

**S. 738, THE HIGH RISK DRIVERS ACT OF 1993**

Y 4. C 73/7: S. HRG. 103-148

S. 738, The High Risk Drivers Act o...

HEARING

BEFORE THE

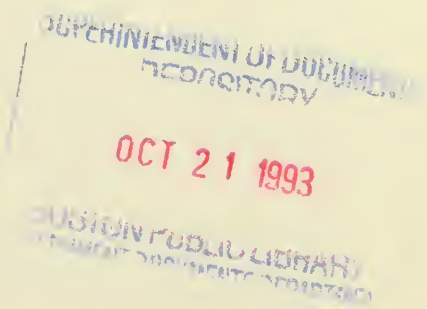
COMMITTEE ON COMMERCE,  
SCIENCE, AND TRANSPORTATION  
UNITED STATES SENATE

ONE HUNDRED THIRD CONGRESS

FIRST SESSION

MAY 26, 1993

Printed for the use of the Committee on Commerce, Science, and Transportation



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# S. 738, THE HIGH RISK DRIVERS ACT OF 1993

WEDNESDAY, MAY 26, 1993

U.S. SENATE  
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,  
*Washington, DC.*

The committee met, pursuant to notice, at 2:05 p.m., in room SR-253 of the Russell Senate Office Building, Hon. J. James Exon, presiding.

Staff members assigned to this hearing: Claudia A. Simons, staff counsel, and Moses Boyd, senior counsel; and Alan Maness, minority senior staff counsel.

## OPENING STATEMENT OF SENATOR EXON

Senator EXON. The committee will please come to order.

I am pleased this afternoon to chair today's hearing on S. 738, the High Risk Drivers Act, introduced by Senator Danforth. Senator Lautenberg and I have cosponsored this important piece of legislation, which creates an incentive through matching grant programs, to encourage States to adopt programs focused on high-risk drivers.

This legislation especially zeroes in on reducing accidents among young drivers, and improving the enforcement of laws against repeat offenders. In addition, the legislation authorizes new research initiatives to the special needs for older drivers, and use and deployment of new intelligent vehicle highway systems, called IVHS technologies, to make driving safer for seniors.

I am especially pleased that Senator Danforth included a provision in the bill, which I proposed, to encourage States to adopt a minimum \$100 penalty for proceeding through a railroad crossing when gates or signals are activated. It is shocking that although railroad crossing accidents a year are in the hundreds of deaths, some States have very modest fines for driving through a railroad crossing gate.

A considerable amount of today's testimony will focus on accidents involving young drivers. America's youth are our Nation's most valuable resource. And it is not an overstatement to say they are our future. Tragically, that future is being destroyed and deterred on the Nation's highways. The statistics involving young drivers are stunning. Although 16- to 20-year-old drivers account for only 7.4 percent of all licensed drivers, they are involved in over 20 percent of single-vehicle accidents. In 1991, drivers under the age of 21 were involved in the highest number of accidents per capita than any other age group.

Too many of these accidents involve alcohol. The High Risk Drivers Act encourages States to take a tough zero-tolerance stance toward teen drinking and driving.

I am especially pleased to report that the Nebraska State Legislature has given initial approval to zero-tolerance legislation. Mr. Chairman, your comments, please.

#### OPENING STATEMENT OF SENATOR HOLLINGS

The CHAIRMAN. I welcome everyone to this afternoon's Commerce Committee hearing. Today, we will hear testimony on legislation introduced by Senator Danforth and cosponsored by Senator Exon that would address some of the traffic safety risks posed by certain categories of drivers, particularly those drivers under the age of 21 years.

In particular, the legislation would establish a safety grant program to be administered by the National Highway Traffic Safety Administration, whereby States could qualify for grant moneys by enacting various laws designed to reduce the crash involvement of younger drivers. These include laws establishing a provisional licensing system for younger drivers, reducing the blood alcohol content impairment standard for minors to .02, imposing fines for selling alcohol to a minor, and requiring all passengers to wear seatbelts.

For many years, I have supported legislation to improve highway traffic safety, including measures to reduce the number of alcohol-related traffic fatalities. In the last Congress, I cosponsored legislation introduced by Senator Bryan to encourage States, through Federal incentive grants, to enact more stringent drunk driving laws, including mandatory revocation of licenses and jail sentences. The legislation was enacted as part of the Federal highway bill passed in 1991.

I also was successful in getting passed a transportation safety bill requiring drug and alcohol testing of transportation workers operating airplanes, trains, trucks, buses, and public transit systems. It is unacceptable, in my opinion, to allow people to fly planes and operate sophisticated rail systems without being assured that they are capable of doing so.

Although many gains have been made in improving traffic safety, the costs of motor vehicle fatalities continue to rise, with NHTSA estimating the toll at \$137.5 billion for 1990. I look forward to hearing the testimony of our witnesses today, on these important issues.

Thank you, Mr. Chairman.

Senator EXON. Before the committee meets to hear from our five very distinguished experts on highway safety, I will recognize at this time, Senator Danforth, the prime sponsor of the legislation that I have just talked about, for any remarks that he has to make, and then I will recognize Senator Gorton.

#### OPENING STATEMENT OF SENATOR DANFORTH

Senator DANFORTH. Mr. Chairman, thank you very much.

This legislation is part of a long and I think distinguished series of initiatives by this committee to try to improve highway safety.



The particular theme of this legislation is a logical next step for the committee in highway safety legislation.

A NHTSA study found that although only 7.4 percent of all licensed drivers are between the ages of 16 and 20, these drivers are involved in 15.4 percent of fatal crashes, and over 20 percent of all single-vehicle crashes.

During 1991, in my home State of Missouri, drivers between the ages of 16 and 20 were involved in 29.5 percent of all traffic accidents, despite the fact that they constitute only 7.7 percent of licensed drivers.

Reckless driving and inexperience contribute to this problem, but alcohol is the most important issue. Despite the national minimum drinking age law of 21, 33 percent of young drivers involved in fatal crashes in 1991 were intoxicated, and 41.3 percent had positive blood alcohol content.

This legislation is an incentive grant program and, among other things, it would encourage the States to enact a maximum .02 blood alcohol content for drivers under the age of 21, provide for a minimum 6-month license suspension for minors convicted of purchasing or possessing alcohol, a minimum of a \$500 penalty for selling alcohol to a minor, and a minimum of a \$100 penalty for driving around a closed railroad crossing gate or driving through a gate that is closing or opening.

Thank you again, Mr. Chairman, for not only your cosponsorship, but for holding this hearing in such a timely fashion.

Senator EXON. Thank you, Senator Danforth.

Senator Gorton.

Senator GORTON. Mr. Chairman, I do not have an opening statement, but I do want to echo both the remarks of you and of Senator Danforth on the importance of this issue, and on the history of this committee consistently attempting to promote highway safety and safer and better drivers. I think that this proposal is another in a long series of important and constructive pieces of legislation in that connection.

Senator EXON. Thank you, Senator Gorton.

Before I recognize our first panel, let me say that if we as a Congress cannot begin to address issues such as this, you know, that just stands out and says: What are you going to do about it? Some people say nothing. You cannot do anything about it. Of course, we can do something about it. And we have an obligation to all of the young people and everybody on the highways to take some positive steps.

This is a very measured step, I would say, but I think measured just about right, to begin to highlight the problems. I would say if this legislation passes, as I think it will, then if it does nothing else, it is going to focus attention on the tragic problem that these raw, hard statistics show.

I had one newspaper back home editorialize that Jim Exon was cosponsoring this measure, it was a great idea; the fact that these young people were involved in these accidents, on their face, was something that should be addressed. And they thought Exon was doing the right thing. Except it is not the right time.

And the right time was that with the Nation as much in debt as it is, we cannot afford this piece of legislation. Well, there are lots

of things that we cannot afford today. And if people cannot look to the future and recognize the culling effect that this is having on our young people, and if we cannot begin to do something about focusing the attention on that problem to begin to correct it, then we cannot afford to do anything.

And I think it is not only shortsighted, but people have not thought through the problem. If they say we should just lay back and not do anything in any area, including safety, because it is going to cost a buck, that maybe shows how far the populace have gone today in trying to send a signal to us in Washington that they want to cut expenditures.

But we still have a Federal Government. We still have a role to play in some of these things. And certainly safety and the protection of our citizens should receive, in my opinion, a higher priority, budgetwise, financewise, and attentionwise, than safety generally has been receiving.

That is why I appreciate the remarks of both Senator Danforth and Senator Gorton regarding the leadership that the Commerce Committee and its subcommittees have played for a long, long time in the whole broad area of safety. And we are going to continue to do these things. We do not think it is going to break the Treasury, but it may break the habits or begin to break the habits of many people that should hear and heed the lesson that this bill is trying to send.

So, with that, the first panel is the Hon. Carl Vogt, Chairman of the National Transportation Safety Board, and Dr. Paul Rothberg, Congressional Research Service, both of Washington, DC.

Gentlemen, we are delighted to have you in front of the committee today for your views on this matter, and we will start with you, Mr. Vogt.

#### **STATEMENT OF CARL. W. VOGT, CHAIRMAN, NATIONAL TRANSPORTATION SAFETY BOARD**

Mr. VOGT. Thank you, Senator, and Senator Danforth. We particularly appreciate the opportunity to be here today to testify about this very important piece of legislation, S. 738.

Unfortunately, no high school graduation season passes without reports of car crashes involving recent graduates and alcohol. Unfortunately, these accidents, as you well know, occur year round, and alcohol consumption is frequently a factor.

Most recently, in our own region, we were reminded of this situation when a young Virginia teenager was killed when the vehicle in which she was riding crashed and hit a tree in McLean. After attending a party, her group left, taking with it a keg of beer that another teenager had purchased in the District of Columbia.

The reports we have indicate that alcohol was a factor in this accident, which killed this 17-year-old young girl just on March 26 of this year. This accident is not unique, nor isolated, and my prepared statement discusses several other fatal crashes which tragically demonstrate the easy access that teenagers have to alcohol and the lethal consequences of teenager alcohol use when combined with driving.

I would like to just take a moment to summarize some of the statistics which are in our report and which are in my prepared statement.

In 1980, 53 percent of the young drivers who died in highway crashes had a blood alcohol content of .10 or higher. Alcohol's role in these deaths prompted the Safety Board at that time, in 1982, to issue a recommendation to each State regarding raising the minimum drinking age to 21. And through literally the untiring efforts of many organizations, some of whom will testify later, and particularly this committee and the Members of Congress, legislation mandating the Safety Board's recommendation as enacted in 1984.

By 1987, we could see progress. That 53-percent figure had dropped to 28 percent, a reduction of almost one-half. Over the past 3 years or so, it has moved back up. For 1989 and subsequent years, teenage fatalities showing a blood alcohol content of .10 has increased to 33 percent. It is very troubling that we have seen the statistics go down and then come back up.

This caused the Safety Board to review young drivers licensing and underage drinking and driving research and State laws. As a result of our analysis, we made a series of new recommendations, calling on States to tighten and vigorously enforce their underage drinking and driving laws. We also call for improvements in driver licensing policies.

For example, we all know a terrible reality of our world is that young drivers are overrepresented in fatal crashes, and underage drinking plays a role in these accidents. Nonetheless, while no State allows the sale of alcohol to persons under age 21, we found that most States still allow a driver under 21 to legally drive with a substantial amount of alcohol in his or her system, just as long as their BAC does not exceed the State's adult legal limit, which most often is .10.

Our research has also shown that young drivers are particularly prone to have accidents when impaired by only small amounts of alcohol. For example, male drivers age 16 to 20 have six times the driver fatality risk in single-vehicle crashes at BAC's from .01 to .04, six times the rate as do male drivers age 25 and older at those same BAC levels.

We have concluded that any level of alcohol in the system impairs perception and performance, and we believe that to save lives, a zero BAC is the only acceptable level for drivers under 21.

The Board also believes that States should enact laws to prohibit the purchase, the attempt to purchase, the public possession, and public consumption of alcohol by minors, and should also prohibit the misrepresentation of age and use of false identification cards by minors to purchase alcohol.

The National Minimum Drinking Age Act of 1984, which included provisions prohibiting the purchase and public possession of alcohol, resulted in a uniform national age for the sale of alcohol to minors. But some States still do not prohibit the public possession of alcohol by minors. And, as I mentioned earlier, most States tolerate a blood alcohol content of under .10 for teenage drivers.

Most States, in addition, appear to effectively place the responsibility for underage drinking on the sellers of alcohol, and not on the underage purchasers. Recommendations to place more of the

onus on underage purchasers were consequently issued in our latest set of recommendations.

Another key point of our recommendations deals with inexperienced teen drivers. The research available to us shows that because driving patterns are formed early, driver improvement actions targeted at youthful drivers need to be developed and acted on very quickly. In particular, the provisions of our recommendations having to do with restricted driving go to this question of inexperience.

I would like to comment briefly on Senator Danforth's legislation, as such. Many of the provisions in the proposed legislation are consistent—and consistent is probably an understatement—with our recommendations. We are delighted with the thrust of this legislation. We particularly concur in those provisions which call on the States to institute provisional drivers' licensing systems as a condition for receiving grant assistance.

One successful strategy to reduce crashes has involved the provisional licensing of novice drivers. And we believe that this will go a long way toward saving lives.

We also, of course, concur in the need to more vigorously enforce minimum purchase age laws for both sellers and buyers.

I would just like to say in conclusion that we—and I speak on behalf of all of the members of the Safety Board and our staff—that we tremendously commend the sponsors of this legislation and this committee for what they are attempting to do. And we have tremendous confidence that this kind of legislation will save the lives of young people in this country.

I would be very pleased to answer any questions you might have. [The prepared statement of Mr. Vogt follows:]

#### PREPARED STATEMENT OF CARL W. VOGT

Good morning Mr. Chairman and Members of the Committee. It is a pleasure to be here today regarding S. 738, legislation to improve the traffic safety performance of high risk drivers.

No high school graduation season passes without reports of car crashes, involving recent graduates and alcohol. Unfortunately, these accidents occur throughout the year as well, and alcohol consumption is frequently a factor.

On March 26, 1993, a suburban Virginia teenager was killed when the car in which she and friends were riding left the road and hit a tree in McLean. After attending a party, the group left, transporting with it a beer keg that another teenager had purchased at a liquor store in the District of Columbia. Reports indicate that alcohol was a factor in the accident which killed the 17-year-old woman.

On November 10, 1991, an 18-year-old competitive swimmer celebrating after a meet was provided fortified wine by a teammate's 21-year-old girlfriend. The swimmer quickly drank 1.5 bottles of wine and drove through a residential section of Mesa, Arizona, at over 80 miles per hour (mph) in a 30-mph zone. His car struck and killed a 22-year-old college student and seriously injured a 16-year-old girl as they were walking in a crosswalk. The driver left the scene, but turned himself in to police the next day. Police were unable to obtain breath, blood, or urine specimens to determine BAC, but the driver was convicted of manslaughter and aggravated assault. The 21-year-old provider of alcohol was convicted of a misdemeanor.

On May 12, 1989, four teenagers (ages 16 and 17) in nearby Montgomery County, Maryland, attended a high school graduation party at which kegs of beer were available. None of the four had been invited to the party, but all four had paid for admission. No adult continuously supervised the party and police had responded to a complaint about the party. One of the four was the designated driver who was to be alcohol-free. According to police, after leaving the party, the designated driver was speeding on a wet country road, lost control of the vehicle, and hit an on-coming car. Two passengers were killed while the driver and another passenger were seriously injured. The designated driver had a 0.05 percent BAC.

These accidents are neither unique nor isolated. They tragically demonstrate the easy access teenagers have to alcohol and the lethal consequences of teenage alcohol use when combined with driving. And, they point up the need to take action to deal with these problems.

In 1980, 53 percent of the young drivers who died in highway crashes had a Blood Alcohol Content (BAC) of 0.10 percent or higher. Alcohol's role in these tragic deaths prompted the Safety Board in 1982 to issue a recommendation calling on each state to raise its drinking age to 21 and legislation supporting the Safety Board's recommendation was enacted in 1984.

By 1987, the 53-percent figure had dropped to 28 percent, a reduction of nearly half. Over the past three years or so, the achievements attained in the mid-1980s were not maintained and by 1989, the percentage of fatally injured teenage drivers with a BAC of 0.10 or higher had increased to 33 percent. This figure has remained relatively constant since then.

These figures led the Safety Board to review young driver (drivers under the age of 21) licensing and underage drinking and driving research and state laws. As a result of this analysis, a series of new recommendations were issued. These recommendations call on all states to tighten and vigorously enforce their underage drinking and driving laws in order to reduce highway crashes and fatalities. They further call for improvements in driver licensing policies.

In 1991, 9,156 people died in traffic crashes involving 8,207 15-to 20-year old drivers. That is more than 22 percent of all fatalities that occurred on our nation's highways. Of the 8,207 drivers, both surviving and fatally injured, an estimated 2,419 had a positive BAC (Blood Alcohol Content). Among fatally injured drivers under age 21, an estimated 40 percent had a positive BAC.

Young drivers are over-represented in traffic crashes and deaths. As mentioned in S. 738, in 1991, drivers aged 16-20 years comprised only 7.4 percent of licensed drivers, but accounted for 15.4 percent of all driver fatalities.

Underage drinking and driving play a major role in youth traffic crashes and fatalities. Although no state allows the sale of alcohol to persons under age 21, the Safety Board found that most states still allow a driver under age 21 to legally drive with a substantial amount of alcohol in his or her system as long as their BAC does not exceed the state's adult legal limit (usually 0.10 percent). Research has shown, however, that young drivers are particularly susceptible to impairment by small amounts of alcohol. For example, male drivers aged 16 to 20 have six times the driver fatality risk in single vehicle crashes at BACs from 0.01 to 0.04 percent compared to male drivers age 25 and older at these low levels.

Any level of alcohol in the blood system impairs perception and performance and the Safety Board believes that to save lives, "zero" BAC is the only acceptable level that should be tolerated for drivers under 21. Drivers under the legal drinking age should not be permitted to drive with any amount of alcohol in their system, and a recommendation embodying this principle was issued to the states and the District of Columbia.

Fifteen states have laws to prohibit vehicle operation by underage drivers with a BAC level lower than the BAC level specified for drivers over 21. In the case of Maryland's 0.02 percent BAC law for those under 21, a study found statistically significant reductions (a minimum of 11 percent) in alcohol-related crashes. When combined with a targeted public information and education campaign, the Maryland law resulted in a nearly 50 percent reduction in underage alcohol-related crashes over a two-year period. A law lowering the BAC to 0.02 percent for drivers under 21 has been found to be effective in reducing nighttime fatal crashes among Maine teenagers, even though only 40 to 50 percent of teenagers knew about the law.

States that have laws with a BAC of 0.00 or 0.02 percent for young drivers are significantly more effective in reducing youth fatalities than are states that have laws with higher BACs (0.04, 0.05 or 0.06 percent). Further, states with zero BAC laws appear to be more effective in reducing youth fatalities than states with a 0.02 percent BAC law.

Laws reducing the legal BAC for youth can be strengthened by imposing administrative license revocation for drivers who are arrested with any measurable BAC. A substantial body of research supports the effectiveness of both administrative adjudication and license revocation in reducing crashes among drivers of all ages.

The Safety Board believes that States should enact comprehensive alcohol purchase laws to prohibit the purchase, the attempt to purchase, public possession, and public consumption of alcohol by minors, and should prohibit the misrepresentation of age and use of false identification by minors to purchase alcohol.

As this panel recalls, the National Minimum Drinking Age Act of 1984 (NMDA) while including provisions prohibiting the purchase and public possession of alcohol, resulted in a uniform national age for the sale of alcohol to minors. But, five States

and the District of Columbia do not prohibit the purchase of alcohol by minors. The District of Columbia also does not prohibit the public possession of alcohol by minors. Notwithstanding the law's purchase and public possession provisions, these 35 States and the District of Columbia were certified by the National Highway Traffic Safety Administration (NHTSA) as being in compliance with the act. In addition, 35 States allow one or more exceptions to possession of alcohol by minors.

Once an underage person obtains alcohol, many States have unusual provisions related to consumption or otherwise do not prohibit consumption. For example, New Jersey, New York, and Rhode Island prohibit minors from consuming alcohol in licensed establishments, apparently permitting consumption at other public locations.

Most State laws appear to place responsibility for underage drinking on the seller of alcohol, but not on the underage purchasers who also should be responsible for their actions. Current laws misplace responsibility, send a mixed message to youth, and impede enforcement. With such deficiencies, it is no surprise that alcohol is readily available to minors and that, as a consequence, alcohol-related crashes involving drivers under age 21 continue to occur.

To maximize the lives saved from the establishment of a minimum drinking age, it is essential to reduce alcohol availability and traffic fatalities, improve State minimum drinking age laws, and enforce these laws.

The Safety Board believes that the District of Columbia and the States should enact comprehensive laws to prohibit the attempt by minors to purchase alcohol or the purchase of alcohol by minors, the public possession of alcohol by minors, public consumption of alcohol by minors, and the misrepresentation of age and use of false identification by minors to purchase alcohol. Uniform laws may also help to reduce travel by underage persons to States with more permissive laws.

Another key point of the Safety Board's recommendations in this area deals with inexperienced teen drivers. Research shows that because driving patterns are formed early, driver improvement actions targeted on youthful drivers need to be identified and acted upon rapidly.

One strategy to reduce crashes involving young novice drivers has been the use of a provisional license system in which the license can be revoked if certain conditions are violated. A provisional license for teenage novice drivers combines restrictions to that their driving takes place in less dangerous circumstances (daytime and with adult supervision at night) until the driver has had an opportunity to gain experience. Restrictions would gradually be lifted after the successful completion of the learning period. Nighttime (midnight to 5 a.m.) driving restrictions could be a component of the provisional license system. Young drivers do only 20 percent of their driving at night, but over half their crash fatalities occur during nighttime hours. First-year drivers, moreover, have twice the average number of crashes and, on a miles-driven basis, four times the number of crashes of more experienced drivers.

In conclusion Mr. Chairman, highway crashes among young drivers, including alcohol-related crashes, will remain a serious and persistent problem unless concrete and comprehensive steps are taken. To reduce these crashes, the Safety Board believes an effective combination of tough, fair laws, vigorous enforcement, and intensive and targeted educational campaigns is needed. Thus, as a result of its recent study, the National Transportation Safety Board recommended that the states, the territories, and the major and city council of the District of Columbia:

- Review their drinking age (age 21) laws to determine if they prohibit persons under the age of 21 from attempting to purchase, purchasing, publicly possessing, or consuming alcoholic beverages and prohibit the sale of alcoholic beverages to persons under the age of 21. Enact laws to include these provisions and to eliminate deficiencies that may exist.
- Vigorously enforce the minimum drinking age laws to achieve a significant reduction in the rate of alcohol purchase by underage persons.
- Vigorously enforce youth drinking and driving laws to increase the percentage of alcohol-impaired young drivers who are arrested.
- Vigorously enforce the minimum drinking age laws by taking driver license action against underage purchasers and vendor license action against those who sell to persons under the minimum purchase age.
- Enact comprehensive laws that prohibit drivers under the age of 21 from driving with any measurable blood alcohol concentration (any level above 0.00 BAC), to include:
  - (a) provisions for administrative license revocation;
  - (b) a period of extended license suspension/revocation (including a period of loss of driving privileges without exemption) for underage offenders in addition to any criminal sanctions that may be specified; and,

(c) public information programs targeted to youth to enhance the effect of the new law.

- Enact laws to provide for a provisional license system for young novice drivers.
- Enact laws that prohibit driving by young novice drivers between certain times, especially midnight to 5 a.m.

Thank you again for inviting the Safety Board to testify about this important problem and I would be happy to answer any questions you may have.

Senator EXON. Mr. Vogt, thank you very much, and I appreciated your remarks. And I just want to say that focusing attention on accidents has been a key part of the effort of this committee. We had a rather dramatic turnaround in the last couple of years after legislation that we enacted to cut down on the number of deaths at railroad crossings. We have got a long ways to go. I think it demonstrates more than anything else this was not just happenstance. If we focus on the problem with legislation and action at the local level we get the attention of the public at large. And certainly, we want to get the attention primarily of the youngsters in this particular area.

I would like to say you referenced your written statement, Mr. Vogt, and your written statement, along with all of the other written statements we have received from both you on panel No. 1 and No. 2 are accepted and will be placed in the record at the appropriate point without objection. With that, Dr. Rothberg.

**STATEMENT OF DR. PAUL F. ROTHBERG, SPECIALIST IN SCIENCE AND TECHNOLOGY, SCIENCE POLICY RESEARCH DIVISION, CONGRESSIONAL RESEARCH SERVICE**

Dr. ROTHBERG. The Congressional Research Service greatly appreciates this opportunity to discuss some of the possible benefits and concerns associated with S. 738. My analysis is based on 20 years of research at CRS on a variety of highway safety issues.

Last year, the highway safety community achieved a historic low in our traffic fatality rate of 1.8 deaths per 100 million miles traveled. However, more than 39,000 people died as a result of highway crashes. An extremely difficult challenge now is to reduce the fatality rate, perhaps down to the 1.2 deaths per unit traveled rate.

If we could get down to this low of a rate, this would result in a savings of an additional 13,000 lives per year. Even coming close to reaching this very ambitious goal would require the use of numerous strategies, including increased focus on the high-risk driver.

The bill you are considering this afternoon creates a framework for increasing the Federal and State role in promoting the safety of high-risk drivers. The bill is intended to help judges, law enforcement officers, and State driver licensing officials conduct their responsibilities much more effectively.

In addition, improvements in State driver record systems to identify and monitor high-risk drivers would likely result. If enacted, this measure would also strengthen and focus activities currently being conducted by the National Highway Traffic Safety Administration and would legislatively underpin expanded activities.

You have just heard from the NTSB chairman about the tragic safety statistics associated with younger drivers and the wide holes in some of the current State laws and enforcement programs. I

would like to focus on how the provisions of this bill would address these concerns.

As you know, this bill creates a traffic safety incentive grant program that is intended to improve State laws and programs affecting youth traffic safety. To qualify for the funds, a State would need to enact a mix of laws and programs that are based generally on proven or very logical measures. These could include the provisional licensing program, a .02-percent BAC level, and a requirement for front and rear seatbelt use.

This bill also seeks to deal with the issue of selling alcohol to underage drivers with a \$500 penalty amount and it also very closely couples someone's violation of purchase and public possession laws with a loss of 6 months of their driving license.

For many years, NHTSA has been encouraging the States to strengthen their laws and programs dealing with youth traffic safety. Despite these efforts, progress toward major changes in State laws has been relatively slow. Only about five States have implemented the comprehensive mix of laws and programs that appear to be necessary to effectively deal with traffic safety problems of youth and to reduce the youth traffic fatality rate substantially below its current level.

If the grant program of S. 738 were properly structured and implemented, the resulting Federal/State partnership would promote a comprehensive and vigorous national program that could substantially reduce traffic fatalities involving youth. The grant program proposed in this bill could be funded out of general revenues or out of the Federal Highway Trust Fund. Either way, the cost would be roughly \$20 million a year. If funded out of the Trust Fund, this program would slightly increase competition for funds from the Fund, which is currently tapped for about \$20 billion annually. There are, however, unused contract authorities and funds in the 1991 Highway Act and in other laws that could be redirected to pay for this new program.

Does this expenditure make sense? The CRS report on the younger driver issue, which you have before you, projected that the benefits in reducing the medical and societal costs of losing and injuring thousands of young people each year in traffic crashes would outweigh likely program costs by at least a factor of 10.

Time allows me to mention only one of several concerns regarding this bill. In its current form, the bill does not have as one of its eligibility criteria for the grant program a provision that would reward a State for enacting a nighttime curfew for young, inexperienced drivers under the age of 18. Such a restriction would require the provisional licensee to have an adult present in the front seat during specified hours. Some might argue that such a restriction would be cumbersome. State licensing agencies, however, have successfully implemented curfew programs for specified drivers, whilech grant limited exceptions for very specific conditions on a case-by-case basis. Although concerns regarding civil liberties of youth may be raised, experience shows that such curfews saves lives and surveys show that such curfews are appreciated by many.

Before closing, I would like to address how this bill would deal with the older driver challenge. If we are going to simultaneously promote traffic safety and provide for the mobility of older Ameri-



cans, we need to learn a great deal more about how declining physical and mental abilities affect driving and how to relate this information to licensing decisions.

Over the next 10 years, the proposed older driver program outlined in this bill could provide much of this knowledge. This information would help State agencies make more informed licensing decisions, lead to improved guidelines to be used by concerned families and physicians, and assist older drivers in making better decisions about their own driving practices and future license.

S. 738 authorizes \$1.25 million for the older driver program for each of the fiscal years 1995 through 2000. In view of the expected growth of the older driver population in the United States and the fact that roughly 6,300 people 65 years of age or older die each year in U.S. traffic crashes, increased attention to the older driver challenge would be timely.

By authorizing a specific amount of consistent funding, Congress would be sending the message that it does not want to support the start-and-stop funding that has characterized this NHTSA behavioral program during the last 20 years. Congress would also be signaling that it wants more than \$140,000 spent on this program each year, which is roughly the average amount that NHTSA has spent each year since 1972 on its older driver behavioral program.

Thank you.

[The prepared statement of Dr. Rothberg follows:]

#### PREPARED STATEMENT OF DR. PAUL F. ROTHBERG

The Congressional Research Service (CRS) appreciates this opportunity to testify on S. 738, the High Risk Drivers Act of 1993. My analysis of the possible benefits and concerns related to this bill is based primarily on the recent CRS report entitled "Young Drivers: What is the Federal Role in Strengthening Relevant State Laws and Programs?" in addition to ongoing work on other high risk driver populations and the effectiveness of Federal traffic safety grant programs.<sup>1</sup>

The highway safety community has dramatically reduced the traffic fatality rate in the United States. In 1992, an historic low of 1.8 deaths per 100 million vehicle miles traveled was achieved. This is substantially lower than the rate characteristic of the 1960s of 5.3 deaths per 100 million vehicle miles traveled. An extremely difficult challenge now being discussed is to reduce the 1992 rate of 1.8 deaths per 100 million miles traveled to 1.2 deaths per 100 million miles traveled. This would result in a savings of some 13,000 lives per year, assuming the current number of miles traveled. Reaching this ambitious goal, or even coming close, would entail additional costs and would require the use of numerous strategies, including increased focus on high-risk drivers. S. 738 pursues these purposes.

This bill sets forth a framework for increasing the Federal and State role in promoting the safety of young drivers, older drivers, and repeat violators of traffic safety regulations. S. 738 is intended to help judges, prosecutors, driver educators, and State driver licensing officials conduct their traffic safety responsibilities more effectively. The bill could lead to improvements in the training of the law enforcement community regarding youth and their traffic safety problems; assistance to families and physicians when they participate in licensing decisions; and improvements of State driver record systems. A concerted research program to improve driver training and the licensing process for high-risk drivers is required. Thus, S. 738 could lead to cost effective and scientifically based procedures to reduce discriminatory licensing practices. This measure also would strengthen and focus activities currently conducted by the National Highway Traffic Safety Administration (NHTSA) and legislatively underpin expanded activities.

<sup>1</sup>U.S. Library of Congress. Congressional Research Service. Young Drivers: What is the Federal Role in Strengthening Relevant State Laws and Programs? Report No. 93-275 SPR, by Paul F. Rothberg and Edith Fairman Cooper, Mar. 1, 1993. Washington, 1993. 58 p. (This CRS report contains much of the data and sources used in this statement.)

I will now focus on how S. 738 might affect younger and the older drivers, two high-risk groups.

#### YOUNGER DRIVER CHALLENGE

Motor vehicle crashes are the leading cause of death among teenagers, and teenage drivers tend to be at-fault for their fatal crashes more often than other drivers. Young drivers are vastly overrepresented in motor vehicle crashes and injuries. This is true whether the measure of exposure is based on population, miles driven, or number of licensed drivers. During 1991, the number of youths aged 15-20 who died in motor vehicle crashes was 6,630, of which 3,568 were drivers. Their inexperience in driving, risk-taking behavior, and consumption of alcohol are major causes for thousands of tragic losses and hundreds of thousands of injuries annually.

S. 738 creates a new traffic safety incentive grant program for the States, intended primarily to reduce the frequency and severity of crashes associated with young drivers. To qualify for the grant funds, a State would need to enact a mix of laws and programs that are generally based on certain proven or logical measures. These could include: a provisional licensing program with a clean driving record requirement, a blood alcohol threshold for convictions of drunk driving for youth that is lower than that set for other drivers, and requirements for front and rear seat belt use. S. 738 also seeks to encourage the States to adopt laws that would set a minimum \$500 penalty for selling alcohol to anyone under 21 years of age and a minimum 6-month driving license suspension for anyone under 21 years of age convicted of the unlawful purchase or public possession of alcohol. Numerous reports, including those by the National Transportation Safety Board and CRS, have concluded that there are major problems in controlling access to alcohol by youth in many States and that many current enforcement programs are not working.

S. 738 provides financial incentives for the States to strengthen their regulations and programs targeted at young drivers. Despite NHTSA's efforts to accomplish this objective for many years, progress towards major changes in State laws has been relatively slow. Only about five States have the comprehensive mix of diverse laws and programs that appear to be necessary to effectively deal with the multiple problems of youth on the highways and to reduce the youth traffic fatality rate substantially below its current level.

The section 408 and 410 grant programs, which were strongly supported by this Committee, have demonstrated that Federal partnerships with States lead to strengthened traffic safety laws and help save lives. If the proposed grant program were properly structured and implemented, the CRS report concluded that the resulting Federal/State partnership would be an effective means of promoting a comprehensive and vigorous national program intended to substantially reduce traffic fatalities involving youth.

The proposed program in S. 738 could be funded out of general appropriations or out of the Federal Highway Trust Fund and would cost roughly \$20 million per year. If funded out of the Trust Fund, this program would slightly increase competition for monies from the Fund, which is tapped for roughly \$20 billion annually. The CRS report on younger drivers, did estimate, however, that the projected benefits in reduced medical and societal costs of losing and injuring thousands of young people each year from traffic crashes would outweigh likely program costs by at least a factor of ten. Furthermore, there are unused contract authorities and funds that were authorized in the Intermodal Surface Transportation Efficiency Act of 1991 and other traffic safety laws, but which have never been appropriated, that might be redirected to fund a new grant program.

In pursuit of greater safety gains, S. 738 could be amended to include a provision that encourages the States to adopt a driving curfew during certain night hours, e.g., midnight to five a.m. Such a restriction would require provisional licensees, namely beginning drivers who are less than 18 years old who have not established a one-year clean driving record, to have an adult present in the front seat during specified hours. It can be argued that such a restriction would be cumbersome. State licensing and enforcement agencies, however, have successfully implemented curfew programs for specified young drivers while granting limited exemptions on a case by case basis. Although concerns regarding the civil liberties of youth may well be raised, experience shows that such curfews are proven means of saving lives and surveys show that such curfews are appreciated by many, especially by worried parents.

Some States may regard the provisions required to qualify for the grant as too specific or too difficult to enact. S. 738, however, provides the States some flexibility and allows a phased-in approach of different criteria over several years. To further increase the flexibility in the proposed grant program, the Committee might con-

sider adding a criterion that would allow a State to remain in the program after two years if it demonstrated during this period a substantial reduction in youth-involved fatalities or crashes. Such flexibility would be greatly appreciated by States, but measurement of performance would require accurate traffic records.

There are alternatives to the grant program proposed in S. 738. If Congress acts to promote increased youths traffic safety, it could link the potential loss or diversion of Federal Highway Trust Fund monies with a State's failure to adopt stricter laws and enforcement programs. This option, however, would likely encounter substantial opposition by most State officials as imposing too much Federal influence.

#### OLDER DRIVER CHALLENGE

The older driver program proposed in S. 738 seeks to address the research challenges identified in the Transportation Research Board's Circular entitled "Research and Development Needs for Maintaining the Safety and Mobility of Older Drivers." Over the next five to ten years, the proposed program offers the opportunity to help State agencies make more informed licensing decisions, lead to improved guidelines to be used by concerned families and physicians, and assist older drivers in making better decisions about their driving practices and licenses. This bill also is intended to ensure that the rapidly growing National Intelligent Vehicle Highway Systems Program (IVHS) pays particular attention to the needs of the older driver.

S. 738 authorizes \$1.25 million for each of the fiscal years 1995 through 2000 and slightly larger amounts through FY 2005. In view of the expected growth of the older driver population and the fact that roughly 6300 people 65 years or older die each year in U.S. traffic crashes, increased attention to the older driver challenge would be timely. By authorizing a specific amount of consistent funding, Congress would be sending the message that it does not support the start and stop funding that has characterized this NHTSA behavioral program during the last twenty years. Congress also would be signaling that it wants more than \$140,000 spent on this program each year, which is roughly the average annual amount that has been spent since 1972. It should be noted that the DOT Appropriations Act last year increased funding for this activity to the \$500,000 range for FY 1993. In the FY 1994 budget, NHTSA is proposing to spend \$450,000.

#### MAINTAINING THE STATUS QUO

Instead of enacting S. 738, Congress could simply continue, or perhaps slightly increase, funding for the programs conducted by NHTSA that affect high-risk driver populations. These and other programs have already contributed to an impressive reduction in the national traffic fatality rate. Other arguments against an increased Federal role include: 1) many State and local governments as well as the alcohol and insurance industries and others are partly addressing the challenges posed by many high-risk drivers, and 2) many of the stronger actions that would be required to better address these problems would inherently be age-biased. The case against maintaining the status quo is that it is unlikely to achieve the cost effective improvements in traffic safety comparable to those that could result from the programs envisioned in S. 738, components of which have already been successfully implemented in several States.

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[“Young Drivers: What is the Federal Role in Strengthening Relevant State Laws and Program?” by Paul F. Rothberg and Edith Fairman Cooper may be found in the committee's files.]

Senator EXON. Gentlemen, thank you very much. Let me start out with a question to try and put all of this in perspective. We have got the excellent statistics that you have given us, and one of the startling statistics that we have, 16- to 20-year-olds make up 15 percent of the fatalities, and I think 20 percent of the single-car accidents. Can either of you tell us whether there have been studies or percentages that can tell us what that percentage were of 16- to 20-year-old drivers 5, 10, 15, or 20 years ago? Is this a new phenomenon, or is this something that has been statistically substantiated in this range over a number of years?

Mr. VOGT. I do not think it is a new phenomenon. I do not have the statistics right here, but this is nothing new in our experience.

Dr. ROTHBERG. This problem is certainly not new. There has been a tremendous amount of effort that has gone into reducing this problem by a large variety of groups, some of which are here today, for example, the Mothers Against Drunk Driving and the National Association of Governors' Highway Safety Representatives. Many groups have worked hard on the younger driver problem.

As a result of all of this work, there is an NHTSA study that shows that traffic safety losses, among people 15 to 20 years old have declined more during the last 10 years than for any other age group. This drop has been attributed to greater youth awareness of traffic safety, especially the adverse consequences of drinking and driving, and to targeted safety programs and some of the initial legislation in some of the States that focuses on impaired driving of teenagers.

So, we have made some progress with young drivers, but we also have made progress reducing the fatality rate of all drivers. I think the issue is whether we should continue our current policies of NHTSA in this area and whether the States should continue their current programs. But I think the case against maintaining the status quo is that it is unlikely to achieve the cost effective improvements in traffic safety that could result from programs envisioned in the bill you are considering today.

Mr. VOGT. I think it is fair to say our 1982 study and the 1984 legislation which increased the drinking age to 21 have had a dramatic impact. And that—at least it is my perception has spawned some additional action.

For example, there are eight States right now that have nighttime restrictions on teenage driving. And it is my recollection that those are all of a relatively recent vintage. And they have had a dramatic impact. For example, crashes involving teenage drivers in the State of Pennsylvania, since that restricted driving legislation was passed, are down 69 percent. That translates in 1 year into 3,432 crashes.

So, the impact of legislation, the correlation between reductions in teenage fatalities and accidents, and the legislation that deals with this issue, has been very pronounced. And that is why I think this legislation is so timely.

As I mentioned in my remarks, the upsurge for the last 3 years from the previous 28-percent level has been troubling.

Senator EXON. But the answer to my question is that you do not have comparable statistics of 5, 10, and 15 years ago, that could say that—in other words what you are saying is you believe that the statistics that we are talking about today, 7 percent of the drivers in the 16- to 20-year-old age group involved in 20 percent of the single-vehicle accidents and 15 percent of the fatalities may be even a little bit better than it was 10 years ago, but you do not know for sure; is that right?

Mr. VOGT. I think we can say that it is better than it was in 1982. And we attribute—at least we believe a lot of that is due to the increase in the drinking age to 21, but there were other State laws passed, and that is all available. And we will certainly be happy to provide it for the committee.

Senator EXON. That would be helpful, I think, to have that as maybe a benchmark of some kind as we continue to move ahead on this program, as I am sure we will.

Senator Danforth.

Dr. ROTHBERG. Senator, if you have a copy of the CRS report on younger drivers, on pages 6 and 7 is a historical chart on how the number of fatalities has declined over the last 10 years, and on page 11 is a statistical table which shows the improvements that have been made in youth fatalities and its relationship to alcohol involvement. In terms of the number of lives lost, the reduction is shown from 1982 to 1991.

Senator EXON. So, I guess what you are saying is that because of the efforts of the Mothers Against Drunk Drivers, the safety groups that you represent, Mr. Vogt and others, we have made some strides in the right direction but we have got a long, long way to go. Is that a fair way of putting it?

Mr. VOGT. Absolutely, and to state it just a little bit differently, that the actions really do have an effect, we are convinced that legislation and volunteer efforts have a very positive effect.

Senator EXON. Dr. Rothberg, I want to take a further look at your statistics, evidently in your prepared statement, about how a few million dollars spent on this one way or the other is paid back many, manifold, if we can make the reductions that we hope this and comparable action at the State level can turn around. If you want to measure it in dollars only, it is a moneymaking proposition; is that right?

Dr. ROTHBERG. I would say it is a moneysaving proposition.

Senator EXON. All right. Well, saving. Whatever connotation you want to put on it. Thank you.

Senator Danforth.

Senator DANFORTH. Mr. Chairman, thank you. I would like to thank both of the witnesses for their hard work in this area and for their very helpful testimony. I am going to ask you a question which does not have anything to do with the bill. At least it does not have anything to do with the bill as yet. But it is something that interests me, and maybe you have thought about it and maybe you have not thought about it.

But when I first got into this subject, when I was State attorney general, we thought about the idea of administrative revocation of drivers licenses, and of course that now is something that we have legislated. But one thing I was told at the time was that people having their drivers' licenses revoked does not necessarily stop them from driving and that is a particular problem of people who have a drinking problem.

They have their drivers' licenses revoked and they continue to get behind the wheel of the car while intoxicated and they continue to drive. So, an idea that we thought about at that time was that if somebody continues to drive drunk the only way to stop them from continuing to do so is to treat the automobile as contraband and seize it.

Now, I am told that Portland, OR, has done just that. Portland, OR, has an ordinance, which provides for automobile seizure for drunk driving offenders who continue to drive while their licenses are suspended. This has had a very dramatic effect in Portland.

There has been a 12-percent reduction in drunk driving arrests, but even more important than that there has been a 62-percent reduction in alcohol-related fatalities in Portland.

Now, Springfield, MO, has received approval from the Missouri General Assembly to initiate a similar program. My questions to you are have you ever heard of such a thing? Do you have any views of it? Are repeat offenders a major part of the drunk driving problem? And if you know, do vehicle confiscation programs do as much good as they would appear to do?

Mr. VOGT. Just speaking for myself, I have heard of these programs. We have not actively considered that among our recommendations from the Safety Board. I believe that a similar program or a similar approach has been in effect in Great Britain for sometime, and whatever is in effect over there, I can tell you anecdotally that it is extremely effective in keeping people who have consumed alcohol off the roads.

The figures you cite are very impressive in terms of a reduction in that kind of recidivism, and just speaking for myself—I cannot speak for the Safety Board because we have not really considered that—I would certainly be favorably inclined toward anything that works and is fair, and if the fairness question can be answered in the affirmative on the way in which this is done, then it would certainly have my personal support.

Senator DANFORTH. Well, that was one of the questions that was raised at the time—how about a family that has a car, and somebody in the family needs the car in order to get to work? I understand that problem.

On the other hand, if it is true that revoking a driver's license does not necessarily stop somebody who has a drinking problem from continuing to drive, it would seem to me that driving should be viewed as a privilege and not as a right, and that whatever steps are necessary to prevent that person from going out and doing it again would be reasonable steps to take.

Do you have any knowledge of this area; Dr. Rothberg?

Dr. ROTHBERG. I am aware of the fact that in roughly over 13 percent of intoxicated drivers involved in fatal crashes have had at least one prior DWI conviction within the past 3 years.

I am aware of the fact that a number of States do have a variety of different types of confiscation laws, whether it be confiscation of the license or the tags or the car. The problem is that some of these laws, in terms of their implementation, there are some administrative problems in terms of, whose car was it. These present some formidable challenges; for example, if it is a rental car, I agree with you that the repeat offender is definitely a type of driver that needs to be addressed if we are going to get to the next level of highway safety, down from the 1.8-level to a much lower level.

Senator DANFORTH. Of the 13 percent who have had DWI priors within 3 years, would most of them have had their licenses revoked or suspended?

Dr. ROTHBERG. I have not looked underneath that statistic, but I would imagine that most of them would have had their license suspended in many States.

The difficulty, though, in terms of the structure of this bill, is to determine what is the objective of this bill, especially title I. If the

objective is to address the younger driver problem, it needs to be designed in such a way that it is going to address the younger driver problem.

I realize the political sensitivities because grade crossing safety is very important to some members and to everyone in the highway safety community, and the open container provision is very important to others.

If we now begin to look at the issue of vehicle confiscation and you add this on as another layer in terms of the grant criteria, what could happen—and this is an issue that you may need to determine in drafting the final bill—is a State could theoretically qualify for this grant program, and have very few State laws that address the younger driver problem.

So, it is a question of, how do we want to spend our Federal dollars, and what are the criteria shaping this grant program? Where would we get the biggest bang for the dollar is the real issue. Is it grade crossing, is it in the open container provision, or is it on the youth problem? I am not quite convinced that we can solve every highway safety problem by one particular new grant program.

Senator DANFORTH. I understand that. I wonder if one or both of you might take a look at this confiscation issue and whether it makes sense. I mean, you probably are inundated with various requests for studying this and that. I am not really asking you to do that. I am just asking for a judgment call, particularly on your part, Mr. Vogt, of if it seems like a fruitful area to pursue.

Mr. VOGT. We would be happy to take a look at it, and if we could call on your staff, you mentioned two particular examples there, and we would like to pursue the evidence from that, and we certainly will.

Senator DANFORTH. Thank you both very much.

Senator EXON. I have just been advised that we have three back-to-back rollcall votes in succession, starting in just a few moments, so I hope we can maybe finish with this panel and then take a recess before the second panel. Senator Burns.

#### OPENING STATEMENT OF SENATOR BURNS

Senator BURNS. Thank you, Mr. Chairman. I will be very, very brief, and I would ask unanimous consent that my statement be entered in the record.

Senator EXON. Without objection, so ordered.

[The prepared statement of Senator Burns follows:]

#### PREPARED STATEMENT OF SENATOR BURNS

I am pleased that the committee is holding this hearing on Senator Danforth's legislation to combat the major causes of traffic accidents whose costs in both human and economic terms is enormous—I know of this based on my own personal experience.

As I indicated at a recent hearing concerning restrictions on alcohol advertising, I am particularly concerned about drunk driving. Alcohol is involved in nearly one-half of all traffic accidents in the United States. This is very disturbing. Something should be done about it.

As I indicated at the previous hearing, however, I do not believe that the proposal to restrict advertising of alcoholic products will solve the problem—in fact, it will merely create more problems.

As an alternative, we need to look at legislative proposals which deal directly with the problem of drunk driving and high-risk drivers. Senator Danforth's bill is designed to do just that.

In addition to the provisions already contained in S. 738, I would like to hear from our witnesses today about other measures which would help us deal with the problem of drunk driving and high-risk drivers.

In particular, I am interested in automobile forfeiture penalties for those who drive drunk or who continue to drive while under license suspension for drunk driving. It is these kinds of measures which will better deter drunk driving—not proposals to restrict alcohol advertising.

Thank you, Mr. Chairman. I look forward to hearing from our witnesses.

Senator BURNS. As I indicated in a previous hearing, as we try to confront this terrible problem of teenage drinking and alcohol use and abuse, I think this particular piece of legislation goes much further and will probably get the job done more than, say, the prevention of advertising and the alcoholic products that were suggested, say, in a hearing just a couple of weeks ago.

I am particularly interested in the confiscation issue. I realize there have probably been some excuses used in the past where this is my dad's car and he needs it for work, and rental cars and this type of thing. I would suggest to you if it is dad's car and he needs it for work, you want to go ahead and take the car. I think you will sure get some results at home in supervision.

Whenever we start dealing with our young folks in the disciplinary areas, sometimes those really hit home. I know that is the way my father would have approached it, and oh, glory be, what would have happened then. I do not know what would have happened, bless his soul anyway.

But I think we are headed in the right direction on this bill, especially on the confiscation issue. I do not have any particular questions, other than the grant situation, and I will not hold you, but I think that these are not proposals, these are measures that put some teeth in the law about confiscation, and I will be interested in seeing that report, too, if possible, and take a look at that and just see what it would do.

I for one believe that there has to be some parental responsibility. In other words, we cannot legislate everything and make sure it does not get done.

I would ask Mr. Rothberg just—the cornerstone of the grant program established in 738 is the provisional or graduated licensing requirement. What does the scientific literature tell us about the purposes, benefits, and costs of such a licensing system, and I am just sort of interested in that area.

Dr. ROTHBERG. Well, we know that safe driving is a skill that is learned over many years, and a key strategy that is used in a number of States to help younger drivers develop these skills is what is known as a graduated licensing system, a three-tiered system which it starts off with a learner's permit and then goes to the provisional license and then the full license, and as you said, the cornerstone of this phased system is the provisional license.

In general, a provisional license prescribes certain very rigid requirements for obtaining and keeping a driver's license as it applies to the younger driver. The way it works is the younger driver is placed on a very tight string where at a much lower threshold than that which would apply to other drivers for violations, his license is either taken away or he is issued a warning letter, or some



other remedial action is taken and they are very carefully monitored.

Senator BURNS. I know what the programs are. Do we have a comparison of where they are used and where they are not used, and what are the results?

Dr. ROTHBERG. We do have.

Senator BURNS. Real quickly, because I have to go vote.

Dr. ROTHBERG. Very quickly, in one study in Oregon which looked at the effectiveness, it found that for male drivers who were issued a provisional license that they had approximately 16 percent fewer reported crashes during their first year of driving when compared to a similar group with nonprovisional licenses. The literature shows that provisional licensing programs work in Maryland and California and in Oregon.

Senator BURNS. Thank you very much. That is all the questions I have, Mr. Chairman. Thank you.

Senator EXON. Thank you. A quick question, Mr. Vogt. The National Transportation Safety Board issued a report on March 11 that set out some conclusions and recommendations, and one of those was to provide more vigorous enforcement, minimum laws, and so forth, with regard to alcohol and youth. Does the grant program established in this bill appropriately address these concerns, in your opinion?

Mr. VOGT. We believe it goes a long way in that direction. We have some differences, for example, in the .02 blood alcohol level, and our recommendations are a bit more comprehensive than the legislation, but everything that is proposed in the legislation is consistent with our recommendations.

Just for your information for the record, Senator, I responded to Senator Danforth by saying we would be delighted to look into this, and we would, on the confiscation issue. But our recommendations generally stress suspension and automatic or administrative revocation of licenses. We have not gotten into the area of recommending to States what penalties should be imposed for violations, so that is a bit beyond the scope of what we have done, but we certainly will take a look at it.

Senator EXON. Thank you, Dr. Rothberg. A quick question of you. How would you compare the amount of Federal dollars now being allocated to improve youth safety versus the amount spent on truck and bus safety?

Dr. ROTHBERG. Well, as you know and you said in your own words that Federal dollars spent on highway safety are spread very thinly among a wide array of programs. The bottom line is that if you take a look at the total number of people of all ages that are killed in truck and bus involved accidents, it is roughly about 5,000 a year, and then you take a look at just the youth problem, you have a problem of about 6,700 kids that die in traffic accidents.

So, when you compare, you have roughly 30 percent more youth dying in traffic accidents than people of all ages dying in truck accidents. And the bottom line is that the Department of Transportation with its grant programs and what it spends on its own operations annually allocates about five times more on promoting truck and bus safety than it spends or disperses on the youth problem.

Senator EXON. I guess what I am trying to get you to say, and let me try and put words in your mouth, are you saying what I think is true, that we are spending too much money on bus and truck where we have got even more of a serious problem with youth? Is that right?

Dr. ROTHBERG. Pretty close. In CRS language I would say on a periodic basis it is worthwhile to reevaluate the current allocation of Federal dollars.

Senator EXON. Are you an economist, Dr. Rothberg? [Laughter.]

Thank you very much for being here. There will be additional questions for the record.

We stand in recess subject to the call of the Chair. I am sorry, but we have to go vote.

Thank you for being here.

[A brief recess was taken.]

Senator EXON. The committee will please come to order. Once again, my apologies to panel No. 2 for the long delay, but under the circumstances there was not anything that we could do about it.

So, I would call panel No. 2 at this time: Ms. Judith Stone, executive director of the Advocates for Highway and Auto Safety; Mr. Brian O'Neill, president of the Insurance Institute for Highway Safety; and Ms. Milo Kirk, national president of Mothers Against Drunk Driving. Would you please take your positions, please?

And Ms. Stone, we will begin with you, if you are ready. And then we will, as you have probably heard me say earlier, we have accepted any and all of your written statements to be inserted in the record at an appropriate part of the record. We would like for you to summarize at this time, and then we will go to questions.

**STATEMENT OF JUDITH STONE, EXECUTIVE DIRECTOR, ADVOCATES FOR HIGHWAY AND AUTO SAFETY; ACCOMPANIED BY DAVID SNYDER, SENIOR COUNSEL, AMERICAN INSURANCE ASSOCIATION**

Ms. STONE. I will do so. Thank you Mr. Chairman. I am Judith Lee Stone. I am president of Advocates for Highway and Auto Safety, a coalition created to promote highway and auto safety issues. I am accompanied today by David Snyder of the American Insurance Association, who is one of our board members. I will summarize my remarks, as you have requested, and ask that my full testimony and Mr. Snyder's statement, as well, be inserted in the record.

Senator EXON. If it was not made clear, we would be glad to accept Mr. Snyder's statement also for the record, without objection.

Ms. STONE. Thank you so much.

In the 3 years since Advocates was formed, we have gained extensive experience working on behalf of safety initiatives in State legislatures, in Congress, and in the Federal regulatory agencies. This gives us a unique perspective of what works and what does not.

After battling for a wide range of legislation in Congress and in more than three dozen States, we have discovered the strategies and the political and policy elements necessary for success. It is clear that successful public policy initiatives are those that begin

with vocal, grassroots support, assisted by Federal leadership. Two recent examples illustrate this process: the section 153 provisions in the Intermodal Surface Transportation Efficiency Act of 1991, or ISTEA, which encourages State adoption of safety belt and all-rider motorcycle helmet use laws, and the 21-year-old drinking age law which we have already referred to today. A consensus developed around the Nation that more must be done to attack the tragic toll of motor vehicle crashes. The conclusion was that all citizens, regardless of residency, benefit from basic occupant protection laws, and that the problem of drinking and driving by minors deserved a strong, effective response.

The grassroots support was bolstered by Congress providing a plan for action. Congress determined to deny a portion of Federal highway construction funds to States that did not adopt a 21-year-old drinking age. Now, every State prohibits those under 21 from consuming alcohol. Congress included in ISTEA section 153, which has already helped persuade six States to enact either a safety belt or an all-rider motorcycle helmet use law.

We have seen some progress. The Nation's fatality rate is at a record low, and the number of fatal crashes in which alcohol is a factor continues to decline. But on several fronts, especially regarding alcohol-related crashes, we appear to be at a plateau. After several years of dramatic progress in attacking the problem with drinking and driving, this positive trend appears to be slowing. The percentage of fatally insured motor vehicle drivers with blood alcohol concentrations of .10 or more has been hovering at 40 percent since 1987, after declining sharply during the early 1980's.

Despite efforts to require safety belts, curb speeding and attack drunk driving, several categories of drivers continue to be significantly overrepresented in crashes: younger drivers, older drivers, and repeat offenders. Fortunately, we are again seeing the conjunction of two key elements necessary for progress. A growing public consensus demands that the dangers presented by these drivers be addressed through public policy initiatives.

S. 738 is an important first step in providing the Federal leadership vital to triggering and assisting State and local action. The common thread through S.738 is the coveted driver's license, the vital key to daily functioning in our mobile, fast-paced society. That tiny piece of plastic-coated paper seems to carry more value than money paid in fines, even sometimes more value than time spent in jail.

Everyone who holds a driver's license must remember that driving is a privilege, not a right. And society has the liberty, indeed the responsibility, to curtail this privilege when it threatens the quality of life and safety of the community.

S. 738 will identify means and encourage action to effectively improve the safe driving behavior by targeting the three major categories of high-risk drivers. It includes brave new approaches to bothersome issues, such as encouraging States to provisionally license young and inexperienced drivers. It is this kind of leadership that is needed, to move us off of our plateau.

It is particularly important that the efforts targeted at young drivers recognize the role that alcohol impairment plays in crashes in this age group. Although the legal drinking age in all States is

21, fully one-third of fatally injured drivers who were legally drunk were under 21. Existing drinking age laws suffer from loopholes and lax enforcement. S. 738 encourages States to adopt effective responses, such as .02 BAC for minors, and use-and-lose legislation.

I recently participated in a Young Drivers At Risk Conference in Sacramento, CA—60 young people joined with highway safety professionals from around the country for a hands-on workshop, focusing on the passage of not-a-drop laws for minors.

What was remarkable to me was the sophistication, enthusiasm, and intelligence of the young people involved. They want to be part of the solution, while so many of their peers are a part of the problem. It is really to these bright, committed young people that we dedicate our efforts in support of the High Risk Drivers Act of 1993.

One of the most intractable yet intolerable components of the highway safety equation is that of the repeat offender. Millions of Americans drive safely their entire lives. Many others learn from their errors, and grow into cautious and prudent drivers. But how to reach the unrepentant, multiple offender? Repeat offenders need to receive a powerful and effective message, the message that poor and reckless driving will not be tolerated; that the system will no longer slap their wrist and look the other way.

The High Risk Drivers Act encourages States to issue provisional licenses to drivers, after their licenses are suspended or revoked. The act also encourages vehicle confiscation programs; well it will, we think, include these provisions on vehicle confiscation. We particularly commend S. 738's approach to vehicle forfeiture, because it includes fair provisions for vehicles jointly owned, or for one-vehicle families.

As our population ages, the need grows more urgent for a solid base of research and program countermeasures on the driving abilities and licensing of older drivers, as well as reviews of initiatives addressing this population and their effectiveness. S. 738 begins this important process.

Highway and vehicle safety is a multifaceted challenge, requiring action on many fronts. S. 738 addresses a major behavioral dilemma, but we must also be attentive to other solutions. This committee has been active on an array of these concerns, such as a wide range of vehicle safety standards, and we commend you for your leadership. Your achievements in the National Highway Traffic Safety Administration authorization bill in the last Congress will save thousands of lives and prevent millions of injuries.

In conclusion, Mr. Chairman, Advocates looks forward to working with you and Senator Danforth and others on the committee toward enactment of this legislation, and future safety initiatives. Thank you so much for the opportunity to be here today.

[The prepared statements of Ms. Stone and Mr. Snyder follow:]

#### PREPARED STATEMENT OF JUDITH LEE STONE

Thank you, Mr. Chairman. I am Judith Lee Stone, President of Advocates for Highway and Auto Safety (Advocates). Advocates is a coalition of consumer, safety, health, law enforcement and insurance organizations working together to promote the passage of highway and auto safety laws and policies to help reduce death and injury on America's highways, and to decrease the economic losses due to motor ve-

hicle crashes. I am accompanied by David Snyder, Senior Counsel with the American Insurance Association, which is a founding member of Advocates.

On behalf of Advocates, I thank you for conducting this hearing and allowing us to testify on this critical legislation. I will summarize my remarks and ask that my entire statement be inserted in the record.

In the three years since Advocates was formed, we have gained extensive experience working on behalf of safety initiatives in state legislatures, in Congress, and in the federal regulatory agencies. This gives us a unique perspective of what works and what doesn't in enacting highway and vehicle safety around the nation.

After battling for legislation on safety belts, administrative license revocation, .08 percent blood alcohol consent (BAC) laws and other drunk driving provisions, motorcycle helmets, speed limits, radar detectors, stronger bumpers, and tougher vehicle safety standards in Congress and in more than three dozen states, we have discovered—step by step, battle by battle, year to year—the strategies and the political and policy elements necessary for success.

The state of highway safety continues to see advances. In the last three years, the number of states with safety belt use laws has increased from 33 to 45 (46 if the Governor of Maine agrees to the legislation passed last week); all states now have a legal definition of impaired driving of at least a .10 percent blood alcohol concentration (BAC) level, with nine states at a .08 percent BAC level; 32 states now have administrative license revocation laws; and half have all-rider motorcycle helmet use laws.

In advancing these vital safety laws, it is clear that successful public policy initiatives are those that begin with vocal grass roots support assisted by federal leadership. The Section 153 provisions in the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), encouraging states to enact safety belt and all-rider motorcycle helmet use laws, and the 21-year-old drinking age law are two recent examples.

On both of these issues, a consensus developed around the nation among safety, health, insurance, other business and law enforcement professionals, joined by victims and their families, that more must be done to attack the tragic toll of motor vehicle crashes. The conclusion was that all citizens, regardless of residency, benefit from basic occupant protection laws and that the problem of drinking and driving by minors deserved a strong, effective response.

The grassroots support was bolstered by Congress providing a plan for action. Congress determined to deny a portion of federal highway construction funds to states that did not adopt a 21-year old drinking age; now every state prohibits those under 21 from consuming alcohol. Congress included in ISTEA a provision (Section 153) that encourages state adoption of safety belt and all-rider motorcycle helmet use laws; so far, at least six states have enacted such legislation since ISTEA became law in December 1991.

We have seen some progress. The nation's fatality rate is at a record low, the number of fatal crashes in which alcohol is a factor continues to decline, and more and more states are adopting necessary safety laws.

But, on several fronts, especially regarding alcohol-related crashes, we appear to be at a plateau. Alcohol impairment is too frequently a factor in motor vehicle crashes. In 1991, an estimated 19,900 people—almost half of all motor vehicle fatalities—died in alcohol-related traffic crashes. About 318,000 people were injured in crashes where alcohol was present. The direct costs of these crashes are estimated at \$46 billion annually.

After several years of dramatic progress in attacking the problem of drinking and driving, this positive trend appears to be slowing. According to the Insurance Institute for Highway Safety (IIHS), the percentage of fatally injured motor vehicle drivers with blood alcohol concentrations (BACs) of 0.10 percent BAC or more declined sharply during the early 1980s, but has been hovering at 40 percent since 1987. Attached to our written testimony are maps showing the current status of several important impaired driving initiatives in the states.

Despite state and federal efforts to require safety belts, curb speeding and attack drunk driving, several categories of drivers continue to be significantly over-represented in crashes—younger drivers, older drivers and repeat offenders.

Fortunately, we are again seeing the conjunction of the two key elements necessary for progress. A growing public consensus demands that the dangers presented by these high-risk drivers be addressed through public policy initiatives. S. 738—the High Risk Drivers Act of 1993—is an important first step in providing the federal leadership vital to triggering and assisting state and local action.

It is a profound challenge to effectively address those classes of motor vehicle operators which have significantly higher crash and fatality rates that put all highway users at risk. The common thread throughout the High Risk Driver Act is the cov-

eted driver's license, the vital key to daily functioning in our mobile, fast-paced society.

Ask any law enforcement officer or motor vehicle administrator what message is most effective in communicating with hard-to-reach audiences and they will tell you: challenge the driving privilege. That tiny piece of plastic-coated paper seems to carry more value than money paid in fines, even sometimes more value than time spent in jail. The driver's license represents freedom in our society, and no safety improvement program should overlook its value in getting attention.

We also must remember throughout all deliberations on this and other highway safety bills: driving is a privilege, not a right. Society has the liberty, and indeed the responsibility, to curtail this privilege when it threatens the quality of life and safety of the community.

S. 738 takes this into consideration. The bill will identify means and encourage action to effectively improve the safe driving behavior by targeting the three major categories of high-risk drivers; it includes brave new approaches to bothersome issues.

For example, S. 738 encourages states to create an entire new category of licensing for young and inexperienced drivers. Provisionally licensing these drivers will be a major step and perhaps not an easy one to enact, at first. But it is this kind of bold leadership that is needed to move us off of our plateau. Nine states have already initiated provisional licensing and seven more are considering this step, so we know from a practical, administrative and enforcement point of view, it can be done successfully.

It is particularly important that the efforts targeted at young drivers recognize the role that alcohol impairment plays in crashes in this age group. Although alcohol consumption by those under the age of 21 is illegal in every state, one third of fatally injured drivers who were legally drunk at the time of their crashes were under 21. Existing drinking-age laws suffer from loopholes and lax enforcement.

We can, however, make significant public policy changes to help reverse this tragic trend. Laws such as .02 BAC for minors and "use and lose" legislation are effective responses. Advocates would like to see such measures enacted in all 50 states. This year alone, we are supporting legislative action in several states. We would also like to see legislative fixes to fill the gaps in existing drinking age laws.

I recently participated in a "Young Drivers at Risk" Conference in Sacramento, California. Sixty young people joined with highway safety professionals from around the country and the co-sponsors—the California Office of Traffic Safety and the Farmers Insurance Group—for a hands-on workshop focusing on the passage of "not a drop" laws for minors. Advocates helped explain how to develop a grassroots campaign and generate editorial support for highway safety issues.

What was most remarkable to me was the sophistication, enthusiasm and intelligence of the young people involved. They want to be part of the solution, while so many of their peers are a part of the problem. It is to these bright, committed young people with exciting, productive futures that we dedicate our efforts in support of the High Risk Drivers Act of 1993.

One of the most tragic, frustrating and intolerable components of the highway safety equation is that of the repeat offender. Millions of Americans go their entire lives driving safely, making few or no errors of any consequence, staying on the right side of the law. Millions of others make a single, serious error, pay their debt to society and are forever reformed, cautious and prudent.

But the unrepentant, multiple offender is the pariah of our efforts. Each run-in with "the system" becomes a disturbing echo of past misery, broken promises and a doubtful future. Repeat offenders need to receive a powerful and effective message. It should convey that poor and reckless driving will not be tolerated, that "the system" will no longer slap the wrist and look the other way.

The High Risk Drivers Act takes a firm stand. States would be encouraged to issue provisional licenses to drivers after their licenses are suspended or revoked, allowing only limited driving (such as to and from work) until the repeat offenders prove their rehabilitation and commitment to improvement.

The Act also institutes vehicle confiscation programs for repeat offenders. We particularly commend the approach to vehicle forfeiture in this Act, because it includes fair provisions for vehicles jointly owned or for one-vehicle families.

We support the concept of tough punishment for repeat offenders, but are aware that well-meaning programs of forfeiture could punish others beside the offender. S. 738 recognizes the impact on others and creates a fair, workable solution. Portland, Oregon, has conducted a similar program successfully since 1990, and other jurisdictions are planning vehicle confiscation programs. Since the High Risk Driver Act rewards states trying this approach as one of many countermeasures, we believe it is a reasonable, helpful and timely provision.

As our population ages, the need grows more urgent for a solid base of research and program countermeasures on the driving abilities and licensing of older drivers, as well as reviews of initiatives addressing this population and their effectiveness. S. 738 begins this important process.

Once enacted, S. 738 will add momentum to state and local initiatives promoting highway safety. However, enactment is only one step.

If the full promise of S. 738, like other safety legislation, is to be met, this first step must be followed by others. Experience shows that the grant program in S. 738 will provide a true incentive only if it is sufficiently funded. Experience also shows us that adequate funding, in the current fiscal situation, will require this committee's leadership to assure that the promise of this legislation is met by fully appropriating the authorized levels. S. 738 can be likened to a doctor's prescription; it will only be helpful if it is taken to the pharmacy and properly filled.

In addition, highway and vehicle safety is a multi-faceted challenge, requiring action on many fronts. No single "solution" to highway safety problems exists. S. 738 addresses one key behavioral dilemma; we must also be attentive to other solutions. For example, at the same time we are striving to prevent crashes, we must assure that vehicles are as safe as possible when crashes occur.

This committee has been active on a wide array of these concerns, such as a range of vehicle safety standards, and we commend you for your leadership. Your achievements in the National Highway Traffic Safety Administration (NHTSA) authorization bill in the last Congress will save thousands of lives and prevent millions of injuries. This committee's outstanding commitment to safety is well-documented, and we are proud to continue the excellent working relationship between the Members and staff of this committee and the organizations we represent.

Advocates looks forward to working with you Mr. Chairman, Senator Danforth, and others toward the enactment of this legislation and in support of future safety initiatives.

Thank you for the opportunity to testify on these important issues. Mr. Snyder and I would be happy to answer any questions you may have.

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[Three graphs that show the States with .08 BAC limit; States with open container laws; and States with lower BAC tolerance for youth which are in color are not reproducible and may be found in the committee's files.]

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#### PREPARED STATEMENT OF DAVID F. SNYDER

Thank you for the opportunity to lend our strong support to S. 738, the High Risk Drivers Act of 1993. This proposal focuses attention and action on repeat offenders, young drivers and older drivers—all three categories of motorists with tragically high auto crash experience. Concerned as it is with driving performance, S. 738 is an important complement to the past and present efforts of this Committee, in particular, and of the Congress, in general, to improve the safety of the other two key components of a comprehensive highway loss reduction strategy—motor vehicles and the highways.

I am David Snyder, representing the American Insurance Association (AIA) and appearing with Judith Lee Stone of the Advocates for Highway and Auto Safety, an organization that was founded with the help of Robert Vagley, President of AIA and Gerald Maatman, Chairman and CEO of Kemper National Insurance Companies, which is a member of AIA. Among other consumer and insurer groups in the Advocates are AIA member companies, Aetna Life and Casualty, The Travelers and ITT-Hartford Insurance Group.

#### THE ROLE OF INSURERS IN HIGHWAY SAFETY

In addition to playing a key role in Advocates, insurers established and support the Insurance Institute for Highway Safety, sponsor local highway safety programs, lobby for highway safety measures and administer insurance pricing systems which reflect driver performance as indicated by prior accidents and moving traffic violations.

Automobile insurance rates typically reflect general statistical categories, such as type of vehicle and place of garaging and the specific driving record of the listed operators. For example, major traffic law convictions or at-fault accidents can increase a premium substantially. Surcharges are also added by many insurers for at-fault accidents or serious moving traffic violations. There are also discounts traditionally offered for safety devices such as airbags and antilock brakes.

## TITLES I—YOUNG DRIVER PROGRAMS AND TITLE II—OLDER DRIVER PROGRAMS

Although we have achieved an historic low level of highway fatalities, we are still experiencing far too many accidents, injuries and deaths. The costs of these accidents still plague us. For example, the cost and frequency of injury claims is still increasing, exerting upward pressure on insurance rates and adding unnecessary costs to our health care system. See chart attached to this testimony.

We fully support the bill's emphasis on younger and older drivers. Both governmental and insurance data define a kind of U-shaped loss curve by age—highest among the youngest and oldest drivers, with a trough in the 30s, 40s and 50s age groups. While insurance rates accurately reflect these losses, we are not satisfied with simply allocating costs, if they can be prevented in the first place. Accordingly, S. 738 would encourage the states to implement firm measures to oversee younger drivers and to engage in careful relicensing, counseling, education and remediation for older drivers. We support all of these provisions.

There continue to be far too many documented cases of crash injuries of young people caused by drunk driving, speed and failure to wear safety belts. A recent widely reported crash of this kind occurred in Virginia. Several years ago, with the Bethesda-Chevy Chase Rescue Squad in Montgomery County, Maryland, I assisted in treating 2 of 11 young people injured in a head-on collision where few, if any, of the injured students were wearing safety belts. S. 738 should help prevent these kinds of events by training and careful licensing of young drivers and by focusing on their access to, and use of, alcohol.

The bill recognizes the deterrent effects inherent in auto insurance rates in creating a new Section, 23 U.S.C. 411(f)(2). A supplemental grant is available for states which provide the parents or legal guardians of young drivers with general information on the insurance rate effects of traffic law convictions and at-fault accidents.

As with young drivers, the accident statistics for older drivers are not acceptable. S. 738 would provide support for the research priorities outlined in a May 1992 Transportation Research Board report. We strongly agree with the urgent need for research on why older drivers are involved in more accidents, why fatalities are higher for them, and what intervention strategies will be most effective in preventing such accidents and injuries. Upon completion of this work, we should be in a position to implement effective measures to improve the safety of older drivers.

One final point. Section 201(e) would encourage states to provide restricted licenses instead of canceling licenses of older drivers. While this is not objectionable in concept, actual oversight of people with restricted licenses, is, as a practical matter, difficult. We would hope this policy would be carefully applied.

## TITLE III—HIGH RISK DRIVERS

We strongly support the provisions of S. 738 directed to the improvement of motor vehicle records. These records are critical, not only for safety research and law enforcement, but also for accurate insurance pricing, which may serve as a powerful economic incentive for safe driving behavior.

Unfortunately, current motor vehicle records differ dramatically among the states in quality, inclusiveness and accessibility by those who have a demonstrated need to know such as insurers. This is a critical issue in terms of conducting research to improve highway safety and in providing that insurance rates accurately reflect driving performance. The more accurate the rates, the more effective they can be in supporting efforts by public officials to improve highway safety.

A 1991 study of the Insurance Research Council, "Adequacy of Motor Vehicle Records in Evaluating Driver Performance," demonstrated how poor and inconsistent are some state motor vehicle records. The Insurance Research Council found that, on average, only 40 percent of reportable accidents actually appeared on official driving records. The range was from a low of 1 percent to a high of 71 percent. Tickets issued to drivers at accident scenes varied from 9 percent of accidents in one state to 68 percent of accidents in another state. Further, convictions are not often fully reported, varying from 3 percent of accidents to 35 percent. There are also gaping holes in many state reporting systems which result from such practices as: local traffic courts not forwarding information, suppression of information, or alternative dispositions which mash the convictions. This study documents an urgent need to improve the quality and uniformity of state motor vehicle records. Section 301 of S. 738 begins to address this critical problem, and has our strongest support.

Section 302 also encourages the states to engage in more effective measures to oversee all high risk drivers including repeat offenders. Beyond younger and older drivers, repeat offenders should be more carefully studied, overseen, and deterred.

There is clearly a need to focus attention on repeat offenders of serious moving traffic laws, including drunk and drugged driving. Strong punishment, deterrence







and early intervention for these high risk drivers are needed and the bill moves in that direction. In this connection, we would fully support an amendment to S. 738 which encourages the states to confiscate the vehicles of certain particularly dangerous repeat offenders. This should be combined with contemporaneous license and registration revocation.

#### CONCLUSION

The time has arrived to supplement Congressional highway safety efforts directed to the vehicle and the roadway, to include driving behavior. S. 738 addresses driving performance by carefully focusing on categories of drivers with tragically high loss experience such as young drivers, older drivers, and repeat offenders. We ask you for quick and favorable action on S. 738.

#### USA COMPARISON OF FATALITY RATES AND INJURY CLAIMS

	FATALITIES PER 100 MT.	FATALITIES PER 100,000 POP.	BODILY INJURY LIABILITY CLAIM FREQUENCY	BODILY INJURY LIABILITY AVERAGE LOSS COST
1988	2.3	19.16	1.26	90
1991	1.9	16.44	1.38	117
				
% Change	-17%	-14%	+10%	+30%

Senator EXON. Ms. Stone, thank you very much. We will now go to Ms. Kirk. And Ms. Kirk, I do apologize, I introduced you as Mr. Kirk. We have such a great staff here, that they never make a mistake. This is the first time in 14 years that the staff has made a mistake. And when the staff makes a mistake, it makes the chairman look bad. And the chairman does not like that.

I simply say that when I read Mr. Milo Kirk, National President of the Mothers Against Drunk Driving, I thought that was carrying this business of not caring whether you have men or women in an organization a little bit too far. But I am glad to see that you are a traditional, you are a woman, and you are national president of the Mothers Against Drunk Driving.

And let me say that I know several of your very dedicated workers in the Mothers Against Drunk Driving in my home State of Nebraska. You do an outstanding job, and we are indebted to you, as we are to the other witnesses today, and I would be pleased to recognize you for your testimony at this point.

#### STATEMENT OF MS. MILO KIRK, NATIONAL PRESIDENT, MOTHERS AGAINST DRUNK DRIVING

Ms. KIRK. Thank you, Senator. And please be assured this is not the first time that I have been called mister. In fact, I still get a lot of mail addressed to Mr. Milo Kirk. And thank you for the comments on behalf of our people there, too. I know Diane Reebe and the group there have worked really hard; and we have got some excellent laws passed in Nebraska recently. So, we are very proud of them.

But I am proud to be here today as president of MADD, to represent our 3.2 million members and supporters throughout our 435 chapters across this Nation.

MADD has been in existence since 1980, and over the years MADD has served as an advocate for the victims of drunk driving

before the Congress, State legislatures, and the courts. We have endeavored to enhance the seriousness with which American society views this violent crime. And we have met with some success. No longer is it considered humorous to be impaired by alcohol. Although it has been a struggle at times over the years, most Americans now see drunk driving for what it is, a violent crime that is not an accident. As a matter of fact, the word "accident" is not in our vocabulary and that is why we refer to it as a crash.

We have come far since 1980. I am particularly pleased to be here today to testify on the High Risk Driver Act of 1993, a bill which MADD supports and which will provide a vitally important focus on the young drivers. As the findings section of S. 738 asserts, 1992 showed a substantial improvement in traffic safety. The total number of fatalities was the lowest in 30 years, and the focus of citizen groups and government at all levels on drunk driving played a key role in achieving this saving of lives.

Yet 46 percent of the 40,000 deaths on our highways in 1992 were attributed to alcohol use. A conservative estimate of the cost of drunk driving to our Nation is \$46 billion a year. The medical costs associated with drunk driving are about \$5.5 billion each year. Indeed, we have come a long way, but we have far to go.

Drunk drivers do not discriminate; they are equal-opportunity killers. They do not distinguish between rich or poor, black or white, Republican or Democrat, famous or unknown. The recent tragic death of Nancy Moore Thurmond underscores this fact. For this tragedy to come to the family of Senator Thurmond, who has labored with MADD in the fight for justice for victims of drunk driving, is doubly tragic.

Mr. Chairman, MADD has worked closely over the years with this committee, to stem the tide of drunk driving. This committee played an important role in the passage of the uniform minimum drinking age, or 21 law, in 1984. This committee was instrumental in creating the NHTSA Section 408 and 410 incentive grant programs, designed to produce a comprehensive approach to drunk driving. We commend this committee for this timely consideration of Senator Danforth's legislation, aimed at high-risk drivers.

Among MADD's principal goals for this year are: Passage in every State of the administrative license revocation; adoption by all States of .08 BAC as a definition of intoxication; and the enforcement of the 21 minimum drinking age.

We are particularly pleased to see that S. 738 concentrates so heavily on youthful drivers and enforcement of our underage drinking age laws, because motor vehicles crashes continue to be a leading cause of death for ages 16 to 21, and 47 percent of those deaths are alcohol-related.

MADD strongly supports the graduated licensing provisions of S. 738. We have found that the most precious possession of America's youth is the driver's license. We heartily endorse the idea that a young person should demonstrate the willingness and the ability to drive free of impairment or violation in order to achieve full driving privileges. We are pleased to see the incorporation in basic grant criteria of .02 BAC for those under 21, stiff fines for those who sell to those under 21, restrictions of open containers in motor vehicles,

and license suspensions for those who violate underage drinking laws.

Among the supplemental criteria, MADD strongly endorses the retention of the records of those found guilty of drunk driving for a minimum of 10 years. In fact, we would ask the committee to consider making this provision a requirement for basic grant, if possible. It so happens that the driver who killed MADD's founder Candy Lightner's daughter, Carrie, was arrested again last year in Wisconsin for drunk driving. Although Wisconsin has since implemented a change from 5 to 10 years retention of records, the State at that time had no information to tell them that this driver had a history of drunk driving.

MADD also approves of the provision's extended provisional licensing, requiring special licenses for those under 21, and providing greater oversight of underage drinking at colleges and universities.

Mr. Chairman, MADD commissioned a Gallup poll, to ask the American public what priority it assigned to drunk driving, as compared to other problems on our Nation's highways. In convincing fashion, the American public told us that impaired driving continues to be the No. 1 problem on our highways today. We would observe, however, that the Federal Government spends relatively little to fight drunk driving.

Incentive grants, in our view, do essentially two things: These establish goals; and provide financial inducements. Incentive grant programs which set stringent goals might well provide little practical incentive, because states have great difficulty qualifying for funding. On the other hand, programs for which it is easy to qualify do little to improve the laws of the land, as regards to fighting drunk driving. A balance needs to be struck between the ambitious goals and the practical incentives. In S. 738, the funding levels suggested are restrained, when measured against the goals outlined in the legislation.

Mr. Chairman, I would like to submit for the record a paper on drunk driving prevention and health care reform, which MADD has recently prepared.

Senator EXON. Without objection, we are very pleased to accept that.

[The information referred to follows:]

MOTHERS AGAINST DRUNK DRIVING POSITION ON IMPAIRED DRIVING AND HEALTH CARE PLANNING

COMBATING DRUNK DRIVING AND CONTROLLING HEALTH CARE COSTS

Mothers Against Drunk Driving, which represents the interest and concern of 3.2 million members and supporters across the country, believes that a fundamental change in public attitudes toward drinking and driving has occurred since the organization's birth in 1980. MADD takes pride in our organization's contribution to this change. But for MADD there is no acceptable minimum or irreducible number of victims. Our vigil must be constant, our continued efforts relentless, to save every life and prevent every needless injury.

The American public agrees with us that drunk driving is the #1 highway safety problem facing our nation.<sup>1</sup> More individuals have died in traffic crashes in the past

<sup>1</sup>Opinion Poll for Mothers Against Drunk Driving, The Gallup Organization, September 1991, Princeton, New Jersey.

80 years than have died in all the wars in U.S. history.<sup>2</sup> But drunk driving is not merely a highway safety problem. It is one of the leading public health problems facing this country, threatening every state and community—no one is immune. Ridding our nation of the senseless deaths and injuries caused by drunk driving will therefore also reduce the enormous societal and health care costs associated with alcohol-related crashes.

#### HUMAN AND ECONOMIC COSTS OF ALCOHOL-RELATED TRAFFIC CRASHES

In 1992 alone, approximately 40,000 people were killed in highway crashes. Five million more individuals were injured, with 500,000 of these injuries severe enough to require hospitalization. These crashes, injuries and fatalities cost society more than \$137 billion in direct costs: lost productivity, medical costs, property damage and other direct expenditures.<sup>3</sup> The National Highway Traffic Safety Administration estimates that each fatality costs individuals, employers, insurance companies and the government more than \$700,000, including medical and emergency costs, lost productivity, insurance administration and legal and court costs.<sup>4</sup>

In 1992 alcohol was involved in 18,000, or 46 percent, of the deaths. As many as 1.2 million injuries each year involve alcohol. Alcohol-related fatal injuries accounted for 53 percent of all fatal injury costs; 37 percent of the nonfatal injury costs were alcohol-related.<sup>5</sup> Based on NHTSA's estimate, alcohol-related crashes cost society a total of \$46 billion.

Yet this conservative estimate does not include pain, suffering and lost quality of life. Estimating these indirect costs based on U.S. Office of Management & Budget methods<sup>6</sup> raises total costs to society for crashes, deaths and injuries to \$372 billion.<sup>7</sup> On this basis, each fatality actually cost society \$2.75 million. At this rate, alcohol-related deaths cost the U.S. a staggering \$148 billion in 1992.

#### MEDICAL COSTS OF ALCOHOL-RELATED CRASHES

Present and future medical costs for 1990 traffic crash injuries were approximately \$14 billion,<sup>8</sup> and the alcohol-related portion is estimated to have been \$5.5 billion. Overall, the cost for each injured victim of an alcohol-related crash averaged \$68,000, of which \$14,000 represented health care costs and lost productivity.<sup>9</sup>

The victim pays often immeasurable costs for these crashes. Young families and young children, often with few financial resources to fall back on, are hit especially hard. Many surviving victims become medically indigent as the result of enormous medical costs associated with their injuries. This is particularly true for head-injured victims, who often require long-term treatment and rehabilitation which can easily run into the millions of dollars.<sup>10</sup> However, the public also pays. An estimated one-third to one-half of medical costs for hospitalization as a result of a crash are borne by federal- state and local governments.<sup>11</sup> Nearly 30 percent of first-year medical costs are paid for by tax dollars, two-thirds through Medicaid and one-third through Medicare.<sup>12</sup>

Thus there is a direct relationship between drunk driving and health care costs. Reducing drunk driving will reduce health care costs. Drunk driving is not an accident—it is an irresponsible, intentional criminal act. Drunk driving is preventable and its costs, both human and economic, are also preventable.

#### WHAT DO WE NEED TO DO

We know how to reduce drunk driving. Experience and research have demonstrated that these measures are effective in reducing the toll of impaired driving:

- Raising the drinking age to 21;
- Administrative license revocation for DUI offenses;

<sup>2</sup> National Highway Traffic Safety Administration, 1987.

<sup>3</sup> "The Economic Cost of Motor Vehicle Crashes, 1990." NHTSA, 1992.

<sup>4</sup> NHTSA, op cit., 1992.

<sup>5</sup> "Incidence and Cost of Alcohol-Involved Crashes," Miller, Ted R. & Lawrence J. Blincoc, NHTSA, 1993, table 5.

<sup>6</sup> Regulatory Program of the United States, U.S. Office of Management & Budget, Washington, DC: U.S. Government Printing Office, 1989.

<sup>7</sup> Miller & Blincoc, op. cit., p.22, table 6.

<sup>8</sup> "The Economic Cost of Motor Vehicle Crashes, 1990," NHTSA, 1992.

<sup>9</sup> Miller & Blincoc, op. cit., pg. 21, table 4, & Pg. 22, table 5. NHTSA, 1993.

<sup>10</sup> NHTSA, 1993.

<sup>11</sup> "Source of Payment for the Medical Costs of Motor Vehicle Injuries in the United States," Joan Harris Associates, NHTSA, January 1992.

<sup>12</sup> "Highway Traffic Safety Programs: Effectiveness and Impact on Taxes and Health Care," NHTSA, February 1993.

- Lower BAC limits for drivers (zero BAC for youth, .08 for others); and
- Sobriety checkpoints, among others.

Laws are not enough—tough enforcement combined with strong public information/publicity efforts are critical. Unfortunately, budget pressures in many states and communities have forced severe cutbacks in DWI enforcement.

#### STATES NEED HELP \* \* \*

Among the most critical federal resources is the Department of Transportation's Section 402 and 410 programs, which provide financial incentives to states to increase DWI programs and add needed legislation. To increase effectiveness of these programs, we want:

1. Increased funding for the NHTSA Section 410 program, which provides incentives to states to adopt key anti-impaired driving measures; and, in addition,

2. Increased funding for Section 402, which provides base support for comprehensive state and community highway safety programs in all 50 states and DC.

In the 1980s, the use of funding sanctions to encourage states to adopt Age 21 as the drinking age limit led to the savings of as many as 1,000 young lives each year. We need now to "fine-tune" incentive grant programs by:

3. Setting a deadline after which states that fail to take advantage of them would face withholding or diversion of funds to DWI programs.

Opinion polls and research evidence indicate strong public support for raising the level of excise taxes on alcoholic beverages. Should the Administration's Health Care Task Force consider an increase in alcohol beverage taxes, MADD would strongly advocate:

4. Dedication of a portion of any tax increase to combat alcohol-related traffic deaths and injuries.

#### ANTICIPATED BENEFITS

Our programs work! Investment in highway safety programs during the last decade aimed at reducing impaired driving resulted in a substantial return in lives saved. Highway fatalities in 1992 fell to their lowest level in 30 years. The percentage of alcohol involvement in fatalities dropped from 57 percent in 1982 to 46 percent in 1992. It is estimated that for every percentage point of reduction in alcohol-related traffic fatalities, as many as 1,000 lives are saved. At an estimated \$2.75 million cost per fatality, this 11 percentage point difference means a savings to society of at least \$3.2 billion per year.

Yet, the commitment of federal resources devoted to combating drunk driving in no way reflects the priority assigned this issue by the the public. In the words of Robert Frost, we have "promises to keep and miles to go before we sleep". MADD shares Jocelyn Elder's view that prevention is a crucial component of health care. Increasing resources devoted to adoption, implementation and enforcement of key laws and countermeasures can drastically reduce drunk driving, related health care costs and human tragedies which result from this senseless violent crime.

Ms. KIRK. Thank you. In that paper, we suggest that a dedicated source of revenue be established, devoted to carrying on the fight against drunk driving. We would be pleased to explore this idea further with the committee.

Finally, Mr. Chairman, it is my understanding that amendments have been introduced to S. 738 which make vehicle confiscation for those drive on a suspended license a criterion for a basic grant. MADD wholeheartedly supports the confiscation of vehicles from those who have been apprehended on drunk driving, or had their driving privileges revoked, and continue to drive. We highly commend Senator Danforth and you, Mr. Chairman, as the cosponsor of S. 738, for this contribution to the cause of highway safety. Working together, we can improve on the safety record set last year, and fix our eyes on a future in which drinking and driving is something that our society used to do, and does no more.

Thank you, and I will be glad to answer any questions.

Senator EXON. Thank you, Ms. Kirk. I am pleased now to recognize Mr. Williams and Mr. Oesch who are here and substituting for Brian O'Neill, who I announced earlier. And we have your state-

ment. Gentlemen, it has been made part of the record. Would one or both of you care to summarize it at this time?

**STATEMENT OF STEPHEN L. OESCH, GENERAL COUNSEL, INSURANCE INSTITUTE FOR HIGHWAY SAFETY; ACCOMPANIED BY ALLAN F. WILLIAMS, SENIOR VICE PRESIDENT FOR RESEARCH, INSURANCE INSTITUTE FOR HIGHWAY SAFETY**

Mr. OESCH. Thank you, Mr. Chairman. I am Stephen Oesch and I would like to briefly summarize some of our key points. I am the general counsel of the Insurance Institute for Highway Safety, and Allan Williams is our senior vice president for research.

The Insurance Institute for Highway Safety is a nonprofit research and communications organization that works to identify ways to reduce the human and economic losses on our Nation's highways. We are supported by the property and casualty insurance industry in the United States.

Most of my comments today will address institute research relevant to teenage drivers, but I want to very briefly, in the interest of time, quickly address the provisions of the bill aimed at problem drivers and elderly drivers.

The institute supports action to enhance the identification of drivers with repeat traffic violations and crashes, and to promote prompt intervention because of these drivers' high crash risk. As noted by Senator Danforth when he introduced this legislation, drivers with multiple offenses have nearly seven times the crash involvement risk as other drivers.

In the case of elderly drivers, the institute supports establishment of a research program on issues related to the older driver. Such a program should focus on measures that credible scientific evidence shows are effective.

The bulk of my comments will address controlling teenage drivers and reducing their losses. Successful efforts to reduce teenage crash likelihood involve controlling younger drivers' early experience behind the wheel. Controlling early driving experience is especially important because the United States allows earlier licensing than in virtually any European country.

New Jersey is the only State to delay regular licensing until age 17—a policy that has resulted in a substantial reduction in teenage crash involvement compared with neighboring States that license teenagers at age 16.

The process of controlling driving experience can best be accomplished through licensing systems that impose on young, beginning drivers restrictions that are graduated and systematically lifted. These can be accomplished through such policies as are contained in the act, such as lengthening the learner's permit period and prescribing who must accompany learners.

Another issue which is not currently in the act is imposing nighttime driving curfews and prohibiting young drivers from transporting other teenagers.

Measures like these can be effective because they delay unrestricted driving privileges until considerable lower risk experience has been accumulated by these young drivers.

You heard earlier today from Dr. Rothberg concerning the effectiveness of driving curfews, and I would like to briefly address that

subject as well. Curfews are important because they keep young, beginning drivers off the road during the late night, high-risk periods, forcing them to gain most of their experience during the daylight hours when visibility makes driving less demanding.

Only a small portion of teenagers driving in the United States, about 20 percent, occurs between the hours of 9 o'clock in the evening to 5 o'clock in the morning. But almost one-half of the fatal crash involvement for teenagers occurs during these high-risk hours.

Nighttime curfews enacted in the United States have been enormously successful in reducing teenager crash involvement during these curfew hours. Adults, especially parents, are supportive of nighttime driving curfews. Likewise, many young drivers in States with curfews, although they may not be in favor of the curfew, they do recognize that these curfews are important and support them for that reason.

I would like to briefly address the topic of reducing alcohol impaired driving. All States, as we heard earlier, adopted 21-year-old minimum alcohol purchase age laws during the 1980's. This policy was associated with a modest but important 10- to 15-percent decrease in fatal crash involvement in the affected age groups.

However, as Senator Danforth noted in his opening remarks, in 1991, 44 percent of all fatally injured 16- to 20-year-old drivers had a positive blood alcohol concentration and 33 percent had BAC's of .10 percent or more.

Lowering the permissible blood alcohol threshold for young drivers, as proposed in the bill, has been shown to reduce alcohol-related crashes. It is also crucial to enforce existing laws prohibiting sale of alcohol to underage purchasers.

For example, institute research here in the District of Columbia has shown that underage males who did not carry false ID and who were instructed not to lie about their age were able to successfully purchase beer in 97 out of 100 randomly chosen retail establishments.

While the proposed legislation includes fines to help deter these types of sales, it may be necessary for States to take stronger action such as threatening the licenses of people who sell alcohol to minors.

Safety belt usage is also very important. Teenagers are even less likely than older drivers to buckle up, even when required to do so by law. What is needed is a well-publicized enforcement campaign such as has been successfully used in Canada that has been successful in raising the belt usage from the 40- to 50-percent rate to a level of 85 to 90 percent.

Institute research conducted here in the United States shows that such programs can work but, unfortunately, they have only been rarely used.

I would quickly like to address an issue touched upon by Senator Burns and that is parent involvement in protecting teenagers. In choosing cars for their teenagers to drive, parents need to keep in mind that large cars are safer than small ones, and help their teenagers in making those types of purchasing decisions.

Likewise, parents need to know that two potentially lethal combinations are teenagers and motorcycles, and teenagers and high-

performance vehicles. If teenagers do ride motorcycles, parents must ensure they wear helmets and other protective clothing.

And finally I would like to close by noting that the institute and insurers have long had active programs to provide parents and their teenagers with information about effective ways to reduce crash-related deaths and injuries. I know that insurers and the institute will continue these efforts as we all look for ways to address this important problem.

I thank you very much for your attention, and I would be delighted to answer any questions.

[The prepared statement of Mr. Oesch follows:]

PREPARED STATEMENT OF STEPHEN L. OESCH AND ALLAN F. WILLIAMS

The Insurance Institute for Highway Safety is a nonprofit research and communications organization, supported by the nation's property and casualty insurers, that identifies and develops ways to reduce motor vehicle crash losses. At this committee's request, we're submitting for the record information relevant to the High Risk Drivers Act.

We welcome the opportunity to comment on this bill. Young drivers in particular are a major problem on the highways, and there are effective, feasible ways to reduce their crash involvement. The solutions are known but, unfortunately, they aren't widely applied. There's tremendous variation among the states in terms of laws and regulations covering young, beginning drivers. Most such laws and regulations don't do a very good job of guiding these high-risk drivers toward full driving privileges while maintaining their safety and the safety of those they encounter on the road. In fact, the United States lags far behind other countries where licensing systems have been implemented to address the problem of young drivers in ways that are rational, humane, and effective.

ELDERLY AND "PROBLEM" DRIVERS

In addition to young drivers, the High Risk Drivers Act addresses two other groups of drivers—elderly and "problem" drivers (that is, drivers with repeated traffic violations and crashes). The Institute supports actions to enhance identification of the latter group and to promote prompt intervention because problem drivers are several times as likely as other drivers to crash, and barring them from driving through license suspension or revocation is effective in eliminating some crashes. At the same time, it should be noted that problem drivers account for such a small segment of the motor vehicle crash problem that preventing them from driving can have little direct effect on overall crash totals. Most drivers with violations and crashes on their records don't have recorded crashes during prior or subsequent periods.<sup>1</sup> This is true for teenagers as well as older drivers. One study shows, for example, that only 18 percent of drivers younger than 18 years old in fatal crashes had any convictions for moving violations prior to the fatal crash. Only 10 percent had been involved in a prior reported crash.<sup>2</sup>

Like young drivers, elderly drivers are overinvolved in crashes per mile driven, compared with drivers of other ages. Although the contribution of elderly drivers to the crash problem is much less than that of the youngest drivers, the population of elderly drivers is growing rapidly. The Institute supports establishment of a research program focusing on older drivers. At the same time, we at the Institute urge that scientific research be concentrated on determining what's effective in reducing older drivers' crash rates and on determining how to strike an appropriate balance between older drivers' safety and mobility needs.

For the elderly, it isn't clear what safety measures exist or can be developed that are both effective and feasible, whereas for younger drivers we know what works to reduce the problem of motor vehicle crashes. The challenge is getting effective measures applied in the United States. Because of the magnitude of the young driver problem, the remainder of the Institute's comments will be directed to that group.

<sup>1</sup>Lund, A.K. (1984). Driver records and crash prediction. Arlington, VA: Insurance Institute for Highway Safety.

<sup>2</sup>Robertson, L.S. (1981). Patterns of teenaged driver involvement in fatal motor vehicle crashes: Implications for policy choice. *Journal of Health Politics, Policy, and Law* 6(2):303.14.



## WHY YOUNG DRIVERS ARE A PROBLEM

As a group, young drivers are overinvolved in crashes primarily because of their immaturity, their driving inexperience, and their inexperience with drinking. The immaturity associated with youth is manifested in risky driving practices like speeding, following too closely, accelerating rapidly, and other aggressive maneuvers that heighten crash likelihood.<sup>3,4,5</sup>

Young drivers are more likely than older drivers to display risky driving behavior and, reflecting their inexperience, they're less able to cope with hazardous situations. They're less able to detect imminent dangers, for example, and they're more likely to perceive hazardous situations as less dangerous than they really are.<sup>6,7,8,9</sup> It's more difficult for inexperienced drivers to monitor the driving environment and to take appropriate actions. Yet young drivers are more likely than older drivers to overestimate their capabilities and to downplay the likelihood that they could be in a crash.<sup>10</sup>

When young people drive after consuming alcohol, their crash risks are substantially higher than the risk for adult drivers. This comparison is especially true at low and moderate blood alcohol concentrations.<sup>11,12</sup> (At higher concentrations, the risk increases markedly for drivers of all ages.) Risk taking tendencies plus inexperience on the road and inexperience with drinking—combined with young drivers overconfidence in their driving abilities—produce a lethal combination that results in a high crash rate.

<sup>3</sup>Bergeron, J. (1991). Behavioral, attitudinal, and physiological characteristics of young drivers in simulated driving tasks as a function of past accidents and violations (presented at New to the Road Symposium. Halifax, Nova Scotia).

<sup>4</sup>Jonah, B.A. (1986). Accident risk and risk-taking behavior among young drivers. *Accident Analysis and Prevention* 18:255-71.

<sup>5</sup>Romanowicz, P.A. and Gebers, M.A. (1990). Teen and senior drivers. Sacramento, CA: California Department of Motor Vehicles.

<sup>6</sup>Matthews, M.L and Moran, A.R. (1986). Age differences in male drivers' perception of accident risk: the role of perceived driving ability. *Accident Analysis and Prevention* 18:299-313.

<sup>7</sup>Quimby, A.R. and Watts, G.R. (1981). Human factors and driving performance. Berkshire, England: Transportation and Road Research Laboratory Report No. 1004.

<sup>8</sup>Groeger, J.A. and Brown, I.D. (1989). Assessing one's own and others driving ability: influences of sex, age, and experience. *Accident Analysis and Prevention* 21:155-68.

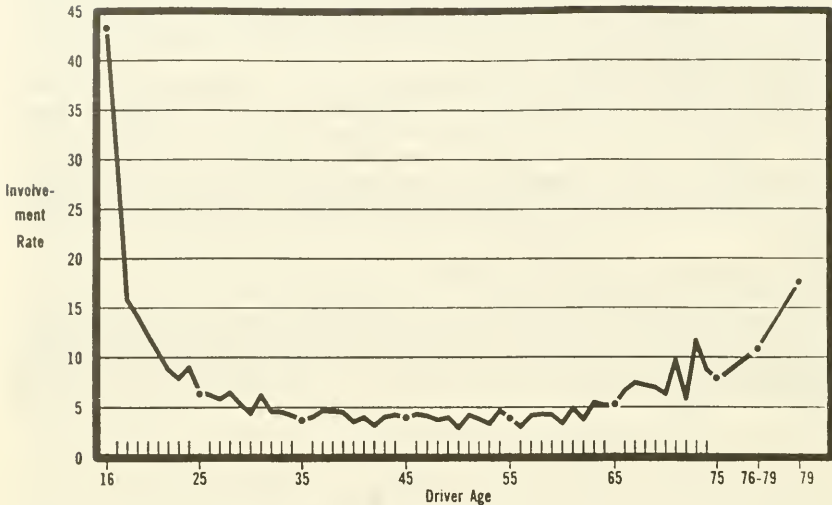
<sup>9</sup>Brown, I.D. and Groeger, J.A. (1988). Risk perception and decision taking during the transition between novice and experienced driver status. *Ergonomics* 31:585-97.

<sup>10</sup>Finn, P. and Bragg, B. (1988). Perception of the risk of an accident by young and older drivers. *Accident Analysis and Prevention* 18:289-98.

<sup>11</sup>Mayhew, D.R.; Donelson, A.C.; Beirness, D.J.; and Simpson, H.M. (1988). Youth, alcohol and relative risk of crash involvement *Accident Analysis and Prevention* 18:273-87.

<sup>12</sup>Zador, P.L. (1991). Alcohol-related relative risk of fatal driver injuries in relation to driver age and sex. *Journal of Studies on Alcohol* 52(4):302-10.

## All Crash Involvement per Million Miles by Driver Age, 1990



SOURCE: 1990 General Estimates System (National Highway Traffic Safety Administration) and 1990 Nationwide Personal Transportation Survey (U.S. Department of Transportation).

## REDUCING THE PROBLEM BY CONTROLLING EARLY DRIVING EXPERIENCE

In most European countries, a person must be 18—sometimes 17—years old before obtaining a driver's license. In contrast, we allow early licensure in the United States. The minimum age for regular licensure in most states is 16 and, in a few states, it's 15. New Jersey is the only state to delay regular licensure until age 17, a policy that has resulted in a substantial reduction in teenage crash involvement compared with neighboring states that allow licensure at age 16.<sup>13</sup>

The fact that we license early in the United States makes it essential to implement laws and regulations control driving experience during the early stages, so that such experience is gained in lower-risk settings. This can be accomplished through such policies as lengthening the learners permit period, restricting who must accompany learners, imposing night driving curfews, requiring parental involvement, and prohibiting young beginning drivers from transporting other teenagers. Measures like these can be effective because they delay unrestricted driving privileges until considerable lower-risk experience has been accumulated. In this way they help ensure that, while the quantity of driving by teenagers isn't necessarily restricted, the quality is. They also help ensure that, by the time unrestricted licensure is allowed, drivers are older and perhaps more mature.

The process of controlling early driving experience can best be accomplished through licensing systems that impose on young—or on all—beginning drivers restrictions that are gradually and systematically lifted.<sup>14</sup> This isn't a new concept. During the mid-1970s, the National Highway Traffic Safety Administration developed a model provisional—or graduated—licensing program for young novice drivers.<sup>15</sup> Two states, California and Maryland, adopted weakened versions of this program, and both experienced modest reductions in crash involvement among young drivers.<sup>16 17</sup>

<sup>13</sup> Williams, A.F., Karpf, R.S., and Zador, P.L. (1984). Variations in minimum licensing age and fatal motor vehicle crashes. *American Journal of Public Health* 73:1401-04.

<sup>14</sup> Mayhew, D.R. and Simpson, H.M. (1990). *Young drivers and novice drivers: similar problems and solutions?* Ottawa, Ontario: The Traffic Injury Research Foundation of Canada.

<sup>15</sup> Teknekron, Inc. (1977). *Model for provisional (graduated) licensing of young novice drivers.* Washington, DC: National Highway Traffic Safety Administration, U.S. Department of Transportation DOT-HS-8020313.

<sup>16</sup> Hagge, R. and Marsh, W.C. (1988). *An evaluation of the traffic safety impact of provisional licensing.* Sacramento, CA; California Department of Motor Vehicles CAL-DMV-RSS-88-116.

Although many states now place some restrictions on novice drivers, full-scale graduated licensing systems haven't ever been implemented in the United States. On the contrary, many states have systems that encourage early licensure and, in practice, allow full driving privileges once licensed. Meanwhile, graduated licensing systems have been adopted in New Zealand and in Victoria, Australia. Such a system will be in place next year in Ontario, Canada and is under consideration in several other provinces.

New Zealand's system has been in operation the longest—since 1987—and has been associated with reductions in crashes in the affected age groups.<sup>18</sup> Key provisions of this system control progression toward full driving privileges. A learners permit can be obtained at age 15 or later after passing written and oral tests. Practice driving for at least six months is then required before attempting the driving test. Once the driving test has been passed, an 18-month restricted license is issued. Restricted periods are reduced if driver education courses are completed and lengthened if clean driving records aren't maintained.

Specific restrictions of New Zealand's graduated licensing system include establishing a maximum blood alcohol concentration of 0.03 percent (see "Reducing Alcohol-Impaired Driving," below, for discussion) and establishing passenger limits. In New Zealand, no passengers may be transported unless there is a front-seat occupant who is older than 20 and has had an unrestricted license for more than two years. This restriction is intended to limit the extent to which teenage drivers transport their peers. It recognizes that many young passengers as well as young drivers are killed in motor vehicle crashes and that the majority of teenage passenger deaths occur in cars driven by teenage drivers.<sup>19</sup>

A third provision of New Zealand's graduated licensing system involves prohibiting driving between 10:00 p.m. and 5:00 a.m. This restriction is designed to keep young beginners off the roads during the late-night high-risk hours, forcing them to gain more of their early driving experience during daylight hours when increased visibility makes driving less demanding.

Nighttime driving is associated with high-risk recreational activities, including alcohol use. Only a small portion of teenagers' driving in the United States—about 20 percent—takes place between 9:00 p.m. and 5:00 a.m., but almost half of teenagers' fatal crash involvement occurs during these high-risk hours.<sup>20</sup> Several U.S. states have nighttime curfews that restrict teenagers' late-night driving except when they're accompanied by a parent or when they're driving to or from work or school. These laws have been enormously successful. In New York, for example, non-essential driving is prohibited between 9:00 p.m. and 5:00 a.m. The result is a 62 percent reduction in crash involvement among 16 year olds during curfew hours. In Pennsylvania, a night driving curfew extends from mid-night to 5:00 am, and there's been a 69 percent reduction in crashes involving 16-year-old drivers during curfew hours.<sup>21</sup> These reductions weren't offset by increases in injuries to 16 year olds as nondrivers during curfew hours. Nor were they offset by increases in crashes at other times of day.

Adults, especially parents, support night driving curfews. A national telephone survey in 1985 found 69 percent of adults (73 percent of parents of 13-18 year olds and 68 percent of other adults) in favor of such curfews for teenagers.<sup>22</sup> Among those in favor, 50 percent wanted curfews starting between 10:00 p.m. and midnight, 28 percent favored curfews starting before 10:00 p.m., and 19 percent favored midnight or later as the starting time.

Teenagers very much want to drive at night for recreational purposes, but many also recognize the wisdom of curfews. A 1985 telephone survey of randomly selected 16-18 year olds found 67 percent of New York teenagers and 80 percent of those

<sup>17</sup> McKnight, A.J.; Hyle, P.; and Albrecht, L. (1984). Youth license control demonstration project. Washington, DC: U.S. Department of Transportation, National Highway Traffic Safety Administration.

<sup>18</sup> Frith, W.J. and Perkins, W.A. (1992). The New Zealand graduated licensing system (presented at the National Road Safety Seminar, Wellington, New Zealand).

<sup>19</sup> Williams, A.F. and Karpf, R. (1983). Deaths of teenagers as passengers in motor vehicles. *Accident Analysis and Prevention* 15(1):49-54.

<sup>20</sup> Massle, D. and Campbell, K. (1993). Analysis of accident rates by age, gender, and time of day based on the 1990 Nationwide Personal Transportation Survey. Ann Arbor, MI: University of Michigan Transportation Research Institute.

<sup>21</sup> Preusser, D.F.; Williams, A.F.; Zador, P.L.; and Blomberg, R.D. (1984). The effect of curfew laws on motor vehicle crashes. *Law and Policy* 6(1):115-28.

<sup>22</sup> Williams, A.F. and Lund, A.K. (1986). Adults' views of laws that limit teenagers' driving and access to alcohol. *Journal of Public Health Policy* 7(2):190-97.

in Pennsylvania "in favor of some kind of night driving curfews for beginning teen-agers."<sup>23</sup>

#### REDUCING ALCOHOL-IMPAIRED DRIVING

All states adopted 21-year-old minimum alcohol purchasing age laws during the 1980s. This policy was associated with a modest but important—10-15 percent—decrease in fatal crash involvement in the affected age groups.<sup>24</sup> Yet in 1991, 44 percent of all fatally injured 16-20-year-old drivers had positive blood alcohol concentrations (BACs), and 32 percent had BACs of 0.10 percent or more.<sup>25</sup>

Lowering the permissible BAC threshold for young drivers—a provision of New Zealand's graduated licensing system and a recommended action in the High Risk Drivers Act—is a positive step. Research from states where the permissible BAC has been lowered for young drivers, including states where zero is the legal limit, indicates this policy reduces alcohol-related crashes.<sup>26,27</sup> The Institute supports not only this policy but also policies designed to strengthen laws governing the purchase and sale of alcohol beverages to underage people. In particular, penalties for violating such laws should be strengthened.

At the same time, it should be clearly recognized that enacting laws to accomplish these purposes is only the first step. Research indicates that the effectiveness of such laws depends on strong enforcement. Without enforcement, in fact, it can be ridiculously easy for underage people to buy alcohol—no matter what the laws state. In the District of Columbia, for example, underage males who didn't carry false identification and who had been instructed not to lie about their age were able to purchase beer at 97 out of 100 randomly chosen retail outlets.<sup>28</sup>

#### SAFETY BELT USE

Law enforcement is also important when it comes to safety belt use laws. Most states now require front-seat occupants to buckle up, and a few require belt use in rear seats. But enacting and even strengthening the provisions of such laws aren't enough, as evidenced by the more than 40 percent of observed drivers who still don't use their belts. Teenagers are even less likely than older drivers to buckle up when required to do so by law.<sup>29</sup>

What's needed in addition to belt laws is well publicized enforcement programs of the type that have been used in Canada to raise belt use rates from the 40-50 percent level to 85-90 percent.<sup>30</sup> Such programs have been shown to work in the United States, too, but they've been applied only rarely.<sup>31,32</sup>

#### PARENTAL INVOLVEMENT IN PROTECTING TEENAGERS

A significant factor influencing the risk of crash death and injury is vehicle size. Research has consistently shown that larger vehicles provide more protection to their occupants than smaller ones. Vehicle size isn't the only important factor—restraint systems, demographics, and other factors affect occupant protection—but size is one of the most important. In choosing cars for their teenagers to drive, parents need to keep in mind that larger cars are safer than smaller ones.

<sup>23</sup> Opinion Research Corporation (1985). Teenage driving curfews: a market research study to determine teenagers awareness of and attitudes toward driving curfews in four states. Arlington, VA: Insurance Institute for Highway Safety.

<sup>24</sup> General Accounting Office (1987). Drinking-age laws: an evaluation synthesis of their impact on highway safety. Washington, DC: Subcommittee on Investigations and Oversight, Committee on Public Works and Transportation, U.S. House of Representatives.

<sup>25</sup> Williams, A.F. and Wells, J.K. (1993). Factors associated with high blood alcohol concentrations among fatally injured drivers in the United States, 1991. Arlington, VA: Insurance Institute for Highway Safety.

<sup>26</sup> Hingson, R.; Heeren, T.; Howland, J.; and Winter, M. (1991). Reduced BAC limits for young people (impact on night fatal crashes). *Alcohol, Drugs and Driving* 7(2): 117-27.

<sup>27</sup> Blomberg, R.D. (1992). Lower BAC limits for youth: evaluation of the Maryland .02 law. Washington, DC: U.S. Department of Transportation, National Highway Traffic Safety Administration DOT HS 807 860.

<sup>28</sup> Preusser, D.F. and Williams, A.F. (1992). Sales of alcohol to underage purchasers in three New York counties and Washington, D.C. *Journal of Public Health Policy* 13(3):306-17.

<sup>29</sup> Wells, J.K.; Williams, A.F.; Teed, N.J.; and Lund, A.K. (1989). Belt use among high school students. Arlington, VA: Insurance Institute for Highway Safety.

<sup>30</sup> Insurance Institute for Highway Safety. (1991). Canada takes a giant step forward with its seat belt use campaign. Status Report 26(5).

<sup>31</sup> Williams, A.F. and Lund, A.K. (1987). Results of a seat belt use law enforcement and publicity campaign in Elmira, New York. *Accident Analysis and Prevention* 19(4):243-49.

<sup>32</sup> Lund, A.K.; Stuster, J.; and Fleming A. (1989). Special publicity and enforcement of California's belt use law: making a secondary law work *Journal of Criminal Justice* 17:329-41.

Parents also should be aware of the potentially lethal combination of teenagers and high-performance vehicles. The frequency of automobile insurance claims for occupant injuries in cars insured for teenagers to drive is more than twice as high as the injury claim frequency in cars insured only for adult drivers. Overall vehicle damage losses are also more than twice as high in cars insured for teenagers to drive. The worst combination is teenagers driving sports cars.<sup>33</sup>

Parents should prohibit motorcycle riding altogether for teenage drivers. The death rate per mile on motorcycles is about 19 times the rate in passenger cars. The problem of motorcyclist deaths largely affects young people, and male teenagers are more often killed as cyclists than female teenagers. If young people do drive motorcycles, parents should make sure they wear helmets and protective clothing.

#### CONCLUSION

Many of the issues associated with young drivers are covered in an Institute publication, "Teenage Drivers," which is being widely distributed by insurance companies, often in conjunction with their own materials aimed at educating parents and their children about reducing highway and motor vehicle losses. An Institute film, "When Teenagers Drive," is also being used by our supporting companies to help educate people about effective ways to reduce the teenage crash death and injury problem.

As noted in this film and publication, the Institute strongly favors the adoption of policies that have been scientifically demonstrated to reduce the motor vehicle crash problem. With respect to young drivers, who constitute a major problem on the roads, such policies exist but have been rarely applied in the United States. Other countries have taken the lead, especially when it comes to graduated licensing programs. To the extent that states can be encouraged to adopt such programs—or essential elements of such programs—well make considerable progress.

Senator EXON. Mr. Oesch, thank you very much, and thank all the panel for some excellent testimony. I speak for the whole committee in saying it is very, very helpful to us as we continue to move forward in these areas to try and do something positive with your help and urging, and the people that you represent.

Let me ask a question, because I keep seeking to learn as best I can. There was a time, and I suppose there still is a time, when illegal drugs had a very serious adverse impact on highway safety. That has not been mentioned today, but I assume that is still the case, although if I understand correctly, and correct me if I do not, that as far as highway accidents, especially as far as fatalities are concerned, abuse or misuse or at least alcohol content in the body of the driver far out weighs the possible reasons for automobile accidents and also fatalities. Is that right?

Mr. WILLIAMS. The evidence clearly indicates that alcohol is the major drug by far that is the problem in crashes. That has been shown over and over again in studies. When other drugs are found, if they are, they are usually found in combination with alcohol, usually high amounts of alcohol. So, I think it is clear alcohol is the major problem, and the evidence indicates that drugs other than alcohol are very low in importance.

Mr. OESCH. Mr. Chairman, might I also make mention that I understand that there is a report that has recently been prepared for the National Highway Traffic Safety Administration that has done some additional work looking at the incidence of drugs, including alcohol, in drivers on the road.

That report has not been released as yet, but I believe that report may contain information that would be of help to this commit-

<sup>33</sup> Highway Loss Data Institute. Injury and collision loss experience by rated driver. Arlington, VA: Highway Loss Data Institute A-37.

tee in its deliberations on this legislation. You might wish to consider asking for it.

Senator EXON. Thank you, Mr. Oesch. We will look at that. Let me ask about a side issue. Maybe since you are the one that deals most often with statistics, Mr. Williams, I have gotten the impressions that maybe at least in our younger population, 16 to 20 years old that we are kind of focusing on today and focusing on primarily in this legislation, it may be that that age group at least is going away from illegal drugs but they are becoming more the users of alcoholic beverages. Is that right?

Mr. WILLIAMS. Well, I think that alcoholic beverages have always been used quite extensively by teenagers, often starting as early as age 12 or 13. I think that situation has changed to some extent because there has been a decline in alcohol consumption in general in this country. But the surveys are still indicating that the majority of teenagers have consumed alcoholic beverages, and many consume them often and in fairly large amounts.

Senator EXON. Now, Ms. Stone, let me ask you this question. In the section of the legislation focusing on the younger driver, which of the criteria, whether basic or supplemental, do you believe will be the most effective in reducing traffic accidents and fatalities? Has the legislation given the criterion the appropriate weight in your opinion?

Ms. STONE. Yes, I think it does, Senator.

Senator EXON. Would you pull the microphone just a little closer, Ms. Stone?

Ms. STONE. I think that the legislation is balanced in that regard. I think that what the bill does and the basic criteria about alcohol involvement among young drivers is—there are several different things. But I guess in my opinion the three most important among the basic criteria would be the provisional licensing provisions.

We are particularly interested in what is sometimes called zero tolerance, although in the bill it is .02 BAC for minors, and are working in a number of States to try and get those laws passed. So, we think that is very important.

And I would have to say that although I do not think you can do it in isolation from the policy changes, I think the safety education, enforcement, and training provisions are very important. You have to do that in addition to changing the law. Once you get the law passed, it does not stop there. You have to continue with that.

And then among the supplemental criteria, obviously one of the things that States can do is to have distinguishable licenses, and you have included that. I think providing the provisional license after suspension or revocation will be important as well.

I do not know how many people in this room have children who are teenagers, but I can tell you that my stepdaughter had—I should not admit this publicly, but had two automobile crashes when she was 16, within the first year of obtaining her license—one was serious and one was not, thank heavens. But, I mean, that is when it happens and I would be in favor of placing more of a burden on her as an individual at that age and also on the parents.

And last, the insurance rate information being communicated to children and their parents. I think most people at that age especially are totally out of it when it comes to knowing what that means. And, of course, it can mean a tremendous economic burden to any family to have the rates go way up as a result of that. So, I think that that is important as well.

Senator EXON. It certainly was brought home to me. I cannot tell you how delighted I was when my insurance premiums went down after our kids moved on to college and were driving their own cars at their own expense. Our insurance premium rate has dropped and stayed in that general area.

Ms. Kirk, let me ask you this question that I think you and your organization may have some opinions on that we are very much interested in.

What are the reasons that help explain, if we can explain it, why alcohol impairment in youth involved traffic crashes continues to be a major, major problem? And, in your opinion, will S. 738 effectively address the reasons, whatever they are?

Ms. KIRK. Well, MADD has a very strong opinion on that, that part of the problem is availability. We passed the 21 drinking age bill, but it is not uniform on consumption, possession, and sales throughout the United States. But availability has something to do with it. They know that the alcohol is available.

We need to do more on those who try to purchase alcohol, and that is why I think the .02 use-and-lose laws are effective. They know that there is no teeth in the law right now. They know that they get away with it. They know that the legal BAC is .10, and that is contradictory to the 21 drinking age law.

And what is the most precious thing to these young people is their drivers license. So, we have got to hit them where it hurts. And by that we are setting an example for them further in life, too, that they cannot get by with it one or two times. That the first time that they violate the law, they are going to lose that driver's license.

I think that this bill will also help us get the parents involved. We have seen a lot of that at the grassroots level where the parents are not involved, and they are even furnishing the alcohol for their kids at keg parties and that type of thing. So, I think that there are many issues that will be addressed in this bill.

Senator EXON. Ms. Kirk, currently, as I understand it, only eight States have lowered BAC's for persons under age 21. S. 738 indicates a .02, as you have properly referenced, for those under 21, as one of the basic grant criteria that a State may adopt.

How many States do you believe will enact such a provision if indeed S. 738 would become law?

Ms. KIRK. I think that this is a very pressing issue, and there has been a lot of attention to the issue of underage drinking throughout the United States, and of course we have got all of our States that are looking for incentive grants, also, to help with their budgets. They are getting a lot of pressure from organizations, such as MADD and their highway safety groups to pass such laws. So, I do not think that we—you know, I think, with an incentive grant program, we are going to see more and more of these law passed.

I think right now, as I referenced to in our testimony also, that throughout the legislative sessions this year, the States have been fearful that they might pass this legislation and then the money not be there. So, I think it is important that we have the additional funding there for them.

Senator EXON. Let me turn then to the insurance industry representatives that are here. With regard to younger and older drivers, how do repeat offenders, as a group, compare in terms of accidents per miles driven and accidents per capita? Does this legislation adequately address this group of high-risk drivers, in your opinion?

Mr. WILLIAMS. Well, I think it does. The studies that have been done of problem drivers—that is, drivers with a lot of violations or crashes on their records—indicate that that is an overinvolved group. They are much more likely to be in crashes in the future than other drivers. And it is important to deal with this group, because suspension of license does have some limited effect in decreasing the problem. It is important, and the bill calls for this, making it easier to identify these people for intervention.

At the same time, I think it has to be recognized that this group is a relatively small part of the overall problem, and that most people who have crashes at any given period of time do not have bad prior records. They are good or average drivers in terms of their last 3 years of driving.

So, I think the bill does address this adequately, but I do think it has to be recognized that this is a small piece of the problem.

Mr. SNYDER. Mr. Chairman.

Senator EXON. Mr. Snyder.

Mr. SNYDER. I think your question emphasizes the importance of title III of the bill. Title III of the bill addresses itself to State motor vehicle records, and the need to make them more uniform and more accurate. What we find is, and we cited a study at some length, and I would be pleased to provide the committee with copies of the study—indicates great inconsistencies in motor vehicle record systems from one State to another, and that many convictions and many at-fault accidents do not show up on the records at all.

So, if we are going to address the repeat offenders, it seems to me step 1 is to get a good record system in place in every State, with the cooperation of the State motor vehicle administrators as the legislation provides, so that we have the information base to know who is out there and who has had the prior accidents and the prior violations. Because we are not even to that point.

So, the legislation is important in laying a foundation for a more aggressive attack on repeat offenders.

And also, with respect to title II of the legislation, we believe it is tremendously important as well. Because what we see from our loss data is very high losses in the youngest age categories, and then happily they tend to go down, and then they start to creep up again around age 75. And we are deeply concerned about that, and we do not even know the reasons for why that is occurring. And title II of the bill addresses that, to try to lay down the basic statistical and research foundation.



So, those two provisions of the bill are tremendously important and can play a tremendously significant role in addressing highway safety in general. And while most of the comments have been addressed to titles I, II, and III are important parts of the legislation and will help us all improve highway safety in this country.

Senator EXON. Mr. Snyder, I appreciate your bringing that up. I was the author of a "controversial" piece of legislation to stabilize, formalize, make similar—call it what you will—the titles for automobiles. And this had to do with attacking fraud that was rampant in the United States on turning back speedometers on automobiles, especially leased automobiles.

We ran into all kinds of troubles in some of the States, saying, oh, you are trying to tell us what kind of a title we can have, and we will not have that. Anyway, we got it through, and it has all but eliminated the rolling back of speedometers. We are now going through a follow-on piece of legislation that I have introduced that has to do with another type of fraud that is going on. And that is the rebuilt wrecks.

There are an awful lot of wrecks today, and with the cost of automobile repairs these days, it is easy to run up \$2,000 or \$2,500, and most of these cars are then considered junk. All too often, many of these junk cars though appear back on used car lots and they look like new cars. And it is estimated to be a \$4 billion scheme, or scam, today. Now, we are going back to the same people that fought us before, and saying we also want some indication on a title when a car has been junked so it cannot be repaired and sold as just a good used car.

So, when you mention some uniformity with regard to drivers' licenses, I imagine we are going to run into the same thing there. But it does seem to me that, as a former Governor and a big advocate of States' rights, you know, States' rights are very important if they are to mean anything. But to say that one or two States should have drivers licenses significantly different from other States just because of States' rights, you know, it does not make any basic sense.

So, I think that the point that you make is a good one, and I think we can handle that.

Let me ask a question of you, which is something that could be very controversial for the reasons stated, I guess, and the question was asked. Senator Danforth, you remember, raised the issue of auto confiscation for those who are found driving on a suspended drivers license. Do the members of this panel have an opinion on that, right, wrong, or do not care?

Ms. KIRK. I could go first if you would like, Senator.

MADD has a very strong position on the confiscation of automobiles, and we have long supported this action for those who drive with an offense of drunk driving or on a suspended license. We know that there are people that do drive on suspended licenses. And we have to have a way to enforce that law and send a strong message to the motoring public that we are not going to put up with it.

I know that studies have been conducted, and that our group in Portland has been very active in getting the ordinance passed in that area, and it has been effective. But, yet, we need to take it

a step further and be able to identify those cars, if there is some sort of a compromise that is entered into, to where the car is definitely marked and law enforcement can tell that the car should have been confiscated or some member in the family has violated the law.

But we need to have more of the progressive sanctions. Administrative license revocation will not stand on its own. And that is why we have long supported this.

Ms. STONE. Mr. Chairman, I would like to say something about it. Our organization had not really looked at this issue as a formal policy before these hearings were scheduled, but we did a very quick poll and, to a very large degree, people are interested in supporting it.

I think one of the first things that I asked of staff was—will it just provide for taking the car, or are there some provisos in there that would protect what are traditionally known as civil liberties issues? And when we saw the language of the Portland law and that this would probably be modeled after that, that really was a mitigating factor. It helps a lot to have these binding agreements provided for that would protect other than the drunk driver, and also the family if it is the only car for the family.

So, I think there was quite a bit of support based on that.

The other thing that I would like to say is that it is my understanding that there are a number of vehicle confiscation laws already on the books that are not necessarily being enforced. And perhaps the committee might want to take a look at some language that would promote that, so that you do not have to go back and pass a whole new law, but, you know, take a look at the law and see what is in there already, and perhaps just beef up enforcement.

And Mr. Snyder had something to say about a piece of it, if he could.

Mr. SNYDER. Sure, just that we would urge that a part of it include the automatic, in case the license is not suspended at the time the vehicle is forfeited, that the license be suspended. I think what you are saying is that this repeat offense is so serious that we are going to take extraordinary action, and that forfeiture of the car should be accompanied by license suspension in case that otherwise would not occur.

Mr. OESCH. Mr. Chairman, I just wanted to build on what other people are saying, and add a slight note of caution. As Ms. Stone noted, there are a number of States that already have a wide variety of what you might generically call vehicle immobilization laws—laws that provide for either vehicle forfeiture, vehicle impoundment, booting of the vehicle, seizure of the license plates, or special markings of the license plates.

Unfortunately, there is no good research that has been thus far looking at the effectiveness of these particular laws in reducing recidivism and in reducing crashes, which is the bottom line.

I think this does need to be looked at. Fortunately, the National Highway Traffic Safety Administration has a study in progress right now that is looking at it. It is a two-part study. The first part of the study looked at the wide variety of laws currently in place, and that part of the study has been published. The second part of the study was specifically looking at the laws in the State of Wash-

ington and Oregon, where the plates of repeat offenders are marked with what is called zebra stripes, so that the officers know that there is a person driving that car who potentially might have a revoked license.

As I understand it, NHTSA has the second portion of that report in house. It is currently going through technical review. I think that, too, might be of interest to this committee, to see what the research data are. And it certainly would be of interest to us in the highway safety community to see what the research data are showing.

If I could add one additional remark, building on the issue of what do you do about families or a vehicle that is seized when there are several owners or several drivers. The first half of the NHTSA study examines the law in Iowa, which has a license plate confiscation provision.

When there is a co-owner or co-driver of the vehicle, the State provides what is called a "family plate," which marks the vehicle as one where there may potentially be a driver with a revoked or suspended license. And there is an implied consent provision saying that you have implicitly consented to be stopped by the police at any time, because the officer has reason to believe there may be a driver who is driving that vehicle with a suspended license.

I would suggest that the committee, in its deliberations on this matter, also look at that type of provision as well.

Senator EXON. I hope the ACLU is not listening to your testimony. I am confident that they would think that is a gross violation of the first amendment. But there are some other things I do not agree with the ACLU on. Although when you mentioned that, I can imagine people coming unglued at the very thought of the police being able to stop somebody because they suspect something is wrong.

You know that that is taboo in many places today and I think we have gone overboard on that. I was particularly interested in your zebra striping concept. That was my next question.

As one other option, rather than taking the family car away, so therefore dad would not be able to go to work, if we could stripe the car with—I was thinking of an orange piece of tape right down the middle of the car—I imagine that dad would be as unhappy driving that car to work as he might at not having a car at all, but at least he could get back and forth to earn the family keep.

I think there are some things like that, that we ought to take a look at. And certainly that would bring the family into the penalty for what has happened to some member of that family, without maybe removing all of their wheels. With the mobile family today, you could make a case because one member of the family of five violated the laws, you should not take away the transportation of the other four. And being a humanitarian, I could understand that. But I think there are some ideas on striping or something that I had not heard of before, but was going to ask that question. I am glad you brought it up.

Folks, there will be additional questions for the record, I am sure, that we would appreciate your responding to in writing if they are sent to you. Please respond as quickly as you can so we might include it in the record.

I thank you for being here today. Your testimony has been very, very helpful, and we will continue to rely on your expertise and your help as we move forward with this legislation.

We thank you for your excellent comments and professional suggestions today.

With that, we are adjourned.

[Whereupon, at 4:20 p.m., the hearing was adjourned.]

## APPENDIX

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### PREPARED STATEMENT OF THE AMERICAN ASSOCIATION OF RETIRED PERSONS

The American Association of Retired Persons (AARP) appreciates the opportunity to comment on S. 738, "The High Risk Drivers Act of 1993." The Association was pleased to indicate its support of S. 738 as it was being introduced, and we commend the bipartisan efforts of the Commerce Committee members, especially the chief sponsor Senator Danforth, for their efforts in crafting a bill that addresses both the safety and mobility needs of older persons.

Mobility is a major determinant in the independence, dignity, and quality of life of older Americans. Very seldom does the media report on the millions of miles older drivers travel without accidents. More frequently the media captures our attention with a few dramatic horror stories. Unfortunately, these images help perpetuate inaccurate stereotypes about all older drivers, impelling public opinion in directions that adversely impact older persons without effectively addressing driver safety. Rather than basing public policy on negative stereotypes, AARP believes that a comprehensive driving and transportation policy should promote the twin objectives of increased mobility and safety for all Americans.

AARP has long been committed to reducing death and injury rates of older drivers through its 55 ALIVE/MATURE DRIVER Program, a driver education and self-assessment course for persons aged 50 years and older. Since its inception in 1969, 55 ALIVE has retrained more than 2 million drivers—450,000 in 1992 alone. Insurance companies in 32 states offer insurance discounts to older drivers for completing a defensive driving course such as 55 ALIVE. Improving driving skills and providing information on alternative transportation systems are critical elements to AARP's efforts to promote continued mobility and independence in old age.

In general, older drivers are good drivers as confirmed by age comparisons of crash and death rates. Analysis of 1991 data on accident rates among licensed drivers indicates that drivers aged 65 and older were involved in only 7.9 percent of all accidents even though they represent 13 percent of licensed drivers. Even in late old age, older drivers have fewer accidents—drivers aged 85 and older represent .47 percent of licensed drivers but they were involved in only .33 percent of all accidents (See Appendix).

Older drivers bring a lifetime of behind-the-wheel experience with the many circumstances that can arise when driving. Moreover, older drivers tend to be more cautious in hazardous situations. Because they have greater control over times when driving will occur, older drivers can often minimize risks associated with peak traffic or inclement weather conditions. Improvements in accident rates in recent years can, in part, be attributed to the aging of the population, and more improvements can be expected as the "baby boom" bulge moves into middle age.

The advantages that older drivers bring to the road are, to be sure, tempered somewhat by sensory (e.g., vision and hearing) and cognitive (e.g., reaction times and ability to cope with distractions) decrements that often accompany the aging process. Some of the decrements in driving ability in late old age are revealed when crash rates are adjusted for miles driven. Crash rates per miles driven increase in old age, especially for those over 80 years of age for whom crash rates approximate those of drivers under 25 years of age (see Appendix).

Older people depend on automobiles to meet their transportation needs. According to the National Academy of Sciences, persons over 65 make more than 80 percent of all their trips by car either as drivers or passengers. This dependence will increase due to a demographic shift to the suburbs. For the first time, the 1990 census data indicate that a majority of older people lived in suburban communities. Despite the low crash rates among older drivers, substantial increases in the number of older persons and the older population who continue to drive have contributed to recent increases in the number of older people killed on the nation's highways. According to the National Institute on Aging, between 1980 and 1989, the total

number of people killed in auto accidents fell 8.4 percent, but deaths of persons aged 65 or older rose 43 percent (see Table 1).

**Table 1.—Fatality and Crash Statistics for Drivers Aged 65 and Older for 1980 and 1989**

	Drivers 65+		All drivers	
	1980	1989	1980	1989
Total fatalities .....	2,323	3,319	28,816	26,389
Deaths/100,000 population .....	9.0	10.7	16.7	13.8
Deaths/100,000 drivers .....	15.3	15.5	19.8	15.9
Crash rate/100 drivers .....	11.6	7.9	21.0	14.0

(SOURCE: National Safety Council 1992; National Highway Traffic Safety Administration 1989)

The substantial increase in the number of older people killed in crashes along with the increased crash rate per mile driven in late old age warrant additional research and program demonstrations along the lines provided in S. 738. However, several caveats should be kept in mind when structuring and conducting such research and demonstrations. First, according to data from the 1990 National Personal Transportation Survey (NPTS), much of the higher fatality rate among older drivers is due to the increased physical vulnerability of older persons rather than differential driving behavior. Increased vulnerability will not be improved by licensing and testing procedures that focus on driving behavior. Rather, fatalities due to age-related vulnerability would more likely be avoided through technological innovations such as the Intelligent Vehicle Highway System promoted in S. 738 as well as further improvements in the crashworthiness of vehicles.

Moreover, researchers should recognize the tremendous individual variability in driving capabilities among older drivers. To date, research has not established accurate driver competency measures that differentiate individual functional abilities in a manner that provides reliable predictors or which drivers are more at risk for accidents. In the absence of measures that are predictive of driver competence, AARP would strenuously oppose --and this legislation wisely does not advocate--age-based discrimination in the testing or licensing of older drivers. Old age alone has not been shown to be a good predictor of the likelihood of having an accident and should not be used to discriminate against older drivers in general. In states where requirements--such as in person renewals or more frequent testing--have been applied to older drivers and not to younger drivers, there has been no demonstrable impact on crash rates.

AARP supports the effort to develop cost effective screening and testing measures that are predictive of driver competence as outlined in Section 201(e) of S. 738. In the absence of such measures, however, it would be premature for states to require in person renewals or retesting. Moreover, should appropriate measures of driver competence be developed, they should be applied to all drivers or, perhaps, to all drivers for whom reason exists to doubt competence. Because advancing age alone is not a good predictor of individual driver competence, AARP has opposed and will continue to oppose licensing and testing procedures that discriminate against older drivers.

Experience from our 55 ALIVE program indicates that providing information on age-related changes can help older drivers be their own best regulators. Indeed, the data above indicate that self-regulation has been very effective in limiting the number of accidents among older drivers. Building on that data, S. 738 would promote research on the network of relatives, physicians and others who often counsel older persons about driving. The bill also recognizes the importance of mobility in old age by authorizing demonstrations to promote linkages to alternative means of transportation and provisional or graduated licensing programs for those who would otherwise be denied driving privileges. These provisions should all contribute to increased mobility for older persons provided that they are not used in a blanket fashion to discriminate against older drivers.

In sum, the "High Risk Drivers Act of 1993," provides an opportunity to improve the safety and mobility of older persons through a sustained federal role in older driver research. Perhaps the most valuable aspect of this legislation is the prominence it gives to the roles of education and self-awareness in helping older drivers reduce their risks for accidents. In addition, AARP strongly supports the emphasis placed on the coordination of programs and policies affecting older persons within the U.S. Department of Transportation and the identification of transportation alternatives to meet the mobility needs of those unable to drive. AARP looks forward

to working with the Committee to promote the successful enactment of this important legislation.

[Appendix—"Traffic Safety and the Older Driver" plus a few graphs may be found in the committee's files.]

PREPARED STATEMENT OF THE NATIONAL ASSOCIATION OF GOVERNORS' HIGHWAY SAFETY REPRESENTATIVES

The National Association of Governors' Highway Safety Representatives (NAGHSR) appreciates this opportunity to submit comments on S. 738, the proposed High Risk Drivers Act of 1993.

NAGHSR is a non-profit association of state highway safety agencies. Its members are appointed by their Governors to develop and implement their state highway safety programs and to administer the federal highway safety grant programs for their respective states. The Association is primarily concerned about driver behavior issues (such as impaired driving, occupant protection, pedestrian, bicycle, and motorcycle safety) as well as truck safety, roadway safety, emergency medical services, and safety management systems.

Significant progress has been made over the last decade with respect to young drivers. In fact, the fatality rate for those aged 15 to 20 declined more in the last ten years than for any other group, largely due to the passage of the national minimum drinking age law and the combined efforts of federal, state, and local governments, the Mothers Against Drunk Drivers, Students Against Drunk Drivers, and other private organizations.

Nonetheless, motor vehicle crashes continue to be the leading cause of death for persons aged 6-33. Young drivers have the highest crash rate of all drivers and are over-represented in motor vehicle crashes. According to the National Transportation Safety Board, young persons under 21 were 7.1 percent of licensed drivers, but they accounted for 14.9 percent of motor vehicle deaths in 1990. The alcohol involvement rate for young drivers, based on the total licensed driver population, is about twice that of the over 21 age driver.

Older drivers are also over-represented in traffic fatalities and injuries. Although the per capita crash rate for older drivers is much lower than it is for younger drivers, the severity of older driver crashes tends to be worse and their fatality rate is disproportionately large. The older driver problem is expected to worsen within the next decade, as the elderly population increases to a projected 17 percent of the total population.

Past highway safety programs have worked extremely well to reduce the overall motor vehicle death rate from a high of 5.5 fatalities per 100 million miles of travel in 1966 to a record low of 1.8 fatalities per 100 million miles of travel in 1992. If continued progress is to be made, however, future highway safety programs must focus on special populations (such as the younger and older driver) and must provide targeted assistance for those populations.

NAGHSR POSITION ON S. 738

NAGHSR supports S. 738, the High Risk Drivers Act of 1973 for many reasons.

First, the proposed legislation establishes a program of incentives to states. Unlike other recent highway safety initiatives, S. 738 does not penalize states for failure to take a specific action within a specific time period. Rather, it encourages states to adopt key highway safety legislation and develop important highway safety programs. NAGHSR strongly supports incentives over sanctions.

The Association believes that sanctions are counterproductive and not targeted to the government agency that may be the cause of the problem. Further, traditional sanctions, in which highway construction funds are withheld from a state, do not relate the safety problem to the safety solution. Rather, they deny states the very resources they could use to solve the problem. At last count, the states were under threat of sanctions for sixteen different surface transportation issues, many of which are highway safety-related. We are pleased that the proposed high risk driver bill does not add to that already burdensome list.

Second, the major emphasis of the S. 738 is on the younger driver. The Association strongly concurs that additional federal, state and local attention must be paid to the younger driver. As noted above, young drivers are over-represented in crashes. Their lack of driving experience and inclination to high risk behavior make them particularly vulnerable. These problems are exacerbated when the young driver becomes involved with alcohol. S. 738 would create a new incentive program for states

that would reduce the frequency and severity of younger driver crashes through a combined program of new laws, improved driving licensing processes, augmented enforcement, enhanced training, and strengthened traffic records systems.

Third, NAGHSR supports the centerpiece of S. 738—the graduated licensing requirements for younger drivers. The goal of such a licensing program is to delay the time by which young drivers are fully licensed and to control the early driving experience. This, in turn, is intended to increase the driving experience of younger drivers, to limit their exposure to unsafe driving, and to give them time to mature. Research in New Zealand, Maryland and elsewhere has shown that graduated licensing programs are effective. NAGHSR believes that by controlling the early driving experience and reducing exposure to high risk situations, graduated licenses can significantly reduce young driver fatalities and injuries.

Fourth, the Association supports, in concept, many of the proposed eligibility criteria.

NAGHSR is pleased that one criteria requires state passage of .02 BAC legislation. Such legislation will close a loophole in the national minimum drinking age law by ensuring that those under 21 cannot drink and drive. .02 BAC laws will enable a state to declare that a driver under 21 is driving while intoxicated per se if they have a BAC above the legal limit. .02 BAC laws can also be the basis for prompt license suspension laws for youth, commonly known as use/lose laws or not a drop laws. .02 BAC laws and prompt suspension laws have been found to be effective in reducing alcohol-impaired driving among youth if they are coupled with strong enforcement and a visible public information campaign.

The Association also supports the open container criteria and believes that it will strengthen the national minimum drinking age law by tightening state alcohol possession laws for youth. The availability of incentive grant funds may motivate the 26 remaining states that do not have open container laws to pass them.

NAGHSR supports penalties for alcohol sellers who knowingly sell to anyone under 21. This criteria will also help close yet another loophole in the national minimum drinking age law by limiting the accessibility of youth to alcohol and by making sellers more accountable for their actions. Penalties for violating the under 21 law should be stiff enough so that sellers do not consider them part of the cost of doing business.

The Association also supports the requirement that states suspend the license of anyone under 21 who purchases or possesses alcohol. This proposal will strengthen the purchase and possession provisions of the national minimum drinking age law and reinforce the message that underage drinking has serious consequences. Since underage drivers typically place a high value on the driving privilege and are reluctant to take actions which would cause them to lose their license, this provision should be a particularly effective one.

NAGHSR strongly supports the education, training and enforcement requirement and is pleased to see the emphasis on both judicial training and youth involvement. State experience has shown that tough laws are not effective unless they are accompanied by a combined, intensive public information and enforcement effort as well as a training program for law enforcement officials and members of the judicial community. States have also found that youth programs are not effective if they consist of youth activities planned by adults. In order for youth prevention programs to impact their target audience, the programs must be credible and meaningful to youth. Youths must be an integral part of the planning process.

Finally, NAGHSR supports the older driver research provisions of Title II. Title II will help determine what programs and strategies are effective in reducing older drivers' crash rates. Research on programs which address the older driver problem without reducing older driver mobility is urgently needed and will be used by the states once it becomes available.

#### SPECIFIC CONCERNS

While NAGHSR generally supports the High Risk Drivers Act of 1993, we have some specific concerns about the proposal.

The Association recommends that the objectives of Title I should be clarified. Is Title I aimed at youth offenders or repeat offenders? The incentive grants are contingent upon a state's passage of a graduate licensing program which will affect younger drivers and enable them to gain more driving experience before they are fully licensed. Yet the rail/grade crossing criteria is not necessarily a younger driver problem, nor would it ordinarily be part of a state's younger driver plan. Nor would the asset forfeiture criteria that is being contemplated by the Senate Commerce Committee, particularly since young drivers may not own the vehicles in which they are driving.



We recognize that some youthful offenders will also be repeat offenders, and that programs aimed at repeat offenders will be beneficial to young drivers, but we would argue that there should be separate and distinct legislation for those two groups. We concur that the High Risk Drivers Act will lay the groundwork for additional legislation aimed at repeat offenders, but we think that the proposed legislation should stop there and not try to solve both problems at once. Until the highway safety community comes to a consensus on what is needed to address the repeat offender problem, it better is to focus solely on the most immediate and significant problem—the young driver.

NAGHSR strongly supports the rail/grade crossing criteria but suggests that it would be more appropriate in a separate grade/crossing bill. Alternatively, the Committee could revise the alternative so that it is more directly relevant to younger drivers. The criteria might grant eligibility to those states that have grade crossing prevention and education programs specifically targeted to youth or those states whose young driver fatalities have declined by a certain percentage from the previous year's level. We also strongly urge the Senate Commerce Committee to increase the funding for Operation Lifesavers which does an excellent job in educating the general public about the hazards of rail/grade crossings.

With respect to asset forfeiture, NAGHSR believes that the concept has much appeal and that it is probably the next major type of legislation states will adopt after they have enacted prompt license revocation laws. However, we do not think there is enough experience with implementation of such laws to warrant its inclusion at this time. We urge the Committee to hold off on this criteria until the research that the Dept. of Transportation is conducting can be completed.

Another concern of the Association is that the eligibility criteria are far too narrowly drafted and leave little room for innovative state approaches which may have the same impact as the proposed criteria. The safety belt eligibility criteria, for example, specifies that states must have mandatory safety belt laws that cover both the front and back seats. Only nine states satisfy that criteria.

NAGHSR would argue that a performance standard that measures safety belt use rates is a far more effective approach. Use rates are the commonly accepted measurement of a state's performance, and the employment of safety belt use rates is consistent with the philosophy underlying Section 153 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). (Section 153 provides incentives for states that have adopted mandatory safety belt and motorcycle helmet laws as well as penalties for states that do not.)

States that require front and rear seat passengers to buckle up may have good legislation but may be doing little to enforce it. States that have high use rates are obviously doing a good job in educating the public and enforcing their mandatory use laws, regardless of whether the law affects all seating positions. If the intent of the safety belt criteria is to encourage states to improve occupant protection, then a performance-based approach will give the states the flexibility to increase safety belt use without dictating how to accomplish that objective.

Another example is the proposed criteria for seller penalties which NAGHSR feels is much too limited. Under S. 738, a state must provide for a mandatory minimum penalty of at least \$500 for anyone who knowingly sells to minors. However, a state with a lower monetary penalty and a mandatory jail sentence would be ineligible, even though that state's laws are actually more severe. NAGHSR would argue that the goal is to encourage states to enact severe seller penalties, regardless of whether the penalty is a sizable fine, mandatory jail time, business license suspension for a fixed time period, or some other approach. A far preferable criteria would be a performance-based one that gives the states the flexibility to satisfy the criteria's intent without restricting how that criteria it is to be met.

NAGHSR is also concerned that the proposed funding levels are too low to be much of an incentive to states. S. 738 proposes that the incentive grant program be funded at \$100 million over five years, or \$20 million a year on average. The maximum amount a state can receive is 30 percent of its annual 402 appropriation. If the yearly appropriation is less than the authorized amount (which is highly likely), then eligible states receive a proportionately smaller amount. A typical medium-sized state (like Missouri or Virginia) would only receive  $\frac{3}{4}$  of \$1 million under the grant program under the most optimistic scenario. This may not be enough to convince the state legislature to enact controversial legislation like asset forfeiture laws, stiff seller penalty laws, and the like. NAGHSR recommends that the authorization level must be increased if the grant program is going to provide a meaningful inducement to states to change their laws and programs.

Further, implementation of the Driver License Compact on an electronic network will be particularly costly, as experience with implementation of the commercial Drivers License has shown. Although nearly all states are part of the Drivers Li-

cense Compact and all are linked electronically on the AAMVAnet system, most states have only limited capability to exchange complete licensing information, and few states have electronic capability to provide licensing data to other state agencies. NAGHSR is very supportive of systematic improvements in state licensing data and traffic records systems: enhancing traffic records has become an organizational priority. Nonetheless, it will take many years and millions of dollars before that goal can be accomplished.

Finally, our biggest concern is that the proposed legislation will adversely affect the highway safety grant funding that is already in place. Given the budget deficit situation, it will be extremely difficult to fund this new incentive grant program without cutting funding from some other existing program in order to ensure a neutral budget impact. NAGHSR's concern is that the reductions will come from the base Section 402 State and Community Highway Safety grant program (23 U.S.G. 402) or one of the existing impaired driving incentive grant programs, or even the occupant protection incentive grant program. In effect, existing programs and the new incentive grant program will be forced to compete for available federal dollars.

If the reductions are made out of the 402 program, then state highway safety programs could simply fall apart. States use the 402 program as the foundation for everything they do in highway safety. It allows them to leverage the programs and funding of other state agencies, local governments, and the private sector.

States would have to focus their federally-assisted state programs only on two or three of the highest priority issues (such as impaired driving and occupant protection) and postpone or eliminate programs that address additional priorities (such as motorcycle and bicycle safety or school bus safety). States will not have the resources to make improvements in their traffic records and driver licensing systems (including those improvements encouraged by S. 738), nor will they have adequate staff to administer many programs and build statewide safety coalitions.

At a time when more and more demands are being placed on states and their highway safety programs (partly because of new requirements in ISTEA and partly because of increased Congressional concern about highway safety) increased—not decreased—402 funding is needed. The 402 program, which has been basically level-funded for the last eight years, simply cannot afford any reductions at this time.

If the reductions are made out of the impaired driving incentive programs (23 Section 408, 410), then states will be forced to trade off one impaired driving incentive program for another. Under the worst case scenario, a state could be forced to halt activities relating to the passage of administrative license revocation or .08 BAC laws in order to encourage the enactment of a graduated licensing program, a seller penalty bill, or other efforts which would bring the state into compliance with the S. 738 eligibility criteria.

NAGHSR does not believe that such a tradeoff was intended by the S. 738's authors and co-sponsors. In order to ensure that there is sufficient funding available for new and existing highway safety grant programs, the Association strongly encourages the Senate Commerce Committee to work closely with its Appropriations counterpart. We urge Senate Commerce Committee members to carry the message to the Senate Appropriations Committee that reductions must not be made in the existing highway safety grant programs and that both existing and new highway safety programs must be funded at authorized levels.

NAGHSR appreciates the opportunity to submit comments on such a timely issue and such an important piece of legislation. We look forward to working further with the Committee as the bill moves forward through the legislative process.

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PREPARED STATEMENT OF MARC E. CHAFETZ, PRESIDENT, HEALTH COMMUNICATIONS, INC.

My name is Marc E. Chafetz, and I am the President of Health Communications, Inc. I appreciate the opportunity to testify before this committee regarding our support for the education and training provisions in the High Risk Drivers Act of 1993.

Health Communications offers the leading national program for training sellers, servers, and consumers of alcohol to detect and prevent underage drinking, alcohol abuse, and drunk driving. The TIPS (Training for Intervention Procedures by Servers of Alcohol) program shows people how to intervene effectively when necessary to prevent underage sales and intoxication. In less than 10 years, we have trained almost 400,000 people nationwide and in 15 foreign countries.

The TIPS program has been endorsed by numerous public officials, including former President George Bush, the Secretary of Transportation, the Department of Health and Human Services, many state governors, and several congressmen. In

fact, the Center for Substance Abuse and Prevention recently described the TIPS program as:

scientifically accurate and in conformance with public health policies and principles.

Our program is the only one of its kind to be proven effective in independent university research and in real world experience. Edgarton, Massachusetts, reduced their drunk driving problem by more than 50 percent after implementing the TIPS program. Allentown, Pennsylvania, won the 1992 National City Challenge to Stop Drunk Driving Grand Prize because of its success with prevention programs, particularly the TIPS program. In 1988, the TIPS program won the National Commission Against Drunk Driving Education and Prevention Award for its "outstanding efforts" to prevent underage drinking and drunk driving. In fact, the American Red Cross has called TIPS the "CPR of alcohol abuse."

The TIPS program has been promoted and sponsored by a wide range of industries: insurance, hospitality, restaurant, and even some of the alcohol beverage manufacturers. In addition to these commercial entities, the TIPS program is used nationwide by non-profit organizations, colleges and universities, and government agencies.

We are here today to support the training and education provisions of the High Risk Drivers Act of 1993. With problems like underage drinking and drunk driving, all too often people search for a quick fix. Some believe they can achieve success by merely distributing posters, buttons, and other colorful paraphernalia. While these items serve as helpful reminders, no one can dispute that education which offers two-way communication between student and teacher, and provides an opportunity for practice before application, has the highest success rate when it comes to influencing people and changing their behavior. Reminders by themselves will not attain the goal set forth in this bill. Only by combining those reminders with effective education will we make a noticeable impact on underage drinking and drunk driving.

Another popular quick-fix solution is to pass more laws. But as a former federal prosecutor, I can appreciate the fact that increased legislation alone does not always lead to increased success in solving the problem. Success only comes from a more concrete effort, such as the training and education provided for in this act. The TIPS program is living proof that education works and that training empowers average people to make a difference and prevent alcohol abuse from harming their community. Therefore, we endorse the sections of the High Risk Drivers Act of 1993 that promote increased education and training. And we will continue to do our best to meet that goal.

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"I know that many of you have taken steps to combat drunk driving. Many of you in this audience have had the care and decency to train in the TIPS program—that's T-I-P-S. I hope many of you who use this fine program will continue to do so and that those who don't will use this excellent program in the future."—*Former President George Bush, National Restaurant Show Opening Address, May 23, 1993.*

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CERTIFICATE OF RECOGNITION—BY VIRTUE OF THE AUTHORITY VESTED BY THE CONSTITUTION IN THE GOVERNOR OF THE COMMONWEALTH OF VIRGINIA, THERE IS HEREBY OFFICIALLY RECOGNIZED:

TRAINING FOR INTERVENTION PROCEDURES BY SERVERS OF ALCOHOL

*Whereas*, the Training for Intervention Procedures by Servers of Alcohol (TIPS) program is a new, nationwide program to train servers of alcohol on ways to prevent alcohol abuse in taverns, restaurants and other businesses where alcohol is served; and

*Whereas*, twenty-three states have passed laws establishing the legal liability of taverns and restaurants and most other states have recognized this liability in common law; and

*Whereas*, there has never been a greater need for a company-wide employee training program that will help bartenders, other servers and sellers cope with the difficult alcohol abuse issue; and

*Whereas*, TIPS can provide this training at a reasonable cost. It is a practical, common-sense approach to help prevent alcohol abuse, while, at the same time, not damaging businesses;

Now, therefore, I, Charles S. Robb, Governor, do hereby recognize the TRAINING FOR INTERVENTION PROCEDURES BY SERVERS OF ALCOHOL program, and I call the message it suggests to the attention of all Virginians.

CHARLES S. ROBB,  
Governor.

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LETTER FROM ROBERT P. CASEY, GOVERNOR, STATE OF PENNSYLVANIA

GREETINGS: As Governor, I am pleased to commend the Training for Intervention Procedures by Servers of Alcohol (TIPS) program for its efforts to prevent alcohol abuse. I am especially pleased to join in congratulating the 100,000th server trained in the TIPS program.

Alcohol abuse and dependence are major public health and safety problems which inflict a terrible toll on our Commonwealth's human and financial resources. In 1987, there were over 46,000 motor vehicle fatalities nationwide. Of those, over 23,000 were alcohol related. In Pennsylvania alone, over 46 percent of all automotive fatalities were alcohol related. We can no longer ignore these tragic statistics.

I am pleased to commend TIPS for its efforts to combat this deadly problem. Through TIPS, trainers have been able to show servers of alcohol how to promote responsible drinking and teach intervention strategies to help ensure that overdrinking doesn't lead to death.

I am proud that Pennsylvania is one of the most active states in the TIPS program, with more than 10,000 of our citizens trained. Continued work in partnership with programs such as TIPS can greatly reduce the unnecessary loss of human potential due to drinking.

I salute all those involved in this program and send my best wishes for its continued success.

ROBERT P. CASEY,  
Governor.

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LETTER FROM BETTINA M. SCOTT, PH.D., DIRECTOR, OSAP'S NATIONAL CLEARINGHOUSE FOR ALCOHOL AND DRUG INFORMATION

JULY 8, 1992.

MORRIS E. CHAFETZ, M.D.  
*Health Education Foundation, Inc.*  
Washington, DC 20037

DEAR DR. CHAFETZ: Thank you for sending a copy of your program, "TIPS: Training for Intervention Procedures by Servers of Alcohol" to OSAP's National Clearinghouse for Alcohol and Drug Information (ONCADI).

The "TIPS" program was reviewed and found to be scientifically accurate, in conformance with public health principles and policies, and appropriate for the intended audience. The program will be added to the Prevention Materials Database at ONCADI and depending upon need, may be included in ONCADI's resource guides, which are made available to special groups as well as to the general public.

All materials reviewed by us are kept on file permanently. If someone is interested in obtaining copies of a publication or other materials, he or she will be provided information about how to obtain the materials directly from the producer, developer, or distributor.

Thank you very much for sharing your material with us.

Sincerely,

BETTINA M. SCOTT, PH.D.,  
*Director, OSAP's National Clearinghouse for Alcohol and Drug Information.*

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[Alcohol Health & Research World, vol. 11, No. 4, by the National Institute on Alcohol Abuse and Alcoholism may be found in the committee's files.]

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ALCOHOL SERVER TRAINING PROGRAM STANDARDS

This document is a comprehensive outline for an exemplary alcohol server training program. In addition, minimum requirements for effective programs are listed below. These threshold standards are provided to assist you in quickly identifying

superficial programs. The more detailed description which follows provides the next step in analyzing programs which meet these minimum standards:

- formal instruction of trainers by qualified personnel
- industry-specific information within curriculum
- role-playing exercises among trainees
- compliance with all state/local laws and regulations
- independently graded certification examinations
- maintenance of training records in an interactive, accessible database

*Note: Standards are a comprehensive package. Acceptable programs meet all criteria established herein.*

#### *Program development*

1. Program research, development, testing and writing done by credentialed experts in the fields of alcohol abuse, psychiatry, psychology, health education, skills-training and law.

2. Program contains basic core curriculum and interchangeable, modular information sections to cover:

- specific emphasis on various professional or social environments
- information required by various government agencies

#### *Training format*

1. Instruction on alcohol-related issues and information covers: (lecture and discussion)

- physiological and behavioral effects of alcohol use<sup>1</sup>
- absorption rate factors
- blood alcohol content
- laws affecting servers and sellers of alcohol<sup>2</sup>
- potential alcohol-related problems in professional or social settings
- strategies for dealing with problem situations

*Note: Instruction on increasing alcohol sales and techniques for upgrading customers to premium brands is inappropriate.*

2. Interactive skills training: (discussion)

- use of several filmed or taped reenactments of specific scenes involving potential intoxication, intoxication, and attempts at illegal purchase of alcohol
- focus on how to assess and evaluate situations and behavior
- discussion of both effective and ineffective intervention techniques

3. Role-playing:

- each training session participant provided at least one opportunity to practice new skills by interaction with other participants and/or trainer in creation of "real-life" situations

#### *Length of training program*

1. Minimum of two hours and maximum of six hours in one day for "server," "seller" and "consumer trainee" (hereinafter referred to jointly as "participant") training workshops.

2. Minimum of 12 hours over two days for "trainer" and "instructor" training workshops. [*Note: a "trainer" trains participants; an "instructor" trains trainers.*]

3. Length of participant training is proportionately related to amount of time participant has contact with consumer (i.e., training for concessions is shorter than training for restaurants).

#### *Period of certification*

1. Participants—three years.
2. Trainers and instructors—one year.

#### *Qualification for "trainer" certification*

1. Successfully complete 12-hour, two-day trainer workshop, conducted by certified instructor.

*Note: Successful completion demonstrated by: a) achieving score of at least 65 percent correct on objective, written examination given at end of workshop; and, b) receiving favorable evaluation by instructor regarding knowledge of, and ability to present, course materials.*

<sup>1</sup>Information on diagnosis and treatment of alcoholism is unnecessary.

<sup>2</sup>Relevant information includes civil, criminal and administrative laws and regulations specific to sellers and servers. Individual corporate alcohol policies need not be included in independently administered training programs.

2. Either: a) conduct one participant workshop within four months of completing trainer workshop, or b) co-train one participant workshop with certified trainer within 12 months of completing trainer workshop.

#### *Maintenance of "trainer" certification*

1. For "even" years (second, fourth, etc.): successfully complete (score of at least 70 percent correct) objective, written examination.
2. For "odd" years (third, fifth, etc.): successfully complete 12-hour trainer workshop.

#### *Qualification for "instructor" certification*

1. Successfully complete two-day trainer workshop conducted by certified instructor.
2. Co-train a minimum of two trainer training sessions (with certified instructor) within four months of completing trainer workshop.
3. Train at least 100 participants within 12 months of completing trainer workshop.

#### *Maintenance of "instructor" certification*

1. Conduct at least one trainer workshop every three months.
2. For second year and beyond: conduct a trainer workshop in conjunction with a certified instructor chosen by program administrator's director of training.

#### *Qualification for "participant" certification*

1. Successfully complete two- to six-hour participant training workshop conducted by certified trainer.

*Note:* Successful completion demonstrated by achieving score of at least 65 percent correct on objective, written examination given at end of workshop.

#### *Certification examination*

1. Written, criteria-referenced tests.
2. Independent measure is performance-based criteria.
3. Graded by independent third parties.
4. Periodic content review and update.
5. Replacement of outdated versions of examinations.
6. Translations of examinations available (upon request) in several languages other than English.

#### *Quality control*

Program administrator quality control measures include:

1. Maintenance of original, completed examination answer sheets for at least three years.
2. Current instructor, trainer and participant certification records maintained by program administrator in an interactive data base. Contents of data base are publicly available upon request.
3. Use of trainer evaluation forms—completed by workshop attendees. information gathered is kept confidential and used solely for evaluation of trainer/instructor performance.
4. Implement policy to revoke instructor or trainer certification if program administrator's director of training finds individual unable to present program in the manner intended.
5. Require workshop attendees to sign in on master sheet (retained by trainer/instructor) at workshop.
6. Require instructors and trainers to attest in writing that each of their workshops has been conducted according to standard criteria established by program administrator.
7. Random spot checks of trainer and participant workshops by instructors or program administrator's director of training.
8. Independent grader of examinations is sole possessor of answer sheets for examinations.

LETTER FROM MELISSA A. WOLFORD, DIRECTOR, FEDERAL AFFAIRS, AMERICAN  
INSURANCE ASSOCIATION

JANUARY 27, 1993.

The Honorable JOHN C. DANFORTH,  
U.S. Senate,  
Washington, DC 20510

DEAR SENATOR DANFORTH: The American Insurance Association, which represents more than 250 property/casualty insurance companies, wants to express our support for your High Risk Drivers Act of 1993.

In recent years, considerable progress has been made in building safer vehicles, and in building better roads. As a result, the total number of highway fatalities have decreased. However, motor vehicle fatalities remain the leading cause of death among young people, and the per capita rate of motor vehicle fatalities among older drivers has been rising. Repeat traffic law offenders also need earlier identification and effective intervention.

It is important that we now direct our efforts towards developing highway safety programs that can reduce the incidence of and fatalities from motor vehicle crashes among high risk drivers. Your High Risk Drivers Act is an excellent step in achieving that goal.

We commend you for your leadership on highway safety issues, and we look forward to working with you to enact this important legislation.

Sincerely,

MELISSA A. WOLFORD,  
Director, Federal Affairs.

## LETTER FROM THOMAS HECKMANN, PH.D.

MAY 12, 1993.

Senator J. JAMES EXON,  
U.S. Senate,  
Washington, DC 20510-2702

DEAR SENATOR EXON: I am writing in reference to Bill S. 738, and specifically to Title 11, § 201(b) "Counseling Procedures and Consultation." With special reference to the wording "\* \* \* promotion of voluntary action by older high risk drivers to restrict or limit their driving \* \* \*" I wish to introduce you to "Driving Decisions for Seniors." Driving Decisions for Seniors is a peer-counseling agency founded and staffed by senior volunteers. It aims to foster rational decision-making about transportation options by affected seniors themselves.

Driving Decisions represents an approach to behavior change which has high potential. It deserves to be supported long enough for its efficacy to be evaluated. But for the same reason that it deserves Congressional attention, Driving Decisions is in danger of extinction: having been originated by the senior driving constituency itself, it is not connected in a way that significantly affects its support with the community of academic, engineering and government experts that guides older driver public policy.

The enclosed paper by Ms. Ethel Villeneuve, Director of Driving Decisions, describes the agency's history, aims, methods and future vision. The paper was submitted to the Transportation Research Board for presentation at its annual meeting. Though it was rejected on academic grounds, the reviewers felt that its message needed to be heard. Consequently, Ms. Villeneuve was invited to the TRB meeting last January to participate in a panel discussion of experts entitled "Older Drivers: What Are the Real Issues?" If you wish to review the opinions of other panel participants as to Ms. Villeneuve's contribution, I suggest you contact the panel's coordinator, Dr. James McKnight, on how to reach them. I enclose a copy of a letter from Dr. McKnight to Ms. Villeneuve praising her participation, and giving his telephone number and address.

So who am I and why am I writing? I am a research scientist whose company assigned him, for a time, to investigate older driver issues. In the course of my research I encountered Ms. Villeneuve and Driving Decisions, and we collaborated in proprietary work. Since this work had a positive effect on my career, I feel obliged to advocate Driving Decisions, quite apart from my high professional opinion of its efforts. One result of my advocacy was my company's support for the travel of Ms. Villeneuve and an associate to present the Driving Decisions program at the AARP convention in 1992. A copy of the presentation brochure is enclosed. Now that I have been assigned to other duties, I am pursuing my advocacy as a private citizen, hence



this letter. Nonetheless, I am not a professional advocate, and my efforts have so far gained few results. Driving Decisions for Seniors needs assistance from skilled professional advocates with access to influence, such as Congressional staff.

I encourage you to investigate Driving Decisions for Seniors and its potential. Information to contact its Director, Ms. Villeneuve, appears on the cover page of her paper. In addition, I would be happy to answer any questions concerning my involvement with Driving Decisions, within the proprietary limits my company obliges me to respect.

Sincerely,

THOMAS HECKMANN, PH.D.

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["Driving Decisions for Seniors: A Cost-Effective Community-Based Program for Intervention and Research With Older Drivers," by Ethel Villeneuve, Director, Driving Decisions for Seniors, may be found in the committee files.]

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