

Bill as Introduced

HB 294 - AS INTRODUCED

2009 SESSION

09-0254
03/09

HOUSE BILL

294

AN ACT

prohibiting writing a text message while driving.

SPONSORS:

Rep. Campbell, Hills 24; Rep. Rodeschin, Sull 2; Sen. Roberge, Dist 9

COMMITTEE:

Transportation

ANALYSIS

This bill prohibits writing a text message and using 2 hands to type on or operate an electronic or telecommunications device while driving, except under circumstances specified in the bill.

Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through~~].

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nine

AN ACT prohibiting writing a text message while driving.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Section; Rules of the Road; Prohibited Text Messages and Device Usage While Operating
2 a Motor Vehicle; Exceptions. Amend RSA 265 by inserting after section 105 the following new
3 section:

4 265:105-a Prohibited Text Messages and Device Usage While Operating a Motor Vehicle;
5 Exceptions.

6 I. Except as provided in paragraph II, a person operating a moving motor vehicle who writes a
7 text message or uses 2 hands to type on or operate an electronic or telecommunications device, is guilty
8 of a violation. A person does not write a text message when he or she reads, selects, or enters a phone
9 number or name in a wireless communications device for the purpose of making a phone call.

10 II. Paragraph I does not apply to a person operating:

11 (a) An authorized emergency vehicle.

12 (b) A moving motor vehicle while using an electronic wireless communications device to:

13 (1) Report illegal activity.

14 (2) Summon medical or other emergency help.

15 (3) Prevent injury to a person or property.

16 (4) Relay information between a transit or for-hire operator and that operator's
17 dispatcher, in which the device is permanently affixed to the vehicle.

18 (5) Navigate using a global positioning system.

19 III. The fine for a violation of this section shall be \$100.

20 2 Effective Date. This act shall take effect January 1, 2010.

Amendments

Rep. Jennifer Brown, Straf. 5
February 12, 2009
2009-0328h
03/09

**IF this amendment is adopted
by the Committee, please
deliver to the House Clerk
(Room 317) or Senate Clerk
(Senate Chamber), the 2
originals and 2 copies.**



Amendment to HB 294

1 Amend RSA 265:105-a as inserted by section 1 of the bill by inserting after paragraph III the
2 following new paragraph:

3

4 IV. An exemption from the requirements of this section shall not exempt the person from
5 liability in the event of an accident resulting in damage to persons or property.



Rep. Jennifer Brown, Straf. 5
February 12, 2009
2009-0328h
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Rep. Jennifer Brown, Straf. 5
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2 following new paragraph:

3

4 IV. An exemption from the requirements of this section shall not exempt the person from
5 liability in the event of an accident resulting in damage to persons or property.

Committee Minutes

HOUSE COMMITTEE ON TRANSPORTATION

BILL NUMBER: HB 294

BILL TITLE: prohibiting writing a text message while driving.

DATE: February 17, 2009

THE COMMITTEE HAS VOTED TO RETAIN THIS BILL.

A handwritten signature in cursive script, appearing to read "Robert W. Williams", written over a horizontal line.

Robert Williams, Chairman

TRANSPORTATION COMMITTEE

2009 SUBCOMMITTEES

Bill No.	Committee	Meet Date
HB 54	O'Brien, Rokas, Hikel	2/3/09 9:31 a.m.
HB 68	Penn Brown, Rhodes, Coffey	
HB 95	Ingersoll, O'Brien, Nadeau	2/3/09 9:00 a.m.
HB 215	Ingersoll, Nadeau, LaPlante	2/3/09 9:30 a.m.
HB 272	Ingersoll, Rhodes, Hinch	3/12/09 8:30 a.m.
SB 82-FN	Rhodes, Soucy, Umberger	4/15/09 11:30 a.m.
SB 133-FN	Rhodes, Soucy, Umberger	4/15/09 11:30 a.m.

RETAINED BILLS:

↘ HB 294	Soucy, Stuart, Umberger	
HB 477-FN	J. Brown, Rokas, Coffey	5/27/09 11:00 a.m.
HB 571-FN	J. Brown, Rokas, Coffey	5/27/09 11:00 a.m.
HB 579-FN	P. Brown, Ingersoll, Hinch	

Speakers

Hearing Minutes

HOUSE COMMITTEE ON TRANSPORTATION

PUBLIC HEARING ON HB 294

BILL TITLE: prohibiting writing a text message while driving.
DATE: February 3, 2009
LOB ROOM: 203 **Time Public Hearing Called to Order:** 11:30 a.m.
Time Adjourned: 12:15 p.m.

(please circle if present)

Committee Members: Reps. R. Williams, Jennifer Brown, C. Brown, Ingersoll, M. O'Brien, Hebert, LaPlante, Rhodes, Rokas, T. Soucy, Stuart, Nedeau, G. Katsakiores, J. Flanders, Veazey, Coffey, Hikel, Hinch and Umberger.

Bill Sponsors: Rep. Campbell, Hills 24; Rep. Rodeschin, Sull 2; Sen. Roberge, Dist 9

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

***Rep. Campbell**, prime sponsor. Spoke in favor of the bill, and brought the committee up to date of the past history of the bill. He read the testimony of Laurie Zibel, Exhibit 1 for the record. Provided Exhibit 2 for the record. Rep. Campbell explained the difference in texting and dialing.

Rep. Beverly Rodeschin, co-sponsor. Testified that texting is a safety issue and texting while driving should not be allowed. This issue should be addressed separately from current negligent driving laws.

***Kevin O'Brien**, Dept. of Safety. Supports the bill and feels it's a good first step to insuring safe driving, and opening the door for dialog for safe driving (Exhibit 3).

***Pat Moody**, AAA Northern New England. AAA opinion that texting is a safety issue and should be illegal and supports the bill. Submitted Exhibit 4 and Exhibit 5.

Alex Urnutia. Supports the bill. Believes texting is a safety issue.

***Mark Warden**. Does not support the bill. He highlighted in his opinion that current instruments on a motor vehicle (such as a radio control on the steering wheel) is a distraction to drivers. He also is against the emergency vehicle provision or exclusion in the bill. He also testified that this bill may be discriminatory to young operators. Submitted Exhibit 6.

Rep. Campbell. Spoke again and cleared up some points that were heard in testimony.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Michael O'Brien". The signature is written in black ink and is positioned above the typed name.

Rep. Michael O'Brien
Clerk

HOUSE COMMITTEE ON TRANSPORTATION

PUBLIC HEARING ON HB 294

BILL TITLE: prohibiting writing a text message while driving.

DATE: 2-3-09

LOB ROOM: 203

Time Public Hearing Called to Order: 11:30

Time Adjourned: 12:15

(please circle if present)

Committee Members: Reps. R. Williams, Jennifer Brown, C. Brown, Ingersoll, M. O'Brien, Hebert, LaPlante, Rhodes, Rokas, P. Soucy, Stuart, Nedeau, G. Katsakiores, J. Flanders, Veazey, Coffey, Hikel, Hinch and Umberger.

Bill Sponsors: Rep. Campbell, Hills 24; Rep. Rodeschin, Sull 2; Sen. Roberge, Dist 9

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

① Rep. Campbell prime sponsor - spoke in favor of the bill, and brought the committee up to date of the past history of the bill. He testified NH Police Chiefs supports the bill. He read the testimony of Laurie Zibel Exhibit 1 for the record. Provided Exhibit 2 for the record. Rep Campbell explained the difference in texting and dialing.

② Rep. Beverly Rodeschin - testified that texting is a safety issue and texting while driving should not be allowed. This issue should be addressed separate from current negligent driving laws.

* ③ Kevin O'Brien (Dept of Safety) supports the bill and feels it's a good first step to insuring safe driving, and opening the door for dialogue for safe driving Exhibit 3

See 2nd sheet

HB 294

2-3-89

- ④ Pat Moody (AAA) - AAA opinion that texting is a safety issue and should be illegal and supports the bill. Submitted Exhibit 4 and Exhibit 5
- ⑤ Alex Urnutia - believes texting is a safety issue and supports the bill.
- ⑥ Mark Warden - Does not support the bill. He highlighted in his opinion that current instruments on a motor vehicle (such as a radio control on the steering wheel) is a distraction to drivers. He also is against the emergency vehicle provision or exclusion in the bill. He also testified that this bill may be discriminatory to young operators. Submitted Exhibit 6
- ⑦ Rep Campbell - Respoke ~~to~~ and cleared up some points that were ~~not~~ heard in testimony.

Mike Brown Sr
Clerk

Sub-Committee Actions

HOUSE COMMITTEE ON TRANSPORTATION
SUBCOMMITTEE WORK SESSION ON HB 294

BILL TITLE: prohibiting writing a text message while driving.

DATE: February 12, 2009

Subcommittee Members: Reps. J. Brown, T. Soucy, Umberger

Comments and Recommendations: OTPw/Amendment

Amendments:

Sponsor: Rep. J. Brown	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. Soucy

Seconded by Rep. J. Brown

Vote: 3-0

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Jennifer Brown
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON TRANSPORTATION

SUBCOMMITTEE WORK SESSION ON HB 294

BILL TITLE: prohibiting writing a text message while driving.

DATE: 2/12/09

Subcommittee Members: Reps. Jennifer Brown, Timothy Soucy, Karen Umberger

Comments and Recommendations:

OTP w/ amendment

Amendments:

Sponsor: Rep. Jennifer Brown OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. Soucy

Seconded by Rep. Brown

Vote: 3-0

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. 
Subcommittee Chairman/Clerk

Minutes from combined Subcommittee HB 34 and HB 294

Rep. J. Brown, Rep. Soucy, Rep. Umberger, Comm. Sweeney, Rep. Campbell, Kevin Brown attended.

Reviewed HB 34 and HB 294. Discussed pros and cons of each bill.

Determined that HB 34 should as a whole be ITL'ed. Rep. Soucy made the motion to recommend ITL to the whole committee. Seconded by Rep. Umberger. Vote 3-0 to ITL.

Discussed HB 294. Committee believed it had merit. We discussed if we should add following (a) an authorized emergency vehicle. "During an emergency." Following discussion with people present determined it was redundant.

Commissioner Sweeney suggested we might want to think about adding after (5) Navigate using a global positioning system. A new section about exempt reasons persons would still be liable in the event of an accident.

The committee agreed to add the following amendment to the bill.

Anyone who is exempt under this section is not exempt from liability in the event of an accident resulting in personal or property damage.

Rep. Brown made the motion seconded by Rep. Soucy. The vote was 3-0

HOUSE COMMITTEE ON TRANSPORTATION
SUBCOMMITTEE WORK SESSION ON HB 294

BILL TITLE: prohibiting writing a text message while driving.

DATE: October 28, 2009

Subcommittee Members: Reps. Soucy, Stuart, and Umberger

Comments and Recommendations: Testing bill was passed, so the committee felt this bill to be unnecessary.

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. Umberger

Seconded by Rep. Soucy

Vote: 2-0

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Karen Umberger
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON TRANSPORTATION
SUBCOMMITTEE WORK SESSION ON HB 294

BILL TITLE: prohibiting writing a text message while driving.

DATE: October 28, 2009

Subcommittee Members: Reps. Soucy, Stuart, and Umberger

Comments and Recommendations:

Texting Bill was passed, so the committee felt this bill to be unnecessary

Amendments:

Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

Motions: OTP, OTP/A, ITL Retained (Please circle one.)

Moved by Rep. *Karen Umberger*

Seconded by Rep. *Timothy Soucy*

Vote: *2/0*

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep.
Subcommittee Chairman/Clerk

Karen C. Umberger

Testimony

STATEMENT OF LORI ZIBEL ON HB 294

My name is Lori Zibel. I am a junior at Bow High School. I regret that I could not be here today, but I was involved in a skiing accident on Sunday. I feel it is important to voice my opinion on this bill because last year I participated in the YMCA's Youth in Government Program and, as a member of the Senate, sponsored a bill almost identical to HB 294, which you consider today. Youth in Government is a program that gets high school students to participate in a mock state government. My bill passed and was signed by our student governor. It was one of only a few bills that were enacted. Clearly, students believe this an important issue.

I had several reasons to take on the task of sponsoring this bill. Last year I learned that studies show that fifty percent of teens admit to texting while driving and that simulation studies demonstrate that texting while driving is the greatest in-car distraction for U.S. teenagers. Seven states plus the District of Columbia have a ban on text messaging for all drivers. I urge you to extend this to New Hampshire.

Last year, while we were debating this bill in the Youth in Government Senate committee, a student came in to testify in favor of the bill. His sister was in a serious car accident because she was hit by a driver who was texting while driving. His testimony was very emotional, and he thought it was crucial to pass the bill. Similarly, I think it is imperative that you follow the example of Youth in Government.

Thank you for your time and I hope you take this statement into consideration.

Lori Zibel
11 Sharon Drive
Bow, New Hampshire 03304

American
Research
Group



American Research Group, Inc. 814 Elm Street Manchester, NH 03101

Strong Support for House Bill 1222

Prohibiting Writing Text Messages While Driving

Over three-quarters of voters in New Hampshire favor a law that would ban a person operating a moving motor vehicle from writing a text message.

HB 1222	Favor	Oppose	Undecided
All voters	77%	12%	11%
Republicans	86%	4%	10%
Democrats	82%	13%	5%
Undeclared voters	67%	17%	16%

A total of 86% of Republicans (31% of the sample), 82% of Democrats (29% of the sample), and 67% of undeclared voters (41% of the sample) favor the law.

These results are based on telephone interviews with a statewide random sample of 600 registered voters in New Hampshire. The interviews were conducted May 3 through 5, 2008. The theoretical margin of error for the total sample is plus or minus 4 percentage points, 95% of the time, on questions where opinion is evenly split. The question wording is: "Do you favor or oppose a law in New Hampshire that would ban a person operating a moving motor vehicle from writing a text message?"

A total of 64% of men and 89% of women favor the law, with 13% of men and 8% of women opposing the law. A total of 20% of those age 18 to 24, 98% of those 25 to 49, 62% of those age 50 to 64, and 80% of those 65 and older favor the law.

A total of 33% of voters favor a ban on talking on a cell phone while operating a moving vehicle, 49% oppose such a ban, and 18% are undecided.

New Hampshire Department of Safety
Legislative Position Paper
Date: February 2, 2009

Bill Title: Prohibiting writing a text message while driving

Testimony before: House - Transportation

LSR#: 09-0254

BILL#: HB 294

AMENDMENTS:

SAFETY'S POSITON

SUPPORT

OPPOSE as written

NO POSITION

REQUEST POSSIBLE AMENDMENT

REQUEST INFORMATION

Currently, the law as it is, does the following:

As proposed, the Bill is intended to do the following:

The Department of Safety supports this bill, as we did last year. It seeks to prohibit text-messaging while driving or using 2 hands type on an electronic device while driving.

The bill exempts reading a phone number on a cell phone display, entering a number to make a cell phone call, making an emergency call to report a crime or summon emergency help, relaying information by a trucker to his or her dispatcher in a device permanently affixed to the dashboard of the truck, navigating with a GPS system, or operating a system in an authorized emergency vehicle.

We support the bill and would in fact support going even further. When a vehicle manufacturer puts a GPS device in a vehicle, it is set up so that you cannot enter information into it when the vehicle is moving. We believe entering this information is just as distracting as text-messaging and would ban it when the vehicle is in motion. We would also support a requirement that to operate a cell phone while driving, it should be a hands-free device.

A vehicle moving at 60 mph is traveling 88 feet every second. There are distractions

enough in driving today and we believe text-messaging is an unnecessary activity that is best engaged in when the vehicle is at a standstill.

Fiscal Impact:



Northern New England

Exhibit B 4

Chairman Williams
House Transportation Committee

68 Marginal Way
P.O. Box 3544
Portland, Maine 04104
Tel 207/780-6800
Toll Free 800/222-3612

Re: HB 294 An Act Prohibiting Writing a Text Message While Driving

My name is Pat Moody I am the Director of Public Affairs and Traffic Safety for AAA Northern New England. I am here representing the interests of our 350,000 AAA members in New Hampshire. AAA has long been the motorists most trusted and vocal advocate and stands in constant watch over the rights of the American motorist. AAA is here today in support of HB 294.

AAA supports a comprehensive approach to distracted driving. Any legislative or administrative proposal to address distracted driving should be based on sound research and /or fundamental safety principles and include a significant education effort.

AAA believes that the significant cognitive, visual, and physical distractions involved in text messaging while operating a moving vehicle makes it an inherently dangerous activity that should be made illegal.

AAA Northern New England regularly polls our members to gain insight on how to formulate our policies and positions on various traffic safety and transportation issues. In our most recent public affairs survey conducted in December 2008 we asked a sample population of our members the following question:

2008 New Hampshire AAA Members Public Affairs Survey

Should states pass laws that make it illegal for drivers to send a text message from a cellular phone or other wireless communications device while operating a moving vehicle? n=293

**96% Yes
4% No**

Although cell phone use on the road is a risk management concern, it is also true that wireless technologies do provide benefits to safety and traffic management. AAA Northern New England's fleet operating in Nashua, Manchester, Portsmouth and Concord utilize onboard computers, Blackberry devices and GPS technology to respond to emergency road service calls. AAA would respectfully request that this bill include a provision to allow for continued use of this technology when delivering emergency road service.

Thank you for your time.

Pat Moody
Director of Public Affairs & Traffic Safety
AAA Northern New England

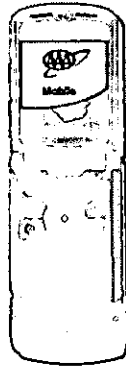


Driving School

Text Messaging and Driving Safety:

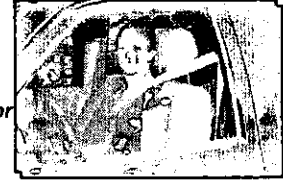
When is it the Wrong Message?

Presented by: Pat Moody



Introduction

Now let's take a closer look at one growing aspect of distracted driving: text messaging or DWT



Introduction



Cell Phones

- Nowadays almost everyone has a cell phone
- 974,000 vehicles on the road at any given daylight moment being driven by someone on a hand-held phone (NHTSA)

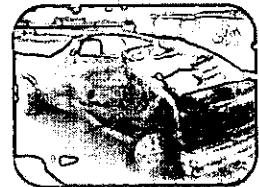
• Cell phone use accounts for 2,600 vehicle fatalities and 300,000 collisions annually



Introduction

Let's look at some of the numbers/statistics:

- Risk of collision increases by up to 400% when talking on a cell phone while driving
- Nearly 80% of collisions involve some form of driver inattention (distraction, fatigue or looking away)



Introduction

A recent study found:



• Young drivers' response times to brake lights ahead were as slow as those by elderly drivers

• Drivers of all ages were 9% slower in hitting their brakes when needed

• Crash rates more than 5x greater than undistracted drivers. That's an increase of over 500%!



(1) 200-Car Research/Photo (2)003, Image/Text Transportation Institute (VTI), sponsored by AAA, VDOT and VTRC.



Introduction

So as you can see, cell phone use while driving is a major issue in today's society.



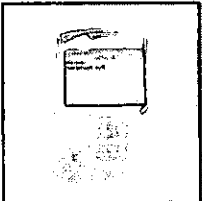

Another driving safety issue related to the cell phone is text messaging.



Text Messaging

Text Messaging

Text messaging, or texting is the common term for the sending of "short" text messages from mobile phones.


Text Messaging

Who here has used their phone to send or receive text messages?

Why do you use your phone to text?


How do you like it?

Can someone give a demonstration of texting?




How Texting Can Impact Driving

How is texting different from talking on a cell phone?



- Texting requires you to spend more time looking at the small screen on the cell phone
- Text messages are typically shorter than conversations
- Texting may involve having two hands on the cell phone





The Driving Task

To understand the effects of texting while driving we need to understand the driving task.



At its simplest, driving can be divided into three main tasks:

1. Perception
2. Decision
3. Action


The Driving Task

PDA - Perception, Decision, Action

The Driving Task


Example



A - The driver perceives a car ahead stopping suddenly (Perception)

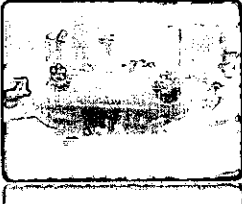
B - To avoid colliding with the suddenly stopping car ahead, the driver must decide whether to apply the brakes or steer around (Decision)

C - The driver avoids a collision by turning the steering wheel to drive around the vehicle ahead (Action)



Driving Task

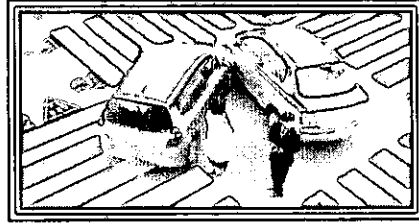
Looking at these three steps, where can driver error take place?



- In all three!
- They're all important
- A mistake in any one of these could cause the chance of a collision to increase substantially



Texting While Driving



Let's take a look at each of these three tasks, when texting is factored in.



Texting While Driving

1. Perception

How could texting while driving affect the first step, a driver perceiving what's going on around them?



Texting While Driving



2. Decision

How could texting affect the second step, making a decision about what to do in an unexpected situation?



Texting While Driving

2. Action

How could texting affect the third step, taking action on your decision?



Texting While Driving

Activity - Distraction

How good are you at catching a ball?

Can you balance the golf ball on the extended tee?



Texting While Driving

Activity - Distraction

Catching the ball requires your full attention

You must perceive where the ball will go, based on that you must decide where to move your hand to intercept it as well as whether to catch it underhand or overhand, then you must act on those decisions.

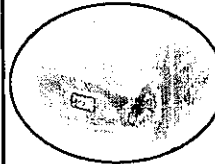
Balancing the ball requires all three tasks as well.

When our attention is divided between the two activities, our performance will suffer.



Texting While Driving

Perhaps the largest concern is texting's ability to impair the first step, perception



• If your attention is devoted to texting and you fail to perceive the car stopping or turning in front of you, you'll never even get to the second step (decision)!



Texting While Driving

Note that texting may be even more dangerous than talking on a cell phone

• When texting, the driver must take their eyes off the roadway to look at the small screen on the phone

• This is different than talking on the phone, which might allow the driver to keep their eyes on the road to a greater degree



Texting While Driving

Preventing Distractions

What can you as a driver do to prevent being distracted while driving?



1. Before you drive, turn your cell phone off
2. Let it go to voicemail, both voice and text
3. Check your messages once you have arrived at your destination.
4. If you have to call or text, pull off the road safely and stop



Summary

Positive Cell Phone Statistics

• 139,000 emergency calls each day by cell phones.

• Cell phones are beneficial in a driver's personal security by allowing drivers to contact help quickly when they experience roadside mechanical problems.



Summary

Cell phones can be a great asset or a tremendous liability.

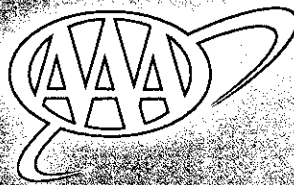
Think twice before you answer that ring or check that chime. It could cost you your life.



Exhibit 5

2008

STATE OF THE
STATES
REPORT



Introduction	1
Child Passenger Safety - Seated, Safe and Secure	2
Distracted Driving - Stay Focused - Keep Your Mind on the Road	8
Teen Drivers - Licensed to Learn	13
Senior Mobility - Lifelong Safe Mobility	17
Truck Safety - Share With Care	21
Drunken Driving	22
Repeat Offender Laws	24
Gasoline Taxes	26
Helmets	26
Move Over Laws	29
Occupant Protection	30
Automated Enforcement	32
Conclusion	33

Introduction

This is the ninth edition of the State of the States Report, intended to provide an annual snapshot of issues tracked by AAA's Government Relations and Traffic Safety Advocacy department in Washington, D.C. The document serves as a resource to capture traffic safety policy activity in 2008, and to help plan for 2009 legislative activities. Since many issues cross into state and federal policy areas, this report also provides perspective on federal activities related to the state issues covered.

Background

Since AAA's founding in 1902, the association has actively represented the interests of motorists and other travelers. AAA's list of accomplishments as the "traveler's champion" is lengthy. The association has campaigned for safer roads and vehicles, improved traffic safety laws, and better driver education and awareness programs. AAA's traffic safety outreach targets all ages, from infants and young children who need to be secured in appropriate child safety seats, to teens who need to learn safe driving skills, to our senior population to ensure that they remain safely mobile for as long as possible. AAA is about providing safety, security, and peace of mind to the traveling public. Our services to members and our public advocacy are based on that over-arching mission.

The information in the enclosed report is accurate to the best of our ability as of December 2008. The information came from the following sources: Insurance Institute for Highway Safety, Mothers Against Drunk Driving, MultiState Associates, National Conference of State Legislators and National Highway Traffic Safety Administration.





Seated, Safe & Secure

Child Passenger Safety - Seated, Safe and Secure

The Problem

Motor vehicle crashes killed 1,670 children 14 years of age and under in 2007 and injured 200,000 others. That is approximately five children killed and 548 injured per day — enough to rank motor vehicle crashes as the top killer of children between ages 3-6 and ages 8-14 in the United States. Tragically, many of these deaths and injuries could have been prevented by proper restraint use. The National Highway Traffic Safety Administration (NHTSA) estimates that an additional 71 lives could have been saved in 2007 if all children under age five had been properly restrained in child safety seats.

All 50 states and the District of Columbia have laws that require the use of child safety seats; however, many gaps and inconsistencies exist. Enforcement of child restraint laws is standard¹ except in Colorado, where the booster seat provision is secondary for children ages 4 and 5; Pennsylvania, where the booster seat provision is secondary for children ages 4 through 7; and Nebraska, where the law is secondary for children age 6 and older who are required to be in seat belts.

Seven states still have laws that only cover children up to age 4 and/or 40 pounds, giving parents the false impression that after this age children can ride safely when restrained in an adult lap/shoulder belt. Since seat belts are designed to restrain adults, children using ill-fitting adult belts are at a greater risk of injury or death. Even the most safety-conscious parents are often unaware of the danger of placing their children in adult lap/shoulder belts that fit improperly.

AAA's Commitment

AAA launched its Seated, Safe and Secure campaign in 2002 to raise awareness of child passenger safety (CPS) and strengthen occupant protection laws for everyone under the age of 18. AAA believes that closing the loopholes in existing state laws and educating the public about the proper use of safety seats and restraints for all children are essential to preventing child passenger injuries and deaths. Since the campaign's launch in 2002, AAA clubs across the country have worked to enact stronger child restraint laws in 43 states and the District of Columbia. AAA has also been active at the national level and in local communities promoting child passenger safety.

¹ Standard enforcement means that a driver can be pulled over solely for not having a child properly restrained according to the state law.

Federal Perspective

The federal transportation law, SAFETEA-LU, provides grant money to states that enact and enforce booster seat laws meeting certain criteria. Under the program, state booster seat laws must apply to children up to age 8, or 65 pounds, or 4'9" tall. Exemptions from the booster requirements could disqualify a state from grant eligibility. NHTSA will review the laws of those states applying for the grants to determine if exemptions are acceptable. States receiving grants can use the funds for CPS education, enforcement and training activities, as well as to purchase and distribute restraints to low-income families.

AAA was a strong advocate for including the CPS grants in the transportation bill. Since 2006, the following 18 states and the District of Columbia received CPS grant funding as a result of their booster seat law: Delaware, Hawaii, Illinois, Kansas, Maine, Maryland, Massachusetts, Missouri, New Jersey, North Carolina, Oregon, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia and Wisconsin.

FY 2009 is the last year for Section 2011 grants under SAFETEA-LU. Certifications are due to the Regional Offices on July 1, 2009; the qualifications remain the same.

State Perspective

Although all 50 states and the District of Columbia have child restraint laws in place, almost half of them have loopholes that expose children to risk of injury or death. For example, more than 20 states exempt taxis and for-hire vehicles from complying with the state's child restraint law and one-third of the states permit drivers to carry more passengers than seat belts. These loopholes endanger children and must be closed.

This year, lawmakers in 25 states and the District of Columbia introduced almost 150 child restraint bills. AAA divides the legislation into the following six categories:

- **Booster seats** — These bills require that children who have outgrown the child restraint be placed in booster seats before graduating to a seat belt. Height, weight and/or age are used as determining factors.
- **Child passenger safety technician liability** — These bills limit the liability for safety technicians who install or advise on the installation of child safety seats.
- **Children riding in pickup truck beds** — These bills limit or prohibit children from riding in pickup truck beds.
- **Seat belts on school buses** — These bills determine whether seat belts should be placed and/or worn on school buses.

Since seat belts are designed to restrain adults, children using ill-fitting adult belts are at a greater risk of injury or death. Even the most safety-conscious parents are often unaware of the danger of placing their children in adult lap/shoulder belts that fit improperly.

- Seating placement — These bills establish where children must be seated while riding in a vehicle.
- Standard enforcement of child seat belt laws — These bills are typically introduced in states without standard seat belt laws. They create provisions that require children of a certain age to be properly restrained and allow the police to ticket motorists solely for a violation of this provision.

Booster Seats

Much of the state legislative activity concerns booster seats. This year, 19 states introduced booster seat legislation. Booster seat laws were enacted in the following five states: Kentucky, Massachusetts, Michigan, Mississippi and Utah. A bill enhancing a current booster seat law was enacted in Maryland to increase the age at which a child must be in a booster seat from under age 6 to under age 8, unless the child is 4'9" or taller, and/or weighs more than 65 pounds. The bill also removes a provision that the law applies only to vehicles registered in Maryland.

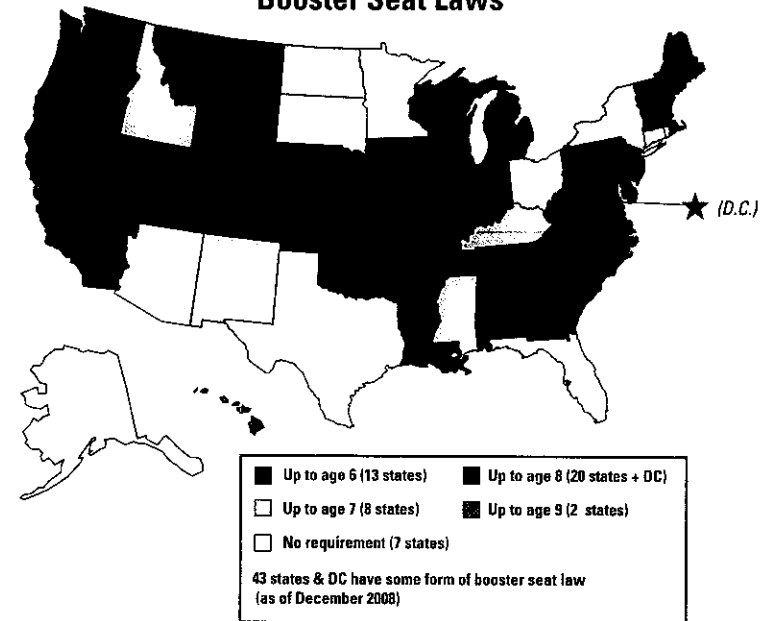
The new booster seat laws enacted this year are summarized below.

- Kentucky's law requires children under 7 who are between 40"–50" tall to be restrained in a booster seat.
- Massachusetts' law requires all children under age 8 and less than 4'9" to be properly restrained in a child restraint.
- Michigan's law requires children who are between ages 4 and 8 and less than 4'9" tall to use a booster seat.
- Mississippi's law requires booster seat use by children who are between ages 4 and 7 and under 4'9" or under 65 pounds.
- Utah's law requires children under age 8 to be restrained in either a car seat or a booster seat, unless they are 4'9" tall.

The following 43 states and the District of Columbia have booster seat laws: Alabama, Arkansas, California, Colorado, Connecticut, Delaware, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin and Wyoming.

Similar to the laws listed above, the parameters of booster seat laws across the country vary widely. However, the differences in these laws will continue to decrease as states move to meet NHTSA's requirements for child passenger safety incentive grants. Currently, there are 22 different types of laws in place – the charts below outline them by parameter.

Booster Seat Laws



Eleven states use age and/or weight as the parameter for when a child may move out of a booster seat and into a lap/shoulder belt:

Arkansas	California	Colorado	Connecticut
Delaware	Louisiana	Montana	Nevada
New Jersey	New Mexico	North Carolina	

Fourteen states and the District of Columbia use age only:

Arkansas	Idaho	Illinois	Indiana
Iowa	Maryland	Nebraska	New York
Oklahoma	Pennsylvania	Utah	Vermont
Virginia	Wyoming		

Eleven states use age and height:

Colorado	Georgia	Hawaii	Kentucky
Massachusetts	Michigan	New Hampshire	Oregon
Tennessee	Washington	West Virginia	

Seven states use age, height and weight: Kansas, Maine, Mississippi, Missouri, North Dakota, Rhode Island and Wisconsin.

Research shows that public education is an important component of a child restraint law to ensure that the law is both complied with and understood.

Laws in 22 states and the District of Columbia require public education on child restraint and/or seat belt use:

Arkansas	California	Colorado	Delaware
Florida	Indiana	Iowa	Kansas
Louisiana	Maryland	Minnesota	Missouri
Montana	Nebraska	New Jersey	New Mexico
New York	Ohio	Rhode Island	Texas
Vermont	Washington		

Booster seat laws are often viewed as placing an unfair burden on the low-income population. Therefore, a program assisting the low-income group in obtaining booster seats is important. Laws in 12 states and the District of Columbia require low-income assistance programs:

Alabama	Arizona	Arkansas	California
Indiana	Minnesota	Nebraska	Ohio
Pennsylvania	Tennessee	Vermont	Virginia

Child Passenger Safety Technician Liability

Organizations like AAA, law enforcement agencies, fire departments, charity organizations and local communities run programs that teach, inspect and assist with child safety seat installation. In the last decade, seat check programs have become more popular. Unfortunately, the perceived risk of liability has stymied the growth of these programs in many areas.

Some state legislatures are exploring whether to eliminate that concern by creating liability laws. These laws enjoin plaintiffs from suing safety seat technicians for damages or injuries if the person acted in good faith and without gross negligence. Three states introduced related legislation this year, with a law enacted in North Carolina. North Carolina's law limits the liability of a certified CPS technician or sponsoring organization when conducting seat checks. It specifies that the CPS technicians must have a current certification in order to be eligible for the limited liability. The following seven states now have laws that protect safety seat technicians from liability: Georgia, Maryland, North Carolina, Pennsylvania, Virginia, Washington and Wisconsin.

Children Riding in Pickup Truck Beds

Each year, approximately 100 children and teens die as a result of riding in the cargo area of a pickup truck. Legislators in five states considered legislation relating to children under 18 riding in a pickup truck bed, with a law enacted in North Carolina. North Carolina's law increases the protection of children who ride in the bed of a pickup truck from under age 12 to under age 16. The law also adds two points to the penalty for a pickup truck bed violation.

While 30 states have laws that place restrictions on people riding in the bed of a pickup truck, only the following 19 and the District of Columbia have laws prohibiting all children under 18 from riding in the bed of a pickup truck:

Arkansas	California	Colorado	Florida
Georgia	Hawaii	Maine	Michigan
Missouri	Nebraska	Nevada	New Jersey
New Mexico	New York	Oregon	Pennsylvania
Texas	Utah	Wisconsin	

Seat Belts on School Buses

Though many concerns surround the safety of school transportation services, school buses are actually one of the safest forms of transportation for children due to their design. Each year buses travel over 4 billion miles with nearly 25 million children, with an occupant fatality rate per vehicle mile traveled that is one-quarter that of passenger cars. School buses represent 25 percent of miles traveled by children, but account for less than four percent of injuries and two percent of fatalities. According to the Transportation Research Board, the majority of fatalities actually occur in the loading zones outside the bus.

Despite data on the safety of school bus transportation, adding a requirement for seat belts on school buses has been an area of interest to the public and to policymakers. In October 2008, the U.S. Department of Transportation issued its final rule for improving school bus safety following a year-long review process.

The new regulations increase the seat back height by four inches to 24 inches, compared to the current 20 inch standard. The Department estimates that the higher seatbacks will help prevent riders from being thrown over a seat in the event of a crash, and will result in 23 fewer injuries per year. The rule also requires school buses with a 10,000 GVWR or less that are manufactured on or after October 21, 2011, to be equipped with three-point belt systems. The final rule does not require seat belts on buses with a GVWR of more than 10,000 pounds.

Twenty-two states introduced legislation related to seat belts on school buses in 2008, with a law enacted in New York. New York's law requires all children between the ages of 4 and 7 to be in the appropriate child restraint device while riding on a school bus. Most of the other bills require that seat belts, usually a three-point passenger restraint system, be on school buses and/or that children wear the belts at all times.

Six states have laws requiring seat belts on school buses: California, Florida, Louisiana, New Jersey, New York and Texas (effective 2010).

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Seating Placement

NHTSA estimates that since 1990, more than 290 deaths can be attributed to frontal airbag inflation in low-speed crashes. Approximately 68 percent of these fatalities were passengers and more than 90 percent of them were children and infants, most of whom were unbelted or in rear-facing child safety seats that placed their heads close to the deploying airbag.² NHTSA recommends that children under age 13 sit in the rear seat of the vehicle at all times. As a result, a number of states have acted to protect children in this regard. Five states introduced seating-placement bills this session, with none enacted.

Fifteen states now require children of certain ages be placed in the rear seat of a motor vehicle:

California	Delaware	Georgia	Louisiana
Maine	New Jersey	New Mexico	North Carolina
Rhode Island	South Carolina	Tennessee	Virginia
Washington	Wisconsin	Wyoming	

Standard Enforcement for Children

States with secondarily-enforced seat belt laws are increasingly considering standard enforcement laws for all children. This year, three states introduced bills requiring standard enforcement for children, but none were enacted. Standard enforcement laws for all occupants are in place in 26 states and the District of Columbia. Seven states now have standard enforcement laws that cover children up to age 18: Florida, Kansas, New Hampshire, North Dakota, Rhode Island, South Dakota and Utah.

Distracted Driving – Stay Focused – Keep Your Mind on the Road

The Problem

According to NHTSA, inattentive drivers are a factor in 20 to 30 percent of all vehicle crashes, which means at least 1.2 million crashes every year may be related to distraction. The social and economic costs resulting from these crashes approach an estimated \$40 billion annually.

Distracted Driving

In 2006, the AAA Foundation for Traffic Safety and Virginia Tech Transportation Institute (VTTI) released a report on the relative risk of engaging in potentially unsafe driving behaviors, based on analysis of data collected under Virginia Tech and NHTSA's 100-car naturalistic driving study. The results demonstrated that 29 percent of crashes and near-crashes occur after drivers had their eyes off the road for more than two seconds. More recently, according to national survey data from the 2008 AAA Foundation Traffic Safety Culture Index, 82 percent of people indicated distracted driving was a serious or extremely serious problem, yet over half of those same drivers admitted to talking on a cell phone while driving in the past 30 days.



AAA's Commitment

In 2000, AAA launched Stay Focused – Keep Your Mind on the Road to educate drivers and policymakers on the full range of distractions that can lead to crashes. Rubbernecking, using a cell phone, text messaging, in-vehicle technologies (mobile TV, GPS, WiFi), adjusting the radio, attending to children, talking to a passenger, eating, drinking and reading a map are among the distractions that divert drivers' attention from the driving task. These activities place drivers, passengers and others on the road at risk.

Increasingly, cell phone use and text messaging (and legislation to curb both) in cars remains a significant safety concern among motorists. Legislation and public debate continues to focus around this issue in states and localities across the country.

AAA continues to monitor and track this issue, as it remains a major traffic safety concern. AAA supports a comprehensive approach to addressing distracted driving. AAA believes any legislative or administrative proposal to address distracted driving should be based on sound research and/or fundamental safety principles and include a significant education effort. AAA recognizes that among young novice drivers, the use of telecommunication devices for cellular phone calls and text messaging heightens distracted driving and recommends their use should not be permitted during the learner's stage.

According to national survey data from the 2008 AAA Foundation Traffic Safety Culture Index, 82 percent of people indicated distracted driving as a serious or extremely serious problem, yet over half of those same drivers admitted to talking on a cell phone while driving in the past 30 days.

² National Highway Traffic Safety Administration. 2008. Special Crash Investigations — Counts of frontal air bag related fatalities and seriously injured persons. Washington, DC: US Department of Transportation.

Federal Perspective

SAFETEA-LU authorizes NHTSA to continue conducting research on distracted driving. In April 2006, NHTSA released the findings of "real-world" research on driver behavior, distraction and crash factors. The "100-Car Naturalistic Driving Study" tracked the behavior of the drivers of 100 vehicles equipped with video and sensor devices. The study confirmed that driver inattention is the leading factor in most crashes and near-crashes.

SAFETEA-LU also authorized \$205 million to fund the second Strategic Highway Research Program (SHRP 2). The safety component of SHRP 2 will focus on reducing the severity of highway crashes by understanding driver behavior and performance in road departure and intersection collisions. SHRP 2 research is being managed by the Transportation Research Board.

State Perspective

All states currently make reckless or careless driving illegal, however, several states are addressing specific issues that lead to distracted driving. Since 1995, hundreds of bills have been introduced across the country banning drivers from using hand-held cell phones. This year, 37 states introduced bills related to distracted driving. At the local level, more than 300 cities across the country have considered some type of ban including Chicago which most recently stiffened its cell phone ordinance with a text messaging ban. At least 10 localities have ordinances prohibiting the use of hand-held cell phones while driving.³

AAA divides distracted driving legislation into the following eight categories:

- Comprehensive distracted driving legislation
- Complete cell phone bans
- School bus driver bans
- Hand-held bans
- Study commission bills
- Data collection bills
- State preemption bills
- Text messaging bans

Comprehensive Distracted Driving Legislation

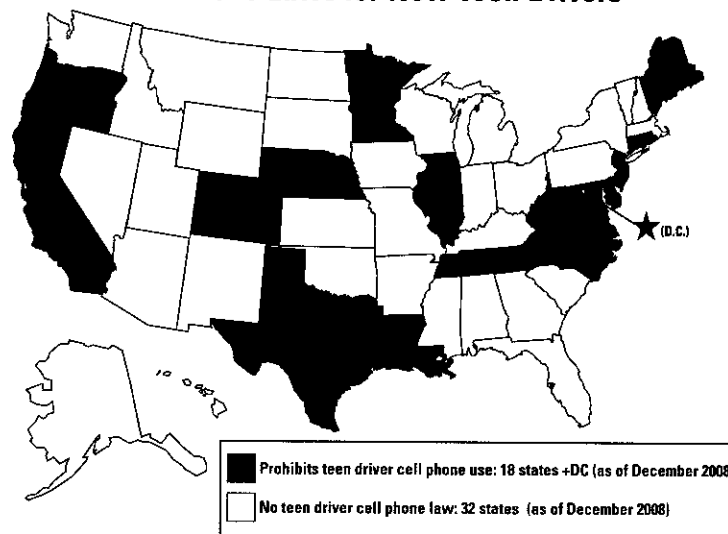
This year, six states introduced legislation addressing a comprehensive set of distractions, but no bills were passed. New Hampshire remains the only state with a law that holds drivers accountable for all distractions that contribute to crashes. The law calls for a fine of \$250 to \$1,000 and driver's license suspension for up to one year for a violation. California, Connecticut, Washington and the District of Columbia have laws that are generally perceived as hand-held cell phone bans, but include language covering other

distracting activities as well. California passed a more comprehensive bill this year that bans motorists from text-messaging and e-mailing while operating a vehicle, and imposes fines.

Complete Cell Phone Ban

Six states considered legislation that would have resulted in complete cell phone bans for all drivers. A complete cell phone ban applies to all cell phones regardless of whether the phone is hands-free or hand-held. In most of the bills, exceptions were written into the legislation permitting emergency calls. No state has passed a complete cell phone ban.

Cell Phone Laws for New Teen Drivers



Hand-Held Cell Phone Ban

This year, 30 states introduced legislation pertaining to a ban on hand-held cell phones.

Five states and the District of Columbia currently have laws banning the use of hand-held cell phones while driving: California, Connecticut, New Jersey, New York and Washington. New York was the first state to enact a state-wide, hand-held cell phone ban in 2001. All of the laws make exceptions for emergency calls.

Twenty-six states introduced legislation prohibiting the use of cell phones by learner's permit holders and provisional licensees, some with exceptions for emergency calls. Louisiana passed several new laws with the combined effect of a total ban on text-messaging and a secondarily enforced cell phone and text messaging ban for teens and most novice drivers.

³ Localities with handheld phone bans include: Chicago, IL; Brookline, MA; Santa Fe, NM; Detroit, MI; Brooklyn, North Olmstead, and Walton Hills, Ohio; and Conshohocken, Lebanon, and West Conshohocken, PA.

Laws prohibiting the use of cell phones by teens are now in place in 18 states and the District of Columbia:

California	Colorado	Connecticut	Delaware
Illinois	Louisiana	Maine	Maryland
Minnesota	Nebraska	New Jersey	North Carolina
Oregon	Rhode Island	Tennessee	Texas
Virginia	West Virginia		

School Bus Driver Bans

Fourteen states introduced bills prohibiting school bus drivers from talking on a cell phone while driving, with enactments in Louisiana, Minnesota and Virginia. Laws are now in place in 17 states and the District of Columbia:

Arizona	Arkansas	California	Connecticut
Delaware	Georgia	Illinois	Kentucky
Louisiana	Massachusetts	Minnesota	New Jersey
North Carolina	Rhode Island	Tennessee	Texas
Virginia			

Study Commissions

This year, two states introduced bills naming commissions to study distraction, with a law enacted in Indiana to establish an interim committee to consider the use of hand-held devices by probationary drivers. Eight states have now enacted laws establishing study commissions to examine the issue: Delaware, Florida, Hawaii, Indiana, Louisiana, Maine, New Jersey, and North Carolina.

Data Collection

This year, four states introduced data collection bills, with no enactments.

The following 29 states and the District of Columbia track data related to cell phones/distracted driving:

Alaska	California	Colorado	Connecticut
Delaware	Florida	Illinois	Iowa
Maine	Maryland	Massachusetts	Michigan
Minnesota	Montana	Nebraska	Nevada
New York	North Carolina	Oklahoma	Oregon
Pennsylvania	South Dakota	Tennessee	Utah
Vermont	Virginia	West Virginia	Wisconsin
Wyoming			

State Preemption Bills

This session, six states introduced preemption bills prohibiting local governments from enacting cell phone bans, with no enactments. Preemption laws are in place in the following 10 states:

Florida	Kentucky	Louisiana	Mississippi
Nevada	New Jersey	Oklahoma	Oregon
Utah	Washington		

Text Messaging Bans

This year, 26 states introduced legislation that would have resulted in a complete text messaging ban for all drivers, with enactments in Alaska, California, and Minnesota (Alaska's telematics law has been interpreted as encompassing a ban on text messaging). Laws are now in place in 7 states and the District of Columbia: Alaska, California, Connecticut, Louisiana, Minnesota, New Jersey, and Washington.



A SAFETY PROGRAM FOR NEW DRIVERS

Teen Drivers - Licensed to Learn

The Problem

Automobile crashes are the leading cause of death for teens, annually claiming 1,000 teen lives among our nation's 16-year-old drivers alone. In 2007, drivers ages 15-20 accounted for over six percent of licensed drivers, but represented almost 12 percent of drivers involved in fatal crashes. These teen driver crashes pose a safety risk to all road users - other drivers, passengers of teen drivers, pedestrians, and others. In fact, a 2006 AAA report⁴ showed that nearly two-thirds of people killed in teen driver crashes are people other than teen drivers. Yet many state Graduated Driver Licensing (GDL) systems, intended to help reduce teen crashes by easing new drivers onto the road in a step-by-step process, still fall short.

⁴ For a copy of the Teen Driver Crashes - Everyone's At Risk report, visit <http://www.aaapublicaffairs.com/Assets/Files/200611814220.TeenDriversRisk2.pdf>



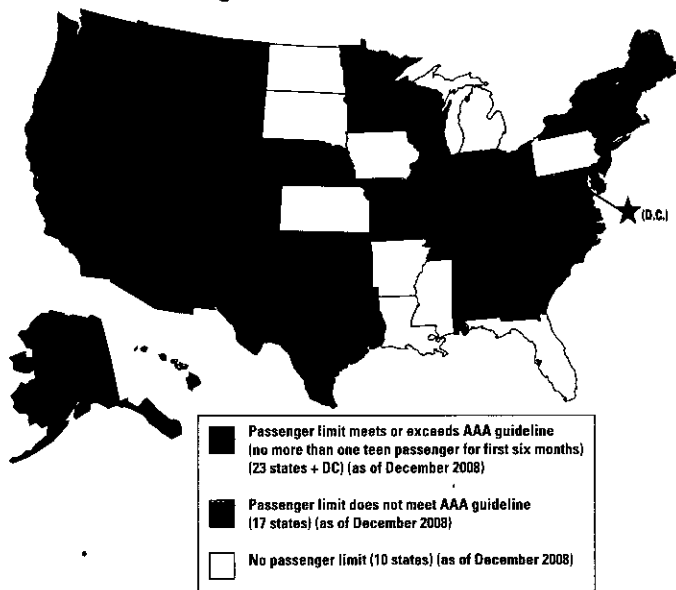
AAA's Commitment

In 1997, AAA set an ambitious goal of establishing GDL systems in all 50 states and the District of Columbia. When AAA launched its "Licensed to Learn" campaign that year, only eight states had GDL. AAA achieved its 50-state goal in 2005, when Montana and Wyoming became the 49th and 50th states to pass laws establishing GDL systems.

While all states now have some form of GDL, most state's systems need to be strengthened to include important measures now shown by research to save teen lives. The AAA Foundation for Traffic Safety released a report in 2007 showing that states with 5 or more of 7 key GDL components got major life-saving, crash-reducing benefits. In states with the most comprehensive GDL programs, 16-year-old drivers were involved in 38 percent fewer fatal crashes and 40 percent fewer injury crashes. Unfortunately, just eight states and the District of Columbia meet this standard. Those states are Delaware, Kentucky, Massachusetts, Nebraska, Nevada, New Jersey, Pennsylvania and Rhode Island.

In 2008, AAA commissioned a study providing state legislators with a fresh look at the economic impact of teen driver crashes. The Pacific Institute for Research and Evaluation (PIRE) estimated the national and state-by-state incidence of crashes involving drivers ages 15 to 17. AAA's national findings showed over 970,000 crashes involving teen drivers ages 15 to 17 in 2006, resulting in 406,427 injuries and 2,541 fatalities. These crashes had a total cost of \$34.4 billion. While injuries receive little attention as compared to fatalities, the study demonstrated that their economic impact (\$20.5 billion) represents twice the cost of fatalities (\$9.8 billion).

Passenger Limits for New Teen Drivers

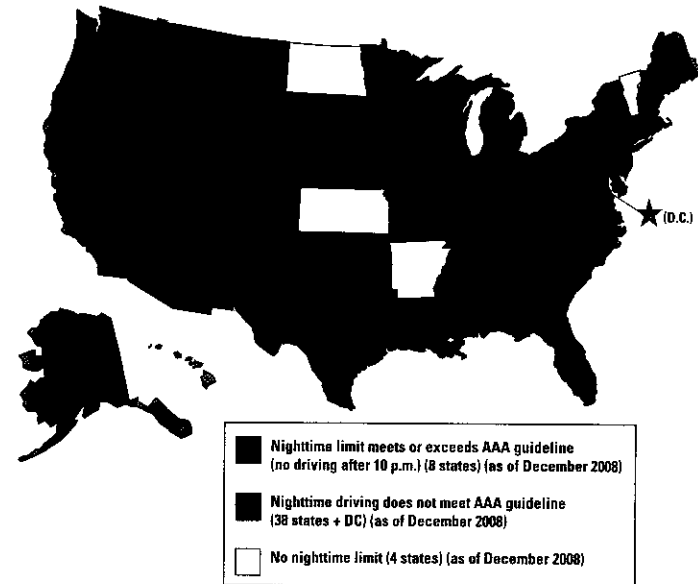


Using the study's state-based crash data and cost estimates, AAA clubs reasoned with state legislators that improvements to graduated driver licensing could result in fewer crashes and less direct spending by state and local governments on Medicaid, police/EMS response, property damage and more.

AAA's nationwide campaign focus for GDL improvements remains on three core elements that define a strong GDL system, including the following:

- **Passenger Limits:** No more than one peer passenger during first six months of solo driving
- **Night Driving Limits:** No driving between 10 p.m. and 5 a.m.
- **Mandatory Practice:** Requiring at least a six-month holding period for a learner's permit and 50 hours of certified practice driving.

Nighttime Limits for New Teen Drivers



Graduated Driver Licensing

Forty-five states and the District of Columbia have a mandatory three-stage licensure system for all new teen drivers. Arkansas, Kansas and North Dakota lack a substantive intermediate license step. New Hampshire does not require new drivers to hold a learner's permit for a specified time, and Wyoming requires a nominal 10-day holding period.

In states with the most comprehensive GDL programs 16-year-old drivers were involved in 38 percent fewer fatal crashes and 40 percent fewer injury crashes.

In 2008, over 250 bills were introduced in 38 states addressing graduated drivers licensing and other aspects of teen driver safety. Four states passed significant GDL improvements: Connecticut, Louisiana, Minnesota and Virginia.

- Minnesota's law made its GDL system the 45th in the nation to have a three-stage GDL system. The law added both nighttime driving limits (midnight – 5 a.m.) and a passenger restriction of no more than one passenger under age 20 for the first six months of licensure and no more than three passengers under age 20 for the next six months.
- Connecticut's law doubled both the required practice driving time for teen drivers (from 20 to 40 hours) and the duration of the passenger limit (banning passengers under age 20 for 12 months). The law moved the start of the nighttime limit from midnight to 11 p.m. and also stiffened youth penalties for drunk and reckless driving. The bill also added two hours of mandatory classroom driver education instruction for parents with their teen.
- Louisiana added a requirement that new teen drivers log 35 hours of practice driving (with at least 5 at night) with a licensed driver.
- Virginia's new laws increased its certified driving hours to 45 hours (at least 15 hours at night) from 40 hours (with 10 at night) and made it illegal to provide false information on the certified driving form.

Delaware passed a law to increase parental responsibility in the teen learning-to-drive process by making adult sponsors of teen drivers guilty of a misdemeanor if they knowingly allow their teen to drive unsupervised while they are holding a learner's permit. The law imposes hefty fines (up to \$575) and/or incarceration (up to 30 days) for the infraction.

Driver Education

SAFE-TEA LU authorized NHTSA to conduct research to develop best practices to improve driver education, and that work continues. AAA worked closely with congressional staff to advocate for inclusion of this provision in the final bill, asserting that current driver education is not as effective as it can or should be, and that a national focus is needed to develop minimum standards and best practices that can be implemented at the state level. AAA staff continue to work with NHTSA and other organizations involved in driver education to highlight the need for improvements. The AAA Foundation for Traffic Safety continues its research into driver training, having released a three-part series of reports on evaluation of driver education programs. The Foundation is looking at programs in three states using the criteria from the earlier report.

State Perspective

Funding, certified driving hours, course content and instructor qualifications are just a few of the many topics covered this year by driver education

legislation. Driver education bills were introduced in 32 states, with 12 states enacting laws: Connecticut, Georgia, Idaho, Illinois, Minnesota, Nebraska, New Hampshire, New York, Tennessee, Virginia, Washington, and Wisconsin. Among the new laws:

- New Hampshire's law simplifies the issuance of a drivers' license to individuals completing a driver's education course in another state by requiring only the Commissioner of Safety to assess if that course is equivalent to New Hampshire's minimum standards.
- Georgia's law provides state approval for driver education training courses delivered in the context of a home education program, if instruction utilizes department-approved curriculum.
- Minnesota's law requires the Commissioner of Public Safety to submit a report by February 2009 on internet-based driver education for the learner's stage of GDL to the Transportation Finance and Policy committees of jurisdiction in the House and Senate.
- New York's law establishes a special advisory panel on driver education availability and curriculum enhancement. The panel will examine and make recommendations on ways to improve driver education instruction and increase instruction availability, including: an evaluation of benefits for school districts to provide driver education instruction, cost/benefit analysis, funding source recommendations, and areas for curriculum improvement.
- Virginia's law requires a person who has failed the behind-the-wheel exam for licensure to successfully complete the in-vehicle component of driver instruction at a driver training school before being allowed to take the behind-the-wheel test for the fourth time.
- Washington's law adds bicyclist and pedestrian safety information to the driver education curriculum.

Senior Mobility – Lifelong Safe Mobility

The Problem

The issue of aging drivers is becoming increasingly important as baby boomers age and continue to drive. According to the U.S. Census Bureau, in 2030 one in five people in the United States will be over the age of 65. Research suggests 90 percent will still be licensed to drive.

In 2006, there were 30 million older licensed drivers. This group represented 15 percent of the driving population and accounted for 14 percent of motor vehicle occupant deaths. Although senior drivers have fewer crashes per driver compared to younger drivers, they are more likely to die as a result of a crash due to age-related frailty.



AAA's Commitment

AAA launched Lifelong Safe Mobility in 2003, in response to the changing demographics of the driving population. This initiative takes a comprehensive approach to senior mobility by addressing three factors: the road, the driver and the vehicle. AAA has an on-going commitment to keeping seniors driving as long as safely possible, and mobile thereafter.

Legislatively, AAA opposes the use of chronological age alone as the sole criterion for appraising driver competence and supports continuing studies to develop driver examination licensing standards that will effectively and efficiently select those persons qualified to drive. To this end, the AAA Foundation for Traffic Safety convened the North American License Policies Workshop in December 2007. This workshop brought together researchers and licensing professionals to synthesize the current state of knowledge regarding older driver safety, develop a set of recommendations to inform the development of licensing policies, and identify knowledge gaps and needed research. The licensing policy recommendations include:

- Making licensing decisions on functional performance and medical fitness to safely operate a motor vehicle, as measured objectively through systematic screening and assessment.
- Ensuring consistent education and training for clinicians, licensing personnel and law enforcement to teach them about existing laws, regulations, and proper procedures for reporting medically or functionally unfit drivers.
- Increasing the number of qualified people who can provide comprehensive driver testing and rehabilitation services.
- Encouraging communities to increase the availability of affordable alternative transportation options and work with DMVs to centrally collect this information and make it readily available to the public.

The Foundation also analyzed the impact of a voluntary state reporting law for medically unfit drivers in the state of Missouri, finding that the vast majority of drivers identified through the system stopped driving.

Federal Perspective

SAFETEA-LU includes several provisions advocated by AAA that will benefit senior drivers. The Highway Safety Improvement Program requires states to develop comprehensive, strategic highway safety plans that identify and analyze safety problems based on crash data. Among the eligible activities for funding are intersection improvements, better signage and pavement markings.

These measures benefit all road-users, but senior drivers in particular. SAFETEA-LU also authorizes separate funding for safety improvements targeted specifically to senior drivers and pedestrians, such as signage and pavement markings. A second provision provides \$1.7 million annually for a comprehensive research and demonstration program to improve senior driver safety. A senior driver safety plan has been developed by NHTSA and is currently available on its website.⁵ The plan includes information on how NHTSA intends to address the topics of screening assessment, licensing, medical guidance and public education.

State Perspective

Although initial licensing procedures vary from state to state, the license renewal process is similar throughout the country. The standard renewal procedure includes a check of the applicant's driving record to ensure there are no suspensions or revocations. If none exist, the license is renewed upon receipt of payment. Most states require applicants to appear in person and to pass a vision test. The significant differences in the state laws occur in the length of time between renewals, which ranges from two to ten years.

This year, five states introduced legislation concerning additional requirements for senior drivers, with laws enacted in Colorado and Rhode Island. The Colorado law raises the age in which a driver can renew their license electronically from 60 to 65 and the Rhode Island law raises the age at which a driver must renew their license every two years from 70 to 75. Laws in the following 29 states and the District of Columbia provide licensing provisions that specifically apply to senior drivers:

Alaska	Arizona	California	Colorado
Connecticut	Florida	Georgia	Hawaii
Idaho	Illinois	Indiana	Iowa
Kansas	Louisiana	Maine	Maryland
Missouri	Montana	Nevada	New Hampshire
New Jersey	North Carolina	Oregon	Rhode Island
South Carolina	Tennessee	Texas	Utah
Virginia			

Legislators in four states introduced legislation related to vision requirements for senior drivers, with a law enacted in Colorado. Colorado's law requires drivers over age 65 renewing their license by mail to provide a signed statement from an optometrist or ophthalmologist attesting the applicant had a vision test in the past six months. The following 10 states and the District of Columbia require vision testing for senior drivers: Colorado, Florida, Georgia, Maine, Maryland, Oregon, South Carolina, Texas, Utah, and Virginia.

AAA has an on-going commitment to keeping seniors driving as long as safely possible and mobile thereafter.

Many states offer car insurance discounts to senior drivers who take a class and remain crash free for a specified period of time. This year, nine states introduced legislation relating to car insurance discount programs for seniors, with a law enacted in Connecticut. This new law creates insurance discounts for seniors who complete a safe driver course online.

The following 33 states and the District of Columbia have car insurance discount programs for senior drivers:

Alaska	Arizona	Arkansas	California
Colorado	Connecticut	Florida	Idaho
Illinois	Indiana	Kentucky	Louisiana
Maryland	Massachusetts	Michigan	Minnesota
Mississippi	Montana	Nevada	New Jersey
New Mexico	North Dakota	Ohio	Oregon
Pennsylvania	Rhode Island	South Dakota	Tennessee
Utah	Virginia	Washington	West Virginia
Wyoming			

Ten states introduced legislation that falls into the general senior driver category. The legislation in this category is not always age specific, but often impacts the senior driver more than any other driver. This year there was one new law enacted in New Hampshire to establish a committee to study age-based driver's license renewal testing.

Medical Advisory Boards

A medical advisory board (MAB), ideally comprised of health care professionals from a range of disciplines, typically works in conjunction with a state's DMV to evaluate certain medical conditions that would make it unsafe for a person to drive. This year, two states introduced bills pertaining to medical advisory boards, but none passed.

AAA policy recommends that all states create a MAB comprising physicians, health care professionals and stakeholders representing the aging, motoring and disabilities communities to assess driver capabilities. These professionals may include, but are not limited to, occupational therapists, nurses, gerontologists and physicians of diverse specialties. The following 36 states have MABs, many of which lack crucial elements to be very effective:

Alabama	Arizona	Colorado	Delaware
Florida	Georgia	Hawaii	Illinois
Indiana	Iowa	Kansas	Kentucky
Maine	Maryland	Massachusetts	Minnesota
Missouri	Montana	Nebraska	Nevada
New Hampshire	New Jersey	New Mexico	New York
North Carolina	North Dakota	Oklahoma	Pennsylvania
Rhode Island	South Carolina	Tennessee	Texas
Utah	Virginia	West Virginia	Wisconsin



Truck Safety – Share With Care

The Problem

In 2007, 413,000 large trucks (GVWR greater than 10,000 pounds) were involved in traffic crashes in the United States, killing 4,808 people and injuring an additional 101,000.

AAA's Commitment

AAA continues to actively participate in research and policy dialogue on truck safety at the national and state levels. AAA actively works with officials from federal and state governments, the trucking industry and other safety organizations to promote safe driving practices for all types of road users.

Federal Perspective

Under SAFETEA-LU, states are required to include information on sharing the road safely in their driver license manuals in order to receive their annual funds for motor carrier safety enforcement. AAA was a leading advocate for this provision and is working with representatives of trucking and safety associations toward achieving this goal.

State Perspective

In 2008, 34 states introduced 136 bills impacting truck safety. Bills in five states pertained to speed differentials and one bill was enacted in Tennessee.

Federal standards govern the size and weight of trucks used in interstate travel, but standards can differ in states on other roads. Bills in 33 states pertained to truck size and/or weight, with legislation enacted in the following 20 states: California, Colorado, Delaware, Florida, Georgia, Idaho, Iowa, Louisiana, Maine, Minnesota, Missouri, Nebraska, North Carolina, Ohio, Rhode Island, South Carolina, Utah, Vermont, Virginia and Wisconsin.

Drunken Driving

The Problem

Over the past decade, the United States has seen the decline of alcohol-related traffic crashes plateau. The most recent government data show that alcohol-related traffic fatalities now account for 31 percent of all traffic fatalities. In 2007, 12,998 people were killed in alcohol-related traffic crashes in the United States; 83 percent of these deadly, alcohol-related crashes involved at least one driver or non-occupant (pedestrians or cyclists) having a blood alcohol content (BAC) over the legal .08 limit.

AAA's Commitment

AAA continues its long history of working with state and national organizations to shape policy and educate the public about the dangers of drunken driving. Most recently, the association has revised its strategy to more actively support the implementation of interventions proven to reduce drunken driving.

A 2003 AAA Foundation for Traffic Safety research project "Drunk Driving: Seeking Additional Solutions"⁶ highlighted the need to deal effectively with hardcore and repeat drunk drivers, as well as make necessary improvements within the criminal justice system in order to see continued progress in alcohol-related crashes.

Based upon this and other research, AAA embarked upon a new strategy for combating drunken driving in 2007. The strategy includes a two-pronged approach through both prevention and intervention efforts.

On the prevention side, AAA will continue promoting public education and outreach, as well as effective policies and programs to prevent drunken driving. On the intervention side, the association will support new intervention efforts identified by the Traffic Injury Research Foundation (TIRF) to address the critical challenges within the criminal justice system. First among these efforts is the ongoing AAA development of a web site clearinghouse of impaired driving enforcement and adjudication information for criminal justice professionals. In addition to these efforts, and because many recidivists suffer alcohol problems, the Association will continue to support research and interventions to improve screening and brief interventions in the healthcare setting. An example of one successful intervention is the AAA Foundation for Traffic Safety's "Screening for Our Safety" healthcare project originally conducted in Rhode Island.⁷

AAA is developing a website to serve as a resource to educate and inform criminal justice professionals on topics surrounding impaired driving. The site is designed for judges, prosecutors, probation and parole personnel,

as well as law enforcement, to obtain information and utilize available resources to reduce recidivism in their communities.

Federal Incentive Grants

SAFETEA-LU provides general incentive grants for states to address impaired driving (Section 410 program). Various standards determine eligibility:

States can qualify for grants by either achieving a low alcohol fatality rate (.05 or less per 100 million vehicle miles traveled) or satisfying specific program criteria each year (3 out of 8 criteria in FY 2006, 4 in FY 2007 and 5 in FY 2008 and 2009).

The revised program criteria are: (1) use of sobriety checkpoints and saturation patrols; (2) prosecution and adjudication outreach programs; (3) increased BAC testing of drivers involved in fatal crashes; (4) high-risk driver program; (5) effective alcohol rehabilitation program or use of specialized courts (DWI courts); (6) underage drinking program; (7) administrative license revocation program; and (8) self-sustaining impaired driving prevention program (fines returned to local communities).

The 10 states with the highest impaired driving fatality rates can receive additional funding, but must prepare impaired driving plans to be approved by NHTSA.

SAFETEA-LU also provides funding for NHTSA to carry out at least two high visibility enforcement campaigns each year from 2007 through 2009. In FY 2008, NHTSA provided \$29 million for High Visibility Enforcement programs that focused on combating alcohol and drug-impaired driving and increasing seat belt use. Also, recently NHTSA convened a meeting with representatives from the judicial system, including judges, prosecutors and parole officers to discuss the role of alcohol ignition interlocks in reducing drunk driving fatalities.

.08 BAC

SAFETEA-LU permanently codifies a provision initially enacted in October 2000 to penalize states that do not adopt illegal per se laws with a limit of .08 BAC as their drunk driving standard. Although all 50 states and the District of Columbia now have .08 BAC laws, the sanction will stay in place. If a state repeals its law in favor of a lesser standard, three percent of its highway construction funds would be withheld.

The most recent government data show that alcohol-related traffic fatalities now account for 31 percent of all traffic fatalities.

Open Container

The previous federal transportation law, TEA-21, sanctioned states that did not pass open container and repeat offender laws by October 1, 2000. States that still do not have open container laws that meet federal standards will continue to have three percent of their highway construction and maintenance funds redirected to safety programs.

To be compliant with TEA-21 criteria, a state's open container law must prohibit the possession of any open alcoholic beverage container or the consumption of any alcoholic beverage in the passenger area of any motor vehicle (including possession or consumption by the driver of the vehicle) on a public highway or the right-of-way of a public highway in the state.

The following 40 states and the District of Columbia have open container laws that comply with TEA-21:

Alabama	Arizona	California	Colorado
Florida	Georgia	Hawaii	Idaho
Illinois	Indiana	Iowa	Kansas
Kentucky	Louisiana	Maine	Maryland
Massachusetts	Michigan	Minnesota	Montana
Nebraska	Nevada	New Hampshire	New Jersey
New Mexico	New York	North Carolina	North Dakota
Ohio	Oklahoma	Oregon	Pennsylvania
Rhode Island	South Carolina	South Dakota	Texas
Utah	Vermont	Washington	Wisconsin

Repeat Offender Laws

Federal Perspective

States will continue to have three percent of highway construction funds transferred to safety programs until they pass laws that provide for all of the following penalties for repeat offenders:

- Suspension of the driver license for a period of not less than one year
- Vehicle impoundment, immobilization or the installation of an ignition interlock device
- Alcohol assessment and treatment program
- Thirty days of community service or not less than five days of imprisonment on the third or subsequent offenses.

State Perspective

According to NHTSA, the following 39 states and the District of Columbia have repeat offender laws that meet the requirements of TEA-21:

Alabama	Arkansas	Colorado	Connecticut
Delaware	Florida	Georgia	Idaho
Illinois	Indiana	Iowa	Kansas
Kentucky	Maine	Maryland	Michigan
Mississippi	Missouri	Montana	Nebraska
Nevada	New Jersey	New York	North Carolina
North Dakota	Ohio	Pennsylvania	South Carolina
Tennessee	Texas	Utah	Virginia
Washington	West Virginia	Wisconsin	

Sixteen states introduced repeat offender bills this year strengthening exiting laws or putting into place provisions required by TEA-21. Laws were passed in seven states: Colorado, Florida, Georgia, Louisiana, Ohio, South Carolina and Wisconsin.

Aggressive/Reckless Driving

Seventeen states introduced legislation this year regarding unsafe, aggressive and reckless driving behavior, with laws enacted in Oklahoma and Tennessee.

- Oklahoma's law adds speeding and driving recklessly in construction zones to the list of offenses that constitute aggressive driving.
- Tennessee's law provides that the operator of a tractor-trailer truck who exceeds the posted speed limit by more than 15 mph commits a Class B misdemeanor of reckless driving, rather than speeding.

Most of these bills sought to establish or define the offense of aggressive driving and impose penalties for the offense. Thirteen states have aggressive driving laws: Arizona, California, Delaware, Florida, Georgia, Indiana, Maryland, New Jersey, Nevada, North Carolina, Rhode Island, Utah and Virginia.

States will continue to have three percent of highway construction funds transferred to safety programs until they pass laws that provide specific penalties for repeat offenders.

Gasoline Taxes

Federal Perspective

SAFETEA-LU did not contain an increase in the 18.4 cents per gallon federal gas tax when signed into law in 2005. However, the funding levels set forth in SAFETEA-LU have recently begun to exceed incoming revenues, which will result in an estimated \$4 billion deficit in federal highway funding in FY 2009.

The U.S. House of Representatives passed a bill that would avert a trust fund deficit by infusing \$8 billion into the fund. The U.S. Senate has attempted to pass this funding fix, but has not yet been able to do so. We can expect additional focus on the status of the Highway Trust Fund in the coming year as the SAFETEA-LU reauthorization process begins.

Because current trends indicate that transportation funding resources are insufficient to meet existing and future needs, AAA is working to develop recommendations for transportation policy and funding options for the upcoming reauthorization in 2009.

State Perspective

Legislation relating to gas taxes was enacted five states in 2008. In Alaska, legislation was enacted to suspend the state's gas tax of 8 cents per gallon until August 31, 2009. In Iowa, a tax increase of .3 cents was enacted, though it is slated to sunset on June 30, 2009. Minnesota enacted a .5 cent per gallon increase on its state gas tax, bringing the total to 25.5 cents per gallon. Nebraska increased the variable rate of its gas tax 3 cents per gallon bringing it to 13.5 cents per gallon. Finally, in West Virginia, legislation was enacted to freeze the state's variable gas tax at the current level of 11.7 cents per gallon until January 1, 2010.

Helmets

Bicycle Helmets

In 2007, 698 bicyclists were killed in traffic-related crashes and an additional 43,000 more were injured. Twenty-four percent of the bicyclists killed in traffic crashes in 2007 were under 14 years old.

Bicycle helmets offer the best protection from head injuries in traffic-related crashes for cyclists of all ages. Despite that fact, statistics show that just 20 to 25 percent of all bicyclists wear helmets. Supporting studies conducted by

NHTSA reveal that bicycle helmets are 85 to 88 percent effective in preventing head injuries and 75 percent effective in reducing fatalities resulting from bicycle crashes. NHTSA estimates universal bicycle helmet use by children under 15 would prevent 39,000 to 45,000 head injuries and approximately 150 deaths each year.

NHTSA estimates that the annual cost of bicycle-related deaths and injuries is \$8 billion. This year, at least four states introduced bicycle helmet legislation, with one passing in Delaware. Most of the bills introduced required helmets to meet federal safety standards or raised the age at which helmets are mandatory. Also a few states introduced legislation requiring cyclists to wear reflective clothing, but no laws passed. Although no state has a comprehensive bicycle helmet law that applies to all riders of any age, 21 states and the District of Columbia require riders younger than a certain age to wear a helmet:

Alabama	California	Colorado	Connecticut
Delaware	Florida	Georgia	Hawaii
Louisiana	Maine	Maryland	Massachusetts
New Hampshire	New Jersey	New York	North Carolina
Oregon	Pennsylvania	Rhode Island	Tennessee
West Virginia			

These laws cover children ranging in age from under 12 (Louisiana and Pennsylvania) to under 18 (California and New Mexico). The penalties associated with these laws vary by state.

Motorcycle Helmets

In 2007, 5,154 motorcyclists died in traffic crashes. The 6.6 percent increase from 2006 marks the tenth consecutive year of increase. In 2007, motorcycle rider fatalities represented 13 percent of all motor vehicle traffic crash fatalities compared to just 5 percent in 1997. This represents the highest number of motorcycle fatalities since 1975.

Some of the increase in fatalities can be attributed to an increase in registered riders. Of those deaths, 65 percent occurred in states without a universal helmet law compared to 13 percent in states with a universal helmet law in 2006. NHTSA estimates that 80 percent of motorcycle crashes result in rider injury or death, with head injury a leading cause of death in motorcycle crashes.

Helmets are estimated to be 37 percent effective in preventing fatal injuries to motorcyclists; NHTSA estimates that helmets saved the lives of 1,784 motorcyclists in 2007. If all motorcyclists had worn helmets, NHTSA estimates an additional 800 lives could have been saved. Motorcycle helmet use laws have proved effective in reducing deaths and injuries.

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Observations from NHTSA and the Motorcycle Safety Foundation indicate that states that repealed or weakened their helmet laws recorded a dramatic decline in usage rates, and a correlated increase in motorcycle deaths and injuries.

Federal Perspective

While federal law does not address the issue of motorcycle helmet use, SAFETEA-LU established a new incentive grant program for states that adopt and implement "effective programs that reduce motorcycle crashes." States that meet two out of six criteria are eligible for the grants. Criteria are:

- Statewide motorcycle rider training courses
- Statewide motorcyclist awareness program
- Reduction of fatalities and crashes involving motorcycles
- Statewide impaired driving program to reduce impaired driving, including specific measures to reduce impaired motorcycle operation
- Reduction of fatalities and accidents involving alcohol or drug impaired motorcyclists
- Use of all fees collected from motorcyclists for motorcycle training and safety programs.

States can use grant funds only for motorcyclist safety training and motorcyclist awareness programs—including improved training curricula, delivery of training recruitment or retention of motorcyclist safety instructors and public awareness and outreach programs. In 2008, US DOT Secretary Peters urged Congress to allow states to promote the use of motorcycle helmets with these funds but Congress did not act on the proposal. Motorcyclist safety is likely to be a top safety concern in the 2009 transportation reauthorization process.

On the research side, a comprehensive motorcycle crash causation study is currently being conducted by Oklahoma State University. The idea behind the study is to help us understand the causes of crashes so that effective countermeasures can be developed. The last United States motorcycle crash causation study was conducted in 1980.

SAFETEA-LU also directed NHTSA to develop and provide states with model language for use in traffic safety education courses, driver manuals and other driver training materials instructing motorists on the importance of sharing the roads safely with motorcyclists. That model language is posted on NHTSA's website.⁸

State Perspective

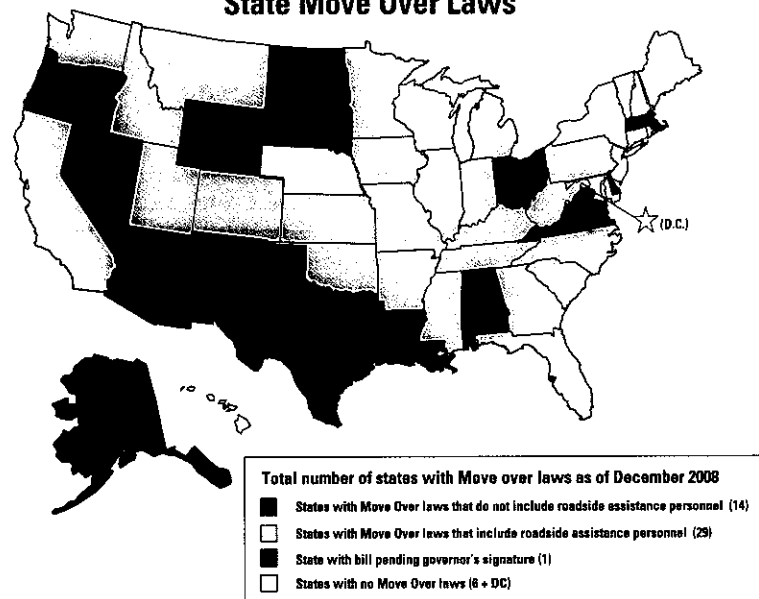
This year, at least six states introduced motorcycle helmet bills, but none passed. Louisiana and Michigan considered legislation to repeal the current motorcycle helmet law. Neither bill passed. All but three states (Illinois, Iowa and New Hampshire) require some or all motorcyclists to wear helmets.

Twenty states and the District of Columbia require all motorcycle operators and passengers to wear helmets:

Alabama	California	Delaware	Georgia
Louisiana	Maryland	Massachusetts	Michigan
Mississippi	Missouri	Nebraska	Nevada
New Jersey	New York	Oregon	Tennessee
Vermont	Virginia	Washington	West Virginia

Twenty-seven other states have limited helmet laws that apply to people under a specific age, though these laws have not been found to be very effective as the enforcement of them is difficult. This year three states introduced legislation to lower the age requirement for wearing a helmet. There are no new laws in this category, however, a bill in Michigan passed but was vetoed by the governor. Further observations from NHTSA and the Motorcycle Safety Foundation indicate that states that repealed or weakened their helmet laws recorded a dramatic decline in usage rates, and a correlated increase in motorcycle deaths and injuries.

State Move Over Laws



Move Over Laws

Move over laws generally require passing motorists to vacate the lane nearest an emergency vehicle when it is stopped on a multi-lane highway with its lights activated. Some states include tow trucks in their definition of emergency vehicles. 2008 was a very successful year for move over legislation. Seven states introduced bills to add tow trucks and recovery vehicles to their existing move over laws, with bills becoming law in

⁸ For a copy of the model language, visit <http://www.nhtsa.dot.gov/people/injury/pedbimo/motorcycle/SharetheRoad/index.html>

Colorado, New Hampshire and Oklahoma. In Rhode Island legislation was passed to establish a move over law that includes tow trucks.

Forty-three states now have move over laws. In the following 29 states, the laws include tow trucks among the covered emergency vehicles:

Arkansas	California	Colorado	Florida
Georgia	Idaho	Illinois	Indiana
Iowa	Kansas	Kentucky	Maine
Michigan	Minnesota	Mississippi	Missouri
Montana	New Hampshire	North Carolina	Oklahoma
Pennsylvania	Rhode Island	South Carolina	Tennessee
Utah	Vermont	Washington	West Virginia
Wisconsin			

Occupant Protection

According to NHTSA's National Occupant Protection Use Survey, the overall seat belt use rate in 2008 was 83 percent, an increase of one percentage point from 2007. In 2007, 28,933 occupants of passenger vehicles were killed in motor vehicle crashes; the majority of those killed were unrestrained. Research has shown that when lap and shoulder belts are used, they reduce the risk of fatal injury to front seat passengers by 45 percent. Among all passenger vehicle occupants over age 4, seat belts saved an estimated 15,147 in 2007. If all passenger vehicle occupants over age 4 had worn their seat belts in 2007, an additional 5,024 lives could have been saved.

Primary (or "standard") seat belt laws are very effective in increasing seat belt usage. These laws have been shown to increase a state's seat belt use rate by an average of 10 percentage points. The grant program outlined below gives states financial incentive to enact primary laws.

Federal Perspective

SAFETEA-LU provides two opportunities for states to receive grants to improve occupant protection. Under the Sec. 406 program, states that enact primary enforcement seat belt laws after December 31, 2002, or those whose seat belt use rate reaches 85 percent or more for two calendar years are eligible to receive 4.75 times the state's FY 2003 Sec. 402 allocation. Under this program, the DOT awarded \$109 million to 17 states in August 2007. These funds may be used for any highway safety purpose either for behavioral programs or for infrastructure. States that enacted primary laws before 2003 were eligible to receive two times their FY 2003 Sec. 402 allocation. Under the second program (Sec. 405), a state is eligible for an incentive grant by adopting or demonstrating at least four of the following six criteria:

- Seat belt use law applying to passengers in all seats in the vehicle
- A seat belt law providing for standard enforcement
- Minimum fines or penalty points for seat belt and child safety seat use law violations
- A statewide special traffic enforcement program (STEP) for occupant protection that emphasizes publicity
- A statewide child passenger protection program that includes education programs about proper seating positions for children in air bag equipped motor vehicles and instruction on how to reduce the improper use of child restraint systems
- A child passenger protection law that requires minors to be properly secured in a child safety seat or other appropriate restraint system.

State Perspective

Forty-nine states (all except New Hampshire) and the District of Columbia have mandatory seat belt laws. In most states, these laws cover front seat occupants only. However, seat belt laws in the following 18 states and the District of Columbia cover front and rear seat occupants:

Alaska	California	Delaware	Idaho
Kentucky	Maine	Massachusetts	Montana
Nevada	New Mexico	New York	North Carolina
Oregon	Rhode Island	Utah	Vermont
Washington	Wyoming		

People in passenger cars, pickups, utility vehicles and vans are required to comply with belt laws in most jurisdictions, but in Georgia occupants of pickup trucks are exempt.

This year, 16 states introduced standard enforcement bills, with none enacted. There are now 26 states and the District of Columbia with standard laws:

Alabama	Alaska	California	Connecticut
Delaware	Georgia	Hawaii	Idaho
Illinois	Indiana	Iowa	Kentucky
Louisiana	Maine	Maryland	Michigan
Mississippi	Nebraska	New Mexico	New York
North Carolina	Oregon	South Carolina	Tennessee
Texas	Washington		

Research has shown that when lap and shoulder belts are used they reduce the risk of fatal injury to front seat passengers by 45 percent. If all passenger vehicle occupants over age 4 had worn their seat belts in 2007, an additional 5,024 lives could have been saved.

Automated Enforcement

States and localities vary greatly in their stances on cameras automated traffic enforcement. In states with established, accepted red light enforcement programs, increasing numbers of local governments are implementing the programs. States and localities are increasingly looking at automated speed enforcement as a tactic in reducing speeding. Speed and red light violations are most commonly treated as either traffic violations or as the equivalent of parking tickets, depending on state law.

Legislatures in 32 states considered automated enforcement bills in 2008. Laws were enacted in three states: Louisiana, Rhode Island, and Tennessee. Of note among the new laws are the following:

- Louisiana's law establishes that an automated enforcement violation shall not be registered on a motorist's state driving record.
- Rhode Island's law permits video enforcement of vehicles that pass a school bus while loading or unloading students.

Tennessee passed laws that clarify local operations of automated enforcement, to include a specific prohibition of shortening the yellow signal at an intersection where red light cameras are used. According to the Insurance Institute for Highway Safety, communities in twenty-five states and the District of Columbia conduct automated red light cameras and/or photo speed enforcement. They are:

Alabama	Arizona	California	Colorado
Delaware	Florida	Georgia	Illinois
Iowa	Louisiana	Maryland	Massachusetts
Mississippi	Missouri	New Mexico	New York
North Carolina	Ohio ⁹	Oregon	Pennsylvania
Rhode Island	South Dakota ⁹	Tennessee ⁹	Texas ⁹
Washington			

Conclusion

There are positive signs that states are increasing their focus on traffic safety. All 50 states now have some form of graduated driver licensing. Nearly all states have booster seat laws. All states have had .08 BAC standards for drunk driving for nearly a decade.

Yet legislative challenges remain in tightening these laws to be more effective and save lives on our roads. For example, many states lack effective night and passenger limits for teen drivers. Children under eight remain uncovered by many state child passenger safety laws. Other laws – addressing drunk driving, seat belts and driver distraction – also need to be improved. The traffic safety advocacy community's legislative work is far from done.

AAA recognizes that laws are one important component improving traffic safety. AAA and its clubs nationwide will continue to advance traffic safety to make highways safer for our members and all motorists through a comprehensive approach to traffic safety, including the passage of good laws, strong enforcement, and public education.



States and localities are increasingly looking at automated speed enforcement as a tactic in reducing speeding.

⁹ Certain municipalities in these states permit red light camera programs through a local ordinance rather than a state law.

Alabama
Alaska
Arizona
Arkansas
California
Colorado
Connecticut
Delaware
Florida
Georgia
Hawaii
Idaho
Illinois
Indiana
Iowa
Kansas
Kentucky
Louisiana
Maine
Maryland
Massachusetts
Michigan
Minnesota
Mississippi
Missouri
Montana
Nebraska
Nevada
New Hampshire
New Jersey
New Mexico
New York
North Carolina
North Dakota
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Nov. 14, 2007
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State pays \$150,000 in NHP crash

By ED VOGEL
REVIEW-JOURNAL CAPITAL BUREAU

Police are not better drivers than everyone else. They should be equal before the law.

CARSON CITY -- The state Board of Examiners on Tuesday awarded \$50,000 each to the parents of three of the four people who died in an accident involving a Nevada Highway Patrol trooper traveling 113 mph.

The board, chaired by Gov. Jim Gibbons, made no comments in approving the settlements to Graciela Lang, Jose De La Paz Cruz and Sylvia De Leon La Cruz. Their children were killed in the crash involving trooper Joshua Corcran.

Corcran, 30, rear-ended a 1988 Cadillac carrying five passengers on Feb. 19, 2006. The collision forced their vehicle off the road on Interstate 15 near Sloan.

Just before the accident, Corcran had told dispatchers that he had to hurry home to eat dinner and take an online test. At the time of the accident he was not driving with emergency lights flashing. *No texting involved!*

Killed in the accident were 21-year-old Victor De La Cruz-De Leon, 21-year-old Reymunda Lopez-Vazquez, 42-year-old Jose Sanchez Lopez and 19-year-old Jose Roberto Mejia Lang.

Cecilia Lopez Cruz, the pregnant 16-year-old wife of De La Cruz-De Leon, was the sole survivor from the Cadillac.

The trooper later apologized to the families and pleaded guilty in August 2006 to five counts of reckless driving causing death or bodily damage.

Corcran received a one- to six-year prison sentence for each of the counts. He is serving his sentence at an undisclosed prison in another state.

Voting Sheets

HOUSE COMMITTEE ON TRANSPORTATION

EXECUTIVE SESSION on HB 294

BILL TITLE: prohibiting writing a text message while driving.

DATE: February 17, 2009

LOB ROOM: 203

Amendments:

Sponsor: Rep. J. Brown

OLS Document #: 2009 0328

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Rokas

Seconded by Rep. LaPlante

Vote: (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Coffey

Seconded by Rep. Umberger

Vote: (Please attach record of roll call vote.) Retain: Retain Hinch, Ingersoll 11-4 to Retain

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Michael B. O'Brien, Clerk

HOUSE COMMITTEE ON TRANSPORTATION

EXECUTIVE SESSION on HB 294

BILL TITLE: prohibiting writing a text message while driving.

DATE: ~~2-10-09~~ 2-17-09

LOB ROOM: 203

Amendments:

Sponsor: Rep. *Jan Brown*

OLS Document #: 2009-0328

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions:

OTP, OTP/A, ITL, Interim Study (Please circle one.) *Amendment 2009-0328*

Moved by Rep. *Rokas*

Seconded by Rep. *LaPlante*

Vote: (Please attach record of roll call vote.)

Motions:

OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. *Cotter*

Seconded by Rep. *Urbangren*

Vote: (Please attach record of roll call vote.)

*Remain
Hinch
Ingensol
11-4 TO REMAIN*

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Michael B. O'Brien, Clerk

TRANSPORTATION

Bill #: 294 Title: Prohibiting Writing a Text Message While Driving

PH Date: 1/1/1 Exec Session Date: 2/17/09

Motion: OTP on Amendment 09-0328 Amendment #: 2009-0328

MEMBER	YEAS	NAYS
Williams, Robert W, Chairman	✓	
Brown, Jennifer M, V Chairman	✓	
Brown, C. Pennington	✓	
Ingersoll, Paul H	✓	
O'Brien, Michael B, Clerk	✓	
Hebert, Roger G	✓	
LaPlante, Roland H	✓	
Rhodes, Brian D	✓	
Rokas, Theodoros V	✓	
Soucy, Timothy A	✓	
Stuart, Richard T	NOT PRESENT	
Nedeau, Stephen H	NOT PRESENT	
Katsakiores, George N		✓
Flanders, John W	✓	
Veazey, John A	NOT PRESENT	
Coffey, Jennifer R	✓	
Hikel, John A	NOT PRESENT	
Hinch, Richard W	✓	
Umberger, Karen C	✓	
	14	1

TRANSPORTATION

Bill #: HB 294 Title: Prohibiting Writing a Text Message While Driving

PH Date: 2, 3, 09

Exec Session Date: 2, 10, 09

Motion: ITL

Amendment #: _____

MEMBER	YEAS	NAYS
Williams, Robert W, Chairman		✓
Brown, Jennifer M, V Chairman		✓
Brown, C. Pennington		✓
Ingersoll, Paul H		✓
O'Brien, Michael B, Clerk		✓
Hebert, Roger G		✓
LaPlante, Roland H		✓
Rhodes, Brian D		✓
Rokas, Theodoros V		✓
Soucy, Timothy A		✓
Stuart, Richard T	not Present	
Nedeau, Stephen H	not Present	
Katsakiores, George N	✓	
Flanders, John W		✓
Veazey, John A	not Present	
Coffey, Jennifer R	✓	
Hikel, John A	not Present	
Hinch, Richard W		✓
Umberger, Karen C		✓
	2	13

TRANSPORTATION

Bill #: HB 294 Title: Prohibiting Writing Text Message While Driving

PH Date: 2, 3, 09

Exec Session Date: 2, 17, 09

Motion: Repeal the Bill

Amendment #: _____

MEMBER	YEAS	NAYS
Williams, Robert W, Chairman	✓	
Brown, Jennifer M, V Chairman	✓	
Brown, C. Pennington		✓
Ingersoll, Paul H	✓	
O'Brien, Michael B, Clerk		✓
Hebert, Roger G	✓	
LaPlante, Roland H	✓	
Rhodes, Brian D	✓	
Rokas, Theodoros V	✓	
Soucy, Timothy A		✓
Stuart, Richard T	not present	
Nedeau, Stephen H	not present	
Katsakiores, George N	✓	
Flanders, John W	✓	
Veazey, John A	not present	
Coffey, Jennifer R		✓
Hikel, John A	not present	
Hinch, Richard W	✓	
Umberger, Karen C	✓	
	11	4
TOTAL VOTE:		

HOUSE COMMITTEE ON TRANSPORTATION

EXECUTIVE SESSION on HB 294

BILL TITLE: prohibiting writing a text message while driving.

DATE: October 28, 2009

LOB ROOM: 203

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Soucy

Seconded by Rep. Umberger

Vote: 17-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 17-0 - YES

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Michael B. O'Brien, Clerk

HOUSE COMMITTEE ON TRANSPORTATION

EXECUTIVE SESSION on HB 294

BILL TITLE: prohibiting writing a text message while driving.

DATE: October 28, 2009

LOB ROOM: 203

Amendments:

Sponsor: Rep. *Rep. J. Brown* OLS Document #: *2009 0328*
Sponsor: Rep. OLS Document #:
Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. *T. Souch*

Seconded by Rep. *K. Umberson*

Vote: *17-0* (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: *17-0*

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Michael B. O'Brien, Clerk

TRANSPORTATION

Bill #: HB 294 Title: Prohibiting writing a text message while driving

PH Date: / / Exec Session Date: 10 / 28 / 09

Motion: Motion to ITL Amendment #:

MEMBER	YEAS	NAYS
Williams, Robert W, Chairman	X	
Brown, Jennifer M	X	
Brown, C. Pennington, Clerk	X	
Ingersoll, Paul H	X	
O'Brien, Michael B, V Chairman	X	
Hebert, Roger G	X	
LaPlante, Roland H	X	
Rhodes, Brian D	X	
Rokas, Theodoros V	X	
Soucy, Timothy A	X	
Stuart, Richard T	not present	
Nedeau, Stephen H	X	
Katsakiores, George N	X	
Flanders, John W	X	
Veazey, John A	not present	
Coffey, Jennifer R	X	
Hikel, John A	X	
Hinch, Richard W	X	
Umberger, Karen C	X	
TOTAL VOTE:		
	17	0

Committee Report

CONSENT CALENDAR

November 2, 2009

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on TRANSPORTATION to which was referred HB294,

AN ACT prohibiting writing a text message while driving. Having considered the same, report the same with the following Resolution: RESOLVED, That it is INEXPEDIENT TO LEGISLATE.

Rep. Timothy A Soucy

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	TRANSPORTATION
Bill Number:	HB294
Title:	prohibiting writing a text message while driving.
Date:	November 2, 2009
Consent Calendar:	YES
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

The committee's recommendation to ITL HB 294 was based on the Governor's signing of a Senate Bill making texting while driving against the law. The committee felt that this bill was unnecessary.

Vote 17-0.

Rep. Timothy A Soucy
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

TRANSPORTATION

HB294, prohibiting writing a text message while driving. **INEXPEDIENT TO LEGISLATE.**
Rep. Timothy A Soucy for TRANSPORTATION. The committee's recommendation to ITL HB 294 was based on the Governor's signing of a Senate Bill making texting while driving against the law. The committee felt that this bill was unnecessary. **Vote 17-0.**

Original: House Clerk
Cc: Committee Bill File

~~Rehodes~~
Sovey

COMMITTEE REPORT

COMMITTEE: TRANSPORTATION

BILL NUMBER: HB 294

TITLE: Prohibiting Writing a Text Message While Driving

DATE: 10-28-09 CONSENT CALENDAR: YES NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2nd year of biennium)

Amendment No. _____

STATEMENT OF INTENT:

The Committee's recommendation to I TL HB 294 was based on the Governor's signing of a Senate bill making texting while driving against the law, The Committee felt that this bill was unnecessary

(Signature)

COMMITTEE VOTE: _____

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. Timothy Sovey
For the Committee
Timothy Sovey

HB 294

ITL

The committee's recommendation to ITL HB 294 was based on the Governor's signing of a Senate Bill making texting while driving against the law. The committee felt that this bill was unnecessary.

Timothy Soucy