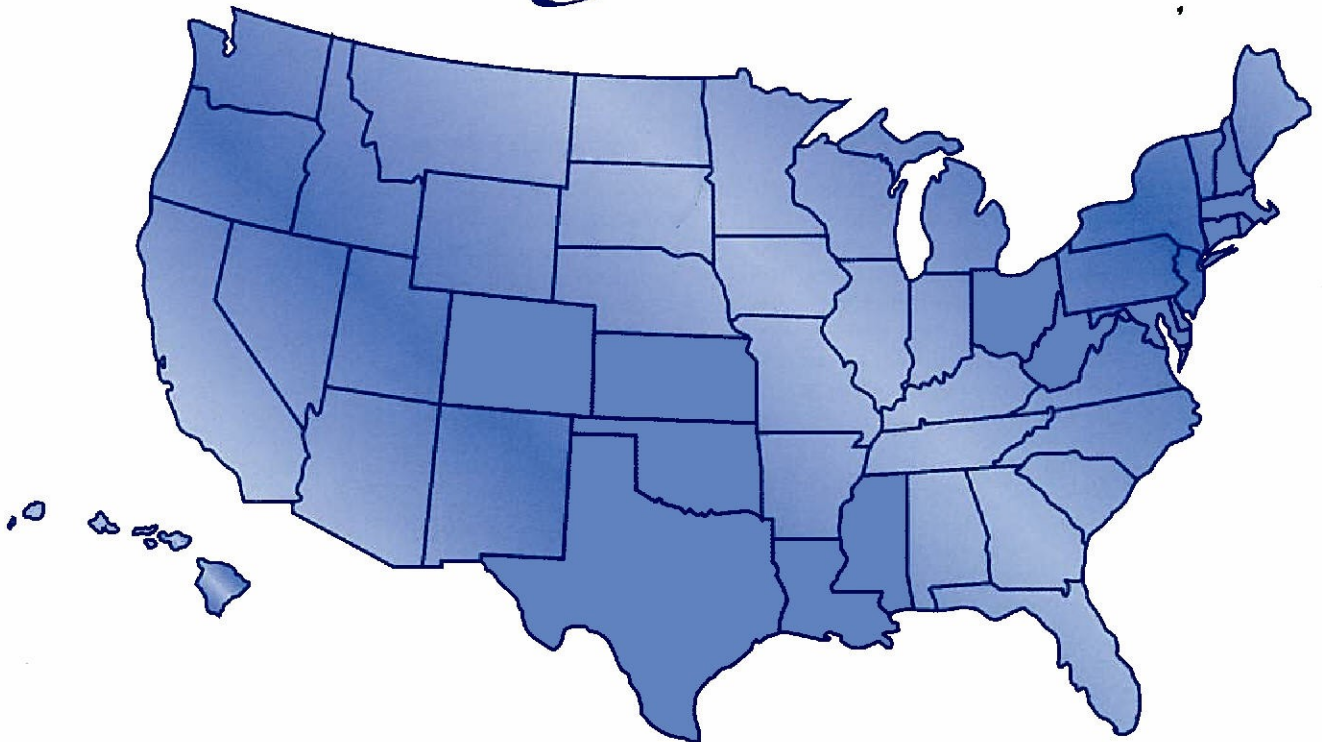


# STATE of the STATES

## Report



December 2007

## Introduction

This is the eighth 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 2007, and to help plan for 2008 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.

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## Child Passenger Safety – Seated, Safe and Secure

### The Problem

Motor vehicle crashes killed 1,335 children 14 years of age and under in 2006 and injured 208,000 others. That is approximately four children killed and 570 injured per day — enough to rank motor vehicle crashes as the number-one killer of children over age two in the United States. Tragically, many of these deaths and injuries could have been prevented. The National Highway Traffic Safety Administration (NHTSA) estimates that an additional 98 lives could have been saved in 2006 if all children under age five were 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 standard<sup>1</sup> 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.

Twelve 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 the *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 is the key 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 40 states and the District of Columbia. AAA has also been active at the national level and in local communities promoting child passenger safety.

### 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

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

The information in the enclosed report is accurate to the best of our ability as of December 2007. 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.



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. In FY 2007, the following 13 states and the District of Columbia received CPS grant funding as a result of their booster seat law: Delaware, Kansas, Maine, Missouri, New Jersey, North Carolina, Oregon, Tennessee, Vermont, Virginia, Washington, West Virginia and Wisconsin.

### 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 a 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 42 states and the District of Columbia introduced almost 200 child restraint bills. The legislation falls 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.
- **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, 20 states introduced booster seat legislation. Bills enhancing current booster seat laws were enacted in Delaware, Illinois, Maine, Oregon and Virginia. The following 38 states and the District of Columbia have booster seat laws:

|             |           |               |                |               |
|-------------|-----------|---------------|----------------|---------------|
| Arkansas    | Idaho     | Missouri      | North Carolina | Vermont       |
| Alabama     | Illinois  | Montana       | North Dakota   | Virginia      |
| California  | Indiana   | Nebraska      | Oklahoma       | Washington    |
| Colorado    | Iowa      | Nevada        | Oregon         | Wisconsin     |
| Connecticut | Kansas    | New Hampshire | Pennsylvania   | West Virginia |
| Delaware    | Louisiana | New Jersey    | Rhode Island   | Wyoming       |
| Georgia     | Maine     | New Mexico    | South Carolina |               |
| Hawaii      | Maryland  | New York      | Tennessee      |               |

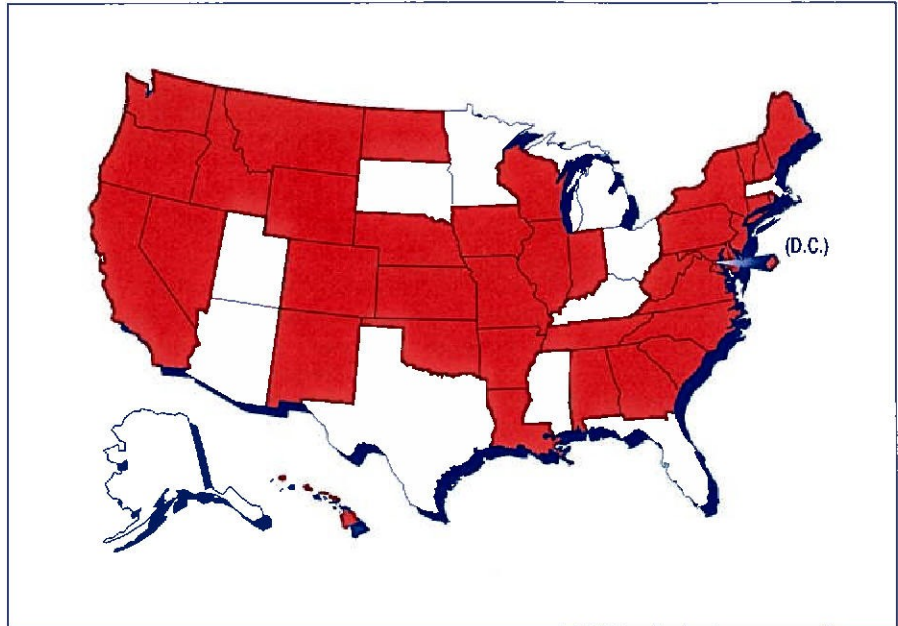
**Lawmakers in 42 states and the District of Columbia introduced almost 200 child restraint bills this year.**





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

**States with Booster Seat Laws**



The parameters of the booster seat laws across the country vary widely. However, the differences in these laws will likely decrease as states move to meet NHTSA's requirements for child passenger safety incentive grants. Currently, there are 20 different types of laws in place – the charts below outline them by parameter.

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    | Delaware  | Nevada     | North Carolina |
| California  | Louisiana | New Jersey | South Carolina |
| Connecticut | Montana   | New Mexico |                |

Thirteen states and the District of Columbia use age only:

- |          |          |          |              |         |
|----------|----------|----------|--------------|---------|
| Alabama  | Indiana  | Nebraska | Pennsylvania | Wyoming |
| Idaho    | Iowa     | New York | Vermont      |         |
| Illinois | Maryland | Oklahoma | Virginia     |         |

Eight states use age and height: Colorado, Hawaii, Georgia, New Hampshire, Oregon, Tennessee, Washington and West Virginia.

Six states use age, height and weight: Kansas, Maine, 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   | Indiana   | Minnesota  | New Mexico   | Vermont    |
| California | Iowa      | Missouri   | New York     | Washington |
| Colorado   | Kansas    | Montana    | Ohio         |            |
| Delaware   | Louisiana | Nebraska   | Rhode Island |            |
| Florida    | Maryland  | New Jersey | Texas        |            |



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

***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. Two states introduced related legislation this year, with a law enacted in Wisconsin. The following six states now have laws that protect safety seat technicians from liability: Georgia, Maryland, 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 three states considered legislation relating to children under 18 riding in a pickup truck bed, with a law enacted in Virginia. Virginia’s law removed an exemption that permitted children under 16 to ride in the bed of a pick-up truck. 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   | Georgia  | Missouri   | New Mexico   | Texas     |
| California | Hawaii   | Nebraska   | New York     | Utah      |
| Colorado   | Maine    | Nevada     | Oregon       | Wisconsin |
| Florida    | Michigan | New Jersey | Pennsylvania |           |

***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. 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 occur in the loading zones outside the bus.

**Each year, approximately 100 children and teens die as a result of riding in the cargo area of a pickup truck.**



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**NHTSA recommends  
that children under 13  
years of age sit in the  
back seat at all times.**

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Despite encouraging data on the safety of school bus transportation, adding a requirement for seat belts on school buses remains of interest to the public and to policymakers. The U.S. Department of Transportation issued a proposed rulemaking in November 2007 that, if approved, would require all new school buses to have seatbacks that are 4 inches higher than the previous 20-inch standard. The proposal also calls for three-point seat belt systems in all new small buses with less than 10,000 pounds gross vehicle weight rating (GVWR) and provides federal standards for seat belts on larger school buses for school districts that decide to add them.<sup>2</sup>

A number of highly publicized school bus crashes in 2007 resulted in significant policy activity. Twenty-eight states – up from 19 last year – introduced legislation related to seat belts on school buses, with laws enacted in New York, North Carolina and Texas. 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.

New York's law requires occupants of a school bus having a seating capacity of less than 12 passengers to be restrained by a seat belt. North Carolina's law requires a seat belt on school bus study to be completed by May 1, 2008. Texas' law requires school buses purchased after September 1, 2010, to be equipped with three-point seat belts. It also requires the Board of Education to launch a program that discusses the proper use of a three-point seat belt.

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***

The Insurance Institute for Highway Safety estimates that between 1990 and mid-2005, 136 children and 24 infants were killed by passenger airbags. More than 84 percent of these deaths were because children were unrestrained, not properly restrained or seated too close to an airbag. NHTSA recommends that children under 13 years of age sit in the back seat at all times. As a result, a number of states have acted to protect children in this regard. Six states introduced seating-placement bills this session, with none enacted.

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

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

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### ***Standard Enforcement for Children***

Restraint laws for children are increasingly becoming more distinct from adult restraint laws. This year, five states introduced bills requiring standard enforcement for children, with a law enacted in Kansas. Standard enforcement laws for all occupants are in place in 26 states and the District of Columbia. Eight states now have standard enforcement laws that cover children up to age 18: Florida, Kansas, Nebraska, New Hampshire, North Dakota, Rhode Island, South Dakota and Utah.

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<sup>2</sup>School districts would be allowed to use federal highway safety funds to cover implementation costs, according to the proposal.



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## ***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.

Although cell phone use (and legislation to curb cell phone use) in cars generates headlines, legislation and much public debate, there are many other sources of distraction that can lead to crashes. AAA takes a broad view on the issue, focusing on the general topic of distracted driving.

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### ***AAA's Commitment***

In 2000, AAA launched *Stay Focused – Keep Your Mind on the Road* to educate drivers and policy makers on the full range of distractions that can lead to crashes. Rubbernecking, using a cell phone, 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. Recently, this list of distractions has grown to include text messaging and instant messaging while driving as well. These activities place drivers, passengers and others on the road at risk.

AAA continues to monitor and track this issue, as it remains a major traffic safety issue in the states.

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### ***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.

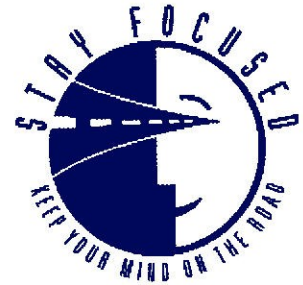
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### ***State Perspective***

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, 36 states introduced bills related to distracted driving. At the local level, over 300 cities across the country have considered some type of ban. At least 10 localities have ordinances prohibiting the use of hand-held cell phones while driving<sup>3</sup>.

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<sup>3</sup>The following localities have passed ordinances that restrict cell phone use: Chicago, IL; Brookline, MA; Detroit, MI; Santa Fe, NM; Brooklyn, North Olmstead and Walton Hills, OH; and Conshohocken, Lebanon and West Conshohocken, PA.



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**AAA continues to monitor and track distracted driving, as it remains a major traffic safety issue in the states.**

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Bills typically fall into the following seven 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.
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### ***Comprehensive Distracted Driving Legislation***

This year, 18 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. 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.

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### ***Complete Cell Phone Ban***

Nine states introduced legislation that would have resulted in complete cell phone bans for all drivers, but no bills passed. A complete cell phone ban applies to all cell phones regardless of whether the phone is hands-free or hand-held. In all of the bills, exceptions were written into the legislation permitting emergency calls.

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### ***Hand-Held Cell Phone Bans***

Twenty-eight states introduced legislation pertaining to a ban on hand-held cell phones this year, with a law enacted in Washington. Washington's law prohibits motorists from using a cell phone unless it is equipped with a hands-free device as well as excepting use during emergency situations. The new law will become effective July 1, 2008, and will be secondarily enforced.

Five states and the District of Columbia currently have laws banning the use of hand-held cell phones while driving: California (effective 7/1/2008), 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-nine states introduced legislation prohibiting the use of cell phones by learner's permit holders and provisional licensees, except for emergency calls. Four states enacted such laws this year: California, Nebraska, Oregon and Virginia. Laws prohibiting the use of cell phones by teens are now in place in 17 states and the District of Columbia:

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



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### **School Bus Driver Bans**

Seven states introduced bills prohibiting school bus drivers from talking on a cell phone while driving, but none passed. Laws are in place in 14 states and the District of Columbia:

|            |             |               |                |           |
|------------|-------------|---------------|----------------|-----------|
| Arkansas   | Connecticut | Kentucky      | New Jersey     | Tennessee |
| Arizona    | Delaware    | Massachusetts | North Carolina | Texas     |
| California | Illinois    | Minnesota     | Rhode Island   |           |

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### **Study Commissions**

This year, two states introduced bills naming commissions to study distraction, with a law enacted in Maine. Maine's law requires the Department of Public Safety to study the role that cell phones may have played in causing motor vehicle crashes. Seven states have enacted laws establishing study commissions to examine the issue during recent years: Delaware, Florida, Hawaii, Louisiana, Maine, New Jersey and North Carolina.

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### **Data Collection**

This year, four states introduced data collection bills. Only Maine enacted a data collection bill. Under the Maine legislation, law enforcement agencies and insurance companies will inform the Department of Public Safety of motor vehicle incidents, accidents, violations and warnings that occur between October 1, 2007, and September 30, 2008, in which cell phones were involved.

The following 28 states and the District of Columbia track data related to cell phones/distracted driving:

|             |               |                |              |               |
|-------------|---------------|----------------|--------------|---------------|
| Alaska      | Illinois      | Minnesota      | New York     | Texas         |
| California  | Indiana       | Montana        | Oklahoma     | Utah          |
| Colorado    | Iowa          | Nebraska       | Oregon       | Virginia      |
| Connecticut | Maryland      | North Carolina | Pennsylvania | West Virginia |
| Delaware    | Massachusetts | Nevada         | South Dakota |               |
| Florida     | Michigan      | New Jersey     | Tennessee    |               |

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### **State Preemption Bills**

This session, eight states introduced preemption bills prohibiting local governments from enacting cell phone bans, with Washington enacting such a measure. Preemption laws are in place in the following 10 states:

|          |             |            |          |            |
|----------|-------------|------------|----------|------------|
| Florida  | Louisiana   | Nevada     | Oklahoma | Utah       |
| Kentucky | Mississippi | New Jersey | Oregon   | Washington |

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**Twenty-nine states introduced legislation prohibiting the use of cell phones by learner's permit holders and provisional licensees.**

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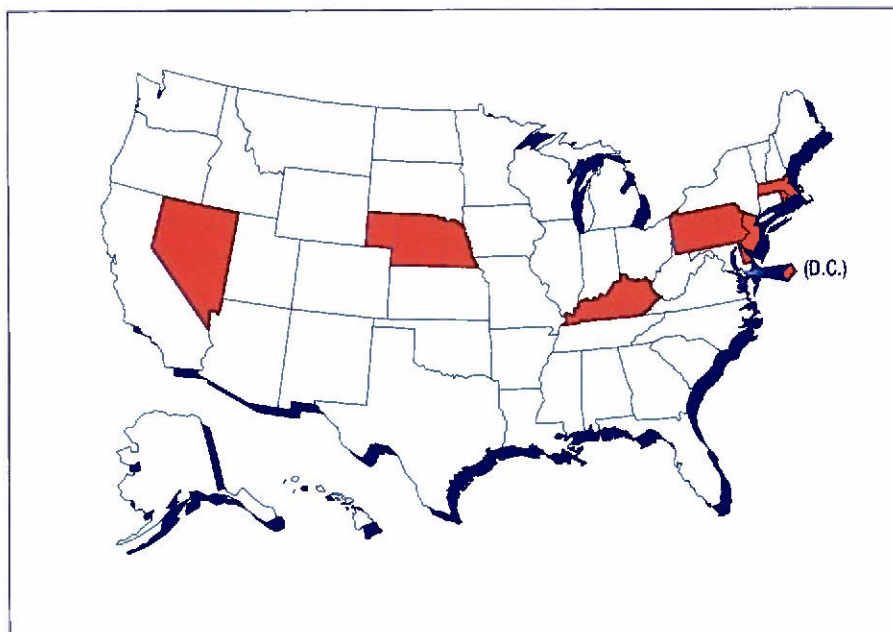


## Teen Drivers – Licensed to Learn

### 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 2006, drivers ages 15-20 accounted for over six percent of licensed drivers, but represented almost 13 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 report<sup>4</sup> 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.

### GDL: States with 5+ Key Components



### 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.

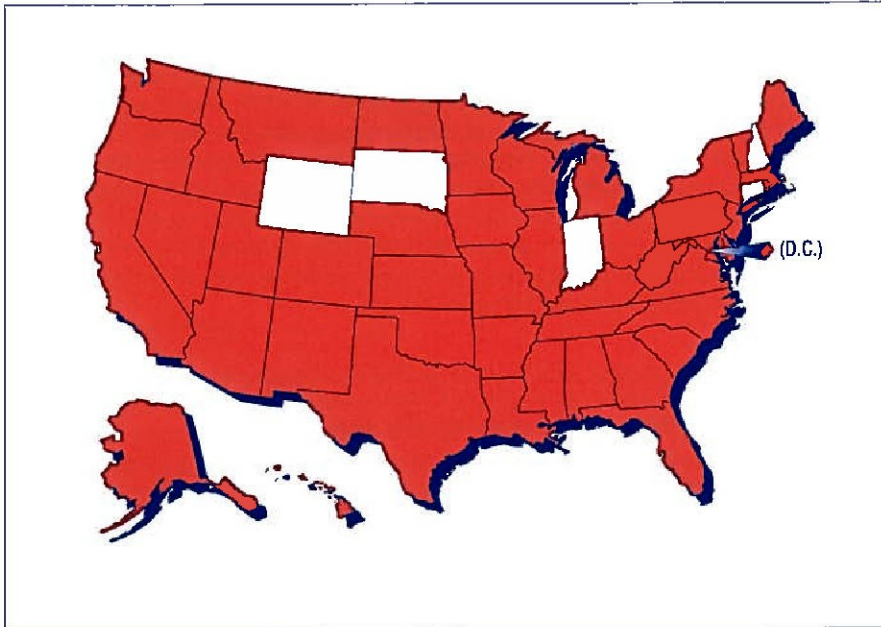
While all states now have some form of GDL, most state's systems need to be strengthened to include important measures now shown by research to save teen lives. The AAA Foundation for Traffic Safety released a report in 2007 showing that states with 5 or more of 7 key GDL components got major life-saving, 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.

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



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**GDL: States that Require at Least Six Months With a Learner's Permit**



The focus for AAA's 2007 - 2008 nationwide campaign for GDL improvements is 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.

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**The focus of AAA's 2007 - 2008 nationwide campaign for GDL improvements is on three core elements that define a strong GDL system.**

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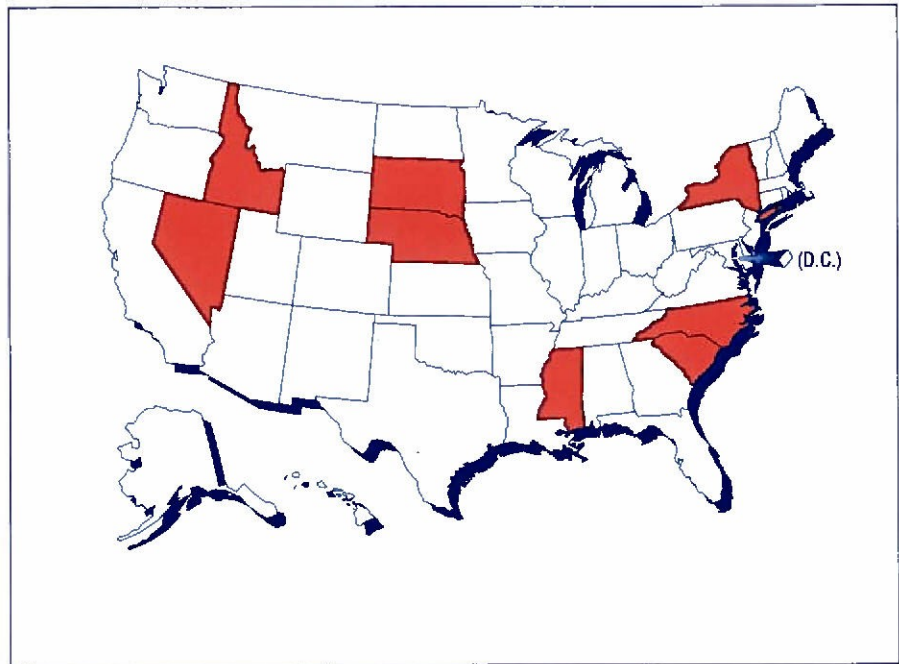
**Graduated Driver Licensing**

Forty-four states and the District of Columbia have a mandatory three-stage licensure system for all new teen drivers. Arkansas, Kansas, Minnesota 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 2007, over 180 bills were introduced in 41 states addressing graduated drivers licensing and other aspects of teen driver safety. Five states passed significant GDL improvements: Arizona, Idaho, Nebraska, Nevada and Illinois.

- Arizona's law establishes both nighttime restrictions and passenger limits during the first six months of intermediate licensure. Teens are prohibited from driving between midnight and 5 a.m. and may carry no more than one non-family passenger under age 18. Certified driving practice time increases to 30 hours (10 at night). The learner's permit mandatory holding period is extended to six months, with the minimum age lowered by one month to 15 years, 6 months. Supervisory drivers must be at least 21.
- Idaho's law lengthens the minimum holding period for a learner's permit from four months to six months. It also establishes passenger limits during the first six months of intermediate licensure for teens younger than 17, prohibiting more than one passenger under age 17 (with family exemptions).

***GDL: States with 10 p.m. or Earlier Night Limit***



**In 2007, over 180 bills were introduced in 41 states addressing graduated drivers licensing and other aspects of teen driver safety.**

- Nebraska's law improves both learner and intermediate stages by adding a six-month holding period and establishing passenger limits of no more than one passenger under 21 years (immediate family members exempt); increasing certified driving hours to 60 (10 at night); and expanding nighttime driving restriction hours to cover from 10 p.m. - 5 a.m. A teen cell phone ban is added that covers all interactive wireless communication devices. Intermediate license holders are required to be conviction-free for 12 months before applying for a full license.
- Nevada's law increases the duration of the passenger restriction from three to six months for intermediate stage drivers.
- Illinois' law extends nighttime driving restrictions to cover from 10 p.m. – 6 a.m. Sunday – Thursday nights and 11 p.m.- 6 a.m. Friday and Saturday nights; broadens passenger restrictions to no more than one teen passenger during the first 12 months of solo driving (with family exemptions); and extends the holding period for a learner's permit from three months to nine months.

***Driver Education***

***Federal Perspective***

SAFETEA-LU authorized NHTSA to conduct research to develop best practices to improve driver education, and that work is underway. 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 will continue to work with NHTSA and other organizations involved in driver education to highlight







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**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 which will effectively and efficiently select those persons qualified to drive.**

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## **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 2005, there were 29 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.

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### ***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 which 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. Comprising researchers and licensing professionals, this workshop was designed 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. Simultaneously, the Foundation analyzed the impact of a voluntary state reporting law for senior drivers in the state of Missouri.

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### ***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<sup>5</sup>. The plan includes information on how NHTSA intends to address the topics of screening assessment, licensing, medical guidance and public education.

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<sup>5</sup>For a copy of the plan, visit: <http://www.nhtsa.dot.gov/people/injury/olddrive/OlderDriverPlan/index.html>.



## 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, 11 states and the District of Columbia introduced legislation concerning additional requirements for senior drivers, with a law enacted in Texas. Texas' law states that drivers over 85 must demonstrate the ability to operate a motor vehicle in order to renew their license. Laws in the following 29 states and the District of Columbia provide licensing provisions that specifically apply to senior drivers:

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

Legislators in five states introduced legislation related to vision requirements for senior drivers, with a law enacted in Texas. Texas' law requires drivers over age 85 to pass a vision test in order to renew their license. The following nine states and the District of Columbia require vision testing for senior drivers: Florida, Georgia, Maine, Maryland, Oregon, South Carolina, Texas, Utah and Virginia.

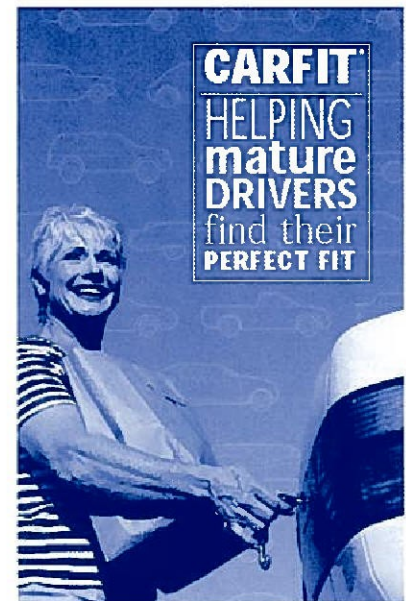
Many states offer car insurance discounts to senior drivers who take a class and remain crash free for a specified period of time. This year, 11 states introduced legislation relating to car insurance discount programs for seniors, with laws enacted in Connecticut and Washington. Both new laws create insurance discounts for seniors who complete a safe driver course. Washington's law allows the course to be completed online. The following 33 states and the District of Columbia have car insurance discount programs for senior drivers:

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

Eight 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. There were no new laws passed this year in this category.

## 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.



In 2007, AAA partnered with the American Occupational Therapy Association and the American Association of Retired People on the national launch of an educational program called Carfit. With Carfit's 12-point checklist, developed in collaboration with the American Society on Aging, senior drivers can determine how to improve the "fit" of their vehicle in order to be safer and more comfortable.



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**AAA policy recommends that all states create a medical advisory board comprising physicians, health care professionals and stakeholders representing the aging, motoring and disabled communities to assess driver capabilities.**

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**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.**

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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 35 states have MABs, many of which lack crucial elements to be very effective:

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

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## **Truck Safety — Share With Care**

### *The Problem*

In 2006, 385,000 large trucks (GVWR greater than 10,000 pounds) were involved in traffic crashes in the United States; 4,732 were involved in fatal crashes. A total of 4,995 people died and an additional 106,000 were injured in those crashes.

### *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 2007, 31 states introduced bills impacting truck safety. Bills in four states pertained to speed differentials, but none were enacted.

Federal standards govern the size and weight of trucks used in interstate travel, but standards can differ in states on other roads. Bills in 30 states pertained to truck size and/or weight, with legislation enacted in the following 14 states: Arkansas, Idaho, Indiana, Kansas, Maine, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, Texas and Virginia.



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## **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 crashes now account for 41 percent of all traffic fatalities. In 2006, 17,602 people were killed in alcohol-related traffic crashes in the United States; 86 percent were killed in crashes with at least one driver or non-occupant (pedestrians or cyclists) having a blood alcohol content (BAC) over the legal .08 limit.

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### **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 and actively supports the implementation of interventions proven to reduce drunken driving.

A 2003 AAA Foundation for Traffic Safety research project, *Drunk Driving: Seeking Additional Solutions*<sup>6</sup> 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. 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*<sup>7</sup> healthcare project originally conducted in Rhode Island.

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### **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—see below)
- Revised program criteria: (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; (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.

***“We must go further; we should apply our tough ignition interlock law to out-of-state applicants with prior DWI convictions.”***

New Mexico Governor  
Bill Richardson  
January 16, 2007

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**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.**

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<sup>6</sup>For a copy of the report, visit <http://www.aaafoundation.org/pdf/DrunkDriving-SeekingAdditionalSolutions.pdf>.

<sup>7</sup>For a copy of the report, visit <http://www.aaafoundation.org/pdf/ScreeningForOurSafetyReport.pdf>.



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**States that still do not have compliant open container laws will continue to have three percent of their highway construction and maintenance funds redirected to safety programs.**

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**“...we have to change the way DUI laws are enforced in this state and I ask we do it this year.”**

South Carolina Governor  
Mark Sanford  
January 17, 2007

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SAFETEA-LU also provides funding for NHTSA to carry out at least two high visibility enforcement campaigns each year from 2007-2009. In 2007, NHTSA provided \$11 million to support a national TV and radio campaign, “*Drunk Driving. Over the Limit. Under Arrest.*” The focus of the campaign is 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.

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### **.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.

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

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### **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.



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

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Sixteen states introduced repeat offender bills this year strengthening exiting laws or putting into place provisions required by TEA-21. Laws were passed in three states: California, Idaho and Virginia.

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### **Aggressive/Reckless Driving**

Eleven states introduced legislation this year regarding unsafe, aggressive and reckless driving behavior, with laws enacted in the following three: Illinois, Tennessee and Utah.

The majority of these new laws establish or define the offense of aggressive driving and impose penalties for the offense. Fourteen states have aggressive driving laws: Arizona, California, Delaware, Florida, Georgia, Indiana, Maryland, Nevada, North Carolina, Pennsylvania, Rhode Island, Tennessee, Utah and Virginia.

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### **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, recently the funding levels set forth in SAFETEA-LU have begun to exceed incoming revenues, which will result in an estimated \$5 billion deficit in federal highway funding in FY 2009. And while no Members of Congress are yet discussing the need to increase the gas tax to fix this problem, we can expect additional focus on the status of the Highway Trust Fund in the coming year as reauthorization of SAFETEA-LU is discussed in greater detail.

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.

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#### **State Perspective**

Legislation relating to gas taxes was enacted in Iowa, Kansas, Michigan, Nebraska, New York and West Virginia. In Iowa and New York, the legislation adjusted the amount of the collected gas tax revenue directed toward various road projects and maintenance programs. In Kansas, the legislation established a lower gas tax rate for E85 fuels. In Michigan, the legislation established a lower tax rate (12 cents/per gallon) for fuel if it contains at least 5 percent bio-diesel. Nebraska's legislation exempts American-Indian reservations from the state's gas tax. In West Virginia, the overall flat-rate gas tax was held steady at 20.5 cents per gallon.

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**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.**

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**The majority of these new laws establish or define the offense of aggressive driving and impose penalties for the offense.**

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***"We propose a tax on gasoline, but for the first time, we propose to tax those who make gasoline rather than those who buy it."***

Pennsylvania Governor  
Ed Rendell  
February 6, 2007





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**In 2006, 4,810 motorcyclists died in traffic crashes, marking the ninth consecutive year of increase.**

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**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.**

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## **Helmets**

### ***Bicycle Helmets***

In 2006, 773 bicyclists were killed in traffic-related crashes and an additional 44,000 more were injured. Seventeen percent of the bicyclists killed in traffic crashes in 2005 were between 4- and 15-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, but none passed. Most of the bills introduced required helmets to meet federal safety standards or raised the age at which helmets are mandatory. 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     | Hawaii        | New Hampshire  | Oregon        |
| California  | Louisiana     | New Jersey     | Pennsylvania  |
| Connecticut | Maine         | New York       | Rhode Island  |
| Delaware    | Maryland      | North Carolina | Tennessee     |
| Florida     | Massachusetts | New Mexico     | West Virginia |
| Georgia     |               |                |               |

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.

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### ***Motorcycle Helmets***

In 2006, 4,810 motorcyclists died in traffic crashes. The 5.1 percent increase from 2005 marks the ninth consecutive year of increase. In 2006, motorcycle rider fatalities represented 11.3 percent of all motor vehicle traffic crash fatalities compared to just 5.0 percent in 1997. For the first time since 1975, motorcycle deaths surpassed pedestrian fatalities.

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. 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 1,658 motorcyclists in 2006. If all motorcyclists had worn helmets, NHTSA estimates an additional 752 lives could have been saved. Motorcycle helmet use laws have proved effective in reducing deaths and injuries.

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### ***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 one out of six criteria in 2006 and two out of six criteria thereafter 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.

On the research side, a new, two-year comprehensive motorcycle crash causation study is currently being conducted by Oklahoma State University. The last United States motorcycle crash causation study was conducted in 1980. Under a 50 percent federal funding matching requirement, \$2.8 million has been allocated to this study in SAFETEA-LU, matched by \$2.8 million from the motorcycle industry.

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 now posted on NHTSA's website<sup>8</sup>.

### *State Perspective*

This year, at least 21 states introduced motorcycle helmet bills, with laws enacted in Colorado and Connecticut regarding teenage motorcycle drivers. The Colorado law requires drivers under the age of 18 to wear a helmet and the Connecticut law prohibits drivers under the age of 18 from riding with passengers for the first six months after obtaining a motorcycle driver's license. 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    | Maryland      | Missouri   | New York       | Vermont       |
| California | Massachusetts | Nebraska   | North Carolina | Virginia      |
| Georgia    | Michigan      | Nevada     | Oregon         | Washington    |
| Louisiana  | Mississippi   | New Jersey | Tennessee      | 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. 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.

**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.**



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



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**Forty-one states have move over laws, 25 of which include tow trucks among covered emergency vehicles.**

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***“Rebecca Gambrel never wore her seat belt and was angered when she heard of the Primary Seat Belt Law passed. Yet, she didn’t want to break the law, so she buckled up. On October 11, 2006, Rebecca was in a head-on collision. The officers who responded said, “You’re one lucky lady! Your seatbelt saved your life.” Now, no one rides in Rebecca’s car without their seat belt.”***

Kentucky Governor  
Ernie Fletcher  
February 6, 2007

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## **Move Over**

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. In 2007, seven states introduced bills to add tow trucks and recovery vehicles to their existing move over laws. Three of these bills became laws in Maine, Mississippi and Washington.

Forty-one states have move over laws, 25 of which include tow trucks among covered emergency vehicles:

|            |          |             |                |               |
|------------|----------|-------------|----------------|---------------|
| Arkansas   | Illinois | Maine       | Montana        | Utah          |
| California | Indiana  | Michigan    | North Carolina | Vermont       |
| Florida    | Iowa     | Minnesota   | Pennsylvania   | Washington    |
| Georgia    | Kansas   | Mississippi | South Carolina | West Virginia |
| Idaho      | Kentucky | Missouri    | Tennessee      | Wisconsin     |

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## **Occupant Protection**

According to NHTSA’s National Occupant Protection Use Survey, the overall seat belt use rate in 2006 was 81 percent, down one percentage point from 2005. In 2005, 31,415 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 15,383 in 2006. If all passenger vehicle occupants over age 4 had worn their seat belts in 2006, an additional 5,441 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.

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## **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, 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 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.



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

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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. Indiana enacted a law to close its exemption this year.

This year, 18 states introduced standard enforcement bills, with only Maine enacting a law. There are now 26 states and the District of Columbia with standard laws:

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

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### **Red Light Cameras**

States and localities vary greatly in their stances on red light cameras. In states with established, accepted red light enforcement programs, increasing numbers of local governments are implementing the programs. At the same time, some legislatures continue to pursue legislation that would pre-empt future and existing red light camera programs. Violations photographed by red light cameras are most commonly treated as either traffic violations or as the equivalent of parking tickets, depending on state law.

Legislatures in 34 states considered automated enforcement bills in 2007. Laws were enacted in seven states: Delaware, New Mexico, North Carolina, Nevada, Oregon, Texas and Virginia. Of note among the new laws are the following:

- Delaware's law authorizes a 36-month pilot program of video red light camera enforcement. Cameras may not be placed at a location if the local senator or state representative objects.
- New Mexico's law requires jurisdictions using red light cameras to install a combination of signage, rumble strips and/or flashing beacons advising motorists of the red light camera as they approach the intersection.
- North Carolina's law raises the fine for a red light violation from \$50 to \$75 and requires "clear proceeds" of the program to be distributed to the local school board.
- Texas passed several laws that permit local governments to operate red light cameras. Of interest, jurisdictions must evenly divide proceeds from the camera operations (revenue minus costs) between a fund for regional trauma centers and local traffic safety programs in the jurisdiction.
- Virginia's law reestablished the use of red light cameras in the state after a previous law enabling their use was allowed to sunset in 2006.

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**States that achieve an 85 percent or better seat belt use rate are automatically eligible for these grants.**

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**States and localities vary greatly in their stances on red light cameras. In states with established, accepted red light enforcement programs, increasing numbers of local governments are implementing the programs.**

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Twenty-two states and the District of Columbia have laws that allow red light camera use either statewide or in certain localities:

|            |               |                   |                           |            |
|------------|---------------|-------------------|---------------------------|------------|
| Arizona    | Illinois      | New Mexico        | Pennsylvania              | Virginia   |
| California | Maryland      | New York          | Rhode Island              | Washington |
| Colorado   | Massachusetts | North Carolina    | South Dakota <sup>9</sup> |            |
| Delaware   | Missouri      | Ohio <sup>9</sup> | Tennessee <sup>9</sup>    |            |
| Georgia    | Nevada        | Oregon            | Texas <sup>9</sup>        |            |

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**The traffic safety advocacy community's legislative work is far from done.**

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### **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. Most states have booster seat laws. All states have had .08 BAC standards for drunk driving for several years.

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.

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



# Carnegie Mellon

## March 5: Carnegie Mellon Study Shows Just Listening To Cell Phones Significantly Impairs Drivers

### Contact:

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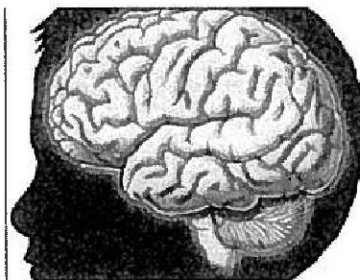
### Carnegie Mellon Study Shows Just Listening To Cell Phones Significantly Impairs Drivers

#### Brain Imaging Reveals Drivers Are Distracted Even if They Don't Talk

PITTSBURGH — Carnegie Mellon University scientists have shown that just listening to a cell phone while driving is a significant distraction, and it causes drivers to commit some of the same types of driving errors that can occur under the influence of alcohol.

The use of cell phones, including dialing and texting, has long been a safety concern for drivers. But the Carnegie Mellon study, for the first time, used brain imaging to document that listening alone reduces by 37 percent the amount of brain activity associated with driving. This can cause drivers to weave out of their lane, based on the performance of subjects using a driving simulator.

The findings, to be reported in an upcoming issue of the journal *Brain Research*, show that making cell phones hands-free or voice-activated is not sufficient in eliminating distractions to drivers. "Drivers need to keep not only their hands on the wheel; they also have to keep their brains on the road," said neuroscientist Marcel Just, director of the Center for Cognitive Brain Imaging.



Other distractions, such as eating, listening to the radio or talking with a passenger, also can divert a driver. Though it is not known how these activities compare to cell phone use, Just said there are reasons to believe cell phones may be especially distracting. "Talking on a cell phone has a special social demand, such that not attending to the cell conversation can be interpreted as rude, insulting behavior," he noted. A passenger, by contrast, is likely to recognize increased demands on the driver's attention and stop talking.

The 29 study volunteers used a driving simulator while inside an MRI brain scanner. They steered a car along a virtual winding road at a fixed, challenging speed, either while they were undisturbed, or while they were deciding whether a sentence they heard was true or false. Just's team used state-of-the-art functional magnetic resonance imaging (fMRI) methods to measure activity in 20,000 brain locations, each about the size of a peppercorn. Measurements were made every second.

The driving-while-listening condition produced a 37 percent decrease in activity of the brain's parietal lobe, which is associated with driving. This portion of the brain integrates sensory information and is critical for spatial sense and navigation. Activity was also reduced in the occipital lobe, which processes visual information.

The other impact of driving-while-listening was a significant deterioration in the quality of driving. Subjects who were listening committed more lane maintenance errors, such as hitting a simulated guardrail, and deviating from the middle of the lane. Both kinds of influences decrease the brain's capacity to drive well, and that decrease can be costly when the margin for error is small.

"The clear implication is that engaging in a demanding conversation could jeopardize judgment and reaction time if an atypical or unusual driving situation arose," Just said. "Heavy traffic is no place for an involved personal or business discussion, let alone texting."

Because driving and listening draw on two different brain networks, scientists had previously suspected

that the networks could work independently on each task. But Just said this study demonstrates that there is only so much that the brain can do at one time, no matter how different the two tasks are.

The study emerges from the new field of neuroergonomics, which combines brain science with human-computer interaction studies that measure how well a technology matches human capabilities. Neuroergonomics is beginning to be applied to the operation of vehicles like aircraft, ships and cars in which drivers now have navigation systems, iPods and even DVD players at their disposal. Every additional input to a driver consumes some of his or her brain capacity, taking away some of the resources that monitor for other vehicles, lane markers, obstacles, and sudden changes in conditions.

"Drivers' seats in many vehicles are becoming highly instrumented cockpits," Just said, "and during difficult driving situations, they require the undivided attention of the driver's brain."

The project was funded by the Office of Naval Research. Other members of the research team included post-doctoral research associate Timothy Keller and research assistant Jacquelyn Cynkar. For information on the Center for Cognitive Brain Imaging, or to download a copy of this research paper, visit <http://www.ccbi.cmu.edu>

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## Philadelphia Daily News

### **THE CELL . . .**

**February 29, 2007**

A BILL IN THE Pennsylvania Legislature to ban hand-held cell-phone use while driving is so logical, so overdue, and so likely to be supported by pretty much anyone who operates a vehicle that the only mystery is who might dare come forward to argue against it.

Of course, there are some lawmakers who want to limit government involvement in our lives. And we're all for limiting government in our lives, but we'd much rather limit the number of yakking, distracted jerks who endanger the roads. Those jerks contributed to 1,241 cell-phone-related crashes on commonwealth roads last year, according to PennDOT.

The bill, co-sponsored by Rep. Josh Shapiro and 50 others, would outlaw hand-held use of cell phones except under certain circumstances. A violation would be a summary offense.

Ever since a similar cell-phone ban died an ignoble death in Harrisburg four years ago, the world has introduced even more dangerous driving distractions, like text-messaging, in-car computers and dashboard televisions. It's time to stop risking lives, get our hands back on the wheel, and drive. Harrisburg, please get moving on this. \*

# The Patriot-News

## DISTRACTION

### Yet another study condemns cell phone use while driving

Monday, January 07, 2008

It shouldn't take studies to show what's obvious: Talking on cell phones while driving is a distraction.

Nonetheless, a new one conducted by the University of Utah has concluded as much. Although based on how cell phone usage slows commuting times and clogs traffic, its underlying points were that such drivers are less focused on the road and react at a pace similar to drunk drivers.

Last year, a survey of 16- and 17-year-old drivers by AAA and Seventeen magazine found that a third of respondents said they regularly talk on cell phones and send text messages while driving.

Text messaging, which requires punching in letters on a cell phone, was what a man in Taunton, Mass., allegedly was doing when his vehicle struck and killed a 13-year-old boy riding a bicycle in late December, according to The Boston Globe. The newspaper quoted his statement to police that he was so mesmerized by the text messaging that he didn't even realize he struck the boy until he was passing the scene the next morning and saw police investigators.

Pennsylvania Department of Transportation statistics show 5,715 traffic accidents between 2002 and 2006 in which cell phones were a factor.

Five states, including neighboring New Jersey and New York, have banned the use of phones while driving. Several others, including Pennsylvania, are considering legislation to do likewise.

Two related bills introduced last fall by Reps. Josh Shapiro, D-Montgomery, and Eugene DePasquale, D-York, are before the House Transportation Committee. They would make cell phone usage while driving a summary offense, meaning drivers could be pulled over at any time. Fines would be at least \$50.

We supported Shapiro's and DePasquale's efforts at the time and we've seen nothing since to convince us otherwise. A representative of DePasquale's says the committee is considering incorporating the bills into a broader proposal that would also address such things as aggressive driving, and that it will be a top priority in coming months.

Opponents in Pennsylvania and elsewhere point to other distractions, such as children yelling, or drivers eating or consuming a cup of coffee, as more common causes of accidents. But a cell phone conversation takes away one's concentration on driving -- particularly if it's a business call or pressing personal matter -- for minutes at a time, if not longer. Cell phones now also feature visual components, while text messaging requires the simultaneous use of eyes and hands.

In addition, cell phones have exploded in popularity to the point where almost everybody has one, and it's obvious from just driving around that many use them while operating their vehicles. Not only do they put themselves and passengers in danger, they also imperil others.



# The Patriot-News

## Driving while distracted

Thursday, June 22, 2006

Studies are mixed on the role of cellular phones in traffic accidents, but common sense would seem to dictate that holding a phone and talking while driving is a distraction.

Unfortunately, too many drivers are ignoring conventional wisdom, so the time may have come for legislation outlawing the practice.

State Rep. Josh Shapiro, D-Montgomery, is proposing legislation that would levy a \$250 fine for using a hand-held phone while driving. Using ear pieces or other devices that avoid having to physically hold the phone still would be acceptable.

The Pennsylvania Department of Transportation said about 1,170 traffic accidents in 2004 were attributable to cell phones. Conversely, a review of various academic studies by the National Conference of State Legislatures found varying degrees of accident rates, with cell-phone usage ranking eighth overall in terms of accident-related distractions.

There is no question there are other distractions lawmakers could look at. Coming out of a fast-food drive-through window and heading down the road with a burger in one hand, and reaching for fries on the seat and a soda in the cup holder would be one.

But cell phones particularly stand out since they have exploded in popularity. It's virtually impossible to go anywhere on the highway or a local street without encountering someone with one hand on the wheel and the other on a cellphone. The look on these faces is one of minds being somewhere other than on the road.

Unfortunately, pleas to pull off the road if there is a need to place or receive a call on a hand-held phone aren't resonating. Pennsylvania allows local jurisdiction over cell phones, and a handful of municipalities – including Lebanon in the midstate – have passed ordinances banning hand-held devices while driving.

But that's a hodgepodge approach. Motor vehicle laws should be statewide. Given that and the risk posed to other drivers, we support Shapiro's proposal.

07/06/2006

## **Editorial: Pa. should restrict drivers' cell-phone use**

**Last week the state Senate approved a measure that would make it illegal to use a hand-held cell phone while operating a motor vehicle. The proposal designated it a secondary offense, like driving without a seatbelt, punishable by a \$250 fine. But in the rush of the end of the legislative session, the measure was killed in the House. And that's too bad; it's a law that's sorely needed.**

Certainly it's a matter of common sense that using hand-held cell phones while behind the wheel is a distraction.

Actually, it's more than that: PennDOT statistics show the use of cell phones contributed to 1,170 accidents in the state in 2004.

Some compare the use of hand-held cell phones to driving under the influence of alcohol. A University of Utah study concluded that drivers were just as impaired, and more accident-prone, talking on the phone as they were when they were driving drunk.

"Fortunately, the percentage of drunk drivers at any time is much lower," said Frank Drews, one of the study's authors. "So it means the risk of talking on a cell phone and driving is probably much higher than driving intoxicated because more people are talking on cell phones than driving while drunk."

It's a problem that's been recognized locally - most notably in Lower Chichester, where officials banned the practice in 2003 and imposed a \$70 fine on offenders. But because such a measure must be part of the state motor vehicle code, the Lower Chichester ordinance cannot stand in court.

Some 27 states and the District of Columbia have laws regulating cell phone use in motor vehicles. New York, New Jersey, Connecticut and Washington, D.C., outlaw the use of hand-held cells while driving but allow hands-free devices. No state completely bans all phones for all drivers.

State Rep. Josh Shapiro, D-Montgomery, was the driving force behind the hand-held cell phone ban in the Pennsylvania House. He said House leaders promised him a vote on the measure in the fall. In the meantime, he's planning on holding a hearing in his district this summer.

It's time for Pennsylvania to join those other states and restrict the use of hand-held cell phones in motor vehicles.

Give the police another tool they can use to help make the roads safer. The issue is, literally, a matter of life and death.



## Editorial: Asides

Sunday, July 02, 2006

**DIAL A LOSER:** Why, you can call one while you are driving in your car. Although talking on a cell phone is as dangerous as driving drunk, according to a new federally funded study by researchers at the University of Utah, Pennsylvania legislators can't bring themselves to deal with the problem. Rep. Josh Shapiro, a Democrat from Montgomery County, had introduced a bill that would permit only hands-free cell phones -- itself still a distraction. But last week even this modest measure failed in the House. Mr. Shapiro says he will try again in the fall. For this to be a winner, it may need the help of Mothers Against Talking and Driving Like a Drunken Driver.

# Pittsburg Tribune Review

## Death by cell phone is biggest road danger

By Mike Seate

TRIBUNE-REVIEW

Tuesday, June 27, 2006

Though other family members have expired from a bevy of ills -- including heart attacks, kidney failure, jealous husbands, suicide, drug addiction, alcoholism and maybe even falling meteorites -- I'm fairly sure how I'll meet my end.

It will be a sunny, weekday afternoon, and my way home from the office, some numbskull in a car will use my motorcycle as a speed bump.

When the emergency vehicles arrive to scrape my road-pizza carcass from the pavement, the responsible driver will tell the cops that they just didn't see or hear my bike. For the most part, they will be telling the truth.

That's because the person who will inevitably run me down likely will do so while yakking on the phone, a distracting, dangerous pastime that state Rep. Josh Shapiro, D-Montgomery County, would like to restrict.

Montgomery has introduced legislation that would stop drivers from using hand-held cell phones while operating a motor vehicle. While hands-free phones would still be legal, those caught playing party line on the roads would face fines of \$250.

Shapiro has a tough fight ahead of him. The telecommunications industry is determined to have as many of us as possible on the phone and isn't afraid to whip out the big bucks to get its way.

According to the Center for Public Integrity, a nationwide political watchdog group, cellular communications companies spent some \$60.3 million on political contributions nationwide over the past four years. They served up another \$83.4 million in lobbying efforts to stop cell phone use restrictions, with \$5.2 million of that going to Pennsylvania lawmakers in 2003 and 2004.

Introducing common-sense laws in the face of this kind of cash isn't easy, though studies suggest the time is right to get both hands back on the wheel.

A recent study by the Insurance Institute of Highway Safety found people using mobile phones were four times more likely to get involved in crashes than those waiting until they get home to gab.

Shapiro told reporters earlier this month that cell phones helped cause 1,170 crashes in our state in 2004, but for anyone who's ever taken to the roads on a two-wheeler or small car, that number seems modest.

Besides the distractions and impaired reaction time caused by using cell phones while driving, the need to keep one hand holding the receiver means 57 percent of drivers can't use their turn signals, says a report by national underwriters Response Insurance.

Even if Shapiro's bill becomes law, it's hard to imagine police enforcing the law. There are so many rush-hour commuters talking into phones during the typical evening commute, it seems impossible to imagine many being pulled over.

But in the interest of safety and keeping some of us from becoming road pizzas, I wish Shapiro all the luck in the world.