Rights of Passage: An Analysis of Graduated Driver Licensing Efforts in Selected States

by the CPCU Society’s Central Illinois Chapter

Introduction

Maryland was the first U.S. state to implement key provisions of graduated driver licensing (GDL) in 1979. California followed in 1983, and Oregon instituted a provisional licensing system in 1989. The pace of state GDL legislation intensified in the late 1990s. After Florida passed a GDL law in 1996, other states followed, instituting one or more key provisions of graduated licensing. In 1997, the American Automobile Association (AAA) launched Licensed to Learn, a national campaign to “reduce the number of teenage traffic crashes.”

By December 2000, the Insurance Institute for Highway Safety (IIHS) declared that all but nine states had instituted at least one key provision of graduated licensing. The nine states without any law incorporating key GDL provisions were: Alabama, Arizona, Hawaii, Kansas, Montana, Nevada, Oklahoma, Texas, and Wyoming. In most of these states, there had been attempts by GDL supporters to pass graduated licensing legislation, but their efforts had failed.

The situation in Texas changed in 2001. A new graduated driver licensing bill was signed into law on June 15, 2001, and took effect January 1, 2002. With the exception of Texas, the GDL situation remains unchanged in the states noted above.

This article analyzes the legislative history of graduated licensing in each of these states, with particular attention to the opposition to enactment of a GDL law. Our goals are to describe efforts to pass GDL legislation, analyze the opposition to graduated licensing, determine what concerns should possibly be addressed by traffic safety advocates, and develop a set of “lessons learned” that may be of value in future efforts to pass similar types of safety legislation at the state level.

Abstract

The need to reduce the accident rate for beginning drivers is urgent. The NHTSA’s Early Assessment report of motor vehicle fatalities and injuries for 2000 indicates that 8,865 people were killed in accidents involving young drivers; more than 5,000 of these fatalities were teens aged 16 to 20. Supporters of graduated driver licensing (GDL) laws argue that by requiring additional supervised driving experience under less demanding driving conditions, accident rates of newly licensed young drivers will decline significantly. While several statistical studies support this assumption, eight states still have not enacted acceptable GDL laws. This research paper analyzes the legislative history of graduated licensing in each of these states, with particular attention to the opposition to enactment of a GDL law.
Several of these states passed at least one of the key graduated licensing provisions after the IIHS published its report at the end of 2000. In these cases, we also investigate the circumstances that contributed to passage of the law, highlighting any remaining deficiencies.

Information was drawn primarily from local newspapers, state legislatures’ Internet sites, insurance industry research, government publications, and interviews and correspondence with safety advocates and legislative staff. Based on this information, an overview of legislative efforts in each of these states was provided, along with a summary and analysis of the obstacles facing graduated licensing advocates.

Because this article was submitted before the legislative sessions of several of these states ended, information on action taken during the current session may be incomplete.

Model Graduated Driver Licensing Law

Despite widespread use of the term, “graduated driver licensing,” there is significant variation in the components of a graduated licensing system. To establish standards for evaluating GDL laws, the National Transportation Safety Board (NTSB), National Highway Traffic Safety Administration (NHTSA), and IIHS agreed to classify state licensing systems based on the specifications of a model law developed by the National Committee on Uniform Traffic Laws and Ordinances (NCUTLO).5 Though some states based their legislation on other models (for example, the American Association of Motor Vehicle Administrators’ model), NCUTLO’s model law is used by the NHTSA to determine whether states meet the graduated driver license requirement for a highway safety grant under the Transportation Equity Act for the 21st Century (TEA-21).6

This model specifies a three-stage program with minimum length and threshold requirements for entry into each stage:7

- A learner’s phase of at least six months, during which no driving is allowed unless a licensed driver over 21 is present in the vehicle.
- An intermediate phase of at least six months, including no nighttime driving without supervision by a licensed adult driver. The hours covered are up to each state but must cover some period between 10 p.m. and 6 a.m. State-approved exceptions to the nighttime driving restriction are also allowed.
- During the first and second phases, no safety belt or zero tolerance (alcohol-related) violations are allowed for drivers under 21 years of age, and they must remain free of accidents and convictions.

The model also recommends a minimum age of 16 for a learner’s permit, but this provision is not required to satisfy NCUTLO’s core provisions. In addition, the model excludes several other key provisions recommended by traffic safety advocates:

- two-stage driver education during the learner’s and intermediate phases
- passenger restrictions during the intermediate phase
- certification of completion of required hours of supervised driving during the learner’s phase (except in states that mandate driver education)

Many states do not meet all criteria of the NCUTLO model, though they incorporate some elements of it. Guidelines developed by the IIHS are helpful in evaluating the relative quality of these laws. Because the IIHS guidelines allowed us to measure gradations in the quality of the laws, we used them to evaluate the most recent efforts of the nine states covered in this article. We recognize that the IIHS guidelines have some room for improvement; however, we use them here because they represent an industry-accepted standard. See the IIHS guidelines in Figure 1.8
Table 1

Overview of Young Driver Licensing Bills in States Included in This Research

<table>
<thead>
<tr>
<th>Status</th>
<th>Length of Learner Phase</th>
<th>Curfew Hours</th>
<th>Number of Passengers Allowed If Unsupervised</th>
<th>Minimum Age for Unrestricted License</th>
<th>Evaluation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Pending</td>
<td>6 months</td>
<td>12 p.m.-6 a.m.</td>
<td>4</td>
<td>17</td>
</tr>
<tr>
<td>Arizona</td>
<td>Effective</td>
<td>5 months</td>
<td>None</td>
<td>No limit</td>
<td>18</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Effective</td>
<td>3 months</td>
<td>None</td>
<td>No limit</td>
<td>16</td>
</tr>
<tr>
<td>Kansas</td>
<td>Effective</td>
<td>6 months</td>
<td>None</td>
<td>No limit</td>
<td>16</td>
</tr>
<tr>
<td>Montana</td>
<td>Pending</td>
<td>1 year</td>
<td>12 p.m.-5 a.m.</td>
<td>3</td>
<td>15</td>
</tr>
<tr>
<td>Nevada</td>
<td>Defeated</td>
<td>6 months</td>
<td>10 p.m.-5 a.m.</td>
<td>0</td>
<td>16</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Effective</td>
<td>1 month</td>
<td>After dark</td>
<td>1</td>
<td>16</td>
</tr>
<tr>
<td>Texas</td>
<td>Effective</td>
<td>6 months</td>
<td>12 a.m.-5 a.m.</td>
<td>1</td>
<td>18</td>
</tr>
<tr>
<td>Wyoming</td>
<td>N/A</td>
<td>10 days</td>
<td>None</td>
<td>No limit</td>
<td>16</td>
</tr>
</tbody>
</table>
The Case for GDL Systems

Graduated driver licensing is based on the premise that additional supervised driving experience under less demanding driving conditions significantly reduces the accident rate of newly licensed young drivers. Numerous statistical studies lend weight to this assumption. A study conducted in Nova Scotia found that crash rates dropped 40 percent after beginning drivers had six months of driving experience.16 Although Maryland's GDL law—the first in the United States—did not incorporate all elements of the model, it still produced a 5 percent reduction in daytime crashes and a 10 percent reduction in nighttime crashes involving 16- and 17-year-old drivers.17 California's GDL law resulted in a 5.3 percent drop in accidents among 15- to 17-year-old drivers.18 After graduated licensing was instituted in North Carolina, accidents involving 16-year-old drivers dropped 26 percent. In Michigan, they declined by 31 percent and, in Kentucky, the accident rate was reduced 32 percent.19 States that have placed a restriction on nighttime driving have seen reductions up to 60 percent in crashes during restricted hours.20

The need to reduce the accident rate for beginning drivers is urgent. The NHTSA's Early Assessment report of motor vehicle fatalities and injuries for 2000 indicates that 8,865 people were killed in accidents involving young drivers; more than 5,000 of these fatalities were teens aged 16 to 20.21 The following NHTSA statistics for 1999 are further evidence of the need for intervention:22

- Motor vehicle crashes are the leading cause of death for youths aged 15 to 20 years of age.
- Drivers aged 15 to 20 accounted for 6.8 percent of licensed drivers but were involved in 14.7 percent of all fatal crashes.
- The estimated economic cost of crashes involving 15- to 20-year-old drivers and reported to police was $32.2 billion.
- Based on estimated miles driven, the accident rate for drivers aged 16 to 19 is four times that of drivers aged 26 to 69.

Using NHTSA data, we found further evidence of the need for implementing stronger GDL laws. We performed a simple statistical comparison between fatalities from crashes involving teen drivers in the nine states (Alabama, Arizona, Hawaii, Kansas, Montana, Nevada, Oklahoma, Texas, and Wyoming) having poor GDL laws versus the 41 other states plus the District of Columbia having good, acceptable, or marginal laws prior to 2001.23 We adjusted for population differences, and found that states with poor GDL laws have significantly higher fatality rates in collisions involving teen drivers than did the other locales.

Experience level is not the only factor that affects the safety of teen drivers—and it is also not the only factor addressed in GDL laws. Other significant factors include alcohol, use of seat belts, nighttime driving, and the presence of peers in the car. A study conducted by Johns Hopkins School of Public Health found that the potential for a crash increases with the number of teens in a car. With one passenger, a 16-year-old driver is 39 percent more likely to be involved in a fatal accident. With three or more passengers, the rate jumps to 182 percent.24 Likewise, statistics show that teens are more likely to die in automobile accidents at night. Forty-one percent of teenage motor vehicle deaths in 1999 occurred between 9 p.m. and 6 a.m.25
A analysis of State GDL Legislation Efforts

Given the apparent success of GDL provisions in the states that have passed them and the financial incentive provided by TEA-21 grants, what accounts for the fact that none of the nine states had passed any GDL legislation by the end of 2000? In an effort to answer this question, we took a look at efforts to pass a GDL law in each of these states.

Alabama

This mid-sized southern state has approximately 4.3 million residents, 3 million of which live in urban areas. A bout one in four workers living in non-metro areas are employed in farm and farm-related jobs. In 1999, Alabama was ranked among the top five states with the highest motor vehicle deaths per 100,000 people. From 1993 through 1997, 5,940 residents of Alabama died in motor vehicle accidents. Motor vehicle crashes were the cause of 42 percent of all deaths to youths aged 15 to 19.

Current Law

Under Alabama's existing licensing law, the Department of Public Safety, acting through license issuing officers in the counties, issues a learner's license or a regular driver license to operate motor vehicles. A resident who is 15 years old or older may obtain a learner's license or "learner's permit." A learner's license authorizes a 15-year-old to drive only with a parent or legal guardian or a driving instructor in the front seat next to the learning driver. A person who is 16 years old with a learner's license may drive with any licensed driver. In addition, the legal limit for Blood Alcohol Content for drivers under age 21 is .02, while for older drivers it is .08.

Proposed GDL Law

State Representative Ronald Grantland filed House Bill 119 to repeal the existing law (Section 32-6-8 of the Code of Alabama 1975). HB 119, as originally written, would provide for levels of licenses to operate motor vehicles. The bill would affect drivers under the age of 18, with certain exceptions. This bill would designate a learner's license as a level one learner's license. A person 15 years of age or older would be able to obtain a level one learner's license. A person with a level one learner's license could drive with a parent, grandparent, legal guardian, or other person over 21 years old with a valid unrestricted driver license or a driving instructor in the front seat.

HB 119 would require a 16-year-old or a 17-year-old to have a level one learner's license for six months without receiving a traffic ticket prior to applying for a level two restricted driver license. A 16-year old would also have to submit a signed verification form from a parent or legal guardian and a statement regarding a minimum of actual driving experience. A 16- or 17-year-old with a level two restricted driver license would also be restricted from driving between midnight and 6 a.m. (with exceptions), and they would be restricted from having more than four occupants other than parents in the motor vehicle. A nother provision of the bill would provide for suspension of the driver license of a person with a level two restricted driver license for certain serious offenses.

A resident who is 17 years of age may apply for a level two unrestricted driver license after six months of experience as a level two restricted driver and six consecutive months without a ticket or traffic violation citation.

GDL Bill Likely to Be Watered Down

House Bill 119 is currently in the legislature's Committee on Judiciary, and preliminary discussions suggest the bill will be watered down from the original pre-filed version described above. However, supporters of the bill are optimistic that tougher amendments will be added at a later date. Ironically, there has been little formal opposition to the legislation. Supporters in Alabama have included the A A A, Mothers Against Drunk Driving (M A D D), the Century Council, insurance companies, along
with parents and teens. According to Cathi Russell of the State Safety Coordinating Committee, the overwhelming sentiment is that 16-year-olds aren't mature enough to drive, and this gives them extra time to grow up— and gives parents an excuse to deny them an unrestricted driver license at an early age.

**Arizona**

Located in the wide-open spaces of America's southwestern desert region, Arizona has a long tradition of rugged individualism, respect for individual liberties, and concern for governmental intervention in the lives of private citizens. Long, lonely stretches of two-lane highways flanked by saguaro and ocotillo cactus form the stereotypical view of travel in Arizona.

While it is still possible to explore desolate desert roads in Arizona, the Grand Canyon state is also undergoing rapid changes in the size and makeup of its population. For example, with annual growth exceeding 50,000 people per year in the late 1990s, Tucson has become a sprawling metropolis of more than 700,000 people. More than 4 million of the state's 4.7 million residents live in urban areas.

And with the people have come the automobiles, urban sprawl, road construction projects, traffic congestion, and increased commute distances—all factors contributing to a more challenging and stressful driving environment.

As Arizona's past clashes with its present, cultural divisions inevitably result in a variety of social issues. One such issue is restrictions on driving privileges for teenage drivers. Traditionally, Arizona has placed few restrictions on teen drivers. That all started to change, however, in the late 1990s.

**First Efforts**

With backing from a broad coalition of groups, spearheaded by leadership from AAA's Arizona branch, the first significant attempt to restrict teenage drivers through a graduated driver license was made in 1998. Those concerned with teenage safety and highway safety in general pointed to alarming statistics to help them make their case. In 1998, they pointed out, under-18 drivers in Arizona were involved in 47 fatal crashes. Phoenix-area teens were six times as likely to be involved in a crash as drivers of all other ages combined.

The legislative activity began in 1998 with Senate Bill 1165, which attempted to create a separate type of driver license—a Class G (graduated) license—for 16- and 17-year-old drivers. When that attempt failed by the slimmest of margins, GDL supporters came back more organized and determined than ever. The result in 1999 was passage of House Bill 2438 and the creation of the Class G driver license for 16- and 17-year-olds. Another victory occurred in 2000, when the omnibus transportation bill, House Bill 2256, passed and brought greater restrictions on the minimum length of time teens were required to hold a learner's permit. And so Arizona joined the rapidly growing list of states rushing to protect its teenagers, other highway users, and pedestrians by implementing graduated licensing for its youngest, most inexperienced drivers. Or did it?

**Small Victory**

On the surface, the Class G driver license for 16- and 17-year-olds seems impressive. It is, after all, a separate driver license designed exclusively for Arizona's least experienced drivers. A closer review, however, reveals just how difficult it has been in Arizona to make significant progress in the graduated licensing battle.

Arizona’s Class G license does not place any restrictions on nighttime driving or the number or age of passengers. Instead, the Class G license's strongest provisions are aimed at restricting the driving privileges of youthful drivers who have been convicted of civil
moving violations—and even these provisions do not meet the threshold requirements of NCUTLO’s model law:

3. Third Violation/Second Conviction: Suspension of driving privileges for three months, violation goes on driving record.
4. Fourth Violation/Third Conviction: Suspension for six months, violation goes on driving record.

These measures clearly represent a compromise when compared to 1998’s failed SB 1165. The provisions in SB 1165 outlined a penalty for suspension of driving privileges of one year or until age 18, whichever was longer, after two convictions. In contrast, Class G license holders now only face a three-month suspension for the same two convictions. However, even SB 1165 was a relatively weak GDL bill; it did not include restrictions on nighttime driving or on the number or age of passengers. It was very similar to HB 2438 in its focus on penalties for youthful drivers with violations.

Supporters of HB 2438 were well aware of the statistics that showed teenage drivers were at greater risk of a fatal accident in the late night and early morning hours. However, they simply did not think they could garner the support in the legislature to get meaningful restrictions on driving during these high-risk hours. In their opinion, it was better to pass legislation that would provide for some restrictions on teen drivers than none at all, with the aim of attempting to improve upon the legislation in future years.

Impact of Municipal Curfews

Also offsetting the need for nighttime driver license restrictions was the fact that most of the larger cities and towns in Arizona have curfews that prohibit unsupervised late-night activity by teenagers. For example, all of the cities in the Phoenix metropolitan area have a 10 p.m. curfew for youths under 16 and a midnight curfew for 16- and 17-year-olds. However, penalties for a teen driver violating the municipal ordinance may include a police escort home and/or a fine—but not suspension of driving privileges.

Current Provisions Remain Under Attack

HB 2438 also established a minimum training requirement as a prerequisite for a Class G license. These provisions were strengthened in 2000 when Class G applicants were required to have a learner’s permit for at least five months prior to being eligible for a Class G license. Holders of learner’s permits are only allowed to drive while under the supervision of a licensed driver.

However, even this modest provision came under attack recently. In response, GDL supporters called on the same strategies they had used to win support for the Class G license and the learner’s permit. They focused on influencing the public debate and placing the spotlight on legislators who opposed GDL initiatives. Their most successful strategy was to bring in teens belonging to the city of Glendale’s Mayor’s Youth Advisory Committee, so they could testify before the House Transportation Committee against relaxing the restrictions. Once again they were successful—just as they had been three years earlier when the teens testified in support of the Class G license.

While Arizona has made some progress toward restricting youthful driving privileges in hopes of saving teenagers’ lives, the gains have been minimal and slow in coming. In the absence of new legislation, efforts to win additional concessions appear to be stalled—while efforts to roll back recent gains continue. So perhaps Arizona has reached
a stalemate for now, or at least until the next major tragic news story breaks and
captures the public’s attention once more.

Hawaii

The state of Hawaii consists of several islands located in the middle of the Pacific
Ocean, far away from the continental United States or any other significant land.
Approximately 1.2 million residents inhabit the Aloha State, with the island of Oahu
home to a significant share. More than 300,000 of Hawaii’s residents live in rural
locales. While the state is best known as a destination of tourists, agricultural exports
play an important role in its economy. Those located in rural areas and/or employed in
farming have had a significant say in GDL licensing matters.

New rules for teen licensing in Hawaii were signed into law on July 1, 1999, and were
effective on January 1, 2001. This bill (HB 167 CD1/Act 175):
• added requirements for proof of driver education, including classroom instruction
  and behind-the-wheel driving training for driver license applicants under 18
• raised the minimum age for a driver license and for a driver’s instruction permit
• authorized the Director of Transportation to establish and certify a statewide driver
  education program and behind-the-wheel driver-training program

Issues with Driver Education and Curfews

Originally the bill also contained a provision requiring all drivers under 18 to have a
note from their parents to be out on the road between midnight and 4 a.m., but it was
deleted before the bill became law. The nighttime curfew was killed because of
complaints from the neighbor islands, primarily Maui.

During the 2000 legislative session, HB 1758 was introduced. HB 1758, which was
supported by the Hawaii Department of Transportation (HDOT), would have delayed
the new training requirements until January 1, 2002, so additional instructors could be
trained. However HB 1758 was not enacted. As a result, the HDOT formed a Driver
Education Task Force to develop administrative rules for driver education. A total of 123
persons have completed the instructor’s training, and more than 200 prospective
instructors were on waiting lists to take the course.

Rules

The minimum age to acquire an instruction permit is 15 and one-half and the
minimum age to acquire a driver license is 16. Before taking a behind-the-wheel driving
test, an applicant who is 16 or 17 must:
• have parental consent
• have held an Instruction Permit for at least 90 days
• present a Driver Education Student Completion Certificate and a behind-the-
  wheel student completion certificate from an instructor authorized by HDOT

The Driver Education Student Completion Certificate is given to a student who has
successfully completed all requirements for a driver education course through 30 hours of
classroom instruction or an online or Internet course certified by the Department. A
behind-the-wheel student completion certificate is given to a student who has
successfully completed six hours of behind-the-wheel instruction or a simulator course
and two hours of behind-the-wheel driving instruction. The student must also have 50
hours (40 daytime and 10 nighttime) of practice driving with a parent or a licensed
driver over 18.
Rationale for New Rules

The reason the Department of Transportation sought to make drivers education mandatory is because Hawaii's youngest drivers are involved in more crashes than any other age group. Over the years 1986 through 1999, drivers between the ages of 15 and 25 have accounted for 20 percent of all fatalities in the state. The next two highest age groups are persons 31 to 40, 15 percent, and persons over 65 years, 15 percent. In 1999, teens ages 15 through 18 accounted for 12 of the state's 98 fatalities, second only to those over 65. Teens were involved in 1,497 crashes in 1999, with 1,596 injuries sustained.43

Although teens may have learned the traffic laws and the basic skills to pass a road test to get their license, statistics show that Hawaii's new drivers lacked appropriate training and experience and were therefore over-represented in all crash statistics. Their inexperience is magnified when they drive with friends in their car, don't wear seat belts, or drink and drive.

Fewer than 20 percent of Hawaii's teen drivers participated in any type of formal driver education program during 1986-1999. In driver education, students learn not only traffic laws but good attitudes that will help them become better drivers, make fewer mistakes, and teach them respect for other drivers and traffic laws. The 50-hour parent-supervised driving program, which is part of the mandatory driver education program, will give teens a longer period to practice their driving before obtaining their license.44 The reason that driver education is no longer being left to parents is to ensure that all students receive the same information about driving, including traffic laws, safe driving practices, etc. Parents can still be involved with the practice-driving requirement.45

Training Shortage

With the enactment of the new law on January 1, 2001, came the issue of providing the required driver education programs. Approximately 10,000 new driver licenses are granted each year in Hawaii, and some 15,000 students a year become eligible to receive driver education.46 However, prior to January 1, 2001, only about 3,000 students a year opted to take the $10 driver education course offered through public schools, and 1,000 students a year obtained behind-the-wheel experience with private instructors. Before January 1, the number of certified Department of Education instructors working out of public high schools reflected this modest demand. The Department of Education is limited in the number of students it can accommodate in its drivers education classes, and receives only $617,000 a year to run a statewide program.47

The Department of Transportation planned to meet the increased training needs by certifying 200 more instructors, offering courses through community colleges, YMCA's, high-tech driving simulators, and potentially Internet and parent-administered home-study courses. During the public hearings on the administrative rules, home-study courses were deleted from the methods that a student could use to meet this requirement. Several companies have proposed Internet courses, but none had submitted a curriculum for the state's review as of April 23, 2001.48

In December, the Transportation Department had certified 78 instructors from the Department of Education who teach the public schools' after-school driver's education classes, but the public school programs can accommodate only about 3,000 students due to its limited budget. As of January 9, 2001, only one private driving instructor had met the new certification requirement of the Department of Transportation. Certificates for about 85 other private instructors were held up by incomplete paperwork.49 As of January 25, 2001, 10 private instructors had been certified.50
To allow time to address the shortfall in driver education resources, HB 1358 was introduced on January 29, 2001. If it had been enacted, HB 1358 would have gone into effect on July 1, 2001, and would have waived the driver education and behind-the-wheel driver training course requirements for applicants under 18 for one year (until June 30, 2002). HB 1358 was held in committee by the House Transportation Committee and died after one hearing. As of April 22, 2001, 135 instructors had been certified by the Department of Transportation, and 51 more had completed the instructor’s course but have not completed the certification process.

Reaction to New Rules

The reaction to Hawaii's driver education program has been mixed. In general, parents are happy that the minimum driving age was raised, and that their children are required to take driver education classes. However, some object to the cost of the courses—up to $500 or $600. By mid-2001, only 99 licenses had been issued to teenagers in Oahu, while nearly 10,000 teens renewed their permits for another 180 days. Since the program has only been in force for three and one-half months, HDOT is reluctant to draw any conclusions at this point.

Curfew Fails During 2001 Session

During their 2001 session—with support of HDOT, the judiciary, the Department of Health, MADD, the Honolulu police department, insurers, and healthcare professionals—legislators considered a bill that would have imposed a chaperoned night curfew on young drivers. SB 211, which was introduced January 19, 2001, would have:

- Required drivers under 18 to be accompanied by a licensed driver 21 years or older between 11 p.m. and 5 a.m.
- Instead of simply paying a traffic fine through the mail, teens would be required to appear in court and face license suspension or revocation, and perhaps a fine.

Teen drivers out for school-related activities or for work would have been exempt, provided they carry a signed note from a parent or employer. Emancipated minors would also have been exempt.

Although teen accidents occur more often from 3 to 6 p.m., late-night crashes are more serious, often resulting in serious injury or death, according to Marilyn Kali, spokeswoman for the state Department of Transportation. Kali also said California significantly reduced its teen crashes and fatalities after imposing a nighttime restriction about three years ago. She called the chaperoned curfew “part of the process of earning the right to drive.” Sgt. Robert Lung, Honolulu Police Department Law Enforcement Liaison (LEL) to the Department of Transportation, agreed. He also said police would not target young drivers and would only stop them if they violate a traffic law such as speeding or running a red light.

SB 211 crossed over from the Senate to the House but died when the House Transportation Committee declined to hear it. When SB 211 did not get heard in the House, the Senate Transportation Committee gutted HB 830—a bill sent from the House to the Senate—and inserted the language from SB 211. This bill passed through both the Senate Transportation and Judiciary Committees. When the bill went to the Senate for reconsideration, an amendment was added from the floor suspending driver’s education until January 1, 2003. The amended HB 830 was heard in Conference Committee (where the House and Senate work out differences) on April 19, 2001.

The House Transportation Committee recommended that the bill be held in conference because of concerns by neighbor island legislators. Due to a lack of public transportation on their islands, these legislators feared that a curfew would strand their
teenagers at home. The conference committee voted to hold the bill on April 20, 2001. HDOT hopes to go back next year with another graduated license bill. Currently, only the island of Maui has a curfew; the other islands do not have one.  

**Law Introduced to Increase Learner’s Phase to One Year**

Various measures were introduced in the House and the Senate to increase from 180 days to one full year the period for which a driver instruction permit is issued. The rationale was to provide more road experience for Hawaii’s youngest drivers before they took their driving test. On April 19, 2001, the Senate agreed to House amendments extending the period for an instruction permit from 180 days to one year. It was approved in conference committee on April 19, and HDOT expected the bill to pass third reading the following week. At that time, it needed to go back to the floors of each house to be passed, and then to the governor. On April 23, 2001, SB 212 was posted for one day’s notice, and was eligible to be brought before the legislature for a vote on or after April 24.

**Kansas**

Like other states that have struggled with GDL legislation, Kansas has a mix of rural communities and metropolitan areas. More than 1.1 million of Kansas’ 2.7 million residents live in non-metro areas. Twenty-six percent of this group works in farming or farm-related occupations, often in the more sparsely populated mid-section or western regions of the state. Kansas has adopted one of the three provisions of the NHTSA model law. Effective July 1, 1999, the Kansas legislature adopted Statute 8-239, which requires 50 hours of supervised driving to be completed prior to the age of 16. However, to accommodate the needs of the farm/ranch family, Kansas still allows a 14-year-old to obtain a driving permit or license.

**Current Laws Related to Young Drivers**

Kansas provides for three classes of permit or restricted licenses. Kansas provides for three classes of permit or restricted licenses.  

**Farm Permit:** This permit can be issued to anyone between the ages of 14 and 16 with the following restrictions:

- Parental consent is required.
- The person may only drive to school (not school activities), in connection with any farm-related work, or when accompanied by a licensed adult driver at least 18 years of age.

**Instruction Permit:** With parental consent, this permit is available to persons who are at least 14 years of age and who successfully complete written and vision testing. It imposes the following restrictions:

- Must be accompanied by a licensed adult driver at least 18 years of age.
- Must complete 25 hours of supervised driving.

**Restricted License:** This class of license is available to persons aged 15 to 16 and has the following restrictions:

- Parental consent is required.
- Driver’s education must be completed.
- Driver must have had the Instruction Permit for a period of six (6) months.
- Driver must complete an additional 25 hours of supervised driving before the age of 16.
In order to receive an unrestricted license, Kansas drivers must provide an affidavit showing that 50 hours of supervised driving have been completed, including at least 10 hours of nighttime driving. The supervising driver must be a licensed driver at least 21 years of age. Under both the Farm Permit and Instruction Permit, the driver may drive at any time when accompanied by an adult licensed driver at least 18 years of age. However, these hours do not count toward the 50 hours if the supervising driver is less than 21 years of age.

**Efforts to Pass Further Restrictions**

Though the Kansas law includes a provision for supervised driving and for a six-month instruction period, it also allows exceptions for very young drivers and lacks other essential provisions. Kansas Special Committee on Judiciary 1998 S.B. 417 did acknowledge the need for further restrictions on young drivers. An interim committee of the Senate Transportation and Tourism committee recommended additional restrictions, including the following:

- Raising the minimum age of an unrestricted license from 16 to 17.
- Raising the minimum age for the accompanying driver under a Farm Permit from 18 to 21.
- Limiting a Farm Permit to the hours between 5 a.m. and midnight.

However, none of these recommendations were accepted in Kansas Statute 8-239.

**Montana**

Montana is a vast and varied state of mountains, canyons, river valleys, forests, grassy plains, badlands, and caverns. It has a population of 882,779, spread over its 145,556 square miles. Montana is one of the least densely populated states, averaging fewer than six people per square mile. There are no cities in Montana with a population exceeding 100,000, although Billings, Missoula, and Great Falls have populations exceeding 50,000.

**Current Restrictions on Youthful Drivers**

The Motor Vehicle Division, within the Montana Department of Justice, licenses both individual and commercial drivers and administers all driver license records and actions, including the procedures and eligibility requirements for young people obtaining a driver's license. The requirements and procedures discussed below are currently undergoing review as the state lawmakers and the governor finalize a GDL system that will be implemented in 2002.

Each year, approximately 14,300 individuals under 18 receive their first driver's license in the State of Montana. New drivers applying for a Montana driver license must be at least 15 years old and have completed a state-approved driver education course, or be at least 16 years old if they have not completed the course. Minors as young as 14 and one-half can obtain a traffic education learner's permit if they pass driver education and agree to drive with a parent for six months. They must also pass written, vision, and driving tests.

**The Role of Parents**

The state has delegated responsibility for placing further restrictions on teen drivers to parents. The Motor Vehicle Division of the Montana Department of Justice sends a letter from Attorney General Joe Mazurek to the parents of new drivers. As attorney general, Mazurek oversees the Motor Vehicle Division, which licenses drivers, and the Montana Highway Patrol, which enforces Montana's traffic laws.
The letter asks parents to voluntarily enforce many of the restrictions normally incorporated into a GDL law, pointing out that, “a growing body of research has shown that the risk of injury and death of young drivers drops substantially when driving privileges are initially restricted and then increased gradually as skills improve.” The letter specifically asks parents to provide a period of supervised driving, insist on proper seatbelt usage, place limitations on nighttime driving and passengers— and finally to withdraw driving privileges if the teen receives a traffic citation. Instead of mandatory legal restrictions, the state government relies on parents to voluntarily regulate their teens.

**GDL Legislation Awaits Governor’s Signature**

An attempt to implement a graduated licensing system failed to obtain adequate support during the 1999 session. Opposition from religious groups and concerns from parents of “home-schooled” children was strong enough to stifle passage of the proposal. The proposed law did not allow any passengers to occupy a vehicle operated by a minor. This caused concern among a particular religious group (the Mormons) that required young people to double-date—which would have been impossible under the proposed driving restrictions.

In November 2000, a proposal titled Restricted Driver’s License for Minors (HB 403) was introduced in the Montana House. This proposal was intentionally somewhat weaker than the previous year’s version, in an effort to satisfy concerns of the Mormons who were opposed to the earlier draft. It allows up to three passengers to occupy the car and also provides an exception to the night driving restriction, allowing minors to drive between their residence and events sponsored by religious organizations. The draft was reviewed by committee and discussed on the House floor during January and February 2001. On February 21, the House passed the proposal by a vote of 73-26. On April 13, the Senate also passed the proposal by a vote of 62-36.

The Restricted Driver’s License for Minors (HB 403) proposes additional restrictions on the driver licenses for minors, including restrictions on driving privileges during the first year the minor is licensed. It specifically notes that a person holding a restricted license may not operate a vehicle with more than three passengers who are under 18 years of age, unless they are members of the license holder’s immediate family, and it requires all vehicle occupants to wear seatbelts. Teen drivers are not allowed to drive between the hours of midnight and 5 a.m. except for specific exceptions—when accompanied by a licensed driver who is at least 21, when driving to work, a school-sponsored event, an emergency, religious requirements, or when performing required farm-related activity.

The restrictions placed on minor drivers apply for one year from the date of issuance of a license or until the person is 18, whichever occurs first. If a minor disobeys the restrictions, the minor’s parents are notified and the minor is subject to a fine up to $500. If the minor becomes a repeat offender, the license is suspended for a period of up to six months.

This legislation shifts much of the regulatory authority from the parents to the state. Although this has caused concern among some independent-minded parents resistant to increased state regulation, it has given relief to parents who have difficulty enforcing their personal authority and appreciate that law enforcement will provide needed discipline. Overall, the new legislation is in line with GDL requirements found in other states.

**Nevada**

Most of Nevada’s two million residents live in the Las Vegas or Carson/Reno areas. More than 250,000 live in sparsely populated and often remote rural areas. To these people, driving several miles just to get basic staples is a part of daily life.
In Nevada, legislation has been introduced to address changes in driver licenses issued to persons under 18 years of age. In January 2001, Assemblywoman Barbara Cegavske introduced Assembly Bill No. 8, and it is currently part of the work session of the Committee on Transportation.

**Proposed GDL Legislation**

Amendments to the current law generally include issuing a provisional license to a person who is 16 or 17 years of age if the following conditions are satisfied:

1. The applicant completes an approved driver education course, licensed school for training drivers, or has at least 50 hours of supervised experience in driving a motor vehicle with a restricted license or instruction permit—with at least 10 hours of experience in driving a motor vehicle during darkness.

2. The applicant's parent or guardian signs and submits to the department a form attesting that the person applying for the provisional license has completed the requirements above.

3. The applicant has not been responsible for a motor vehicle accident and has not been convicted of a moving traffic violation or a crime involving a controlled substance during the previous six months.

4. The applicant has held an instruction permit for not less than six months before applying for the provisional license.

Interestingly, the driver education standards in the bill are not as strict for a person who resides in a county whose population is less than 35,000 or in a city or town whose population is less than 25,000. This is primarily due to the relative inaccessibility of formal driver education programs in rural Nevada.

Those who are issued the provisional license shall not, during the first four months after the date of issuance, transport as a passenger a person who is under 18 years of age. The age exclusion does not apply to immediate family members. Holders of the provisional license may drive between the hours of 10 p.m. and 5 a.m. without supervision under specific circumstances, such as attending a place of worship or to drive to work.

A peace officer may not stop a motor vehicle for the sole purpose of determining whether the driver is violating a provision of this act. A citation may be issued only if the violation is discovered when the vehicle is halted or driver arrested for another alleged violation or offense.

Other licenses that can be issued under the age of 18 years according to bill AB 8 include:

1. **Restricted license** (14 to 17 years of age inclusive)—entitles a person to drive a motor vehicle on a highway if a member of this person's household has a medical condition that renders that member unable to operate a motor vehicle, and a hardship exists. For those in less populated areas, the restricted license allows directly to and from school or a school activity as well.

2. **Instruction permit** (at least 15 and one-half years of age)—good for one year, can drive on highways if accompanied by a licensed driver at least 21 years of age.

3. **Restricted instruction permit** (under the age of 18 years)—effective for a school year or more restricted period. Used for an applicant enrolled in a driver education program, and allows driving only within a designated area when an approved instructor is seated beside the permittee.63
GDL Bill Defeated

Assembly Bill 8, which would have created a graduated license for teen-age drivers, was killed in the 42-member lower house in an April 18, 2001 vote. The bill was supported by 21 of 41 voting members, falling one vote short of the 22-vote majority required for passage. One member was absent, but, according to Assemblywoman Cegavske, his presence would not have affected the outcome because he opposed the bill.64

Opponents of the bill claimed that parents—not the states—should be responsible for their children’s behavior. “I am a responsible parent,” said Assemblywoman Leslie, D-Reno. “I let a 16-year-old drive my daughter to swim practice every day. I let her drive with responsible young people.”

Oklahoma

The State of Oklahoma is one of several states serving as the gateway to the West. More than 3.5 million people call Oklahoma home.65 Like its northern neighbor, Kansas, Oklahoma has significant ties to agriculture in its non-urban area.

It was a long time in coming, but on August 15, 2000, Oklahoma joined the growing ranks of states that have placed restrictions on the driving privileges of its teenage citizens. The legislation that made this possible was SB 413. Prior to SB 413, Oklahoma’s teenagers were eligible for an unrestricted Class D driver license upon turning 16 years of age. However, despite the passage of SB 413, Oklahoma’s teenage driving restrictions remain weak.

Overview of Restrictions

For teenagers who are subject to the restrictions contained in SB 413, meaningful limits are placed on their driving privileges. Restricted licensees are only permitted to drive during daylight hours unless they are going to or from work, school, school activities, or church, or if a parent or guardian is a passenger in the front seat. The daylight provision is significantly stricter than the model legislation that recommends limiting teenage driving during the late night and early morning hours. Equally strong passenger restrictions apply as well. Only one passenger is allowed, unless all the passengers live in the same household as the driver, or a parent or guardian is a passenger in the front seat.

Drawbacks to Oklahoma’s GDL

The primary drawback to SB 413 is that it exempts many teenagers from any restrictions—and those teens who are subject to restrictions can have them lifted before meaningful behavioral changes have had an opportunity to become ingrained driving habits. SB 413 also suffers from problems with enforcement. As a result, Oklahoma is unlikely to see significant changes in the types or rates of teenage-related car accidents.

Exemptions: While SB 413 places significant restrictions on the 16-year-olds who are subject to its provisions, it does not cover all, or even most, 16-year-olds in the state. This is due to the bill’s provisions concerning driver education. Teenagers who have completed an approved driver education course by age 16 are eligible for an unrestricted license. Additionally, 16-year-olds residing in school districts that do not offer driver education courses are eligible for an unrestricted license as long as they can pass the licensing exams.

Like most school districts around the nation, Oklahoma’s operate on tight budgets, so many districts do not offer driver education. In fact, the problem became significantly worse in Oklahoma during the past two decades. The percentage of teenage drivers who learned how to drive in school-sponsored driver education courses plummeted from 90 percent in 1988 to below 50 percent in 1997.66
The state has tried to address this issue by providing funds to schools for driver education. In 1998, SB 1420 established provisions for funding the state’s Motor Vehicle Driver Education Revolving Fund. The bill earmarks $900,000 per year from motor vehicle registration fees. Additionally, SB 1429, another 1998 bill, provides for school funding from the state in the amount of $95 per student enrolled in driver education after school hours and $82.50 during school hours, on Saturdays, or during the summer.

However, these amounts have proven inadequate for covering driver education program costs. As a result, costs have been passed on to students and their families. For example, in the Oklahoma City School District for the 2000-2001 school year, fees for driver education were raised from $110 to $200 for in-district students, and from $140 to $250 for out-of-district students.

In an attempt to address the concerns and inequity created by the provisions of SB 413 that tie together driver education courses sponsored by school districts with restricted driver licenses, a new bill, SB 747, was introduced on February 5, 2001. If approved, the bill would eliminate the exemption for teenage drivers who live in school districts that do not offer driver education. Instead, SB 747 would only allow students who live in school districts that don’t offer driver education to qualify for an unrestricted license if they participate in a program approved by the Department of Public Safety. This could include a commercial driver education program, or a “parent-taught” program certified by the Department of Public Safety.

**Limited Time with Restrictions:** Teenagers with restricted licenses are eligible to have the restrictions lifted when they turn 16 and one-half as long as they have held a restricted license for at least 30 days and have not had any moving violations. For many Oklahoma teenagers, this translates into being subject to the provisions of their restricted licenses for a maximum of six months.

Teens who have not qualified for an unrestricted license prior to their seventeenth birthday automatically qualify when they turn 17 as long as their license is not in a suspended status. This also means that teenagers who are 17 or older, and who are applying for their first driver license, will not be given a restricted license, even if they live in a school district that offers driver’s education and they have not completed it.

**Enforcement:** Because teenage drivers do not always adhere to school district boundaries when driving their cars, law enforcement officers have a difficult task, based upon appearances alone, determining which drivers are operating with a restricted license and which are not. In those areas where a school district has either recently added or dropped driver education, the situation becomes even more confusing.

Unlike speeding, reckless driving, and many other moving violations, law enforcement officers cannot identify violations of SB 413 through observation alone. All graduated driver license laws face similar enforcement challenges to a certain degree, but Oklahoma’s law is particularly susceptible to this problem.

**Other Factors**

As is the case in several other states that have not enacted strong graduated licensing laws, Oklahoma has many legislators who are elected in rural legislative districts, and the needs and interests of its rural citizens are frequently different than its urban citizens. Additionally, Oklahoma has been traditionally slow to adopt federal government mandates, as evidenced by seatbelt legislation.

In 1997, AAA Oklahoma helped to develop a broad-based coalition that included the Oklahoma State Departments of Education, Public Safety, and Transportation, the Oklahoma Highway Users Federation, Safe Kids Coalition, Seatbelt Advocacy
The coalition, Mothers Against Drunk Drivers, and the Commercial Driving School Association. The coalition’s aim was to pass a graduated license law that could be used as a starting point for further improvements to teenage driving safety. That law came to fruition when SB 413 was proposed, and ultimately passed.69

Oklahoma has placed additional restrictions on the driving privileges of its teenagers in the past. For example, it has a “zero tolerance” law that provides for a DUI conviction for drivers under 21 who have a .02 or higher blood alcohol content. Additionally, the Oklahoma Denial Law, passed in 1988, gives judges the option to take away teenagers’ driving privileges for any alcohol or drug conviction. While this law is used in a small number of cases every year, it does provide for distinct treatment of teenage offenders.70

Texas
Like other states in this study, Texas has a rural tradition that has long influenced its attitude toward driving restrictions for teenagers. A Justice of the Peace who had substantial experience dealing with teen drivers in traffic court explained that Texas “still clings to its rural, agrarian past,” and he added that his brother got his driver’s license at the age of 14.71 This is true despite the fact that less than 3.2 million of Texas’ 20.9 million residents live in rural areas.72 Nonetheless, the legislators and others who support graduated licensing in Texas have been very determined, and the media also supported passage of a GDL law. Since 1995, graduated licensing bills have been introduced in each of Texas’ legislative sessions, which are held every two years. Finally, GDL supporters met with success during the 2001 session.

The Campaign to Pass GDL
The Texas Legislature first considered GDL legislation during its 1995 session, but it died without a hearing. During the 1997 legislature, an interim committee looking for ways to reduce the number of minors driving while intoxicated decided that a GDL system was among the best solutions,73 and SB 125 was introduced. This bill was sent to the Senate Criminal Justice Committee, where it received backing from all but one of the committee members. However, the opposing committee member was John Whitmire, the committee chairman, who had final say about when and if bills were sent to the Senate for hearing. Though Senator Whitmire said he had nothing against the bill—that it was “simply caught in the legislative gridlock” he was clearly opposed to it.74

At that time he had two teenaged children, and he said the bill “is not going to affect my house at all.” He went on to say, “I don’t need the state to help me raise my kids. In the Whitmire house, if they are not ready to drive at 16, they just won’t have any keys.” Senator Whitmire also opposed the bill because he thought it “unfairly punished teens who are safe drivers.”75 The 1997 legislative session ended while the bill was still in Committee.

In 1999, another GDL bill—SB 280—was introduced. An article in the Austin American-Statesman mentions that “some Texas legislators, and Governor George W. Bush, have been cool to the idea of the graduated driver license law.”76 In 1999, the bill made it out of the Criminal Justice Committee, with four votes in favor, two against, and one absence. However, the legislative session ended while the bill was still pending, and it was removed from the Senate calendar on May 19, 1999.

Success
During the 2001 legislative session, yet another GDL bill—SB 577—was introduced. This time, the bill made it out of the Committee. An amended version passed by the Senate on March 14, 2001.
SB 577 was sent to the House, where it was passed with amendments. The bill was sent back to the Senate, which requested a conference committee to reconcile differences between the two versions. The conference committee reached agreement, and forwarded an amended bill, which subsequently passed the House and Senate. The bill was signed into law by the Texas Governor on June 15, 2001, and took effect January 1, 2002. Under the new law:

- A 15-year-old may get a learner’s permit but not a license.
- In order to receive a license, the driver must be at least 16 years old, have had a learner’s permit for at least six months, and completed at least 48 hours of driver training.
- During the six-month period immediately after licensing, a teen driver who is at least 16 but younger than 18 must be accompanied by an adult if two or more passengers under age 21 (except for brothers and sisters) are in the car.
- Except in the case of emergencies or to drive home from work, a teen driver who is at least 16 but less than 18 and licensed for less than six months may not drive between midnight and 5 a.m.

According to AAA Texas, 15- to 17-year-old teens driving between 12 a.m. and 5 a.m. account for 15 percent of the 40,000 Texas accidents involving injury or death in 1999. Motor vehicle crashes are the leading cause of teen deaths in Texas. By requiring teen drivers to complete driving instruction, limiting their hours of driving, and increasing supervision requirements for teens driving other teens, the new law should significantly reduce teen auto fatalities and injuries in Texas.

**Opposition to GDL**

The major opponent of GDL in Texas was Senator Whitmire, who opposed each GDL bill introduced in the Senate. Over time, he gave various reasons for his opposition. In 1997, he cited parental rights, saying, “I don’t need the state to help me raise my kids.” He also expressed concern that graduated licensing unfairly punished teens who were safe drivers.

During the 2001 session, Senator Whitmire claimed SB 577 was “just nuts.” He described a single mother who works two shifts and relies on her teenager to drive the other children around and pick her up at work. He said, “We are talking about families in Texas, many single moms, who are barely making it working around the clock with no assistance from anyone, and they need their young people to drive.” He said the bill “misses the mark because it does not deal with the real world. I think it should be left to parents to decide the hours and the activities of their children.” Supporters of the bill were disappointed that Whitmire planned to continue his opposition, because they had finally overcome opposition from rural lawmakers and expected the bill to “sail through” the approval process. Texas has a new GDL law despite the opposition of Whitmire.

Some teens also opposed GDL. A teenager from Pflugerville, who already had a nighttime curfew, said he thought the local curfew was enough. He added, “I think that the government should trust us more and not punish the individuals who do follow the law.” After the House passed HB 432, a 17-year-old offered her reaction: “I think it’s ridiculous. The whole point of getting a license at age 16 is so you can go out with your friends and have some freedom.” Despite these reactions, there were also teenagers who attended public hearings to offer testimony in support of GDL.

A spokeswoman for Texas Rep. Driver explained that opposition to GDL is primarily based on convenience. She indicated that parents are as anxious for their teenagers to
drive as the teens themselves. There is a tendency for them to discount arguments that their children have an increased risk of accidents. This is in part a matter of denial but also reflects the “lack of widespread knowledge about the crash, injury, and fatality rates of new teen drivers. Many people do not know about or do not believe the research that shows that requiring additional supervised driving experience does not reduce the crash rate as much as experience driving without supervision in the first few months of licensure.”

Wyoming

The Cowboy State is one of the most thinly populated areas in the country. It has been said that more cows than people live in Wyoming. This state has fewer than 500,000 residents, and most (more than 350,000) live in rural areas. It is possible to drive 100 miles on state highways and not see another person.

Licensing laws in Wyoming are heavily influenced by the state’s strong rural tradition and “live and let live” attitude embodied in its state motto. Like Kansas, Wyoming allows 14-year-olds to obtain a driver permit or license. Wyoming currently offers two classes of restricted driver licenses or permits:

Restricted License: This license is available to persons between the ages of 14 and 16, if parental consent is provided and if the applicant can demonstrate a need. Need can be proven if the applicant has to drive more than five miles to school, has a regular job more than five miles from school, needs to drive for his or her parents’ business, or has other circumstances that the Highway Patrol deems an extreme inconvenience. The following restrictions apply to a license of this type:

- Driving is permitted only between 5 a.m. and 8 p.m.
- The driver must remain within a 50-mile radius of home.

Learner’s or Instructional Permit: A permit of this type is available to persons who are at least 15 years old but younger than 16 and is subject to the following restrictions:

- May only drive a class “C” vehicle. (However, a learner’s permit may also be issued to drive a class “M” vehicle)
- Must be accompanied by a person at least 18 years of age or older who has been licensed for the type or class of vehicle being driven.

Legislative Ambivalence

The need for more restrictions for young drivers is being discussed in Wyoming, but the state also appears anxious to reduce the number of laws and restrictions placed on its residents. Wyoming has attempted to pass more liberal driving privileges for holders of restricted licenses. HB 0177 attempted to open the radius and hours of operation for those drivers. That law was defeated in March 1998.

In September 1998, the Joint Transportation and Highway Interim Committee (held September 15 and 16, 1998 in Worland, Wyoming) commented clearly about the need for a graduated license program. In the minutes of those meetings, Senator Lawler pointed out that 12 percent of the population in Wyoming was between the ages of 14 and 20, but was involved in 29 percent of the traffic accidents in the state. Those minutes even mention the TEA-21 guidelines that provide incentive for the states to implement a graduated license program. However, the recommendations of the Committee have not yet been adopted.
Discussion

As we researched legislative efforts in each of these states, we sometimes found it difficult to identify specific individuals or organizations that opposed graduated licensing laws—while organized support for GDL laws was widespread and vocal. However, passage of GDL laws in each of these states remains a challenge.

Sources of GDL Opposition Difficult to Pinpoint

The nebulous nature of GDL opposition may actually intensify the challenge. Concerns about GDL generally find a voice in newspaper articles describing reactions on the street or in the words of GDL supporters describing the sentiments of their opposition. Lacking a clear source of opposition, however, it appears difficult to address the concerns directly—so GDL supporters frequently seem to resort to compromise and exceptions to make GDL provisions more palatable. The result is a wide variation in laws across the country and an overall quality of law that falls significantly short of IIHS and NCUTLO models—which themselves fall somewhat short of incorporating the full recommendations of safety experts.

Much of the opposition to graduated licensing appears to rise out of a general sense of anxiety about change, difficulty in adjusting expectations, and even a sense of tradition. Among legislators, there appears to be some reluctance to burden citizens with additional restrictions on their personal liberties, and some critics feel that graduated licensing usurps parental authority and responsibility. Teens tend to feel that additional restrictions on their driving are an unfair “punishment,” meted out equally to responsible and irresponsible young people. Others feel that graduated licensing interferes with a long-standing rite of passage.

Practical Impacts on Families’ Lives and Economics

Other aspects of the opposition, however, are grounded in issues of practicality and economics. Teenagers are entering a normal developmental period where their growing independence demands increased mobility. As they become more independent, their schedules become increasingly less compatible with their parents’ schedules. If they are working—sometimes out of economic necessity—their work schedules may be irregular. Their social lives become more active, while school and extracurricular activities become more demanding. In many families, teenagers are expected to take on family responsibilities equal to their increased maturity—and those may require the ability to drive.

This is especially true in rural areas. While the need for safety still exists, economic needs weigh heavily on the rural communities. In a rural setting, the nearest school may be 10 to 20 miles from the home. The nearest grain elevator or livestock market may be the same distance or farther. This can present a hardship to the farm/ranch family.

In the typical farm/ranch setting, the viability of the family can depend heavily on the involvement of everyone in the family. Children learn early to operate the equipment necessary to the success of the farm/ranch. This includes the tractors and other implements on the farm/ranch. However, it also includes the use of large stock and grain trucks that move the products of the farm/ranch to market.

The impact on rural families was an issue in most, if not all, of the nine states considered in this research. At first, it might be difficult to take this argument seriously in a state like Texas, which includes three of the nation’s 10 largest cities. However, each of these states has reason to consider itself as rural compared to the United States as a whole, based on the measures presented in Table 2—percent of metro population; farms as a percent of total area; and population density. Each of these states is at
variance with the U.S. total on at least one of these measures. More importantly, each of them (with the possible exception of Hawaii) has a strong sense of rural tradition. The fact that Texas recently adopted an improved GDL law shows that obstacles created by having a strong rural tradition can be overcome.

Challenges of Enforcing GDL Provisions

Enforcement of graduated licensing provisions, especially curfews, is another practical concern facing states and municipalities. Some critics question whether law enforcement resources are adequate to handle enforcement or whether enforcement of GDL might take officers away from other responsibilities. Others fear that enforcement of GDL provisions might provide a cover for violation of civil liberties—that officers might use them as an excuse to stop young-looking minority drivers. In fact, for that reason alone, some GDL laws prohibit officers from stopping drivers just to check their age.

The trend toward municipal curfews presents another obstacle to passage of GDL curfew provisions. However, violations of municipal curfews seldom result in penalties on driving privileges; typically, the offender is fined or simply escorted home. In reality, enforcement of curfews falls on parents, regardless of the law. Nevertheless, the AAA is strongly in favor of nighttime driving restrictions for teenage drivers, and they encourage their state organizations to lobby for them. Even if teenagers violate their license restriction by driving after hours, studies show they drive more carefully to reduce their chances of being caught.91

Strategies for Addressing GDL Concerns

Insurance and safety professionals, sensitive to accident statistics and steeped in risk management theory, may tend to see those opposing graduated licensing as unenlightened and unsophisticated. However, our research suggests that this is an unfair assessment. Many of the concerns identified have significant impact on families’ lives and economic welfare. Not only have these concerns been an obstacle to passage of GDL legislation in the nine states covered in this article, but they have also weakened the quality of legislation passed in other states.

If traffic safety advocates could find ways to address these concerns, it may be possible for states to pass more effective laws that conform more closely to the recommended models—and it may be possible to pass those laws more quickly. Though this would be a challenge, there are several approaches that experts might consider.

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Impact Assessment
The research and guidelines provided to assist state officials in implementing a graduated licensing system provide detailed recommendations on the structure and provisions of a GDL law. They also provide plenty of research on the rationale for graduated licensing. However, there is very little advice on how to address practical issues arising out of such legislation. If additional work could be done on impact assessment when model laws are formulated, it may be possible to provide state officials with additional practical direction on managing the impacts and addressing potential concerns. For example, Hawaii and Oklahoma have found their GDL implementations stymied by inadequate training resources. Additional guidance on impact assessment might have helped state officials anticipate and manage this problem more effectively.

Cost/Benefit Analysis
The available research on graduated licensing also appears to focus on the benefits of restricting young drivers, with little attention paid to the cost of such restrictions. If a more thorough analysis—incorporating costs as well as benefits—were available, it might provide data needed to answer critics who question whether the costs are justified. In addition, it could assist state officials in making better-informed choices when they must consider compromises or exceptions. For example, a few states have reduced the length of the learner’s phase for applicants completing driver education. However, the IIHS indicates this practice is “counterproductive.” Better cost-benefit information might have helped these states formulate a more effective compromise. This type of research might also provide insights that could be used to improve the quality of GDL models and further encourage a reduction in teen fatalities.

Involvement of Stakeholders
Finally, safety experts may want to consider broadening the range of stakeholders that they involve in development of their recommendations. In addition to highway officials, safety advocates, and legislative contacts, consideration might be given to involving individual state legislators as well as citizens, including farmers, single working parents with teens, and others who may be affected by a change in the law. If it is practical, it may be especially helpful to include individuals with a history of opposition to safety legislation.

Non-Legislative Approaches
Though GDL has largely been handled as a legislative initiative, there are other ways to encourage beginning drivers to take a gradual approach to licensing. Even if the law is able to address some major safety issues, it is unlikely that all factors can be handled legislatively. Safe behavior requires education, changes in attitude, and acceptance of personal responsibility. Insurers also have a role to play. They have historically encouraged their customers to practice safety by rewarding behavior that reduces exposure to loss. As new safety findings come to light, insurance companies should extend this practice by actively seeking ways to encourage individuals to adopt new safety practices. Insurers can also help by supporting driver education programs financially, thereby helping to make them more widespread, especially in states with very limited funding for such programs.

The Role of Parents
In addition to the teens themselves, parents and insurers also have some control or influence over the beginner’s approach to driving. This has actually been Montana’s approach—to put responsibility for managing the teen’s early driving experience back into parents’ hands. Unfortunately, Montana does not appear to have provided much
support to assist parents in discharging this responsibility. At the very least, parents and teens need to be educated regarding factors that raise the risk for teen drivers—and they need suggestions for measures to reduce the risk. Even parents living in states with a strong GDL law should not rely entirely on the law to protect their teen.

For example, it would be impractical for states to pass and enforce legislation limiting teens’ use of their car radio—or restricting the type of car they drive. However, research shows that both of these are significant factors in teen accidents. A recent University of North Carolina Highway Safety Research Center study on driver distractions indicates that drivers under 20 years of age are at high risk for crashes caused by distractions related to the use of a radio or cassette/CD player.94 IIHS statistics show that the vehicles with the highest death rates are all sports cars—reflecting “both the performance capabilities of the sports cars and the risk-taking characteristics of many of their drivers.”95

Parents and driving instructors can help teens understand the dangers of distracted driving and help them develop their ability to concentrate on their driving and to adopt safe driving habits. Parents can ensure that the cars their children drive are among the safer models. A handbook developed by the Cobb County (Georgia) Teen Driver Awareness Committee offers some excellent practical suggestions for parents and teens, including a model Teen/Family Contract for Safe Driving.96

The Role of Insurers

As the loss experience for young drivers in states adopting a high-quality GDL law improves, insurance rates should also improve, reinforcing the benefits of safe driving habits for beginning drivers. However, insurers might encourage beginning drivers to drive safely in a variety of other ways. Many already offer “good student” discounts. They might also offer discounts for teens who participate in formal safe driving programs, or they could consider entering into individual contracts with young drivers. In research sponsored by AAA, James L. Malfetti, suggested “age-free Policies.”97 In exchange for a reduced premium, beginning drivers would be required to pass a comprehensive driver-training program and to sign a contract agreeing to follow certain specific safety rules—for example, not to drink and drive, to always wear seat belts, and to avoid driving after 10 p.m.

Conclusion

As we become more knowledgeable about factors affecting our safety and that of our families—and as new technologies for improving safety become available, we will continue to find opportunities to improve public safety. However, as our experience with graduated driver licensing demonstrates, knowledge and technology are only part of the battle. We will continue to face the challenge of changing laws—not to mention old habits and behaviors, when the law alone is not adequate to fully address safety issues. Education, attitude, and personal responsibility will always be key factors in efforts to put new safety knowledge into practice. In addition, insurance companies need to find ways to reward individuals who change their behavior to conform to new safety standards. Only if we can find ways to improve implementation of new safety practices and technology will we be able to realize their full benefit.
Endnotes


4. This research was initially completed in May 2001. At that time, Texas had a poor GDL law. Since we completed the initial work, the State of Texas has adopted a new GDL law. Since our focus is on states with poor GDL laws, we could have omitted our discussions of Texas from our final draft. We chose to include Texas as we think such discussions help readers better understand the obstacles faced in attempting to improve GDL laws and how that such obstacles are not insurmountable.


10. Though Oklahoma has a GDL law, it does not apply to driver license applicants whose school district does not offer driver education. Those individuals may take the necessary tests and obtain a full, unrestricted license at 16, according to the Oklahoma Department of Public Safety Internet site on graduated licensing, http://www.dps.state.ok.us/dsl/gdl.htm, May 8, 2001. The IIHS continued to rate Oklahoma’s laws for young drivers as “poor” in its May 2001 edition of How State Laws Measure Up.

11. Reflects provisions of House version, which are likely to be relaxed by the House-Senate conference committee before being sent to the governor for signing. The Senate version does not limit passengers and starts the curfew an hour later.


13. Wyoming makes a restricted license available to persons between the ages of 14 and 16, if parental consent is provided and the applicant can demonstrate a need. Though the permit is restricted, unsupervised driving is allowed.


18. Ibid.


23. The analysis was completed using data from the National Highway and Transportation System Agency's Fatality Analysis Reporting System (FARS) for the most recent year available, 1999. We compared fatality rates for crashes involving teen drivers, adjusting for differences in state population by dividing fatalities by population (in 100,000's). The process we used to make this comparison is as follows. The ratio of fatalities to population was not normally distributed; we therefore transformed the data using a natural log function. We split the data into two samples; one sample contained information for the nine states with poor GDL laws; the other sample had data for the remaining states plus the District of Columbia. We then did an F-test to determine whether rates for poor states had a different variance than rates for the other states. The computed F value was 1.045714, while the F critical value for alpha=.05 was 2.173991. We failed to reject the null hypothesis that the two data sets had the same variance. Next, we did a one-tailed t-test for differences in sample means, assuming equal variances between the two samples. The null hypothesis was that the sample means were not different. The computed t-test value was 1.795028, statistically significant at alpha=0.039405 level (the t critical value was 1.67651). The mean for the poor states was significantly higher than the mean for the other areas.


27. Ibid.


32. Interview with Cydney DeModica, Public Information Officer, Arizona Department of Transportation, Motor Vehicle Division.


35. Arizona law requires Traffic Survival School for drivers who have accumulated 8 to 12 points within a 12-month period. "These schools train and assist errant drivers in the proper attitude and techniques in the operation of motor vehicles and promote their knowledge of state motor vehicle laws." Point values are assigned as follows: 8 points for DUI, reckless or aggressive driving, racing on highways; 6 points for leaving the scene of an accident, causing death due to failure to stop at a traffic signal, stop sign or to yield the right-of-way; 4 points for causing serious injury for the above offenses; 3 points for speeding; 2 points for all other moving violations. (ADOT MVD Customer Service Guide, revised 10/2000)

36. Interview with Cydney DeModica.

37. Interview with Jeanie McKenzie, City of Glendale, Arizona, Traffic Safety Coordinator.


40. Ibid.


42. Interview with Marilyn Kali, Hawaii Department of Transportation.


48. Ibid.


51. Marilyn Kali, Hawaii Department of Transportation.
52. Ibid.
54. Marilyn Kali.
55. Ibid.
57. Ibid.
62. Ibid.
63. Barbara Cegavske, R-Las Vegas, Assembly minority leader and bill sponsor.
68. Chuck Mai, Managing Director of Public Relations, AAA Oklahoma, formerly known as the American Automobile Association.
69. Ibid.
70. Allen Lawson, Supervising Counselor, Oklahoma Department of Public Safety.
74. Ibid.
78. Ibid.
86. Wyoming defines Class “C” as: Any single vehicle, except motorcycles, or any combination of vehicles, with a gross vehicle weight rating (GVWR) less than twenty-six thousand one (26,001) pounds or any such vehicle towing a vehicle which does not have a gross vehicle weight rating (GVWR) in excess of ten thousand (10,000) pounds, but that is not designed to transport sixteen (16) or more passengers, including the driver, or is not placarded for transportation of hazardous materials. A Class “M” vehicle is a motorcycle or off road vehicle. (Source: Wyoming DOT Driver Services).
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90. Despite this concern, a study of urban vs. rural differences in accident experience and teen and parent attitudes after four years of graduated licensing in North Carolina suggests that the concerns of rural legislators may have been largely unfounded. The study found that GDL improved the accident rate in rural areas at least as much as it did in urban areas—and that parent and teen attitudes were largely positive. (University of North Carolina Highway Safety Research Center, “The North Carolina Graduated Driver Licensing System: Urban - Rural Differences,” February 2001, http://www.hsrc.unc.edu/pdf/2001/Gdl_02_25.PDF, May 14, 2001.)


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Wyoming Department of Transportation, Drivers Services, “Age Requirements.”