only with adult over 25 Must pass license test to go to step 2	15½ - 16	6 months minimum
Step 2a	Limited License With nighttime curfew Must have 6 months offense-free driving	16 - 18	6 months minimum
Step 2b	Limited License With special point limits	16 - 18	up to 2 years
Step 3	Full License Subject to under age 21 0.00 BAC limits	18 - 21	up to 3 years

permit should result in an extension by six months in the waiting period for a provisional license.

Step 2. Provisional Licensing, Phase A

Once the young person has driven under parental supervision for at least six months and passed the licensing examination, a provisional license, which allows the individual to drive alone, is issued but restrictions on driving are continued to limit the risks to which the novice driver will be exposed. Normally, these restrictions are phased out over the provisional licensing period.

Elements of the AAMVA Provisional Licensing Program

- 1 Provisional license system to facilitate implementation of a program designed to ease the novice driver into the mainstream of driving
- 2 Learner's permit required for a specified period
- 3 Parent/adult supervised basic driving practice, especially during high risk hours
- 4 Improved licensing and testing procedures tailored to the needs of young/novice drivers
- 5 Zero legal blood alcohol concentration (BAC) requirements for young drivers
- 6 Youth-oriented and prompt driver improvement actions
- 7 Mandatory safety belt usage by all occupants of a motor vehicle being operated by a learner/novice driver
- 8 Demonstrated safe driving performance for a specified period
- 9 License distinctive from regular driver's license

Figure 6.2

Twelve states (New York, Louisiana, and Maryland are examples) provide for an initial period during which novice drivers are not permitted to drive during certain hours. Other states provide for early intervention with the novice driver who commits a serious traffic offense, such as DWI. The provisional licensing program in California, for example, requires that the potential novice driver complete additional parent-supervised driving practice with the learner permit prior to applying for a driver's license, and requires a longer waiting period after failing a written or on-the-road test for such a license before re-testing, and, finally, provides that

the department of motor vehicles can suspend the license on a lower point count for drivers under the age of 18.

Step 2. Provisional Licensing, Phase B

Those states which provide for an initial nighttime restriction will normally have a second phase of the limited licensing period when the novice may drive twenty-four hours a day. However, limits are still placed on the license, empowering the state motor vehicle department to take action to require remedial training or to suspend the license at a lower point count than for adults. This second phase of the limited license lasts until the novice reaches age 18.

Step 3. Full Licensing

At age 18, the driver generally moves to Step 3, which is full-adult licensing with the feature, however, that, being under age 21, he or she is subject to a zero BAC limit (see the next issue). The process described in these three steps is intended first to stretch out the learning period for new drivers while protecting them from the worst risks on the road and, secondly, to separate learning to drink from learning to drive by use of the age 21 limit and associated underage zero BAC limit for DWI.

Aside from nighttime restrictions and earlier intervention with poor-record drivers, three elements that should be included in a provisional licensing system are parental supervision, a restriction on the number of passengers, and the requirement for safety belt use by both driver and passengers. The purpose of requiring a period of time when the novice drives with a parent, guardian or older driver in the car is to take advantage of the adult as an individual who can exercise discipline over the tendency of young drivers to take risks and can call to the novice driver's attention the risks he may be encountering without being aware of them. This type of supervision both reduces risk exposure and provides instruction on safe driving. Further, an extended period of driving with the parent may help condition good driving habits. It is important, therefore, not to shortcut the period of the learner's permit, when the parent is required to be in the car. In those states which prohibit nighttime driving for the first six months of provisional licensing, the parent can continue to supervise driving at night for a period of time before the novice qualifies for driving solo twenty-four hours a day.

A restriction on the number of passengers in the vehicle as a condition of provisional licensing can be important in reducing the distractions which lead to crashes among young drivers who have not yet perfected their driving skills. Moreover, peers can often be a motivating factor in producing dangerous driving. A group of teenagers in the car may challenge the driver to take risks that would not occur if he or she were alone. Therefore, it is desirable for provisional licensing systems to include a limitation on the number of passengers in vehicles driven by those under 18. Finally, increased use of safety belts by youthful drivers would save many lives and injuries. Where a state does not make the driver responsible for safety belt wearing by all passengers in his or her vehicle, this requirement should at least be placed on the provisional licenses for drivers under age 18.

Thus the provisional license embodies limitations that fall between the learner's permit (where the young person can drive only when accompanied by a parent or an adult) and the full license privilege (which is only available at age 18). The concept behind provisional licensing is to ease the youthful driver into the traffic stream protecting him or her until there is an opportunity to build driving skill through on-the-road experience. Currently, only a few states have legislation providing this protection to young people. While, in theory, the administrator of the state motor vehicle department has authority to place some special restrictions on teenage drivers because of their relatively high risk of crash involvement, legislative action will normally be required to establish a provisional licensing program. The program developed by the AAMVA (1989) should be used as the basis for this legislation.

Why is It Needed?

Practice and experience are important in the development of any skill. It is particularly important where the activity involves significant risk to the participant. A perennial problem for highway safety has been the development of good systems for bringing young, unskilled individuals into the driving population safely. Teenage drivers lack skill, they lack experience, and they frequently lack judgment and take greater risks than adults. These limitations are ultimately overcome through maturation and driving experience. In the meantime, however, these youthful drivers remain at significantly higher risk per mile driven than adult drivers. States have attempted to ensure that teenagers applying for licen-

ses are adequately trained by providing for learners' permits which allow the individual to gain driving experience under the supervision of a parent or

Drivers in Fatal Car Crashes Per 100 Million Miles, by Age, Sex and Times of Day

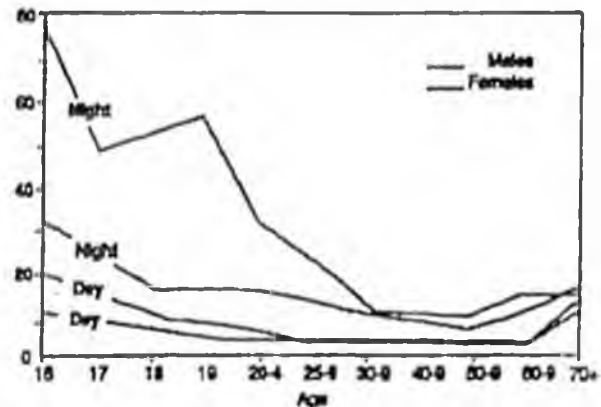


Figure 6.3 Source: MHS, 1987

teacher, by providing for driver education in the schools, and, finally, by testing the novice driver before a license is issued. Unfortunately, the license tests are too brief and too simple to measure all the skills and knowledge required to drive safely on the roadways. Thus, each year millions of new teenage drivers enter the driving population without the skill and experience of the typical adult driver.

One method of reducing the hazard to teenagers is to increase the length of time during which they can receive training and gain experience in driving without full exposure to the hazards of normal vehicle operation. Prohibiting nighttime driving reduces the risk of death and injury while the young person is gaining experience, because teenagers are at much greater risk of death and injury at night. This is clearly illustrated by Figure 6.3 which shows the fatal car crash rate at night as compared to daytime driving as a function of age. As can be seen, 16-year-olds are at four times greater risk of involvement in a fatal crash at night than during the day. Thus, one way to protect these young drivers is to limit their driving at night until they have built up considerable experience driving during the day.

Young drivers tend to be risk takers, both because they are inexperienced judges of risk and simply because they are more risk-tolerant than adults. Provisional licenses are designed to control risk taking in three ways: (1) by allowing the motor vehicle department to intervene earlier with drivers who are caught speeding and taking other risks,

(2) by motivating the young person to maintain a clean record through the increased threat of license action, and (3) by increasing parental supervision of novice drivers by requiring the parent to approve the elimination of the driving curfew. All of these procedures are designed to help ease the novice driver safely into the traffic stream.

How Effective Is This Limited Licensing Procedure?

A study by Preusser et al. of four of the twelve states which provide for curfews for novice drivers demonstrated that these laws were effective in reducing the nighttime crash involvement of teenagers. The results shown in Figure 6.4, were obtained despite the fact that over half of the teenagers subject to the curfew admitted to driving at night anyway and despite the fact that the same teenagers reported believing that the probability of being caught by the police was relatively low (Williams, Lund, and Preusser, 1983). These researchers noted that in the states surveyed (New York and Louisiana), the teenagers appeared to believe that the police do not enforce the curfew laws vigorously; it appeared most of the enforcement came from parents rather than police. The investigators suggest that while it may be unreasonable to expect that a curfew would completely eliminate crashes in the hours covered, such curfews could be more effective if the publicity given to the curfew were increased and if the police enforcement of existing curfew laws was strengthened. Thus, reductions even

greater than those shown in Figure 6.4 might be possible with better application of these laws in the states that have them. However, it is noteworthy that such significant reductions in crash rates were achieved despite this limitation in publicity and enforcement.

Hagge and Marsh (1988) have studied the impact of provisional licensing in California, which does not include a curfew law but does require an extended period of supervised driving by the parent, a longer waiting time if the driving test is failed, and a lower point count for triggering department of motor vehicle action. Their study indicated that provisional licensing prevented a 13% rise in fatal and injury crashes for 15- to 17-year olds which might otherwise have occurred. They estimated that the effect of provisional licensing on teenagers from 15 to 17 in California prevented 540 crashes per year. Thus there is good evidence that these limitations on novice driving can be effective in reducing the crash experience of this high risk group.

How Many States Have It?

Figure 6.5 summarizes the licensing systems for novice drivers in the fifty states and the District of Columbia. As can be seen from the figure, only ten states have officially established provisional licensing programs though several more are in the process of developing such programs. Most states, however, have one or another of the special provisions for youthful drivers discussed in this section.

Reductions in Crash Involvement
During Curfew Hours

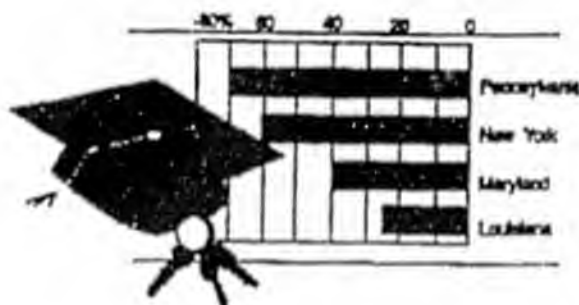


Figure 6.4

Provisional Driver Licensing Countermeasures Status

State	Lower Required	Parent License	Right to Drive	Parent Permit	Lower BAC	Model Driver	Mandatory	Minor License	Chain of Record	Driver Ed. Req'd	Parent Consent
Alabama											
Alaska	yes										yes
Arizona	yes				(0.05)						yes
Arkansas	yes										
California	yes	yes		M	yes (0.05)	yes	yes	yes	yes	yes	18
Colorado	yes	yes									yes
Connecticut	yes			M							18
Delaware	yes										18
District of Columbia	yes										yes
Florida	yes	yes	Considering Program								yes
Georgia	yes										yes
Hawaii	yes										(20)
Idaho			yes								yes
Illinois	yes	yes	11-4	M	yes	yes	yes	yes	yes	yes	18
Indiana	yes	yes									18
Iowa	yes	yes	Considering Program								18
Kansas	yes										(18)
Kentucky	yes										yes
Louisiana	yes										17
Maine	yes		11-6		(0.02)						17
Maryland	yes	yes	12-6	M	yes (0.02)	yes	yes	yes	yes	yes	18
Massachusetts	yes		1-4		yes						18
Michigan	yes					yes					18
Minnesota	yes	yes				yes					18
Mississippi	yes										(17)
Missouri	yes										yes
Montana			Considering Program								18
Nebraska								yes	yes		yes
Nevada											18
New Hampshire			Considering Program								18
New Jersey	yes		right	M							18
New Mexico	yes				(0.05)			yes	yes	yes	18
New York	yes		14-5					yes	yes	yes	18
North Carolina	yes				(0.02)						18
North Dakota											yes
Ohio	yes				(0.02)			yes	yes	yes	18
Oklahoma			New Law						yes		(18)
Oregon			Considering Program		(0.01)			yes	yes	yes	yes
Pennsylvania	yes	yes	12-5					yes	yes	yes	18
Rhode Island			Considering Program		(0.04)			yes	yes	yes	18
South Carolina			Considering Program								(17)
South Dakota			Considering Program		yes						yes
Tennessee											yes
Texas	yes							yes	yes	yes	18
Utah	yes							yes	yes	yes	18
Vermont	yes	yes				yes	yes	yes	yes	yes	yes
Virginia	yes										19
Washington	yes						yes	yes	yes	yes	18
West Virginia	yes	yes						yes	yes	yes	18
Wisconsin	yes				yes (0.02)			yes	yes	yes	18
Wyoming	yes							yes	yes	yes	yes

Figure 6.3

To interpret the table, the following definitions are provided:

Learner's Permit Required - A learner's permit is required of all new drivers prior to issuance of a provisional or regular driver's license. Such requirement can provide the applicant with supervised daytime driving experience and to develop basic behind-the-wheel skills.

Provisional Driver's License - A provisional or similar type driver's license issued to new young drivers prior to full licensure.

Nighttime Restriction - A nighttime restriction is applied to all new drivers (or age 15/16) to provide the applicant with a period of supervised driving practice during the hours of greatest hazard.

Manual and Test - State driver's license manual or supplemental manual (M) and the knowledge test (T) tailored for young/novice driver license applicants' needs.

Parent Participation - State has a program and materials which encourages the parent/guardian, may even be required, to provide supervised behind-the-wheel driving practice to their young/novice driver.

Lower BAC - State has established a lower BAC (less than 0.10) for drivers under the State's legal drinking age (age 21) which means loss of license for one year or until age 21, whichever is less.

Model Driver Improvement Program - State has a driver control program which provides for quicker intervention for young new novice drivers than the general driver population.

Mandatory Safety Belt Use - State law requires all occupants of a motor vehicle being driven by a provisional or other licensed driver to be wearing safety belts.

Minor Driver License - State minor (under age 21) driver's license different from adult to facilitate enforcement of drinking age laws.

Clean Record - Demonstrated period of safe driving performance prior to issuance of unrestricted or regular State's driver's license.

Driver Education Required - Successful completion of a driver education program required prior to issuance of regular State driver's license to young drivers under specified age.

Parent Consent - Parent/Guardian consent required prior to licensing an unemancipated minor under age 18; ages in parenthesis indicate a different age of majority for licensing purposes.

Source: An Improved Driver Entry System for Young Novice Drivers, NHTSA. (September 1989).

Points Often Raised

A. Why not let an individual with a learner's permit receive a license as soon as he or she can pass the written and road tests?

Currently available written and road tests are not sufficiently rigorous to test for all of the skills and knowledge required to be a safe driver. The current test principally determines that the novice driver has enough skill to drive around the block. It does not demonstrate that he has the judgment to avoid crashes or the skill for handling driving emergencies.

B. How long does it take for a young person to learn to drive an automobile?

To learn basic skills to keep the vehicle on the roadway may require only a short time, but to learn the much more complex skills involved in assuring that the driver can watch out for other vehicles and take effective action to avoid crashes in emergencies requires considerably longer. It is difficult to separate the learning required to develop the specific skills of driving from the maturation and judgment which comes only from increasing age and experience while driving. The risk per mile driven is highest for the very youngest drivers and gradually declines as one ages up to about age 25. What seems clear is that provisional licensing is effective because it applies to those who are both young and inexperienced.

C. Will not provisional licenses limit the employment opportunities of teenagers?

Since provisional licenses permit solo driving during the daytime, they should not affect employment for most persons. Where the young person operates a company car at night, special provisions could be made for driving on the job. However, it should be kept in mind that employing novice drivers to drive at nighttime is an increased risk to both employer and employee.

D. Many adults are poor drivers. Will requiring a parent in the car really help?

Yes, even the relatively poor adult drivers have considerably more experience than the novice driver, and young people are much less likely to take risks with a parent or guardian in the car.

E. Is it fair to impose heavier penalties on novice drivers who receive tickets than on adult drivers?

Yes, it is fair and appropriate since the novice driver should be driving much more carefully than the experienced driver. A novice driver is less able to handle emergencies and should therefore be driving with particular care. Young people who speed or run traffic lights while learning to operate a vehicle and getting sufficient experience to operate it safely are likely to be involved in crashes.

NATIONWIDE

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Graduated Teen Licensing Means Fewer Teen Fatalities

It's pretty easy to get a driver's license in most states. As long as you're 16 (15 in some states), you can take to the road with essentially full privileges. In most states, all that's required is passing a driving test and a simple written exam. The only other requirement in many states for full licensing is completion of an approved driver training course. Unfortunately, even the best driver's education courses don't create safe drivers overnight.

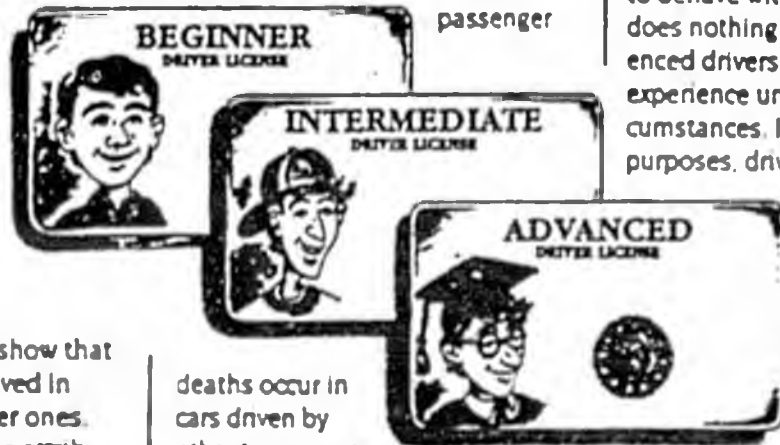
Inexperienced drivers have more accidents.

Time and again, studies show that younger drivers are involved in more accidents than older ones. And, the problem can't be attributed entirely to more aggressive behavior or attitude. It's related more fundamentally to experience. That's an important distinction, because it means that even if the young driver in your household behaves conscientiously and carefully on the road, he or she is still more likely to have an accident than drivers in any other age group, including the elderly. There's simply no substitute for on-the-road experience.

Graduated licensing: how it works, how it helps.

Under graduated licensing, beginners learn to drive step by step in a controlled progression before being awarded full driving privileges. While graduated systems may vary somewhat, an essential

feature of all is a ban on late-night driving, when the threat of accidents is greatest because of poor visibility. Other requirements usually include the supervision of a parent during the beginner stage, and limits on the number of passengers a beginner may transport (research shows the majority of teenage passenger



deaths occur in cars driven by other teenagers).

In any case, restrictions are gradually lifted as drivers gain experience and pass advanced driving tests. Penalties for violations are also more severe than for unrestricted drivers, and may trigger specific driver improvement requirements.

Older licensing ages, probationary periods not as effective.

Raising licensing ages provides some improvement in teenage crash rates, but it still doesn't take the place of on-the-road experience. Statistics show that drivers in their twenties still have more accidents than slightly older drivers.

Many states have tried to deal with the problem by instituting what is called a "probationary"

licensing program. This means that legal actions like suspension can be imposed more quickly and easily in the event of a traffic violation or accident.

Unlike graduated licensing, probationary licensing uses only the threat of punishment to encourage younger or inexperienced drivers to behave with greater caution. It does nothing to help inexperienced drivers gain on-the-road experience under controlled circumstances. For all practical purposes, drivers with probationary licenses have unrestricted driving privileges.

New Zealand's experience.

In New Zealand, graduated licens-

ing has been in effect since 1987 and has reduced accidents among young drivers dramatically. The effect is particularly noticeable among 15-19 year olds. And it's important to note that the New Zealand plan applies to all drivers under the age of 25, not just to teenagers.

In Ontario, Canada, graduated licensing was recently implemented, requiring all new drivers, regardless of age, to drive for a minimum of 20 months before an unrestricted license can be granted.

Based on the New Zealand experience, and with further research and experimentation, graduated licensing may be tried in the United States in the near future.

STATUS INSURANCE INSTITUTE FOR HIGHWAY SAFETY REPORT

Vol. 29, No. 4

March 19, 1994



Slower Graduation to Full Licensing Means Fewer Teenage Deaths

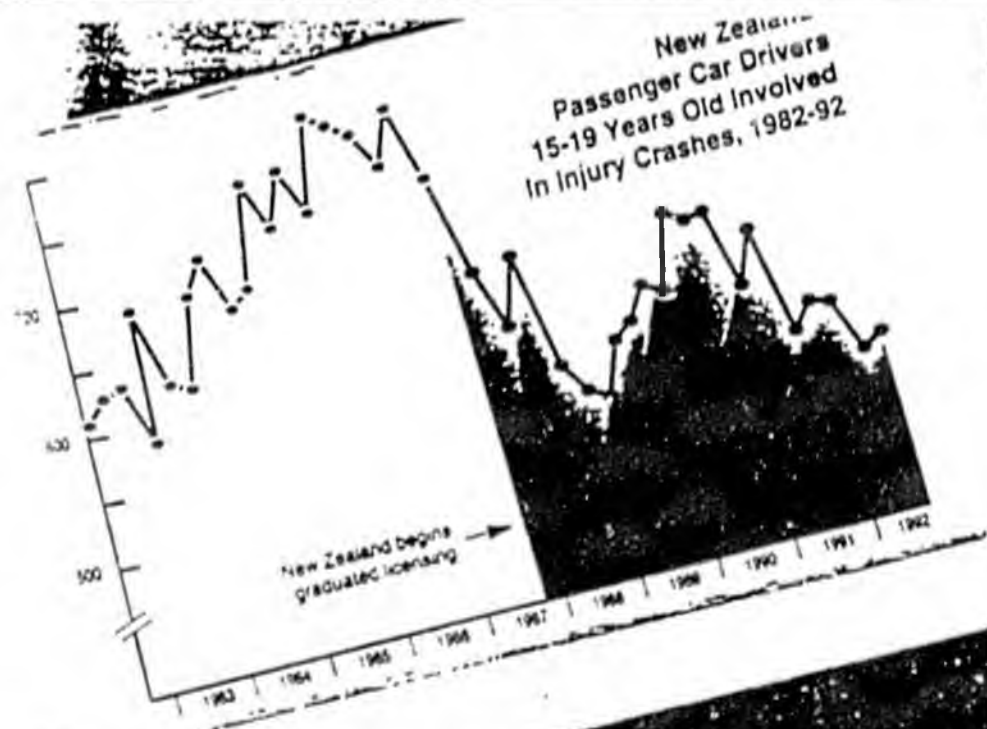
It's easy to get a license to drive in the United States. It's inexpensive, and licensing exams aren't hard to pass. As long as you're at least 16 years old — 15 in some states — you can take to the road with essentially full privileges. In many states, the only other hurdle is passing approved driver training.

It's somewhat harder to get a license in most European countries, where teenagers have to be 17 or 18 before driving legally. But even where licensing ages are higher than in the United States and requirements are tougher, young drivers are still immature and lack on-the-road experience.

The result is that young drivers in every motorized country constitute a major highway safety problem. They're disproportionately involved in crashes compared with older people. In 1992, teenagers comprised 9 percent of the U.S. population and 13 percent of all motor vehicle deaths. Crash injuries are the leading health problem among 16-19 year olds. They account for about 40 percent of all deaths in this group.

"If society is serious about reducing the young driver problem, it must bite the bullet and modify teenagers' driving through graduated licensing," says Institute Senior Vice President Allan F. Williams. "There's no substitute for on-the-road experience. But restricting the time and manner of driving in stages allows beginning drivers to acquire that experience in lower-risk settings before getting a regular, unrestricted license."

How Graduated Licensing Works: The idea is to help beginners learn to drive step by step by controlling their progression toward full driving privileges. Restrictions are lifted gradually and systematically until a



and evaluate graduated licensing programs. This isn't the first time the agency has endorsed the plan. During the mid-1970s, it developed a model system that was never fully implemented by any state. California and Maryland did adopt weakened versions, and both experienced modest reductions in crash involvement among young drivers.

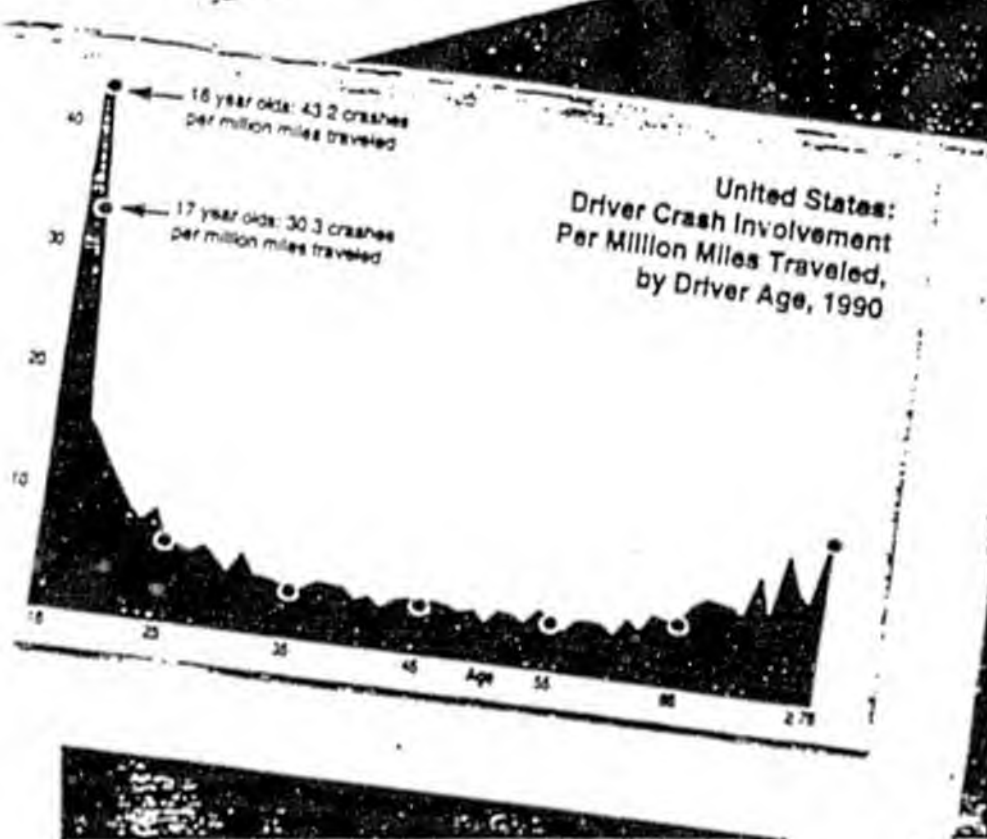
Some Progress but Teens Still at Risk: The young driver problem has improved in recent years. For example, the greatest gains against alcohol-impaired driving during the 1980s were among 16-20 year olds. (See *Status Report*, Vol. 28, No. 13, Nov. 27, 1993.) Still, crash rates among this group remain a lot higher than those of other age groups including the elderly.

Immaturity and lack of driving experience are considered the main reasons for young drivers' high crash rates. The immaturity associated with youth is manifested in risky practices like speeding, following too closely, accelerating rapidly, and maneuvering in a variety of aggressive ways that heighten the likelihood of a crash.

So why not just raise the licensing age? In most of the United States, the minimum age for regular licensure is 16. In some states it's 15, and several states allow restricted licenses at 14 or 15. New Jersey prohibits regular licensure before age 17, and research shows this policy has substantially reduced the combined crash involvement of 16 and 17 year olds, compared with involvement in neighboring states that allow licenses at 16. (See *Status Report*, Vol. 19, No. 1, Jan. 10, 1984.)

Though it's safer to delay licensure until teenagers are older, Williams notes that "it can be difficult, politically, to restrict young people's mobility in the interest of safety." He also points out that raising the licensing age alone doesn't address the need for new drivers to gain on-the-road experience.

"Drivers with some experience have a lower crash risk than drivers who are new to the road," says Herb M. Simpson, executive director of the Traffic Injury Research Foundation of Canada. "Graduated licensing recognizes that the way we license people now isn't the best way. What we do is give them a vision test, a knowledge test, and ask them to drive around the block. Then



Crash involvement among 15-19 year olds went down when New Zealand began graduated licensing (top). In the United States (above), 16-19 year olds had the highest crash rate in 1990 — 20.1 per million miles traveled compared with 5.3 per million for all other ages. Sixteen and 17 year olds had by far the highest rates. Rates for drivers 76 and older were higher than average but much lower than those for teenagers.

driver "graduates" to an unrestricted license. This helps two ways. It ensures that new drivers accumulate behind-the-wheel experience in low-risk settings. It also means drivers are older and maybe more mature by the time they get their regular licenses.

Graduated licensing has already reduced crash deaths and injuries in New Zealand,

where it has been in effect since 1987. In Ontario, Canada, graduated licensing will take effect next month and is under active consideration in several other provinces.

In the United States, the National Highway Traffic Safety Administration has budgeted \$1.2 million over the next two years in incentive grants for states that implement

we say, 'Here are the keys, go out and drive on a freeway in a snowstorm at night with a car full of people.' And the result is predictable. We've basically created the situation of high risk of a collision." A longtime proponent of graduated licensing, Simpson adds that it "represents an opportunity to try and control some of the risks faced by new drivers without necessarily impinging or infringing on their mobility needs."

How Programs Compare: In the United States, there aren't any full-fledged graduated licensing systems, but all states provide for learning periods prior to licensure during which driving must be supervised. Many states grant new drivers probationary or provisional licenses for set time periods.

Simpson describes these two approaches as different from graduated licensing. Probationary license holders are typically allowed full driving privileges except that, during probation, actions like suspension can be imposed more quickly and after fewer violations. Probationary systems use the threat of punishment to encourage people to drive with care, but they do nothing to help new drivers acquire on-the-road experience.

Provisional licensing. Simpson explains, imposes some restrictions on young drivers, usually coupled with the same kinds of penalties associated with probationary systems. Restrictions are lifted after a specified time, in full and all at once, at which point a regular, unrestricted license is granted.

Graduated licensing is different in that drivers progress through a multistage licensing process that's equivalent to receiving a learner's permit, then a provisional or restricted license, and finally a regular license. Although specific driving restrictions may vary among graduated systems, a ban on nighttime driving is an essential feature. Keeping young beginners off the road during the high-risk late-night hours forces them to gain more of their early driving experience during daylight, when increased visibility makes driving less demanding.

Other restrictions apply with graduated licensing. One is a zero or near-zero blood alcohol concentration (BAC) requirement. Beginners must practice driving for a specified time under the supervision of a parent

or adult licensed driver and may be barred from major roads. Sometimes limits are imposed on the number of passengers a beginner may transport because of research showing the majority of teenage passenger deaths occurs in cars driven by other teenagers.

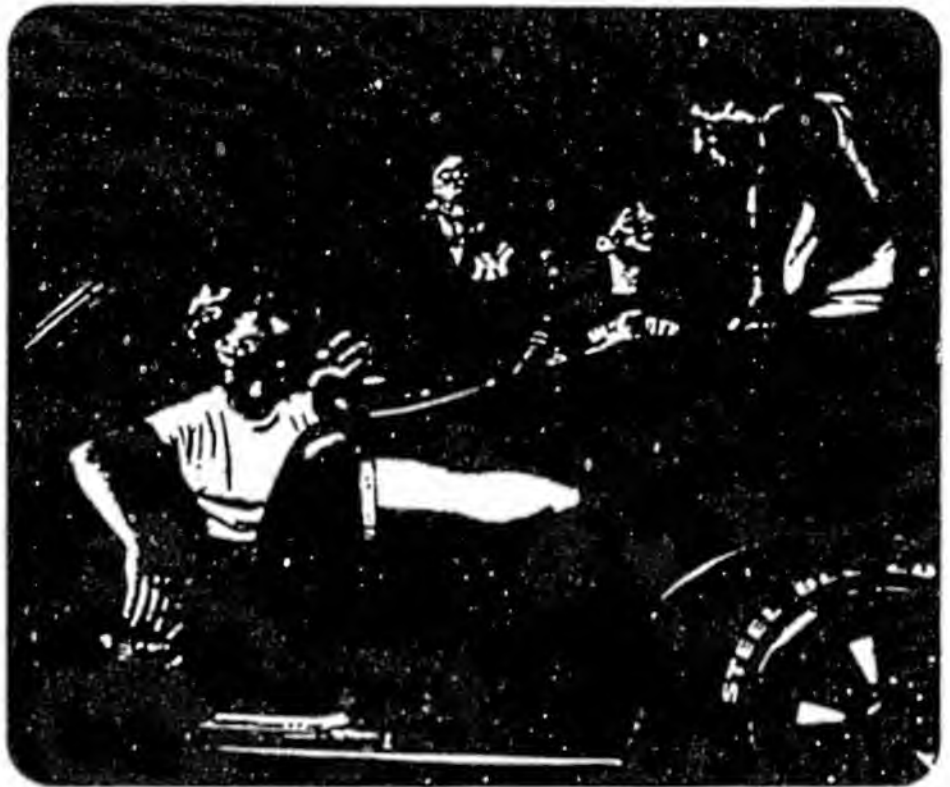
During restricted periods, penalties are usually more severe than those imposed on regular license holders and may trigger special driver improvement actions. Restrictions are lengthened for traffic violations and may sometimes be shortened by completing driver training. In any case, restrictions are lifted gradually as drivers gain experience and pass advanced driving tests.

New Zealand's Experience: Graduated licensing has been in effect in New Zealand since 1987 and has reduced crash rates among affected ages. The reduction is particularly noticeable among 15-19 year olds.

BAC of 0.03 percent, compared with 0.05 percent for unrestricted drivers. There's a ban on passengers in vehicles operated by restricted drivers unless they're accompanied by a front-seat passenger who's older than 20 and has had an unrestricted license for more than two years.

Startup in Canada: Beginning next month, it will take all new drivers in Ontario a minimum of 20 months to get an unrestricted license, regardless of age. Applicants who are at least 16 years old can practice driving when accompanied by someone with a full license and four years of experience. New drivers must adhere to a zero BAC rule, and they're barred from driving between midnight and 5 a.m. and on multilane, controlled access freeways.

After 12 months (8 with approved driver training) and successful completion of a



The New Zealand plan applies to all new drivers younger than 25. A learner's permit may be obtained at age 15 and then, after at least six months of supervised practice, drivers who pass a road test get an 18-month restricted license (9-month with approved training). Restrictions include a driving curfew from 10 p.m. to 5 a.m. and a maximum

road test, new drivers may progress to the second level — another 12 months when they may drive unsupervised but the zero BAC rule remains in effect. At the end of this second stage, drivers who pass an advanced road test qualify for an unrestricted license.

"It's time to try a similar program in the United States," Williams concludes.

HB

210

As compared to version
that passed the House
(SHB 210 (STA) am)

9-LS0343H-
Ford
3/27/96

SENATE CS FOR CS FOR HOUSE BILL NO. 210(TRA)
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE TRANSPORTATION COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES VEZEY, Kelly

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to issuance of motor vehicle registrations and titles, and to
2 licenses and permits to operate a motor vehicle."

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 * Section 1. AS 28 is amended by adding a new chapter to read:

5 CHAPTER 12. THIRD-PARTY REGISTRATION, TITLING, AND TESTING.

6 Sec. 28.12.010. THIRD-PARTY REGISTRATION, TITLING, AND
7 TESTING. (a) The department may establish a program that authorizes

8 (1) third-party agents to

9 (A) process applications for registration of motor vehicles and
10 issue registration certificates and plates as required under AS 28.10;

11 (B) process applications for certificates of titles and issue
12 certificates of title as required under AS 28.10.201 - 28.10.261; and

13 (C) administer driver's license examinations as required under
14 AS 28.15.081 and issue licenses or permits as provided under AS 28.15;

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(2) third-party registrars to

(A) process applications for registration of motor vehicles and issue registration certificates and plates as required under AS 28.10; and

(B) process applications for certificates of titles and issue certificates of title as required under AS 28.10.201 - 28.10.261;

(3) third-party examiners to administer driver's license examinations as required under AS 28.15.081 and issue licenses or permits as provided under AS 28.15.

(b) The department may utilize third-party agents, registrars, and examiners to perform the functions described under (a) of this section. A person may not be or act as a third-party agent, registrar, or examiner unless the person satisfies the requirements of this chapter and other applicable law and enters into a contract with the department as set out in AS 28.12.120 that specifies the duties of the third-party agent, registrar, or examiner.

Sec. 28.12.020. CERTIFICATION OF AGENTS, REGISTRARS, AND EXAMINERS. (a) An application for third-party agent, registrar, or examiner certification shall be filed with the department on a form prescribed by the department.

(b) If the department determines that an individual is qualified under this chapter as a third-party agent, registrar, or examiner, the department shall issue to the individual an identification number for electronic record keeping purposes and a certificate indicating the individual is qualified and authorized to perform the functions as provided under AS 28.12.010(a). A third-party agent, registrar, or examiner shall prominently display the certificate in the agent's place of business.

(c) A certificate is effective on the date of issuance and expires three years after issuance. A renewal application form must be filed with the department not less than 30 days before the time the certification expires.

(d) In reviewing an application submitted by a third-party agent or examiner, the department shall also review the driving record of an individual performing functions as an agent or examiner. If the record is satisfactory and the individual is otherwise qualified under this chapter, the prospective agent or examiner may be scheduled for third-party agent or examiner training. was "shall"

Deletes "A third-party agent, registrar or examiner must be an individual."

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Sec. 28.12.030. REQUIREMENTS FOR THIRD-PARTY AGENTS. The department may not certify a third-party agent unless the third-party agent meets all of the conditions set out in this section. The third-party agent shall

was "individual"
Drafting changes to recognize the change to "person"

- (1) meet all applicable requirements of law;
- (2) allow the department to conduct random examinations, inspections, and audits of operating facilities and records as provided under AS 28.12.130;
- (3) allow the department to conduct annual on-site inspections, evaluations, and audits of operations, facilities, and records;
- (4) transmit the original forms and reports to the department as required by the department;
- (5) conduct skills tests as required under AS 28.15 and provide that applicants who fail to successfully complete driving skills testing are not tested more than once in a seven-day period, unless the original test failure was due to vehicle or document deficiencies;
- (6) issue written certification, on a form provided by the department, to each driver-applicant who passes the driving skills test administered by the third-party agent;
- (7) attend all training courses, workshops, seminars, and other instructional meetings, as required by the department;
- (8) provide information and reports to the department upon request, concerning a complaint against the third-party agent;
- (9) transmit to the department all fees imposed under this title that are collected as required under AS 28.12.100;
- (10) ensure that at least 95 percent of the forms submitted to the department are error free;
- (11) comply with the provisions of AS 28.12.050(2), and (5) - (8).

Deleted "concerning a criminal or driving skills testing certification"

Sec. 28.12.040. REQUIREMENTS FOR THIRD-PARTY REGISTRARS. The department may not certify a person as a third-party registrar unless the person complies with provisions of AS 28.12.030(1) - (4), (7), (9), and (10).

Sec. 28.12.050. REQUIREMENTS FOR THIRD-PARTY EXAMINERS. An examiner applicant shall meet the conditions set out in this section in order to qualify

1 and maintain qualification as a third-party examiner. The examiner shall

2 (1) comply with the provisions of AS 28.12.030(1) - (3), (5), (6), and
3 (8) - (10);

4 (2) hold a valid driver's license required for operation of the motor
5 vehicle used in the driving skills test conducted by the examiner;

6 (3) have successfully completed an examiner training workshop and
7 certified examiner program conducted or approved by the department;

8 (4) attend all training courses, workshops, seminars, and other
9 instructional meetings as required by the department;

10 (5) have a driving record that indicates the applicant is competent to
11 operate a motor vehicle safely;

12 (6) have not had a conviction or administrative license action for any
13 of the following violations under the law of this state or a local ordinance or a law or
14 local ordinance of another state substantially similar to the law of this state, during the
15 five-year period preceding application or during the time the individual is an examiner:

16 (A) operating a vehicle while intoxicated in violation of
17 AS 28.33.030 or AS 28.35.030;

18 (B) refusal to submit to a blood alcohol or breath test in
19 violation of AS 28.35.032;

20 (C) failure to stop and provide identification after a personal
21 injury or property damage accident in violation of AS 28.35.060;

22 (D) driving without insurance in violation of AS 28.22.011;

23 (E) a felony;

24 (7) while performing duties as an examiner and during the five-year
25 period preceding application, have not had a driver's license suspended, revoked,
26 denied, cancelled or disqualified, or been subjected to a driver's license sanction
27 ordered by the department or a court;

28 (8) be at least 21 years of age and have at least three years of
29 experience in driving a motor vehicle;

30 (9) transmit the original forms and reports to the department as required
31 by the department.

1 Sec. 28.12.060. PROFESSIONAL CONDUCT. (a) A third-party agent or
2 examiner may not provide a driver's license applicant answers to questions on a
3 knowledge or driving skills test or other driver examination.

4 (b) A third-party agent, registrar, or examiner shall provide services in a
5 professional manner.

6 (c) A third-party agent or examiner who gives driving skills tests may not be
7 an employee of or receive compensation from a driving school. - Added

8 (d) A third-party agent, registrar, or examiner may not consume intoxicating
9 beverages or controlled substances within eight hours before or during licensing or
10 testing activities and may not be under the influence of intoxicating beverages during
11 licensing or testing activities. In this subsection.

12 (1) "controlled substance" has the meaning given in AS 28.33.190 but
13 does not include a drug prescribed for that person by a physician licensed in this state
14 and used as required by the prescription, unless the prescribed drug affects the ability
15 of a person to safely operate a motor vehicle;

16 (2) "under the influence" includes 0.04 percent or more by weight of
17 alcohol in the person's blood or 40 milligrams or more of alcohol per 100 milliliters
18 of blood, or when there is 0.04 grams or more per 210 liters of the person's breath. - Added

19 Sec. 28.12.070. NOTIFICATION REQUIREMENTS. (a) A third-party agent,
20 registrar or examiner shall notify the department in writing within

21 (1) 30 days before a change in name or address;

22 (2) 10 days of any of the following:

23 (A) a criminal complaint, a civil action resulting from duties - Added
24 imposed under this chapter, or a complaint regarding driving skills test
25 administration received by the agent or examiner;

26 (B) ceasing business operations in the state.

27 (b) A third-party agent or examiner shall notify the department as follows:

28 (1) before the end of the next business day after the agent or examiner
29 receives notice of any suspension, revocation, cancellation, or disqualification of the
30 agent's or examiner's driver's license ordered by a court or the department;

31 (2) within 10 days after being convicted or found responsible for

Drafter inadvertently deleted (3) before the end of the next business day after the agent or examiner is charged with a crime

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violation of a law or local ordinance of any state relating to motor vehicle traffic control, other than a parking violation.

Sec. 28.12.080. TEST ADMINISTRATION. A driving skills test shall be conducted strictly in accordance with the provisions of this title and the test specifications and procedures prescribed by the department. A driving skills test shall be conducted in a vehicle that is representative of the class and type of vehicle for which the applicant seeks to be licensed and for which the third-party examiner is qualified to test. Before testing, the third-party agent or examiner shall inspect the vehicle to verify that it is empty, meets applicable motor carrier safety regulations, is equipped as required by law, and is otherwise safe to operate.

Sec. 28.12.090. TERMINATION OF THIRD-PARTY AGENT, REGISTRAR, OR EXAMINER CERTIFICATE. (a) The department may cancel or suspend the certificate of a third-party agent, registrar, or examiner after determining that the agent, registrar, or examiner has done one or more of the following:

(1) failed to comply with or satisfy any of the provisions of the contract required under AS 28.12.120;

(2) falsified a record or information relating to the third-party agent, registrar, or examiner program;

(3) committed any act or omission that compromises the integrity of the third-party agent, registrar, or examiner program; before making a determination under this paragraph, the department and the agent, registrar, or examiner shall submit the issue to arbitration as provided under AS 09 13; the department may not cancel or suspend a certificate or card under this paragraph unless the cancellation or suspension is supported by the decision of the arbitrator; or

(4) acted as a third-party agent or examiner without a valid driver's license, when the agent's or examiner's driver's license has been suspended or revoked, when the agent's or examiner's certificate has been cancelled, or when the agent's or examiner's application for a driver's license has been denied.

(b) If the department determines that grounds for termination of a third-party agent's, registrar's, or examiner's certificate exist and that the grounds relate to a failure to comply with or satisfy the requirements for a certificate or under the contract

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required under AS 28.12.120, the department shall suspend the certificate. If the department determines that the third-party agent, registrar, or examiner has corrected the deficiency, the department may reinstate the certificate. - Added

Sec. 28.12.100. COLLECTION OF FEES AND COMPENSATION TO AGENTS. If the third-party agent, registrar, or examiner performs a function for which a fee is imposed under this title, the third-party agent, registrar, or examiner shall collect the statutory fee on behalf of the department and may collect and retain a fee as compensation for performing the function. The fee due the third-party agent, registrar, or examiner shall be set by the agent, registrar, or examiner, subject to approval by the department. The third-party agent, registrar, or examiner shall retain any amount due the agent, registrar, or examiner as provided under this section and remit the amount collected on behalf of the department as determined by contract. Fee collection and remission procedures are subject to approval by the department. Added

Sec. 28.12.110. DEPARTMENT REVIEW OF LICENSING APPLICATIONS. The department may reject an application approved by a third-party agent, registrar, or examiner if the application fails to comply with a provision of AS 28.10 or AS 28.15. The department shall allow an applicant whose application is rejected under this section to reapply to the department.

Sec. 28.12.120. REQUIRED CONTRACT. (a) The contract required under AS 28.12.010(b) for a third-party agent must read substantially as follows:

AGREEMENT

between the

DEPARTMENT OF PUBLIC SAFETY

and a

THIRD-PARTY AGENT

THIS AGREEMENT is made and entered into this _____ day of _____, 19____, by and between the Department of Public Safety (hereinafter the department) and _____ (hereinafter the third-party agent)

LOCATED AT (third-party agent address)

Deleted "until the third-party agent, registrar, or examiner corrects the deficiency."

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This agreement authorizes the named third-party agent to administer registration, titling, and testing as required under AS 28.12.010 on behalf of the department. The department and the third-party agent, for good and valuable consideration and under the terms and conditions set out in this agreement, mutually agree as follows:

I. TERM OF AGREEMENT: RENEWALS.

This agreement is effective on the date of execution and shall replace any comparable agreement previously executed between the parties. This agreement shall expire three years after execution, but may be renewed for additional periods, provided that any renewal is set out in writing and that the renewal is signed by a duly authorized representative of each party.

II. THE DEPARTMENT AGREES TO:

(1) Permit the third-party agent to administer registration, titling, and testing described under AS 28.12.010(a), including driver's license skills tests, under the terms of this agreement and all of the provisions set out in AS 28.12 and applicable provisions of other state and federal law.

(2) Administer and enforce the provisions of AS 28.12.

(3) Conduct an on-site inspection of third-party agent facilities, and regular electronic audits of third-party agent books and records.

(4) Conduct an annual performance evaluation and audit of the driving skills test administered by the third-party agent.

(5) Prepare a written report of the results of each inspection and audit and provide a copy of the report to the third-party agent.

(6) Provide the following materials and equipment:

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III. THE THIRD-PARTY AGENT AGREES:

(1) To comply with all applicable statutes and administrative regulations of the State of Alaska, with all applicable federal laws, including regulations of the Federal Highway Administration, and with all applicable municipal ordinances.

(2) To provide insurance as required by AS 28.12.150.

(3) That the state and its employees are not civilly liable for an act or omission of the third-party agent in performing duties described under AS 28.12 or an act or omission under this agreement.

(4) To cooperate with the Department of Public Safety in performing the duties imposed under this contract and AS 28.12.

(5) To keep all driver licensing records confidential.

IV. COMMUNICATIONS.

The third-party agent designates the following individual at the following address to be its representative to receive the written notices and communications that are desired or required under this agreement:

Telephone () _____

The department designates the following individual at the following address to be its representative to receive the written notices and communications that are desired or required under this agreement:

Director
Division of Motor Vehicles

Telephone () _____
Fax () _____

A mailed notice shall be considered given when mailed at a United States post office or official United States mail depository.