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LIMIT NUMBER OF PASSENGERS FOR FIRST-TIME DRIVERS

House Bill 4600 as passed by the House Second Analysis (12-23-03)

Sponsor: Rep. Edward Gaffney
Committee: Transportation

THE APPARENT PROBLEM:

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

In Michigan, the Michigan State Police Criminal Justice Information Center, and the Office of Highway Safety Planning, in conjunction with the University of Michigan Transportation Research Institute, complete and publish annual statistical reports called Michigan Traffic Crash Facts. According to their recent report, motor vehicle crashes are the leading cause of death for 15 to 20 year olds (based on the latest mortality data available from the National Center for Health Statistics). In 2001, among all drivers, there were 1,328 traffic fatalities in the state, 38 percent of them alcohol-related. Between 1999 and 2001, male drivers between the ages of 16 and 20 had a higher crash rate per 1000 licensed drivers than any other age-group; however, that rate had gone down slightly from 5.88 per 1000 licensed drivers in 1999, to 5.12 per 1000 in 2001.

For all crashes and all age drivers in 2001, rural fatal crashes accounted for 61 percent of all traffic fatalities, while accounting for 39 percent of the vehicle miles traveled, and 21 percent of the population. The difference between rural and urban fatalities has increased over the past decade. Speeding was a contributing factor in 30 percent of all fatal crashes.

Furthermore, one out of three teens has an accident during their first year of driving—33 percent. And while teen drivers account for seven percent of the driving population, they represent 14 percent of all drivers involved in fatal crashes, and 17 percent of all drivers involved in police-reported crashes. According to AAA Michigan, studies undertaken by the Insurance Institute for Highway Safety indicate

that the presence of any passenger riding with teens increases the risk of a crash. Just one additional passenger increases the crash risk by 1.5 times. With two or more passengers, the fatal crash risk was five times as high as driving alone.

The combination of driving inexperience, speed, and the distraction of friends when teens travel on rural roads often results in traffic fatalities. For example, in Fowlerville, Michigan (located in Livingston County) during July 2003, a tragic accident claimed the lives of four teens and injured four others, when a 16-year-old driver's van left the roadway, overturned, and struck a tree after 11 p.m. at night. The eight youngsters were out having a good time, reportedly toilet-papering homes before the crash occurred. No alcohol was involved. The male driver, a 15-year-old male passenger, and a 13-year-old female passenger were killed instantly, while a 14-year old passenger died of her injuries four days later. The four remaining passengers were treated for injuries at hospitals in Lansing and Ann Arbor, and one passenger, a 12-year-old female, required an emergency air-lift to University Hospital in Ann Arbor.

In order to reduce the number of fatalities among young and inexperienced drivers, legislation has been introduced that would restrict the number of a novice driver's non-family passengers.

THE CONTENT OF THE BILL:

House Bill 4600 would amend the Michigan Vehicle Code to prohibit a first year driver ("a person who had been issued a level 2 graduated license status") from having more than one passenger other than a family member in his or her car while driving, unless the person is accompanied by, or possesses written authorization from, his or her parent (or legal guardian). The bill would take effect May 1, 2004.

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[Under Michigan's three-tier graduated driver licensing law, a new driver who has completed segment 1 of a driving course is issued a level 1 license, and may operate a vehicle when accompanied either by a licensed parent or legal guardian, or, with the permission of the parent or guardian, a licensed driver 21 years of age or older. A person must have level 1 status for at least six months. After six months, a person is issued a level 2 graduated licensing status, if he or she successfully completes segment 2 of a driver education course, incurs no moving violations that result in a conviction or civil infraction, is not involved in an accident during the 90 days before making application, and presents a certificate that he or she was accompanied by a parent or guardian, and had accumulated at least 50 hours of behind-the-wheel experience (including at least 10 night-time hours). A driver must remain at level 2 status for at least six months (a time period that can be extended if the novice driver has an accident), and cannot operate a vehicle from midnight to 5 a.m. unless accompanied by a parent or guardian, or a licensed driver over the age of 21 designated by the parent or guardian, or except when going to or from employment. Then, after a driver turns 17 years of age he or she can be issued a level 3 status, if the driver has completed 12 consecutive months without a moving violation, accident, or license suspension while at level 2. House Bill 4600 would retain all of these provisions.]

MCL 257.310e

FISCAL IMPLICATIONS:

The House Fiscal Agency notes that the bill would result in additional revenue from fines paid by those found to have violated the law. The exact amount of additional revenue is indeterminate at this time, and would be based on the number of violations. (9-30-03)

ARGUMENTS:

For:

On April 1, 1997, Michigan became the first state in the country to adopt a comprehensive Graduated Driver Licensing (GDL) program. GDL integrates driver education, parental involvement, and driver licensing—all working together to produce a safer environment for teenage novice drivers. The policy has worked as intended. According to a University of Michigan Transportation Research Institute (UMTRI) study released in 2000, teenage traffic crashes for 16 year-olds were reduced by 25 percent

overall between 1996 and 1999. And the Driving School Association of the Americas reports that teen traffic fatalities have dropped by 32 percent, as a direct result of the GDL education process.

This legislation goes one step further to improve Michigan's GDL system in a way that helps to ensure that novice drivers will be spared the passenger distractions that can challenge even the most experienced drivers. Only family members, and one non-family member passenger, would be allowed in the novice driver's vehicle, enabling the driver to attend primarily to the driving task. This change in policy was supported by 57 percent of those contacted by EPIC-MRA (a Lansing-based survey research firm) during a statewide telephone survey in early September 2003.

For:

The bill was amended on the House floor so that it is no longer too restrictive. An exemption was provided so that novice drivers can have more non-family passengers whenever their parents are traveling with them in the car. Further, there is an exemption for novice drivers who transport non-family passengers if they have written permission from their parents. As originally drafted, the legislation was very inflexible and was likely to inconvenience far too many families.

Response:

The House floor amendment allowing more passengers when novice drivers are at the wheel significantly weakens the legislation. More young people will be injured or die in auto accidents because of the amendment. Parental presence may well help the novice driver avoid distractions and attend to the business of driving; however, written parental permission will not.

Against:

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

with crash rates peaking between 6 and 9 a.m. and between 2 p.m. and 8 p.m. during the school week.

POSITIONS:

The Department of State Police supports the bill.
(11-5-03)

The following organizations offered written testimony in favor of restricting the number of passengers for novice drivers: the Michigan Driver & Traffic Safety Education Association; the National Transportation Safety Board; the Traffic Safety Association of Michigan; the Driving School Association of the Americas; and, AAA of Michigan.
(10-2-03 and 10-9-03)

Analyst: J. Hunault

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