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EXTEND GRADUATED DRIVERS LICENSES; SET SNOWMOBILE & ORV DRIVING POINTS

House Bill 4405 as enrolled
Public Act 40 of 1999
Second Analysis (6-16-99)

Sponsor: Rep. Jennifer Faunce
House Committee: Transportation
**Senate Committee: Transportation and
Tourism**

THE APPARENT PROBLEM:

In 1996, the legislature passed Public Act 387, in response to a report and recommendations from a special task force convened by the Michigan State Safety Commission. Public Act 387 completely redesigned the driver education and licensing system for young and first-time drivers, beginning on April 1, 1997. The new system created a graduated, three-tier, licensing permit (see *BACKGROUND INFORMATION*, below), shifted most of the responsibility for training drivers to commercial driver training schools, and eliminated the requirement that school districts offer driver education courses.

A three-tier license was established for young drivers because 1993 crash data compiled by the Department of State Police showed teenagers were involved in a disproportionate number of traffic accidents compared to their representation among all licensed drivers. Specifically, though they made up just three percent of the entire driving force, drivers under age 18 accounted for over seven percent of all crashes and over six percent of all fatal accidents.

Six years later, and according to the April 1999 issue of *State Government News*, car crashes continue to be the leading cause of death for teenagers, totaling one-third of all deaths in this age group, nationwide. While teen drivers represent only seven percent of the driving population, they are involved in 14 percent of fatal vehicle crashes and 20 percent of total crashes. More than 60,000 teens died in motor vehicle crashes in the last decade. Within the 15-20 age group, 16-year-old drivers have the highest crash involvement rate—more than three times that of 17-year-olds and five times that of 18-year-olds.

THE CONTENT OF THE BILL:

The three-tier permit system (often called the graduated driver licensing system) was adopted to reduce teen accidents and fatalities, on the assumption that more driver education, increasing age and maturity, and more driving experience (in daylight and nighttime conditions) would result in safer driving records. However, under the new law that went into effect in 1997, the provisions pertaining to the graduated drivers' license are set to expire on April 1, 2002.

Some have argued that the graduated driver licensing permit for young drivers should continue beyond the year 2002, and to accomplish that goal, the 'sunset date' that is specified in the law should be removed.

In a related matter, under the vehicle code, the secretary of state administers a point system for poor driving records. Earlier during this legislative session, Public Acts 21 and 22 of 1999 were enacted, to amend both the Michigan Vehicle Code and the Natural Resources and Environmental Protection Act (NREPA) to provide for the addition of points on a person's driving record for certain offenses involving an off-road vehicle or a snowmobile. The new acts take effect October 1, 2000. (See *BACKGROUND INFORMATION*, Driving Points, below.) Amendments to the legislation proposed to extend the graduated licensing system are needed to make its penalty and point provisions identical to those enacted in Public Acts 21 and 22 of 1999, as well as to accurately correspond to other provisions of the Natural Resources and Environmental Protection Act (NREPA).

House Bill 4405 (6-16-99)

House Bill 4405 would amend the Michigan Vehicle Code to extend the graduated driver licensing system which is now set to be repealed on April 1, 2002. Specifically, the bill would delete the repeal date (sometimes called the "sunset" date) that is specified in four separate sections of the code: the issuance of an original operator's license that designates level 1, 2, or 3 of the graduated licensing system, approval of a minor's application for an operator's license, graduated licensing, and the issuance of points for certain violations of the graduated licensing provisions.

In addition, the bill would specify that beginning October 1, 2000, 6 points would be recorded for violations of section 81134 or 82127(1) of the Natural Resources and Environmental Protection Act. [These provisions concern operating an ORV or a snowmobile while under the influence of intoxicating liquor and/or a controlled substance, or with an unlawful bodily alcohol content; or allowing another person to operate an ORV while under the influence.] Further, the bill would specify that beginning October 1, 2000, 4 points would be recorded for violation of sections 81135 or 82127(3) of the Natural Resources and Environmental Protection Act. [These provisions concern operating an ORV or a snowmobile while visibly impaired due to the consumption of intoxicating liquor and/or a controlled substance.]

MCL 257.306, 257.308, 257.310e, and 257.320a

BACKGROUND INFORMATION:

Michigan's Three-Tier Driver Licensing Permit. Under Public Act 387 of 1996 (which went into effect on April 1, 1997), a person at least 14 years and nine months old can be issued a level 1 graduated licensing status to operate a motor vehicle only when accompanied by a parent (or another driver over 21 years old with parental consent) and if he or she meets certain health and education criteria. No earlier than six months later, a person can be issued a level 2 graduated licensing status to operate a motor vehicle if he or she has successfully completed segment two of the driver education program, has a safe driving record, can certify 50 hours of behind-the-wheel experience (including 10 hours at night), and has

successfully completed a performance road test conducted by the secretary of state. After another six months, a person who is at least 17 years old can be issued a level 3 graduated licensing status if he or she

has completed 12 consecutive months without a moving violation, or an accident.

1994 Novice Driver Entry System Task Force. The House Legislative Analysis Section in the bill analysis dated 10-4-96 for enrolled House Bill 4764 (Public Act 387 of 1996) reported that according to motor vehicle crash statistics kept yearly by the Michigan State Police since 1967, teen-aged drivers had been involved in fatal accidents at a rate more than double their representation in the overall driving population. Although the rate for all drivers fell from 1987 until 1991, the teen-driver death rate began climbing again after 1991 and continued to rise even as the rate for all other drivers fell.

In light of these grim statistics and evidence suggesting many young people simply lack the maturity required to safely operate motor vehicles, the Michigan State Safety Commission formed the Novice Driver Entry System Task Force in 1994 to study the problem and recommend changes to the current system of training and licensing new drivers. The task force suggested adopting a graduated licensure system similar to those adopted in other states (i.e., California, Maryland) and the Canadian province of Ontario in which young drivers are issued a special restriction card, which limits their driving privileges, along with a driver's license. As they accrue a minimum number of hours driving with parents and meet various other criteria, including passing an introductory level driver's education course and driving without any violations for six months, they can proceed to the next level of licensure and education. Thus, they are supervised by experienced drivers while slowly acquiring the seasoned skills and judgment necessary to drive safely. The commission reported that graduated licensure had reduced the teen-driver fatality rate by five percent in California and up to 15 percent in the countries of New Zealand and Australia.

Nationwide Campaign for Graduated Driver Licensing (GDL). According to the April 1999 issue of *State Government News* published by the Council of State Governments, in an article entitled "Making the Case

for Graduated Driver Licensing" written by the government relations director of AAA, car crashes continue to be the leading cause of death for teenagers, totaling one-third of all deaths in their age group. While teen drivers represent only seven percent of the driving population, they are involved in 14 percent of fatal vehicle crashes and 20 percent of total crashes. More than 60,000 teens died in motor vehicle crashes in the last decade. Within the 15-20 age group, 16-year-old drivers have the highest crash involvement rate--more than three times that of 17-year-olds and five times that of 18-year-olds. The magazine reports that twenty-six states already have adopted a full or partial form of GDL, and all remaining states will consider similar legislation in a campaign currently underway that is being directed by the auto insurer, AAA. In the state of Florida, which implemented GDL in 1996, the fatality rate among teenagers has decreased by nine percent.

Generally, the GDL systems that are being promoted nationwide in states that do not yet have graduated driver licensing laws, would manage the driving experience of teen drivers by gradually introducing them into the traffic system and requiring them to progress through three stages: the learner's permit stage, where the teen driver practices basic driving skills and safe-driving practices under totally supervised conditions; a restricted or intermediate license stage that allows unsupervised driving during lower-risk times of the day; and, a full, unrestricted license at age 18 after successful completion of stage two with no traffic violations and the passage of a final road test. In most cases, the learner's permit and restricted or intermediate license phases include conditions such as driving curfews, limits on the number and age of passengers, and adult-supervised behind-the-wheel experience.

Snowmobile and ORV Driving Points. The Natural Resources and Environmental Protection Act, passed by the legislature as Public Act 451 of 1994 and subsequently amended, includes a section prohibiting a person or owner of a snowmobile from operating a snowmobile, or allowing a snowmobile to be operated, a) if a person is under the influence of intoxicating liquor or a controlled substance, or both, or b) if a person has a blood alcohol content of 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine. Further, the act specifies penalties for certain felonies: in the case of death, the person is guilty of a felony punishable by imprisonment for not more than 15 years, or a fine of not less than \$2,500 or more than \$10,000, or both; and in the case of a long-term incapacitating injury to another person, imprisonment for not more than five

years, or a fine of not less than \$1,000 or more than \$5,000, or both.

Despite these provisions in the law, accidents involving liquor continue to increase, according to the Department of Natural Resources conservation officers who patrol trails, roads, and winter festivals. Consequently, it was suggested that in addition to the present criminal and civil penalties for individuals who operate recreational vehicles recklessly or under the influence of liquor and/or controlled substances, the threat of points on offenders' driving records could deter ORV operators and snowmobilers from operating under the influence of alcohol, or in a dangerous manner.

To increase penalties and establish a system of points, Public Acts 21 and 22 of 1999 were enacted earlier during this legislative session. Specifically, Public Act 21 of 1999 requires the secretary of state to record points on a driving record as follows: six points for manslaughter, negligent homicide, or a felony resulting from operation of an ORV or snowmobile; six points for operating an ORV or a snowmobile while under the influence of intoxicating liquor and/or a controlled substance, or with an unlawful bodily alcohol content, or for allowing another person to operate an ORV while under the influence; and four points for operating an ORV or a snowmobile while visibly impaired due to the consumption of intoxicating liquor and/or a controlled substance. [Public Act 22 of 1999 increases the maximum imprisonment from 90 days to 93 days for certain violations by snowmobile drivers.]

FISCAL IMPLICATIONS:

According to the House Fiscal Agency (4-22-99), and the Senate Fiscal Agency (5-18-99), the bill has no fiscal implications.

ARGUMENTS:

For:

Although it is too early to tell the crash experience of young Michigan drivers since the implementation of GDL in April 1997, a three-year study by the University of Michigan Transportation Research Institute is underway. Nonetheless, given the experience in other states and countries (notably Florida, Sweden, and England) it would seem highly

likely that requiring a parent or guardian to be involved in at least 50 hours of on-the-road training of a young driver, helps young drivers gain the experience and emotional maturity necessary for safe driving. In those jurisdictions, crashes for teen drivers have dropped substantially. When a responsible adult accompanies a young driver, the adult guidance should help reduce some of the negative influences from a teen driver's peers. For example, increased parental involvement and communication with young teens as they learn to drive can help them to understand the deadly consequences of alcohol and excessive driving speed.

opportunity to waive those costs when a youngster is very poor.

For:

The parents of teen drivers overwhelmingly support the GDL program. Michigan was the first jurisdiction to require that a parent or other responsible adult certify that a young driver had received a minimum of 50 hours of supervised practice. According to 814 survey results compiled by the University of Michigan Transportation Research Institute during the summer of 1998, parents were extremely positive about the new program. Nearly all parents surveyed, 96.9 percent, reported an overall 'good' or 'very good' experience with the program. The survey indicated that most of the driving supervisors were parents or stepparents, usually mothers or stepmothers. Over three-fifths of them reported that they had been offered some kind of guidance for their supervision, and most of them used the help offered. Two-thirds of the parents also said they provided more supervised driving than required by law, an average of 75 hours instead of 50. Further, slightly over half of the parents indicated that they intended to execute a parent-young driver contract to continue to exert control over the young person's driving.

Against:

When Michigan adopted its GDL system, it privatized driver training and driver testing. Before the new system, these functions were carried out largely by the public school districts, and personnel in the branch offices of the Secretary of State. Under the new system, the costs of driver education and road testing are paid directly by the young driver and his family to private companies, and sometimes the fees that are charged by private driver education schools and driver testing service providers can be excessive. For

example, the fee for a required driver permit test ranges from \$30 to \$50. Sometimes the cost is too steep for poor families, and there should be an

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.