STATE LEGISLATIVE TRENDS: TRAFFIC SAFETY

THURSDAY, JUNE 4, 2020

3:00 PM ET / 2:00 PM CT / 1 PM MT / NOON PT
2020 SPRING WEBINAR SERIES

Hosted by NCSL’s Natural Resources and Infrastructure Committee

- Who Decides a State’s Energy Mix?
- New WOTUS Rule & States Response to Jurisdictional Changes
- Solar on Agricultural Lands – Preserving Pollinator Habitat and Soil Health
- State Legislative Trends: Traffic Safety
- What’s Exceptional? State Efforts to Meet Clean Air Standards

For more information on the webinars, and how to register, visit NCSL’s Webpage
WHAT IS NCSL?

- National Conference of State Legislatures

  - Members = 50 state legislatures and territories
    - 7,383 legislators; 30,000 staff

NCSL...

- Provides bipartisan research and analysis
- Links legislators and staff with each other and experts
- Speaks on behalf of states in D.C.
# NCSL TRAFFIC SAFETY LEGISLATIVE DATABASE

## Topics
- All Topics
- Aggressive Driving
- Automated Enforcement/Photo Monitoring
- Child Passenger Protection
- Distracted Driving
- Driver’s Licensing
- Impaired Driving
- Motorcycle Safety
- Pedestrian and Bike Safety
- School Bus Safety
- Seatbelts and Occupant Protection

## States
- All States
- Alabama
- Alaska
- Arizona
- Arkansas
- California
- Colorado
- Connecticut
- Delaware
- District of Columbia
- Florida

<table>
<thead>
<tr>
<th>KEYWORD</th>
<th>STATUS</th>
<th>BILL NUMBER</th>
<th>YEAR</th>
<th>AUTHOR</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>All</td>
<td>2013</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Search | Reset All

[www.nhtsa.gov]
SPEAKERS

Joseph DeLorenzo
Acting Associate Administrator for Enforcement
FMCSA

Douglas Shinkle
Transportation Program Director
NCSL

Samantha Bloch
Policy Associate
NCSL
Approximately 140 bills related to alcohol and drug-impaired driving were enacted by 49 states.

2019 main legislative topics included:
- Ignition interlock installation requirements, compliance laws and indigent programs
- Implied consent and testing laws
- 24/7 Sobriety Monitoring Programs and Treatment Programs
- Restricted driving privileges
- Sealing and expungement of records
- Penalties
- Reporting and data collection
- 8 States enacted laws regarding IID installation requirements.
- 2 states modified their indigent programs.
- 3 states enacted camera use requirements for IIDs in 2019, bringing the total number of states that require IID to be equipped with a camera to 21.
11 states amended their implied consent laws in 2019.

Some highlights included:
- Adding blood tests
- Adding testing of oral fluids
- Adding remote drivers of autonomous vehicles
Nevada created a new statewide 24/7 sobriety and drug monitoring program in 2019 that is open to local governments.

Iowa, Montana, North Dakota and Wyoming amended their 24/7 sobriety monitoring programs.

Mississippi, Oklahoma and Vermont adopted legislation focused on alcohol and drug rehabilitation.
DISTRACTED DRIVING

5 states—Arizona, Maine, Massachusetts, Minnesota and Tennessee—enacted hand-held bans for all drivers in 2019.

4 states—Idaho, Indiana, South Dakota and Virginia—enacted hand-held bans for all drivers in 2020, bringing the total number of states with such bans to 25 + DC, GU, PR and VI.

Arizona and Florida changed their texting while driving law from a secondary to a primary offense for all drivers.

The map does not include hand-held bans that are limited to certain zones or certain drivers or all cell phone bans for school bus and novice drivers.
Additional 2019 legislative trends included:
- All-mobile device bans for drivers under 18
- Establishing a variety of penalties

Other noteworthy 2019 enactments:
- Legislation aiming to prevent racial profiling
In 2019, 29 states considered bills related to seat belts and 4 states enacted laws concerning seat belt requirements.

Maine exempted passengers that are 18 years and older from wearing a seat belt if the number of passengers exceeds the vehicle’s seating capacity, and all the seat belts are in use.

Alabama amended its seat belt laws to include back seat occupants.
In 2019, 26 states considered child passenger protection legislation, and 4 states enacted such laws.

Louisiana, Washington and Maine now require rear-facing seats until age 2, bringing the total number of states with such laws to 15.

The same three states strengthened their child safety laws regarding forward-facing and booster seat requirements as well as seat belt requirements for older children.
States added new suspension bases or increased suspension periods.

States reduced suspension periods or reduced penalties for driving with a suspended license.

States repealed driver’s license suspension laws for non-payment of fines and fees or made their laws more lenient.
SCHOOL BUS SAFETY

School Bus Safety Laws

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

NATIONAL CONFERENCE OF STATE LEGISLATURES
STATE AUTOMATED ENFORCEMENT LAWS

- 340 city and local governments in 22 states use red light cameras.
- 153 communities in 16 states and D.C. use speed cameras.
LOWERING SPEED LIMITS
STATE SAFE BICYCLE PASSING LAWS

State Statutes Regarding Motorists Passing Bicyclists

Legend
- States with 2-feet passing law/4 feet in a no-pass zone
- States with 3-feet minimum passing distance
- States with 4-feet minimum passing distance
- States with general "safe distance" passing requirements
- States with no specific law for passing a bicyclist
- States with 3-feet when below 35 PH/6-feet for above 35 MPH
- States that require a motorist to completely change lanes when passing a bicyclist if there is more than one lane proceeding in the same direction.
Three-tiered E-bike Classification Definitions

- **Class 1**: E-bikes equipped with an electric motor that assists only when the rider is pedaling and ceases to assist once reaching a speed of 20 miles per hour (MPH).
- **Class 2**: E-bikes equipped with an electric motor that may be used exclusively to propel bikes and ceases to assist once reaching a speed of 20 MPH.
- **Class 3**: E-bikes equipped with an electric motor that assists only when the rider is pedaling and ceases to assist once reaching a speed of 28 MPH.
Increasing safety on our Nation’s roadways

- Real-time access to reported violation information for select registered users
- Easier for employers to meet pre-employment investigation and reporting obligations
- More difficult for drivers to conceal drug and alcohol violations from employers
- More insight into employer compliance with drug and alcohol testing rules

Safer Roadways
Benefits of the Clearinghouse

- Approximately 4 million CDL drivers in the U.S.
  - CDL is required for a vehicle with a GVW of 26,001 lbs. or more and includes truck drivers, motorcoach and school bus drivers, snow plow operators.

- Prevents a CDL holder from testing positive with one carrier and moving to another carrier without receiving the required evaluation and treatment

- Removal of CDL drivers from safety-sensitive functions who are prohibited from driving due to drug and alcohol program violations

- Central location for all CDL holder drug and alcohol violation information

- Enforcement visibility into a carrier’s drug and alcohol program

- Continuous assessment of industry drug and alcohol trends
The Clearinghouse Final Rule

- Mandated by Congress (MAP-21, Section 32402)
- Published December 5, 2016
- Established requirements for the Clearinghouse
- Identified January 6, 2020 as the Clearinghouse implementation date
- Related NPRM for CDL downgrades published on April 28, 2020. Comments due June 29, 2020
  - Prohibit SDLAs from issuing, renewing, upgrading, or transferring a CDL or permit, for individuals prohibited under current regulations from driving a CMV due to controlled substance (drug) and alcohol program violations.
  - Proposes a “push” notification option to SDLAs if driver in violation.
Drivers who hold commercial driver’s licenses (CDLs) or commercial learner’s permits (CLPs)*

Employers of CDL drivers who operate commercial motor vehicles (CMVs)

Consortia/third-party administrations (C/TPAs)

Medical review officers (MROs)

Substance abuse professionals (SAPs)

*who need to respond to employer consent requests

Learn more about the specific actions each user can take at:

https://clearinghouse.fmcsa.dot.gov/Resource/Index/User-Roles
What actions will users take in the Clearinghouse?

- **Record** – Drivers’ drug and/or alcohol program violations, and other related information in the Clearinghouse

- **Consent** – Authorization to conduct a query
  - Requested by employers or C/TPAs
  - Provided or refused by drivers

- **Query** – Determine if the Clearinghouse contains any records for the queried driver

Users must register in the Clearinghouse to complete the actions listed above.

Learn more about the specific actions each user can take at:

Highlights

- **Roadside Enforcement**
  - Drivers’ prohibited statuses displayed via internal and external systems to Roadside Inspectors
  - Drivers who are operating while prohibited due to a drug or alcohol violation can be placed out of service at the roadside

- **Continuing outreach efforts with industry stakeholders, including State Driver’s Licensing Agencies**
Statistics – As of June 1

- Number of registrations: over 1 Million
  - Over 835,000 CDL drivers registered
- Number of queries conducted: over 900,000
- Total violations reported: over 21,000
The Clearinghouse provides FMCSA and employers the necessary tools to identify drivers who are prohibited from operating a CMV based on U.S. Department of Transportation (DOT) drug and alcohol regulations.

For more information

Visit [https://clearinghouse.fmcsa.dot.gov](https://clearinghouse.fmcsa.dot.gov)

- Subscribe for email updates
- Read frequently asked questions
- Download the Clearinghouse materials

Contact: [clearinghouse@dot.gov](mailto:clearinghouse@dot.gov)

(844) 955 - 0207
Questions re: State Legislative Trends?
Contact
Douglas.Shinkle@NCSL.ORG

Questions re: Webinar Series?
Contact
Kristen.Hildreth@NCSL.ORG