Traffic Safety Trends
State Legislative Action 2018
Traffic Safety Trends
State Legislative Action 2018

BY DOUGLAS SHINKLE, ANNIE KITCH AND KEVIN PULA
Table of Contents

Introduction ........................................................................................................... 1
Adult Occupant Protection ................................................................. 3
State Legislation ........................................................................... 8
Child Passenger Safety ................................................................. 8
NHTSA’s Child Restraint Guidelines and Recommendations ...9
State Legislation ........................................................................... 9
Smoking in Cars with Children ..................................................... 10
Impaired Driving .................................................................................. 10
State Legislation ........................................................................... 13
Ignition Interlock Installation Requirements ........................ 13
Ignition Interlock Compliance Laws ........................................... 14
Ignition Interlock Camera-Based Compliance Laws ............... 15
Ignition Interlock Indigent Programs ............................................. 16
Implied Consent, Blood Alcohol Testing and Test Refusals ..16
Enhanced Criminal Penalties for Offenders ........................... 17
Treatment Programs & 24/7 Sobriety Monitoring Programs ... 17
Other 2018 Impaired Driving Legislation ....................... 18
Drug-Impaired Driving ................................................................. 19
State Legislation ........................................................................... 21
Distracted Driving ............................................................................ 21
State Legislation ........................................................................... 23
Hand-held Bans ........................................................................... 23
Texting While Driving Bans ....................................................... 24
Teen Drivers .................................................................................... 24
State Legislation ........................................................................... 26
Graduated Driver’s Licensing ..................................................... 26
Traffic Stop Education ................................................................. 26
Driver’s Education ...................................................................... 26
Teen Distracted Driving .............................................................. 27
Older Drivers .................................................................................... 27
State Legislation ........................................................................... 28
Driver Licensing ................................................................................ 29
State Legislation ........................................................................... 28
Digital Driver’s Licenses .............................................................. 29
Medical Designations on Driver’s Licenses ......................... 29
License Suspension for Non-Driving Offenses ....................... 30
Speeding and Speed Limits ............................................................. 31
State Legislation ........................................................................... 32
Lowering Speed Limits ................................................................. 33
Aggressive Drivers .............................................................................. 34
State Legislation ........................................................................... 34
Automated Enforcement ............................................................... 35
State Legislation ........................................................................... 37
Iowa Debates Merits of Automated Enforcement ........... 39
Motorcyclist Safety .............................................................................. 40
State Legislation ........................................................................... 40
Motorcycle Operation and Equipment .................................. 40
Motorcycle Licensing and Education ..................................... 40
Autocycles ...................................................................................... 40
School Bus Safety ............................................................................. 41
State Legislation ........................................................................... 41
Illegally Passing School Buses ................................................... 42
Seat Belts on School Buses .......................................................... 42
School Bus Drivers .......................................................................... 45
Pedestrian and Bicyclist Safety ................................................... 44
State Legislation ........................................................................... 44
Idaho/Safety Stops ......................................................................... 45
Electric Bicycles ............................................................................ 45
Safe Bicycle Passing ................................................................. 46
Bicycle Operation and Equipment ........................................... 47
Maryland Complete Streets ....................................................... 47
School Bicyclist and Pedestrian Safety ................................. 47
Driver’s Education on Bicyclist and Pedestrian Safety ....... 47
Slow and Medium-Speed Vehicles ............................................... 48
State Legislation ........................................................................... 48
Golf Carts ...................................................................................... 48
All-Terrain Vehicles, Mopeds and Other Vehicles .............. 48
State Electric-Scooter Laws ......................................................... 49

Tables and Figures

Table 1 Safety Belt Laws 2018................................................................. 3
Figure 1 Child Motor Vehicle Traffic Fatalities and Child Fatality Rates ...................... 8
Table 2 Alcohol-Impaired Traffic Fatalities, 2017 ................................................... 11
Figure 2 Camera Use in Ignition Interlock Devices .................................................. 15
Figure 3 School Bus Safety ........................................................................... 43
Introduction

More than 37,000 people died on U.S. roadways in 2017, according to the National Highway Traffic Safety Administration (NHTSA). The total of 37,133 was a small decrease of 1.8% from the 37,806 traffic fatalities in 2016. Occupants of large trucks and SUVs were the only groups to record increases in traffic deaths from 2016 to 2017. Conversely, the number of bicyclist deaths decreased by 8.1% and speeding-related fatalities decreased by 5.6% compared to 2016.

There were 2,746,000 individuals injured in motor vehicle crashes in 2017, according to NHTSA, a decline of 5.4% from 2016. Crashes in which an individual was injured made up just over 29% of the 6,452,000 police-reported crashes in 2017.

AAA’s 2017 Traffic Safety Culture Index touches on the extent to which traffic crashes intimately affect Americans. Almost one-third of American drivers have had a relative seriously injured or killed in a motor vehicle crash. Over 20% of drivers have been involved in a serious crash at some point in their lives and 11% of drivers have been seriously injured in a crash.

In 2018, state legislators debated over 2,300 traffic safety bills. Issues examined in this report include:

- Occupant protection.
- Child passenger safety.
- Impaired driving.
- Drug-impaired driving.
- Distracted driving.
- Teen drivers.
- Older drivers.
- Driver’s licensing.
- Speeding and speed limits.
- Aggressive drivers.
- Automated enforcement.
- Motorcycle safety.
- School bus safety.
- Pedestrian and bicyclist safety.
- Slow and medium speed vehicles.

All bills discussed in this report can be found in the NCSL - NHTSA Traffic Safety Legislative Tracking Database.
Adult Occupant Protection

According to NHTSA, more than 37,000 lives were lost on U.S. roads in 2017 due to motor vehicle crashes. Motor vehicle crashes are a leading cause of death among those ages 1 to 54 in the United States, as reported by the Centers for Disease Control and Prevention (CDC).

NHTSA's research indicates that, among passenger vehicle occupants killed in 2017 where it was known whether they were wearing a seat belt, 47% were unrestrained. In total, 10,076 individuals who died in crashes in 2017 were unrestrained. NHTSA also estimates that seat belts in passenger vehicles saved approximately 14,688 lives of occupants 5 and older in 2016 and have prevented thousands of injuries. An additional estimated 2,456 lives would have been saved in 2016 if all unrestrained passengers involved in fatal crashes had worn their seat belts, according to NHTSA.

Getting people to buckle up to protect themselves in the chance of a crash is a challenge for lawmakers and enforcement officials. AAA’s 2017 Traffic Safety Culture Index shows that 86.1% of drivers said it is unacceptable to drive without wearing a seat belt, but 18.5% of drivers admitted to doing so in the last month. NHTSA’s data shows that state seat belt use varied widely in 2017, from 67.6% in New Hampshire to 97.1% in Georgia.

### Table 1—Safety Belt Laws 2018

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Yes</td>
<td>Ages 15+ in front seat</td>
<td>$25</td>
</tr>
<tr>
<td>Alaska</td>
<td>Yes</td>
<td>Ages 16+ in all seats</td>
<td>$15</td>
</tr>
<tr>
<td>Arizona</td>
<td>No</td>
<td>Ages 8+ in front seat; ages 8 through 15 in all seats</td>
<td>$10</td>
</tr>
<tr>
<td>Arkansas</td>
<td>Yes</td>
<td>Ages 15+ in front seat</td>
<td>$25⁴ (plus court costs and city/county jail fines)</td>
</tr>
<tr>
<td>California</td>
<td>Yes</td>
<td>Ages 16+ in all seats</td>
<td>$20 ($20 fine + $142 in penalties and assessments)</td>
</tr>
<tr>
<td>Colorado</td>
<td>No (primary for occupants under age 18)</td>
<td>Ages 16+ in front seat</td>
<td>$71</td>
</tr>
<tr>
<td>Connecticut</td>
<td>Yes</td>
<td>Ages 8+ in front seat</td>
<td>Ages 18 and younger: $92 ($50 fine + $7 fee + $35 surcharge); ages 18+: $120 ($75 fine + $10 fee + $35 surcharge)</td>
</tr>
<tr>
<td>Delaware</td>
<td>Yes</td>
<td>Ages 16+ in all seats</td>
<td>$25</td>
</tr>
<tr>
<td>Florida</td>
<td>Yes</td>
<td>Ages 6+ in front seat; ages 6 through 17 in all seats</td>
<td>$30</td>
</tr>
</tbody>
</table>
### Table 1—Safety Belt Laws 2018

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Georgia</td>
<td>Yes</td>
<td>Ages 8 through 17 in all seats; ages 18+ in front seat</td>
<td>15²</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Yes</td>
<td>Ages 8+ in all seats</td>
<td>$112 (including administrative fees)</td>
</tr>
<tr>
<td>Idaho</td>
<td>No (primary for drivers under age 18)</td>
<td>Ages 7+ in all seats</td>
<td>$10 (drivers under 18 pay $51.50, including court costs)</td>
</tr>
<tr>
<td>Illinois</td>
<td>Yes</td>
<td>Ages 16+ in all seats</td>
<td>$25 (plus court fees)</td>
</tr>
<tr>
<td>Indiana</td>
<td>Yes</td>
<td>Ages 16+ in all seats</td>
<td>$25</td>
</tr>
<tr>
<td>Iowa</td>
<td>Yes</td>
<td>Ages 18+ in front seat</td>
<td>$127.50 (including court costs)</td>
</tr>
<tr>
<td>Kansas</td>
<td>Yes (secondary for rear-seat occupants younger than age 18)</td>
<td>Ages 14+ in all seats; 18+ in front seat</td>
<td>Ages 14-17: $60; Ages 18+: $30</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Yes</td>
<td>Ages 7 and younger and more than 57&quot; in all seats; ages 8+ in all seats</td>
<td>$25</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Yes</td>
<td>Ages 13+ in all seats</td>
<td>$25</td>
</tr>
<tr>
<td>Maine</td>
<td>Yes</td>
<td>Ages 18+ in all seats</td>
<td>$50</td>
</tr>
<tr>
<td>Maryland</td>
<td>Yes (secondary for rear-seats)</td>
<td>Ages 16+ in all seats</td>
<td>$83 (fine plus court costs)</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>No</td>
<td>Ages 13+ in all seats</td>
<td>25³</td>
</tr>
<tr>
<td>Michigan</td>
<td>Yes</td>
<td>Ages 16+ in front seat</td>
<td>$25</td>
</tr>
<tr>
<td>Minnesota</td>
<td>Yes</td>
<td>Ages 7 and younger and more than 57&quot; in all seats; ages 8+ in all seats</td>
<td>$25 (plus approx. $75 court fee)</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Yes</td>
<td>Ages 7+ and 57” or taller or 65 lbs. or more in all seats</td>
<td>$25</td>
</tr>
<tr>
<td>Missouri</td>
<td>No (primary for children ages 16 and younger)</td>
<td>Ages 16+ in front seat</td>
<td>Ages 8 through 15 in all seats: $50; ages 16 and younger in front seats: $10</td>
</tr>
<tr>
<td>Montana</td>
<td>No</td>
<td>Ages 6+ in all seats</td>
<td>$20</td>
</tr>
<tr>
<td>State</td>
<td>Must Wear Seatbelts</td>
<td>Ages Required</td>
<td>Fine</td>
</tr>
<tr>
<td>--------------</td>
<td>---------------------</td>
<td>--------------</td>
<td>------</td>
</tr>
<tr>
<td>Nebraska</td>
<td>No</td>
<td>Ages 18+ in front seat</td>
<td>$25</td>
</tr>
<tr>
<td>Nevada</td>
<td>No</td>
<td>Ages 6+ in all seats</td>
<td>$25</td>
</tr>
<tr>
<td>New Hampshire</td>
<td>No law</td>
<td>No law</td>
<td>No law</td>
</tr>
<tr>
<td>New Jersey</td>
<td>Yes (secondary for rear seat occupants)</td>
<td>Ages 7 and younger and more than 57”; ages 8+ in all seats</td>
<td>$46 (including court costs)</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Yes</td>
<td>Ages 18+ in all seats</td>
<td>25</td>
</tr>
<tr>
<td>New York</td>
<td>Yes</td>
<td>Ages 16+ in front seat</td>
<td>50</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Yes (secondary for rear-seat occupants)</td>
<td>Ages 16+ in all seats</td>
<td>$25 + $135.50 in court costs; $10 + no court costs for rear seats</td>
</tr>
<tr>
<td>North Dakota</td>
<td>No</td>
<td>Ages 7 and younger and less than 57” in all seats; Ages 18+ in front seat.</td>
<td>$20</td>
</tr>
<tr>
<td>Ohio</td>
<td>No</td>
<td>Ages 8 through 14 in all seats; ages 15+ in front seat</td>
<td>$30 driver; $20 passenger</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Yes</td>
<td>Ages 9+ in front seat</td>
<td>$20</td>
</tr>
<tr>
<td>Oregon</td>
<td>Yes</td>
<td>Ages 16+ in all seats</td>
<td>$115</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>No (primary for ages 18 and younger)</td>
<td>Ages 8 through 17 in all seats; ages 18+ in front seat</td>
<td>$10</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>Yes</td>
<td>Ages 18+ in all seats</td>
<td>$40</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Yes</td>
<td>Ages 6+ in all seats</td>
<td>$25</td>
</tr>
<tr>
<td>South Dakota</td>
<td>No</td>
<td>Ages 18+ in front seat</td>
<td>$25</td>
</tr>
<tr>
<td>Tennessee</td>
<td>Yes</td>
<td>Ages 16+ in front seat</td>
<td>$25</td>
</tr>
<tr>
<td>Texas</td>
<td>Yes</td>
<td>Ages 7 and younger and more than 57”; ages 8+ in all seats</td>
<td>Ages 15 and older or passenger: $50; ages 16 and younger: $200 driver</td>
</tr>
<tr>
<td>Utah</td>
<td>Yes</td>
<td>Ages 7 and younger and less than 57” in all seats; ages 8+ in all seats.</td>
<td>45</td>
</tr>
<tr>
<td>Vermont</td>
<td>No</td>
<td>Ages 18+ in all seats</td>
<td>$25</td>
</tr>
<tr>
<td>Virginia</td>
<td>No</td>
<td>Ages 18+ in front seat</td>
<td>$25</td>
</tr>
<tr>
<td>Washington</td>
<td>Yes</td>
<td>Ages 16+ in all seats</td>
<td>$124</td>
</tr>
</tbody>
</table>
### Table 1—Safety Belt Laws 2018

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>West Virginia</td>
<td>Yes</td>
<td>Ages 8+ in front seat; ages 8 through 17 in all seats</td>
<td>$25</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>Yes</td>
<td>Ages 8+ in all seats</td>
<td>$10</td>
</tr>
<tr>
<td>Wyoming</td>
<td>No</td>
<td>Ages 9+ in all seats</td>
<td>$25\textsuperscript{a} driver; $10 passenger</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>Yes</td>
<td>Ages 16+ in all seats</td>
<td>$502</td>
</tr>
<tr>
<td>Puerto Rico</td>
<td>Yes</td>
<td>Ages 9+ or children taller than 57”</td>
<td>$50</td>
</tr>
<tr>
<td>U.S. Virgin Islands</td>
<td>Yes</td>
<td>All ages in front seat</td>
<td>$25-$250</td>
</tr>
</tbody>
</table>

**Notes**

1. Arkansas rewards observed belt use by reducing the traffic fine for other traffic violations by $10.
2. In Georgia, the maximum fine is $25 if the child is between the ages of 6 and 18.
3. Drivers in Massachusetts can be fined $25 for violating the belt law themselves and $25 for each unrestrained passenger age 12 to 16.
4. New Mexico assesses points for violations.
5. New York assesses points only when the violation involves a child under age 16.
6. Police are prohibited in South Carolina from enforcing safety belt laws at checkpoints not designed for that purpose. However, safety belt violations may be issued at license and registration checkpoints to drivers cited for other offenses.
7. Utah will waive the fine for the first violation if the person submits proof of acquisition, rental or purchase of a child restraint device.
8. Wyoming rewards observed belt use by reducing the traffic fine for other traffic violations by $10.
Seat belt laws and enforcement can encourage drivers and passengers to buckle up. Every state except New Hampshire has a primary or secondary seat belt law. Primary laws allow an enforcement officer to stop motorists who have not committed any other traffic offense, if occupants covered under a state’s seat belt law are not properly restrained. Thirty-four states and the District of Columbia have primary enforcement seat belt laws. Seat belt laws in the remaining 15 states are secondarily enforced for front seat occupants, meaning police officers must stop the vehicle for another violation before they can issue a seat belt ticket. NHTSA notes that states with stricter seat belt laws tend to exhibit higher seat belt use rates than those with less stringent laws.

Laws in 30 states and the District of Columbia require passengers in the rear seats of passenger vehicles to be properly restrained. Laws in 19 of those states, the District of Columbia, Guam, the Northern Mariana Islands and Puerto Rico enforce a primary rear seat belt law for all passengers. The Governors Highway Safety Association (GHSA) notes that seat belt use by adults in the back of passenger vehicles is about 10 percentage points lower than use by those in the front. Additionally, a 2015 study by the Insurance Institute for Highway Safety (IIHS) found that unrestrained rear-seat occupants were nearly 8 times as likely to sustain a serious injury in a crash as restrained rear-seat occupants.

Seat belt use in America’s most rural areas is a concern for lawmakers and enforcement officials. According to NHTSA, there were 17,216 fatalities caused by motor vehicle crashes in rural areas in 2017 compared to 19,038 in urban areas. Prior to 2016, fatalities in rural areas were often larger than urban areas. Additionally, NHTSA’s data shows that seat belt use in rural areas slightly surpassed urban seat belt use at 90.1% compared to 89.4% in urban locations in 2018. Although seat belt use was somewhat higher in rural areas in 2018, NHTSA notes that use rates are quite low on rural roads in states with secondary seat belt enforcement laws.

Furthermore, the CDC released the “Rural and Urban Differences in Passenger-Vehicle-Occupant Deaths and Seat Belt Use Among Adults – United States, 2014,” report in September 2017. The study shows that as the rurality increased, the number of unbelted occupants increased. Some of the significant factors affecting higher death rates in rural areas the CDC lists include high speeds, roadway characteristics, such as a lack of paved road shoulders, and the higher proportions of older adults that are at increased risk for severe injury or death after a crash.
A seat belt use study published by the Virginia Department of Motor Vehicles’ Highway Safety Office reveals a seat belt use rate of 85.3%, the highest rate recorded in the state. In addition, drivers were found wearing seat belts more often than passengers. The study shows that 93.7% of female drivers on interstates used seat belts whereas 90.5% of male drivers on interstates buckled up. The Virginia DMV notes that women have higher seat belt use rates overall regardless of road type.

According to NHTSA, half of all fatal and injury crashes occur at night. NHTSA’s research indicates that lower rates of seat belt use in the evening may be a contributing factor to the high number of nighttime fatal and injury crashes. NHTSA’s 2017 data shows that in cases where it was known whether occupants were wearing a seat belt, 40% of those killed in the daytime were unrestrained compared to 55% of occupants killed at night who were unrestrained.

State Legislation

During the 2018 legislative session, 32 states considered bills related to seat belts. Utah was the only state to enact legislation in 2018.

Utah previously waived the fine for child restraint offenses and first offenses by adults who were not buckled up. As of July 1, 2018 (HB 81), the fine can only be waived for a first child restraint offense if the driver submits proof of acquisition, rental or purchase of a child restraint device afterward.

Six states—Arizona, Colorado, Nebraska, South Dakota, Vermont and Virginia—all considered, but did not pass, primary seat belt laws in 2018. Alabama introduced a law (HB 16) that would have increased the penalty from up to $25 to $100 for failure to wear a seat belt. Currently, seven states—California, Connecticut, Hawaii, Iowa, North Carolina, Oregon and Washington—impose a fine of over $100, pending court fees, for a first offense.

Child Passenger Safety

Although child motor vehicle fatalities decreased by 27% between 2007 and 2016, the number of deaths increased by 8% in 2016 to 1,233, up from 1,144 in 2015, according to the latest NHTSA data. These increases resulted in an average of three children (defined as age 14 and under) killed every day during 2016 due to motor vehicle crashes. NHTSA’s data also shows that of the 23,714 passenger vehicle occupant fatalities in 2016, 826 were children. Based on known restraint use, 289 of these children were unrestrained.

Figure 1. Child Motor Vehicle Traffic Fatalities and Child Fatality Rates
Per 100,000 child population, 2007-2016

The most effective method to protect children in cars is to properly restrain them in an appropriate child restraint system in the back seat. NHTSA estimates that child safety seats reduce fatal injury by 71% in passenger cars for infants under 1 year old and by 54% for toddlers ages 1 to 4. From 1975 to 2016, NHTSA estimates that 11,274 lives were saved by child restraints (child safety seats or adult seat belts) for children under 5 years old in passenger vehicles.

NHTSA's Child Restraint Guidelines and Recommendations

NHTSA suggests the following child restraint guidelines to ensure children are safely restrained:

- For the best possible protection, infants should be kept in the back seat, in rear-facing child safety seats for as long as possible—until he or she reaches the top height or weight limit allowed by the car seat’s manufacturer. Once a child outgrows the rear-facing car seat, the child is ready to travel in a forward-facing car seat with a harness and tether.

- When children outgrow their rear-facing seats, they should ride in forward-facing child safety seats in the back seat, until they reach the upper weight or height limit of the particular seat.

- Once children outgrow the forward-facing seats, they should ride in booster seats in the back seat, until vehicle seat belts fit properly. For a seat belt to fit properly, the lap belt must lie snugly across the upper thighs, not the stomach. The shoulder belt should lie snugly across the shoulder and chest and not cross the neck or face. NHTSA also recommends children ride in the back seat until they are at least 13.

NHTSA notes the primary reasons for injuries to children restrained at the time of motor vehicle crashes relate to prematurely turning a child forward, premature moving from harnessed safety seats to booster seats, premature moving from booster seats to adult safety belts, misuse of safety restraints and seat belts, and children seated in the front seat of the vehicle.

The American Academy of Pediatrics (AAP) issued a recommendation in August 2018 stating that children should remain in rear-facing safety seats until they reach the highest height or weight recommended by the manufacturer. AAP’s previous recommendation, released in 2011, was that children should be in rear-facing seats until at least age 2. As of May 2019, a total of 13 states—California, Connecticut, Illinois, Nebraska, New Jersey, New York, Pennsylvania, Rhode Island, South Carolina, Oklahoma, Oregon, Virginia and Washington—and the District of Columbia have strengthened their child safety laws to require rear-facing seats until age 2. AAP’s latest 2018 policy statement reveals that although rear-facing appears to be safer than forward-facing for children younger than 2, the injury numbers are not definitive.

State Legislation

Every state and the District of Columbia have enacted child restraint laws that require children of certain ages and sizes to ride in appropriate, federally approved, child safety restraint systems. Although each state has a law, some laws only cover children up to a certain size or age requirement, while others allow use of adult safety belts to restrain children.

Twenty states considered child passenger protection legislation in 2018 and four states—Illinois, Nebraska, Utah and Virginia—enacted such laws.

Illinois (HB 4377) and Virginia (HB 708) now require child restraint devices to be rear-facing until a child reaches 2 years of age or the minimum weight limit as prescribed by the manufacturer of the device. Pre-
previously, Illinois’ law only required children under 8 to be secured in an appropriate child restraint system. The new law took effect on Jan. 1, 2019. Virginia’s law requires children up to age 8 to be restrained in a child restraint device and any rear-facing child restraint device to be placed in the back seat of a vehicle, regardless of age. Virginia’s new requirement went into effect on July 1, 2019.

Nebraska enacted legislation (L 42) that expanded primary enforcement for children up to age 8 who are required to be in a child safety seat. The state’s previous law was primarily enforced for children up to age 6. Children are now also required to ride rear-facing until up to age 2 or until they reach the weight or height limit allowed by the car seat’s manufacturer. The law went into effect on Jan. 1, 2019.

Utah’s legislation (HB 81) waives the fine for a first violation of the requirement for a child under 8 who is 57 inches tall or shorter to be in a child restraint device if the person submits proof of acquisition, rental or purchase of a child restraint device.

**SMOKING IN CARS WITH CHILDREN**

In addition to child restraint protection, some states are also concerned about secondhand smoke exposure for children. According a report published by the U.S. Surgeon General, concentrations of secondhand smoke can reach high levels in vehicles.

The CDC lists that 27 states, the District of Columbia and all five U.S. territories have placed restrictions on smoking in work sites, child care facilities or personal vehicles. Eleven states and territories—Arkansas, California, Guam, Louisiana, Maine, the Northern Mariana Islands, Oregon, Puerto Rico, Utah, Vermont and Virginia—prohibit drivers from smoking in a personal vehicle with a child. In 2018, Massachusetts, Mississippi and West Virginia all debated legislation that would prohibit smoking in cars with children present; however, no bills were enacted. An infraction of Massachusetts’ law would have carried a $100 fine compared to a maximum of $25 proposed in Mississippi and West Virginia.

**Impaired Driving**

In 2017, 10,874 people were killed in alcohol-impaired traffic crashes, a 1.1% decrease from 2016, according to NHTSA, and comprising 29% of all traffic fatalities. Of those fatalities, there were 6,618 drivers (61%) who had a blood alcohol content (BAC) of 0.08 or higher, while the remainder were 3,057 (28%) motor vehicle occupants and 1,181 (11%) nonoccupants.

Although there was a slight decrease in alcohol-impaired driving fatalities in 2017, impaired driving remains a major traffic safety and public health issue for states. NHTSA’s data shows that in 2017, an average of one alcohol-impaired driving fatality occurred every 48 minutes. The annual cost of alcohol-related crashes is more than $44 billion, which includes costs such as lost productivity, legal and court expenses, medical costs and property damage, among other costs.
Table 2. Alcohol-Impaired Traffic Fatalities, 2017

<table>
<thead>
<tr>
<th>State/Jurisdiction</th>
<th>Total Traffic Fatalities</th>
<th>Alcohol-Impaired Driving Fatalities (BAC ≥ 0.08)</th>
<th>Percentage Alcohol-Impaired</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>948</td>
<td>268</td>
<td>28</td>
</tr>
<tr>
<td>Alaska</td>
<td>79</td>
<td>22</td>
<td>28</td>
</tr>
<tr>
<td>Arizona</td>
<td>1,000</td>
<td>278</td>
<td>28</td>
</tr>
<tr>
<td>Arkansas</td>
<td>493</td>
<td>140</td>
<td>28</td>
</tr>
<tr>
<td>California</td>
<td>3,602</td>
<td>1,120</td>
<td>31</td>
</tr>
<tr>
<td>Colorado</td>
<td>648</td>
<td>177</td>
<td>27</td>
</tr>
<tr>
<td>Connecticut</td>
<td>278</td>
<td>120</td>
<td>43</td>
</tr>
<tr>
<td>Delaware</td>
<td>119</td>
<td>32</td>
<td>27</td>
</tr>
<tr>
<td>Florida</td>
<td>3,112</td>
<td>839</td>
<td>27</td>
</tr>
<tr>
<td>Georgia</td>
<td>1,540</td>
<td>366</td>
<td>24</td>
</tr>
<tr>
<td>Hawaii</td>
<td>107</td>
<td>42</td>
<td>39</td>
</tr>
<tr>
<td>Idaho</td>
<td>244</td>
<td>60</td>
<td>24</td>
</tr>
<tr>
<td>Illinois</td>
<td>1,097</td>
<td>349</td>
<td>32</td>
</tr>
<tr>
<td>Indiana</td>
<td>914</td>
<td>220</td>
<td>24</td>
</tr>
<tr>
<td>Iowa</td>
<td>330</td>
<td>88</td>
<td>27</td>
</tr>
<tr>
<td>Kansas</td>
<td>461</td>
<td>102</td>
<td>22</td>
</tr>
<tr>
<td>Kentucky</td>
<td>782</td>
<td>181</td>
<td>23</td>
</tr>
<tr>
<td>Louisiana</td>
<td>760</td>
<td>212</td>
<td>28</td>
</tr>
<tr>
<td>Maine</td>
<td>172</td>
<td>50</td>
<td>29</td>
</tr>
<tr>
<td>Maryland</td>
<td>550</td>
<td>186</td>
<td>34</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>350</td>
<td>120</td>
<td>34</td>
</tr>
<tr>
<td>Michigan</td>
<td>1,030</td>
<td>311</td>
<td>30</td>
</tr>
<tr>
<td>Minnesota</td>
<td>357</td>
<td>85</td>
<td>24</td>
</tr>
<tr>
<td>Mississippi</td>
<td>690</td>
<td>148</td>
<td>21</td>
</tr>
<tr>
<td>Missouri</td>
<td>930</td>
<td>254</td>
<td>27</td>
</tr>
<tr>
<td>Montana</td>
<td>186</td>
<td>56</td>
<td>30</td>
</tr>
<tr>
<td>Nebraska</td>
<td>228</td>
<td>67</td>
<td>29</td>
</tr>
<tr>
<td>Nevada</td>
<td>309</td>
<td>89</td>
<td>29</td>
</tr>
<tr>
<td>New Hampshire</td>
<td>102</td>
<td>27</td>
<td>26</td>
</tr>
<tr>
<td>New Jersey</td>
<td>624</td>
<td>125</td>
<td>20</td>
</tr>
</tbody>
</table>
### Table 2. Alcohol-Impaired Traffic Fatalities, 2017

<table>
<thead>
<tr>
<th>State/Jurisdiction</th>
<th>Total Traffic Fatalities</th>
<th>Alcohol-Impaired Driving Fatalities (BAC ≥ 0.08)</th>
<th>Percentage Alcohol-Impaired</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Mexico</td>
<td>379</td>
<td>120</td>
<td>32</td>
</tr>
<tr>
<td>New York</td>
<td>999</td>
<td>295</td>
<td>30</td>
</tr>
<tr>
<td>North Carolina</td>
<td>1,412</td>
<td>413</td>
<td>29</td>
</tr>
<tr>
<td>North Dakota</td>
<td>115</td>
<td>46</td>
<td>40</td>
</tr>
<tr>
<td>Ohio</td>
<td>1,179</td>
<td>333</td>
<td>28</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>655</td>
<td>165</td>
<td>25</td>
</tr>
<tr>
<td>Oregon</td>
<td>437</td>
<td>137</td>
<td>31</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>1,137</td>
<td>314</td>
<td>28</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>83</td>
<td>34</td>
<td>41</td>
</tr>
<tr>
<td>South Carolina</td>
<td>988</td>
<td>313</td>
<td>32</td>
</tr>
<tr>
<td>South Dakota</td>
<td>129</td>
<td>35</td>
<td>27</td>
</tr>
<tr>
<td>Tennessee</td>
<td>1,040</td>
<td>251</td>
<td>24</td>
</tr>
<tr>
<td>Texas</td>
<td>3,722</td>
<td>1,468</td>
<td>39</td>
</tr>
<tr>
<td>Utah</td>
<td>273</td>
<td>53</td>
<td>19</td>
</tr>
<tr>
<td>Vermont</td>
<td>69</td>
<td>18</td>
<td>26</td>
</tr>
<tr>
<td>Virginia</td>
<td>839</td>
<td>246</td>
<td>29</td>
</tr>
<tr>
<td>Washington</td>
<td>565</td>
<td>178</td>
<td>32</td>
</tr>
<tr>
<td>West Virginia</td>
<td>303</td>
<td>72</td>
<td>24</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>613</td>
<td>190</td>
<td>31</td>
</tr>
<tr>
<td>Wyoming</td>
<td>123</td>
<td>44</td>
<td>36</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>31</td>
<td>16</td>
<td>51</td>
</tr>
<tr>
<td>United States</td>
<td>37,133</td>
<td>10,874</td>
<td>29</td>
</tr>
<tr>
<td>Puerto Rico</td>
<td>290</td>
<td>96</td>
<td>33</td>
</tr>
</tbody>
</table>

Source: NHTSA, 2018

To better understand public opinions and behaviors regarding traffic safety, AAA publishes an annual Traffic Safety Culture Index. The 2017 index reveals that 94.3% of surveyed drivers ages 16 and older believe that drivers who have consumed alcohol pose a threat to their personal safety. Among survey participants who consume alcohol, 20.7% reported driving when they thought they had consumed too much alcohol to drive safely in the past year. Survey participants ages 25 to 39 made up the highest proportion—18.2%—of drivers of any age range who perceived that their alcohol level might have been close or possibly over the legal limit during the past year.
Traffic safety organizations are actively examining interventions to combat alcohol-impaired driving. NHTSA released a study in June 2017 that examines the **Feasibility of Voluntary Ignition Interlocks as a Prevention Strategy for Young Drivers**. Although ignition interlock devices (IIDs) are commonly used as a deterrent for alcohol-impaired driving offenders, NHTSA examined the idea of using IIDs to prevent young people from driving drunk. Researchers spoke with ignition interlock companies and discovered that only a small number of individuals in the U.S. had voluntarily signed up for an interlock program; most were court ordered to install the device in their vehicles. Researchers also spoke with car insurance companies who said they would consider offering discounted premiums and other incentives for drivers who use IIDs. They would need more research, however, showing the devices lower driving risks, change behaviors and make younger drivers safer. Parents and teens shared that the device could be helpful in preventing drunk driving, but it could result in teens using drugs instead of alcohol and finding ways to circumvent the interlock devices. Parents and teens also felt the device may be too invasive and that its reputation as a method of punishment would need to change before voluntary installation of these devices becomes acceptable.

NHTSA published a **study** in 2017 that explores how ignition interlock data is being used to monitor offenders and offender-related programs and whether this data can be used to reduce alcohol-related recidivism. Researchers found that automatically uploading interlock data makes it easier to track program statistics and success, but there is no definitive answer about the data’s effect on evaluating alcohol-impaired driving recidivism. The study shows that while offenders use an interlock device, they are not actually dealing with their underlying drinking problem or reducing alcohol consumption. Researchers concluded that this may mean a combination of treatment for alcohol use disorders and interlock programs may be needed. However, issues around cost, privacy laws and technological impediments have led to a lack of coordination of treatment programs between states, courts and probation offices.

With sponsorship from NHTSA, the National Academies Press (NAP) published a **report** in 2018 that offers recommendations to strengthen alcohol-impaired driving interventions. NAP convened a committee to examine data on alcohol-impaired driving, evidence for interventions and their impact on public health, and methods to monitor progress of these interventions. Committee members approached their evaluation from the perspective that each alcohol-impaired driving crash represents a failure in the system. They analyzed NHTSA’s data on alcohol-impaired driving as well as a broad range of interventions used by other countries. Their final recommendations include:

- Increasing alcohol excise taxes.
- Lowering state laws for alcohol-impaired driving to .05% BAC.
- Preventing illegal alcohol sales to underage persons and already-intoxicated adults.
- Strengthening regulation of alcohol marketing.
- Implementing policies to reduce the physical availability of alcohol.

**State Legislation**

Lawmakers in 43 states considered approximately 240 bills related to alcohol-impaired driving in 2018. At least 49 bills were enacted by 27 states. Laws addressing alcohol-impaired driving included ignition interlock installation requirements and compliance, ignition interlock indigent programs, implied consent and refusal of alcohol concentration tests, higher penalties for offenders and sobriety monitoring programs.

**IGNITION INTERLOCK INSTALLATION REQUIREMENTS**

IIDs are installed in motor vehicles to prevent the car from being started if a set level of alcohol, usually a BAC of .02 or .025, is detected on the driver’s breath. Most devices require random retesting while the car is running to ensure that the driver is not drinking once the car is started. Many courts require the use of IIDs when sentencing offenders convicted of driving under the influence (DUI). (It is understood that while many states refer to impaired driving as “driving while impaired,” “operating while impaired” or “operating under the influence,” the term “DUI” will be used for this document.) During sentencing, an offender whose driver’s license has been suspended or revoked can be granted limited driving privileges if an IID is
installed on the vehicle(s) they use. All 50 states have passed legislation that allows or requires use of ignition interlocks for certain drunken driving offenders.

In 2005, New Mexico became the first state to require IIDs for all convicted drunk drivers, including first-time offenders. As of December 2018, 28 additional states require IIDs for all convicted drunken driving offenders. Those states are Alabama, Alaska, Arizona, Arkansas, Connecticut, Delaware, Hawaii, Idaho, Illinois, Iowa, Kansas, Louisiana, Maine, Maryland, Mississippi, Nebraska, Nevada, New Hampshire, New Mexico, New York, Oregon, Tennessee, Texas, Utah, Vermont, Virginia, Washington and West Virginia, plus the District of Columbia. Most states set the BAC limit at .08 or greater. Although Pennsylvania is not an all-offender ignition interlock state, its law is unique because it requires interlocks for first-time offenders if they had a BAC of .10 or greater. Colorado and Maine’s ignition interlock laws do not make installation of the device’s mandatory for first-time offenders, but they provide strong incentives for installation on the first conviction.


Iowa and Idaho became the latest states to require all alcohol-impaired driving offenders to install IIDs upon first offense. Iowa’s legislation (HF 2238) requires a person whose license is revoked for a BAC over .08 to install an IID in order to obtain a restricted license. The device is required for the period in which the temporary restricted license is issued.

Idaho’s (HB 551) new law requires DUI offenders to install an IID for a period of one year following the end of the license suspension period without driving privileges. If an offender refuses to be tested for alcohol at the time of arrest and does not prevail at a court hearing, the court will require an IID for one year. If an offender has committed two refusals of evidentiary testing within 10 years, an IID installation is required for two years.

Alabama’s law (SB 1) expands its all-offender ignition interlock law to include offenders in pretrial diversion programs. These programs offer an alternative to prosecution by diverting offenders from the traditional criminal justice process and placing them into a probation supervised program. The new law requires DUI offenders who enter a pretrial diversion program to install an IID for at least six months or until they complete the program.

Arizona’s legislation (SB 1502) reduces the amount of time a person is required to have an IID installed by the length of a time a person was incarcerated in jail or prison.

IGNITION INTERLOCK COMPLIANCE LAWS

Some states are revising their ignition interlock laws to include compliance-based removal provisions. To attain compliance-based removal, an offender must use the interlock device and not fail any tests for a set amount of time prior to removal. Washington, for example, revised its law in 2011, stipulating that when the compliance period is over, the offender can have the device removed if he or she has not:

- Tried to start the vehicle with a BAC of .04 or more.
- Failed to obtain scheduled maintenance, repairs, calibration, monitoring, inspection or replacement of the device.
- Failed to take or pass any required retests.
Ignition Interlock Camera-Based Compliance Laws

As of May 2019, 21 states require all or some offenders to install interlock devices that are equipped with a camera. They are Arizona, Colorado, Florida, Hawaii, Illinois, Idaho, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New York, Oregon, South Dakota, Tennessee, Texas, Vermont, Virginia and Washington. The camera ensures that the person using the interlock is the driver. Missouri and Vermont have GPS and camera requirements for some offenders. Although Colorado has no requirement in statute, the DMV’s contracts with ignition interlock vendors require all devices to have cameras.

Arizona’s (SB 1401) ignition interlock compliance law went into effect in 2018. Arizona’s law requires images of an offender who fails to properly perform any set of three consecutive rolling retests or tampers with an ignition interlock to be submitted to the Department of Public Safety.

New Hampshire amended its camera-based compliance law (NH SB 346) to require all devices to capture and notify the Department of Safety of the time, date and breath alcohol level of all breath attempts.

Arizona enacted legislation (SB 1401) in 2018 that requires the IID to produce a notification to the Department of Public Safety each time a person fails to properly perform three consecutive rolling retests during a drive cycle. Tampering with an IID can result in a six-month extension of the device period and a restricted or limited driver’s license. Arizona’s new law also requires IIDs be equipped with a camera (see above for more information on camera-based compliance laws).

IGNITION INTERLOCK INDIGENT PROGRAMS

Indigent IID programs reduce the cost of the devices for participating offenders who qualify for financial assistance. As IID programs have expanded, states are faced with opposition over the financial burden they place on low-income offenders. IID installations are associated with administrative costs as well as the cost of purchasing the device. To alleviate this cost barrier, states have established indigent programs to aid in the widespread implementation of IID programs. While other phrases are used in some states, “indigent fund” is used for consistency in this document.
Alabama, Delaware and Connecticut enacted legislation relating to ignition interlock indigent programs in 2018. Alabama’s new law (SB 1) requires ignition interlock companies to provide a minimum number of indigent offenders with free services including installation, lease, calibration and removal. The minimum number of indigent offenders who receive the free service is equal to 5% of total installations provided by the manufacturer during the prior calendar year. The state’s previous law required offenders to pay one-half the cost of installation. In addition, the law reduces the fee non-indigent offenders are required to pay into an indigent fund, from $300 to $200.

Delaware expanded its indigent program (HB 132) to allow all applicants who are required to participate in the IID program to apply for an indigent plan. The state’s prior indigent plan offered devices on a lottery basis, limiting access to offenders in need of financial assistance.

Connecticut’s legislation (HB 5579) allows IID service providers to reduce or eliminate charges associated with installing and operating the devices for indigent offenders who qualify for financial assistance. The law applies to indigent offenders whose IID is required because of convictions such as driving under the influence or having their license suspended. To qualify for the program, offenders may provide proof of their participation in various federal financial assistance programs in order to indicate indigence.

IMPLIED CONSENT, BLOOD ALCOHOL TESTING AND TEST REFUSALS

All driver’s license applicants agree to comply with requests by law enforcement officers to take breath or blood samples to determine BAC when they sign their driver’s license application forms. A breath test can be administered roadside or at any location; blood and urine testing can only be performed at a medical or detention facility. These laws, called implied consent laws, are based on the premise that driving is a privilege and not a right. Offenders who refuse will still face administrative penalties, like having their driver’s license suspended. Every state has some sort of implied consent law, but the penalties vary.

States such as Alabama and Mississippi require a 90-day license suspension for a first time BAC refusal. Other states, such as Arizona, require a six-month or even a year suspension. Some suspected DUI offenders will refuse to take BAC tests and take a license suspension to avoid or reduce the chance of facing more serious criminal sanctions. NHTSA research indicates about 20% of people arrested for drunk driving refuse to submit to a BAC test. In response to high refusal rates, at least 12 states currently criminalize refusal to consent to a BAC. Criminal penalties typically include fines and jail time.

Over the years, questions arose about whether these laws violated the Fourth Amendment. The Supreme Court ruled in Birchfield v. North Dakota in 2016 that police have to obtain a warrant to test the blood of an individual suspected of impaired driving, but a warrant is not required for a breath test. States may criminalize an arrestee’s refusal to take a warrantless breath test. If states criminalize the refusal to take a blood test, police must obtain a warrant. Per the search-incident-to-arrest exception, police officers can search an arrestee’s person, without first obtaining a warrant, to protect officer safety or evidence. To determine if this exception applies, the court weighed the degree to which the search “could intrude upon an individual’s privacy” with the need to promote “legitimate government interests.” The court concluded the privacy intrusion of breath tests was minimal, but the privacy intrusion of blood tests was not because “while humans exhale air from their lungs many times per minute, humans do not continually shed blood.” For this reason, the court concluded that police must obtain a warrant if states criminalize the refusal to take a blood test.
Since the 2016 ruling, nine states—Arkansas, California, Minnesota, North Dakota, Pennsylvania, Rhode Island, Tennessee, Virginia and Washington—have enacted legislation to align state law with the court’s decision. California (AB 2717) was the only state to repeal criminal penalties for the refusal by a person to submit or complete a blood test for determining BAC in 2018.

**ENHANCED CRIMINAL PENALTIES FOR OFFENDERS**

Pennsylvania and Rhode Island enacted legislation in 2018 to increase criminal penalties for DUI convictions for certain offenders. Pennsylvania (SB 961) now fines offenders who drive during a time when the person’s driving privilege is suspended or revoked. Upon first conviction, offenders are fined $500 with up to 90 days in jail. A second violation results in a fine of $1,000 and a minimum of 90 days in jail. A third violation constitutes a fine of $2,500 and imprisonment for six months or longer.

Rhode Island’s new law (HB 7223, SB 2867) provides that any person over the age of 18 who is convicted of a DUI while a child under 13 is present in the vehicle is subject to potential jail time and a fine of up to $1,000. Any person convicted of a subsequent offense is guilty of a felony, may be sentenced to imprisonment of up to five years and a fine of up to $5,000.

**TREATMENT PROGRAMS AND 24/7 SOBRIETY MONITORING PROGRAMS**

DUI recidivism is a significant concern for lawmakers and enforcement officials. To address this issue, states have debated and enacted legislation that requires using treatment programs and sobriety monitoring programs. Judges have always had the option to use court-mandated treatment, which requires impaired driving offenders to participate in evaluation and treatment for their substance abuse issues. However, recent interest includes combining behavioral treatment with more punitive sanctions, leading to a more comprehensive approach to dealing with impaired driving offenders and those who have committed other offenses while impaired. One of these programs is called a “24/7 sobriety program.”

In 2007, South Dakota became the first state to pass a statewide program of this kind. The pretrial program emphasizes offender sobriety and requires repeat and high-BAC DUI offenders to submit to a breath or urine test twice a day at a local sheriff’s office or other designated site. Breathalyzers, transdermal alcohol monitoring devices (ankle bracelets) and drug monitoring patches also may be used to monitor an offender’s sobriety. If the offender fails or does not appear for a test, the offender’s bond, parole or probation may be immediately revoked and, in most cases, the infraction will result in immediate incarceration.

In 2013, the RAND Corporation published the first peer-reviewed evaluation of whether 24/7 sobriety monitoring programs improved public health in South Dakota. Key findings indicated that between 2005 and 2010, more than 10% of men ages 18 to 40 in some counties participated in a 24/7 program. At the county level, researchers indicated a 12% reduction in repeat DUI arrests and a 9% reduction in domestic violence arrests following adoption of the program. Evidence pertaining to traffic crashes was mixed.

The RAND Corporation’s 2018 study on 24/7 sobriety monitoring programs in South Dakota shows that between 2005 and February 2017, more than 30,000 South Dakotans participated in a 24/7 program. The results show that over 12 months, 24/7 participants were rearrested or had their probation revoked 49% less than non-program participants. These reductions continued at 24 months, with a 35% reduction in rearrests and license revocations, and at 36 months, with a 26% reduction.

To isolate the effects of 24/7, Beau Kilmer, a co-author of the study, examined county-level program implementation outcomes, such as traffic crashes involving men ages 18 to 40. Results reveal there is no evidence the program affected the number of total traffic crashes.

Lastly, the study uses the 24/7 model to support the hypothesis that it is possible to create an effective deterrent program on a large scale. It works by prioritizing actions that are swift, certain and with a moderate sanction, such as a night or two in jail, as is the case with 24/7 programs.

A 2015 study by the Upper Great Plains Institute at North Dakota studied the deterrent effect on that state’s 24/7 program offenders. Researchers found that among DUI offenders in this sample, positive behavioral improvements were made upon enrolling in the program. The program appears to have more of a deterrent effect on women than men. The mandatory 12-month enrollment period has a stronger de-
terrent effect than did prior sentences, which generally were left to judicial discretion. Nonetheless, for the group of high-risk offenders who likely have alcohol abuse problems, the program was found to have little deterrent effect.

Other states have used South Dakota’s model and Alaska, Hawaii, Idaho, Iowa, Montana, North Dakota, Utah, Washington and Wyoming have enacted statewide legislation to set up 24/7 monitoring programs.

No states enacted laws directly related to 24/7 sobriety monitoring in 2018. However, Delaware and Oklahoma enacted laws that focus on alcohol and drug rehabilitation or monitoring of DUI offenders. Delaware’s new legislation (HB 294) requires the Division of Substance Abuse and Mental Health to establish rehabilitation programs for drivers whose licenses have been revoked for driving under the influence of alcohol, any drug or both.

Oklahoma removed a provision (HB 2643) that requires the district attorney to pursue enhanced punishment for an individual convicted of driving under the influence before the individual is required to participate in additional assessments. The state’s new law requires offenders to initially participate in an alcohol and drug substance abuse evaluation and assessment program conducted by a certified assessor to evaluate an offender’s receptivity to treatment.

**OTHER 2018 IMPAIRED DRIVING LEGISLATION**

Hawaii enacted legislation (HB 2003) in 2018 that authorizes permits for a DUI offender to operate an employer’s vehicle during the period of license revocation. To receive a permit, the employer is required to attest to the offender’s need to drive the vehicle for purpose of employment and report on the employee’s assigned work hours.
Drug-Impaired Driving

In addition to alcohol-impaired driving, drugged driving appears to be a factor in an increasing number of fatal and injury crashes. NHTSA’s 2013-2014 National Roadside Survey of Alcohol and Drug Use by Drivers shows that about 22% of weekend nighttime drivers tested positive for at least one drug besides alcohol, up from 16.3% in 2007. The percent of weekend nighttime drivers who tested positive for the presence of marijuana rose from 8.6% in 2007 to 12.6% in 2014. However, there is not a definitive answer for why the number of marijuana-positive drivers increased.

Currently, it is difficult to quantify how widespread the drugged driving problem is because many states do not consistently test for the presence of drugs, do not test for the same drugs or do not test around the same legal limit. Although every state has a law that addresses impairment, those that deal with drug impairment are difficult to enforce due to uncertainty over how to best determine impairment and its effects on driver performance.

The AAA 2017 Traffic Safety Culture Index provides insight into Americans’ opinions regarding drug-impaired driving. A total 68.2% of drivers surveyed view driving under the influence of illegal drugs to be a serious threat to their personal safety while 42.5% of drivers feel the same about driving under the influence of prescription drugs. Overall, 54.9% of drivers believe that “drivers using drugs” is a bigger problem than it was three years ago.

GHSA’s 2018 report, “Drug-Impaired Driving: Marijuana and Opioids Raise Critical Issues for States,” examined the impact of marijuana and opioids on driving performance and offers recommendations for states on how to address these challenges. GHSA’s analysis of NHTSA data shows that 43.6% of drivers with known drug test results test positive for drugs. Of drug-positive drivers, 50.5% tested positive for two or more drugs. The report lists a set of recommended state actions to address marijuana- and opioid-impaired driving. They include adding drug-impaired driving messages to state awareness campaigns, training law officers in Advanced Roadside Impaired Driving Enforcement and authorizing electronic search warrants for drug tests.

drug-impaired driving is more complex than alcohol-impaired driving include:

- Hundreds of different drugs can impair drivers.
- Some drugs that can impair driving are illegal to use, some are legal to use under certain conditions and some are freely available over the counter.
- For many drugs, the relation between its presence in the body, its effect on driving and its effects on crash risk is complex, not understood well and varies from driver to driver.
- Data on drug presence in crash-involved drivers are incomplete in most jurisdictions, inconsistent from state to state and sometimes inconsistent across jurisdictions within states.
- It’s more difficult for law enforcement to detect drug impairment at the roadside than alcohol impairment.
- Laws regarding driving while under the influence of drugs (DUID) vary across the states.
- It’s more difficult to prosecute and convict a driver for DUID than for alcohol-impaired driving (DUI).

The legalization of recreational marijuana has brought a new challenge for lawmakers who want to prevent impaired driving on the roads. As of September 2019, 11 states—Alaska, California, Colorado, Illinois, Maine, Massachusetts, Michigan, Nevada, Oregon, Vermont and Washington—and the District of Columbia have legalized the adult use of marijuana.

A 2016 study by AAA found that in Washington, the proportion of drivers in crashes who tested positive for tetrahydrocannabinol (THC), the component that gives cannabis its psychological effects, rose from 20% to 30% between 2005 and 2014.

The IIHS and the Highway Loss Data Institute (HLDI) both released studies in 2018 that examined crash rates in states that have legalized marijuana. Specifically, IIHS compared the crash rates in Colorado, Oregon and Washington with the change in crash rates in neighboring states that have not legalized recreational marijuana. The results of the study show that the rate of crashes in Colorado, Oregon and Washington combined increased by 5.2% compared to the neighboring states. HLDI found that the frequency of collision claims in Colorado, Nevada, Oregon and Washington rose 6% compared to the control states.

In response to these results, David Harkey, president of IIHS and HLDI, stated, “The new IIHS-HLDI research on marijuana and crashes indicates that legalizing marijuana for all uses is having an impact on the safety of our roads.” Some states have chosen to enact drug “per se” laws, which make it illegal to drive with any presence of a prohibited drug or substance in a driver’s body. However, state per se laws vary. In Colorado and Washington, the per se applies only to the presence of THC, the primary ingredient found in marijuana. In South Dakota, the per se law applies to people under age 21 only, and Minnesota’s law does not include THC. Twenty-two states have some version of a drug per se law. They are Arizona, Colorado, Delaware, Georgia, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Montana, Nevada, North Carolina, Oklahoma, Ohio, Pennsylvania, Rhode Island, South Dakota, Utah, Virginia, Washington and Wisconsin. For more information, see NCSL’s resource on drugged driving per se laws.

As referenced above, some states set a blood content threshold for THC. In Colorado, Illinois, Montana and Washington, anyone who drives a motor vehicle and has a THC blood concentration of 5 nanograms per milliliter of blood or more is presumed to be guilty of driving under the influence. Nevada and Ohio statutes establish a threshold of 2 nanograms of THC. For more information, see NCSL’s resource on marijuana-impaired driving.

Colorado released a report in 2018 on the prevalence of drug-involved driving in the state, using 2016 data. The report is a result of a 2017 bill (HB 1315) that requires the Division of Criminal Justice within the Department of Public Safety to annually report on substance-affected driving to the Colorado General Assembly. The report found that males ages 21 and older made up 68.4% of impaired driving cases in 2016. The report also showed that 86% of those arrested who received a toxicology screening had at least one substance such as alcohol, marijuana or other drugs in their system. A total of 12.7% of cases had more than one drug present with 36.6% involving both alcohol and marijuana.

Regarding driving while impaired by prescription drugs, a 2017 Columbia University study found that
number of drivers who died in a fatal crash who were under the influence of prescription painkillers increased sevenfold between 1995 and 2015. This suggests that not only are overdoses related to opioids a public health crisis, they are a traffic safety issue as well.

State Legislation

Colorado and Vermont were the only states in 2018 to enact legislation directly related to drug-impaired driving.

Colorado’s legislation (HB 1362) expands the membership of Colorado’s drunk and impaired driving task force to include a representative from the Department of Revenue’s marijuana enforcement division, a community-based representative from the substance use disorder prevention field, and an owner or manager of a recreational or medical marijuana dispensary. Previous membership only included a representative with expertise in driver’s license sanctioning, the state’s liquor sales laws and a member from an organization that represents alcohol and drug addiction counselors statewide.

Vermont expanded its law banning open containers in a vehicle to include marijuana (Act 86). A violation results in a civil penalty of up to $200 for an open container of marijuana compared to a $25 civil penalty for an open container of alcohol.

Distracted Driving

NHTSA defines distracted driving as any activity that diverts attention from driving. This includes talking or texting on your phone, eating and drinking, maneuvering a navigation system and other behaviors. Distraction is a behavior that “takes your attention away from the task of safe driving.” Distractions are often grouped into three categories that can increase crash risk:

1. **Visually distracting**: tasks that require the driver to look away from the roadway to visually obtain information.
2. **Manually distracting**: tasks that require the driver to take a hand off the steering wheel and manipulate a device or object.
3. **Cognitively distracting**: tasks that require the driver to think about something other than driving.

NHTSA points out that texting while driving is particularly dangerous. When drivers read or send a text message, their eyes are off the road for five seconds. When someone is driving at 55 mph, that results in traveling the length of a football field without looking at the road.

Distracted driving can lead to costly and deadly outcomes. NHTSA reports that 3,166 people were killed in “distracted-affected” crashes in 2017, accounting for 8.5% of total fatalities that year. A distraction-affected crash is any crash in which a driver is identified as distracted at the time of the crash. According to NHTSA, in 2016 a total of 6% of all drivers involved in fatal crashes were identified as demonstrating some form of distraction at the time of the crash. NHTSA notes that based on all police-reported crashes
that occurred in 2010, the economic cost of distraction-affected crashes was approximately $40 billion (in 2010 dollars).

It is important to observe that, although existing crash data shows distracted driving plays a major role in the high number of road deaths, more data is needed to better understand the prevalence of distracted driving in vehicle crashes. Lawmakers and enforcement officials are working to overcome data collection obstacles to better address the dangers of distracted driving.

NHTSA's June 2017 report looked at electronic device use by drivers in 2016. The report shows that passenger vehicle hand-held phone use decreased from 3.8% in 2015 to 3.3% in 2016, resulting in an estimated 481,000 drivers using a hand-held device at a typical moment during daylight hours in 2016. Additionally, the percentage of drivers visibly manipulating hand-held devices decreased from 2.2% in 2015 to 2.1% in 2016. Like previous years, hand-held cellphone use continued to remain higher among female drivers than male drivers and was highest among 16- to 24-year-old drivers.

AAA's 2017 Traffic Safety Culture Index shows that 87.5% of drivers view distracted driving as a bigger problem today than in past years. A total of 96.8% of survey respondents believe that texting or emailing while driving is more of a serious threat than talking on cellphones. However, 44.9% report having read a text or email while driving and 34.6% typed or sent a text message or email while driving in the past 30 days.

A 2017 study released by NHTSA evaluated the enforceability of texting laws using strategies tested in Connecticut and Massachusetts. Law enforcement agencies employed a variety of strategies such as spotter, stationary and roving patrols. The strategies included “one and two-officer patrols, uniformed and plainclothes officers, marked and unmarked patrol vehicles, and a variety of vehicle types, including SUVs, vans, pickup trucks, motorcycles, and cruisers.” One conclusion of the study was that strong distracted driving laws support the enforceability of texting laws, allowing officers to use various laws for enforcement if one law, such as a texting statute, doesn’t address a particular behavior.

AAA published a study in collaboration with the Virginia Tech Transportation Institute (VTTI) in 2018 that examined the relationship between a driver’s cellphone use and crash risk. The study compared a driver’s cellphone use immediately prior to a crash to the same driver’s cellphone use without a crash occurring. The study analyzed the effects of visual-manual tasks such as texting, dialing, browsing and reaching for or answering the phone and texting on crashes. Researchers reviewed data that was previously collected in 2013 by using in-vehicle video and other collection equipment for a period of two months. The results of the study followed similar patterns to previous studies, with visual-manual tasks, particularly texting, more than doubling the odds of a crash. Talking on a hand-held cellphone while behind the wheel was associated with a small increase in the odds of a crash. The VTTI published an additional study in January 2019 showing that drivers who used a hand-held phone increased their crash risk by 2 to 3.5 times, compared to model drivers, defined as being alert, attentive and sober. The study examined the prevalence of crash risk associated with cognitive secondary distractions, which affect the mind but do not require drivers to divert their attention from the road. This includes talking to passengers or talking on a hands-free device while driving. VTTI researchers gathered data by analyzing video footage of 3,454 drivers, 905 crashes and 19,723 control periods of normal driving without a crash. Researchers also analyzed instances of drivers texting on a hand-held phone or adjusting the radio for comparison. When more than one cognitive secondary task was observed, the crash risk went up slightly. However, hands-free cellphone use was linked with a lower crash rate than the control group.

California toughened its distracted driving law in 2016. The law prohibits drivers from operating an electric device that is held in their hand. It allows drivers to use a device if it is mounted on the windshield, dash-
board or center console and is operated by a single swipe or tap, addressing, for example, GPS. The law went into effect Jan. 1, 2017.

California’s Office of Traffic Safety released a report in October 2017 that examines the state’s hand-held phone use since 2011. The report’s findings show that California’s hand-held usage rate was 3.9% in 2017, down from 7.6% in 2016 and 5.4% in 2015. This data was collected via field observations at 204 sites in 17 counties and included over three times as many observations (19,387) compared to past years of the study.

The IIHS conducted a roadside survey in 2018 on the different types of cellphone interactions by drivers in 12 locations across Northern Virginia. Researchers observed nearly 12,000 drivers in 2018 compared to 14,000 drivers in the 2014 roadside survey. The survey results reveal that drivers were 57% more likely to manually interact or use their hand(s) to touch a cellphone than they were in 2014. However, the percentage of drivers simply holding a hand-held phone but not manually interacting with it decreased from 4.9% in 2014 to 2.8% in 2018. The percentage of drivers manually interacting with a cellphone increased from 2.3% in 2014 to 3.4% in 2018. The survey also shows that in 2014 and 2018, 14% of drivers were engaged in non-phone-related secondary behaviors, such as manipulating an in-vehicle system such as GPS or holding an electronic device other than a phone. This exceeds the number of drivers seen using phones in both studies. The authors of the study recommend that efforts aimed at reducing cellphone use while driving should continue and be expanded to examine all sources of distraction.

The North Dakota Department of Transportation implemented a policy in 2018 that prohibits state employees from hand-held phone use while driving state fleet vehicles and other cars during work hours. The policy is more stringent than the state’s current law that only prohibits texting while driving.

**State Legislation**

Lawmakers in 44 states considered more than 259 bills related to driver distraction in 2018. State legislation covered a range of topics that include particular wireless technologies and penalty increases.

**HAND-HELD BANS**


Georgia was the only state to enact a hand-held ban for all drivers (HB 673) in 2018. The state’s definition of a wireless device includes a cellular telephone, a stand-alone computer or a personal digital assistant. The new law expands on this definition by providing detail on prohibitions for wireless device use, such as holding a wireless device while driving, browsing the internet or streaming videos. The law provides an exception for using a GPS system. A violation for a first offense is subject to a fine of up to $50 and up to $100 for a second offense. Georgia’s hand-held ban builds on an emerging trend to provide more explicit descriptions of “wireless devices” and “cellphone use” in an attempt to lessen the interpretation of hand-held bans and make such laws more easily enforceable.

Alaska’s new legislation (HB 333) allows a municipality to enact an ordinance prohibiting the use of cellular telephones while driving in school zones or property.

Iowa’s new law (HB 2196) prohibits texting and hand-held phone use for commercial vehicle operators. A violation results in a misdemeanor and a fine of $50.

Oregon revised its definition of a hands-free accessory “to require only the minimal use of a finger” when swiping or tapping to activate or deactivate a function of the device (HB 4116). The new law also establishes an appeal procedure for offenses committed before the new law went into effect. Oregon’s hand-held penalties are currently among the highest in the U.S. A first offense that doesn’t contribute to a crash is subject to a fine of $1,000. A second offense, or if the first offense contributes to a crash, is subject to a maximum fine of $2,000. A third offense is a misdemeanor and results in a maximum fine of up to $2,500 and up to six months in jail. Missouri considered legislation in 2018 that would ban hand-held phone use for all drivers.
TEXTING WHILE DRIVING BANS

Texting while driving remains a common driver distraction measure debated in state legislatures. As of December 2018, 47 states, D.C., Puerto Rico, Guam and the U.S. Virgin Islands ban text messaging for all drivers. Most of these jurisdictions enforce texting laws with primary enforcement, but five states—Florida, Iowa, Nebraska, Ohio and South Dakota—have secondary enforcement laws that allow police to issue a texting while driving citation only if the motorist was first stopped for another infraction. South Dakota considered legislation to primarily enforce hand-held phone use on highways, but the legislation failed. Arizona and Missouri ban texting and driving for novice or teen drivers, leaving Montana as the only state without any sort of texting ban.

Ohio enacted legislation (HB 95) that makes all distracted driving a secondary offense. The state’s previous law secondarily enforced texting while driving. However, the new law includes any activity that is not necessary for operating a vehicle and impairs the ability of the operator to drive safely. This can include distractions such as eating or applying makeup. A violation is subject to a fine of $100 or, in specific cases, a distracted driving safety course in lieu of the fine.

Penalties for violating a texting ban vary among states, from a misdemeanor charge in Colorado that carries a $300 fine to a traffic infraction in Alabama that carries a $25 fine.

Illinois lawmakers (HB 4846) expanded the state’s texting ban, making a first-time offense a moving violation. The state’s previous law did not consider first-time convictions to be a moving violation and therefore, such a conviction did not go on a driver’s record. A violation results in a maximum fine of $75 for a first offense and between $100 to $150 for subsequent offenses. The law went into effect July 1, 2019.

Mississippi removed the sunset provision from the state’s texting ban (HB 900). A violation carries a $100 fine.

Lastly, Virginia established a penalty of $250 for texting while driving in a highway work zone (HB 1525).

Teen Drivers

Young drivers ages 15 to 20 are significantly overrepresented in fatal crashes, according to NHTSA. NHTSA notes that in 2017, 1,830 drivers ages 15 to 20 were killed in car crashes, a 4% decrease from 2016. With 12.1 million licensed 15- to 20-year-old drivers on the road today, teen driver issues will likely continue to be debated in state legislatures.

Young drivers may exhibit dangerous driving behaviors due to immaturity, lack of skills or inexperience. Teen drivers ages 16 to 19 are nearly three times more likely to be involved in a fatal crash than drivers age 20 and older, according to the CDC. Furthermore, CDC statistics reveal that the risk of crashes is higher among 16- to 19-year-olds than any other age group. Injury and fatality rates are high for teen drivers because they are more likely to engage in risky behaviors such as speeding, driving under the influence, driving distracted, running red lights and not wearing safety belts.

Every state has enacted some type of law intended to develop young driver’s skills and expertise. Commonly referred to as graduated driver’s licensing (GDL), the laws provide a gradual process for teen drivers to gain experience in a safer environment.

The CDC’s 2016 Graduated Driver Licensing System Planning Guide outlines recommendations to improve GDL practices. States and individuals can use the guide as a framework to review background information on their current state GDL processes, gain a better understanding of the use of data in planning for GDL.
Graduated Driver’s Licenses

NHTSA has developed guidelines to create an effective GDL program. Although GDL laws vary from state to state, all GDL approaches consist of three stages identified by the type of license, provisions and restrictions. Before advancing to the next level, novice drivers 15 to 18 years old must demonstrate responsible driving behavior during each state of licensing.

STAGE 1: Learner’s Permit
- Minimum age
- Minimum duration
- Required supervised driving hours

STAGE 2: Intermediate (Provisional) License
- Minimum age
- Nighttime driving restriction
- Passenger restriction (except for family, unless noted)

STAGE 3: Full Licensure
- Minimum age

Source: NHTSA Teen Driving webpage

improvements and develop a strategy to improve GDL. The guidelines also highlight the importance of developing strong partnerships with local and state stakeholders involved in the GDL process as well as a communication plan to effectively share the benefits of a strong GDL to key audiences.

A 2017 study from AAA found that drivers ages 16 and 17 are three times as likely as adults to be involved in a deadly crash. The study also reveals that these drivers are 3.9 times as likely as drivers over 18 to be in a crash and 4.5 times as likely as drivers between 30 and 59 to be in a crash. They’re 2.6 times as likely to be in a fatal crash as drivers over 18 and 3.2 times as likely as drivers between 30 and 59. The study concludes that the three common factors that result in fatal crashes for teen drivers are distraction, not wearing a seat belt and speeding.

A study in the Journal of Adolescent Health on teenage driver crash risk shows teen drivers are eight times more likely to be involved in a collision or near crash during the first three months after receiving a driver’s
license than the previous three months on a learner’s permit. The study indicates that during this period, teenagers are four times more likely to engage in dangerous driving behaviors, such as rapid acceleration and hard turns, that increase crash risk. Overall, the study found that instances of risky driving behavior slightly declined during the first year of independent driving while the crash/near-crash rate for teenagers did not decline. The research also reveals that “during the first year of driving on their own, adolescents either prefer risky driving or lack the judgment required to drive safely.”

**State Legislation**

A total of 32 states considered over 100 bills in 2018 related to teen driving, primarily focused on graduated driver’s licensing, traffic stop education, driver’s education and teen distracted driving.

**GRADUATED DRIVER’S LICENSING**

States considered legislation addressing GDL in 2018, but only Maryland and Utah enacted legislation. In Maryland, the state’s previous law required all drivers under age 25 to hold a learner’s permit for at least nine months to apply for a provisional driver’s license. New Maryland legislation (SB 424) allows drivers 19 and younger who have held a learner’s permit for at least three months to test for a provisional driver’s license. The new law also allows individuals who are 18 years old, hold a high school diploma or equivalent, and have held an instructional learner’s permit for at least three months to apply for a provisional driver’s license.

Utah (HB 98) revised its definition of young or new drivers from “Novice Licensed Drivers” to “Novice Learner Drivers.” The previous definition included drivers who had completed the requirements for issuance of a Utah driver’s license whereas novice learner drivers have not met the requirements for a driver’s license.

**TRAFFIC STOP EDUCATION**

Legislative efforts to address the actions of law enforcement and drivers during police stops to prevent unnecessary tragedies have become a priority for lawmakers the last few years. In 2016, Illinois was the first state to pass a law that requires driver education courses to include instruction on law enforcement procedures as well as appropriate actions for drivers during a stop.

Delaware enacted legislation (SB 168) in 2018 that requires classroom instruction and tests to address driver etiquette during a traffic stop. Additionally, guidance on how to submit a complaint with an enforcement officer’s supervisor must be included in the curriculum.

A handful of states—including Kentucky, Indiana, Maryland, Michigan, Missouri, Nebraska, New York, North Carolina and Rhode Island—considered, but did not enact, similar legislation in 2018.

**DRIVER’S EDUCATION**

A few states considered legislation concerning driver’s education for young adults and their parents in 2018. Some states—including Connecticut, Massachusetts, Minnesota, Rhode Island and Virginia—offer or require driver’s education courses for parents of teen drivers. Virginia enacted a law (SB 126) in 2018 that allows parents and students from certain districts access to online driver training schools.

Michigan expanded its driver’s education classroom instruction to include information on laws pertaining to bicycles, motorcycles, pedestrians and other vulnerable roadway users (HB 4198). All state laws relating to vulnerable users, bicyclists and motorcyclists are authorized to be incorporated into other subject areas of the driver’s education curriculum.

**TEEN DISTRACTED DRIVING**

*The Journal of Adolescent Health* released a report in 2018 that explored the frequency of texting while driving among adolescent drivers from 35 states. The study incorporated two state-level factors associated with texting while driving: the minimum age for obtaining a learner’s permit and the percentage of high school students who drove during the past 30 days.
The study reveals that the prevalence for texting while driving ranged from 26% in Maryland to 64% in South Dakota. The percentage of overall students who drove, along with instances of texting while driving, were both higher among students from states with a learner’s permit age of 14 to 15 years old compared to states with a permit age of 16 years old. The study also revealed that 38% of students who drove in the past 30 days reported texting while driving at least once. The occurrence of students who sometimes or frequently engaged in texting while driving was higher among older students, peaking at 56% for students 18 years or older. In addition, 63% of white students reported texting while driving, the highest percentage of the races and ethnicities surveyed.

The study concludes that the five states—Montana, Nebraska, North Dakota, South Dakota and Wyoming—with a texting while driving prevalence of 50% or more consist of primarily rural populations of less than 2 million people. In addition, each has a minimum learner’s permit age of 15 years old or younger and a high proportion of students who reported driving. The rural geography in each state may also result in students driving longer distances, thus increasing the opportunity to text while driving.

**Older Drivers**

According to NHTSA, a total of 49.2 million people—over 15% of U.S. residents—were 65 and older in 2016. Data from the Federal Highway Administration (FHWA) shows that 41.7 million people over age 65 were licensed drivers in 2016. NHTSA notes that motor vehicle crashes are more harmful for older adults than for all other age groups. Of drivers and passengers 65 and older, 6,764 were killed in motor vehicle crashes in 2016, a 3% increase from 2015. AAA’s data show fatal crash rates increase at age 75 and rise drastically after age 80 due to increased risk of injury and medical complications.

Older drivers are considered safe drivers because they often wear seat belts, rarely speed and are less likely than other age groups to drive impaired. However, AAA notes that they are more likely to be involved in fatal or injury crashes due to age-related decline in vision, hearing and cognitive functioning and conditions that make recovering from injury more difficult. Medical conditions such as heart disease, diabetes and other illnesses also make it difficult to recover from a crash-related injury. In addition, NHTSA’s 2018 literature review on the effects of medical conditions on driving performance indicates that the medicine required to treat a large population of older drivers can cause impairment, worsening driving performance.

AAA conducted a study in 2017 on older drivers’ use and attitudes toward in-vehicle technologies and aftermarket vehicle adaptations designed to make driving safer. Researchers found that 57% of participants had at least one in-vehicle technology, such as blind spot or front collision warnings, voice control or backup and parking assist. Approximately 70% of participants stated that in-vehicle technologies made them a safer driver while 19% said they did not. The report concludes that installing pedal extenders or power adjustable pedals can improve pedal control.

In August 2018, AAA released *Discussions with Older Family Members about Safe Driving: Findings from the AAA LongROAD Study* based on responses from drivers ages 65 to 79 in five states. The study found
that 14.2% of aging drivers had spoken with a family member or physician about driving safety while 82.7% had not. Only 2.2% of drivers stated that in the past year, someone had suggested they limit their driving. About 60% of conversations about safe driving were initiated by family members; such conversations were prompted by traffic safety concerns 43.8% of the time. The study also reveals that discussions with family members about safe driving were significantly more common among drivers ages 75 to 79.

In cooperation with NHTSA, the American Geriatrics Society provides the Clinician’s Guide to Assessing and Counseling Older Drivers, updated every three years. The guide helps health care providers assess older drivers at risk for crashes and counsel them on how to enhance driving safety. The guide also provides resources to help transition older people away from driving when necessary.

State Legislation

Fifteen states considered measures to address older drivers in 2018. Two states—Kansas and South Carolina—enacted legislation.

Kansas’ legislation (HB 2606) allows those applying for a renewal of a driver’s license to do so online, unless they are under age 21 or over age 50. Those age groups must renew and take an eyesight exam in-person.

South Carolina’s new law (HB 4762) requires vision screenings for all driver’s license renewals. The requirement is waived if an applicant can provide proof of a vision test administered by a licensed physician within the prior 12 months. This law was reinstated after the state’s legislature removed the vision screening requirement in 2017.

States considered but did not enact legislation on a range of other topics related to older drivers in 2018.

New York considered but did not enact many proposals related to older drivers, including a bill to establish a statewide “Yellow Dot” program. This was the sixth consecutive year such legislation has been discussed in the state. States with a Yellow Dot program provide a bright yellow circle decal to drivers, including seniors, who sign up for the program. This decal, which is placed in the car’s back window, tells first responders to look for a Yellow Dot folder in the glove box that contains a photo and detailed medical information, including prescriptions, drug allergies, surgeries, presence of pacemakers or other information that could affect emergency treatment. The nation’s first Yellow Dot program began in Connecticut in 2002. Currently, 21 states have statewide, city or county-level Yellow Dot programs. They are Alabama, Alaska, Connecticut, Florida, Georgia, Iowa, Kansas, Kentucky, Louisiana, Maine, Mississippi, North Carolina, New Jersey, Nevada, New York, Pennsylvania, Tennessee, Utah, Virginia, Washington and West Virginia.

A few states, including Illinois, Michigan and New York, debated legislation that would extend or decrease the number of years in between license renewals for senior drives.
Driver Licensing

The states and the District of Columbia license more than 221 million drivers who represent roughly 85% of Americans eligible to drive, according to the FHWA. FHWA’s records show that states have administered their driver’s licensing systems since 1903, when Massachusetts and Missouri enacted the first state driver’s licensing laws. FHWA also notes that by 1954, all states required drivers to be licensed, and since 1959, all states have required an examination to test driving skills and traffic safety knowledge before a license is issued.

State Legislation

The role of state licensing agencies has evolved, however, from solely testing drivers and issuing licenses. The driver’s license now serves a purpose beyond traffic safety, as both government and private entities rely on it for personal identification. Thus, state legislatures and driver’s license agencies are concerned about the safety and security of using the license as an identifier. State legislatures debate hundreds of bills each year related to various aspects of driver’s licensing, including suspensions, medical conditions and digitalization. The bills summarized in this section largely focus on driver’s licensing related to road safety.

Digital Driver’s Licenses

In a world filled with smartphones, it may have been inevitable that the driver’s license would also become digital. States have begun to set up digital driver’s license pilot programs or enact legislation permitting the use of driver’s licenses on smartphones. In 2015, Iowa launched the first digital driver’s license program to test a mobile app that would make driver’s licenses digital. About 100 Department of Transportation employees participated in the pilot program in which they could access their driver’s license through a secure smartphone app. The state does not offer digital driver’s licenses statewide as of the September 2019 publication of this report. At least six states implemented digital driver’s license pilot programs in 2018.

Louisiana became the first state to enact legislation allowing a digital driver’s license in 2016. It expanded its law (HB450) in 2018, requiring digital licenses to be uploaded through a specific mobile device application considered to be a valid digitized identification. The driver’s license will display the status of the identification card as valid, expired or cancelled and will comply with the federal REAL ID security standards for state-issued driver’s licenses and identification cards. The fee to install the application cannot exceed $6. The legislation also establishes that displaying a digital driver’s license does not serve as consent for a law enforcement officer or other government official to search, view or access any other data on the mobile device. In addition, a person may be required to produce a physical driver’s license to a law enforcement officer, a representative of a state or federal department or agency, or a private entity when so requested if it is not related to a traffic stop.

Arizona also enacted legislation (SB 1287) in 2018 that allows the director of the Department of Transportation to establish a system to implement digital versions of driver’s licenses, identification licenses, vehicle registration cards and digital license plates. The law also permits digital driver’s licenses to be admissible evidence in all courts and administrative agencies.

Medical Designations on Driver’s Licenses

In the last few years, a handful of states have considered or passed legislation that would allow for medical or emergency information to be displayed on a driver’s license. States such as Georgia and Louisiana allow driver’s license applicants to request their blood type be listed on the back of their license. In Texas, driver’s license applicants can request a “communication impediment” notation on their license to alert a peace officer of a cognitive disability or hearing impairment.

In 2015, Iowa launched the first digital driver’s license program to test a mobile app that would make driver’s licenses digital. About 100 Department of Transportation employees participated in the pilot program in which they could access their driver’s license through a secure smartphone app.
Missouri enacted legislation (SB 814) in 2018 that allows those who are deaf or hard of hearing to apply to the Department of Revenue to have “DHH” (deaf or hard of hearing) noted on their driver’s license (SB 814). The legislation also requires the Missouri commission for the deaf and hard of hearing to make an informational video in American Sign Language explaining the “DHH” notation and the right to receive the code on a driver’s license.

License Suspension for Non-Driving Offenses

In recent years, state legislatures have considered repealing laws that suspend driver’s licenses for a non-driving offense. The American Association of Motor Vehicle Administrators notes that suspending driving privileges for non-highway safety-related reasons is not effective, can strain Department of Motor Vehicle (DMV) budgets and detract from public safety priorities. Federal law (23 CFR 192) requires states to suspend or revoke the driver’s license of anyone convicted of a violation of the Controlled Substance Act or any drug offense. States can lose federal highway money if they are not in compliance. However, states can “opt out” by submitting a certified statement from the governor or a resolution passed by the state legislature. Pennsylvania passed such a resolution (HB 163) in 2018, eliminating driver’s license suspensions for crimes such as the possession or sale of controlled substances. The District of Columbia also revised its law (Act 192), no longer suspending an operator’s permit as a result of a drug conviction.

In addition, states and the District of Columbia enacted legislation related to non-driving offenses such as the failure to pay court-appointed fines. The District of Columbia enacted the Driver’s License Revocation Fairness Amendment Act of 2018 that eliminates driver’s license suspensions for individuals who fail to pay civil money judgments such as car crash fees while driving with lapsed insurance. The law took effect March 13, 2019.

California and Delaware enacted bills in 2018 moving away from restricting driving privileges for non-driving offenses. California passed a bill (AB 2685) that removes a provision of the law allowing a juvenile court to delay or suspend a minor driver’s privilege because of habitual truancy. The law still requires the juvenile court to consider personal or family hardship when deciding to suspend or delay a minor’s driving privilege. Assemblyman Tom Lackey (R), the bill’s sponsor, states, “By allowing truants to maintain and use their licenses to travel to and from work while banning all recreational travel, AB 2685 acts to protect the hard-working spirit of our youth while continuing to emphasize the importance of education.”

Delaware no longer permits the DMV to suspend a student’s driver’s license if he or she has been expelled from a public school (HB 402). The state’s previous law allowed the DMV to reinstate a student’s license when the expulsion was complete, a driver was 19 years of age or older or if two years had passed since the date of expulsion.

Conversely, Arizona enacted legislation (HB 2455) suspending an individual’s driving privilege for failure to pay civil penalties. These penalties include failure to pay child support and fees associated with ignition interlock operations. The license will remain suspended until the entire civil penalty for failure of payment is submitted. The law permits a judge to mitigate civil penalties that would require a license suspension if an individual can demonstrate that the payment would impose a financial hardship.
**Speeding and Speed Limits**

According to NHTSA, speeding was a factor in 26% of motor vehicle fatalities in 2017, but total speeding related fatalities were down by 5.6% (9,717 in 2017 compared to 10,291 in 2016). Speeding has been implicated in more than 25% of crash deaths since 2005, according to the IIHS.

NHTSA considers a crash to be speeding-related if the driver was charged with a speeding-related offense or if a police officer indicated that racing, driving too fast for conditions or exceeding the posted speed limit was a contributing factor in the crash. AAA’s 2017 Traffic Safety Culture Index found a striking social acceptance of speeding. Nearly a quarter of respondents found it socially acceptable to excessively speed on freeways compared to only 14% who said the same for residential streets. However, in practice, a much higher percentage of drivers recently sped whether they find it acceptable or not. Half of drivers (50.3%) reported speeding aggressively (more than 15 mph over posted limit) on freeways and slightly under half (47.6%) have sped excessively on residential streets (more than 10 mph over posted speed).

The latest NHTSA speeding statistics also showed that the age groups with the highest percentage of speeders involved in fatal crashes in 2017 were all 15- to 20-year-olds and 21- to 24-year-old male drivers, with a rate of 31% for both age groups. About a third (32%) of motorcycle riders involved in fatal crashes in 2016 were speeding, more than drivers of any other vehicle type. NHTSA also found that, in 2017, 37% of speeding drivers in fatal crashes were alcohol impaired, compared to 16% of non-speeding drivers. See page 10 for recent state action related to impaired driving.

In December 2017, NHTSA released Matching Countermeasures to Driver Types and Speeding Behaviors, which explores new speeding countermeasures targeted at various driver types and roadway scenarios. Also included are survey results from Idaho drivers on situational recall and self-reporting of behaviors. The results provide insight into driver perception of many countermeasures. The report concluded that “while there was no clear ‘silver bullet’ countermeasure identified in the survey, there are several promising findings, such as with the stopping-distance education and radar-based, roadside displays that could form a starting point for the development of more detailed countermeasure strategies.” A Traffic Tech summary of this report was released in June 2017.
Types of Speeders

Deliberate Speeders: In general, these drivers tended to engage in the more aggressive and deliberate types of speeding, substantially more than other driver types. Deliberate speeders also reported engaging in risky driving more frequently than others, and they had the most favorable attitudes toward speeding.

Typical Speeders: This group contains the largest number of drivers, and casual speeding was relatively more common among typical speeders. Drivers in this category also occupied a middle range in terms of average speeding profiles and frequency of speeding episodes.

Situational Speeders: This group’s drivers are distinct in that they sped up in transition zones much more often than other driver types, and they engaged in minimal amounts of aggressive speeding and cruising speeding. Overall, this group only engaged in a little more speeding than unintentional speeders, but they did not share the same favorable views regarding not speeding.

Unintentional Speeders: This group was comprised primarily of drivers who engaged mostly in incidental and casual speeding, but almost none of the other types of speeding. These drivers also had attitudes and beliefs that were the most favorable toward not speeding.


A 2016 IIHS study on the impact of increased speed limits found that increases have resulted in more than 33,000 additional traffic deaths in the last 20 years. The study found that each 5 mph increase in the maximum speed limit resulted in a 4% increase in fatalities, increasing to 8% on interstates and freeways.

In the past two decades, the states have gained more power to set maximum speed limits following Congress’ 1995 repeal of the 55 mph maximum speed limit. Since then, according to research by IIHS, 41 states have set speed limits of 70 mph or higher on some portion of their roadway systems. Seven states have speed limits of 80 mph or greater. An IIHS study from October 2016—focusing on Utah’s 2010 and 2013 increases in speed limits on rural interstates to 80 mph—found that “the likelihood that a passenger vehicle was traveling over 80 mph within the 80 mph zones was more than 120% higher than would have been expected without the speed limit change.”

In 2017, Ohio passed legislation (HB 26) permitting the use of variable speed limits (VSL) in some circumstances, one of 25 states that does so. FHWA describes VSLs as “typically installed on interstate highways or high-speed arterials and are used for three primary functions that can improve safety and operations: reducing congestion, reducing speeds during inclement weather, and managing speeds during traffic events such as work zones and incidents.”

Under Ohio’s legislation, the director of the department of transportation may establish criteria for appropriate use and implement a VSL that is different than the established speed limit on certain sections of interstate highways. The legislation provided the department with a potential solution to an ongoing safety issue related to heavy snow episodes along certain highways in northern Ohio.

State Legislation

In 2018, 36 states considered more than 175 bills related to speed limits and speeding. A total of 14 bills were enacted in 10 states related to speed limits in passing situations, work zone speed limits, local speed issues and speed-related fines.

Three states enacted legislation that will likely result in increased speed limits in certain circumstances and locations. Nebraska (LB 1009) created a new category of arterial highways referred to as “super-two high-
ways” and provided for 5 mph speed increases on them (depending on location, top speeds increased to 65 or 70 mph). Lawmakers amended Interstate 80 out of this bill in part due to the opposition by the trucking industry, citing safety concerns arising from potentially dramatic speed variations of cars and trucks. Four Virginia bills (HB 55, HB 73, SB 466 and HB 684) provided for increased speed limits on specified sections of certain highways. New Hampshire (HB 1615) effectively increased work zone speed limits in some instances by eliminating a 45-mph maximum speed but keeping a provision requiring a 10-mph reduction from posted limits.

Further, three states moved legislation related to speed but not directly changing actual posted limits. Pennsylvania (SB 880), for example, amended processes for engineering studies to determine speed limits.

Two states revised penalties for speeding in 2018. Oklahoma (SB 1203) established a ceiling for fines and fees assessed for speeding violations of 1 to 10 miles mph over the posted limit, effectively decreasing the penalty for such violations. Wyoming (HB 93) restructured fines for speeding violations, lowering most penalties by $5 while simultaneously instituting a new $5 fee for continuing education for law enforcement officers. Effectively, the bill keeps penalties on the drivers the same while shifting revenues to police training and away from county school funds.

Lastly, all states have laws requiring vehicles traveling slower than the normal speed of traffic to operate in the farthest right-hand lane available. This year, Idaho enacted legislation (HB 471) to more broadly define impeding traffic flow in a left-hand lane when a minimum speed is posted. Mississippi (HB 80) restricted the use of the left-most lane to passing situations only and New Hampshire (HB 1595) created a $50 fine for impeding traffic in the left-most lane due to driving below the posted speed limit.

LOWERING SPEED LIMITS

A few miles per hour can make a world of a difference for a vulnerable user such as a pedestrian or bicyclist who is struck by a vehicle. IIHS undertook a study in 2017 to compare average speeds in Boston, where a state law allowed the city to reduce the default speed limit to 25 mph from 30 mph, with Providence, R.I., where the speed limit remained 30 mph. Similar roads, including a mix of arterial, collector and local roads, were examined. According to the IIHS study, in Boston, the odds of vehicles exceeding 35 mph declined by 29.3%, while the odds of vehicles going faster than 30 mph and 25 mph fell by 8.5% and 2.9%, respectively. IIHS hopes to next study the impact of lower speed limits on crashes in Boston.

Early in 2019, the National Committee on Uniform Traffic Control Devices made a significant change regarding the ability of communities and engineers to design roads with vulnerable users in mind. The committee voted to change the Manual on Uniform Traffic Control Devices (MUTCD) to require consideration of pedestrian and bicycle activity when setting the speed limits for urban and suburban streets. The manual serves as the chief guideline for traffic and transportation engineers when designing and constructing roadways. This change is significant and comes on the heels of a 2017 NTSB report recommending moving away from the 85th percentile rule, which typically sets the speed limit at the speed 85% of motorists are not exceeding in a corridor.

States continue to debate and enact measures that reduce speed limits in certain circumstances or give more latitude to local jurisdictions to set speed limits, as was the case in Massachusetts in 2017. In the past decade, at least seven states—Colorado, Indiana, Massachusetts, New Hampshire, New York, Oregon and Washington—have given localities increased flexibility to reduce their minimum speeds to create a safer travel environment for vulnerable users.

In Colorado, previous state law allowed counties and municipalities to change a speed limit on a local road if a traffic investigation or survey indicated a change was justified. However, in 2018, the General Assembly passed a bill (HB 1191) that now authorizes counties, municipalities and residential neighborhoods to also consider the following criteria when adjusting speed limits on local roads: road characteristics, current and future development, environmental factors, parking practices, pedestrian and bicycle activity and crash statistics.
The California Legislature enacted a bill (AB 2363) requiring the secretary of transportation to establish and convene the Zero Traffic Fatalities Task Force. Among its duties is a directive to study and report on California’s existing process for establishing speed limits, which entails determining whether an alternative to using the 85th percentile rule should be considered. Dynamics such as use of the 85th percentile rule in urban and rural settings and how local bicycle and pedestrian plans affect the 85th percentile rule must be included in the study.

Alabama lawmakers passed a resolution (HJR 46) encouraging the state’s department of transportation to reduce the speed limit on a highway within the city of Alexandria. New Maryland legislation (SB 872) permits local authorities to establish special event zones and temporarily reduce speed limits within such zones.

### Aggressive Drivers

Running red lights, speeding, weaving through traffic or illegal driving on the shoulder are all dangerous behaviors that exhibit aggressive driving. NHTSA, in cooperation with law enforcement agencies defines aggressive driving as occurring when “an individual commits a combination of moving traffic offenses so as to endanger other persons or property.”

**AAA’s 2017 Traffic Safety Culture Index** found that 50.3% of drivers admitted to driving 15 mph over the speed limit on a freeway and 47.6% reported exceeding speed limits by 10 mph on a residential street. The survey reveals that 68.1% of drivers view aggressive driving as a bigger problem today than it was three years ago. Nearly 90% of drivers ranked “people driving aggressively” as a “very serious threat” or “somewhat serious threat” to their personal safety.

### State Legislation

Aggressive driving continues to be a topic of legislation around the country. Several states have laws defining the offense of aggressive driving and establishing penalties. Eleven states—Arizona, Delaware, Florida, Georgia, Indiana, Maryland, Nevada, North Carolina, Rhode Island, Vermont and Virginia—have aggressive driving laws. California and Utah have reckless driving laws that are similar in scope.

Maryland’s law requires a driver to commit three specified offenses at the same time or in a continuous period of driving for his or her behavior to constitute aggressive driving. Maryland has considered legislation over the last four years to revise the law in some form. The state discussed but did not enact legislation (HB 881) in 2018 that would have lowered the number of offenses to two if certain offenses were committed.

New Jersey discussed two pieces of legislation (AB 1940, SB 2000) that would have listed aggressive driving as a motor vehicle offense. Currently, aggressive driving is enforced under other existing laws. Both bills were still pending at the time of publication. Tennessee considered but did not pass two bills (BH 2501, SB 2635) that would have created the crime of aggressive driving.
Automated Enforcement

Automated enforcement technology—red light cameras and photo radar—allow local law enforcement agencies to enforce traffic laws remotely by detecting motorists who violate traffic regulations. Red light cameras are linked to traffic signals and monitor the green, yellow and red phases of traffic lights. When a motorist drives through an intersection after the signal has turned red, sensors trigger the cameras to take two photographs—one of the vehicle entering the intersection while the light is red and one showing the vehicle traveling through the intersection on a red light.

Photo radar functions are similar. Typically housed within a mobile unit such as a van or truck, the photo radar system is equipped with both speed detection devices and cameras. Once a speeding vehicle is detected, the camera is triggered. The photos, stamped with the date and time, are used to identify the vehicle owners and tickets are issued.

Motorists disobeying a red light is a dangerous yet common occurrence. According to IIHS, in 2016, crashes caused by red light running resulted in at least 811 deaths, with over half the deaths consisting of bicyclists, pedestrians and others.

There were 9,717 speeding-related deaths in 2017, according to NHTSA’s latest data, just over a quarter of the 37,806 total traffic deaths that year.

Results of studies on the effectiveness of automated enforcement vary, but mostly show a positive impact on traffic safety.

A 2016 IIHS report showed that removing red light cameras from intersections costs lives. Researchers compared trends in annual fatal crash rates in 14 cities that had ended their camera programs with those in 29 cities in the same regions that continued their programs. They found that, after adjusting for other factors, fatal red-light-running crash rates increased by 30% at all the signaled intersections in the 14 cities after cameras were turned off, compared with expected crashes had cameras remained. The study estimated
that 63 deaths would have been prevented if the 14 cities had not turned off their cameras.

IIHS has found positive safety impacts from speed cameras, too. Speed cameras were introduced in Montgomery County, Md., in 2007. As of 2014, the county had 56 fixed cameras, 30 portable cameras and six mobile speed vans. The cameras are used on residential streets with speed limits of 35 mph or less and in school zones. IIHS found that, during the program’s first year, the proportion of drivers traveling at least 10 miles over the speed limit had declined on streets with cameras. Researchers found that, in 2014, the likelihood of a driver exceeding the speed limit by more than 10 mph on roads with cameras decreased by 59%. The researchers also looked at crashes on camera-eligible roads in Montgomery County and compared them to other similar roads in Virginia. They found that the speed cameras resulted in a 19% reduction in the likelihood that a crash would involve a fatality or an incapacitating injury, as reported by a police officer on the scene.

Two recent studies of Houston’s red light camera program came to different conclusions regarding its efficacy. A 2017 Case Western Reserve University academic analysis examined 12 years’ worth (2003-2014) of crash data from Houston, where red light cameras were operational between 2006 and 2010 before being removed due to a public referendum. The analysis compared that data with the data from Dallas, where red light cameras were never deployed. The results showed an 18% increase in rear-end crashes after the cameras were installed, which aligns with many other analyses, as motorists tend to stop to avoid a ticket and thus increase the risk of a rear-end collision. However, the study also found a 26% increase in “angle” crashes, such as T-bone collisions, after red light cameras were removed, which tend to be more likely to lead to injury or death. This also jibes with other research on the topic.

Another study of Houston’s red light camera program by Texas A&M, published in the Journal of Safety Research, reached different conclusions about the program. It found a 37% decrease in all red-light-running crash types and a 47% decrease for right-angle red-light-running crashes after Houston’s red light cameras program commenced. Deactivation resulted in a 20% increase for all red-light-running crash types and a 23% increase in right-angle crashes.

Politically, red light and speed cameras remain contentious. Contrasting results from studies can enhance skepticism, particularly of red light camera programs, depending on how they are administered, and which intersections are chosen.

While some municipalities continue to add automated enforcement programs, the recent trend has been toward fewer governments deploying red light and speed cameras. According to IIHS, as of September 2019, 341 communities have red light cameras, compared to 430 in 2016 and down significantly from the peak of 533 in 2012. Speed cameras are less prevalent, with 146 communities using them as of September 2019, per IIHS.

A number of traffic safety groups, including AAA and IIHS, released a red light camera program checklist in 2018 to guide communities when considering potential red light camera deployment. The checklist suggests several specific steps to build support for automated enforcement programs, communicate with the public and keep the focus on safety outcomes. The checklist includes identifying problem intersections; establishing an advisory committee and a sustained public education campaign; installing prominent warning signs and offering a probationary, warning-only period; allocating excess revenue for traffic safety purposes; and requiring regular program evaluation of results.

In New York City, 140 school zone speed cameras were shut down in the summer of 2018, due to the expiration of a 2013 law authorizing their use. Data from the New York City Department of Transportation shows that the cameras reduced speeding during school hours by 63% and injuries by 17% between 2014 and 2017. In late August 2018, Governor Andrew Cuomo signed the first of three executive orders over-
riding the sunset provision of the 2013 law and allowing the cameras to continue to operate. In the meantime, the New York City Council enacted legislation allowing the expansion of the cameras to more locations and for longer hours. In March 2019, the Legislature enacted a bill (AB 6449) that will expand the program from 140 cameras to 750 in school zones throughout New York City.

Colorado Springs became one of the larger municipalities to start using red light cameras in 2018, after a seven-year lull following their use in 2010 and subsequent removal in 2011 due to public outcry. Four cameras will be placed at intersections after the local police department studies which intersections would most benefit from their installation. There may be additional cameras added later.

City and local governments in 22 states and the District of Columbia use red light cameras. They are Alabama, Arizona, California, Colorado, Delaware, Florida, Georgia, Illinois, Iowa, Louisiana, Maryland, Missouri, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, Tennessee, Virginia and Washington. Texas banned red light cameras in August 2019. In most cases, state legislatures have passed enabling statutes with specific provisions to allow local governments to develop camera programs. No state law exists in Iowa and Missouri, but local communities have chosen to develop programs. In New Mexico, the transportation department banned red light cameras on state and federal roadways, but they can be used by local governments under some circumstances.

Communities in 15 states—Alabama, Arizona, Colorado, Illinois, Iowa, Louisiana, Maryland, Missouri, New Mexico, New York, Ohio, Oregon, Rhode Island, Tennessee and Washington—and the District of Columbia use speed cameras. Pennsylvania will likely join them in 2019 when its new legislation takes effect. Although Iowa and Ohio have no specific statutes, cameras are used in certain cities.

Some states prohibit use of automated enforcement altogether. Arkansas, New Jersey, South Carolina and Wisconsin prohibit photo radar enforcement. South Carolina law provides a narrow exception that speed enforcement cameras can be used in a state of emergency. In Texas, municipalities are prohibited from using automated enforcement to enforce speed limits. Statutes in Maine, Mississippi, Montana, New Hampshire, South Carolina, South Dakota and West Virginia prohibit red light camera use to issue citations to motorists. Nevada effectively prohibits red light camera programs because their laws require law enforcement personnel to be present if cameras are used.

**State Legislation**

Twenty-nine states introduced 123 bills related to automated enforcement in 2018; however, many were bills that were carried over from the 2017 session. Compared to previous years, there were more enacted bills concerning red light and speed cameras in 2018, with five states—Arizona, Georgia, Maryland, Pennsylvania and Rhode Island—enacting six new laws.

Heading that list was Pennsylvania, which established two five-year pilot programs for automated speed enforcement systems (ASES), one in active work zones throughout the entire state and the other along the entire length of Roosevelt Boulevard in the city of Philadelphia (SB 172). Roosevelt Boulevard was the scene of almost one-fifth of 2018 traffic fatalities in Philadelphia, according to the Philadelphia Inquirer.

With regard to the work zone pilot, covered areas include any portion of an active work zone where construction, maintenance or utility workers are located on the roadway, berm or shoulder; are adjacent to an active travel lane; and where an automated speed enforcement system is active. Workers present and protected by a traffic barricade shall also be considered adjacent to an active travel lane. The active work zone pilot will be operated by the Pennsylvania Department of Transportation (PennDOT) and the Pennsylvania Turnpike Commission.

The Philadelphia Parking Authority will operate the Philadelphia ASES pilot.

For the work zone pilot, signs must be conspicuously placed at the beginning and end of the work zone. In the case of the Philadelphia pilot, signs placed at two-mile intervals will notify the public that an ASES is in use and its location will be posted on PennDOT’s website.
Driving at least 11 miles per hour over the posted speed limit constitutes a violation for both pilots.

For the Philadelphia program, a fine must be established by city ordinance and shall not exceed $150. There will be a 30-day period with only written warnings to begin the pilot.

For a first offense in the active work zone pilot, an offender will receive a written warning, with fines of $75 for the second offense and $150 for the third and subsequent offenses.

For both pilots, a violation would not be considered a criminal conviction, or be made part of the driver’s operating record. Violations cannot be used by insurance companies for merit rating purposes or to impose surcharge points.

Fine revenue, minus operation and administrative costs, will be remitted for a variety of purposes. For the Philadelphia pilot, a Transportation Enhancement Grants Program was established under the Automated Red Light Enforcement (ARLE) program. All municipalities are eligible to apply for assistance, although priority must be given to applications from Philadelphia.

Fine revenue from active work zone violations will be used to pay for the administration of the pilot program and the system administrator’s costs. Remaining fines shall be used to, among other things, increase state troopers’ presence in work zones and educate the public on work zone safety. Another portion of the fines will be deposited in the Motor License Fund for the General Assembly to appropriate. Remaining fines will be allocated by PennDOT or the Pennsylvania Turnpike Commission to develop a Work Zone and Highway Safety Program for projects and countermeasures to improve work zone and highway safety. Funds may also be used to increase awareness of distracted driving and transportation enhancements relating to automated red light enforcement systems.

For both pilots, the legislation prohibits recorded images collected as part of an ASES from being used for any other surveillance purposes unless a court orders that the information be provided to law enforcement officials solely in connection with a criminal law enforcement action. Information obtained through an ASES is not subject to the Right-to-Know Law and must be destroyed within one year of final disposition.

Both pilots require the submission of an annual report to the transportation committees of the Senate and House. The reports must include information such as the number of vehicular accidents and related serious injuries and deaths in the pilot areas where ASES is deployed; speed data; the number of notices of violation issued; the amount of fines imposed and collected; amounts paid under contracts authorized by this section and the number of hours of state police presence in work zones that were provided as a result of the funds.

Two states, Georgia and Rhode Island, authorized schools to use speed cameras in school zones in 2018.

Georgia enacted legislation (HB 978) authorizing the use of automated traffic enforcement safety devices in school zones. Such devices may be used only on school days, from one hour before classes begin to one hour after classes conclude. A school must apply for and secure a permit from the Georgia Department of Transportation (GDOT) for the use of an automated traffic enforcement safety device.

A motor vehicle owner captured by an automated traffic enforcement safety device driving more than 10 mph over the speed limit is liable for a civil monetary penalty. The fine is $75 for a first violation and $125 for a second and any subsequent violation, in addition to fees that may not exceed $25. Additionally, if a violation has not been contested and the penalty not paid after 30 days of the final notice being mailed, the Department of Revenue shall refuse to renew the vehicle’s registration. Further, transferring the title of the vehicle within the state is prohibited unless and until the civil monetary penalty and any late fees are paid. The fine revenue collected by the governing body where the violation occurred must only be used to fund local law enforcement or public safety initiatives in that locality.

Rhode Island (SB 2688/HB 7956) enabled the use of automated school zone speed enforcement systems, but only after approval by the director of the state Department of Transportation. A violator would be fined $50 for each offense; however, only warnings may be issued for the first 30 days following the system’s installation. A violation will not be considered a moving violation on the motorist’s driving record.
and the court shall expunge any automated school zone speed enforcement violations during the preceding three-year period. In addition, there must be unobstructed signs warning motorists at least 100 feet prior to entering an automated school zone area and the systems can only be operated on school days from 7 a.m. to 6 p.m. The system’s vendor must submit an annual report with all pertinent data to the speaker of the House and the Senate president.

Maryland authorized (HB 175) Prince George’s County, until the end of September 2023, to place one speed camera at a specific intersection, provided proper signage is in place and placed near a device that displays a real-time posting of the driver’s speed. Prince George’s County has used speed cameras at several locations since the legislature authorized their use on certain highways in 2010. The camera may only record vehicles traveling in the southbound lane of the roadway. After cost recovery, fine revenues must be deposited into the Criminal Injuries Compensation Fund. The county must report to the governor and General Assembly by Jan. 1, 2023, on the number of speed monitoring citations issued by month. It also must provide the number of fatal motor vehicle crashes and fatalities by month while speed monitoring systems are active, and any measurable decreases in vehicle speed along the route.

Maryland also enacted a bill (HB 204) disallowing the issuance of a red light camera violation if the stoplight fails to display a yellow light in accordance with regulations adopted by the State Highway Administration (SHA) and consistent with standards or guidelines established by the FHWA. SHA regulations require yellow intervals of between three and six seconds.

Arizona revised its process for reviewing and issuing speed camera violations in 2018. Arizona now requires (HB 1110) a law enforcement officer to review photo evidence of a speed violation before issuing a citation and prohibits a photo enforcement company from determining whether a violation occurred.

---

**Iowa Debates Merits of Automated Enforcement**

Automated enforcement has been a source of contention between the Iowa Department of Transportation (IDOT) and local jurisdictions for several years. The dispute is mostly focused on who controls speed cameras placed on interstates and primary highways. IDOT asserted the use of the cameras fell under its general authority to maintain safe highways and ordered the shutdown of 10 locally placed cameras on or adjacent to Iowa highways.

However, in April 2018, the Iowa Supreme Court ruled that IDOT did not have statutory authority to keep the municipalities from using speed cameras. Cities have resumed using them on interstates and primary highways in their jurisdictions, and no longer must submit annual reports on automated enforcement to IDOT. IDOT then removed the restrictive rules in question and the use of cameras on local roads continues.

During the legal dispute, data from speed cameras was still collected, but notices of violations were not issued, giving a unique view of the effectiveness of such cameras on actual speeding habits. During the period when the cameras were not issuing violations on I-235 on the west side of Des Moines, the average number of motorists going 11 mph over the speed limit more than doubled to nearly 20,000 motorists a month, compared to around 8,000 a month before the system was shut down and after it was operational again.

The Iowa legislature considered five automated enforcement bills in 2018, many focused on banning speed cameras or putting in place stricter regulations for their use, but all of them failed.
Motorcyclist Safety

There were 5,172 motorcyclist fatalities in 2017, a decrease of 3.1% from 2016, according to the latest NHTSA data. The number of alcohol-impaired motorcyclists increased by 2% between 2016 and 2017, from 1,425 to 1,454. Furthermore, according to NHTSA, the percentage of drivers with BACs of .08 g/dL or higher in fatal crashes in 2017 was highest for motorcyclists (27%), compared to drivers of passenger cars (21%), light trucks (20%) and large trucks (3%).

Interestingly, the proportion of all traffic fatalities that were motorcyclist fatalities did not change between 2008 and 2017, holding steady at 14%.

State Legislation

2018 was a slow year for motorcycle safety legislation, with eight states enacting nine bills, focused on motorcycle operation and equipment, licensing and education, and autocycles.

MOTORCYCLE OPERATION AND EQUIPMENT

Hawaii was the only state to enact legislation amending the operational use of motorcycles in 2018. Hawaii (HB 2589) permits the state Department of Transportation to allow motorcycles to operate in and pass vehicles on shoulders on certain designated highways. Such access is permitted only under prescribed circumstances related to stopped or delayed traffic. The DOT must clearly mark any designated shoulders to denote where motorcycles may enter and exit the shoulder and motorcyclists may not exceed 10 mph nor make turns from a shoulder.

Two states enacted changes to equipment standards for motorcycles. Michigan (SB 568) imposed a height limit of 30 inches on motorcycle handlebars. Virginia (HB 1464) allowed motorcycles and autocycles to use light-emitting diodes (LEDs) as auxiliary lighting, provided the lights are red or amber in color, are directed toward the ground, and do not blink or oscillate.

MOTORCYCLE LICENSING AND EDUCATION

Three states passed legislation to alter the process and/or requirements for obtaining a motorcycle license. Kentucky’s legislation (SB 122) requires motorcycle education training standards be prescribed by NHTSA, rather than the Motorcycle Safety Foundation as prior statutes required. The bill also lifts a ban on individuals with a felony conviction from becoming instructors and requires the Motorcycle Safety Education Commission to publish a list of approved rider training and instructor training courses that meet the licensing requirements.

South Carolina (SB 456) instituted new requirements for individuals who have failed a motorcycle driving test multiple times, requiring them to enroll in a South Carolina Technical College safety course to obtain a license. The bill also provides that motorcyclists who accumulate points on their license may reduce their points by four by successfully completing the safety course.

Minnesota (SB 3466) now allows the use of motorcycles on interstate highways by individuals with a two-wheeled vehicle instruction permit.

AUTOCYCLES

Three states enacted legislation to define or amend existing regulations on autocycles in 2019.

Florida (HB 215) became the 38th states to define an autocycle. Its new law defines an autocycle as “a three-wheeled motorcycle that has two wheels in the front and one wheel in the back; is equipped with a roll cage or roll hoops, a seat belt for each occupant, antilock brakes, a steering wheel, and seating that does not require the operator to straddle or sit astride it; and is manufactured in accordance with the applicable federal motorcycle safety standards...” Further, the bill requires operators, passengers in the front seat and any passengers under 18 years old to wear a seat belt. Autocycle operators also no longer need a motorcycle endorsement on their driver’s license.
Hawaii (SB 2099) also now allows anyone with a driver’s license to operate an autocycle.

Mississippi (SB 2629) revised its definition of an autocycle to “a three-wheel motorcycle with a steering wheel, nonstraddle seating, rollover protection and seat belts.” The definition previously read, “a motorcycle with three wheels that is completely enclosed with a roll cage or roll bar, automotive controls and seat belts.”

School Bus Safety

Every school day, more than 25 million children climb into 485,000 buses around the country to take them to and from school and related activities, according to the National Association for Pupil Transportation. While school buses are statistically the safest way to transport school children, according to NHTSA, between 2008 and 2017, there were 1,241 people killed in school-transportation-related crashes—an average of 128 fatalities per year.

Furthermore, 61 children who were school bus occupants died in crashes during that time period, while another 264 school-age children (18 and younger) died in school-transportation-related crashes between 2008 and 2017, either as occupants of other vehicles, or on foot or bike. Overall, school-transportation-related fatal crashes are relatively rare. Between 2008 and 2017, they made up less than half a percent of all fatal crashes.

However, several recent tragic school bus crashes have raised the profile of the yellow school bus and sparked debate in statehouses. In November 2016, six young students were killed in a school bus crash in Chattanooga, Tenn. The crash received a great deal of national media attention and resulted in increased legislative attention on the topic of seat belts on school buses. Another fatal crash in May in of 2018 in New Jersey led to changes in school bus seat belt laws in the Garden State.
The National Transportation Safety Board (NTSB) released a report in May 2018 analyzing two fatal school bus crashes, one the aforementioned crash in Chattanooga and one in Baltimore. The report largely focuses on issues related to oversight of school bus drivers, as both drivers in the crashes were private for-hire contractors. The one recommendation in the report, specifically for states, was to require school bus lap and shoulder belts.

State Legislation

In the past decade, several legislatures have enacted laws requiring seat belts on school buses and authorizing cameras mounted on stop-arms to cite drivers that illegally pass a stopped school bus. However, 2018 was a relatively slow year for new school bus safety laws, although states did enact legislation on school bus seat belts and stop-arm cameras, as well as bills concerning school bus drivers.

Illegally Passing School Buses

Students boarding and exiting school buses are at risk of being hit by motorists failing to yield and passing stopped school buses. NHTSA reports that 97 pedestrians under the age of 18 were killed in school-transportation-related crashes between 2008 and 2017. According to a survey by the National Association of State Directors of Pupil Transportation Services, in 2018, over 108,000 school bus drivers observed almost 84,000 vehicles illegally passing school buses in a single day. A study by NHTSA on school bus passing is due to be released in the winter of 2019, and another study focused on stop-arm cameras is currently being conducted.

Most state laws require vehicles on both sides of a road without a median to stop and remain stopped while school bus stop-arms and flashing red lights are deployed.

Sixteen states explicitly allow local governments or school districts to use cameras to capture images and issue tickets for drivers illegally passing stopped school buses. Violators are subject to fines, revocation of driver’s licenses and even criminal charges.

In 2018, Pennsylvania became the 16th state (SB 1098) to authorize a local government or school district to use school bus stop-arm cameras. The bill enables school district boards to vote to install and operate a side stop-arm enforcement system to capture instances of motorists illegally overtaking a school bus. Violators will be subject to a fine of $250, plus a surcharge of $35. The surcharge must be deposited in the school bus safety grant program account and the Pennsylvania Department of Transportation (PennDOT) must develop a competitive grant program with the funds to increase school bus safety, education and training.

A school or district may enter into an agreement with a private vendor or manufacturer to provide a side stop-arm enforcement system. A vendor or manufacturer may only be reimbursed for services rendered, not based on the number of citations issued. PennDOT must approve all such systems and will create regulations for their certification and use.

To protect privacy and abuse of recorded images, the law states the systems may only be used for school bus enforcement and may not be used for surveillance purposes. Obtained images must be destroyed within a year of final disposition of the recorded event and the vendor must notify the school entity that the records have been destroyed. Registered vehicle owner information obtained is not the property of the manufacturer or vendor of the system. Georgia lowered the fine amount for illegally overtaking a stopped school bus to $250 from the previous fine, which ranged from $300 to $1,000 based on the number of offenses. However, if a violation of the ordinance has not been contested and the assessed penalty not paid after 30 days of the final notice being mailed, the Department of Revenue shall refuse to renew the vehicle’s registration. Further, transferring the title of the vehicle within the state is prohibited unless and until the civil monetary penalty and any late fee are paid. Fine money collected must be used by the governing body to fund local law enforcement or public safety initiatives.
Figure 3. School Bus Safety

Allows stop-arm cameras
Requires seat belts on large school buses
Both laws in place
None

Source: National Highway Traffic Safety Administration, National Association of State Directors of Pupil Transportation Services and the National Conference of State Legislatures, 2018

SEAT BELTS ON SCHOOL BUSES

School buses are designed to protect riders through compartmentalization, using structural safety features such as high, energy-absorbing seat backs and closely spaced seats so children are kept snug. But those features don’t necessarily protect children the way seat belts would during side-impact crashes or high-speed rollovers, when passengers can be thrown from their seats.

In May of 2018, a school bus crash took the life of one student and one teacher in Paramus, N.J. In response, New Jersey enacted legislation (HB 4110) requiring lap-shoulder seat belts instead of solely lap belts. The new requirement applies to buses manufactured beginning 180 days after the bill signing. New Jersey is one of eight states that in some manner requires seat belts on school buses. The others are Arkansas, California, Florida, Louisiana, Nevada, New York and Texas. Arkansas, Louisiana and Texas’ laws, however, are subject to appropriations or approval or denial by local jurisdictions.

California tweaked its existing school bus seat belt requirements (CA AB 1798) to require that all school buses in the state be equipped with a passenger restraint system by July 1, 2035. The law had previously required all buses manufactured on or after July 1, 2004, or July 1, 2005, depending on vehicle capacity and weight, to have such a system. A “passenger restraint system” is defined as either “a restraint system that is in compliance with Federal Motor Vehicle Safety Standard 209, for a type 2 seatbelt assembly, and with Federal Motor Vehicle Safety Standard 210, as those standards were in effect on the date the school bus was manufactured,” or “a restraint system certified by the school bus manufacturer that is in compliance with Federal Motor Vehicle Safety Standard 222 and incorporates a type 2 lap/shoulder restraint system.”

Hawaii (HB 1938) raised the fine for illegally overtaking a school bus while the bus is stopped and its visual signals turned on from $500 to not more than $1,000, a sentence to perform community service, or both.

New Hampshire released a report late in 2017 in response to 2017 legislation (HB 196) that established a committee to study requiring passengers on school buses to wear seat belts and report to the legislature. The report found that “it is the position of the committee that there is insufficient data to decide if
requiring seat belts to be worn on school buses would result in a net decrease in deaths and injuries.” The report’s recommendations were to “1. Monitor other states’ attempts to implement this policy to gather data on the risks and rewards and 2. Create a mechanism to receive and evaluate updates from NHTSA.”

SCHOOL BUS DRIVERS


New York enacted a bill (AB 208) that requires all school bus drivers to submit to preemployment drug and alcohol testing, as well as random testing, with all drivers required to be included in the random testing pool. The bill also extended the time limit for consuming alcohol before operating a school bus from six to eight hours.

Virginia changed (SB 557/HB 810) its requirements for training school bus drivers. The training program for applicants without a commercial driver’s license must include a minimum of 24 hours of classroom training and six hours of behind-the-wheel training on a school bus that contains no pupil passengers. Applicants with a commercial driver’s license must receive a minimum of four hours of classroom training and three hours of behind-the-wheel training on a school bus that contains no pupil passengers. Behind-the-wheel training shall be administered under the direct on-board supervision of a designated school bus driver trainer.

Maryland increased (HB 312) the maximum penalty for obstructing or interfering with a school bus driver from 90 days to one year. Nebraska removed (LB 347) the requirement for school bus operators to annually obtain a school bus permit and submit to an examination by a driver’s license examiner of the DMV.

Pedestrian and Bicyclist Safety

According to NHTSA, there were 5,977 pedestrians killed in traffic crashes in 2017. This was a 1.7% decrease from the 6,080 pedestrian fatalities in 2016, which was the highest number of pedestrian traffic deaths since 1990. Males made up 70% of these fatalities. Almost one-fifth of pedestrian fatalities involved hit-and-run drivers. Pedestrian deaths accounted for 16% of all traffic deaths in 2017.

The 2019 Dangerous by Design report by Smart Growth America notes that while walking trips held relatively steady between 2009 and 2017, and vehicle miles traveled increased only 8% in that time period, pedestrian fatalities increased by a third, from 4,109 in 2009 to 5,977 in 2017.

The latest statistics from NHTSA indicate an 8% decline in bicyclist deaths in 2017, to 783 deaths. However, the 840 fatalities in 2016 were the highest number of deaths since 1991, marking a general trend of increasing bicyclists traffic deaths in the past 10 years. Notably, 25% of bicyclists who died were found to have BAC levels above .01 and 20% had a BAC above .08. Drivers involved in fatal bicyclist crashes had a BAC over .08 in 16% of crashes. The average age of bicyclists killed has increased since 2008, from 41 to 47 in 2017. The overwhelming majority of bicyclists fatalities (89%) in 2017 were males.

Overall, pedestrians and bicyclists now make up 18% of traffic fatalities, a significant jump from 13% in 2007.

Although not a law enacted by the D.C. Council, a new Vision Zero regulation (D.C. Rule § 1201.6) took effect Jan. 4, 2019. It creates a $50 infraction for a bicyclist who is “carrying objects, including hand-held communication devices, which prevent the operator from keeping one hand on handle bars.”
State Legislation

2018 was an active year for bicyclist and pedestrian safety bills. Thirty-nine states considered nearly 150 bicyclist and pedestrian-related bills, with 16 states enacting 32 bills of note. Areas of action included Idaho/Safety Stops, electric bicycles, safe bicycle passing, bicycle operation and equipment, school bicyclist and pedestrian safety, and driver’s education on bicyclist and pedestrian safety.

IDAHO/SAFETY STOPS

After the enactment of Delaware’s limited “Idaho/Safety Stop” law in 2017, Colorado became the third state that enables bicyclists to yield, not stop, at stop signs, in some circumstances. However, Colorado’s bill (SB 144) differs in that it does not create a statewide law authorizing safety stops, but rather creates standard language for local governments that choose to adopt a safety stop law. A few Colorado municipalities already had local safety stop ordinances, but the language and rules differed among them.

A municipality or county may, by ordinance or resolution, authorize a safety stop. Bicyclists can yield at a stop sign if a stop is not required for safety if they proceed at a reasonable speed, which is defined as 15 mph. A jurisdiction “may reduce the maximum reasonable speed at any individual intersection to 10 mph or raise the maximum reasonable speed to 20 mph if the municipality or county also posts signs at the intersection stating that lower or higher speed limitation.” At a stoplight, a bicyclist must stop and yield to all other traffic and pedestrians, and then may proceed cautiously.

Utah and California considered, but did not enact safety stop bills in 2018 and a bill in New Jersey is still pending.

ELECTRIC BICYCLES

Electric bicycles or “e-bikes” continue to gain traction in the U.S. marketplace. According to a 2018 bicycle industry analysis, e-bike sales increased 83% between May 2017 and May 2018, and e-bikes made up 10% of overall bikes sales in the U.S. for that time period.

This growth has led to heightened legislative awareness and activity, including efforts to define e-bikes and clarify operating and equipment standards. In 2018, Arizona, Connecticut and Washington enacted some sort of e-bike legislation. A 2018 Ohio bill was signed into law in early 2019 and is included in this summary as well.

As of May 2019, 18 states—Arizona, Arkansas, California, Colorado, Connecticut, Georgia, Idaho, Illinois, Indiana, Maryland, Michigan, Ohio, Oklahoma, South Dakota, Tennessee, Utah, Washington and Wyoming—have created a three-tiered e-bike classification system intended to differentiate between models with varying speed capabilities.

Arizona (HB 2652), Connecticut (HB 5313), Ohio (HB 250) and Washington (SB 6434) became the latest states to create three class definitional systems. Their definition of electric bicycles and the three classes are almost identical in language. For example, Connecticut’s language reads:

“Class 1 electric bicycle” means an electric bicycle equipped with a motor that engages only when the rider operates the electric bicycle’s foot pedals, and disengages when the rider stops pedaling or the electric bicycle reaches 20 miles per hour;
“Class 2 electric bicycle” means an electric bicycle equipped with a motor that may be used exclusively to propel the electric bicycle, and disengages when the brakes are applied or the electric bicycle reaches 20 miles per hour;

“Class 3 electric bicycle” means an electric bicycle equipped with a motor that engages only when the rider operates the electric bicycle’s foot pedals and disengages when the rider stops pedaling or the electric bicycle reaches 28 miles per hour.

Connecticut, Ohio and Washington additionally require class 3 electric bicycles to be equipped with a speedometer. All four states require a conspicuous label to be affixed to each electric bicycle with the classification, maximum speed and motor wattage of the e-bike.

With regard to helmet requirements, Connecticut has the strictest law, requiring operators and passengers for all classes of e-bikes to wear protective headgear. Ohio requires all class 3 e-bike operators and passengers to wear a helmet. Arizona and Washington’s new laws do not include helmet requirements for any class of e-bike.

Connecticut and Ohio’s laws require a class 3 e-bike operator to be at least 16 years old, but there is no age restriction for passengers, provided the bike is designed to carry a passenger. In Washington, a class 3 electric bicycle may not be operated by a person under the age of 16, but the law is silent on passenger age. Arizona has no age restriction to operate any e-bike class.

Arizona, Ohio and Washington do not require an e-bike operator to be licensed or to register the e-bike. Connecticut’s law does not require licensure or registration but does allow municipalities to impose such requirements if an ordinance is passed.

Connecticut explicitly disallows a class 3 electric bicycle from being operated on a bicycle trail or path or multiuse trail or path. In Arizona, Ohio and Washington, a class 3 e-bike may be operated on a multi-use path only if the local jurisdiction allows.

Additionally, in Washington, a class 1 or 2 e-bike may be further regulated by local jurisdictions or state agencies on facilities and properties under their jurisdiction and control. Furthermore, local regulation of any class of e-bike on a shared use path that crosses the boundaries of two or more local jurisdictions must be consistent for the entire path to ease the enforceability of such regulations. This does not apply to local regulations of a shared use path that were in effect as of Jan. 1, 2018.

SAFE BICYCLE PASSING

Thirty-two states and the District of Columbia have passing laws that require the motorist to leave at least three feet or more when passing a bicyclist. Pennsylvania has a four-foot passing law. South Dakota’s two-tiered passing law includes a three-foot passing requirement on roads with posted speeds of 35 mph or less and a minimum of six feet separation for roads with speed limits greater than 35 mph. North Carolina has a two-foot passing requirement for motorists and allows passing in a no-pass zone if a motorist leaves a four-foot clearance.

In 2018, Hawaii, Kentucky, Michigan and New Hampshire created new safe bicycle passing requirements or refined existing passing laws. Hawaii, Kentucky and Michigan created new three-foot passing laws.

Hawaii (HB 2215) now requires the driver of a vehicle passing a bicyclist in the same direction to allow at least three feet of clearance “between the right side of the driver’s vehicle, including all mirrors or other protuberances, and the left side of the bicyclist.”

Michigan also created a three-foot passing requirement (HB 4185) and authorized passing in a no-pass zone. Another Michigan bill (HB 4265) clarified that a motorist may pass a bicyclist at the distance of three feet on the right when traveling on a one-way road.

The Kentucky legislature created a three-foot passing requirement (HB 33) and allows motorists to drive to the left of the center of a roadway, including a no-passing zone, to pass a bicyclist. The new law also requires motorists to completely change lanes to pass a bicyclist if there is more than one lane proceeding in the same direction. Kentucky joined Delaware and Nevada as the only states to require a motorist to completely
change lanes when passing a bicyclist if there is more than one lane proceeding in the same direction.

New Hampshire changed its passing law (HB 1731) to allow motorists to pass a pedestrian, bicyclist and other human-powered vehicles by crossing the unbroken painted no-passing line.

**BICYCLE OPERATION AND EQUIPMENT**

In California, a person under the age of 18 must wear a helmet while riding a bicycle, skateboard and other such devices. However, California enacted a law (AB 3077) prohibiting the issuance of a court action for a failure to wear a helmet citation. This applies if the parent or legal guardian delivers proof that the person has a helmet meeting the specified requirements and has completed a local bicycle safety course or a related safety course to the issuing agency within 120 days of the citation's issuance.

**MARYLAND COMPLETE STREETS**

Maryland enacted a few bills in 2018 regarding “complete streets,” which in Maryland’s law means “streets that provide accommodations for users of multiple modes of transportation.” SB 407/HB 535 made several changes to the complete streets program. The new bills require a competitive complete streets matching grant program within the Maryland Department of Transportation (MDOT). A local government that has adopted a complete streets policy may apply to MDOT for matching grants once the jurisdiction is certified. If a local government receives a grant, it must maintain a complete streets policy and submit an annual progress report to MDOT. MDOT must then submit an annual report to the General Assembly on the status of grant projects and an evaluation of whether there is a need to reevaluate the program to ensure that it is meeting its goals. Maryland also required (HB 744) the Maryland State Highway Administration, the Maryland Aviation Administration and the Maryland Transit Administration to adopt complete streets policies.

**SCHOOL BICYCLIST AND PEDESTRIAN SAFETY**

Three states enacted legislation concerning school children on foot and bike in 2018. Illinois (HB 4799) directed schools that serve any grade between kindergarten and eighth grade to adopt a policy and teach students effective methods of preventing and avoiding traffic injuries related to walking and bicycling. Maryland amended (HB 285) existing law to require the Maryland Department of Transportation to collect and consolidate information from state and local agencies regarding unmet needs for safe pedestrian and bicycle access to schools. West Virginia (HB 4042) redefined school zone to facilitate placement of school zone signs.

**DRIVER’S EDUCATION ON BICYCLIST AND PEDESTRIAN SAFETY**

A few states enacted laws intended to further educate drivers on safe interactions with bicyclists and pedestrians in 2018. Illinois now requires (HB 5143 and HB 5632) the secretary of state to include information in the “Illinois Rules of the Road” publication advising drivers to use the “Dutch Reach” method when opening a vehicle door after parallel parking on a street. The Dutch Reach method is characterized as “checking the rear-view mirror, checking the side-view mirror, then opening the door with the right hand, thereby reducing the risk of injuring a bicyclist or opening the door in the path of a vehicle approaching from behind.” The secretary of state also must include a question on the Dutch Reach method in the question pool for the written portion of the driver’s license exam.

Michigan enacted a law (HB 4198) requiring at least one hour of instruction on the laws pertaining to bicycles, motorcycles, pedestrians and other vulnerable roadway users.
Slow and Medium-Speed Vehicles

State Legislation

In 2018, at least 28 states considered as many as 85 bills related to slow and medium-speed vehicles. A total of 23 were enacted by nine different states related to the use and operational regulation of low- and medium-speed vehicles on public roads.

GOLF CARTS

Six states—Kansas, Maryland, Michigan, Mississippi, Rhode Island and Virginia—passed bills that addressed the operation of golf carts. Many of these bills expanded where golf carts can be operated, particularly regarding specific local jurisdictions.

In Maryland, five bills (SB 215, HB 330, SB 353, HB 465 and SB 872) affected speed, registration or operational authority of golf carts within various local jurisdictions across the state. Enacted legislation in Michigan (HB 4945) allows for cities of a certain size to permit golf carts to operate on roadways and further provides for operational requirements of such vehicles.

Similar to 2017, when three comparable bills were passed, Mississippi enacted 10 pieces of legislation (HB 1539, HB 1653, HB 1655, HB 1662, HB 1682, HB 1686, HB 2940, SB 3026, SB 3027 and SB 3036) authorizing the use of golf carts on public roads within certain specified cities.

Rhode Island (HB 8203) authorized the use of commercial jitneys in the city of Newport. Virginia (HB 114) amended state law to permit golf carts to cross certain large highways as need when associated with certain special events, and Kansas (SB 272) established new safety equipment requirements for golf cars operating on a roadway.

ALL-TERRAIN VEHICLES, MOPEDS AND OTHER VEHICLES

Colorado (HB 1103) granted expanded authority to local jurisdictions to impose safety regulations on off-highway vehicles when being operated on a roadway.

Michigan (HB 5391) created statutory language defining an electric skateboard and applied operation guidelines to these vehicles similar to those governing electric bicycles or other electric personal assistive mobility devices.

Hawaii (SB 2854) created a $100 fine for individuals not obeying registration requirements for mopeds.
State Electric-Scooter Laws

The rise of mobility as a service (MaaS) continues to provide rapidly shifting transportation options, including new slow and medium-speed vehicle types. In 2018, many cities and states across the country witnessed the seemingly overnight appearance of rentable fleets of electric scooters. As cities scrambled to adapt or create policies to encourage or restrict such fleets, many looked to state law for both guidance and limitations. Cities across the U.S. have negotiated agreements with scooter providers and the e-scooters are now a visible presence in many major metro areas. The number of scooters per city ranges widely, from over 9,000 in Austin, Texas, to 1,750 in Denver, to 800 in Charlotte, N.C.

As of September 2018, 10 states—California, Delaware, Massachusetts, Minnesota, New Jersey, Oregon, Texas, Utah, Virginia and Washington—appear to statutorily define an electric or motorized scooter. Eight of these states provide guidance on the legal operation of such vehicles. However, Delaware prohibits the use of motorized scooters on public ways, and New Jersey prohibits their use, save for persons with mobility-related disabilities.

Furthermore, Massachusetts’ definition effectively prohibits the use of rentable electric-scooter fleets due to the requirements for “motorized scooters” to have brake lights and turn signals, which rentable e-scooters typically do not have.

Several additional states include statutory definitions of certain types of vehicles that may apply to an e-scooter; however, many of these definitions likely were created without consideration of such vehicles or before rental fleets were widely deployed.

No state enacted legislation in 2018 to establish the definition of electric scooters or substantially amend existing vehicle definitions to clarify an e-scooter’s definition. Two states passed laws making minor changes to statutes governing this vehicle type; both are unlikely to substantially affect their usage.

California (AB 2989) amended the helmet requirements for scooter operators, now requiring helmets only for individuals under 18 years of age, rather than all ages as the law previously required. The bill also enables local jurisdictions to authorize the operation of a motorized scooter on a highway with speeds up to 35 mph. The existing law only allowed operation on roadways up to 25 mph and only in a bike lane or physically separated bike way. The bill also clarifies that regardless of the road’s speed limit, the 15 mph speed limit for the operation of a scooter would remain.

Oregon (SB 1532) made minor revisions to the definition of a motor assisted scooter related to the number of wheels and presence of handlebars.