

PASSENGER RESTRICTIONS FOR FIRST YEAR DRIVERS

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House Bill 4756 (Substitute H-1)
Sponsor: Rep. Edward Gaffney, Jr.
Committee: Transportation

First Analysis (11-3-05)

BRIEF SUMMARY: The bill would prohibit a first-year driver ("a person issued a level 2 graduated licensing status") from having more than one passenger under the age of 18—other than immediate family members—unless the driver is accompanied by a parent or guardian.

FISCAL IMPACT: The bill would result in additional revenue from fines paid by those found to have violated the law. The exact amount of additional revenue is indeterminate at this time and will be based on the number of violations.

THE APPARENT PROBLEM:

During the last 10 years, 60,000 teens have lost their lives nationwide, the result of deaths due to car crashes. In 2001, there were over two million teen driving accidents, and more than 8,000 deaths. Two-thirds of the teen drivers involved in fatal crashes were young men, and 25 percent were intoxicated.

In a 1993 review of underage drinking and licensing for young drivers under the age of 21, the National Transportation Safety Board recommended that states implement graduate driver licensing—the comprehensive provisional license system for teen drivers. Michigan was one of the first states to implement the three-tier licensing process. In 2002 the Safety Board revisited the issue and added a passenger restriction to its graduated license recommendation. Most recently, in 2003, the board issued a recommendation to restrict cell phone use while a novice driver in the graduated licensing system.

In spite of these changes, teen drivers continue to be involved in an alarming number of crashes. In Michigan, the Michigan State Police Criminal Justice Information Center, and the Office of Highway Safety Planning, in conjunction with the University of Michigan Transportation Research Institute, complete and publish annual statistical reports called Michigan Traffic Crash Facts. According to their recent report, motor vehicle crashes are the leading cause of death for 15 to 20 year olds (based on the latest mortality data available from the National Center for Health Statistics). Young drivers age 15 through age 20 make up less than seven percent of the driving population, but constitute more than 13.5 percent of those involved in fatal crashes. Further, more than 21 percent of all highway fatalities occur in crashes involving teen drivers. In fact, one out of three teens has an accident during their first year of driving—33 percent.

Crash statistics for Michigan are just as ominous. While young drivers are a little more than seven percent of the driving population, they are more than 14.2 percent of the drivers involved in fatal crashes. More than 22 percent of Michigan's highway fatalities occur in crashes involving teen drivers.

It is customary that teen drivers drive with more passengers than older drivers, and these passengers are usually peers. They create a deadly combination of distraction, inexperience, and immaturity when teenage passengers encourage risk-taking behavior. According to AAA Michigan, studies undertaken by the Insurance Institute for Highway Safety indicate that the presence of any passenger riding with teens increases the risk of a crash. Specifically, the relative risk of death among 16- and 17-year old drivers increases when there is a single passenger, and that risk grows each time the number of passengers grows. Carrying at least three teen passengers results in a threefold increase in the probability of a teen in that vehicle suffering a fatal injury.

The combination of driving inexperience, speed, and the distraction of friends when teens travel often results in traffic fatalities. In order to reduce the number of fatalities among young and inexperienced drivers, legislation has been introduced that would restrict the number of a novice driver's non-family passengers.

THE CONTENT OF THE BILL:

House Bill 4756 (H-1) would amend the Michigan Vehicle Code (MCL 257.310e) to prohibit a first-year driver ("a person issued a level 2 graduated licensing status") from having more than one passenger under the age of 18 who is not an immediate family member, unless the driver is accompanied by a parent or guardian.

Michigan has a three-tier driver licensing process that requires novice drivers to gain experience before earning full licensure. The graduated licensing process, designed to increase traffic safety, generally takes two years, and first-time drivers often begin their instruction at age 15.

Currently under the law, a level 1 licensee can operate a motor vehicle if he or she has a) passed a vision test and met health standards; b) passed a driver education course, including six hours of on-the-road driving; and c) received written approval of a parent or legal guardian. A person issued a level 1 license can operate a vehicle only when accompanied by a licensed parent (or legal guardian) or, with the parent's permission, when accompanied by a licensed driver 21 years of age or older. A level 1 driver must hold that license for at least six months.

A driver can move to level 2 after a) graduating from level 1; b) successfully completing more driver education classes; c) driving without a moving violation and driving accident-free; d) accumulating at least 50 hours behind-the-wheel (including at least 10 night-time hours) while accompanied by a parent, legal guardian, or person over 21 years old approved by the parent; and e) passing a driving skills test approved by the Secretary

of State. A level 2 driver must hold that license for at least six months, and cannot drive between midnight and 5 a.m. unless permitted to do so by his or her parents. If the driver has moving violations during that time, the level 2 status is extended (up to age 18) until the driver has a 90-day accident free driving record.

Finally, a person who is at least 17 years of age can be issued a level 3 license if he or she drives 12 consecutive months without a moving violation or accident.

House Bill 4756 would retain all of these provisions, and also prohibit a person issued a level 2 graduated license from transporting more than one passenger under the age of 18 other than immediate family members. The bill also specifies that before a driver can take the level 2 test, he or she must be at least 16 years old, and have fulfilled all other prerequisite level 2 requirements.

ARGUMENTS:

For:

On April 1, 1997, Michigan became the first state in the country to adopt a comprehensive Graduated Driver Licensing (GDL) program. GDL integrates driver education, parental involvement, and driver licensing—all working together to produce a safer environment for teenage novice drivers. The policy has worked as intended. According to a University of Michigan Transportation Research Institute (UMTRI) study released in 2000, teenage traffic crashes for 16 year-olds were reduced by 25 percent overall between 1996 and 1999. And the Driving School Association of the Americas reports that teen traffic fatalities have dropped by 32 percent, as a direct result of the GDL education process.

This legislation goes one step further to improve Michigan's GDL system in a way that helps to ensure that novice drivers will be spared the passenger distractions that can challenge even the most experienced drivers. Only family members, and one non-family member passenger under 18 years of age, would be allowed in the novice driver's vehicle, enabling the driver to attend primarily to the driving task.

Against:

This bill does not go far enough. It should be amended in three ways. First, novice drivers should be prohibited from having any passengers during the first three (or, better yet, six months) they drive. Already, 10 states have adopted a 'zero passenger' restriction. Second, the number of passengers should be limited to one, or at most, two passengers, *regardless of familial relationship*. Currently six states limit young drivers to one passenger, and three have a two-passenger limit. Third, novice drivers should be prohibited from carrying passengers before and after school. According to AAA Michigan, the overall crash risk of young drivers aged 16 and 17 is highest during the pre-school and after-school hours, with crash rates peaking between 6 and 9 a.m. and between 2 p.m. and 8 p.m. during the school week.

Against:

The state should not be in the business of restricting the number of passengers that a novice driver can carry. Instead, a young driver's parents should set those rules. The graduated driver licensing system is designed to involve parents in a teen driver's instruction and practice, as he or she learns to operate a motor vehicle. Parents must accompany the driver to log the required hours of day and night-time driving, and can restrict or revoke a young person's provisional license if the new driver is accident prone. Parents who are involved with the novice driver at every step of the process would prefer setting passenger restrictions when they are necessary, absent intervention by the state.

POSITIONS:

The National Traffic Safety Board supports the bill. (11-1-05)

The Michigan Driver Traffic Safety and Education Association supports the bill. (11-1-05)

The Michigan Department of State Police supports the bill. (11-1-05)

Farmers Insurance supports the bill. (11-1-05)

Michigan AAA supports the bill. (11-1-05)

Mothers Against Drunk Driving supports the bill. (11-1-05)

The Office of the Secretary of State opposes the bill. (11-1-05)

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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.