

T TRANSPORTATION SERIES

 NATIONAL CONFERENCE OF STATE LEGISLATURES

Traffic Safety and Public Health: State Legislative Action 2008

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Summary

Occupant Protection. Twenty-six states debated legislation during the 2008 state legislative sessions designed to strengthen current seat belt laws. Another 28 debated child passenger protection bills, including booster seat requirements and seating location for children riding in cars. Four states considered proposals that would restrict passenger use of pickup truck cargo areas.

Impaired Driving. During the 2008 state legislative sessions, nearly 300 bills were introduced regarding a variety of impaired driving issues. Many states considered legislation relating to ignition interlock devices. Stricter penalties for high blood alcohol level and repeat offenses were considered in several states.

Distracted Driving. In 2008, 33 states considered 113 bills relating to driver distraction, including use of cell phones and other portable devices that potentially could distract motor vehicle drivers. Cellular phone use among novice drivers and text messaging restrictions were among the most popular issues debated in the legislatures.

Driver Licensing. State legislatures debated more than 200 bills regarding driver's licensing issues, including REAL ID compliance, unlicensed driving, and licensing requirements for teens and older drivers.

Aggressive Driving. Speeding, tailgating, weaving in and out of traffic, running red lights, or any combination of these activities generally is considered aggressive driving. In 2008, 11 states debated legislation relating to aggressive driving.

Speed Limits. Legislators in 31 states debated bills regarding speed in 2008. Many of these bills related to work zone and school zone safety, including provisions regarding excessive speed in these areas.

Automated Enforcement. Legislators in 28 states debated 86 bills regarding automated enforcement in 2008. Most bills delegated powers to municipalities or counties to use available technology to enforce red light and speed violations.

CONTENTS

Summary	1
Introduction	2
Occupant Protection	2
Impaired Driving	4
Distracted Driving.....	8
Driver Licensing.....	10
Aggressive Driving	12
Speed Limits.....	13
Automated Enforcement	13
Motorcycle Safety	14
School Bus Safety	17
Pedestrian and Bicycle Safety	19
Links for More Information	22
Appendices	23

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Motorcycle Safety. Every year, several state legislatures debate proposals regarding motorcycle safety, including helmet use requirements and rider training. In 2008, nearly 20 states introduced legislation regarding helmet use. A bill that would ease helmet restrictions in Michigan passed the House and the Senate but was vetoed by the governor.

School Bus Safety. Legislators in 33 states debated more than 100 bills regarding school bus safety. Many dealt with licensing of school bus drivers, and some prohibited a school bus driver from using a cellular phone while operating the bus. Others require students to wear a seat belt while the bus is in motion.

Pedestrian and Bicycle Safety. In 2008, 33 state legislatures debated nearly 100 bills regarding pedestrian and bicycle safety. Many would have increased fines and penalties for motorists who do not obey current pedestrian safety laws. Bicycle helmet laws and three-foot passing laws also were considered.

Introduction

Issues examined in this report include occupant protection, distracted driving, driver licensing, impaired driving, aggressive driving, speed limits, motorcycle helmets, automated enforcement, school bus safety, and pedestrian and bicycle safety. Tables and charts detailing state traffic safety laws are included, as are contacts and links for further information (see Appendix A for National Highway Traffic Safety Administration [NHTSA] regional office contact information). All bills discussed in this report can be found in the NCSL - NHTSA Traffic Safety Legislative Tracking Database at www.ncsl.org/programs/transportation/trafsafdb.htm.

Occupant Protection

On average, about 80 occupants in vehicles are killed daily in motor vehicle wrecks. Crashes are the leading cause of death for Americans between the ages of 3 through 6 and 8 through 34 (based on latest mortality data currently available). Nearly 30,000 vehicle occupants die in crashes each year, and more than half were unrestrained. The annual economic cost of all motor vehicle crashes is estimated at approximately \$230 billion.

Increasing seat belt use is one way to reduce this tragic and expensive toll. Statistics show that seat belts save approximately 15,000 lives each year and have prevented hundreds of thousands of injuries. Getting people to buckle up isn't always easy, however.

Seat belt laws can encourage drivers and passengers to buckle up. Every state except New Hampshire has an adult safety belt law. Many cover front-seat occupants only, although laws in 19 states and the District of Columbia cover all occupants, regardless of where they are sitting.

One way to increase seat belt use is to enact and enforce a primary belt law. Primary laws allow police officers to stop motorists solely for violating the seat belt law. Twenty-six states have primary enforcement seat belt laws. Twenty-three states have secondary seat belt laws that require police to stop the vehicle for other reasons before they can cite the driver for failure to use a seat belt. States with primary laws average higher seat belt use than secondary law states (88 percent compared to 75 percent in 2008).

In 2008, state legislators debated more than 900 traffic safety proposals.

Fatality rates overall also are lower in primary enforcement states. In addition to saving lives, primary belt laws can save states a significant amount of money in reduced Medicaid expenses. A 2008 NHTSA study estimated that, by implementing a primary belt law, Nevada could expect to save \$1.6 million on its medical costs from injuries prevented in 2009 alone. The total savings to all payers will be about \$6.9 million. According to a similar 2004 study, Florida could expect savings of nearly \$118 million over a 10-year period by passing a primary belt law.

During the 2008 state legislative sessions, at least 26 states considered bills to strengthen seat belt laws. Florida, Massachusetts, Minnesota, Missouri, Rhode Island, Utah, Virginia, Vermont and West Virginia debated legislation that would have allowed for primary enforcement of the seat belt law. None passed. (See Appendix B for safety belt law information.)

One common concern about enacting a primary belt law is fear that such a law would be unequally enforced in regard to minorities. A recent study by the University of Michigan, however, did not show a link between Michigan's primary law and an increase in harassment. In Louisiana and Georgia, researchers found that, although minority groups thought their chances of getting a seat belt ticket were higher than whites, the data revealed no differences in ticketing by race. The potential for harassment is an ongoing concern, but it is not limited to primary seat belt laws. Therefore, many state and local law enforcement leaders assure the public that seat belt use laws will be enforced fairly in all segments of the population.

Child Passenger Protection

Motor vehicle crashes are the leading cause of death for children between the ages of 3 through 6 and 8 through 14. The most effective way to keep children safe in cars is to ensure that they are properly restrained in appropriate child restraint systems and seated in the back seat. Although 1,670 children under age 14 were killed in car wrecks in 2007, it is estimated that child restraints and seat belts saved the lives of 382 children under age 5.

All states and the District of Columbia have child restraint laws that require children of certain ages and sizes to ride in appropriate child safety restraint systems. The age and size requirements vary by state. Some laws cover children only up to a certain age (usually age 4), while others allow use of adult safety belts to restrain children. Child restraint laws are primary enforcement laws except in Colorado, Nebraska, Ohio and Pennsylvania.

Once children outgrow their child safety seats (usually around age 4 and 40 pounds), NHTSA recommends that they ride in booster seats until the vehicle seat belts fit properly. The proper seat belt fit is when the lap belt lies across the upper thighs and the shoulder belt fits across the chest (usually at age 8 or when children are 4'9" tall.) Booster seat use has increased significantly recently. In a 2007 survey of more than 10,000 motor vehicle occupants, NHTSA found that 37 percent of 4- to 7-year-olds were restrained in booster seats and 13 percent were restrained in child safety seats. The survey also found that 35 percent were in seat belts and 15 percent were totally unrestrained—an indication that as many as one-half of U.S. children ages 4 to 7 were not being properly protected.

Traffic safety groups recommend that children age 12 and younger ride in the back seat. Laws in California, Delaware, Georgia, Maine, New Jersey, New Mexico, North Carolina,

In 2007, child restraints and seat belts saved the lives of an estimated 382 children under age 5.

Rhode Island, South Carolina, Tennessee, Vermont, Virginia, Washington, Wisconsin and Wyoming require children of a certain age to ride restrained in the back seat (when a rear seat is available, in most cases).

In 2008, 28 states debated child passenger protection legislation. Legislatures in Kentucky, Louisiana, Massachusetts, Michigan, Mississippi and Utah passed bills strengthening current child passenger laws. Most added new provisions to booster seat requirements, while others increased penalties for violating current law. (See appendices C and D for child passenger protection laws.)

Pickup Trucks

As the use of pickup trucks continues to rise, so does passenger use of cargo areas. Studies have shown that passengers seated in the back of pickup trucks are at an increased risk to be thrown from the vehicle in the event of a crash, even at low speeds. According to a 2007 article in the *Journal of Neurosurgery: Pediatrics*, researchers identified 73 pediatric patients with injuries related to riding in the cargo areas of trucks; 53 of these were children (73 percent) who had sustained neurological injuries, including isolated head injuries, spinal injuries and peripheral nerve damage.

Some state occupant protection laws exempt pickup trucks, meaning that it is not against the law for passengers to ride in the back of these vehicles. Most state child passenger protection laws prevent young children from riding unrestrained and, therefore, would make it illegal for children to ride in the back of pickup trucks. During the 2008 state legislative sessions, Arizona, Florida, Illinois and North Carolina considered legislation regarding kids riding in the back of pickup trucks. The Illinois legislature passed a bill that requires all children under age 8 riding in a pickup truck to wear a seat belt. Under a new North Carolina law, exemptions for rural activities were removed and new child passenger restrictions were added. (See appendix E for pick-up truck restrictions.)

Impaired Driving

An estimated 12,998 people were killed in alcohol-impaired crashes in 2007.

An estimated 12,998 people were killed in alcohol-impaired traffic crashes in 2007. Although this is down slightly from 2006, the number of alcohol-impaired traffic deaths has remained essentially stable for the past 10 years. The problem of impaired driving continues to be a serious traffic safety and public health issue for states (see Table 1). According to AAA, alcohol is a factor in about 40 percent of traffic fatalities each year, and nearly 1.5 million people are arrested annually for driving under the influence of alcohol or drugs.

State/Jurisdiction	Total Traffic Fatalities	Alcohol-Impaired Driving Fatalities (BAC \geq .08)	Percentage Alcohol-Impaired
Alabama	1,110	389	35%
Alaska	84	30	35.7
Arizona	1,066	336	31.5
Arkansas	650	182	28
California	3,974	1,155	29.1
Colorado	554	170	30.7

Table 1. 2007 Alcohol-Impaired Traffic Fatalities (continued)			
State/Jurisdiction	Total Traffic Fatalities	Alcohol-Impaired Driving Fatalities (BAC \geq.08)	Percentage Alcohol-Impaired
Connecticut	277	101	36.5%
Delaware	117	50	42.7
Florida	3,214	890	27.7
Georgia	1,641	441	26.9
Hawaii	138	45	32.6
Idaho	252	70	27.8
Illinois	1,249	434	34.7
Indiana	898	230	25.6
Iowa	445	106	23.8
Kansas	416	114	27.4
Kentucky	864	210	24.3
Louisiana	985	368	37.4
Maine	183	66	36.1
Maryland	614	179	29.2
Massachusetts	417	146	35
Michigan	1,088	305	28
Minnesota	504	158	31.3
Mississippi	884	302	34.2
Missouri	992	338	34.1
Montana	277	106	38.3
Nebraska	256	77	30.1
Nevada	373	118	31.6
New Hampshire	129	34	26.4
New Jersey	724	199	27.5
New Mexico	413	133	32.2
New York	1,333	384	28.8
North Carolina	1,675	487	29.1
North Dakota	111	53	47.7
Ohio	1,257	391	31.1
Oklahoma	754	219	29
Oregon	455	150	30
Pennsylvania	1,491	500	33.5
Rhode Island	69	25	36.2
South Carolina	1,066	463	43.4
South Dakota	146	45	30.8
Tennessee	1,210	390	32.2
Texas	3,363	1,292	38.4
Utah	299	51	17.1
Vermont	66	22	33.3
Virginia	1,027	332	32.3
Washington	568	195	34.3
West Virginia	431	142	32.9
Wisconsin	756	313	41.4
Wyoming	150	49	32.7
District of Columbia	44	15	34.1
United States	41,059	12,998	31.7

Source: NHTSA, 2008.

In 2008, lawmakers in 21 states introduced 277 bills related to impaired driving. The ultimate goal of these laws is to reduce the incidence of impaired driving and keep the roads as safe as possible. Lawmakers considered legislation ranging from stricter penalties for high blood alcohol concentration (BAC) to ignition interlocks, breath tests and

In 2008, 277 bills were introduced in 21 states related to impaired driving.

treatment. Twenty-three states enacted laws related to impaired driving during the 2008 legislative session.

In 41 states and the District of Columbia, high BAC laws sanction offenders with higher BACs.

High BAC

In 2007, 21 percent of all alcohol-related fatalities involved a driver with a BAC of .15 or higher. To address this problem, 41 states and the District of Columbia have enacted high BAC laws with enhanced sanctions for offenders with higher BACs. The sanctions, which vary from state to state, include longer license suspension, longer terms of imprisonment, additional fines, installation of ignition interlocks, vehicle sanctions or treatment for abuse. The BAC levels at which these sanctions are applied vary as well, ranging from .15 to .20 (see Table 2). NHTSA recommends that the enhanced penalties for first-time high-BAC offenders should be comparable to those applied to repeat offenders.

Table 2. Jurisdictions with Increased Penalties for High Blood Alcohol Content

State/Jurisdiction	BAC	State/Jurisdiction	BAC
Alabama	No increased penalties	Nevada	.18
Alaska	.15	New Hampshire	.16
Arizona	.15	New Jersey	No increased penalties
Arkansas	.15	New Mexico	.16
California	.16 and .20	New York	.18
Colorado	.17	North Carolina	.16
Connecticut	.16	North Dakota	.18
Delaware	.16	Ohio	.17
Florida	.2	Oklahoma	.15
Georgia	.15	Oregon	No increased penalties
Hawaii	.15	Pennsylvania	.16
Idaho	.20	Rhode Island	.15
Illinois	.16	South Carolina	.16, .20
Indiana	.15	South Dakota	.17
Iowa	.15	Tennessee	.20
Kansas	.15	Texas	.15
Kentucky	.18	Utah	.16
Louisiana	.15, .20	Vermont	No increased penalties
Maine	.15	Virginia	.15, .20
Maryland	No increased penalties	Washington	.15
Massachusetts	.20	West Virginia	No increased penalties
Michigan	No increased penalties	Wisconsin	.17
Minnesota	.20	Wyoming	No increased penalties
Mississippi	No increased penalties	District of Columbia	.20, .25
Missouri	.15		
Montana	.18		
Nebraska	.18		

Sources: NHTSA 2007, NCSL 2008.

For more information, see www.ncsl.org/programs/transportation/HBACincrease.

Kansas passed a 2007 law that allows license suspension for one year if a driver has a BAC over .15. Arizona, Michigan and New Jersey introduced legislation in 2008 that would have enhanced penalties for offenders with high blood alcohol concentration. Arizona's bill did not pass, but would have required offenders who had a high BAC to be subject to continuous alcohol monitoring for a certain period.

South Carolina passed a sweeping impaired driving law in 2008 that included higher sanctions for high BAC offenders. The law requires an offender with a BAC of .1 to .15 to be fined \$500 and imprisoned no less than three days. If the offender's BAC is .16 or over, the fine doubles to \$1,000, and the offender must serve no less than 30 days in jail. If an offender refuses to be tested or has a BAC of over .20, the officer at the scene can confiscate and suspend the offender's license.

The South Carolina law requires all DUI offenders to enroll and complete an Alcohol and Drug Safety Action Program. The program includes an assessment of the extent of the offender's alcohol and drug abuse problem and prescribes treatment.

Ignition Interlock

Ignition interlock devices are installed in motor vehicles to prevent the car from being started if alcohol is detected on the driver's breath. Most devices require frequent retesting while the car is running to ensure that the driver is not drinking once the car is started. Many courts include the use of ignition interlock devices in sentencing DUI offenders. During sentencing, an offender whose driver's license has been suspended or revoked can be granted limited driving privileges if an ignition interlock device is installed. In 2005, New Mexico became the first to require ignition interlock devices for all convicted drunk drivers, including first-time offenders. As of October 2008, six additional states—Alaska, Arizona, Illinois, Louisiana, Nebraska and Washington—had joined New Mexico to require ignition interlock devices for all convicted drunk driving offenders. Nearly 30 states considered some sort of ignition interlock legislation in 2008.

Ignition interlock devices in motor vehicles prevent the vehicle from being started if alcohol is detected on the driver's breath.

- Virginia passed a 2008 law that requires ignition interlocks for second or subsequent offenses or for offenders with a BAC of .15 or over.
- Nebraska LB 736 created the ignition interlock permit, an operator's license issued by the Division of Motor Vehicles to offenders who can operate only motor vehicles equipped with ignition interlocks.
- Hawaii passed legislation creating an ignition interlock program. The law includes procedures for issuing ignition interlock permits, standards and procedures for ignition interlock vendors, and conditions of license revocation for convicted drunk drivers.
- South Carolina passed a law that requires ignition interlock devices be installed for two years for second offenses. Maine passed a similar law.

In 2008, Illinois passed legislation to create the Indigent Breath Alcohol Ignition Interlock Device (BAIID) fund. The special fund in the state treasury is used to reimburse ignition interlock device providers that have installed devices in vehicles of indigent people pursuant to court orders. The Indigent BAIID receives 5 percent of the total revenue an ignition

interlock provider receives from rental of a device. A person with no means to pay for an ignition interlock device can provide a signed document to an ignition interlock provider and receive a device.

Repeat Offenders

One-third of all driving while intoxicated (DWI) or driving under the influence (DUI) arrests each year involve people who have been convicted previously. The Transportation Equity Act for the 21st Century (TEA-21) contained provisions requiring increased penalties for drivers who repeatedly drive drunk. To comply with the repeat offender provisions of TEA-21, states must enact laws to provide the following penalties for a driver who is convicted of a second or subsequent drunk driving offense:

- A driver's license suspension for not less than one year;
- Impoundment or immobilization of each of the individual's motor vehicles or installation of an ignition interlock system on each of the motor vehicles;
- Assessment of the individual's degree of abuse of alcohol and treatment as appropriate; and
- Thirty days' community service or not less than five days' imprisonment for a second offense and not less than 60 days' community service or not less than 10 days' imprisonment for third and subsequent offenses.

According to NHTSA, as of January 2008, 39 states and the District of Columbia comply with federal repeat offender requirements. Louisiana passed a 2008 law that requires third or subsequent offenders to serve 45 days of the imprisonment sentence without probation, parole or suspension of the sentence.

More than 260 million Americans are wireless subscribers.

Distracted Driving

Most experts agree that distracted driving is a significant traffic safety problem. According to NHTSA, in 2007, the latest year crash data are available, 41,059 people died and approximately 2.49 million people were injured in approximately 5.97 million police-reported motor vehicle crashes nationwide. NHTSA calculates that motor vehicle crashes cost Americans approximately \$230 billion annually in economic damages. A 2006 study published by NHTSA and the Virginia Tech Transportation Institute (VTTI) estimated that nearly 80 percent of crashes and 65 percent of near crashes involve some form of driver inattention. NHTSA and VTTI estimate that would mean driver distraction is a factor in approximately 4.78 million crashes, causing 2.06 million injuries, more than 34,000 fatalities, and as much as \$184 billion in economic damage annually.

Recent interest in driver focus seems to stem almost exclusively from the introduction of cell phones into the driving environment. Two decades ago, cell phones were a novelty and not a factor in traffic safety. Fewer than 1 million people subscribed to wireless services, and it was rare to spot the comparatively unsophisticated shoebox-sized phones being used by drivers. Much has changed in 20 years. According to the wireless industry association, CTIA, wireless communication devices are found in 81 percent of households, and the number of wireless subscribers in the United States now tops 260 million. Phone use in the car now is common. The 2007 Nationwide Insurance survey estimated that 73 percent of drivers use phones. A NHTSA snapshot observational survey published in July 2007 estimated a 5 percent hand-held phone use rate by drivers. Thus, at any given

daylight moment, 745,000 vehicles on the road are being operated by someone talking on a hand-held phone.

Concurrent with the growth of cell phone use in motor vehicles is greater concern about driver distraction. In state legislatures, this increased interest has meant that more distracted driver bills have been proposed and passed. Since 2000, legislatures in every state, Puerto Rico and the District of Columbia have considered legislation related to distracted driving or, more specifically, driver cell phone use. In 2008, legislators in 33 states considered 113 driver distraction bills.

State distracted driver laws frequently are mislabeled as prohibitions on use of cell phones in the car. In fact, no state completely bans all phones for all drivers. Instead, state legislation usually addresses a range of issues, including particular wireless technologies and specific types of drivers.

No state completely bans all phones for all drivers.

The most common driver distraction measure considered in state legislatures has been to prohibit driver use of hand-held phones. Six states—California, Connecticut, New York, New Jersey, Utah and Washington—and the District of Columbia prohibit the use of hand-held phones while driving. Utah's law, passed in 2008, includes talking on a cellular device in the definition of "careless driving;" speaking on a cell phone is an offense only if a driver also is committing some other moving violation. The law specifically states that a driver is allowed to use a hands-free talking or listening device. Fourteen states considered prohibiting use of hand-held cellular phones while driving.

Text messaging while driving has become a focus of legislatures in the past year. Washington was the first to ban text messaging while driving in 2007. Since then, Alaska, California, Connecticut, Louisiana, Minnesota, New Jersey and the District of Columbia have adopted laws that ban text messaging while driving. A University of Utah simulator study revealed that drivers who text message have slower reaction times and more rear-end collisions. The study also concluded that the only thing more distracting to a driver than talking on a cellular phone while driving was text messaging while driving.

It is important to differentiate between hand-held prohibition laws in some states and laws that specifically ban text messaging. Alaska law prohibits text messaging while driving but does not prohibit using a hand-held cell phone. New York's hand-held cell phone prohibition statute defines, "using a mobile phone" as holding it to the ear; therefore, New York has a hand-held phone ban, but not a text messaging ban.

Colorado, Connecticut, Delaware, Illinois, Louisiana, Maryland, Minnesota, New Jersey, North Carolina, Nebraska, Oregon, Rhode Island, Tennessee, Texas, Virginia, West Virginia and the District of Columbia restrict new drivers from using mobile phones while driving during beginning and intermediate licensing stages. California and Maine restrict all drivers under age 18 from using mobile phones while driving. A 2007 Illinois law requires driver's education courses to include classroom instruction on the dangers of distracted driving.

An emerging trend in state legislation is to address multiple distracting behaviors—not only cell phone use—on the road. In 2008, legislators in at least five states considered new laws to prohibit a broad range of potential distractions, including reading, writing,

attending to pets, watching television and other activities. Michigan passed a 2008 law that prohibits motorists from using an electronic device that displays a video image that can be viewed by the driver while the vehicle is in motion. The law provides exceptions for vehicle navigation systems such as GPS.

Driver Licensing

The states, the District of Columbia and the U.S. territories license more than 245 million drivers who represent roughly 88 percent of those eligible. States have administered their own driver's licensing systems since 1903, when Massachusetts and Missouri enacted the first state driver's licensing laws. Since 1959, all states have required an examination to test driving skills and traffic safety knowledge before a license is issued. Testing drivers and issuing licenses, however, no longer is the sole concern of state licensing agencies. Because the driver's license now serves a role beyond traffic safety—where both government and private entities rely on it for personal identification—state legislatures and driver's license agencies are concerned about the safety and security of using the license as an identifier. Each year, state legislatures debate hundreds of bills relating to various aspects of driver's licensing, including REAL ID, unlicensed driving, older drivers and teen drivers.

REAL ID

In January 2008, the Department of Homeland Security (DHS) issued the long-awaited final regulations on implementation of the REAL ID Act of 2005, a mere four months before the May 11, 2008, statutory implementation date. Under the act, states are required to adopt federal standards for driver's licenses and identification cards or the federal government will not accept the licenses or identification cards for federal purposes such as boarding commercial aircraft, entering a federal building or nuclear power plant, or other purposes as determined by the secretary of Homeland Security.

States were required to certify compliance to DHS by May 11, 2008, or request an extension until Dec. 31, 2009. All 56 U.S. jurisdictions have received an initial extension. To merit a second extension through May 11, 2011, states must demonstrate material compliance with REAL ID by meeting many or all of 18 benchmarks. By Dec. 1, 2014, they must begin issuing REAL IDs to applicants born after Dec. 1, 1964. The re-issuance process for all driver's license and identification card holders is to be completed by Dec. 1, 2017. During any extension, the state's non-REAL ID-compliant driver's license and identification card will be recognized for federal purposes. States that choose not to comply or seek the second extension need not take action. After Dec. 31, 2009, however, their driver's licenses and identification cards will not be recognized for federal purposes.

*Lawmakers
in 28 states
proposed REAL
ID-related bills,
resolutions or
memorials in
2008.*

Legislators in 28 states proposed 57 bills, resolutions or memorials related to REAL ID in 2008. Legislation passed in 10 states, although several measures do not require approval from the full legislature or the governor.

Much of the proposed state REAL ID legislation was in opposition to the act; however, legislative activity was markedly lower than in the past because of the recently released regulations. Legislators in 18 states considered 30 proposals that either indicated their intent to not comply or urged Congress to repeal the act. Alaska, Arizona, Idaho, Louisiana and Minnesota passed measures that prohibit the state from participating in the act.

Conversely, five states considered 11 proposals in 2007 that were intended to bring the state closer to REAL ID compliance, but none were enacted.

Unlicensed Drivers

Twenty percent of fatal motor vehicle crashes involve unlicensed drivers who either are driving with a suspended or revoked license or have never been licensed. Many drivers who lose their license due to a traffic-related offense such as a DUI or to a non-traffic-related offense—such as failure to appear, poor school attendance or child support enforcement—continue to drive. AAA estimates that 66 percent of those who have lost their license continue to drive. This is a significant problem because many of the drivers lost their license due to a serious traffic-related offense and are considered dangerous drivers or are repeat offenders who have no respect for the related penalties and fines.

Twenty percent of fatal motor vehicle crashes involve unlicensed drivers.

This issue is difficult to track, since unlicensed drivers usually are identified only after a traffic stop or a serious accident. Crash rates involving unlicensed drivers vary from state to state. According to AAA, the rates range from 6.1 percent in Maine to a high of 23.4 percent in New Mexico. In 2008, Alabama, Colorado, South Carolina and Virginia considered legislation relating to unlicensed driving. Virginia legislators debated several bills that would have added penalties for driving without a license, including vehicle impoundment and arrest. None passed.

Older Drivers

Of the fatal collisions that involve people age 70 and older, 40 percent occur at intersections and involve other vehicles, compared with 23 percent of the crashes that involves 35- to 54-year-olds. Older drivers have low rates of police-reported crash involvement per capita, but per-mile-traveled crash rates continue to increase for drivers age 75 and older. Older drivers tend to travel fewer annual miles than other age groups and usually drive in familiar locales such as cities and urban areas where more crashes occur.

Many safety groups acknowledge that improved road design could help older drivers remain safe on the road. These improvements—which include better signage and lighting and left- turn lanes and signals—can help reduce crashes for everyone, especially for drivers over age 65.

In 2008, 29 states and the District of Columbia debated legislation about insuring and licensing senior drivers. A bill passed in Colorado raises the age to 65 for applicants seeking to renew their driver's license via mail or electronically. Under a new law in the District of Columbia, the DMV is prohibited from giving written or road tests to applicants over age 70. The Connecticut legislature passed a bill that will provide a discount on insurance premiums for senior drivers who take a driver safety course. (Appendix F contains state licensing procedures for older drivers.)

Teen Drivers

Motor vehicle crashes, a leading cause of death for teen drivers, killed more than 3,100 young drivers in 2007. During the same period, more than 250,000 teens were injured. Crash rates are high for teens because they are more likely to engage in risky behavior—such as speeding, driving under the influence (23 percent of drivers between the ages of 15 and 20 who were killed in crashes had a blood alcohol content of .08 or higher), running red lights and not wearing safety belts—all of which contribute to high fatality and injury

rates. In 2007, 64 percent of teen drivers involved in fatal crashes who had been drinking were unrestrained, according to the National Highway Traffic Safety Administration.

To mitigate this public health issue, every state has enacted some form of law to make it more difficult for teens to obtain their driver's licenses. Commonly referred to as graduated driver's licensing (GDL), the laws provide a gradual process for teen drivers to gain experience in a safe, educational environment. According to a study completed by the Johns Hopkins Bloomberg School of Public Health, states with strong GDL laws have reduced fatalities of 16-year-old drivers by 11 percent. Significant reductions in fatalities have occurred in states that have a three-tiered driver's licensing system, including passenger restrictions, nighttime restrictions and longer mandatory minimum permit holding periods. States with the most comprehensive GDL laws witnessed an almost 20 percent reduction in fatalities. The study reports that comprehensive state laws have at least five of the following seven components:

- A minimum age of 15 years and six months for obtaining a learner's permit;
- A waiting period after obtaining a learner's permit of at least three months before applying for an intermediate license;
- A minimum of 30 hours of supervised driving;
- Minimum age of at least 16 for obtaining an intermediate state license;
- Minimum age of at least 17 for full licensing;
- A nighttime driving restriction; and
- A restriction on carrying passengers.

Many states strengthened existing GDL laws by adding restrictions.

Many states have strengthened existing GDL laws by adding passenger restrictions, nighttime restrictions and mandatory minimum holding periods for learner's permits. Traffic safety advocacy groups recommend that no teen passengers travel with teen drivers and that nighttime restrictions begin at 9:00 p.m. Most states limit the number of teen passengers to one or two and start nighttime restrictions around 11:00 p.m. or midnight.

During the 2008 legislative sessions, 37 states debated 169 bills related to teen driving provisions. Most would have strengthened existing teen driving laws by adding passenger and nighttime driving restrictions and lengthening the learner's permit phase. (Appendix G contains more information about graduated driver's licenses.)

Aggressive Driving

Most drivers recognize aggressive driving when they see it. Often, it covers a range of unsafe driving behavior—speeding, tailgating, weaving in and out of traffic, running red lights, or any combination of these activities. Hand gestures, shouting and flashing high beams also fall within the definition of aggressive driving. Although most drivers are familiar with this type of driving, it often is difficult for legislatures to define.

Several states have passed laws to penalize aggressive drivers. The laws typically establish an aggressive driving offense and outline fines and penalties. As of January 2009, 10 states—Arizona, Delaware, Florida, Georgia, Indiana, Maryland, Nevada, North Carolina, Rhode Island and Virginia—have aggressive driving laws. (Appendix H contains more information about state aggressive driving laws.) California and Utah amended their reckless driving laws to make them similar to laws enacted in other states.

In 2008, Connecticut, Florida, Massachusetts, Michigan, Minnesota, New York, Ohio, Pennsylvania, Rhode Island, Tennessee and Virginia debated legislation related to aggressive driving. The Michigan bill would have created road rage curriculum to be included in driver's education. Other states considered ways to define aggressive driving and road rage and establish penalties. None passed.

Speed Limits

In 2007, speeding was a contributing factor in 31 percent of all fatal motor vehicle crashes, and 13,040 lives were lost in speeding-related crashes, according to NHTSA. On average, these crashes cost society about \$40 billion annually.

In the early 1970s, Congress withheld federal funding from states that did not enact a maximum 55 mph speed limit. The federal government has since given states more power to set maximum speed limits. In 1995, Congress repealed the maximum speed limit; since then, 31 states have raised speed limits to 70 mph or higher on certain roads.

In 2008, 31 states and the District of Columbia considered bills regarding speed. Some proposals would have increased fines for speeding, while others involved setting highway speed limits and punishing speeders. (Appendix I contains more information about speed limit laws.) Nebraska passed LB 35, establishing a speed limit of 65 miles per hour on state highways but not on interstate highways. Kansas law doubles fines for exceeding the maximum speed limit in school zones. Louisiana increased fines for speeding in construction work zones when workers are present.

The Insurance Institute for Highway Safety collected speed data on urban, suburban and rural interstates in eight metropolitan areas. The information collected reveals that vehicles continue to travel above the speed limit. In 2003, IIHS reported that nearly one in five drivers in Atlanta exceeded 80 mph on an urban interstate with a 55 mph speed limit. On a Boston road with a 45 mph speed limit, 62 percent of passenger vehicles drove faster than 60 mph.

Motor vehicle crashes involving speed can be especially violent given the physics involved. The faster the car is traveling, the longer it takes to stop. Speed also hinders the driver's ability to react to dangerous situations. According to another study completed by the IIHS, crash severity is directly related to speed. If speed increases by 50 percent, the energy released in a crash more than doubles. This increased force can cause severe injuries and fatalities because passenger seat belts, air bags and child safety seats can be less effective at high rates of speed.

An IIHS study indicates crash severity is directly related to speed.

Automated Enforcement

Deliberately running a red light is a common and serious violation. According to the IIHS, in 2006 approximately 900 people were killed and about 144,000 were injured in crashes that involved a driver running a red light. Because law enforcement agencies struggle with limited resources, many municipal governments have turned to automated enforcement to control speed and reduce red light violations without diverting law enforcement resources from other areas. Red light cameras and photo radar allow local law enforcement agencies to enforce these traffic laws remotely.

Both red light cameras and photo radar detect vehicles that violate traffic regulations. Red light cameras are linked to traffic signals and monitor each phase of green, yellow and red. When a motorist drives through the 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. The photo radar system usually is located in a mobile unit, such as a van. The system is equipped with both a radar speed detector and a camera. Once a speeding vehicle is detected, the camera is triggered. The photos, stamped with the date and time, are used to identify the vehicle owner. Tickets then are generated and distributed.

Results of studies on the effectiveness of automated enforcement vary. An IIHS study found that red light violations in Philadelphia were reduced by 36 percent following increased yellow light timing, and the addition of red light cameras reduced red light violations by 96 percent. Another IIHS study found that injury crashes at intersections in Oxnard, Calif., equipped with red light cameras were reduced by 29 percent.

City and local governments in Arizona, California, Colorado, Delaware, Florida, Georgia, Illinois, Iowa, Maryland, Massachusetts, Missouri, New Mexico, New York, North Carolina, Ohio, Oregon, Rhode Island, South Dakota, Tennessee, Texas, Washington and the District of Columbia use cameras. In most cases, state legislatures have passed enabling statutes that allow city and local governments to use the cameras. Although Iowa, Ohio, South Dakota, Tennessee and Texas do not have specific statutes, cameras are in use in certain cities. (Appendix J contains more information about state automated enforcement laws.)

Legislators in 28 states debated automated enforcement bills in 2008.

During 2008, legislators in 28 states debated bills regarding automated enforcement. As in years past, most bills delegated powers to municipalities or counties to use available technology to enforce red light and speed violations. A 2008 Ohio law requires all local authorities that use a “traffic law photo-monitoring device” to erect signs within 300 feet of the local authority’s boundary to inform all in-bound traffic that one is in use. Tennessee passed a law to prohibit state agencies or political subdivisions that use red light cameras from reducing the length of a yellow light with the intent of increasing the number of violations.

Motorcycle Safety

Motorcycling has become an increasingly popular mode of transportation. According to the Motorcycle Industry Council, 1.1 million cycles were sold in the U.S. in 2007, a 30 percent increase over 2001, when only 850,000 were sold. The increased popularity of riding has been followed by increased injuries and fatalities. According to NHTSA, 103,000 motorcyclists were injured and 5,154 motorcyclists were killed in 2007. The number of motorcyclist fatalities increased 7 percent from the 2006 total. The continuing increase in motorcycle fatalities has led many organizations, safety groups, state legislatures and federal agencies to examine motorcycle safety in general, including safety equipment use and rider training and licensing requirements. During the 2008 legislative session, 35 states considered more than 100 bills related to motorcycle safety.

Helmets

NHTSA estimates that from 1984 through 2006 motorcycle helmets saved the lives of 19,230 motorcyclists. Research has shown that helmets can decrease the severity of head injuries and the likelihood of death. NHTSA encourages motorcyclists to use helmets that meet the Federal Motor Vehicle Safety Standard 218, which establishes the minimum level of protection a helmet must afford.

Research shows helmets can decrease severity of head injuries and likelihood of death.

Laws in 20 states and the District of Columbia require all motorcyclists to wear helmets. In 27 states, laws require only some motorcyclists—usually riders under age 21 or age 18—to wear helmets. Illinois, Iowa and New Hampshire do not have motorcycle helmet use laws. (Appendix K contains more information about state motorcycle helmet laws.) In 2008, Hawaii, Kansas, Kentucky and New York considered legislation that would have applied the helmet law to all riders instead of only those of a certain age. On the other hand, 13 of the 20 states that have universal helmet laws introduced legislation in 2008 to repeal them. California, Georgia, Louisiana, Massachusetts, Michigan, Missouri, Nebraska, New York, Tennessee, Vermont, Virginia, Washington and West Virginia introduced legislation in the 2007/2008 legislative session to have helmet laws apply only to riders of a certain age, but none passed. The bill to repeal the universal helmet law in Michigan passed both chambers of the Legislature but was vetoed by the governor. In the governor's veto message, she noted, "Helmets save lives and reduce serious injury."

A University of Pittsburgh study concluded that motorcyclists in Pennsylvania suffered more head injury deaths and hospitalizations in the two years following the repeal of its universal helmet law, which was repealed in 2003. The law currently requires helmet use for motorcyclists under age 21 or riders with less than two years of experience who have not taken safety courses. After accounting for increases in motorcycle registrations in the state, the study concluded helmet use by motorcyclists involved in crashes decreased from 82 percent with the universal helmet law to 58 percent in the two years after its repeal. Head injury deaths in Pennsylvania increased by 32 percent, and head injury-related hospitalizations increased by 42 percent in the two years after the repeal. A bill introduced in Pennsylvania in 2007 to reinstate the universal helmet law passed in the House Transportation Committee.

Rider Training and Licensure

The federal government supports comprehensive state motorcycle safety programs that include all-rider helmet use laws. (Research has shown that helmet use laws limited only to a specific segment of riders are ineffective and unenforceable.) Rider education, training, and operator licensing programs are important components of motorcycle safety. Table 3 contains information about state motorcycle education and licensing requirements.

A 2007 Puerto Rico law requires the Department of Transportation to be responsible for motorcycle training, education and licensing. The law requires that eight training centers be opened around the island to license motorcycle riders and that all motorcyclists complete a rider training program. A 2007 Delaware house resolution supports re-establishing and continuing the work of the statewide Motorcycle Advisory Committee. The committee monitors the Motorcycle Rider Education Program offered through the Delaware Department of Motor Vehicles. The 15-hour novice driver's training course includes instruction on collision avoidance and turning and braking techniques.

Table 3. Motorcycle Education and Licensing Requirements			
State/ Jurisdiction	Mandatory Rider Education	Minimum Age for a License	Tests Required
Alabama	No	14	Knowledge
Alaska	No	16	Knowledge, motorcycle written and skills
Arizona	No	16	Vision, knowledge and skills
Arkansas	No	16	Vision, knowledge and skills
California	Yes (riders under age 21)	16	Vision, knowledge and skills
Colorado	Yes (riders under age 18)	16	Vision and knowledge
Connecticut	Yes (riders under age 21)	16	Vision, knowledge and skills
Delaware	Yes (riders under age 18)	17	Knowledge and skills
Florida	Yes (riders under age 21)	16	
Georgia	No	16	Vision, knowledge and road signs
Hawaii	No information provided	15 and 6 months	Vision, knowledge and skills
Idaho	Yes (riders under age 21)	15	Vision, knowledge and skills
Illinois	No information provided	No information provided	No information provided
Indiana	No	15	Vision, knowledge and skills
Iowa	Yes (riders under age 18)	16	
Kansas	No	16	Vision, knowledge and skills
Kentucky	No	18	Vision, knowledge and skills
Louisiana	No information provided	No information provided	No information provided
Maine	Yes (all riders)	16	Vision, knowledge and skills
Maryland	Yes (riders under age 18)	15 and 9 months	Vision, knowledge, road signs and skills
Massachusetts	No information provided	16 and 6 months	Vision, skills and road signs
Michigan	Yes (riders under age 18)	16	Vision, knowledge and skills
Minnesota	Yes (riders under age 18)	16	Knowledge and skills
Mississippi	NA	No information provided	No information provided
Missouri	Yes (riders under age 16)	16	No information provided
Montana	No information provided	No information provided	Knowledge and skills
Nebraska	No	15	Vision, knowledge and skills
Nevada	No	16	Vision, knowledge and skills
New Hampshire	Yes (riders age 16 to 18)	16	Vision, knowledge and skills
New Jersey	No	17	Vision, knowledge and skills
New Mexico	No information provided	No information provided	No information provided
New York	No	16	Knowledge and skills
North Carolina	No information provided	18	No information provided
North Dakota	Yes (riders age 14 to 15)	14 and two months	Vision, knowledge and skills
Ohio	Yes (riders under age 18)	15 and 6 months	Vision, knowledge and skills
Oklahoma	No	14	Vision, knowledge and skills
Oregon	Yes (riders under age 21)	16	No information provided
Pennsylvania	No information provided	16	No information provided
Rhode Island	Yes (all riders)	16	Vision, knowledge and skills
South Carolina	No information provided	15	Vision, knowledge and skills
South Dakota	No information provided	14	Vision, knowledge and skills
Tennessee	No	16	Vision, knowledge and skills
Texas	Yes (riders under age 18)	15	Vision, knowledge and skills
Utah	No	16	Knowledge and skills
Vermont	No information provided	16	No information provided

Table 3. Motorcycle Education and Licensing Requirements (continued)

State/ Jurisdiction	Mandatory Rider Education	Minimum Age for a License	Tests Required
Virginia	No	16 and 3 months	Vision, knowledge and skills
Washington	No information provided	16	No information provided
West Virginia	No	16	Vision, knowledge and skills
Wisconsin	Yes (riders under age 18)	16	Knowledge and skills
Wyoming	No	15	Vision, knowledge and skills
Guam	No information provided	No information provided	No information provided

Source: Governor's Highway Safety Association, 2007 Motorcycle Survey.

Reckless Driving

The Dane County Wis., Sheriff's Office issued a July 2008 press release stating the area was "...experiencing an alarming increase in incidents involving motorcycles operating at high speeds, doing wheelies, and dangerous operation. The Dane County Sheriff's Office has zero tolerance for reckless motorcycle operation; riders will be cited for reckless driving."

A 2008 Florida law requires motorcyclists to ride with both wheels on the ground at all times. The law creates a new offense, different than the general "reckless driving," and sets a \$1,000 fine for the first violation. Missouri introduced but did not pass a similar bill that would have created the crime of "motorcycle stunt driving."

School Bus Safety

Millions of children rely on school buses to transport them to and from school and school-related activities. This form of transportation is very safe. Since 1996, 1,536 people nationwide have died in school transportation-related crashes—an average of 140 per year, according to NHTSA. Most of the fatalities (72 percent) were people who were riding in another vehicle.

To keep school bus transportation as safe as possible, NHTSA has established 35 safety standards that apply to all school buses. The standards help to ensure that all school buses are structurally and mechanically safe. NHTSA also coordinates the recall of any school buses that are deemed to be unsafe. State legislatures can strengthen current NHTSA standards through statute. During the 2008 legislative sessions, more than 110 bills were considered regarding school bus safety.

In 2008, more than 110 school bus safety bills were considered.

Safety Belts on School Buses

The issue of occupant protection on school buses is still up for debate. There is no question that seat belts play an important role in keeping occupants safe in passenger vehicles. However, school buses are different by design and use a different kind of safety restraint system that works extremely well.

NHTSA requires "compartmentalization" in school buses to provide crash protection through a protective pocket consisting of closely spaced seats with energy-absorbing seat backs. The National Transportation Safety Board and the National Academy of Sciences have confirmed the effectiveness of compartmentalization in frontal and rear impact studies. After several investigations of school bus crashes in the late 1990s, however, the

National Transportation Safety Board found compartmentalization does not provide adequate protection during side impacts. NTSB believes new seating systems should be developed that provide occupant protection in all types of crashes.

According to a May 2002 NHTSA report, lap belts alone on school buses would have little benefit. Some crash tests revealed that the lap belts installed on school buses might even cause injuries. NHTSA reported that, although lap belts on large school buses may not be helpful, having three-point seat belts on smaller school buses would reduce injuries and keep passengers safe in roll-over accidents. Therefore, in 2008, NHTSA announced a rule change to FMVSS 222, which would require new school buses of 10,000 pounds or less to have lap/shoulder belts in lieu of the lap belts currently required. The rule also requires increasing the height of seat backs to from 20 inches to 24 inches and allows states or local jurisdictions to decide whether to install seat belts on larger school buses (over 10,000 pounds). For more information about the rule, go to www.nhtsa.gov/staticfiles/DOT/NHTSA/Rulemaking/Rules/Associated%20Files/SchoolBusBeltsFinal.pdf.

Although compartmentalization is an effective occupant protection system for children in grades K-12, it is not effective for smaller children. Because the use of school buses to transport preschool-age children is increasing, NHTSA recommends that preschoolers riding on school buses be restrained in an appropriate child safety seat. New regulations from the Department of Health and Human Services govern buses and other vehicles used for Head Start programs.

Six states require seat belts on school buses.

States can pass laws to require seat belt installation and use. Each year, several states consider legislation to require safety belt installation on school buses. California, Florida, Louisiana, New Jersey, New York and Texas have passed laws requiring seat belts on school buses. In Louisiana and Texas, however, those laws will not become effective until adequate funding sources have been identified to pay for the significant additional costs involved. Currently, California is the only state that requires all new school buses to have three-point belt systems. During the 2008 legislative sessions, 14 states considered bills regarding occupant protection on school buses.

Licensing School Bus Drivers

Federal law establishes requirements for states that issue commercial driver's licenses (CDL). The Motor Carrier Safety Improvement Act of 1999 (MCSIA) established new requirements for testing and school bus endorsements. Standards for issuing CDLs to school bus drivers are included in the federal regulations. States are free to adopt stricter standards. Many states have passed laws regulating school bus driver licensing. The additional regulations usually include fingerprinting, background checks and specialized training requirements.

At least five states considered bills in 2008 relating to licensing requirements for school bus drivers. A Delaware law requires an annual physical for licensure. New Jersey introduced a bill that would require all new and renewing applicants for school bus driver's licenses to submit to a criminal background check and an alcohol/drug test. Any current school bus driver who is found to have either a criminal background or a positive alcohol/drug test will be disqualified.

Illegally Passing School Buses

Many states are aware of the safety problem caused by motorists who illegally pass stopped school buses and have attempted to solve it with strict laws and public education campaigns. In 2008, six states—Delaware, New Jersey, New York, Pennsylvania, Washington and West Virginia—debated proposals relating to illegally passing school buses. Only the Delaware proposal was enacted (the proposals in New York and Pennsylvania were pending at publication).

Other Issues

Louisiana, North Carolina and South Carolina considered bills to prohibit school bus drivers from using cell phones while driving. Those in Louisiana and North Carolina passed. Arizona, Arkansas, California, Delaware, Illinois, Massachusetts, New Jersey, Rhode Island and Tennessee laws also prohibit school bus drivers from talking on cell phones.

Several states considered bills relating to other school bus safety concerns. Bills in New York, New Jersey and Rhode Island would have required video monitoring systems to be installed on school buses; the Rhode Island bill was enacted, but the New York and New Jersey bills were under consideration at publication. Rhode Island's law requires live digital video monitoring of school buses and requires school districts to prepare an annual report of the number of citations issued, the number of citations paid, the number of violations found after trial, and the number of citations dismissed after trial or hearing.

Pedestrian and Bicycle Safety

Many people engage in walking, running and bicycling to maintain physical fitness and a healthy lifestyle. For many pedestrians and bicyclists, safety is a major concern. According to NHTSA, 4,654 pedestrians were killed and 70,000 were injured in motor vehicle crashes in 2007. Although pedestrian fatalities declined from 2006 to 2007, pedestrian injuries increased by an estimated 15 percent. Bicycle injuries and fatalities have decreased in recent years, some of which can be attributed to new state bicycle safety laws.

Motor vehicle crashes killed 4,654 pedestrians and injured 70,000 in 2007.

In 2008, 33 states considered nearly 100 bills regarding pedestrian and bicycle safety. Many addressed motorist responsibilities at crosswalks and on roadways. Other proposals considered ways to increase safety near schools.

Elderly Pedestrians

Elderly pedestrians are at increased risk of being injured or killed in motor vehicle collisions. Pedestrians age 70 and older accounted for 16 percent (721) of all pedestrian fatalities and an estimated 6 percent (4,000) of all pedestrians injured in 2007.

The gradual loss of flexibility, agility and reflexes that naturally comes with aging affects the safety of an ever-growing population of baby boomers. Fast-paced traffic, wider streets and relatively short crossing times at intersections contribute to the fatal hazards that elderly pedestrians face.

Hawaii legislators have considered many bills in the 2008 legislative session related to pedestrian safety. In 2007, AARP in Hawaii reported that the state had the highest pedestrian death rate among the elderly nationwide. In January 2007, a bill was introduced

that would appropriate \$1 million to the Department of Transportation to conduct a study to identify intersections where the time to cross is insufficient for elderly pedestrians and to develop plans to make crosswalks and roadways safer. The bill also enabled the DOT to work with nonprofit organizations and counties to immediately make changes to ensure safety at intersections. The bill became law without the governor's signature on July 8, 2008.

New York introduced a similar bill in 2007. Assembly Bill 31 would have commissioned a Department of Transportation survey of older pedestrians and hazardous intersections. According to the bill, the DOT then would use survey results to study the feasibility of installing safety median islands to allow pedestrians to cross on two timing cycles; retiming traffic signals; installing crossing signs and pedestrian warning signs; and lowering vehicle speed limits. The bill passed both the Assembly and the Senate but was vetoed by the governor in August 2008 due to prohibitively expensive implementation costs.

Walking Safely

In 2008, nearly 25 pedestrian safety bills were considered by state legislatures. Florida, Hawaii and Tennessee passed laws clarifying the responsibilities of motorists to yield and stop for pedestrians in crosswalks. A 2008 New Hampshire law requires the Department of Safety to inform driver's license applicants of laws relating to blind pedestrians. The law also requires first-time driver's license applicants to be tested on traffic laws pertaining to visually impaired pedestrians. Washington law adds pedestrian and bicycle safety to the driver's education curriculum.

Children age 15 and younger accounted for 8 percent of pedestrian fatalities in 2007.

Children's ability to get to school safely is an important issue for safety advocates and lawmakers. Children age 15 and younger accounted for 8 percent of pedestrian fatalities in 2007 and 23 percent of all pedestrians injured in traffic crashes, according to NHTSA.

To keep child pedestrians safe, many communities have turned to "Safe Routes to School" programs, which encourage parents, teachers, students, community leaders, state and local governments, and law enforcement agencies to identify and establish safe pedestrian and bicycle routes to and from schools. The programs examine current traffic laws, speed limits, and law enforcement and education programs and make changes where necessary. The ultimate goals of these programs are to increase physical activity such as walking and biking and to maintain safety. For more information about state activity related to Safe Routes to School, see www.ncsl.org/programs/enviro/healthycommunity/saferoutestoschool.htm.

To see an interactive map of the federal funding allocated to states for Safe Routes to School Programs and the projects funded through the Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU, Public Law 109-59), go to www.saferoutesinfo.org/contacts/index.cfm.

Bicycle Safety

Bike helmets, when worn properly, are 85 percent effective in preventing brain injuries, according to the Brain Injury Association of America. As of August 2008, 21 states had laws that require bicycle riders of certain ages to wear helmets. Most require children under age 15 to wear helmets or protective headgear while riding. Approximately 10 states in the 2007/2008 legislative session considered legislation that would require certain riders to wear helmets. Delaware enacted a law that increases mandatory helmet use from

age 15 and younger to age 17 and younger. New York considered increasing the age of mandatory helmet use from age 13 to age 18. Ohio, which has no helmet law, introduced a 2008 bill that would require riders age 18 and younger to wear bicycle helmets. Table 4 contains information about state bicycle helmet laws.

Another bicycle safety law getting state attention is “three-feet passing laws.” As of August 2008, 11 states—Arizona, Arkansas, Florida, Illinois, Maine, Minnesota, Oklahoma, Tennessee, Utah, West Virginia and Wisconsin—had such laws.

Maine’s law, enacted in 2007, states:

“An operator of a motor vehicle that is passing a bicycle proceeding in the same direction shall exercise due care by leaving a distance between the motor vehicle and the bicycle of not less than three feet while the motor vehicle is passing the bicycle. A motor vehicle operator may pass a bicycle traveling in the same direction in a no-passing zone only when it is safe to do so.”

The penalties for violating three-feet passing laws vary. Florida law states that a violation is a non-criminal traffic infraction that carries a \$60 fine and three points on the license. During the 2008 legislative sessions, Hawaii, Indiana, Maryland, Mississippi, New Hampshire Ohio, South Carolina, Vermont and Washington introduced three-feet passing legislation.

Bicycle safety laws that contain three-foot passing provisions are gaining attention.

Table 4. Bicycle Helmet Laws

State/ Jurisdiction	Bicyclists Covered by State Law	State/ Jurisdiction	Bicyclists Covered by State Law
Alabama	Age 15 and younger	Montana	No law
Alaska	No law	Nebraska	No law
Arizona	No law	Nevada	No law
Arkansas	No law	New Hampshire	Age 15 and younger
California	Age 17 and younger	New Jersey	Age 16 and younger
Colorado	No law	New Mexico	Age 17 and younger
Connecticut	Age 15 and younger	New York	Ages 1 through 13 (riding with children younger than age 1 prohibited)
Delaware	Age 17 and younger	North Carolina	Age 15 and younger
Florida	Age 15 and younger	North Dakota	No law
Georgia	Age 15 and younger	Ohio	No law
Hawaii	Age 15 and younger	Oklahoma	No law
Idaho	No law	Oregon	Age 15 and younger
Illinois	No law	Pennsylvania	Age 11 and younger
Indiana	No law	Rhode Island	Age 15 and younger
Iowa	No law	South Carolina	No law
Kansas	No law	South Dakota	No law
Kentucky	No law	Tennessee	Age 15 and younger
Louisiana	Age 11 and younger	Texas	No law
Maine	Age 15 and younger	Utah	No law
Maryland	Age 15 and younger	Vermont	No law
Massachusetts	Ages 1 through 16 (riding with children younger than age 1 prohibited)	Virginia	No law
Michigan	No law	Washington	No law
Minnesota	No law	West Virginia	Age 14 and younger
Mississippi	No law	Wisconsin	No law
Missouri	No law	Wyoming	No law

Sources: Insurance Institute for Highway Safety, 2008; National Conference of State Legislatures, 2008.

Links for Further Information

AAA

www.aaapublicaffairs.com/main.asp

AAA Foundation for Traffic Safety

www.aaafoundation.org

American Institute for Public Safety

www.aipsnews.com

American Motorcyclist Association

www.amadirectlink.com

Cellular Telecommunications Industry Association

www.wow-com.com

“Dr. Driving” (Professor Leon James)

www.drdriving.com

Federal Highway Administration

www.fwha.dot.gov

Governors Highway Safety Association|

www.ghsa.org

Insurance Institute for Highway Safety

www.hwysafety.org

Motorcycle Riders Foundation

www.mrf.org

Motorcycle Safety Foundation

www.msf-usa.org

NCSL/NHTSA Traffic Safety Legislative Tracking

www.nhtsa.dot.gov/nctl/

National Highway Traffic Safety Administration (NHTSA)

www.nhtsa.dot.gov

NHTSA Fact Sheets

www.nhtsa.dot.gov/people/injury/new-fact-sheet03/index.htm

National Safety Council

www.nsc.org

National Safe Kids

www.safekids.org

National Transportation Safety Board

www.nts.gov

The Partnership for Safe Driving

www.geocities.com/morganleepena/

Traffic Injury Research Foundation

www.trafficinjuryresearch.com

U.S Department of Transportation

www.dot.gov

U.S. Government Accountability Office report on .08 BAC laws

www.gao.gov

Appendix A. National Highway Traffic Safety Administration Regional Offices

New England Region

(Conn., Maine, Mass., N.H., R.I., Vt.)
Regional Administrator, NHTSA
Volpe National Transportation Systems Center
Kendall Square, Code 903
55 Broadway
Cambridge, Mass. 02142
Phone: (617) 494-3427
Fax: (617) 494-3646
region1@nhtsa.dot.gov

Eastern Region

(N.Y., N.J., P.R., V.I.)
Regional Administrator, NHTSA
222 Mamaroneck Ave., Suite 204
White Plains, N.Y. 10605
Phone: (914) 682-6162
Fax: (914) 682-6239
region2@nhtsa.dot.gov

Mid-Atlantic Region

(Del., D.C., Md., Pa., Va., W.Va.)
Regional Administrator, NHTSA
10 S. Howard St., Suite 6700
Baltimore, Md. 21201
Phone: (410) 962-0090
Fax: (410) 962-2770
region3@nhtsa.dot.gov

Southeast Region

(Ala., Fla., Ga., Ky., Miss., N.C., S.C., Tenn.)
Regional Administrator, NHTSA
Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, Ga. 30303
Phone: (404) 562-3739
Fax: (404) 562-3763
region4@nhtsa.dot.gov

Great Lakes Region

(Ill., Ind., Mich., Minn., Ohio, Wis.)
Regional Administrator, NHTSA
19900 Governors Drive, Suite 201
Olympia Fields, Ill. 60461
Phone: (708) 503-8822
Fax: (708) 503-8991
region5@nhtsa.dot.gov

South Central Region

(Ark., La., N.M., Okla., Texas, Indian Nations)
Regional Administrator, NHTSA
819 Taylor St., Room 8A38
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Fax: (817) 978-8339
region6@nhtsa.dot.gov

Central Region

(Iowa, Kan., Mo., Neb.)
Regional Administrator, NHTSA
901 Locust Street, Room 466
Kansas City, Mo. 64106
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region7@nhtsa.dot.gov

Rocky Mountain Region

(Colo., Mont., N.D., S.D., Utah, Wyo.)
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12300 West Dakota Avenue, Suite 140
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Fax: (720) 963-3124
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Western Region

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Fax: (415) 744-2532
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Northwest Region

(Alaska, Idaho, Ore., Wash.)
Regional Administrator, NHTSA
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Fax: (206) 220-7651
region10@nhtsa.dot.gov

Appendix B. State Safety Belt Use Laws

State/ Jurisdiction	Primary Enforcement	Who Is Covered? In What Seats?	Maximum Fine First Offense?	Damages Reduced for Nonuse?
Alabama	Yes	Ages 15+ in front seat	\$25	No
Alaska	Yes	Ages 16+ in all seats	\$15	Yes
Arizona	No	Ages 5+ in front seat; ages 5 through 15 in all seats	\$10	Yes
Arkansas	No	Ages 15+ in front seat	\$25 ¹	No
California	Yes	Ages 16+ in all seats	\$20	Yes
Colorado	No	Ages 16+ in all seats	\$15	Yes ³
Connecticut	Yes	Ages 7+ in front seat	\$15	No
Delaware	Yes	Ages 16+ in all seats	\$25	No
Florida	No (yes for children ages 6 to 18)	Ages 6 to 18 in front seats; ages 18+ in front seat	\$30	Yes
Georgia	Yes	Ages 6 through 17 in all seats; ages 18+ in front seat	\$15 ³	No
Hawaii	Yes	Ages 4 through 17 in all seats; ages 18+ in front seat	\$92	No
Idaho	No	Ages 7+ in all seats	\$10	No
Illinois	Yes	Ages 16+ in front seat; ages 18 and under in all seats if driver is younger than age 18	\$25	No
Indiana	Yes	Ages 16+ in front seat and ages 8 to 16 in all seats	\$25	No
Iowa	Yes	Ages 11+ in front seat	\$25	Yes ³
Kansas	No (yes for children under age 18)	Ages 14 through 17 in all seats; ages 18+ in front seat	\$30	No
Kentucky	Yes	More than 40 inches in all seats	\$25	No
Louisiana	Yes	Ages 13+ in front seat	\$25	No
Maine	Yes	Ages 18+ in all seats	\$50	No
Maryland	Yes	Ages 16+ in front seat	\$25	No
Massachusetts	No	Ages 12+ in all seats	\$25 ⁴	No
Michigan	Yes	Ages 4+ in front seat; ages 4 through 15 in all seats	\$25	Yes ³
Minnesota	No	Ages 3 through 10 in all seats; ages 11+ in front seat	\$25	No
Mississippi	Yes	Ages 4 through 8 in all seats; ages 8+ in front seat	\$25	No
Missouri	No (yes for children under age 16)	Ages 4+ in front seat; ages 4 through 16 in all seats	\$10	Yes ³
Montana	No	Ages 6+ in all seats	\$20	No
Nebraska	No	Ages 18+ in front seat	\$25	Yes ³
Nevada	No	Ages 6+ or less than 60 lbs in all seats	\$25	No
New Hampshire	No law	No law	No law	No
New Jersey	Yes	Ages 8 and younger and more than 80 lbs; ages 8 through 17 in all seats; ages 18+ in front seat	\$20	No
New Mexico	Yes	Ages 18+ in all seats	\$25 ²	No
New York	Yes	Ages 16+ in front seats	\$50 ⁵	Yes

Appendix B. State Safety Belt Use Laws (continued)

State/ Jurisdiction	Primary Enforcement	Who Is Covered? In What Seats?	Maximum Fine First Offense?	Damages Reduced for Nonuse?
North Carolina	Yes (secondary for rear seat occupants)	Ages 16+ in front seat	\$25	No
North Dakota	No	Ages 18+ in front seat	\$20	Yes
Ohio	No	Ages 4 through 14 in all seats; ages 15+ in front seat	\$30 driver/\$20 passenger	Yes
Oklahoma	Yes	Ages 13+ in front seat	\$20	No
Oregon	Yes	Ages 16+ in all seats	\$90	Yes
Pennsylvania	No	Ages 8 through 17 in all seats; ages 18+ in front seat	\$10	No
Rhode Island	No (yes for children under age 18)	Ages 13+ in all seats	\$75	No
South Carolina	Yes ⁶	Ages 6+ in front seat; ages 6+ in rear seat with shoulder belt	\$25	No
South Dakota	No	Ages 18+ in front seat	\$20	No
Tennessee	Yes	Ages 16+ in front seat	\$50 ⁷	No
Texas	Yes	Ages 4 and younger and 36 inches or more; ages 5 through 16 in all seats; ages 17+ in front seat	\$200	No
Utah	No (yes for children under age 19)	Ages 16+ in all seats	\$45	No
Vermont	No	Ages 16+ in all seats	\$25	No
Virginia	No	Ages 16+ in front seat	\$25	No
Washington	Yes	Ages 16+ in all seats	\$37	No
West Virginia	No	Ages 8+ in front seats; ages 8 through 18 in all seats	\$25	Yes ³
Wisconsin	No	Ages 4+ in front seat; ages 4+ in rear seat with shoulder belt; ages 8+ in front seat	\$10	Yes ³
Wyoming	No	Ages 9+ in all seats	\$25 ⁸ driver/ \$10 passenger	No
District of Columbia	Yes	Ages 16+ in all seats	\$50 ²	No
Puerto Rico	Yes	Ages 4+ in back seat, or up to age 12 in front seat if there is no belt in the back seat; ages 13+ in all seats	\$50	No
U.S. Virgin Islands	No	Ages 5+ in all seats	\$100	No information

Notes:

1. Arkansas rewards belt use by reducing the fine for the primary violation by \$10.
2. This jurisdiction assesses points for violations.
3. In Georgia, the maximum fine is \$25 if the child is age 6 to 18.
4. Drivers in Massachusetts can be fined \$25 for violating the belt law themselves and \$25 for each unrestrained passenger age 12 to 16.
5. New York assesses points only when the violation involves a child under age 16 years.
6. Police are prohibited in South Carolina from enforcing safety belt laws at checkpoints designed for that purpose. However, safety belt violation tickets can be issued at license and registration checkpoints to drivers cited for other offenses.
7. Drivers age 18 and older in Tennessee who choose not to contest the citation pay a \$10 fine by mail; the fine is \$20 for drivers who are ages 16 and 17.
8. Wyoming rewards belt use by reducing the fine for the primary violation by \$10.

Source: Insurance Institute for Highway Safety, 2008; AAA, 2008.

Appendix C. State Laws on Child Restraint Use

State/ Jurisdiction	Must Be in Child Restraint	Adult Safety Belt Permissible	Maximum Fine First Offense
Alabama	Younger than age 1 or less than 20 lbs. must be in a rear-facing infant seat; ages 1 through 4 or 20-40 lbs. in a forward-facing child safety seat; age 5 but not yet age 6 in a booster seat	Ages 6 through 14; law states no preference for rear seat	\$25 ¹
Alaska	Age 3 and younger	Ages 4 through 15; law states no preference for rear seat	\$50 ¹
Arizona	Age 5 and younger	Not permissible.	\$50
Arkansas	Age 5 and younger and less than 60 lbs.	Ages 6 through 14 or 60+ lbs.; law states no preference for rear seat	\$100
California	Younger than age 1 or less than 20 lbs. or in a rear-facing restraint system in rear seat only if front passenger air bag is active; ages 5 and younger or less than 60 lbs. in a rear seat ²	Ages 6 through 15 or 60+ lbs.	\$100 ¹
Colorado	Younger than age 1 and less than 20 lbs. in a rear-facing infant seat; ages 1 through 4 and 20-40 lbs. in a forward-facing child safety seat; ages 4 through 5 and less than 55 inches in a booster seat ³	Ages 6 through 15 and 55 inches or more; law states no preference for rear seat	\$50
Connecticut	Younger than age 1 or less than 20 lbs. in rear-facing restraint; ages 1 through 6 and less than 60 lbs. in a child restraint system (booster seats may be used only in a seating position that has a lap and shoulder belt)	Ages 7 through 15 and 60+ lbs.; law states no preference for rear seat ⁴	\$60 ⁴
Delaware	Ages 7 and younger and less than 66 lbs. ⁵	Ages 8 through 15 or 65+ lbs.; ⁵ law states no preference for rear seat	\$25
Florida	Ages 3 and younger	Ages 4 through 5; law states no preference for rear seat	\$60 ¹
Georgia	Ages 5 and younger and 57 inches or less; must be in rear seat if available ⁶	More than 57 inches	\$50 ¹
Hawaii	Ages 3 and younger in a child safety seat; ages 4 through 7 must be in a booster seat or child restraint	Ages 4 through 7 who are taller than 4'9"; ages 4 through 7 who are at least 40 lbs. seated in a rear seat where, if there are no available lap/shoulder belts, can be restrained by a lap belt; law states no preference for rear seat	\$100 ⁷
Idaho	Ages 6 and younger	Not permissible	\$100
Illinois	Ages 7 and younger; children who weigh more than 40 lbs. seated in rear where only a lap belt is available	Ages 8 through 16; law states no preference for rear seat	\$50
Indiana	Age 7 and younger when driver holds Indiana license ⁸	Ages 8 through 15; law states no preference for rear seat	\$25 ¹
Iowa	Younger than age 1 and less than 20 lbs. in a rear-facing seat; ages 1 through 5 in front facing child restraint	Ages 6 through 10; law states no preference for rear seat	\$25
Kansas	All children ages 3 and younger must be in a child restraint; children ages 4 through 7 who weigh less than 80 lbs. and children ages 4 through 7 who are less than 57 inches tall must be in a child restraint or booster seat	All children ages 8 through 13; children ages 4 through 7 who weigh more than 80 lbs.; children who are taller than 57 inches; law states no preference for rear seat	\$60
Kentucky	40 inches or less	Not permissible	\$50

Appendix C. State Laws on Child Restraint Use (continued)

State/ Jurisdiction	Must Be in Child Restraint	Adult Safety Belt Permissible	Maximum Fine First Offense
Louisiana	Younger than age 1 or less than 20 lbs. in a child safety seat; ages 1 through 3 or 20 to 39 lbs. in a forward-facing safety seat; ages 4 through 5 or 40 to 60 lbs. in a child booster seat; under age 6 and under 60 lbs. must be in rear seat if available	Ages 6 through 12 or more than 60 lbs.; law states no preference for rear seat	\$50
Maine	Less than 40 lbs. in a child safety seat; 40 to 80 lbs. and younger than age 8 in a safety system that elevates the child so that an adult seat belt fits properly; ages 11 and younger and less than 100 lbs. must be in rear seat if available	Ages 8 through 17 or younger than age 18 and more than 4'9"	\$50
Maryland	Age 7 and younger or 65 lbs. or less	Age 8 and more than 40 lbs. through age 15; law states no preference for rear seat	\$25
Massachusetts	Age 7 and younger or 57 lbs. or less	Ages 5 through 11; law states no preference for rear seat	\$25
Michigan	Age 7 and younger or 57 lbs. or less	Ages 8 through 15 or children who are at least 57 inches tall	\$10
Minnesota	Age 3 and younger	Not permissible	\$50
Mississippi	Age 3 and younger	Not permissible	\$25
Missouri	Age 3 and younger must be in child restraint; all children who weigh less than 40 lbs. must be in a child restraint; ages 4 through 7 who weigh at least 40 lbs. but less than 80 lbs. and who are 4'9" or shorter must be in either a child restraint or booster seat; children age 4 and older who weigh at least 80 lbs. or who are at least 4'9" tall must be in either a booster seat or safety belt	All children ages 8 through 16; all children who weigh 80 lbs. or more or who are 4'9" tall or more; law states no preference for rear seat	\$10 for violations involving children taller than 4'9" or who weigh more than 80 lbs.
Montana	Younger than age 5 and less than 60 lbs.	Not permissible	\$100
Nebraska	Age 5 and younger	Age 6 through 17; ⁹ law states no preference for rear seat	\$25 ¹
Nevada	Age 5 and younger and 60 lbs. or less	Not permissible	\$100 ¹⁰
New Hampshire	Age 5 and younger and less than 55 inches	Ages 6 through 17 or younger than age 18 and more than 55 inches; law states no preference for rear seat	\$25
New Jersey	Age 7 and younger and less than 80 lbs. seated in rear seat if available	Not permissible	\$25
New Mexico	Younger than age 1 in a rear-facing infant seat, seated in the rear seat if available; children ages 1 through 4 or less than 40 lbs.; ages 5 through 6 or less than 60 lbs. in booster seat	Ages 7 through 17	\$25
New York	Age 6 and younger in all seats	Ages 4 through 15; ages 7 through 15; law states no preference for rear seat	\$100 ¹
North Carolina	Age 7 and younger and less than 80 lbs. ¹¹	Ages 8 through 15 and children 40 to 80 lbs. in seats without shoulder belts; law states no preference for rear seat	\$25 ¹
North Dakota	Age 6 and younger and less than 57 inches or less than 80 lbs.	Ages 7 through 17; ages 6 and younger and at least 57 inches tall and at least 80 lbs.; ages 6 and younger and at least 40 lbs.; if there are no available lap/shoulder belt, can be restrained by lap belt only; law states no preference for rear seat	\$25 ¹

Appendix C. State Laws on Child Restraint Use (continued)

State/ Jurisdiction	Must Be in Child Restraint	Adult Safety Belt Permissible	Maximum Fine First Offense
Ohio	Age 3 and younger or less than 40 lbs.	Ages 4 through 14; ¹² law states no preference for rear seat	\$100 ¹
Oklahoma	Age 5 and younger ¹³	Ages 6 through 12; law states no preference for rear seat	\$25
Oregon	Child younger than age 1 or 20 lbs. must be in a rear-facing child safety seat; 40 lbs. or less must be in child safety seat; more than 40 lbs. but 4' 9" or less must be in a safety system that elevates the child so that an adult seat belt fits properly	Children taller than 4' 9"; law states no preference for rear seat	\$75
Pennsylvania	Age 7 and younger ¹⁴	Not permissible	\$100
Rhode Island	Age 6 and younger and less than 54 inches and 80 lbs.; children age 6 and younger must be in rear seat if available	Under age 18 who weigh 80 lbs. or more or who are taller than 54 inches	\$75
South Carolina	Younger than age 1 or less than 20 lbs. in a rear-facing infant seat; ages 1 through 5 and 20 to 39 lbs. in a forward-facing child safety seat; ages 1 through 5 and 40 to 80 lbs. in a booster seat secured by lap-shoulder belt; children age 5 and younger must be in rear seat if available	Ages 1 through 5 and 80+ lbs. or any child age 5 and younger if the child's knees bend over the seat edge when sitting up straight with his/her back firmly against the seat back	\$150
South Dakota	Age 4 and younger and less than 40 lbs.	Ages 5 through 17; all children 40+ lbs., regardless of age; law states no preference for rear seat	\$20
Tennessee	Younger than age 1 or less than 20 lbs. in a rear-facing infant seat; ages 1 through 3 and 20+ lbs. in a forward-facing infant seat; ages 4 through 8 and less than 5' in a booster seat; children age 8 and younger and less than 5' must be in a rear seat if available	Ages 9 through 15 or age 12 and younger and 5' or more	\$50
Texas	Age 4 and younger or less than 36 inches	Not permissible	\$200
Utah	Age 7 and younger and less than 57 inches	Age 8 through 15; law states no preference for rear seat	\$45
Vermont	Younger than age 1 or less than 20 lbs. in a rear-facing infant seat; ages 2 through 7 and more than 20 lbs. in child restraint	Ages 8 through 15 and more than 20 lbs.; law states no preference for rear seat	\$25
Virginia	Age 7 and younger unless they have a physician exemption; children in rear-facing devices must be in rear seat in available; if not available, they can be placed in front only if passenger airbag is deactivated.	Ages 8 through 15 ¹⁵	\$50
Washington	Younger than age 8 and less than 4'9" (effective 6/1/07); age 12 and younger must be in rear seat if practical	Ages 8 through 15; younger than age 8 and 4 feet or taller (effective 6/1/07)	\$124
West Virginia	Age 7 and younger or less than 4'9"	Age 7 and younger and 4'9" and taller; law states no preference for rear seat	\$20

Appendix C. State Laws on Child Restraint Use (continued)

State/ Jurisdiction	Must Be in Child Restraint	Adult Safety Belt Permissible	Maximum Fine First Offense
Wisconsin	Children younger than age 1 and all children who weigh less than 20 lbs. are required to be in a rear-facing infant seat; children ages 1 through 3 who weigh at least 20 lbs. but less than 40 lbs. are required to be in a forward-facing child safety seat; children ages 4 through 7 who weigh at least 40 lbs. but less than 80 lbs. and who are less than 57" tall are required to be in a booster seat; children age 3 and younger must be in a rear seat if available	Age 8 and younger and more than 80 lbs. and 57" or taller	\$75
Wyoming	Age 8 and younger; must be in rear seat if available	Not permissible	\$50
District of Columbia	Age 7 and younger	Ages 8 through 15; law states no preference for rear seat	\$75 ¹
Puerto Rico	Age 4 and younger	Age 4 and older	\$100
U.S. Virgin Islands	Age 5 and younger	Children ages 3 through 5 can be restrained by only a seat belt if they are in the rear seat	\$100

Notes:

1. This state assesses points for violations.
2. In California, children weighing more than 40 pounds can be belted without a booster seat if they are seated in the rear seat of a vehicle not equipped with lap/shoulder belts. The California rear seat requirement does not apply if: there is no rear seat; the rear seats are side-facing jump seats; the rear seats are rear-facing seats; the child passenger restraint system cannot be installed properly in the rear seat; all rear seats are already occupied by children under age 12; or medical reasons necessitate that the child not ride in the rear seat. A child cannot ride in the front seat of a motor vehicle with an active passenger airbag if the child is under age 1, weighs less than 20 pounds, or is riding in a rear-facing child restraint system.
3. In Colorado, if a child age 4 to 5, and less than 55 inches is being transported in a vehicle equipped with a lap belt only, then the child must be restrained with the lap belt. The law is secondary for children ages 4 to 5 who must be in booster seats.
4. The fine in Connecticut is \$15 if the child is age 4 to 16 and 40 pounds or more. Connecticut also requires a child restraint education program for first or second violation.
5. In Delaware, children younger than age 12 /65 inches or less must be restrained in a rear seat if a vehicle has a passenger airbag unless the airbag has been either deactivated or designed to accommodate smaller people. Exceptions: If there is no rear seat or rear seat is occupied by other children younger than age 12 /65 inches or less.
6. In Georgia, children weighing more than 40 pounds can to be restrained in the back seat of a vehicle by a lap belt if the vehicle is not equipped with lap and shoulder belts or when the lap and shoulder belts are being used by other children who weigh more than 40 pounds.
7. Hawaii drivers are charged \$50 for a mandatory child restraint education program and \$10 for a surcharge that is deposited into a neurotrauma special fund.
8. In Indiana, children younger than age 8 must be restrained in adult belts if it's reasonably determined they cannot fit in child restraints. If the driver does not hold an Indiana driver's license, children under age 16 must be restrained by either a child restraint or a safety belt. Children weighing more than 40 pounds can to be restrained by a lap belt if the vehicle is not equipped with lap and shoulder belts or if all lap and shoulder belts other than those in the front seat are being used to restrain other children who are younger than age 16 years.
9. Nebraska's law is secondary for those children who may be in safety belts and standard for those who must be in a child restraint device.
10. In Nevada, the minimum fine is \$100. An alternative to the fine is at least 10 but not more than 50 hours of community service.
11. In North Carolina, children younger than age 5 who weigh less than 40 pounds must be restrained in a child safety seat in the rear seat if the vehicle has a passenger airbag, unless the child restraint system is designed for use with airbags.
12. In Ohio, the law is secondary for children ages 4 through 14.
13. In Oklahoma, children weighing more than 40 pounds can be restrained in the back seat of a vehicle by a lap belt if the vehicle is not equipped with lap and shoulder belts or when the lap and shoulder belts are being used by other children who weigh more than 40 pounds.
14. In Pennsylvania, the law is secondary for children ages 4 through 7 who must be in booster seats.
15. Children at least age 4 but younger than age 8 can be belted if any licensed physician determines that use of child restraint system by a particular child would be impractical by reason of the child's weight, physical fitness or other medical reason, provided that any person transporting a child so exempted shall carry on his person or in the vehicle a signed written statement of the physician identifying the child so exempted and stating the grounds for the determination.

Sources: Insurance Institute for Highway Safety, AAA and NCSL, 2008.

Appendix D. Children not Covered by Safety Belt or Child Restraint Laws

State/Jurisdiction	Those not Covered
Alabama	Ages 15+ in rear seat
Alaska	All children covered
Arizona	All children covered
Arkansas	Ages 15+ in rear seat
California	All children covered
Colorado	All children covered
Connecticut	All children covered
Delaware	All children covered
Florida	All children covered
Georgia	All children covered
Hawaii	All children covered
Idaho	All children covered
Illinois	All children covered ¹
Indiana	All children covered ²
Iowa	Ages 11+ in rear seat
Kansas	All children covered
Kentucky	All children covered
Louisiana	Ages 13+ in rear seat
Maine	All children covered
Maryland	All children covered
Massachusetts	All children covered
Michigan	All children covered
Minnesota	Ages 11+ in rear seat
Mississippi	Ages 7+ in rear seat
Missouri	All children covered
Montana	All children covered
Nebraska	All children covered
Nevada	All children covered

State/Jurisdiction	Those not Covered
New Hampshire	All children covered
New Jersey	All children covered
New Mexico	All children covered
New York	All children covered
North Carolina	All children covered
North Dakota	All children covered
Ohio	Ages 15+ in rear seat
Oklahoma	Ages 13+ in rear seat
Oregon	All children covered
Pennsylvania	All children covered
Rhode Island	Age 6 and younger in front seat if vehicle does not have a rear seat
South Carolina	Ages 6+ in rear seat without shoulder belt
South Dakota	All children covered
Tennessee	All children covered
Texas	All children covered
Utah	All children covered
Vermont	All children covered
Virginia	All children covered
Washington	All children covered
West Virginia	All children covered
Wisconsin	All children covered
Wyoming	All children covered
District of Columbia	All children covered
Puerto Rico	All children covered ³
U.S. Virgin Islands	No information

Notes:

1. The Illinois law requires parents to provide child restraints to drivers who transport their children.

2. In Indiana, children younger than age 8 must be restrained in adult belts if it's reasonably determined they cannot fit in child restraints. If the driver does not hold an Indiana driver's license, then children under age 16 must be restrained by either a child restraint or a safety belt. Children weighing more than 40 pounds can be restrained by a lap belt if the vehicle is not equipped with lap and shoulder belts or if all lap and shoulder belts other than those in the front seat are being used to restrain other children who are younger than age 16.

3. Excepted from this provision are those children who suffer some sort of disability, duly certified by a physician, that prevents them from traveling safely in safety belts or child restraints.

Sources: Insurance Institute for Highway Safety and NCSL, 2008.

Appendix E. Restrictions on Riding in Cargo Areas of Pickup Trucks

State/ Jurisdiction	Restrictions in Cargo Areas	Gaps in Coverage
Alabama	✓	Anyone age 15 and older
Alaska	✗	
Arizona	✗	
Arkansas	✓ ¹	Employees on duty; people within bodies of trucks in a space intended for merchandise
California	✓	If the person is restrained by a federally approved restraint system; farmer-owned vehicle used exclusively within farming land or mile of highway between one part to another; parade if not more than 8 mph; emergency situations
Colorado	✓	Those sitting in the cargo area if it is fully or partially enclosed on all four sides
Connecticut	✓	Anyone age 16 and older; anyone age 15 and younger if belted; parades; farming operations; hayrides August through December
Delaware	✗	
Florida	✓ ¹	Employees on duty; anyone riding within truck bodies in a space intended for materials
Georgia	✓	Anyone age 18 and older; anyone age 17 and younger in pickup trucks with covered cargo areas; any pickup truck off the interstate
Hawaii	✓	People can ride in back of pickup trucks if there are no available seats in the cab and the side racks and tailgate are securely closed, the passengers are seated on the floor and do not attempt to unlatch cargo, life-threatening emergencies
Idaho	✗	
Illinois	✗	
Indiana	✓	Anyone age 16 and older
Iowa	✗	
Kansas	✓	Anyone age 14 and older; parades; employment; does not apply to vehicles not being operated in the state highway system or within the corporate limits of a city
Kentucky	✗	
Louisiana	✓	Anyone age 12 and older; parades moving less than 15 mph; emergencies if the child is with an adult in the cargo area
Maine	✓	Anyone age 19 and older; agricultural workers and hunters age 18 and younger; parades; and those in original equipment manufacturer installed seats outside passenger compartment
Maryland	✓	Anyone age 16 and older; anyone age 15 and younger if the vehicle is traveling 25 mph or less; employees being transported to work sites or those engaged in farming operations; exceptions do not eliminate requirements to use child restraints or belts; inapplicable to pickup trucks with covered cargo areas
Massachusetts	✓	Anyone age 12 and older; anyone age 11 and younger if the vehicle is being driven less than 5 miles and less than 5 mph; parades; farming activities
Michigan	✓	Age 18 and older; those age 17 and younger if the vehicle is moving 15 mph or less; parades; military vehicles; emergency situations; farming; construction
Minnesota	✗	
Mississippi	✗	
Missouri	✓	Anyone age 18 and older; those age 17 and younger if the vehicle is not being operated on a highway that is part of the state or federal highway system or within the corporate limits of any city; exceptions for employment, agricultural activities, parades, where there is a device to keep the passenger from being thrown or falling out of the vehicle, special events, assisting people in a recreational activity, family-owned truck with insufficient room for all the passengers, inapplicable to pickup trucks with covered cargo areas
Montana	✗	
Nebraska	✓	Anyone age 18 or older; parades

Appendix E. Restrictions on Riding in Cargo Areas of Pickup Trucks (continued)

State/ Jurisdiction	Restrictions in Cargo Areas	Gaps in Coverage
Nevada	✓	Anyone age 18 or older; those younger than age 18 when the vehicle is used in farming or ranching or if vehicle is used in an authorized parade; vehicles operated on unpaved roads; those in riding areas enclosed by a camper shell
New Hampshire	✗	
New Jersey	✓	Employees engaged in their duties
New Mexico	✓	Anyone age 18 or older
New York	✓	Not applicable to trips of 5 miles or less; not applicable to trips of more than 5 miles if one-third or fewer of the passengers are standing or if suitable seats are securely attached and there are side rails and a tailgate; not applicable to trips of more than 5 miles if there are fewer than five people age 17 or younger in the cargo area or if at least one person age 18 or older is in the cargo area
North Carolina	✓	Anyone age 12 and older; those age 11 and younger if a supervising adult is present in cargo area; when the child is belted; emergencies; parades; vehicle being used in agriculture; vehicle operated in county with incorporated areas with population of 3,500 or less; vehicles with permanent overhead structures
North Dakota	✗	
Ohio	✓	Anyone age 16 and older; those age 15 and younger if the vehicle is driven less than 25 mph or if the person is belted and seated in an original equipment manufacturer seating position; emergencies; not applicable to pickup trucks with covered cargo areas
Oklahoma	✗	
Oregon	✓	Anyone age 18 or older; minors secured with a safety belt or harness; parades; minors seated on the floor of the open bed of a motor vehicle in which all available passenger seats are occupied by minors, the tailgate is securely closed and the minor is being transported either in the course and scope of employment or between a hunting camp and hunting site or between hunting sites during hunting season and the minor has a hunting license
Pennsylvania	✓	Anyone age 18 or older if the vehicle is traveling less than 35 mph; not applicable to occupants age 17 and younger if the cargo area is enclosed; parades; hunting and farm operations
Rhode Island	✓	Anyone age 16 or older; those age 15 and younger who are secured in the cargo area
South Carolina	✓	Anyone age 15 or older; those age 15 and younger when an adult is present; when the child is belted; parade; emergency situation; agricultural activities; hunting; vehicle has a secured metal tailgate and operated at less than 36 mph; vehicle operated in a county with incorporated areas with population of 3,500 or less
South Dakota	✗	
Tennessee	✓	Anyone age 12 or older; those ages 6 to 11 in a vehicle being operated off the interstate or state highway system; parades if vehicle is going less than 20 mph; agricultural activities; or on city or county roads unless prohibited by local ordinance or resolution
Texas	✓	Anyone age 18 or older; vehicles that are the only vehicles owned by members of the household; vehicles in parades; hayrides, on beaches, or being used in an emergency; vehicles in farm operations used to transport people from field to field or on farm to marked roads or on county roads outside municipalities
Utah	✓ ¹	Off-highway operation; employees performing their duties; those riding in a vehicle space that is intended for any load
Vermont	✗	
Virginia	✓	Anyone age 16 or older; farmers when crossing a highway when going from field to field
Washington	✗	

Appendix E. Restrictions on Riding in Cargo Areas of Pickup Trucks (continued)

State/ Jurisdiction	Restrictions in Cargo Areas	Gaps in Coverage
West Virginia	✗	
Wisconsin	✓ ¹	Not applicable to enclosed areas; farm operations; parades; deer hunting; employees; those riding in truck bodies in spaces intended for merchandise
Wyoming	✗	
District of Columbia	✓ ¹	Employees on duty; those riding within truck bodies in a space intended for materials
Puerto Rico	✓	No gaps in coverage
U.S. Virgin Islands	✗	
Total	34	

Key:

- ✓ Law
- ✗ No Law

Note:

1. This provision is designed to prohibit riding on hoods, fenders and other places not designed for passengers. The exemption for people in the body of a truck applies to enclosed areas such as the cargo area of a straight truck or van.

Sources: AAA Public Affairs and NCSL, 2008.

Appendix F. Licensing Procedures for Older Drivers

State/ Jurisdiction	Length of Renewal Cycle	Accelerated Renewal	Other Provisions
Alabama	Four years	None	None
Alaska	Five years	None	Mail renewal not available to people age 69 and older and to people whose prior renewal was by mail
Arizona ¹	Until age 65 ¹	Five years for people age 65 and older	People age 70 and older may not renew by mail; any person age 65 or older must submit a vision test verification of an examination of the applicant's eyesight; the vision test must be conducted not more than three months before
Arkansas	Four years	None	None
California	Five years	None	At age 70, mail renewal is prohibited; no more than two sequential mail renewals are permitted, regardless of age
Colorado	10 years	Five years for people age 61 and older	Mail or electronic renewal not available to people age 61 and older and to people whose prior renewal was by mail or electronic
Connecticut	Four years or six years	None that are safety related ²	None that are safety related ²
Delaware	Five years	None	None
Florida	Eight years	Six years for people age 80 and older	Renewal applicants age 80 and older must pass a vision test administered at any driver's license office or if applying by mail or electronically they must pass a vision test administered by a licensed physician.
Georgia	Five years or 10 years	Five years for people 60 and older	Vision test required at renewal for drivers older than age 64
Hawaii	Eight years	Two years for people age 72 and older	None
Idaho	Four years or 8 years	Drivers age 21 to 62 have the choice of a four- or eight-year license; drivers age 63 and older will receive a four-year license	None
Illinois	Four years	Two years for drivers ages 81 to 86; one year for drivers age 87 and older	Renewal applicants age 75 and older must take a road test
Indiana	Four years	Three years for drivers age 75 and older	None
Iowa	Five years	Two years for drivers age 70 and older	None
Kansas	Six years	Four years for drivers age 65 and older	None
Kentucky	Four years	None	None
Louisiana	Four years	None	Mail renewal not available to people age 70 and older and to people whose prior renewal was by mail
Maine	Six years	Four years for drivers age 65 and older	Vision test required as first renewal after driver's 40 th birthday and at every second renewal until age 62; thereafter, at every renewal ⁵
Maryland	Five years	None	Age alone is not grounds for reexamination of drivers; applicants for an initial license age 70 and older must provide proof of previous satisfactory operation of a vehicle or physician's certificate of fitness; vision test required at age 40 and older at every renewal ⁵

Appendix F. Licensing Procedures for Older Drivers (continued)

State/ Jurisdiction	Length of Renewal Cycle	Accelerated Renewal	Other Provisions
Massachusetts	Five years	None	None that are safety related ⁵
Michigan	Four years	None	None
Minnesota	Four years	None	None that are safety related ⁵
Mississippi	Four years	None	None
Missouri	Six years	Three years for drivers age 70 and older and age 21 and younger	None
Montana	Eight years or four years if by mail or on 75 th birthday, whichever occurs first ⁶	Four years for drivers age 75 and older	A person may not renew by mail for consecutive terms
Nebraska	Five years	None	Requires drivers (regardless of age) who are visually impaired to renew their licenses more frequently, unless supported by a doctor's statement
Nevada	Four years	None	Applicants for mail renewal age 70 and older must include a medical report; none that are safety related ⁵
New Hampshire	Five years	None	Renewal applicants age 75 and older must take a road test
New Jersey	Four years	None	None
New Mexico	Four or eight years at driver's option.	Four years for drivers who would turn 75 in the last half of an eight-year renewal cycle	None
New York	Five years	None	None
North Carolina	Eight years	5 years for drivers 54 and older	People age 60 and older are not required to parallel park in the road test
North Dakota	Four years	None	None
Ohio	Four years	None	None
Oklahoma	Four years	None	None that are safety related ⁷
Oregon	Eight years	None	Vision screening is required every eight years for drivers age 50 and older.
Pennsylvania	Four years	None	None
Rhode Island	Five years	Two years for drivers age 70 and older	None
South Carolina	10 years	Five years for drivers age 65 and older	Vision test required for people 65 and older. Beginning October 1, 2008, every licensee will be required to submit to a vision test every 5 yrs.
South Dakota	Five years	None	None
Tennessee	Five years	None	Licenses issued to people age 65 and older do not expire
Texas	Six years	Two years for drivers age 85 and older	Mail or electronic renewal not available to people 79 and older. Drivers over 85 are required to pass a vision test and demonstrate an ability to operate a motor vehicle before renewing license.
Utah	Five years	None	Vision test not required for people age 65 and older
Vermont	Four years	None	None
Virginia	Five years	None	Vision test required for people 80 and older

Appendix F. Licensing Procedures for Older Drivers (continued)

State/ Jurisdiction	Length of Renewal Cycle	Accelerated Renewal	Other Provisions
Washington	Five years	None	No online renewals permitted after age 65; no online renewal permitted if medical condition exists that requires monitoring
West Virginia	Five years	None	None
Wisconsin	Eight years	None	None
Wyoming	Four years	None	None
District of Columbia	Five years	None	At age 70 or nearest renewal date thereafter, a vision test is required and a reaction test may be required; applicants must provide a statement from a practicing physician certifying the applicant to be physically and mentally competent to drive; at age 75 or nearest renewal date thereafter, and on each subsequent renewal date, the applicant also may be required to complete the written and road tests ³
Puerto Rico	Six years	None	None
U.S. Virgin Islands	No information	No information	No information

Notes:

1. In Arizona, the license is valid until age 65. Any person age 65 and older who is renewing by mail must submit a vision test verification form, provided by the department, or verification of an examination of the applicant's eyesight. The vision test or examination must be conducted not more than three months before.
2. In Connecticut, people age 65 and older may choose a two-year or six-year renewal cycle. A personal appearance at renewal generally is required. Upon a showing of hardship, people age 65 and older may renew by mail.
3. The District of Columbia specifically states that an applicant shall not be required to retake the written or road test based solely on advanced age.
4. In Florida, only two successive renewals may be made electronically or by mail, regardless of age.
5. Some states' licensing laws specifically prohibit licensing administrators from treating people differently solely by virtue of advanced age. Maryland law specifies that age alone is not grounds for reexamination of drivers; applicants for an initial license age 70 and older must provide proof of previous satisfactory operation of a vehicle or a physician's certificate of fitness. Massachusetts law prohibits discrimination by reason of age with regard to licensing. Minnesota and Nevada law specify that age alone is not a justification for reexamination. In Nevada, applicants for mail renewal age 70 and older must include a medical report.
6. Montana allows only two successive renewals may be made electronically or by mail, regardless of age.
7. License fee reduced for drivers between the ages of 62 and 64 and are waived for drivers age 65 and older in Oklahoma; fees are reduced for drivers age 60 and older in Tennessee.

Sources: Insurance Institute for Highway Safety, AAA, and NCSL 2008.

Appendix G Graduated Licensing Laws

State/Jurisdiction	Learner Stage with a Mandatory Holding Period of at Least Six Months	Learner Stage with a Minimum Amount of Supervised Driving Required	Intermediate Stage with a Nighttime Driving Restriction	Intermediate Stage with Passenger Restrictions
Alabama	X	X ²	X	X
Alaska	X	X	X	X
Arizona	X	X ²	X	X
Arkansas	X			
California	X	X	X	X
Colorado	X	X	X	X
Connecticut	X	X	X	X
Delaware	X	X	X	X
Florida	X	X	X	
Georgia	X	X	X	X
Hawaii	X		X	X
Idaho	X	X	X	X
Illinois	X	X	X	X
Indiana			X	X
Iowa	X	X	X	
Kansas	X	X		
Kentucky	X	X	X	X
Louisiana	X	X	X	X
Maine	X	X	X	X
Maryland	X	X	X	X
Massachusetts	X	X	X	X
Michigan	X	X	X	
Minnesota	X	X	X	X
Mississippi	X		X	
Missouri	X	X	X	X
Montana	X	X	X	X
Nebraska	X ⁴	X	X	X ⁴
Nevada	X	X	X	X
New Hampshire ³		X	X	X
New Jersey	X		X	X
New Mexico	X	X	X	X
New York		X	X	X
North Carolina	X		X	X
North Dakota	X			
Ohio	X	X	X	X
Oklahoma	X	X	X	X
Oregon	X	X	X	X
Pennsylvania	X	X	X	
Rhode Island	X	X	X	X
South Carolina	X	X	X	X
South Dakota	X ⁴		X	
Tennessee	X	X	X	X
Texas	X		X	X
Utah	X	X	X	X
Vermont	X	X		X
Virginia	X	X	X	X
Washington	X	X	X	X
West Virginia	X	X ²	X	X

Appendix G Graduated Licensing Laws (continued)

State/Jurisdiction	Learner Stage with a Mandatory Holding Period of at Least Six Months	Learner Stage with a Minimum Amount of Supervised Driving Required	Intermediate Stage with a Nighttime Driving Restriction	Intermediate Stage with Passenger Restrictions
Wisconsin	X	X	X	X
Wyoming		X	X	X
District of Columbia	X	X	X	X
Puerto Rico		X ¹		
U.S. Virgin Islands ⁵				

Notes:

1. Requires the supervision of a licensed driver in the car at all times.
2. 30 hours of supervised driving required but none required if the teen takes driver's education.
3. In New Hampshire, learner's permits are not issued. At age 15, 6 months, a person can drive while supervised by a licensed driver 25 or older.
4. Mandatory holding period shortened to 3 months when teen takes driver's education.
5. The U.S. Virgin Islands has no Graduated Driver's Licensing system, learner's permits may be granted at age 16.

Sources: NCSL and IIHS, 2008.

Appendix H. State Aggressive Driving Laws

State/ Jurisdiction	Definition of Aggressive Driving	Maximum Imprisonment or Jail Sanction	Maximum Fine Sanction	Maximum Licensing Action
Arizona	A person commits "Aggressive Driving" if both of the following occur: (1) If during a "course of conduct," they violate either the Basic Speed Rule or the "Excessive Speed" law plus two of the following minor driving offenses: (a) Failure to obey traffic control devices; (b) overtaking and passing another vehicle on the right by driving off the pavement or main traveled portion of the roadway; (c) unsafe lane change; (d) following a vehicle too closely; and, (e) failure to yield the right-of-way; and, (2) their "driving is an immediate hazard to another person or vehicle." "Course of conduct" means "a series of acts committed during a single, continuous period of driving."	6 months ¹	\$2,500	30 days ²
California	California does not have a per se aggressive driving law. In 2006, however, the reckless driving statute was amended to punish drivers who have caused certain bodily injuries to people other than the driver and to punish drivers engaged in speed contests who have caused bodily injury to people other than the driver.	6 months	\$1,000	None
Delaware	No person shall drive any vehicle in an aggressive manner. Aggressive driving is defined as continuous conduct that violates three or more of the following rules-of-the-road: (1) failing to obey a traffic-control device; overtaking on the right; failing to drive within a marked lane for traffic; following too closely; failing to yield the right-of-way to approaching traffic when turning left; failing to yield to approaching traffic when entering or crossing a roadway; failing to signal when turning or stopping; failing to stop at stop signs or yield at yield signs; overtaking and passing a stopped school bus with flashing lights; failing to obey the basic speed rule; and, failing to a obey a posted speed limit.	30 days ³ 10 days mandatory ³	\$300 ³ \$100 mandatory ³	None ⁴
Florida	Aggressive careless driving means committing two or more of the following acts simultaneously or in succession: (1) exceeding the posted speed, (2)unsafely or improperly changing lanes, (3) following another vehicle too closely, (4) failing to yield the right-of-way, (5) improperly passing, (6) violating traffic control and signal devices. ⁷	None	\$500	None
Georgia	A person commits the offense of aggressive driving when he or she operates any motor vehicle with the intent to annoy, harass, molest, intimidate, injure, or obstruct another person, while violating motor vehicle code sections including overtaking and passing another vehicle; traffic lane violations; following too closely; turn signal, lane change, slowing or stopping violations; impeding traffic flows; or reckless driving. A person convicted of aggressive driving shall be guilty of a misdemeanor of a high and aggravated nature.	12 months	\$5,000	None

Appendix H. State Aggressive Driving Laws (continued)

State/ Jurisdiction	Definition of Aggressive Driving	Maximum Imprisonment or Jail Sanction	Maximum Fine Sanction	Maximum Licensing Action
Arizona	A person commits "Aggressive Driving" if both of the following occur: (1) If during a "course of conduct," they violate either the Basic Speed Rule or the "Excessive Speed" law <u>plus</u> two of the following minor driving offenses: (a) Failure to obey traffic control devices; (b) overtaking and passing another vehicle on the right by driving off the pavement or main traveled portion of the roadway; (c) unsafe lane change; (d) following a vehicle too closely; and, (e) failure to yield the right-of-way; and, (2) their "driving is an immediate hazard to another person or vehicle." "Course of conduct" means "a series of acts committed during a single, continuous period of driving."	6 months ¹	\$2,500	30 days ²
California	California does not have a per se aggressive driving law. In 2006, however, the reckless driving statute was amended to punish drivers who have caused certain bodily injuries to people other than the driver and to punish drivers engaged in speed contests who have caused bodily injury to people other than the driver.	6 months	\$1,000	None
Delaware	No person shall drive any vehicle in an aggressive manner. Aggressive driving is defined as continuous conduct that violates three or more of the following rules-of-the-road: (1) failing to obey a traffic-control device; overtaking on the right; failing to drive within a marked lane for traffic; following too closely; failing to yield the right-of-way to approaching traffic when turning left; failing to yield to approaching traffic when entering or crossing a roadway; failing to signal when turning or stopping; failing to stop at stop signs or yield at yield signs; overtaking and passing a stopped school bus with flashing lights; failing to obey the basic speed rule; and, failing to obey a posted speed limit.	30 days ³ 10 days mandatory ³	\$300 ³ \$100 mandatory ³	None ⁴
Florida	Aggressive careless driving means committing two or more of the following acts simultaneously or in succession: (1) exceeding the posted speed, (2) unsafely or improperly changing lanes, (3) following another vehicle too closely, (4) failing to yield the right-of-way, (5) improperly passing, (6) violating traffic control and signal devices. ⁷	None	\$500	None
Georgia	A person commits the offense of aggressive driving when he or she operates any motor vehicle with the intent to annoy, harass, molest, intimidate, injure, or obstruct another person, while violating motor vehicle code sections including overtaking and passing another vehicle; traffic lane violations; following too closely; turn signal, lane change, slowing or stopping violations; impeding traffic flows; or reckless driving. A person convicted of aggressive driving shall be guilty of a misdemeanor of a high and aggravated nature.	12 months	\$5,000	None

Appendix H. State Aggressive Driving Laws (continued)

Indiana	<p>A person engages in aggressive driving if, during one episode of continuous driving of a vehicle, the person does or commits at least three of the following: 1) following a vehicle too closely, 2) unsafe operation of a vehicle, 3) overtaking another vehicle on the right by driving off the roadway, 4) unsafe stopping or slowing a vehicle, 5) unnecessary sounding of the horn, 6) failure to yield, 7) failure to obey a traffic control device 8) driving at an unsafe speed 9) repeatedly flashing the vehicle's headlights.</p> <p>A person who, with the intent to harass or intimidate a person in another vehicle, knowingly or intentionally engages in aggressive driving commits a Class A misdemeanor.</p>	1 year	\$5,000	None
Maryland	<p>A person is guilty of aggressive driving if the person commits three or more of the following offenses at the same time or during a single and continuous period of driving in violation of: Traffic lights with steady indication, overtaking and passing vehicles, passing on right, driving on laned roadways, following too closely, failure to yield right-of-way, exceeding a maximum speed limit or posted maximum speed limit.</p>	None	None	None ⁵
Nevada	<p>A person commits "Aggressive Driving" if, during a course of one (1) mile, they, in any sequence, do all of the following. 1) violate either (a) the basic speed rules, (b) the speed limit in a school zone, (c) the posted speed limit, or (d) the prohibition against driving >75 mph. 2) Commit two or more of the following offenses: (a) Failing to obey a traffic control device; (b) overtaking and passing another vehicle on the right by driving off the paved portion of the highway; (c) driving unsafely or improperly upon a highway that has marked lanes for traffic; (d) following another vehicle too closely; or, (e) failing to yield the right of way. 3) Create an immediate hazard, regardless of its duration, to another vehicle or to another person.</p>	6 months ³	\$1,000 ³	30 days ² 1 year on 2 nd offense
New Jersey	<p>New Jersey enforces against aggressive driving by charging under 39:4-97 (Careless Driving), 39-4-97.2 (Operating a vehicle in an Unsafe Manner) or any other statute at the discretion of the officer.</p>	N/A	N/A	N/A
North Carolina	<p>Any person who operates a motor vehicle on a street, highway or public vehicular area is guilty of aggressive driving if the person: (1) violates speed laws or speeding in school zone laws, and (2) drives carelessly and heedlessly in willful or wanton disregard of the rights or safety of others. For the purposes of this section only, in order to prove a violation of the aforementioned section, the State must show that the person committed two or more of the below specified offenses while in violation of the aforementioned section): (1) running through a red light, (2) running through a stop sign, (3) illegal passing (4) failing to yield right-of-way, (5) following too closely. A person convicted of aggressive driving is guilty of a Class 1 misdemeanor.</p>	45 days ³	At the discretion of the court ³	None

Appendix H. State Maximum Posted Speed Limit Laws

Pennsylvania	Pennsylvania does not have an aggressive driving law per se. In 2006, the Pennsylvania House of Representatives passed a resolution to encourage drivers to drive courteously and defensively, not aggressively. The House also resolved to support measures that would promote safe driving practices in the Commonwealth.	N/A	N/A	N/A
Rhode Island	“Aggressive Driving” is defined as operating a motor vehicle in violation of any speed law and a violation of two or more of the following traffic law provisions: (1) obedience to traffic control devices; (2) overtaking on the right; (3) driving within a traffic lane; (4) following too closely—interval between vehicles; (5) yielding right of way; (6) entering the roadway; (7) use of turn signals; (8) relating to school buses, special stops, stop signs and yield signs; and, (9) use of emergency break-down lane for travel.	None	\$500	30 days ⁶
Utah	Reckless driving is defined as operating a vehicle either (1) “in willful or wanton disregard for the safety of persons or property” or (2) “while committing three or more moving traffic violations under Title 41, Chapter 6, Traffic Rules and Regulations, in a series of acts within a single continuous period of driving.”	6 months ¹	\$1,000 ¹	3 months ^{2,3}
Virginia	A person is guilty of aggressive driving if the person (i) violates one or more of the following: driving on right side of highways, failing to observe lanes marked for traffic, following too closely, not yielding or stopping before entering certain highways, evading traffic control devices, passing when overtaking a vehicle, passing on the right when overtaking a vehicle, not giving way to certain overtaking vehicles on divided highway, any provision of Article 8 (§ 46.2-870 et seq.) of Chapter 8 of Title 46.2 (Speed), or § 46.2-888 (Stopping on highways); and (ii) that person is a hazard to another person or commits an offense in clause (i) with the intent to harass, intimidate, injure or obstruct another person.	6 months	\$1,000	None ⁵

Notes:

1. This sanction applies to first and subsequent offenses.
2. Licensing action is in the form of a suspension.
3. This is applies to the first offense.
4. Since the offender may be prosecuted for and convicted of the underlying offenses, they are subject to licensing action associated with violating such offenses.
5. Points assessed against the driver for offense.
6. The law provides that a person’s license may be subject to a minimum 30 day suspension. This sanction appears to apply only to first offenders.
7. The law is a defining statute but does not permit enforcement.

Sources: NHTSA, Governor’s Highway Safety Association, and NCSL, 2008.

Appendix I. State Maximum Posted Speed Limit Laws

State/ Jurisdiction	Rural Interstates	Urban Interstates	Other Limited Access Roads	Other Roads
Alabama	70	65	65	65
Alaska	65	55	65	55
Arizona	75	65	55	55
Arkansas	70; trucks: 65	55	60 ¹	55
California	70; trucks: 55	65; trucks: 55	70	65
Colorado	75	65	65	65
Connecticut	65	55	65	55
Delaware	65	55	65	55
Florida	70	65	70	65
Georgia	70	65	65	65
Hawaii	60	50	45	45
Idaho	75; trucks: 65	75	65	65
Illinois	65; trucks: 55	55	65	55
Indiana	70; trucks: 65	55	60	55
Iowa	70	55	70	55
Kansas	70	70	70	65
Kentucky	65; 70 on specified segments of road ²	65	65	55
Louisiana	70	70	70	65
Maine	65	65	65	60
Maryland	65	65	65	55
Massachusetts	65	65	65	55
Michigan	70; trucks: 60	65	70	55
Minnesota	70	65	65	55
Mississippi	70	70	70	65
Missouri	70	60	70	65
Montana	75; trucks: 65	65	day: 70; night: 65	day: 70; night: 65
Nebraska	75	65	65	60
Nevada	75	65	70	70
New Hampshire	65	65	55	55
New Jersey	65	55	65	55
New Mexico	75	75	65	55
New York	65	65	65	55
North Carolina	70	70	70	55
North Dakota	75	75	70	65
Ohio	65; trucks: 55	65	55	55
Oklahoma	75	70	70	70
Oregon	65; trucks: 55	55	55	55
Pennsylvania	65	55	65	55
Rhode Island	65	55	55	55
South Carolina	70	70	60	55
South Dakota	75	75	70	70
Tennessee	70	70	70	65
Texas	day: 75; night: 65; trucks: 65 ³	day: 70; night: 65	day: 75; night: 65; trucks: 65	day: 60; night: 55
Utah	75	65	75	65
Vermont	65	55	50	50
Virginia	65 ⁴	65 ⁴	65	55
Washington	70; trucks: 60	60	60	60
West Virginia	70	55	65	55
Wisconsin	65	65	65	55

Appendix I. State Maximum Posted Speed Limit Laws (continued)

State/ Jurisdiction	Rural Interstates	Urban Interstates	Other Limited Access Roads	Other Roads
Wyoming	75	60	65	65
District of Columbia	n/a	55	n/a	25
Puerto Rico	65	65	n/a	n/a
U.S. Virgin Islands	35; trucks: 30 ⁵	20; trucks: 10 ⁵	n/a	n/a

Key:

n/a = not applicable

Notes:

1. Upon completion of a study, due to be completed on or before Sept. 15, 2008, the speed limit on any two-lane or four-lane highway shall be increased to 65 mph if the findings of the study support the increase on a particular two-lane or four-lane highway.

2. Effective June 25, 2007, the speed limit increased to 70 mph on specific segments of highway upon the basis of an engineering and traffic investigation. On July 1, 2007, highway officials increased the speed from 65 mph to 70 mph on Interstate 75 south of US 42, Interstate 71 west to the split to Louisville, and portions of Boone Carroll, Gallatin, and Grant counties.

3. In sections of I-10 and I-20 in rural west Texas, the speed limit for passenger cars and light trucks is 80 mph. For large trucks, it is 70 in the daytime and 65 at night.

4. Effective July 1, 2006, the posted limit on I-85 can be as high as 70 mph.

5. In the Virgin Islands, rural interstates were considered "public highways" and urban interstates were considered roads within town limits. The speed limit on Melvin H. Evans Highway on St. Croix are 55 mph for cars and 40 mph for trucks.

Sources: Insurance Institute for Highway Safety, AAA and NCSL, 2008.

Appendix J. State Policies Regarding Use of Traffic Cameras

State/Jurisdiction	Statute Cite	Policy
Arizona	§28-654	Authorizes the use of cameras to enforce speed laws and red light violations. Requires signs where the enforcement is used. \$165 maximum fine, no points assessed.
Arkansas	§14-16-117	Use of photo radar by county or state government is prohibited except in school zones and at railroad crossings. Officer must be present and citation must be issued at time of the offense.
California	Vehicle Code §§210, 21455.5 and 21455.6, 40518-40521	Establishes conditions for the use of red light cameras and highway-rail crossing cameras by law enforcement agencies. \$100 maximum fine/1 license point.
Colorado	§42-4-110.5	Authorizes the use of photo radar to catch red light runners and speeders. \$75 maximum fine for red light violation, \$80 maximum for speeding, no points assessed.
Delaware	§4101 (d) Title 21	Authorizes a red light camera program throughout the state. \$50 maximum fine, no points assessed and offense is not to be used by insurers.
Georgia	§40-6-20	Authorizes the use of photo monitoring devices to detect red light violations. Devices shall not be used to produce any photograph, microphotograph, electronic image or videotape showing the identity of any person in a motor vehicle. \$70 maximum fine, no points assessed.
Illinois	625 Ill. Comp. Stat. Ann. 7/10, 5/11-306 (c) (5), 5/1-105.5, 625 Ill. Comp. Stat. Ann. 5/11-1201.1 through 1201.5, 625 Ill. Comp. Stat. Ann. 5/11-612	Permitted use statewide in construction zones or Illinois Toll Authority roads to enforce speed laws. Certain counties with local ordinances can use it to enforce red light violations. Any county or municipality can use cameras to enforce rail crossing violations in cooperation with IL-DOT and IL-CC, ordinance required. Local authorities are prohibited from using cameras for other speed offenses (unless an officer is present), statewide. \$250 maximum fine or 25 hours of community service.
Louisiana	R.S. 32:393(I)	Convictions resulting from camera enforcement cannot be reported for inclusion in driver record.
Maryland	Transportation Code §21-202.1,207	Authorizes the use of red light cameras statewide. \$100 maximum civil penalty. School zones and residential districts in Montgomery County are authorized to use photo enforcement for speed, \$40 maximum fine.
Nevada	§484.910	Prohibits use of camera equipment unless it is held by an officer or installed in a law enforcement vehicle or facility.
New Hampshire	§236:130	Automated enforcement is prohibited unless there is specific statutory authorization, effective 7/1/06. It is authorized for toll enforcement.
New Jersey	§39:4-103.1	Prohibits the use of camera radar by law enforcement officers or agencies. Local jurisdictions can apply to transportation commissioner to participate in a pilot program for red light enforcement after passing an ordinance.
New Mexico	SB 861 (2007)	No state law authorizing photo radar use, but state law requires counties and municipalities using photo enforcement to post a warning sign and beacon.
New York	V&T §1111-a	Authorizes red light enforcement in cities with populations of more than 1 million people with a maximum of 100 intersections. \$50 maximum fine, no points assessed.
North Carolina	§160A-300.1	Authorizes certain cities to operate a red light camera program. \$75 maximum civil penalty.
Ohio	No specific statute	Red light cameras authorized by ordinance in Toledo and Dayton.
Oregon	§810.483 ORS and §810.434 ORS	Authorizes the use of photo radar in specific jurisdictions to detect speed violations. Allows use of red light cameras in cities with populations exceeding 30,000. \$300 maximum fine.
Pennsylvania	75 Pa. Cons. Stat. Ann. 3166	Authorizes the use of red light cameras in Philadelphia. \$100 maximum fine.
Rhode Island	Title 31, Chapter 41.2	Authorizes statewide use of red light cameras. \$75 maximum fine, not a criminal or record offense. Authorizes cameras for school bus safety enforcement. \$500 maximum fine.
South Dakota	No specific statute	Red light cameras authorized by ordinance in Sioux Falls.

Appendix J. State Policies Regarding Use of Traffic Cameras

State/Jurisdiction	Statute Cite	Policy
Tennessee	§55-8-110	Photo enforcement authorized statewide for traffic violations. \$50 maximum fine, no points assessed.
Texas	Transportation Code §707	Texas municipalities not allowed to use photo enforcement to enforce speed violations. Photo enforcement authorized statewide for red light violations, requires local ordinance. \$75 maximum fine, not a criminal or record offense.
Utah	§41-6-52.5	Limits the use of camera enforcement to school zones, areas with speed limits of 30 mph or less, when a police officer is present, when signs are posted giving notice to motorists of camera use, and when the citation is accompanied by the photograph produced by the camera radar.
Virginia	§46.2-833.1 §15.2-968.1	Authorizes counties, cities and towns to operate red light cameras at no more than one intersection for every 10,000 residents, requires local ordinance. Authorizes up to 10 camera sites in Washington DC metro area.
Washington	RCW 46.63	Cities and counties statewide are authorized to enforce, through photos, red light violations at two-arterial intersections, rail crossings, school speed zone violations. \$250 maximum fine.
West Virginia	§17C-6-7a	All photo enforcement is prohibited.
Wisconsin	§349.02	All photo enforcement is prohibited.
District of Columbia	DC Code §40-751	Authorizes an automated traffic enforcement program in the District of Columbia for all moving infractions. \$75 maximum fine, no points assessed.

Sources: Insurance Institute for Highway Safety, NCSL 2008.

Appendix K. Motorcycle Helmet Use Requirements

All Riders	Specific Segment of Riders (Usually under age 21 age 18)	No Helmet Required
Alabama	Alaska ¹	Illinois
California	Arizona	Iowa
Georgia	Arkansas	New Hampshire
Louisiana	Colorado	
Maryland	Connecticut	
Massachusetts	Delaware	
Michigan	Florida ²	
Mississippi	Hawaii	
Missouri	Idaho	
Nebraska	Indiana	
Nevada	Kansas	
New Jersey	Kentucky ³	
New York	Maine ⁴	
North Carolina	Minnesota ⁵	
Oregon	Montana	
Tennessee	New Mexico	
Vermont	North Dakota ⁶	
Virginia	Ohio ⁷	
Washington	Oklahoma	
West Virginia	Pennsylvania ⁸	
District of Columbia	Rhode Island ⁹	
Puerto Rico ¹²	South Carolina	
American Samoa	South Dakota	
Guam	Texas ¹⁰	
Northern Marianas	Utah	
Virgin Islands	Wisconsin ¹¹	
	Wyoming	

Notes:

1. Alaska's motorcycle helmet use law covers passengers of all ages, operators younger than age 18, and operators with instructional permits.
2. In Florida, the law requires that all riders younger than age 21 wear helmets, without exception. Those age 21 and older can ride without helmets only if they can show proof that they are covered by a medical insurance policy.
3. In Kentucky, the law requires that all riders younger than age 21 wear helmets, without exception. Those age 21 and older can ride without helmets only if they can show proof that they are covered by a medical insurance policy. Motorcycle helmet laws in Kentucky also cover operators with instructional/learner's permits.
4. Motorcycle helmet laws in Maine cover operators with instructional/learner's permits. Maine's motorcycle helmet use law also covers passengers age 14 and younger and passengers if their operators are required to wear a helmet.
5. Motorcycle helmet laws in Minnesota cover operators with instructional/learner's permits.
6. North Dakota's motorcycle helmet use law covers all passengers traveling with operators who are covered by the law.
7. Ohio's motorcycle helmet use law covers all operators during the first year of licensure and all passengers of operators who are covered by the law.
8. Pennsylvania's motorcycle helmet use law covers all operators during the first two years of licensure unless the operator has completed the safety course approved by PennDOT or the Motorcycle Safety Foundation.
9. Rhode Island's motorcycle helmet use law covers all passengers (regardless of age) and all operators during the first year of licensure (regardless of age).
10. Texas exempts riders age 21 or older if they can either show proof of successfully completing a motorcycle operator training and safety course or can show proof of having a medical insurance policy.
11. Motorcycle helmet laws in Wisconsin cover operators with instructional/learner's permits.
12. Puerto Rico strengthened its motorcycle law in 2007. The law requires riders to wear helmets, boots, gloves and reflective gear while riding at night. The law also imposed new testing requirements.

Sources: NCSL and the National Highway Traffic Safety Administration, Insurance Institute For Highway Safety, 2008.



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