

The Public's Health and the Law in the 21st Century
5th Annual Partnership Conference

Concurrent Session

Children, Teens, Motor Vehicles and the Law

Tuesday, June 13, 2006
4:00-5:30 pm

Moderator: Arlene Greenspan, DrPH, PT, Senior Scientist, National Center for Injury Prevention and Control, CDC, Atlanta, GA

Panel: Captain J. F. Bowman, Commander, Traffic Division, Fairfax County Police Department, Fairfax, VA

Michele Fields, JD, General Counsel, Insurance Institute for Highway Safety, Arlington, VA

Hon. Tom Rice, Georgia State Assembly; Chairman, House Motor Vehicle Committee, Peachtree Corners, GA

Session Purpose:

This session will focus on graduated drivers' license (GDL) laws as a tool for preventing teen motor vehicle injuries and deaths. The goal is to improve session attendees' knowledge and understanding of these laws. Representative Rice will provide insights concerning effective passage of state teen driving laws. Ms. Fields will discuss the history of these laws, and Captain Bowman will discuss the value of enhanced enforcement of GDL laws.

Learning Objectives:

By the close of this session, conference participants will be able to:

- Outline the history of GDL laws as an injury prevention tool;
- Explain the processes through which legislatures consider and decide on teen driving injury prevention laws; and
- Provide insight into improving the effectiveness of GDL laws through enhanced enforcement strategies.

Session Convener:

The National Center for Injury Prevention and Control, CDC

Lessons Learned:

1. Michele Fields
Using law to achieve public health objectives is not for the impatient. Multistate legislation follows a pattern. Initially, legislatures take a few steps forward and one step backward. For example, in graduated licensing, when some states enacted or lengthened the mandatory learner's permit holding period, they reduced the minimum license age. In time, states begin to improve their laws without backsliding. A new trend then emerges in which the initial laws are improved.

Identify your policy objective and stay focused on it. Bear in mind that the law is a set of interrelated provisions. Learn how your proposal fits into the legislative whole.

Graduated licensing is a case in point. The overall policy objective is to ensure that teenagers do not get unrestricted licenses before being prepared for high risk driving. Toward that end, GDL provides for (1) a substantial learner's period with significant amounts of supervised driving during a variety of conditions; and (2) appropriate night driving and passenger restrictions in the intermediate phase.

Learner's permits that expire quickly encourage permit holders to apply for the intermediate license as soon as the minimum holding period has elapsed. Night driving and passenger restrictions belong in this intermediate phase. Restrictions should be imposed as soon as the risk begins to increase dramatically. Night driving should be prohibited after 9 or 10 p.m., when the teen crash rate rises dramatically. Passenger limits should allow no more than 1 teenage passenger because crash risk increases significantly as the number of teenage passengers increases.

GDL legislation is now in the phase in which improvements are being made to the initial provisions.

2. Captain Bowman
Teen drivers make up 7% of all drivers but suffer 20% of all crashes and 14% of all fatal crashes nationwide. In addition to the disproportionate number of teens represented in crashes, recent studies by the AAA Public Foundation for Traffic Safety have concluded that the majority of people killed in teen driver crashes are people other than the teen driver themselves.¹

While it may not be popular with teens, one intervention that does seem to work in reducing teen crash rates is restricting driving privileges. Most states have done away with the old fashioned system in which a learner's permit was quickly followed by a full, unrestricted driver's license.²

In an effort to stem the rising trend of teen crashes, injuries and death on the roadways, a variety of teen driving laws have been passed into law during the last decade. While well intentioned, many times the laws themselves become confusing and difficult to understand for teens, parents, and law enforcement officers in the field. Laws with multiple exceptions and numerous conditions that do not make the law applicable breeds reluctance on the part of law enforcement to enforce them. This confusion and lack of clarity leads to misunderstanding, ignorance of the laws, and ultimately to a lack

¹ NHTSA, FARS Reporting System, 2004.

² AAA Foundation for Traffic Safety, 2005.

of aggressive enforcement by officers in the field. This is especially true when "primary" and "secondary" laws are enacted.

Primary laws permit officers to act on the observed violation without regard to other supporting violations. Secondary laws require that the officer articulate a primary law violation before taking enforcement action or even conducting the traffic stop to investigate further. A clear example is Virginia, where officers observing teens that appear to be in violation of the "curfew driving law" are required to observe a primary law violation before making the stop. This type of legislation sends a message to law enforcement that while nighttime driving by teens is important enough to warrant our attention, it is not important enough for law enforcement to pay particular attention to in the field.