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Traffic Safety and Public Health: State Legislative Action 2007

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Summary

This report summarizes the many bills regarding traffic safety issues that were considered by state legislatures during the 2007 legislative sessions. It also provides information about current traffic safety issues.

Occupant Protection. In 2007, state legislators debated nearly 125 bills regarding occupant protection. Many of these bills would have strengthened current seat belt laws by making them primary enforcement laws. Other bills up for consideration would have made changes to current child passenger protection laws and passenger restrictions for riding in pickup truck cargo areas.

Impaired Driving Issues. During the 2007 state legislative sessions, 173 bills were introduced regarding a variety of impaired driving issues. Many states considered ways to stop repeat and high BAC drunk drivers through increased fines and penalties. Several states considered legislation relating to ignition interlock devices.

Distracted Driving. In 2007, 44 states considered 130 bills relating to driver distraction, including use of cell phones and other portable devices that potentially could distract motor vehicle drivers. Twelve states passed new distracted driving laws.

Driver's Licensing. More than 200 bills dealing with driver's licensing were debated by state legislatures in 2007. States considered ways to make licensing procedures more secure, keep teen and older drivers safe, and keep drivers with suspended licenses off the roads. Many state lawmakers focused on responding to the REAL ID Act passed by Congress in 2005.

Aggressive Driving. In 2007, 12 states introduced bills aimed at defining aggressive driving and establishing fines and penalties associated with the crime. Nevada and Utah amended their laws related to aggressive driving in 2007.

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Speed Limits. Legislators in 25 states debated bills regarding speed in 2007, and 10 states passed laws. Many of these bills related to work zone and school zone safety, including provisions regarding excessive speed in these areas. Other bills aimed to increase fines and penalties for those convicted of speeding.

Automated Enforcement. In 2007, 27 states considered nearly 90 bills related to the use of cameras to enforce traffic laws such as speeding and red light running. Most states with such programs have passed enabling legislation.

Motorcycle Safety. Each year, several state legislatures debate proposals regarding motorcycle safety, including helmet use requirements and rider training. In 2007, 34 bills were introduced in 25 states regarding helmet use. Some of these bills would have required all motorcyclists to wear helmets; others would have applied the motorcycle helmet use requirement to only a segment of the population (usually those under age 18). Nine bills were enacted.

School Bus Safety. School bus travel is one of the safest forms of transportation. Both the federal government and states have looked at ways to ensure this high level of safety. In 2007, 97 bills were introduced regarding school bus safety. Some proposals would have required installation of seat belts on school buses, while others would have prohibited school bus drivers from using cell phones while operating the school bus.

Pedestrian and Bicycle Safety. In 2007, 27 state legislatures debated nearly 85 bills regarding pedestrian and bicycle safety. Many of the bills would have increased fines and penalties for motorists who do not obey current pedestrian safety laws. Other bills up for debate dealt with whether motorized scooters should be allowed on pedestrian walkways and bike paths.

Introduction

In 2007, state legislators debated more than 900 traffic safety proposals.

Motor vehicle crashes are the leading cause of death for Americans between the ages of 2 and 34. In 2006, 42,642 people were killed and more than 2.6 million were injured in traffic crashes. Traffic safety is an important public health issue for many people, including state legislators. In 2007, state legislators debated more than 900 traffic safety proposals. These bills focused on ways to keep drivers, passengers, pedestrians and other road users safe. Some focused on seat belt use, while others proposed possible solutions to deal with speeders and repeat drunk drivers. This 10th annual report summarizes the traffic safety legislation considered during 2007.

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, along with 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.nhtsa.dot.gov/nctl.

Occupant Protection

In 2006, 42,642 people died in motor vehicle crashes; 55 percent of passenger vehicle occupants were not wearing seat belts. Studies have shown that the most effective way to reduce this tragic toll is to increase the number of motor vehicle occupants—drivers and passengers—who buckle up on every trip.

During the last few decades, the rate of traffic-related deaths and injuries has declined, in large part due to a substantial increase in safety belt use. Between 1983 and 2007, safety belt use in the United States rose from 14 percent to 82 percent of occupants, and much of that increase has been attributed in large part to the passage and active enforcement of safety belt use laws. Safety belts saved the lives of an estimated 15,383 people in 2006, and since 1975 more than 226,000 lives have been saved.

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Although this is good news, millions of people are injured and thousands are killed each year in motor vehicle crashes. These injuries and fatalities lead to economic costs totaling \$230 billion. Numerous studies have shown that strong safety belt laws that are consistently and vigorously enforced have a positive effect on safety belt use and, therefore, reduce injuries and deaths.

Every state except New Hampshire has an adult safety belt law. Most of these laws cover front-seat occupants only, although belt laws in 18 states and the District of Columbia cover all vehicle occupants regardless of seating position. Twenty-four states have safety belt laws that require police to stop the vehicle for other reasons before they can cite the driver for a seat belt violation. The remaining states have primary safety belt laws, which allow law enforcement officers to stop vehicles and issue citations for safety belt violations. The safety belt defense in 16 states allows damages collected by someone in a crash to be reduced for failure to use a belt. The reduction is permitted only for injuries caused by nonuse of belts and, in some states, the reduction may not exceed a fixed percentage of the damages.

During the 2007 state legislative sessions, at least 20 states considered bills that would have strengthened safety belt laws. Indiana and Maine passed primary enforcement laws. The Indiana law clarified that all occupants of a motor vehicle, not just occupants in the front seat, must wear seat belts when the car is in motion. Legislatures in Arizona, Arkansas, Colorado, Florida, Kansas, Massachusetts, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, Pennsylvania, Rhode Island, Utah, Vermont, West Virginia, Wisconsin and Wyoming also considered primary bills. (Appendix B contains more information about state safety belt laws.)

Studies have shown that safety belt use rates in states with primary laws are 11 percent higher than in states with secondary laws. Tennessee witnessed an increase in safety belt use—from 68.5 percent in 2003 to 78.6 percent in 2006—following the passage in 2004 of a primary enforcement law. In Delaware, the safety belt use rate rose from 71.2 percent in 2002 to 86.1 percent in 2006 after passage of a primary law, and Illinois experienced a similar increase from—74 percent in 2002 to 87.8 percent in 2006—after passing a primary law in 2003.

Even without primary enforcement laws, some states have used high-visibility enforcement of their secondary law to increase safety belt use rates. “Click It or Ticket” programs have successfully increased seat belt use in several states. The Click It or Ticket model consists of intensive, widespread enforcement of a state’s safety belt law, coupled with earned and paid media coverage that publicizes enforcement efforts. Click It or Ticket campaigns are used to increase safety belt use during the Memorial Day holiday at the start of the busy summer travel season. In 2006, Nevada (which has a secondary law) achieved a 91.2 percent seat belt use rate, which was attributed to grant-funded television and radio advertisements and increased law enforcement.

SAFETEA-LU

On Aug. 10, 2005, President Bush signed into law the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). This legislation authorizes \$286.4 billion in funding for highways, traffic safety and transit. SAFETEA-LU authorizes new core traffic safety programs and various incentive grants, providing flexibility to states as they tackle traffic safety issues using the tools and resources that work best for the state.

SAFETEA-LU also contains incentive programs that target occupant protection, impaired driving, motorcycle safety, and child safety seat and booster seat use. It authorizes \$25 million for each of the fiscal years 2006 through 2009 for the Occupant Protection Incentive Grant program, providing funds to states if they meet four of the following six eligibility criteria:

- Safety belt use law.
- Primary safety belt use law.
- Minimum fine or penalty points.
- Special traffic enforcement program.
- Child passenger protection education program.
- Child passenger protection law.

SAFETEA-LU also authorizes nearly \$125 million for one-time safety belt performance grants during each of the fiscal years 2006 through 2009 to states that enact and enforce primary safety belt use laws within certain time periods or achieve 85 percent or higher safety belt use for two consecutive years without a primary safety belt use law.

Child Passenger Protection

Motor vehicle crashes are the leading cause of death for children between the ages of 2 and 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 in 2006, 1,794 children under age 14 were killed in car wrecks, it is estimated that child restraints and seat belts saved the lives of 425 children under age 5.

All states require children of certain ages and sizes to use child safety restraint systems.

All 50 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 primarily enforced for all children except in Colorado, Nebraska, Ohio and Pennsylvania.

It is recommended children be restrained in child restraints or booster seats until age 8 or until they reach the height of 4'9."

In Colorado, the law is secondary only for children ages 4 through 5, who must be in booster seats. Nebraska's law is secondary only for those children who may be in safety belts and primary for those who must be in a child restraint device. Ohio's law is secondary for children ages 4 through 14. In Pennsylvania, the law is secondary only for children ages 4 through 7 who must be in booster seats. (Appendices C and D contain more information about state child passenger protection laws.) In 41 states and the District of Columbia, laws cover children under age 16 (either through the child passenger restraint law or the safety belt law). In the remaining nine states, gaps in coverage allow some children to ride unrestrained.

NHTSA suggests that, once children outgrow their front-facing seats (usually around age 4 and 40 pounds), they should ride in booster seats in the back seat 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). In a 2006 survey of more than 10,000 motor vehicle occupants, NHTSA found that 41 percent of 4- to 7-year-olds were restrained in booster seats.

Children up to age 8 or 4'9" tall should use child restraints or booster seats.

Traffic safety groups recommend that children age 12 and younger ride in the back seat. According to the IIHS, 25 percent of the passenger vehicle child occupant deaths in 2005 occurred in front seats, down from 46 percent in 1975. Sixty-six percent occurred in rear seats, and the rest occurred in cargo or unknown areas. Laws in California, Delaware, Georgia, Louisiana, Maine, New Jersey, New Mexico, North Carolina, Rhode Island, South Carolina, Tennessee, 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). Michigan, New York and Pennsylvania introduced similar legislation in 2007, but none of the bills have been enacted. Oregon introduced Senate Bill 480 during the 2007 session. It includes a provision that would require all children age 13 and younger to sit in the rear seat when available. Senate Bill 480 passed, but the rear seat provision was not in the engrossed version, which includes child safety seat provisions for children under age 1 and booster seat requirements.

In 2007, at least 22 states considered ways to strengthen existing child passenger protection laws. Legislatures in Delaware, Illinois, Maine, Oregon and Virginia amended their booster seat laws. Virginia increased from age 5 to age 8 the age requirement for children to be secured in a booster seat. A Nevada law passed in 2007 increases the amount of the fine or hours of community service a court may impose on a person who fails to properly secure a child in a child restraint system.

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 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.

In 2007, Hawaii considered legislation to that would ban passengers of any age from riding in pickup truck cargo areas. The bill did not pass; if it had, it would have been one of the strictest cargo area prohibition laws in the country. Illinois passed legislation this year that requires children under age 8 to be secured in a child restraint system in a truck, if the truck is equipped with safety belts. (Appendix E contains more information about state pick-up truck cargo area passenger laws.)

Impaired Driving

In 2006, alcohol was a factor in 41 percent of fatal crashes.

In 2006, alcohol was a factor in 41 percent of fatal crashes, and impaired driving fatalities increased slightly—from 17,590 in 2005 to 17,602 in 2006 (see Table 1). The number of alcohol-related traffic deaths has remained essentially stable for the past 10 years, and the problem of impaired driving continues to be a serious traffic safety and public health issue for states. According to the AAA Foundation for Traffic Safety, drinking drivers make approximately 950 million trips each year; the FBI Uniform Crime Report indicates that about 1.5 million drunk driving arrests are made each year.

State/ Jurisdiction	Total Traffic Fatalities	Alcohol-Related Fatalities	Percentage Alcohol-Related
Alabama	1,208	475	39 %
Alaska	74	23	31
Arizona	1,288	585	45
Arkansas	665	254	38
California	4,236	1,779	42
Colorado	535	226	42
Connecticut	301	129	43
Delaware	148	57	39
Florida	3,374	1,376	41
Georgia	1,693	604	36
Hawaii	161	84	52
Idaho	267	106	40
Illinois	1,254	594	47
Indiana	899	319	36
Iowa	439	148	34
Kansas	468	170	36
Kentucky	913	272	30
Louisiana	982	475	48
Maine	188	74	39
Maryland	651	268	41
Massachusetts	430	174	40
Michigan	1,085	440	41
Minnesota	494	183	37

State/ Jurisdiction	Total Traffic Fatalities	Alcohol-Related Fatalities	Percentage Alcohol-Related
Mississippi	911	375	41%
Missouri	1,096	500	46
Montana	263	126	48
Nebraska	269	89	33
Nevada	432	186	43
New Hampshire	127	52	41
New Jersey	772	341	44
New Mexico	484	186	38
New York	1,456	558	38
North Carolina	1,559	554	36
North Dakota	111	50	45
Ohio	1,238	488	39
Oklahoma	765	263	34
Oregon	477	196	41
Pennsylvania	1,525	600	39
Rhode Island	81	42	51
South Carolina	1,037	523	50
South Dakota	191	80	42
Tennessee	1,287	509	40
Texas	3,475	1,677	48
Utah	287	69	24
Vermont	87	29	33
Virginia	963	379	39
Washington	630	294	47
West Virginia	410	161	39
Wisconsin	724	364	50
Wyoming	195	80	41
District of Columbia	37	18	48
Puerto Rico	457	215	42
U.S. Virgin Islands	No information	No information	No information
U.S. Total	42,642	17,602	41%

Note: Hawaii had the highest percentage of alcohol-related traffic fatalities and Utah had the lowest.

Source: NHTSA, 2007.

In 2007, close to 200 impaired driving bills were introduced in 44 states. The ultimate goal of these laws is to reduce to the incidence of impaired driving and keep the roads as safe as possible. Lawmakers considered legislation ranging from stricter penalties and high blood alcohol concentration (BAC) offenses to treatment, ignition interlocks and breath tests. Other bills dealt with special license plates, detainment of arrestees, vehicle impoundments or forfeitures, open containers, evidence, computation of prior offenses, alcohol monitoring, drunk driving with minors in the vehicle, and proposed task forces or commissions to study the problem in depth. Twenty-one states enacted laws related to impaired driving during the 2007 legislative session.

Impaired driving laws were enacted in 21 states in 2007.

High BAC laws in 37 states create enhanced sanctions for offenders.

High BAC Countermeasures

About half of all alcohol-involved drivers and motorcycle operators had blood alcohol concentrations equal to or higher than twice the illegal per se level (.08) in all states and the District of Columbia. To address this problem, at least 37 states and the District of Columbia have enacted high BAC laws that create enhanced sanctions for offenders with higher BACs. The sanctions, which vary from state to state, may include longer license suspension terms, 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).

Table 2. Jurisdictions with High BAC Limits

State/ Jurisdiction	High BAC Limit	State/ Jurisdiction	High BAC Limit
Arizona	.15, .2	Montana	.18
Arkansas	.15	Nebraska	.15
California	.15, .20	Nevada	.18
Colorado	.17, .20	New Hampshire	.16
Connecticut	.16	New Mexico	.16
Delaware	.15, .20	New York	.15, .18
Florida	.20	North Carolina	.15, .16
Georgia	.15	North Dakota	.18
Hawaii	.15	Ohio	.17
Idaho	.20	Oklahoma	.15
Illinois	.16	Pennsylvania	.16
Indiana	.15	Rhode Island	.15
Iowa	.15	South Carolina	.15
Kansas	.15	South Dakota	.17
Kentucky	.18	Tennessee	.20
Louisiana	.15, .20	Texas	.15
Maine	.15	Utah	.16
Maryland	.15	Virginia	.15, .20
Massachusetts	.20	Washington	.15
Minnesota	.20	Wisconsin	.17, .20, .25
Missouri	.15	District of Columbia	.20, .25

Sources: NTSB and NCSL, 2007.

In the 2007 legislative session, at least three states considered bills regarding high BAC offenses or penalties, and laws were passed in Arizona, Kansas and Hawaii. Arizona's law mandates that a person with .20 BAC or higher serve a minimum of 45 consecutive days in jail and pay a minimum fine of \$500. Hawaii amended its high BAC statute by changing its parameters for accepting evidence. The statute added that, if a driver had .15 or more grams of alcohol per 210 liters in his or her breath within three hours after the time of the alleged violation, there is competent evidence that the person was highly intoxicated at the time of the alleged violation. This statute means that a person's BAC can be used as evidence against them for up to three hours after the time of the initial violation.

According to two studies conducted by NHTSA in 2001 and 2004, high BAC laws effectively decrease the occurrence of repeat offenses among first-time offenders with high BACs. The High-Risk Drivers provision of Section 410, as revised by SAFETEA-LU, provides that high-risk driver laws must include stronger sanctions or additional penalties for individuals who, in any five-year period after June 9, 1998, are convicted of driving under the influence with a BAC of .15 percent or more. Under SAFETEA-LU, these additional penalties must include:

- A one-year suspension of license, provided that, after 45 days, the state may allow an offender to receive a provisional license under which the offender can drive to and from employment, school, an alcohol treatment program or an interlock service facility and only in a vehicle equipped with an ignition interlock; and
- A mandatory assessment by a certified substance abuse official with possible referral to counseling, if appropriate.

Ignition Interlock

Ignition interlocks are devices that can be installed on vehicles to prevent the car from being started if alcohol is detected in the driver's breath sample. 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 ignition interlocks as a sanction when sentencing convicted drunk drivers and, in a growing number of states, their use for repeat offenders is mandatory. New Mexico, which passed legislation in 2005, became the first state to require them for all convicted drunk drivers, including first-time offenders. In the 2007 legislative session, at least 19 states introduced bills regarding ignition interlock devices, and laws were passed in three states—Illinois, Louisiana and New Mexico. Illinois made broad changes to its ignition interlock law, allowing impaired driving offenders, under certain circumstances, to apply for a monitoring device driving permit (MDDP) that would allow them to drive legally with an ignition interlock device. The Louisiana law increases the amount of time a license is suspended for alcohol-related driving offenses but provides the option for a restricted license with an ignition interlock system.

Since 2005, New Mexico has required ignition interlocks for all convicted drunk drivers.

A summary of research and development regarding ignition interlocks is available from the Traffic Injury Research Foundation (TIRF). *Alcohol Interlock Programs: A Global Perspective*, includes articles on effectiveness and implementation of ignition interlock programs in the United States and several other countries and summarizes the proceedings of the Sixth International Symposium on Alcohol Ignition Interlock Programs. TIRF also

has released an educational primer on ignition interlocks, *Ignition Interlocks: From Research to Practice*. It provides judges or policymakers with comprehensive information about the scientific, technical and practical challenges and issues that often are raised regarding the devices. For more information, visit www.trafficinjuryresearch.com.

Breath Test Refusals

About 25 percent of drivers refuse to consent to BAC tests, presenting a major problem for law enforcement personnel and prosecutors. According to NHTSA, in four states—Louisiana, Massachusetts, Ohio and Texas—the refusal rate is more than 40 percent. In New Hampshire and Rhode Island, more than 80 percent of drivers refuse to be tested. Drunk drivers know it is to their advantage to refuse the BAC test because it lessens their chances of a drunk driving conviction and, in many states, carries only a license suspension.

Prosecutors rely on BAC test results as the single most important evidence in prosecuting drunk driving cases. Without a BAC test, cases are less likely to be brought to trial and convictions may be more difficult to obtain because juries want to know the drunk driver's level of intoxication. States now are enacting bills to counter this problem by providing sanctions for test refusals that are equivalent to or more severe than a failed test. Bills regarding testing or refusals were introduced in at least 19 states during the 2007 legislative session, and laws were enacted in five states—Colorado, Kansas, Maine, New Mexico and Wyoming.

The Colorado law allows law enforcement officers, under extraordinary circumstances, to administer a different test than the one of the driver's choosing. For example, if the driver chooses to take a breath test, the officer may, in some circumstances, insist upon a blood test instead. Wyoming enacted a similar law that allows law enforcement officials to require blood or urine tests if the officer believes the driver may be under the influence of a controlled substance other than alcohol. Under Maine's new law, blood or urine tests administered by hospital staff can be admitted into evidence if it is deemed reliable evidence that a person operated a motor vehicle while under the influence. According to statute, the patient may not claim confidentiality or privilege in these circumstances.

Penalties for refusing a BAC test include hefty fines and jail time.

At least 19 states have made it more difficult to refuse to take a BAC test by imposing criminal sanctions on those who decline. Criminal penalties for refusal include hefty fines and jail time. In Alaska, Minnesota and Vermont, the penalties for refusing to be tested are the same as for being convicted of drunk driving.

A recent NHTSA interim study, *Breath Test Refusals in DWI Enforcement*, documents the extent of the breath test refusal problem, investigates the reasons for breath test refusals, and implements and evaluates effective countermeasures to deal with the problem. The report, which includes case studies from Connecticut, Florida, Louisiana, Maryland and Oklahoma, is available online at www.nhtsa.dot.gov/people/injury/research/BreathTestRefusal/pages.

SAFETEA-LU provides between \$118 million and \$139 million in impaired driving incentive grants for each of fiscal years 2006 through 2009 for states that meet specific eligibility criteria for low alcohol-related fatality rates or that adopt specific impaired driving countermeasures. To qualify for funds under this program, a state must have an alcohol-related fatality rate of 0.5 or less per 100 million vehicle miles traveled or satisfy

three of the eight specific programs and activities in FY 2006, four in FY 2007 and five in FY 2008 and FY 2009. The eight qualifying programs are:

- High-Visibility Impaired Driving Enforcement Program.
- Prosecution and Adjudication Outreach Program.
- BAC Testing Program.
- High-Risk Drivers Program.
- Alcohol Rehabilitation or Driving While Intoxicated (DWI) Court Program.
- Underage Drinking Prevention Program.
- Administrative License Suspension or Revocation (ALR) System.
- Self-Sustaining Impaired Driving Prevention Program.

In addition, SAFETEA-LU authorizes grant funding to assist the 10 states that have the highest rate of impaired driving-related fatalities as determined by the Fatality Analysis Reporting System. At least half the amounts authorized for grants to states with high fatality rates are to be used only for high-visibility impaired driving enforcement.

TEA-21 Alcohol Provisions

Prior impaired driving provisions from the Transportation Equity Act for the 21st Century (TEA-21) remain in effect, including requirements that states:

- Adopt .08 BAC illegal per se laws;
- Impose minimum penalties for repeat offenders; and
- Prohibit open containers of alcohol in motor vehicles.

.08 Blood Alcohol Concentration (BAC)

All 50 states, the District of Columbia, Puerto Rico and the U.S. Virgin Islands have adopted illegal per se laws that make it an offense to operate a vehicle with a BAC at or above .08. TEA-21 established highway funding sanctions under which federal highway construction funds were transferred for those states that did not enact a conforming .08 BAC law. All states now are in compliance with the federal requirements. Although the TEA-21 incentive program for .08 BAC was discontinued in 2006, the sanction program remains in place.

Repeat Intoxicated Driver Law

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 the 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 of imprisonment for a second offense and not less than 60 days community service or not less than 10 days of imprisonment for third and subsequent offenses.

SAFETEA-LU provides grants to 10 states with the highest rate of impaired driving fatalities.

According to NHTSA, 36 states and the District of Columbia comply with federal repeat offender requirements. States not in compliance are Alaska, California, Louisiana, Massachusetts, Minnesota, New Mexico, North Dakota, Ohio, Oregon, Rhode Island, South Dakota, Vermont, West Virginia and Wyoming.

Open Container Laws

To comply with TEA-21 requirements, states must enact open container laws that prohibit possession of any open alcoholic beverage container or consumption of any alcoholic beverage in the passenger area of any motor vehicle located on a public highway or the right-of-way of a public highway in the state. The laws must include provisions that prohibit possession or consumption of alcohol by the driver of the vehicle.

According to the Insurance Institute of Highway Safety, 43 states and the District of Columbia have enacted qualifying open container laws. States that are not in compliance are Arkansas, Connecticut, Delaware, Missouri, Mississippi, Virginia and West Virginia.

Distracted Driving

By October 2007, there were 245 million U.S. wireless phone subscribers.

Experts estimate that distracted drivers are a factor in as many as 4.9 million motor vehicle crashes each year, causing 2.1 million injuries, approximately 34,000 fatalities and as much as \$184 billion in economic damages. Although the concept of distracted driving is not new, interest in the subject has increased as the use of cell phones has grown. Two decades ago, fewer than 900,000 people subscribed to wireless phone services in the United States, and traffic safety experts rarely mentioned driver distraction as a concern. By October 2007, the number of wireless phone subscribers had reached an estimated 245 million. Driver distraction now is a common topic of discussion not only in traffic safety circles, but also nationwide in the media and in state legislatures.

State lawmakers continue to be concerned about both the specific effects of cell phones on driving and broader driver distraction issues. Laws in 29 states and the District of Columbia address cell phones in motor vehicles. (Appendix F contains more information about state cell phone use while driving laws.) In 2007, 44 states considered 130 measures related to driver distraction, and new laws passed in 12 states.

State distracted driver laws frequently are mislabeled as prohibitions on 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, specific types of drivers and data collection.

The most common driver distraction measure considered in state legislatures has been to prohibit driver use of hand-held phones. Five states—California, Connecticut, New Jersey, New York and Washington—and the District of Columbia prohibit the use of hand-held phones while operating a motor vehicle. All six jurisdictions allow drivers to use hand-held phones in emergency situations and hands-free phones in all circumstances. The New Jersey law is enforceable only as a secondary offense; law enforcement officers must stop motorists for other offenses before they can issue a ticket for improper use of a hand-held phone. Twenty-eight states introduced legislation pertaining to a ban on hand-held cell phones in 2007, but only Washington enacted a new law.

Cell phone use by younger drivers also continues to be an issue for state legislatures. Seventeen states and the District of Columbia restrict or prohibit cell phone use by younger drivers. Most novice driver laws prohibit young drivers—those under age 18 or age 21—who hold only a learner’s or instructional driving permit from using any type of wireless device while operating a motor vehicle, except in emergency situations. New laws passed in California, Nebraska, Oregon and Virginia in 2007 to prohibit all drivers under age 18 from using any type of wireless device. Lawmakers in 29 states considered young driver restrictions on cell phone use in 2007—four states passed new laws.

In 17 states, cell phone use by younger drivers is restricted or prohibited.

Fourteen states and the District of Columbia prohibit school bus drivers from using cell phones while operating a school bus. Legislators in 10 states proposed cell phone restrictions on school bus drivers in 2007, and new laws passed in North Carolina and Kentucky.

Five states considered legislation in 2007 regarding cell phone use while driving that was intended to improve data collection, and Illinois and Maine passed data collection measures. Legislatures in eight states considered proposals to prohibit driver use of all cell phone devices, but none passed.

An emerging trend in state legislation is to address multiple distracting behaviors—not only cell phone use—on the road. In 2007, legislators in nine states considered new laws to prohibit a broad range of potential distractions, including reading, writing, attending to pets, watching television and other activities. Washington lawmakers passed a broad distraction bill that included a provision that made it the first state to specifically prohibit text messaging while driving. Four other states considered similar legislation.

Driver’s 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 are the sole concerns 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 2007, state legislators demonstrated significant concern about new driver’s license mandates contained in the federal REAL ID Act. Enacted in 2005, REAL ID provides that, by May 2008, states must implement many application and issuance procedures for noncommercial driver’s licenses. Required changes include alterations to the appearance of the license itself, restrictions on eligible applicants, sharing of driver record information among states, new identity verification standards for applicants, and security requirements at issuing agency locations. After May 2008, drivers from noncompliant states will be

unable to present their state-issued driver's licenses or identification cards to a federal agency for a federal purpose, which includes boarding a federally regulated aircraft, entering a federal building or nuclear facility, and others defined by the U.S. Department of Homeland Security.

Legislators in 44 states proposed 131 bills, resolutions or memorials related to REAL ID in 2007. Legislation passed in 20 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. Legislators in 36 states considered 81 proposals that either indicated the state's intent to not comply or urged Congress to repeal the act. Lawmakers in 20 states passed 25 anti-REAL ID measures. The most significant bills, enacted in Maine, Montana, New Hampshire, Oklahoma, South Carolina and Washington, specifically prohibit state agency compliance with REAL ID. A line item in Idaho's appropriations bill appropriated \$0 for 2008 REAL ID compliance.

Conversely, 17 states considered 30 proposals in 2007 that were intended to bring the state closer to REAL ID compliance. Four states—Indiana, Michigan, Nevada and Ohio—passed compliance legislation. The Indiana and Nevada laws specially require the state license-issuing agency to adopt new standards that comply with REAL ID.

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 regardless. AAA estimates that 66 percent of those who have lost their license continue to drive. This is a significant problem because many of these drivers lost their license due to a serious traffic-related offense such as DUI and are considered dangerous drivers or are repeat offenders who have no respect for the penalties and fines for driving without a license.

AAA estimates that 66 percent of those who have lost their license continue to drive.

This issue is difficult to track because 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, these rates range from 6.1 percent in Maine to a high of 23.4 percent in New Mexico. In 2007, nearly 20 states debated legislation designed to increase fines and penalties for unlicensed driving. In Virginia, a bill passed in 2007 makes a second or subsequent offense of driving without a license a Class 1 misdemeanor. (Appendix G contains more information about state laws regarding unlicensed driving.)

Older Drivers

In 2006, 12 percent of the U.S. population was over age 65. Approximately 5,032 people age 70 and older died in motor vehicle crashes in 2005; in 2004, 5,106 were killed. More than 202,000 adults age 65 and older suffered nonfatal injuries as occupants in motor vehicle crashes during 2006.

Older individuals made up 14 percent of all traffic fatalities in 2006, and an estimated 202,000 older individuals were injured in traffic crashes in 2006. Many crashes involving

older drivers occur within intersections. 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 of 35- to 54-year-olds. Older drivers have low rates of police-reported crash involvements 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.

Research from the Insurance Institute for Highway Safety suggests that left turns onto divided highways present special challenges to older drivers, who may have limited vision, impaired depth perception and other physical limitations. 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 left-turn signals—can lead to crash reductions for drivers over age 65.

At least 12 states and the District of Columbia debated legislation about insuring and licensing senior drivers in 2007. A bill passed in Texas requires applicants over age 85 to renew their driver's license every two years instead of every six years as required for other adult drivers. Legislators in Connecticut enacted a bill that requires insurance premium discounts for drivers over age 55 who complete an accident prevention course or other approved retraining course. A similar law enacted in Washington specifies the driver improvement course can be completed online.

Measures similar to the one passed in Connecticut were introduced but did not pass in Hawaii, Iowa and Maryland during the 2007 legislative session. New Hampshire introduced a bill that would require those age 70 year and older to renew and to undergo reexamination for their driver's license every two years; those age 76 and older would need to retake the driver's examination and renew their license annually. The bill did not pass in 2007 but was reserved for 2008 carryover. New York introduced various bills in 2007 addressing senior drivers. One bill would require those over age 70 to renew their license every two years, and another would prohibit insurers from increasing automobile insurance premiums based solely on age for those age 60 and older. (Appendix H contains state licensing procedures for older drivers.)

Teen Drivers

More teen deaths each year are attributed to motor vehicle crashes than to any other cause. According to statistics recently released by NHTSA, in 2006 teens were involved in more than 460,000 injury-related motor vehicle crashes and nearly 7,000 fatal crashes, leaving 3,406 youth between the ages of 16 and 20 dead. These figures represent a slight change from the 2005 statistics (an increase of +0.7 percent in the number of teen fatalities and a decrease of 1.5 percent in the number of injury crashes).

To combat this traffic safety issue, state legislatures in the mid-1990s began to pass graduated driver's licensing laws aimed at teens. The goal of these laws is to provide teens a safe, gradual learning process. All states have some form of graduated licensing for teens. The Insurance Institute for Highway Safety defines an optimal graduated driver's licensing system as one that includes:

More teens deaths each year are attributed to motor vehicle crashes than to any other cause.

- Minimum age for a learner's permit of 16;
- A learner stage that lasts at least six months;
- Thirty to 50 hours of supervised driving;
- An intermediate stage that lasts until at least age 18;
- Night driving restriction that begins at 9 p.m. or 10 p.m.; and
- A strict teenage passenger restriction that allows no—or no more than one—teenage passenger.

According to AAA, 44 states and the District of Columbia have mandatory three-stage graduated driver's licensing laws for teens. The automobile association says the other six states lack either a substantive intermediate licensing stage or a mandatory learner's permit.

Since all states have some form of graduated driver's licensing, recent legislative trends have been to strengthen existing laws to include passenger and nighttime driving restrictions and to limit cell phone use among young drivers. In 2007, 37 states introduced more than 100 bills related to teen driving and graduated driver's licenses; as of October 2007, 14 bills had been enacted. (Appendix I contains more information about state graduated driver's licensing laws.)

A main safety issue for teen drivers is distraction. Cell phones, text messaging and other passengers affect teen drivers' safety on the roads. In 2007, 22 states considered legislation to prohibit cell phone use by young drivers, and California, Maine, Nebraska, Virginia and West Virginia passed laws restricting cell phone use by teen drivers. Legislators in Washington passed a law for all drivers that prohibits text messaging while driving.

Thirty-nine states restrict the number of teen passengers who can ride in a car driven by a teen.

Another proven distraction for teen drivers is the presence of other teens in the vehicle. Thirty-nine states restrict the number of teen passengers who can ride in a car driven by a teen. In 2007, Idaho legislators passed a bill that extends the learning permit to six months and limits teen passengers to no more than one for the first six months after a driver under age 17 is licensed. In Nebraska, teen drivers—during the first six months of a provisional driver's license—can have no more than one passenger who is not an immediate family member and who is under age 19.

Forty-five states and the District of Columbia have nighttime restrictions for teens. Under a new law in Arizona, teen drivers are prohibited from driving between 12:00 a.m. and 5:00 a.m. for the first six months of licensure, unless accompanied by someone age 21 or older. The bill also prohibits more than one passenger under age 18 unless the passenger is a relative of the driver. Another component of the Arizona law allows teens to apply for an instruction permit at age 15 and 6 months. Holders of the instruction permit are required to take driver's education or have a parent or guardian certify that the teen has 30 hours of drive time, 10 of which must be at night. Under a new Illinois law, teen drivers under age 18 are restricted from driving between 11:00 p.m. and 6:00 a.m. on Friday and Saturday nights and between 10:00 p.m. and 6:00 a.m. Sunday through Thursday. The learner's permit-holding period also was extended from six months to nine months.

Illinois and New Jersey recently created task forces or commissions to study the issue of teen drivers. An Illinois task force made up of legislators, law enforcement officers, traffic safety groups and members of the community heard testimony, conducted research and

released nine recommendations. State legislators considered comprehensive legislation in the 2007 session that ultimately passed and was signed by the governor. The New Jersey commission, similar to the Illinois task force, is just starting its work.

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 it.

Several states have passed laws aimed at aggressive drivers. The laws typically establish an aggressive driving offense and outline fines and penalties. As of September 2007, 10 states—Arizona, Delaware, Florida, Georgia, Indiana, Maryland, Nevada, North Carolina, Rhode Island and Virginia—have aggressive driving laws. (Appendix J contains more information about state aggressive driving laws.) California and Utah amended their reckless driving laws to make them similar to aggressive driving laws enacted in other states. In 2006, the Pennsylvania House passed a resolution to encourage drivers to drive courteously and defensively, not aggressively, and also resolved to support measures that would promote safe driving practices.

In 2007, 12 state legislatures debated legislation relating to aggressive driving. An Idaho bill introduced in 2007 would have amended the current reckless driving statute to create a felony penalty for reckless driving that causes great bodily harm, permanent disability or permanent disfigurement of another. The bill passed the House but died in the Senate. A bill introduced in the Michigan Legislature would include road rage instruction and aggressive driving avoidance in segment one of any driver education curriculum. As of September 2007, the bill was in the Senate Transportation Committee. Although no state passed a new aggressive driving law in 2007, Nevada amended its aggressive driving statute to increase penalties for subsequent offenses, and Utah amended the section of its reckless driving law that addressed following too closely. Aggressive driving bills are pending in New Jersey, New York and Ohio; as of December 2007, the bills were in committee.

Speed Limits

Speed is a factor in more than 30 percent of all fatal motor vehicle crashes. In 2006, 13,543 people were killed in car wrecks that involved speeding, according to NHTSA. On average, these crashes cost society about \$40 billion annually.

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 a study completed by the Insurance Institute for Highway Safety (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.

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volved speeding.*

Engineering techniques and other safety measures located outside the car—such as guardrails, barriers and other devices—are less effective at higher speeds. These devices are designed to keep cars on the road and lessen the chances of a crash. The physics at play during a high-speed crash make these life-saving measures much less effective.

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, and 31 states have raised speed limits to 70 mph or higher on certain roads, according to the IIHS.

In 2007, 25 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 excessive speeders. (Appendix K contains more information about speed limit laws.) Arkansas passed HB 1342, which directs the state highway commission to study whether minimum and maximum speed limits can be changed in any part of the Arkansas Primary Highway Network based on engineering analysis. Kentucky established that the speed limit on interstate highways and parkways would be 65 mph, on other state highways it would be 55 mph, and in business and residential districts it would be 35 mph.

Automated Enforcement

Red light-running and speed are major factors in many motor vehicle crashes. Speed is a factor in 32 percent of all fatal crashes, and red light-running crashes are responsible for approximately 260,000 injuries and 750 fatalities annually. As law enforcement agencies struggle with resource limitations and other constraints, many have turned to alternative enforcement techniques such as traffic cameras. These cameras allow local law enforcement agencies to remotely enforce these traffic laws.

Traffic cameras and photo radar allow remote enforcement of traffic laws.

Both red light cameras and photo radar detect vehicles that are violating traffic regulations. Red light cameras are linked to traffic signals and monitor each phase—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, and is equipped with both a radar speed detector and a camera. When 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 Insurance Institute for Highway Safety study showed a 29 percent reduction in injury crashes at intersections with red light cameras. Other study results are similar, although a few show a much lower reduction.

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, Virginia, Washington and the District of Columbia use cameras. In most cases, state legislatures have passed enabling statutes that allow their use by city and local governments. Although Ohio, Pennsylvania, South Dakota and Tennessee do not have specific enabling statutes, cameras are in use in certain cities. (Appendix L contains more information about automated enforcement laws.)

State laws regarding automated enforcement generally establish guidelines for municipal governments. Some state laws limit the use of the cameras to certain cities, while others allow their use statewide. Nevada, New Hampshire, New Jersey, West Virginia and Wisconsin have prohibitions regarding use of traffic cameras. The constitutionality of these laws has been challenged in many jurisdictions, but all challenges have been unsuccessful. Speed cameras have been used for more than 30 years in such countries as Australia, Austria, Canada, Germany, Greece, Italy, the Netherlands, Norway, South Africa, Spain, Switzerland, Taiwan and the United Kingdom.

During the 2007 sessions in 27 states, legislators debated bills regarding automated enforcement. Most bills would have enabled city and local governments to use available technology to enforce red light and speed violations. A 2007 New Mexico bill requires all counties or municipalities that use camera monitoring devices to install warning signs and beacons to alert motorists that traffic camera technology is in use. Oregon passed a similar law this year (OR HB 2466), listing the municipalities that are authorized to use photo radar and requiring those municipalities to install 'Traffic Laws Photo Enforced' signs at least 2 feet above ground level on the street when the photo radar is in use. Virginia passed a 2007 bill that allows localities to install red light cameras at no more than one intersection for every 10,000 residents.

Motorcycle Safety

During the last decade, motorcycling has become an increasingly popular mode of transportation. Motorcycle sales are on the rise, and so are motorcycle rider fatalities. Although motor vehicle fatality rates in other areas have declined in recent years, motorcycle fatalities have been on the rise since 1998. Deaths from motorcycle crashes have more than doubled, according to the National Transportation Safety Board (NTSB). In 1997, 2,116 people were killed due to motorcycle crashes; by comparison, in 2006, 4,810 people died in crashes and another 88,000 people were injured.

Motorcycle fatalities have more than doubled since 1998.

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.

From 1992 to 1995, as part of an incentive package for states to pass motorcycle helmet laws covering all riders, the Intermodal Surface Transportation Act (ISTEA) required states to pass motorcycle helmet laws that applied to all riders or to have funds transferred from highway construction accounts to highway safety accounts. The National Highway System Designation Act of 1995 repealed these sanctions. In 1997, Arkansas and Texas became the first states since 1983 to repeal laws requiring all motorcyclists to wear helmets.

Under the universal law, helmet use was 97 percent in Arkansas and Texas. By May 1998, it had fallen to 52 percent in Arkansas and to 66 percent in Texas. Florida repealed its mandatory helmet law in 2000, and has since seen a 67 percent increase in motorcycle fatalities—from 259 in 2000 to 432 in 2004—according to NHTSA.

On Aug. 10, 2005, President Bush signed into law the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). This legislation authorized \$286.4 billion in funding for highways, traffic safety and transit. Provisions in SAFETEA-LU also authorized a total of \$25 million for a Motorcyclist Safety Grant program for fiscal years 2006 through 2009. To qualify for funds under this program, a state must satisfy two of six criteria in fiscal years 2007, 2008 and 2009. The eligibility criteria are:

- Motorcycle rider training courses;
- Motorcycle awareness program;
- Reduction of fatalities and crashes involving motorcycles;
- Impaired driving program;
- Reduction of fatalities and accidents involving impaired motorcyclists; and
- Fees collected from motorcyclists for training and safety programs used for motorcycle training and safety programs.

In 20 states, all motorcyclists must wear helmets.

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 M contains more information about state motorcycle helmet laws.)

In states that do not have universal helmet laws, 65 percent of motorcyclists killed in 2005 were not wearing helmets, compared to 14 percent in states with such laws. Statistics show that helmets can reduce the risk of death for motorcyclists by 35 percent to 50 percent. NHTSA estimates that helmets saved 1,658 motorcyclists' lives in 2006, and that 752 more could have been saved if all motorcyclists had worn helmets.

In 2007, 25 state legislatures considered ways to increase motorcycle safety. Most notably, Colorado, a state that previously had no helmet law, passed a law that requires riders under age 18 to wear motorcycle helmets. Delaware, Hawaii, Kansas, Montana and Oklahoma considered legislation that would have applied the helmet law to all riders instead of only those of a certain age. On the other hand, nine states that currently have universal helmet laws—Massachusetts, Mississippi, Nevada, New York, Oregon, Tennessee, Vermont, Virginia and Washington—introduced legislation in 2007 to have helmet laws apply only to riders of a certain age; none passed.

Rider Training and Licensure

Although statistics show the success of helmets in reducing the likelihood of fatal injuries for motorcyclists, the federal government also has acknowledged the importance of rider training and licensure. In the late 1990s, the National Highway Traffic Safety Administration and the Motorcycle Safety Foundation (MSF) jointly created a working group tasked with improving motorcycle safety. The working group produced the National Agenda for Motorcycle Safety (NAMS), released in 2000, that offered an overview of concerns in motorcycle safety and numerous suggestions for improving motorcycle safety.

According to the MSF, 47 states have state-administered motorcycle safety programs in which more than 3 million motorcyclists have received rider education. The remaining three states—Alaska, Arkansas and Mississippi—have privately operated rider training sites. Although this is good news, the MSF reports that 62 percent of riders have never taken a rider training course. MSF recommends that states implement the Rider Education and Training System (RETS) designed by MSF. This national program incorporates training that gradually exposes riders to a variety of learning experiences to help them master the necessary crash avoidance skills. Motorcycle rider training is especially critical because of the increase in older riders and those who are returning to riding.

Funding is an issue for many rider training programs. Most financing for rider training courses comes from various state funding sources and appropriations. In 2007, Washington enacted a bill that dedicated all fees collected from people applying for motorcycle endorsements for their licenses to the motorcycle safety education account of the highway safety fund.

Fifty-five percent of crashes that involve motorcyclists and motor vehicles are the fault of the motorist. Training motor vehicle drivers about the importance of operator awareness of motorcyclists also is important. Some states include in driver manuals information about sharing the road with motorcyclists. Public education and awareness campaigns have been used to inform motorists about driving near motorcyclists, and NHTSA has developed model “Share the Road Language,” available at <http://www.nhtsa.dot.gov/people/injury/pedbimot/motorcycle/ShareTheRoad/index.html>.

Fifty-five percent of crashes involving motorcycles and motor vehicles are the motorist's fault.

In September 2007, the NTSB released a Safety Alert on motorcycle safety. The goal was to issue a National Agenda For Motorcycle Safety, including safety recommendations to NHTSA, the Federal Highway Administration, and the 50 states. The NTSB recommended that the three states without motorcycle helmet laws pass legislation requiring that all motorcyclists and passengers wear federal safety standard compliant helmets. The report also recommended that the 27 states that have helmet laws for only some riders amend their statutes to include all riders. Finally, the report charged all states to provide information to NHTSA on the effectiveness of their motorcycle safety efforts to help NHTS develop better safety programs and campaigns.

High Performance Motorcycles

The Insurance Institute for Highway Safety (IIHS) has identified as a traffic safety issues the recent rise in popularity of high-performance racing motorcycles called “super-sports.” These motorcycles, built on racing platforms, are then modified for the highway and sold to consumers. They are lightweight and have powerful engines that can reach a top speed of 180 mph, making them popular with younger riders. In 2005, these super-sports bikes made up less than 10 percent of registered motorcycles, but accounted for more than 25 percent of rider deaths; super-sport riders were the younger (average age 27) among these fatalities. The IIHS reported that driver death rates per 10,000 registered super-sports motorcycles are almost four times higher than rates for drivers of all other types of motorcycles.

School Bus Safety

*On average,
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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 1995, 1,509 people nationwide have died in school transportation-related crashes—an average of 137 each year, according to NHTSA. Most of the fatalities (70 percent) were people who were riding in another vehicle. Twenty-two percent of the fatalities are pedestrians or bicyclists. On average, 10 children are actually killed on school buses each year.

To keep school bus transportation as safe as possible, NHTSA has established 35 safety standards that apply to all school buses. These standards help to ensure that all school buses are structurally and mechanically safe. NHTSA also coordinates the recall of any school bus vehicles that are deemed unsafe. State legislatures are able to strengthen current NHTSA standards through statutes. During the 2007 legislative sessions, nearly 100 bills were considered regarding school bus safety.

Safety Belts on School Buses

The issue of occupant protection on school buses is still up for debate. Although safety belts provide excellent protection in passenger vehicles, the effectiveness of safety belts on school buses is unknown. Lap belts—the type of safety belt that would be installed on school buses—differ from those installed in passenger vehicles.

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 NTSB and the National Academy of Sciences (NAS) have confirmed the effectiveness of compartmentalization in frontal and rear impact studies. However, after several investigations of school bus crashes in the late 1990s, the NTSB found that compartmentalization does not provide adequate protection during side impacts. The NTSB believes new seating systems need to be developed that provide occupant protection in all types of crashes.

Cost-benefit analysis of this issue has shown that installing seat belts on school buses is not cost effective. The Partnership for Prevention released a 2001 report to help state legislators and other policymakers understand and use cost-effectiveness analysis. According to this group, installing seat belts on school buses would cost approximately \$3 million and is not a cost-effective intervention, in its view.

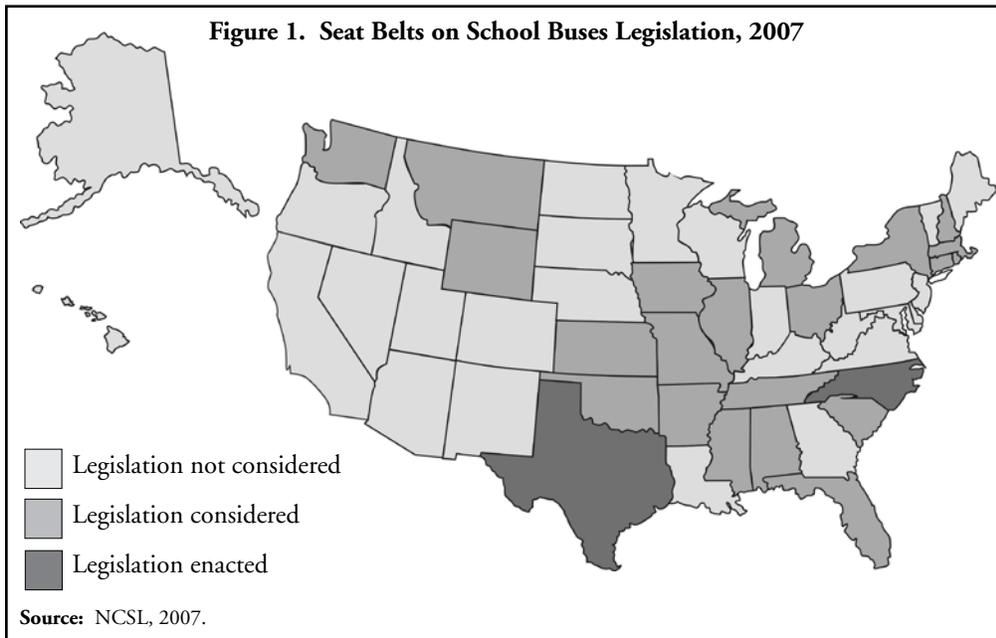
A NHTSA public meeting on July 7, 2007, brought together state and local policymakers, school bus manufacturers and public interest groups to discuss the issue of seat belts on large school buses. The policy and economic issues related to seat belts on school buses were discussed, as well as the role of compartmentalization in school bus safety. In November 2007, NHTSA announced a new federal proposal to make school buses safer. The proposed rule would require higher seat backs in large school buses and would require lap/shoulder belts on small buses under 10,000 lbs. Lap belts currently are required in small school buses because these vehicles are close in size to passenger vehicles. For more information on the notice for proposed rulemaking, go to <http://www.nhtsa.gov/staticfiles/DOT/NHTSA/Rulemaking/Rules/Associated%20Files/SchoolBus-NPRM2007.pdf>.

Although no federal requirement exists regarding the use of safety belts on school buses, a federal bill was introduced in 2005 to direct the U.S. Department of Transportation to prescribe regulations requiring all school buses with a gross weight of more than 10,000 lbs. to be equipped with three-point safety belts on all seats; H.R. 5214 did not make it out of House committees.

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 require safety belts on school buses.

*Five states
require safety
belts on school
buses.*

During the 2007 legislative sessions, 22 states considered bills regarding occupant protection on school buses (see Figure 1). Texas enacted a law that requires any school bus purchased or acquired after 2010 to be equipped with three-point seat belts for every occupant. The North Carolina legislature passed a bill requiring the North Carolina Child Fatality Task Force to study and analyze the feasibility of the use of safety restraints by passengers 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 established new requirements for testing and school bus endorsements. Standards for issuing CDLs to school bus drivers are included in the federal regulations, although states are free to adopt stricter standards. Many states have passed laws regulating school bus driver licensing. These additional regulations usually include fingerprinting, background checks and specialized training requirements. California law requires a school bus operator to obtain a first aid certificate and a medical certificate and to complete 40 hours of training in addition to other testing.

A few states considered bills in 2007 related to licensing requirements for school bus drivers. Legislators in North Dakota passed HB 1334, which allows a school board to request at any time that a driver be examined by a health care professional to determine

A 2007 Connecticut law requires criminal history and child abuse registry checks.

if the driver meets physical and medical requirements. The law also requires drivers of school vehicles that are not school buses to meet medical requirements and to attend annual training classes. The Connecticut legislature enacted a comprehensive bill in 2007 requiring that school bus drivers not only submit to criminal history checks, but also be cross-checked against the state child abuse registry. The law also mandates that school bus carriers require random drug testing for each person they employ. New Jersey introduced a bill this session that would make a school bus driver's conviction of certain crimes grounds for termination.

Illegally Passing School Buses

Many states have identified the safety problem caused by motorists who illegally pass stopped school buses and have attempted to solve this problem through strict laws and public education campaigns. In 2007, at least five states—Arizona, Delaware, Missouri, New Jersey and Nevada—debated proposals related to this issue. In New Jersey, AB 2857, would increase from \$100 to \$250 the penalty for the first offense of illegally passing a school bus and would increase from \$250 to \$500 the penalty for a second offense. The bill was still in the Assembly Transportation Committee in November 2007. A Missouri bill would have increased driver's license suspension periods for motorists who failed to stop for a school bus loading or unloading; the bill died in the Senate Transportation Committee. Legislators in Nevada passed a bill to require motorists to stop for a school bus that is displaying a flashing red light at any location, not just on a roadway.

Other Issues

Hawaii, Iowa, Kentucky, Maryland, Michigan, New York, North Carolina, Pennsylvania, South Carolina and Texas considered bills prohibiting school bus drivers from using cell phones while driving. The bills in Kentucky and North Carolina passed.

Arizona, Arkansas, California, Connecticut, Delaware, Illinois, Massachusetts, New Jersey, Rhode Island, Tennessee, Texas and the District of Columbia also have laws prohibiting school bus drivers from talking on cell phones. Several states considered bills relating to other school bus safety concerns. Bills in New Jersey and New York would have required video monitoring systems to be installed on school buses; both bills were under consideration at publication. Florida introduced the "Jeffrey Johnston Stand Up for All Students Act" that, in part, prohibits bullying and harassment on school buses. A Virginia bill passed this session directs the state Board of Education to establish a statewide school bus safety hotline. It also allows school districts to purchase decals with hotline information that can be displayed on school buses.

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, an estimated 4,784 pedestrians were killed and 64,000 were injured in motor vehicle crashes in 2006. On average, a pedestrian is killed in a traffic crash every 108 minutes and injured in a traffic crash every 8 minutes. During the past decade, pedestrian fatalities have declined by 13 percent. This decrease is attributed to both pedestrian-area safety improvements and to state laws.

In 2007, 26 states considered nearly 80 bills regarding pedestrian and bicycle safety. Many of the bills addressed motorist responsibilities at crosswalks and other pedestrian and bicycle areas. Other proposals looked at ways to increase safety near schools. Some states considered legislation regarding motorized scooters, increased penalties for violating pedestrian and bicycle safety laws, and helmet requirements.

Scooters

The growing popularity of mini-motorbikes or motorized scooters is a particular safety concern for pedestrians and bicyclists as they walk or bike. California, Colorado, Connecticut, Montana, New Hampshire, New Jersey and Texas regulate the use of “toy bikes” or “pocket bikes.” The Connecticut statute defines a “mini-motorcycle” as a vehicle that “(1) has not more than three wheels in contact with the ground, (2) is equipped with or is designed to have a seat on which the rider may sit, (3) is propelled by an engine having a piston displacement of 50 c.c. or less, (4) is capable of a speed in excess of twenty miles per hour, and (5) is not eligible to be registered as a motor vehicle.” Because these bikes are not considered “motor vehicles” and do not meet federal safety standards, they are not considered “street legal.” As a result, many mini-motorbike riders operate their vehicles on sidewalks, bikeways and trails, making these devices dangerous not only for the riders, but also for pedestrians.

Under California law, manufacturers of mini-motorcycles or pocket bikes must attach a sticker to each device warning consumers that the vehicles are not allowed to be operated on “a sidewalk, roadway, or any part of a highway, or on a bikeway, bicycle path or trail, equestrian trail, hiking or recreational trail, or on public lands open to off-highway motor vehicle use.” Some laws, such as California’s, limit operation of toy vehicles on private land; other states, however, do not prohibit the operation of toy vehicles on sidewalks and bikeways. Passed by the Virginia legislature in 2007, SB 898 defines “toy vehicle” and states that a municipality may, by ordinance, require that toy vehicle operators who are under age 14 wear a protective helmet while operating the vehicle on any highway, sidewalk or public bicycle path. The law also restricts toy vehicle operators from driving on a roadway that has a speed limit of 25 miles per hour or greater.

Walking to School Safely

Of the 4,784 pedestrians killed in 2006, 331 were children under age 14, according to NHTSA. In 2007, legislatures in eight states considered bills related to pedestrian safety in school zones. The New Jersey Legislature enacted SB 1079, which establishes a \$150 penalty for a motorist who fails to comply with a school crossing guard’s signal to stop. South Carolina introduced a similar bill this year. The Illinois legislature enacted a new law in 2007 that creates the offense of failure to stop or yield the right-of-way to a pedestrian in a school zone crosswalk. The law establishes a \$150 fine for the first offense and a minimum \$300 fine for subsequent offenses.

To keep child pedestrians safe, many communities have turned to “Safe Routes to Schools” programs, which encourage parents, teachers, students, community leaders, state and local governments, and law enforcement agencies to work together 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

To keep child pedestrians safe, many communities have “Safe Routes to Schools” programs.

activity related to Safe Routes To Schools, see <http://www.ncsl.org/programs/environ/healthycommunity/saferoutestoschool.htm>.

Elderly Pedestrians

Elderly pedestrians, like children, are at increased risk of being injured or killed in a motor vehicle collision. Pedestrians age 70 and older accounted for 15 percent (702) of all pedestrian fatalities and an estimated 7 percent (4,000) of all pedestrians injured in 2006.

According to an AAA Foundation for Traffic Safety study released in September 2007, traffic signals often do not allow enough time for aging pedestrians to cross the street. The study concluded that older pedestrians—defined in this study as those age 65 and older—tended to walk at least six inches per second slower than their younger counterparts. Researchers at the Institute of Transportation Engineers participated in the study and also conducted computer-based traffic simulations to determine whether signal timing could be modified to accommodate older pedestrians and still maintain the flow of traffic. The study concluded that crossing time could be increased at some intersections.

Hawaii introduced a bill in 2007 that would appropriate funds to the Department of Transportation to work with nonprofit organizations and counties to recalibrate traffic signals and replace crossing signals to increase the time allowed to cross an intersection. The bill was enacted over a governor's veto. New York introduced similar legislation that would require the DOT commissioner to comprehensively study dangers to elderly pedestrians at intersections. As of November 2007, the bill had passed the Assembly and was in the Senate Transportation Committee.

Bicycling Safety

State legislatures have played a key role in reducing the number of bicyclist fatalities and injuries. During the last decade, the number of bicyclist fatalities has decreased by almost 10 percent. In 2006, 773 bicyclists were killed and more than 44,000 were injured in traffic crashes.

Children are especially affected. Bicycle crashes are responsible for more injuries to children than any other product besides the car, according to the National SAFE KIDS Campaign. The rate of bicycle-related injuries is highest for children between the ages of 5 and 15. In 2003, more than 200,000 children were treated in emergency rooms for bicycle related- injuries.

Helmet use is an effective way to protect bicyclists from death and injuries.

Helmet use is one of the most effective ways to protect bicyclists from death and injuries. Helmets are 85 percent to 88 percent effective in reducing head and brain injuries in all types of bicycle crashes. The American Association of Pediatrics recommends that all cyclists wear helmets. Despite the proven success of helmets, however, only 25 percent of riders wear protective headgear. Mandatory helmet laws have been shown to increase helmet use and decrease fatalities and injuries.

Most helmet laws are geared toward specific age groups. Table 3 shows state bicycle helmet use laws.

Table 3. State Bicycle Mandatory Helmet Use Laws

State/Jurisdiction	Age
Alabama	Under 16
California	Under 18
Connecticut	Under 16
Delaware	Under 16
Florida	Under 16
Georgia	Under 16
Hawaii	Under 16
Louisiana	Under 12
Maine	Under 16
Maryland	Under 16
Massachusetts	Under 17*
New Hampshire	Under 16
New Jersey	Under 17
New Mexico	Under 18
New York	Under 14*
North Carolina	Under 16
Oregon	Under 16
Pennsylvania	Under 12
Rhode Island	Under 16
Tennessee	Under 16
West Virginia	Under 15
District of Columbia	Under 16

*Laws in Massachusetts and New York prohibit bicyclists from transporting passengers younger than age 1.

Source: AAA and NCSL, 2007.

During the 2007 sessions, legislators in Alabama, Hawaii, Kentucky, Nevada, New Mexico, New York and Ohio debated proposals regarding helmet requirements for bicyclists. The New Mexico bill passed, and all bicyclists age 17 and younger must wear protective helmets.

Illinois, Maine and Tennessee passed “Share the Road” 3-foot passing legislation in 2007. These laws require motorists to maintain a safe distance of 3 feet from a bicycle while passing. Similar legislation was introduced in California and Texas in 2007 but did not pass.

Links for More Information

- AAA, <http://www.aaapublicaffairs.com/main.asp>
- AAA Foundation for Traffic Safety, <http://www.aaafoundation.org>
- American Institute for Public Safety, <http://www.aipsnews.com>
- American Motorcyclist Association, <http://www.amadirectlink.com>
- Cellular Telecommunications Industry Association, <http://www.wow-com.com>
- “Dr. Driving” (Professor Leon James), <http://www.drdriving.com>
- Federal Highway Administration, <http://www.fwha.dot.gov>
- Governors Highway Safety Association, <http://www.ghsa.org>
- Insurance Institute for Highway Safety, <http://www.hwysafety.org>
- Motorcycle Riders Foundation, <http://www.mrf.org>
- Motorcycle Safety Foundation, <http://www.msf-usa.org>
- NCSL/NHTSA Traffic Safety Legislative Tracking, <http://www.nhtsa.dot.gov/nctl/>
- NCSL’s Driver Focus and Technology Legislative Tracking Database,
<http://www.ncsl.org/programs/esnr/telematics.cfm>
- National Highway Traffic Safety Administration (NHTSA), <http://www.nhtsa.dot.gov>
- NHTSA Fact Sheets, <http://www.nhtsa.dot.gov/people/injury/new-fact-sheet03/index.htm>
- National Safety Council, <http://www.nsc.org>
- National Safe Kids, <http://www.safekids.org>
- National Transportation Safety Board, <http://www.nts.gov>
- The Partnership for Safe Driving, <http://www.geocities.com/morganleopena/>
- Traffic Injury Research Foundation, <http://www.trafficinjuryresearch.com>
- U.S Department of Transportation, <http://www.dot.gov>
- U.S. Government Accountability Office report on .08 BAC laws, <http://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
Fort Worth, Texas 76102
Phone: (817) 978-3653
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
Phone: (816) 329-3900
Fax: (816) 329-3910
region7@nhtsa.dot.gov

Rocky Mountain Region

(Colo., Mont., N.D., S.D., Utah, Wyo.)
Regional Administrator, NHTSA
12300 West Dakota Avenue, Suite 140
Lakewood, Colo. 80228
Phone: (720) 963-3100
Fax: (720) 963-3124
region8@nhtsa.dot.gov

Western Region

(Ariz., Calif., Hawaii, Nev., American Samoa,
Guam, N. Mariana Islands)
Regional Administrator, NHTSA
201 Mission St., Suite 2230
San Francisco, Calif. 94105
Phone: (415) 744-3089
Fax: (415) 744-2532
region9@nhtsa.dot.gov

Northwest Region

(Alaska, Idaho, Ore., Wash.)
Regional Administrator, NHTSA
3140 Jackson Federal Building
915 Second Ave.
Seattle, Wash. 98174
Phone: (206) 220-7640
Fax: (206) 220-7651
region10@nhtsa.dot.gov

Appendix B. State Safety Belt Use Laws				
State/ Jurisdiction	Standard 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 years in all seats; ages 18+ in front seat	\$45	No
Idaho	No	Ages 7+ in all seats	\$10	No
Illinois	Yes	Ages 16+ in front seat; age 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. 8 through age 17 in all seats; ages 18+ in front seat	\$25 ¹	No
New Mexico	Yes	Ages 18+ in all seats	\$25 ²	No
New York	Yes	Ages 16+ in front seats	\$50 ⁵	Yes
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

Appendix B. State Safety Belt Use Laws (continued)				
State/ Jurisdiction	Standard Enforcement	Who Is Covered? in What Seats?	Maximum Fine First Offense?	Damages Reduced for Nonuse?
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	\$57	No
South Carolina	Yes ⁶	Ages 6+ years 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 years 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+ years 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+ years 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+ years 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 may 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.
6. Police are prohibited in South Carolina from enforcing safety belt laws at checkpoints designed for that purpose. However, safety belt violations may 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, 2007, and AAA, 2007.

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 7 through 16 or 60+ 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, may be restrained by a lap belt; law states no preference for rear seat	\$100 ⁷

Appendix C. State Laws on Child Restraint Use (continued)			
State/ Jurisdiction	Must Be in Child Restraint	Adult Safety Belt Permissible	Maximum Fine First Offense
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	\$20
Kentucky	40 inches or less	Not permissible	\$50
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 ages 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 4'7"	\$50
Maryland	Age 5 and younger or 40 lbs. or less ⁹	Age 6 and more than 40 lbs. through age 15; law states no preference for rear seat	\$25
Massachusetts	Age 4 and younger or 40 lbs. and less	Ages 5 through 11; law states no preference for rear seat	\$25
Michigan	Age 3 and younger	Not permissible	\$10
Minnesota	Age 3 and younger	Not permissible	\$50
Mississippi	Age 3 and younger	Not permissible	\$25

Appendix C. State Laws on Child Restraint Use (continued)			
State/ Jurisdiction	Must Be in Child Restraint	Adult Safety Belt Permissible	Maximum Fine First Offense
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; ¹⁰ law states no preference for rear seat.	\$25 ¹
Nevada	Age 5 and younger and 60 lbs. or less	Not permissible	\$100 ¹¹
New Hampshire	Age 5 and younger and less than 55 inches	Ages 6 through 17 or less than 18 years 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. ¹²	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, may 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; ¹³ law states no preference for rear seat	\$100 ¹
Oklahoma	Age 5 and younger ¹⁴	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 feet 9 inches; law states no preference for rear seat	\$75
Pennsylvania	Age 7 and younger ¹⁵	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 4 and younger	Age 5 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

Appendix C. State Laws on Child Restraint Use (continued)			
State/ Jurisdiction	Must Be in Child Restraint	Adult Safety Belt Permissible	Maximum Fine First Offense
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 may be placed in front only if passenger airbag is deactivated.	Ages 8 through 15 ¹⁶	\$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)	\$86
West Virginia	Age 7 and younger or less than 4'9"	Age 7 years and younger and 4'9" and taller; law states no preference for rear seat	\$20
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 may be restrained by only a seatbelt 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 may 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 may not 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 mandatory child restraint education program for first or second violation.
5. In Delaware, children younger than age 12 and 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 and 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.
9. 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.
10. In Maryland, vehicles registered out of state are required to restrain children under age 4 or 40 pounds or less in a child restraint.
11. 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.
12. 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.
13. 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.
14. In Ohio, the law is secondary for children ages 4 through 14.
15. 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.
16. In Pennsylvania, the law is secondary for children ages 4 through 7 who must be in booster seats.
17. Children at least age 4 but younger than age 8 may 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.

Source: Insurance Institute for Highway Safety, AAA and NCSL, 2007.

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

State/ Jurisdiction	Those not Covered	State/ Jurisdiction	Those not Covered
Alabama	Ages 15+ in rear seat	New Jersey	All children covered
Alaska	All children covered	New Mexico	All children covered
Arizona	All children covered	New York	All children covered
Arkansas	Ages 15+ in rear seat	North Carolina	All children covered
California	All children covered	North Dakota	All children covered
Colorado	All children covered	Ohio	Ages 15+ in rear seat
Connecticut	All children covered	Oklahoma	Ages 13+ in rear seat
Delaware	All children covered	Oregon	All children covered
Florida	All children covered	Pennsylvania	All children covered
Georgia	All children covered	Rhode Island	Age 6 and younger in front seat if vehicle does not have a rear seat
Hawaii	All children covered	South Carolina	Ages 6+ in rear seat without shoulder belt
Idaho	All children covered	South Dakota	All children covered
Illinois	All children covered ¹	Tennessee	All children covered
Indiana	All children covered ²	Texas	All children covered
Iowa	Ages 11+ in rear seat	Utah	All children covered
Kansas	All children covered	Vermont	All children covered
Kentucky	All children covered	Virginia	All children covered
Louisiana	Ages 13+ in rear seat	Washington	All children covered
Maine	All children covered	West Virginia	All children covered
Maryland	All children covered	Wisconsin	All children covered
Massachusetts	All children covered	Wyoming	All children covered
Michigan	All children covered	District of Columbia	All children covered
Minnesota	Ages 11+ in rear seat	Puerto Rico	All children covered ³
Mississippi	Ages 8+ in rear seat	U.S. Virgin Islands	No information
Missouri	All children covered		
Montana	All children covered		
Nebraska	All children covered		
Nevada	All children covered		
New Hampshire	All children covered		

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 ages 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.

Source: Insurance Institute for Highway Safety and NCSL, 2007.

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 may ride in back of pickup trucks if there are no available seats in the cab and the side racks and tailgate are securely closed, and 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 OEM 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	✗	

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

State/ Jurisdiction	Restrictions in Cargo Areas	Gaps in Coverage
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
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 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 25mph or if the person is belted and seated in an OEM 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

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

State/ Jurisdiction	Restrictions in Cargo Areas	Gaps in Coverage
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	✗	
West Virginia	✗	
Wisconsin	✓	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	✓	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

OEM = Original Equipment Manufacturer

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.

Source: AAA Public Affairs and NCSL, 2007.

Appendix F. Mobile Phone Use While Driving Laws

State/ Jurisdiction	Provision	Statute or Rule	Penalties
Arizona	Administrative Code provision prohibits school bus drivers from using a mobile phone while operating a school bus.	A.A.C. Title 17 Chapter 9, Art. 1 R17-9-104	No penalty specified.
Arkansas	Prohibits the use of a cellular telephone while operating a school bus.	Ark. Stat. Ann. §6-19-120 (2004)	Unclassified misdemeanor; fine of \$100-\$250.
California	Requires that rental cars with embedded cell phone equipment contain written instructions on the safe use of the phone while driving.	California Vehicle Code §2890 (West 2004)	\$100 maximum fine for first violation; \$200 maximum for second violation; \$250 for third and subsequent violations committed within one year.
	Prohibits anyone from driving a motor vehicle if a video monitor, a video screen or any other similar device that displays a video signal is operating and is located forward of the driver's seat or is visible to the driver. Provides exceptions for emergency equipment.	2003 Cal. Stats., Chap. 303	No penalty specified.
	Prohibits operating a school bus or a transit bus while using a cell phone.	Cal. Vehicle Code §23125 (2004)	No penalty specified.
	Effective July 2008, prohibits the use of hand-held phones while driving. Allows exceptions for emergency situations. Prohibits anyone under age 18 from driving a motor vehicle while operating a mobile telephone, even if it is equipped with a hands-free device. Prohibits a law enforcement officer from pulling over a driver for the sole purpose of determining if the driver is violating the provision; however, allows law enforcement officers to stop a vehicle to determine whether the driver is using a mobile telephone without a hands-free device. Provides an exception for emergency purposes.	Cal. Vehicle Code §12810.3 (2006) and Cal. Vehicle Code §23123 (2006) Cal. Vehicle Code §12810.3 (2007) and Cal. Vehicle Code §23123 (2007)	\$20 for the first offense and \$50 for each subsequent offense. \$20 for the first infraction and \$50 for every infraction thereafter.
Colorado	Makes driving a motor vehicle by a person holding a temporary instruction permit or a minor's instruction permit while using a cellular telephone or other mobile communication device a secondary traffic offense.	Colo. Rev. Stat. §42-4-239 (2005)	\$15 fine plus a \$2.60 surcharge.

Appendix F. Mobile Phone Use While Driving Laws (continued)

State/ Jurisdiction	Provision	Statute or Rule	Penalties
Connecticut	<p>Prohibits the use of hand-held phones while driving. Provides exceptions for emergency situations.</p> <p>Prohibits the use of cell phones while operating a school bus.</p> <p>Prohibits drivers with only a learner's permit from using a cell phone while driving.</p> <p>Prohibits drivers from engaging in activities unrelated to the operation of a motor vehicle.</p>	2005 Conn. Acts, P.A. 159 (Reg. Sess.)	<p>\$100 fine unless proof is provided that hands-free accessory was purchased prior to imposition of fine. Not more than \$100.</p> <p>Not more than \$100.</p> <p>Not more than \$100 plus fine for moving violation.</p>
Delaware	<p>Establishes a task force to study and make findings and recommendations regarding driver distractions, including mobile telephone use.</p> <p>Prohibits school bus drivers from using a cell phone while operating a school bus. Provides exceptions for emergency situations.</p> <p>Prohibits any minor with a level 1 learner's permit or a driver's education learner's permit from using a cell phone or similar device while operating a motor vehicle. Provides exceptions during emergency situations or where the permit holder has stopped the vehicle at a location off the lanes of travel.</p>	<p>2002 HCR 30</p> <p>Del. Code Ann. tit.21, §4176B (2005)</p> <p>Del. Code. Ann. tit. 21, §2710 (2005)</p>	<p>Not applicable.</p> <p>For a first offense, fines range from \$50 to \$100. For subsequent offenses, fines range from \$100 to \$200 and school bus endorsement is removed from license.</p> <p>Young drivers are subject to the same penalties they would face if they were found to be a reckless or negligent driver of a motor vehicle or to have committed a serious moving traffic violation.</p>
Florida	<p>Requires that drivers who use a head-set with a mobile phone while driving must use a head-set that provides sound through one ear and allows surrounding sound to be heard with the other ear.</p> <p>Requires distracted driver annual accident reports. Preempts local jurisdictions from enacting restrictive ordinances.</p>	<p>Fla. Stat. §316.304 (2005)</p> <p>Fla. Stat. §316.0075 (2005)</p>	<p>\$30 for each violation; non-moving violation.</p> <p>Not applicable.</p>

Appendix F. Mobile Phone Use While Driving Laws (continued)

State/ Jurisdiction	Provision	Statute or Rule	Penalties
Illinois	<p>Single-sided headset or earpiece is permitted with a mobile phone while driving.</p> <p>School bus drivers prohibited from using a mobile phone while driving except in emergency situations.</p> <p>Requests that accident reports include information about cell phone involvement in motor vehicle crashes. Requires the Department of Transportation to compile statistics regarding cell phone involvement in motor vehicle crashes</p> <p>Prohibits anyone under age 19 (formerly 18) who holds an instruction permit from using a mobile telephone while operating a motor vehicle. Provides an exception for emergency situations.</p>	<p>2001 Ill. Laws, P.A. 92-0152</p> <p>2002 Ill. Laws, P.A. 92-730</p> <p>2006 HJR 91</p> <p>2007 Ill. Laws, P.A. 94-240</p>	<p>No penalty specified.</p> <p>Petty offense punishable by \$100 to \$250 fine.</p> <p>Not applicable</p> <p>No penalty specified.</p>
Kentucky	<p>Prohibits local governments from restricting driver mobile telephone use.</p> <p>Defines the term “cellular phone.” Prohibits the use of a mobile telephone by a school bus driver.</p>	<p>Ky. Rev. Stat. §65.873 (2005)</p> <p>Ky. Rev. Stat. §281A.205 (2007) and Ky. Rev. Stat. §281A.190 (2007)</p>	<p>Not applicable.</p> <p>\$50 for the first offense. For a subsequent offense, a violator shall be fined \$100 and shall have his or her school bus endorsement suspended for a period of six months.</p>
Louisiana	<p>Prohibits local jurisdictions from regulating driver cell phone use.</p> <p>Prohibits driving a motor vehicle with a television capable of receiving any prerecorded visual presentation unless the TV is behind the driver’s seat or not visible to the driver while he or she is operating the vehicle.</p> <p>Creates a task force to study technological and non-technological driver distractions. The task force is to submit recommendations to the Legislature.</p>	<p>La. Rev. Stat. Ann. §33:31 (West 2004)</p> <p>La. Rev. Stat. Ann. §32:365 (West 2006)</p> <p>2003 SCR 63</p>	<p>Not applicable.</p> <p>No penalty specified.</p> <p>Not applicable.</p>

Appendix F. Mobile Phone Use While Driving Laws (continued)

State/ Jurisdiction	Provision	Statute or Rule	Penalties
Maine	<p>Requires those under age 21 to obtain an instruction permit and complete training prior to obtaining a driver's license. Prohibits anyone with an instruction permit from using a mobile phone while driving.</p> <p>Prohibits anyone under age 18 from using a mobile telephone while operating a motor vehicle.</p> <p>Requires law enforcement agencies to inform the Department of Public Safety of motor vehicle accidents, incidents, warnings or violations from Oct. 1, 2007, to Sept. 30, 2008, where cellular phones were involved.</p>	<p>Me. Rev. Stat. Ann. tit. 29-A, §1304(I)</p> <p>Me. Rev. Stat. Ann. tit. 29-A, §2116 (2007)</p> <p>2007 HR 443</p>	<p>No penalty specified.</p> <p>\$50 for the first offense and no less than \$250 for a second or subsequent offense.</p> <p>No penalty specified.</p>
Maryland	<p>Prohibits holder of a learner's permit or provisional driver's license who is under age 18 from using a wireless communications device while operating a motor vehicle. Enforceable as a secondary offense.</p>	<p>Md. Transportation Code Ann. §21-1123 (2005)</p>	<p>May suspend a violator's license up to 90 days and issue a restricted license.</p>
Massachusetts	<p>Cellular phone use is permitted as long as it does not interfere with the driver's operation of the vehicle and the driver keeps one hand on the steering wheel at all times.</p> <p>No person shall operate a moving school bus while using a mobile telephone.</p>	<p>Mass. Gen. Laws Ann. ch. 90, §13 (West 2004)</p> <p>Mass. Gen. Laws Ann. ch. 90, §7B</p>	<p>\$35 maximum fine for first violation; \$35 to \$75 for second violation; \$75 to \$150 for third and subsequent violations committed within one year.</p> <p>No penalty specified.</p>
Minnesota	<p>Prohibits drivers under age 18 who have a provisional license or instruction permit from using a cell phone while operating a motor vehicle. Provides exceptions for emergency situations.</p> <p>Adds a misdemeanor penalty to an existing law that prohibits drivers with a learners permit from using a phone while operating a motor vehicle.</p>	<p>2005 Minn. Laws, Chap. 6</p> <p>Minn. Stat. Ann. §171.05 (2006)</p>	<p>Full license can be restricted.</p> <p>\$25 fine and a petty misdemeanor.</p>
Mississippi	<p>Prohibits local jurisdictions from restricting driver mobile phone use.</p>	<p>2002 Miss. Laws, Chap. 491</p>	<p>Not applicable.</p>

Appendix F. Mobile Phone Use While Driving Laws (continued)

State/ Jurisdiction	Provision	Statute or Rule	Penalties
Nebraska	Prohibits holders of provisional permits and learner's permits from using an interactive wireless communications device while operating a motor vehicle.	Neb. Rev. Stat. §60-463 (2007), Neb. Rev. Stat. §60-462 (2007), Neb. Rev. Stat. §60-4, 120.01 (2007), Neb. Rev. Stat. §60-4, 123 (2007), and Neb. Rev. Stat. §60-4, 124 (2007)	Enforcement can be accomplished only if the permit holder has been cited or charged with a violation of another law.
Nevada	Prohibits local jurisdictions from regulating driver mobile phone use.	2003 Nev. Stats., Chap. 237	Not applicable.
New Jersey	<p>Requires the commissioner of transportation to annually compile information on cellular phone in vehicles during an accident and whether the operator was using the phone. Requires that accident report forms contain the information.</p> <p>Prohibits holders of a driver examination permit from using any interactive wireless device while operating a motor vehicle. Creates emergency exceptions.</p> <p>Prohibits the use of a cell phone while driving a school bus. Creates emergency exceptions.</p> <p>Establishes "Task Force on Driver Distraction and Highway Safety" to study and make recommendations on driver distractions including communication technology (such as wireless telephones, pagers, faxes, locator devices, AM/FM radios, etc.) and non-technical distractions.</p> <p>Prohibits the use of a cell phone while operating a motor vehicle. Allows hands-free devices. Makes use a secondary offense. Requires the DMV to collect data on crash report forms.</p>	<p>N.J. Rev. Stat. Ann. §39:4-131 (2001)</p> <p>N.J. Rev. Stat. Ann. §39:3-13 (2002)</p> <p>N.J. Rev. Stat. Ann. §39:3B-25 (2002)</p> <p>2002 SJR 21</p> <p>N.J. Rev. Stat. Ann. §39:4-97.3 (2003)</p>	<p>Not applicable.</p> <p>Suspension of driver's license for 90 days.</p> <p>Fine of no less than \$250 and no more than \$500.</p> <p>Not applicable.</p> <p>A fine of no less than \$100 and no more than \$250.</p>
New York	Drivers prohibited from talking on handheld mobile telephone while operating a motor vehicle.	N.Y. Veh. and Traffic Code §1225 (McKinney 2004)	Not more than \$100.

Appendix F. Mobile Phone Use While Driving Laws (continued)

State/ Jurisdiction	Provision	Statute or Rule	Penalties
North Carolina	Prohibits all drivers under age 18 from using a mobile telephone or technology associated with a mobile telephone while a motor vehicle is in motion. Provides exceptions for emergency situations. Also prohibits permit holders and provisional license holders from using a mobile telephone while operating a motor vehicle.	N.C. Gen. Stat. §20-137.3 (2006)	\$25 fine.
	Prohibits school bus drivers from using mobile telephones while operating a public or private school bus or a public activity bus. Provides an exception for contacting emergency service providers.	N.C. Gen. Stat. §20-137.4 (2007)	Class 2 misdemeanor and fine of no less than \$100.
Oklahoma	Prohibits local jurisdictions from restricting driver use of cell phone while operating a motor vehicle.	2001 HB 1081	Not applicable.
Oregon	Prohibits local jurisdictions from restricting driver use of cell phone while operating a motor vehicle.	2001 HB 2987	Not applicable.
	Prohibits the use of mobile telephone while operating a motor vehicle. Provides an exception for hands-free devices and emergency situations.	2007 HB 2872	Enforcement can be accomplished only if the permit holder has been cited or charged with violation of another law.
Rhode Island	Prohibits use of cell phones by school bus drivers while driving, except in the case of emergency.	R.I. Gen. Laws §31-22-11.8 (2005)	No penalty specified.
	Prohibits the use of all cell phones in motor vehicles by people under age 18 who are operators or passengers in the vehicle.	R.I. Gen. Laws §31-22-11.9 (2006)	\$50 fine.
	Prohibits drivers under age 18 from using any mobile telephone (including hands-free devices) while operating a motor vehicle.	R.I. Gen. Laws §31-10-6.6 (2006)	\$250 fine and loss of license until offender's 18th birthday. Violations are punishable by a \$200 fine.
Tennessee	Prohibits driver use of a cell phone while operating a school bus.	Tenn. Code Ann. §58-8-192 (2004)	Class C misdemeanor, \$50 fine.
Texas	Prohibits anyone under age 18 from using a wireless communication device while operating a motor vehicle during the first six months following initial issuance of an original class A, B or C driver's license. Prohibits anyone under age 17 who holds a restricted motorcycle or moped license from using a wireless communication device while operating a motorcycle or moped. Prohibits a school bus driver from using a cell phone while operating a school bus.	Tex. Transportation Code Ann. §521.292 (2005)	Suspension of driver's license if driver receives two infractions within a 12-month period.

Appendix F. Mobile Phone Use While Driving Laws (continued)

State/ Jurisdiction	Provision	Statute or Rule	Penalties
Utah	Prohibits local jurisdictions from restricting driver mobile phone use.	Utah Code Ann. §41-6a-208 (2006)	Not applicable.
Virginia	Prohibits holders of learner's permits from using a mobile cell phone while operating a motor vehicle. The prohibition includes hands-free devices. Provides an exception for emergency situations.	Va. Code §46.2-334.01 (2007)	Attending a driver improvement clinic for the first offense; 90-day suspension of driver's license for second offense; one-year suspension of driver's license for third offense.
Washington	Prohibits the use of hand-held mobile telephones while operating a motor vehicle. Provides an exception for hands-free mobile telephones and for contacting emergency services.	Was Re. Code Ann. §46.61 (2007)	Enforcement can be accomplished only if the holder of the permit has been cited or charged with a violation of another law.
West Virginia	Prohibits drivers with an instruction permit or provisional license from using a cell phone while operating a motor vehicle. Provides exceptions for emergency situations. Prohibits a learner's permit holder from using a mobile telephone while operating a motor vehicle. Provides an exception for contacting emergency services.	W. Va. Code §17B-2-3b (2006) and W. Va. Code §17B-3-6 (2006) W. Va. Code §17B-2-3a (2007)	Suspension of driver's license. First offense is punishable by a \$25 fine; a second offense is punishable by a \$50 fine; and a third offense is punishable by a \$75 fine.
District of Columbia	Prohibits distracted driving, which is defined as inattention resulting in unsafe operation of a vehicle caused by activities unrelated to the operation of the vehicle, including reading, writing, personal grooming, interacting with pets or unsecured cargo, using personal communications technologies or engaging in any other activity that causes distraction. Prohibits driver use of a hand-held phone while driving. Prohibits school bus drivers or drivers with a learner's permit from using a cell phone while driving.	2004 D.C. Stat., Chap. A15-0311	\$100 fine.

Source: NCSL, 2007.

Appendix G. Penalties by State for Driving While Revoked, Suspended or Otherwise Unlicensed

State	Citation	Penalties
Alabama	§32-6-19	Misdemeanor. \$100-\$500 fine, additional fine of \$50; possible jail sentence of not more than 180 days; immediate vehicle impoundment.
Alaska	§28.15.291	Class A misdemeanor, 10 days in prison, \$500-\$1,000 fine; possible forfeiture of vehicle.
Arizona	§28-3473 §28-3511	Class 1 misdemeanor, at least 48 hours in jail, \$300-\$500 fine; possible vehicle impoundment.
Arkansas	§27-16-303	Misdemeanor, two days to six months in prison, not more than \$500 fine.
California	Veh. Code §14601 and §14602.6	Up to six months in prison, \$300-\$1,000 fine; possible seizure of vehicle and immediate arrest. Habitual offender: 30-180 days in prison, \$2,000 fine.
Colorado	§42-2-138	Misdemeanor; jailed not less than five days nor more than six months and fined not less than \$50 nor more than \$500.
Connecticut	§14-215	Fined not less than \$150 nor more than \$200 or imprisoned for not more than 90 days or both. Second and subsequent offenses - fined \$200-\$600 or imprisoned not more than one year or both.
Delaware	21 Del. C. §2756	First offense - 30 days-six months in jail, \$500-\$1,000 fine. Subsequent offense - 60 days-one year in jail, \$1,000-\$4,000 fine. Court may impound vehicle.
Florida	§322.34	First offense classified as second degree misdemeanor, not more than 60 days in jail and \$500 fine; second offense classified as first degree misdemeanor, not more than one year in jail and \$1,000 fine. In case of serious injury or death or repeat offenses - third degree felony, up to five years in prison and \$5,000 fine. Possible vehicle impoundment.
Georgia	§40-5-121	Misdemeanor, imprisoned not less than two days nor more than 12 months. \$500-\$1,000 fine. For second and subsequent offenses within five years, no less than 10 days in jail nor more than one year. \$1,000-\$2,500 fine.
Hawaii	§291E-62	Applies to DUI; first offense - 3-30 days in jail; \$250-\$500 fine; second offense within five years - 30 days in jail, \$1,000 fine and additional revocation for one year. Third offense within five years - one year in jail, \$2,000 fine and permanent license revocation.
Idaho	§18-8001	Misdemeanor; jailed for two days-six months; up to \$500 fine; driving privileges suspended for an additional six months. For second offense within five years - 20 days-one year in jail and up to \$1,000 fine and driving privileges suspended for an additional year. For subsequent offenses - 30 days-one year in jail, up to \$3,000 fine and driving privileges suspended for an additional two years.
Illinois	625 ILCS 5/6-303	Class A misdemeanor escalating jail time and community service requirements for repeat offenders. Possible license plate and vehicle impoundment.
Indiana	§9-24-18-1	Class C misdemeanor - not more than 60 days in jail and not more than \$500 fine.
Iowa	§321.218	Simple misdemeanor - \$250-\$1,000 fine. Possible extension of license suspension.
Kansas	§8-262	Class B misdemeanor for first offense, Class A misdemeanor for second offense. At least five days in jail and at least \$100 fine.

Appendix G. Penalties by State for Driving While Revoked, Suspended or Otherwise Unlicensed (continued)

State	Citation	Penalties
Kentucky	§186.620 §189A.090 §532.020	First offense - class B misdemeanor (less than 90 days in jail) additional six months of license suspension; second offense - class A misdemeanor (90 days - one year possible prison sentence) additional one year license suspension; third and subsequent offense - class D felony (at least one year in prison, not more than five). Operator's licenses revoked for additional two years (five years for DUI).
Louisiana	§32:415	Drivers holding class A, B or C licenses up to \$5,000 fine and no more than six months in jail. Class D or E licenses up to \$500 fine and no more than six months in jail. Automatic suspension of license for an additional year. Fines and longer sentences apply to habitual offenders.
Maine	Title 29-A §2412-A	If license was suspended for DUI minimum fine \$600 and seven days in jail plus no less than one year nor more than three years of additional license suspension. All other offenses - \$250 fine for first offense and \$500 fine for second and subsequent offenses.
Maryland	§16-303; 16-402(a)(11) and (30); and 27-101	Fine of not more than \$500, two months in jail. Three points-2 points assessed against license.
Massachusetts	Ch. 90; §23	\$500-\$1,000 fine; imprisoned for not more than 10 days; second and subsequent offense - 60 days-one year in prison. Possible extension of suspension for 60 days or for second offense one year.
Michigan	§257.904	For first offense - not more than 93 days in jail, not more than \$500 fine or both. For second offense - not more than one year in jail, not more than \$1,000 fine or both. If unlicensed driver caused a fatality - not more than 15 years in jail, not less than \$2,500 nor more than \$10,000 fine or both. If unlicensed driver caused serious injury - not more than five years in jail, no less than \$1,000 nor more than \$5,000 fine or both. Court may seize vehicle for death or injury. Possible extension of license suspension.
Minnesota	§171.24	Misdemeanor.
Mississippi	§63-11-40	Misdemeanor, 48 hours to six months in jail, \$200-\$500 fine. Additional six-month license suspension.
Missouri	§302.321	Class A misdemeanor, 48 hours in prison or community service; not more than \$1,000 fine.
Montana	§61-5-212	Misdemeanor, two days-six months in jail, fined up to \$500. Vehicle seizure for up to 30 days. Possible additional suspension up to one year.
Nebraska	§60-4.108	Class III misdemeanor. First offense - not allowed to operate a motor vehicle for any purpose for one year (additional suspension). Subsequent offense - not allowed to operate a motor vehicle for any purpose for two years (additional suspension).
Nevada	§483.560	Misdemeanor, 30 days to six months in jail, \$500-\$1,000 fine. Up to one year in prison for subsequent offenses.
New Hampshire	§263:64	Misdemeanor. No less than seven consecutive 24-hour periods in jail to be served within six months. Up to \$1,000 fine and an additional one year suspension.
New Jersey	§39:5-30e	\$1,000 fine, possible 30-day jail sentence. If habitual offender and caused serious injury or death, not less than 45 days in jail.
New Mexico	§66-5-39	Misdemeanor; imprisoned for not less than four days nor more than 364 days; up to \$1,000 fine. Additional one-year suspension.

Appendix G. Penalties by State for Driving While Revoked, Suspended or Otherwise Unlicensed (continued)

State	Citation	Penalties
New York	V&T 511	\$200-\$500 fine, not less than 30 days in jail for aggravated unlicensed operation of a motor vehicle, vehicle can be confiscated. Fines and jail time increased for habitual offenders.
North Carolina	§20-28	Class 1 misdemeanor; additional license suspension of one year for first offense, two years for second offense and permanently for a third and subsequent offense.
North Dakota	§39-06-42	Class B misdemeanor, four days in prison, can impound license plate; Class A misdemeanor for fourth and subsequent offenses.
Ohio	§4507.02	License plate can be impounded.
Oklahoma	§47-6-303	Misdemeanor; \$100-\$500 fine; prison for not more than one year.
Oregon	§811.182	Class A misdemeanor. Class B felony if resulted from any degree of murder, manslaughter, criminally negligent homicide or assault resulting from the operation of a motor vehicle or conviction for felony driving while under the influence of intoxicants. If the underlying suspension resulted from driving while under the influence of intoxicants, the court shall impose a fine of at least \$1,000 on first conviction and at least \$2,000 if it is the person's second or subsequent conviction.
Pennsylvania	75 Pa. CSA §1543	\$200 fine. If license was suspended for alcohol-related offense - \$1,000 fine and no less than 90 days in jail. If license was under suspension, an additional one-year suspension is added. If license was revoked, an additional two-year revocation is added.
Rhode Island	§31-11-18	Misdemeanor, first offense - \$250-\$500 fine, up to 30 days in jail; subsequent offense - \$350-\$1,000 fine, up to one year in prison. Additional one-year suspension of license.
South Carolina	§56-1-460	First offense - \$300 fine or imprisoned for 30 days or both. Second offense - \$600 fine or imprisoned for 60 days or both. Third and subsequent offenses - \$1,000 fine and imprisoned not less than 90 days nor more than six months.
South Dakota	§32-23-3 – DUI §32-12-65	If driving on a revoked license, Class 1 misdemeanor - one year in jail or \$1,000 fine or both. If driving on a canceled or suspended license, Class 2 misdemeanor - 30 days in jail or \$200 fine or both. Suspension extended for one year.
Tennessee	§55-12-131	Class B misdemeanor; not more than six months or a fine up to \$500 or both.
Texas	§521-343	Suspension is extended for same term as original suspension.
Utah	§53-3-227	Class B misdemeanor; jail term not exceeding six months.
Vermont	§674	Imprisoned not more than two years; up to \$5,000 fine. First offense - at least 48 hours must be served; second offense - at least 96 hours must be served and 80 hours of community service; third offense - at least eight consecutive days and 120 hours of community service.
Virginia	§46.2-301.1; §46.2-357	Misdemeanor, can impound vehicle for 90 days; boot camp incarceration for habitual offenders.
Washington	§46.20.420	Gross misdemeanor; first offense - 10 days in prison; second offense - 90 days; third offense - 180 days.
West Virginia	§17D-5-3	Misdemeanor; \$500 fine, up to six months in prison.
Wisconsin	§343.44	First offense - up to \$600 fine. Second offense - up to \$1,000 fine and no more than six months in jail. Third offense - up to \$2,000 fine and no more than nine months in jail.
Wyoming	§31-7-134	Misdemeanor; up to \$750 fine, up to six months in jail.

Source: National Conference of State Legislatures, 2007.

Appendix H. 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	Ten 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	Six years with clean record; four years otherwise	None	Only two successive renewals may be made electronically or by mail regardless of age; renewal applicants age 80 and older must pass a vision test administered at any driver's license office or, if applying for an extension by mail, must pass a vision test administered by a licensed physician or optometrist ⁴
Georgia	Five years or 10 years	Five years for people age 60 and older	Vision test required at renewal for drivers older than age 64
Hawaii	Six years	Two years for people age 72 and older	None
Idaho	Four years or eight 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

Appendix H. Licensing Procedures for Older Drivers (continued)

State/ Jurisdiction	Length of Renewal Cycle	Accelerated Renewal	Other Provisions
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
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	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	Five years for drivers age 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 ⁵
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 ⁶	Five years for drivers age 65 and older	Vision test required for those age 65 and older; beginning Oct. 1, 2008, every licensee will be required to submit to a vision test every five years
South Dakota	Five years	None	None

Appendix H. Licensing Procedures for Older Drivers (continued)

State/ Jurisdiction	Length of Renewal Cycle	Accelerated Renewal	Other Provisions
Tennessee	Five years	None	Licenses issued to people age 65 and older do not expire ⁵
Texas	Six years	Two years for drivers age 85 and older	Mail or electronic renewal not available to people age 79 and older; drivers over age 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 65 and older
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 showing 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 state 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 who are 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. License fee is reduced for drivers between the ages of 62 and 64 and is waived for drivers age 65 and older in Oklahoma; fees are reduced for drivers age 60 and older in Tennessee.

7. Beginning Oct. 1, 2008, every licensee will be required to submit to a vision test every five years.

Source: Insurance Institute for Highway Safety, AAA and NCSL, 2007.

Appendix I. 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	Passenger Restriction
Alabama	X	X ²	X	X
Alaska	X	X	X	X
Arizona	X ³	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 ⁴	X	X	X
Indiana			X	X
Iowa	X	X	X	
Kansas	X	X		
Kentucky	X	X	X	X
Louisiana	X		X	
Maine	X	X	X	X
Maryland	X	X	X	X
Massachusetts	X	X	X	X
Michigan	X	X	X	
Minnesota	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		X	X	X
New Jersey	X		X	X
New Mexico	X	X	X	X
New York		X	X	X

Appendix I. 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	Passenger Restriction
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 ⁵		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
Wisconsin	X	X	X	X
Wyoming		X	X	X
District of Columbia	X	X	X	X
Puerto Rico		X ¹		
U.S. Virgin Islands ⁶				

Notes

1. Requires supervision by a licensed driver in the car at all times.
2. Thirty hours of supervised driving required, but none required if the teen takes driver's education.
3. Effective June 30, 2008.
4. Effective Jan. 1, 2008.
5. Mandatory holding period shortened to three months when teen takes driver's education.
6. The U.S. Virgin Islands has no graduated driver's licensing system; learner's permits may be granted at age 16.

Source: NCSL and IIHS, 2007.

Appendix J. 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 <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."	Six 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.	Six 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 and 6) violating traffic control and signal devices.	None	\$500	None

Appendix J. State Aggressive Driving Laws (continued)

State/ Jurisdiction	Definition of Aggressive Driving	Maximum Imprisonment or Jail Sanction	Maximum Fine Sanction	Maximum Licensing Action
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
Indiana	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. 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.	One year	\$5,000	None
Maryland	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.	None	None	None ⁵
Nevada	A person commits "Aggressive Driving" if, during a course of one 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.	Six months ³	\$1,000 ³	30 days ² One year on second offense

Appendix J. State Aggressive Driving Laws (continued)

State/ Jurisdiction	Definition of Aggressive Driving	Maximum Imprisonment or Jail Sanction	Maximum Fine Sanction	Maximum Licensing Action
North Carolina	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.	45 days ³	At the discretion of the court ³	None
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.”	Six months ¹	\$1,000 ¹	Three months ^{2,3}

Appendix J. State Aggressive Driving Laws (continued)

State/ Jurisdiction	Definition of Aggressive Driving	Maximum Imprisonment or Jail Sanction	Maximum Fine Sanction	Maximum Licensing Action
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.	Six 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 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 are 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.

Source: NHTSA and NCSL, 2007.

Appendix K. 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 road segments 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

Appendix K. State Maximum Posted Speed Limit Laws

State/Jurisdiction	Rural Interstates	Urban Interstates	Other Limited Access Roads	Other Roads
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
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

Notes

1. Upon completion of a study (due on or before 09/15/08), 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 may be increased to 70 mph on specific segments of highway on the basis of an engineering and traffic investigation. On July 10, 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. 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 mph in the daytime and 65 mph at night.

4. Effective July 1, 2006, the posted limit on I-85 may 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 limits on Melvin H. Evans Highway on St. Croix are 55 mph for cars and 40 mph for trucks.

Source: Insurance Institute for Highway Safety, AAA and NCSL, 2007.

Appendix L. 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.
Arkansas	§14-16-117	Use of photo radar by county or state government is prohibited except at school zones and railroad crossing. 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 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 on 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 may use cameras to enforce rail crossing violations in cooperation with IL-DOT and IL-CC, ordinance required. Local authorities statewide are prohibited from using cameras for other speed offenses (unless an officer is present). \$250 maximum fine or 25 hours of community service.
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.
New Mexico	SB 861 (2007)	No state law authorizes photo radar use, but state law requires counties and municipalities that use 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.

Appendix L. State Policies Regarding Use of Traffic Cameras (continued)

State/ Jurisdiction	Statute Cite	Policy
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.
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.
South Dakota	No specific statute	Red light cameras authorized by ordinance in Sioux Falls.
Tennessee	§55-8-110	Photo enforcement authorized statewide for traffic violations. \$50 maximum fine and points assessed.
Texas	Transportation Code §707	Texas municipalities prohibited from using 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 limit 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, D.C., 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 and 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 and 2 points assessed.

Source: Insurance Institute for Highway Safety 2007.

Appendix M. Motorcycle Helmet Use Requirements

All Riders	Specific Segment of Riders (Usually under age 21 or 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	
U.S. Virgin Islands	Wisconsin ¹¹	
	Wyoming	

Source: NCSL and the National Highway Traffic Safety Administration, Insurance Institute For Highway Safety, 2007.

Notes

1. Alaska's motorcycle helmet use law covers passengers of all ages, operators younger than age 18, and operators with instructional permits.

2. Florida law requires that all riders younger than age 21 wear helmets, without exception. Those age 21 and older may ride without helmets only if they can show proof that they are covered by a medical insurance policy.

3. Kentucky law requires that all riders younger than age 21 wear helmets, without exception. Those age 21 and older may 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 they successfully completed a motorcycle operator training and safety course or can show proof of a medical insurance.

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 imposes new testing requirements.



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