



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

House Bill 4600 (Substitute S-2 as reported)
Sponsor: Representative Edward Gaffney
House Committee: Transportation
Senate Committee: Transportation

Date Completed: 3-25-04

RATIONALE

In 1997, in response to numerous reports that teen-age drivers were responsible for a disproportionate number of traffic accidents and traffic fatalities, Michigan adopted a comprehensive graduated driver licensing (GDL) program. Under the three-tiered licensing system, teen-agers are given new driving privileges, such as reduced parental supervision and extended driving hours, as they gain experience behind the wheel. According to a University of Michigan Transportation Research Institute study released in 2000, traffic crashes for 16-year-olds decreased 25% between 1996 and 1999.

Although the GDL program requires a teen-age driver to be accompanied by a parent or guardian at certain times, it does not include a passenger limit. Statistics show, however, that the likelihood of an accident increases with each additional passenger in a teen-age driver's car. The issue of passenger limits gained considerable attention in 2003 after a Livingston County accident in which four teens were killed and another four injured when the teen-age driver of a van missed a curve in the road while driving at night and crashed into a cluster of trees. Some people believe that new drivers should be limited to driving with one passenger in order to eliminate distractions, reduce the risk for accidents, and save lives.

CONTENT

The bill would amend the Michigan Vehicle Code to prohibit a person issued a level two graduated driver licensing status from transporting more than one passenger under age 21, other than family members, unless accompanied by a parent or legal guardian.

MCL 257.310e

BACKGROUND

Under the Code, a person who is at least 14 years and nine months old may be issued a level one graduated licensing status if he or she has passed a vision test and met health standards prescribed by the Secretary of State (SOS); successfully completed segment one of a driver education course, including at least six hours of on-the-road driving time with an instructor; and received a parent's or legal guardian's written approval. A level one driver may drive only when accompanied either by a licensed parent or legal guardian or, with the parent's or legal guardian's permission, a licensed driver who is at least 21.

A person who is at least 16 may be issued a level two status if he or she has satisfied the following conditions:

- Has had a level one status for at least six months.
- Has successfully completed segment two of a driver education course.
- Has not incurred a moving violation resulting in a conviction or civil infraction determination or been involved in an accident for which the police report indicates a moving violation within 90 days immediately before applying for level two status.
- Has presented certification by his or her parent or guardian that he or she has accumulated at least 50 hours of behind-the-wheel experience, including at least 10 nighttime hours, with a parent, legal guardian, or other licensed driver over 21.

-- Has successfully completed an SOS-approved performance road test.

A person issued a level two status must remain at level two for at least six months and may not drive between midnight and 5:00 a.m., unless accompanied by a parent or guardian or other licensed driver over 21, or except when going to or from employment.

If a driver violates the provisions of either the level one or level two period, the periods must be expanded and/or extended, and the driver is responsible for a civil infraction.

A person who is at least 17 may be issued a level three status if he or she has completed 12 consecutive months without a moving violation, an accident in which a moving violation resulted, an accident, suspension, or restricted period violation while at level two status.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The bill would strengthen the GDL program, which already has been successful in reducing traffic accidents and fatalities. The foundation of the GDL program is that teenagers are gradually rewarded with increased driving privileges as they demonstrate responsibility and maturity behind the wheel; the gradual addition of passengers would be a natural extension of this licensing system.

According to AAA of Michigan, when a teen driver adds one teen passenger, the risk of a crash doubles. With three or more passengers, the likelihood of a crash is six times greater than with no passengers. According to the Michigan Driver and Traffic Safety Education Association, 16-year-old drivers carrying one passenger are 39% more likely to have a fatal crash than those driving alone. The likelihood of a fatal crash increases to 82% with two passengers and 182% with three or more passengers. Teen-agers need to learn to drive under the safest possible conditions, which includes a limited number of passengers, so that they can safely deal with dangerous situations

that might arise. Although the passenger limit could present an inconvenience to teen-agers and their families, it would be only for six months and would produce safer drivers in the long run.

Response: The bill should prohibit drivers from carrying any passengers of any age, even family members, until they reach level three status. As written, the bill would ensure that a teen-ager would not be driving a car loaded with his or her friends. However, an older family member or younger sibling also can distract an inexperienced driver. Until they learn not to make eye contact with other people in the car, and concentrate more on the road than on any conversation taking place, new drivers should not have anyone else in the car, except a parent or legal guardian.

Opposing Argument

The GDL program has been effective in reducing the number of teen-age fatalities on the road; the bill is a solution in search of a problem. A hallmark of the GDL program is that parents are involved throughout the process. Parents decide when and if their children will advance to the next licensing status, or if their children should even be driving at all. They can decide, at any time, to send their children back to level one status if they feel it necessary. A parent also is in the best position to decide what transportation arrangement would be most convenient in any given situation. The bill contains no exception for carpooling to and from school, which could be a problem in areas without bus service. The bill would create a "one-size-fits-all" rule at the level two status, which would limit parental involvement and unfairly punish those teen-age drivers who have shown themselves to be deserving of extra privileges.

Response: The bill would assist parents because they would have the force of law behind rules they set regarding friends in the car.

Opposing Argument

Limiting the number of minors in one vehicle would force more teen-agers to drive alone, thereby increasing the number of vehicles on the road, along with the number of high-risk drivers. In reducing the number of crashes in multiple-occupant vehicles, the bill potentially could result in more crashes involving one-occupant vehicles.

Response: Each teen driver would be more focused on the task of quickly reacting to a constantly changing environment. While numerically there would be more opportunities for crashes, each individual's potential to cause an accident would be significantly lower.

Opposing Argument

Driving a car is a very complex task, and young drivers can be distracted by any number of factors, not just the presence of multiple friends. Perhaps new drivers also should be prohibited from talking on cell phones, eating fast food, listening to the radio loudly, fiddling with the CD player, and applying makeup or engaging in other personal grooming while driving.

Response: Although it is true that these activities can distract a driver of any age, and have been the cause of numerous accidents, the statistics speak for themselves when it comes to limiting the passengers of teen-age drivers. In addition to being distracted, young drivers might feel the need to show off and engage in risky driving behavior in the presence of friends. While the bill would not address all of the factors that contribute to a young driver's propensity for an accident, it would take a large step toward saving lives.

Legislative Analyst: Julie Koval

FISCAL IMPACT

The bill would have an indeterminate impact on the State and local units of government. Enforcement costs and fine revenue would depend on the number of violations.

Fiscal Analyst: Bill Bowerman

H0304\s4600a

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.