



FOR IMMEDIATE RELEASE

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Teens, Texting and Tragedy: Which states are making the grade?

**Report Card on Highway Safety shows more states fail, fall under more pointed scrutiny;
Safety advocates call for urgent state action in 2010**

WASHINGTON, D.C. (Monday, January 11, 2010) -- Highway safety advocates today released the seventh annual report card grading all 50 states and the District of Columbia on their performance when it comes to adopting and maintaining model traffic safety laws. This year the report publishers Advocates for Highway and Auto Safety upped the ante, taking closer aim at three particular areas in need of stronger enforcement—text messaging, graduated driver licensing (GDL) programs and ignition-interlock laws for drunk-driving offenders.

New to the set of 15 model laws Advocates evaluated in its 2010 Roadmap Report on State Highway Safety Laws—including seat belt, booster seat and motorcycle helmet measures—is an all-driver text messaging ban. Also new are two more restrictions for teen drivers in GDL programs: setting the minimum age for a learner’s permit at 16 and requiring an applicant for an unrestricted license to be 18. In the area of drunk driving, Advocates this year dropped its review of some components in favor of more stringent guidelines for ignition-interlock devices.

The result is that six states which last year earned Green ratings, the highest grade for model performance, this year fell to Yellow ratings, and an additional six states fell from the Yellow zone to the worst-performing Red zone. One state was added to the Green category, while another improved from Red to Yellow.

“Our goal this year in adjusting the 15 model laws that we evaluate was not to make it harder for states to earn the Green rating,” said Judith Lee Stone, president of Advocates. “Rather our intent was to highlight the documented need for more states to adopt these highly-effective lifesaving laws aimed at high-risk behaviors.”

Advocates Vice President Jackie Gillan added that the 2010 highway safety report cards are being released as state legislatures across the country are convening their 2010 sessions. “Timing is everything, and the time is right to increase the pressure on states act urgently to pass these lifesaving laws this year. If our state legislatures cannot find a way to adopt these model laws, we have Congress waiting in the wings to compel them do finally do so.”

The federal government has in the past used a “sanctions” approach to compel the states to swiftly and uniformly adopt top priority highway safety laws by facing the withholding of federal Highway Trust Fund monies until they act. As a result, many thousands of lives have been saved in past decades using this approach (see below). In 2010, Congress has several distinct and unique opportunities to save even more lives by passing sanctions for states that have not enacted laws requiring primary enforcement of seat belt laws, ignition interlocks for first offenders (as in the House Transportation & Infrastructure Committee draft Surface

Transportation Assistance Act), all-driver text messaging restrictions (as in pending legislation, S.1475, H.R. 3535 and H.R. 3829), and minimum graduated driver licensing programs (as in the Safe Teen And Novice Driver Uniform Protection Act, STANDUP—H.R. 1895).

In recent years, an annual average of 5.8 million crashes has occurred on our nation's highways resulting in almost 40,000 fatalities and 2.3 million injuries, at a cost to society of an estimated \$230 billion per year. Every day 102 people are killed on America's streets and highways, while more than 6,000 are injured, according to federal highway statistics.

Overall, the 2010 Roadmap shows that the work that has been done to advocate for these model laws could be paying off in progress toward safer roads. The latest data from the National Highway Traffic Safety Administration shows that 2008 saw a significant reduction in crash fatalities. In 2008 there were 37,261 deaths compared to 41,059 in 2007.

Safety advocates caution, however, that the traffic fatality drop likely has more to do with the nation's economic downturn than with substantive legislative action. The 2010 Roadmap Report found that not one state has enacted all 15 of the recommended laws, and many faced a loss of ground. Twenty states and the District of Columbia required all motorcycle riders to wear lifesaving helmets, but in 2009 19 states fought off attempts to repeal the all-rider provision.

This year's report graded states on their adoption of 15 model laws divided into five issue categories:

Adult Occupant Protection (2 laws)

- * Primary enforcement seat belt law that allows law enforcement officers to stop and ticket someone for violating the seat belt law rather than a weaker secondary enforcement law that requires the officer to observe another traffic violation first.
- * All-rider motorcycle helmet law that requires motorcyclists of all ages to wear a helmet.

Child Passenger Safety (1 law)

- * Child booster seat law that requires children from age 4 through age 7 to be placed in a booster seat.

Teen driving Graduated Driver Licensing (GDL) law that phases in the full driving privilege in a three stage process and allows for primary enforcement of the law: (7 laws)

- * A minimum age of 16 to obtain a learner's permit.
- * Learner's Stage: A six-month "holding period" that requires beginning teen drivers to be supervised by an adult licensed driver at all times and to be citation-free before graduating to the provisional or intermediate stage
- * Learner's Stage: A minimum 30-50 hours of adult supervised driving with no reduction in required behind-the-wheel practice time for teens who take a driver's education course.
- * Intermediate Stage: A nighttime driving restriction provision that prohibits unsupervised driving from 10 p.m. to 5 a.m.
- * Intermediate Stage: A passenger restriction of no more than one non-family teen passenger without adult supervision
- * Learner's and Intermediate Stages: A cell phone and texting restriction that prohibits the use of cellular devices (handheld and hands-free) by novice teen drivers, except in the case of an emergency.
- * The minimum age for an unrestricted license is 18.

Impaired Driving (4 laws)

- * Ignition-interlock devices (IID) required for all drunk-driving offenders.
- * Child endangerment law for driving drunk with children in the motor vehicle.
- * Mandatory blood-alcohol testing for any driver who is killed, or who survives a crash in which there is a fatality, to have his or her BAC tested.
- * Open container ban in the passenger area of vehicles. The state law must match the requirements put forth in the federal TEA-21 law, which includes possession and consumption and allowing for primary enforcement.

Distracted Driving (1 law)

- * A ban on text messaging for all drivers, except in the case of an emergency.

In each of the five issue categories, states were given one of three ratings based on how many optimal laws they have: Green (Good); Yellow (Caution - state needs improvement); and Red (Danger - state falls dangerously behind). Placement in one of the three ratings was based solely on whether or not a state had adopted a law as defined in the report, and not on any evaluation of a state's highway safety education-enforcement program or on fatality rates.

Best States (Green)

DISTRICT OF COLUMBIA -- 13.5 laws: Missing the recommended nighttime restriction for teen drivers, an ignition interlock law for all offenders and mandatory BAC testing for drivers killed.

NEW JERSEY -- 13 laws: Missing supervised driving provision and recommended nighttime restriction for teen drivers, as well as an ignition interlock law for all offenders.

ILLINOIS --12.5 laws: Missing an all-rider motorcycle helmet law, minimum age 16 for a learner's permit and recommended nighttime restriction for teen drivers.

MARYLAND - 11.5 laws: Missing minimum age 16 for a learner's permit, recommended nighttime, passenger restriction for teen drivers, and cell phone restriction (primary enforcement) for teen drivers, and an ignition interlock law for all offenders.

NEW YORK -- 11 laws: Missing cell phone restriction and age 18 for unrestricted license for teen drivers, an ignition interlock law for all offenders, mandatory BAC test for drivers killed and the recommended all-driver text messaging restriction as a primary offense.

NORTH CAROLINA -- 11 laws: Missing minimum age 16 for learner's permit, supervised driving provision and age 18 for unrestricted license for teen drivers, an ignition interlock law for all offenders and mandatory BAC testing for drivers killed.

OREGON -- 11 laws: Missing minimum age 16 for learner's permit, recommended nighttime driving provision and age 18 for unrestricted license for teen drivers, an ignition interlock law for all offenders and mandatory BAC testing for drivers who survive.

TENNESSEE -- 11 laws: Missing minimum age 16 for learner's permit, recommended nighttime driving provision and age 18 for unrestricted license for teen drivers, an ignition interlock law for all offenders and an open container law.

MINNESOTA --(NEW) 10.5 laws: Missing an all-rider motorcycle helmet law, minimum age 16 for learner's permit, recommended nighttime driving provision and age 18 for unrestricted license for teen drivers, and an ignition interlock law.

CALIFORNIA -- 9 laws: Missing optimal booster seat law; minimum age 16 for learner's permit; primary enforcement of its nighttime, passenger and cell phone restrictions law; and age 18 for unrestricted license for teen drivers, as well as an ignition interlock law.

WASHINGTON -- 9 laws: Missing minimum age 16 for learner's permit, nighttime, passenger and cell phone restrictions, and age 18 for unrestricted license for teen drivers, as well as the recommended all-driver text messaging restriction as a primary offense.

Worst States (Red)

SOUTH DAKOTA -- Only 3 laws: Missing primary enforcement seat belt law, all-rider motorcycle helmet law, booster seat law, 6 of the 7 teen driving provisions, an ignition interlock law, a child endangerment law and an all-driver text messaging restriction.

ARIZONA -- (NEW) Only 4.5 laws: Missing primary seat belt law, all-rider motorcycle helmet law, booster seat law, 6 of 7 teen driving provisions, mandatory BAC test for surviving drivers, and all-driver texting restriction.

NORTH DAKOTA -- Only 4.5 laws: Missing primary enforcement seat belt law, all-rider motorcycle helmet law, optimal booster seat law, 6 of 7 teen driving provisions, ignition interlock law and all-driver texting restriction.

WYOMING -- Only 5.5 laws: Missing primary enforcement seat belt law, all-rider motorcycle helmet law, 5 of the 7 teen driving provisions, an ignition interlock law for all offenders, mandatory BAC testing for drivers killed, an open container law and an all-driver text messaging restriction.

VIRGINIA -- (NEW) Only 6 laws: Missing primary enforcement seat belt law, 4 of the 7 teen driving provisions, an ignition interlock law, mandatory BAC testing for drivers killed and who survive, an open container law and an all-driver text messaging restriction.

VERMONT -- (NEW) Only 6.5 laws: Missing primary enforcement seat belt law, 4 of the 7 teen driving provisions, an ignition interlock law, a child endangerment law, mandatory BAC testing for drivers killed and an all-driver text messaging restriction.

PENNSYLVANIA -- (NEW) Only 6.5 laws: Missing primary enforcement seat belt law, all-rider motorcycle helmet law, booster seat law as a primary offense, 4 of the 7 teen driving provisions, an ignition interlock law for all offenders, mandatory BAC testing for drivers who survive and an all-driver text messaging restriction.

OHIO -- (NEW) Only 6.5 laws: Missing primary enforcement seat belt law, all-rider motorcycle helmet law, booster seat law as a primary offense, 3 of the 7 teen driving provisions, an ignition interlock law, mandatory BAC testing for drivers who survive and an all-driver text messaging restriction.

NEBRASKA -- (NEW) Only 6.5 laws: Missing primary enforcement seat belt law, an optimal booster seat law, 6 of the 7 teen driving provisions, and an all-driver text messaging restriction.

“These report cards serve as a highway safety GPS for every state that is serious about curbing the never-ending deaths and injuries on our roadways,” said Illinois State Senate President John Cullerton (D-6th District, Chicago). “In government service, there is no higher calling than saving a life. If our nation’s Governors and state legislatures delay any further in passing these 15 basic lifesaving laws, then an act of Congress to compel all of the states to act now would be altogether reasonable.”

Primary Enforcement Highway Safety Laws Enacted in 2009, In All State Legislatures

- Primary Enforcement of Seat Belts: Arkansas, Florida, Minnesota and Wisconsin
- Booster Seats (children ages 4 through 7): Alaska, Minnesota, New York, Rhode Island, Texas
- Graduated Driver Licensing (GDL): Arkansas (passenger restriction and age 18 for unrestricted license); Colorado (cell phone restriction), Indiana (holding period, supervised driving and cell phone restriction); Kansas (nighttime and passenger restrictions); Maryland (age 18 for unrestricted license); New Hampshire (supervised driving); New Jersey (nighttime and cell phone restrictions); New York (holding period, supervised driving and passenger restriction); Oklahoma (nighttime restriction); Virginia (age 18 for unrestricted license); West Virginia (nighttime and passenger restrictions)
- Impaired Driving: Arkansas (IID); Hawaii (IID); New York (IID); Oklahoma (Child Endangerment); Tennessee (Mandatory BAC Testing for Drivers Killed and Who Survived); Utah (IID)
- All-Driver Text Messaging Restriction: Arkansas, Colorado, Illinois, Maryland, New Hampshire, North Carolina, Oregon, Rhode Island, Tennessee, Utah
- All-Rider Motorcycle Helmet Laws: No state enacted an all-rider law in 2009; however, there were 19 attempts (albeit unsuccessful) to repeal existing laws.

The 2010 report found that an additional 388 new laws need to be adopted in all states and D.C. to fully meet Advocates' 15 legislative recommendations:

- 21 states still need an optimal primary enforcement seat belt law;
- 30 states still need an optimal all-rider motorcycle helmet law;
- 24 states still need to adopt an optimal booster seat law;
- No state meets the criteria of Advocates' recommended GDL program;
- 46 states and DC are missing one or more critical impaired driving laws; and,
- 35 states still need an all-driver text messaging restriction.

Special Recognition for 2009 Legislative Action

ARKANSAS adopted primary enforcement of seat belts; nighttime, passenger and cell phone restrictions, and an age 18 unrestricted license provision for teen drivers; an ignition interlock law for all offenders; and an all-driver text messaging restriction in 2009. As a result, Arkansas was upgraded from the red category to yellow. MINNESOTA, FLORIDA AND WISCONSIN adopted primary enforcement seat belt laws in 2009.

MISSOURI: Gov. Jay Nixon vetoed the all-rider motorcycle helmet repeal law that reached his desk in 2009.

Addressing today's National Press Club news conference was Susan Vavala, who became a highway safety activist after her 15-year old daughter, Kim, was killed in a crash involving a teen driver in 1995. Ms. Vavala is a guidance counselor at St. Mark's School in Wilmington, Delaware, where she is advisor to the Students Against Destructive Decisions / Youth Eliminating Loss of Life (SADD/YELL) chapter. "It's too late for Kim, but it's not too late for the rest of our teens," Ms. Vavala said. "All of us who share the road with teens are potential victims of their inexperience. The purpose of a model GDL and the STANDUP Act is not to punish but to protect. These laws empower parents to say no to allowing their children to ride with peers who lack the experience and good judgment to keep them safe."

Marge Lee spoke of the drunk driving crash in 1990 in which her 25-year-old step-son Kenny was killed and she was critically injured. The Franklin Square, New York, resident is now a Victim Advocate and Nassau County Coordinator of DEDICATEDD, and she played a role in last year's passage of New York's model ignition interlock law (Leandra's Law) for all convicted drunk drivers. She also sought passage of a bill to ban texting while driving. "We all know that drunk driving has long been a leading factor in fatal crashes," Ms. Lee said. "But today there is another behind-the-wheel impairment that is a rapidly growing threat to our safety: distracted driving, particularly texting while driving." The New York state assembly approved an all-age texting while driving ban, but only as a secondary offense. Ms. Lee is working on pending state legislation to upgrade the ban to a full-strength primary enforcement law.

Also participating in the news announcement were National Transportation Safety Board Chairman Deborah Hersman, U.S. Deputy Secretary of Transportation John Porcari, U.S. Rep. Chris Van Hollen (D-8-Maryland) who is a lead sponsor of the STANDUP Act, Dr. Joseph Wright of the American Academy of Pediatrics and Children's National Medical Center in Washington, DC, Dr. Stephen Hargarten of the Department of Emergency Medicine and Injury Research Center at the Medical College of Wisconsin, Farmers Insurance Senior Vice President and Advocates board co-chair Bill Martin, and Advocates board co-chair Joan Claybrook.

The Problem at a Glance

Key Facts About this Leading Public Health Epidemic:

- 37,261 people were killed in motor vehicle crashes in 2008. Automobile crashes remain the leading cause of death for Americans between the ages of four and 34.
- More than 2.3 million people were injured in motor vehicle crashes in 2008.
- In 2008, more than half (55 percent) of passenger vehicle occupants killed were unrestrained.
- 5,864 fatal crashes involving young drivers ages 15-20 occurred in 2008, resulting in 6,428 deaths.

- Motorcycle deaths increased for the eleventh year in a row. A total of 5,290 motorcyclists died in 2008, the highest number since 1975. This rapidly escalating death toll now accounts for 14 percent of all fatalities.
- 1,347 children ages 14 and younger were killed in motor vehicle crashes in 2008.
- 318 children ages four through seven were killed in motor vehicle crashes in 2008.
- The nearly 6 million police-reported motor vehicle crashes in 2008 cost our nation an estimated \$230 billion in property and productivity losses, medical and emergency bills and other related costs. This adds up to a “crash tax” of nearly \$800 for every American, every year.

Electronic Press Kit and Webcast

An **electronic press kit** (including the complete 2010 Roadmap to State Highway Safety Laws) and a replay of today’s **news conference webcast** can be found on the homepage of the Advocates for Highway and Auto Safety website: www.saferoads.org.

Advocates for Highway and Auto Safety is a coalition of insurance, consumer, health, safety and law enforcement organizations that work together to advance state and federal highway and vehicle safety laws, programs and policies.

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ADVOCATES
for Highway & Auto Safety

15 LIFESAVING LAWS

Primary Enforcement Seat Belt Law

All-Rider Motorcycle Helmet Law

Booster Seat Law

Teen Driving Laws (Graduated Driver Licensing—GDL)

- Minimum Age 16, Learner's Permit
- Six-Month Holding Period
- 30-50 Hours, Supervised Driving
- Nighttime Driving Restriction
- Passenger Restriction
- Cell Phone Restriction
- Age 18, Unrestricted License

Impaired Driving Laws

- Ignition Interlock Law
- Child Endangerment
- Mandatory BAC Test
- Open Container Law

All-Driver Text Messaging Restriction

21 states still need an optimal primary enforcement seat belt law;

30 states still need an optimal all-rider motorcycle helmet law;

24 states still need an optimal booster seat law;

No state meets all the criteria of Advocates' recommended GDL program;

46 states and DC are missing one or more critical impaired driving laws; and,

35 states still need an optimal all-driver text messaging restriction.



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15 MODEL LAWS TO RATE THE STATES

2009 REPORT

Laws That Are No Longer
Rated are in *Italics*

Primary Enforcement Seat Belt Law
All-Rider Motorcycle Helmet Law
Booster Seat Law

Teen Driving Laws

- Six-Month Holding Period
- 30-50 Hours of Supervised
Driving
- Nighttime Driving Restriction
- Passenger Restriction
- Cell Phone Restriction

Impaired Driving Laws

- Child Endangerment
- *High BAC Law*
- Mandatory BAC Test
- Open Container Law
- *Sobriety Checkpoint Law*
- *Repeat Offender Law*
- Ignition Interlock Law

2010 REPORT

New Laws That Are
Rated are in **Bold**

Primary Enforcement Seat Belt Law
All-Rider Motorcycle Helmet Law
Booster Seat Law

Teen Driving Laws

- **Minimum Age 16, Learner's Permit**
- Six-Month Holding Period
- 30-50 Hours, Supervised
Driving
- Nighttime Driving Restriction
- Passenger Restriction
- Cell Phone Restriction

Impaired Driving Laws

- Ignition Interlock Law
- Child Endangerment
- Mandatory BAC Test
- Open Container Law

All-Driver Text Messaging Ban



ADVOCATES
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LEGISLATIVE HONOR ROLL

Passing legislation is a collaborative and controversial effort. These are some of the legislators who sponsored highway safety legislation recommended by Advocates in 2009.

We apologize if any legislator is not listed who should have been mentioned.

States in which laws were adopted are in bold.

Graduated Driver Licensing

AK: Rep. Berta Gardner (D)

AL: Sen. Bobby Denton (D),
Sen. Quinton T. Ross, Jr. (D) and
Rep. H. Mac Gipson, Jr. (R)

**AR: Sen. Kim Hendren (R) and
Sen. Jimmy Jeffress (D)**

CO: Rep. Claire Levy (D)

CT: Sen. Paul Doyle (D) and
Sen. Andrew McDonald (D)

FL: Rep. Ari Abraham Porth (D), Rep. John Legg (R),
Sen. Eleanor Sobel (D) and Sen. Evelyn Lynn (R)

HI: Rep. Lynn Finnegan (R), Rep. Calvin Say (D) and
Rep. J. Kalani English (D)

IA: Rep. Andrew Wenthe (D)

IN: Sen. Travis Holdman (R)

KS: House Transportation Committee

KY: Rep. Thomas Burch (D) and
Rep. Rick Nelson (D)

MA: Sen. Richard Tisei (R), Rep. Bradford Hill (R),
Rep. Joseph Wagner (D),
Rep. Geraldo Alicea (D) and
Rep. Charles Murphy (D)

**MD: Sen. Thomas V. Mike Miller, Jr. (D),
Sen. Norman Stone, Jr. (D) and
Del. Michael Busch (D)**

MI: Sen. Michelle McManus (R) and
Rep. Richard LeBlanc (D)

MO: Rep. Scott Lipke (R)

**MS: Sen. Kelvin Butler (D) and
Sen. Gray Tollison (D)**

ND: Rep. Edmund Gruchalla (D)

NH: Rep. Lynne Ober (R)

**NJ: Sen. Richard Codey (D) and
Assemblywoman Pamela Lampitt (D)**

NV: Assemblyman Mark Manendo (D)

NY: Assemblyman David Gantt (D)

OH: Rep. Eugene Miller (D)

OK: Rep. Daniel Sullivan (R)

PA: Rep. Todd Eachus (D) and
Rep. Joseph Markosek (D)

SC: Sen. Thomas Alexander (R)

TX: Rep. Solomon Ortiz, Jr. (D)

VA: Del. Matthew Lohr (R)

WV: Sen. Dan Foster (D)

All-Rider Motorcycle Helmets

HI: Rep. Barbara Marumoto (D)

IL: Rep. Karen Yarbrough (D)

ME: Rep. Paulette Beaudoin (D)

PA: Rep. Dan Frankel (D)

UT: Rep. Neil Hansen (D)

Primary Enforcement of Seat Belts

AR: Sen. Henry Wilkins, IV (D)

AZ: Rep. Linda Lopez (D)

CO: Sen. Betty Boyd (D)

FL: Sen. Nan Rich (D)

GA: Sen. Don Thomas (R)

KS: Senate Transportation Committee

**MN: Sen. Steve Murphy (D) and
Rep. Paul Thissen (D)**

MO: Rep. Bill Deeken (R)

MT: Sen. Dave Lewis (R) and Rep. Jill Cohenour (D)

ND: Rep. Edmund Gruchalla (D)

NE: Sen. John Harms

NH: Rep. Sally Kelly (D)

NV: Sen. Michael Schneider (D) and Senate Energy,
Infrastructure and Transportation Committee

OH: Rep. Peter Ujvagi (D)

SD: Sen. Sandy Jerstad (D) and
Sen. Thomas Dempster (R)

VA: Sen. Harry Blevins (R), Sen. Richard Saslaw (D),
Sen. Thomas Norment, Jr. (R) and
Del. Bill Barlow (D)

WI: Included in Governor Doyle's FY 2010 budget

WV: Del. Barbara Fleischauer (D)

WY: Rep. Peter Jorgensen (D)

Booster Seats

AK: Sen. Hollis French (D)

AZ: Sen. Linda Gray (R)

FL: Sen. Thad Altman (R) and
Rep. Richard Steinberg (D)

**MN: Sen. Jim Carlson (D) and
Rep. Melissa Hortman (D)**

**NY: Sen. Martin Dilan (D) and
Assemblyman David Gantt (D)**

RI: Sen. David Bates (R)

TX: Sen. Judith Zaffirini (D)

Impaired Driving

AR: Rep. Eddie Hawkins (D) and Rep. Steve Harrelson (D)

AZ: Sen. Linda Gray (R)

CA: Assemblywoman Mike Feuer (D)

CT: Sen. Donald DeFronzo (D) and Sen. Martin Looney (D)

GA: Rep. Mike Jacobs (R)

HI: Rep. Sharon Har (D)

IN: Sen. Randy Head (R), Rep. Cleo Duncan (R) and Rep. Suzanne Crouch (R)

KY: Rep. Dennis Keene (D) and Rep. Dennis Horlander (D)

MD: Sen. Jamie Raskin (D) and Del. Benjamin Kramer (D)

MS: Rep. Philip Gunn (R) and Sen. Doug Davis (R)

NC: Rep. Ty Harrell (D) and Sen. Phil Berger (R)

NJ: Sen. John Adler (D), Sen. Andrew Ciesla (R) and Assemblyman Eric Munoz (R)

NY: Assembly Rules Committee

OH: Rep. Jay Hottinger (R)

OK: Sen. Mary Easley (D) and Rep. Joe Dorman (D)

RI: Rep. Michael Marcello (D)

TN: Rep. Jim Hackworth (D), Rep. Glen Casada (R) and Sen. Randy McNally (R)

TX: Sen. Rodney Ellis (D), Rep. Linda Harper-Brown (R) and Rep. William Callegari (R)

UT: Sen. Scott Jenkins (R)

WI: Assemblyman Tony Staskunas (D)

All-Driver Text Messaging Restriction

AL: Rep. Jim McClendon (R)

AR: Rep. Ray Kidd (D)

CO: Rep. Claire Levy (D)

DE: Rep. Joseph Miro (R)

FL: Rep. Doug Holder (R), Rep. Dwayne Taylor (D) and Sen. Carey Baker (R)

HI: Sen. Brian Taniguchi (D) and Sen. Mike Gabbard (D)

IL: Rep. John D'Amico (D)

KS: House Transportation Committee

MD: Del. Frank Turner (D) and Sen. Norman Stone, Jr. (D)

MA: Rep. Demetrius Atsalis (D)

MI: Sen. Samuel Thomas, III (D)

MS: Sen. Billy Hudson (R)

MT: Rep. Bob Lake (R)

NH: Rep. Richard Drisko (R)

NM: Rep. Antonio Lujan (D) and Sen. Lynda Lovejoy (D)

NC: Rep. Garland Pierce (D)

NY: Sen. James Alesi (R), Sen. Carl Marcellin (R), Assemblyman Felix Ortiz (D) and Assemblyman Mark Schroeder (D)

OH: Sen. Shirley Smith (D) and Rep. Michael DeBose (D)

OR: Rep. Carolyn Tomei (D)

PA: Sen. Michael O'Pake (D)

RI: Sen. V. Susan Sosnowski (D) and Rep. Peter Kilmartin (D)

TN: Sen. Jim Tracy (R) and Rep. Jon Lundberg (R)

UT: Rep. Stephen Clark (R)

WV: Sen. John Unger, II (D), Del. Nancy Guthrie (D) and Del. Jeff Eldridge (D)

WI: Sen. Alan Lasee (R)

WY: Sen. Floyd Esquibel (D)

GUBERNATORIAL HONOR ROLL

AR: Governor Mike Beebe encouraged a strong safety agenda in Arkansas, paving the way for significant highway safety victories in 2009.

WI: Governor Jim Doyle included primary enforcement of seat belts in the FY 2010 state budget.

MO: Governor Jay Nixon vetoed a motorcycle helmet repeal law that reached his desk in 2009.

OH: Governor Ted Strickland included primary enforcement of seat belts in the FY 2010 state budget.



ADVOCATES
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Best States

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CALIFORNIA ● 9 laws. Missing optimal booster seat law, minimum age 16 for learner's permit, nighttime, passenger and cell phone restrictions, and age 18 for unrestricted license for teen drivers, as well as an ignition interlock law.

WASHINGTON ● 9 laws. Missing minimum age 16 for learner's permit, nighttime, passenger and cell phone restrictions, and age 18 for unrestricted license for teen drivers, as well as the recommended all-driver text messaging restriction.

Special Recognition

ARKANSAS adopted primary enforcement of seat belts; nighttime, passenger and cell phone restrictions, as well as an age 18 unrestricted license provision for teen drivers; an ignition interlock law for all offenders; and an all-driver text messaging restriction in 2009. As a result, Arkansas was upgraded from the red category to yellow.

MINNESOTA, FLORIDA AND WISCONSIN adopted primary enforcement seat belt laws in 2009.

MISSOURI: Governor Jay Nixon vetoed the all-rider motorcycle helmet repeal law that reached his desk in 2009.



Worst States

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VIRGINIA ● (NEW) Only 6 laws. Missing primary enforcement seat belt law, 4 of the 7 teen driving provisions, an ignition interlock law, mandatory BAC testing for drivers killed and who survive, an open container law and an all-driver text messaging restriction.

VERMONT ● (NEW) Only 6.5 laws. Missing primary enforcement seat belt law, 4 of the 7 teen driving provisions, an ignition interlock law, a child endangerment law, mandatory BAC testing for drivers killed and an all-driver text messaging restriction.

PENNSYLVANIA ● (NEW) Only 6.5 laws. Missing primary enforcement seat belt law, all-rider motorcycle helmet law, booster seat law, 4 of the 7 teen driving provisions, an ignition interlock law for all offenders, mandatory BAC testing for drivers who survive and an all-driver text messaging restriction.

OHIO ● (NEW) Only 6.5 laws. Missing primary enforcement seat belt law, all-rider motorcycle helmet law, booster seat law, 3 of the 7 teen driving provisions, an ignition interlock law, mandatory BAC testing for drivers who survive and an all-driver text messaging restriction.

NEBRASKA ● (NEW) Only 6.5 laws. Missing primary enforcement seat belt law, an optimal booster seat law, 6 of the 7 teen driving provisions, and an all-driver text messaging restriction.



CHANGES IN ADVOCATES RATING OF 15 BASIC LAWS

This year Advocates added **Minimum Age 16 for Learner's Permit, Age 18 for Unrestricted License** (graduated driver licensing provisions) and **All-Driver Text Messaging Restriction** to the list of highway safety laws rated.

High BAC, Sobriety Checkpoint and Repeat Offender laws are no longer included in the ratings. The impaired driving section has also been strengthened by only giving full credit for ignition interlock laws that require installation for first-time offenders. **We no longer give half-credit to other ignition interlock laws, other than those that apply to repeat offenders.**

As a result, state ratings have changed.

Downgrades from **Green** to **Yellow** (6 states): **AL, DE, HI, LA, ME, MI**

Downgrades from **Yellow** to **Red** (6 states): **AZ, NE, OH, PA, VT, VA**

Upgrade from **Red** to **Yellow** (1 state): **AR**

Upgrade from **Yellow** to **Green** (1 state): **MN**

Please see the following pages for each states' rating changes from the 2009 report to the 2010 report.

RATING CHANGES FROM THE 2009 REPORT TO 2010 REPORT

Key to Terms:

PE = primary enforcement of seat belts

Booster = booster seat law

GDL = Graduated Driver Licensing

Age 16 = minimum age 16 for learner's permit

6 months = 6 month holding period

Supervised = 30-50 hours of supervised driving

Night = nighttime driving restriction

Passenger = passenger restriction

Cell = cell phone restriction

Age 18 = age 18 for unrestricted license

IID = ignition interlock device law

All-Driver Texting = all-driver text messaging restriction

BAC = blood alcohol concentration

Half = half credit only

(States indicated with an asterisk (*) changed a rating category in the 2010 report. See cover page for more detail.)

State	# Laws Credited			Laws Newly Credited in 2010 Report	Laws That No Longer Receive Credit
	2009 Report	2010 Report	+/-		
Alabama*	9	7	-2	-	Repeat Offender Law Sobriety Checkpoint Law
Alaska	8	9.5	+1.5	Booster GDL: cell (half) All-Driver Texting	High BAC Law
Arizona*	7.5	4.5	-3	-	High BAC Law Repeat Offender Law Sobriety Checkpoint Law
Arkansas*	6.5	9.5	+3	PE GDL: night(half) GDL: passenger GDL: cell (half) GDL: age 18 IID All-Driver Texting	High BAC Law Repeat Offender Law Sobriety Checkpoint Law
California	10.5	9	-1.5	All-Driver Texting	GDL: cell (half) High BAC Law Sobriety Checkpoint Law
Colorado	9	8	-1	GDL: cell All-Driver Texting	High BAC Law Repeat Offender Law Sobriety Checkpoint Law
Connecticut	9	9.5	+0.5	GDL: age 16 IID (half) All-Driver Texting	High BAC Law Repeat Offender Law Sobriety Checkpoint Law
Delaware*	12	10	-2	GDL: age 16	High BAC Law Repeat Offender Law Sobriety Checkpoint Law
District of Columbia	11	13.5	+2.5	GDL: age 16 GDL: cell GDL: age 18 IID (half) Child Endangerment Law All-Driver Texting	High BAC Law Repeat Offender Law Sobriety Checkpoint Law

State	# Laws Credited			Laws Newly Credited in 2010 Report	Laws That No Longer Receive Credit
	2009 Report	2010 Report	+/-		
Florida	9	8	-1	PE GDL: age 18	High BAC Law Repeat Offender Law Sobriety Checkpoint Law
Georgia	10	8	-2	GDL: age 18	High BAC Law Repeat Offender Law Sobriety Checkpoint Law
Hawaii*	11	9.5	-1.5	GDL: supervised IID (half)	High BAC Law Repeat Offender Law Sobriety Checkpoint Law
Idaho	8.5	7.5	-1	Child Endangerment Law	High BAC Law Repeat Offender Law
Illinois	13	12.5	-.5	GDL: cell (half) GDL: age 18 All-Driver Texting	High BAC Law Repeat Offender Law Sobriety Checkpoint Law
Indiana	9	10	+1	GDL: 6 months GDL: supervised GDL: cell GDL: age 18	High BAC Law Repeat Offender Law Sobriety Checkpoint Law
Iowa	7.5	6	-1.5	IID (half)	High BAC Law Repeat Offender Law
Kansas	8	8.5	+.5	GDL: night GDL: passenger GDL: cell IID (half)	Mandatory BAC Test Repeat Offender Law Sobriety Checkpoint Law
Kentucky	10	8	-2	GDL: age 16	High BAC Law Repeat Offender Law Sobriety Checkpoint Law
Louisiana*	10	8	-2		High BAC Law Repeat Offender Law Sobriety Checkpoint Law
Maine*	12.5	9.5	-3	-	High BAC Law Repeat Offender Law Sobriety Checkpoint Law
Maryland	10.5	11.5	+1	GDL: cell (half) GDL: age 18 IID (half) All-Driver Texting	Repeat Offender Law Sobriety Checkpoint Law
Massachusetts	11	8.5	-2.5	GDL: age 16 GDL: age 18 IID (half)	GDL: night (half) GDL: passenger Mandatory BAC Test (half) High BAC Law Repeat Offender Law Sobriety Checkpoint Law

State	# Laws Credited			Laws Newly Credited in 2010 Report	Laws That No Longer Receive Credit
	2009 Report	2010 Report	+/-		
Michigan*	9	8	-1	-	Repeat Offender Law
Minnesota*	8	10.5	+2.5	PE Booster GDL: night (half) All-Driver Texting	High BAC Law
Mississippi	7.5	6	-1.5	GDL: cell (half) IID (half)	GDL: night (half) Repeat Offender Sobriety Checkpoint
Missouri	10	8.5	-1.5	GDL: cell (half) Child Endangerment Law	High BAC Law Repeat Offender Law Sobriety Checkpoint Law
Montana	9.5	7.5	-2	-	High BAC Law Repeat Offender Law
Nebraska*	8.5	6.5	-2	-	High BAC Law Repeat Offender Law Sobriety Checkpoint Law
Nevada	9.5	7.5	-2	GDL: age 18	High BAC Law Repeat Offender Law Sobriety Checkpoint Law
New Hampshire	8	7.5	-.5	GDL: supervised GDL: cell (half) All-Driver Texting	High BAC Law Repeat Offender Law Sobriety Checkpoint Law
New Jersey	11.5	13	+1.5	GDL: age 16 GDL: age 18 IID (half) All-Driver Texting	Repeat Offender Law Sobriety Checkpoint Law
New Mexico	10	7	-3	-	High BAC Law Mandatory BAC Test Sobriety Checkpoint Law
New York	9	11	+2	Booster (half) GDL: age 16 GDL: 6 month GDL: supervised GDL passenger (half) IID (half)	Mandatory BAC Test (half) Repeat Offender Law Sobriety Checkpoint Law
North Carolina	13	11	-2	All-Driver Texting	High BAC Law Repeat Offender Law Sobriety Checkpoint Law
North Dakota	6.5	4.5	-2	-	Mandatory BAC Test Repeat Offender Law Sobriety Checkpoint Law

State	# Laws Credited			Laws Newly Credited in 2010 Report	Laws That No Longer Receive Credit
	2009 Report	2010 Report	+/-		
Ohio*	7.5	6.5	-1	GDL: age 18	High BAC Law Sobriety Checkpoint Law
Oklahoma	10	8.5	-1.5	GDL: night (half) Child Endangerment Law	High BAC Law Repeat Offender Law Sobriety Checkpoint Law
Oregon	10.5	11	+0.5	All-Driver Texting	IID (half)
Pennsylvania*	8	6.5	-1.5	GDL: age 16 Child Endangerment Law	High BAC Law Mandatory BAC Test (half) Repeat Offender Law Sobriety Checkpoint Law
Rhode Island	7.5	9.5	+2	Booster (half) GDL: age 16 GDL: cell (half) All-Driver Texting	High BAC Law
South Carolina	10	8.5	-1.5	IID (half) Child Endangerment Law	High BAC Law Repeat Offender Law Sobriety Checkpoint Law
South Dakota	5	3	-2	-	High BAC Law Sobriety Checkpoint Law
Tennessee	11	11	0	GDL: cell (half) IID (half) Mandatory BAC Test All-Driver Texting	High BAC Law Repeat Offender Law Sobriety Checkpoint Law
Texas	7.5	7	-0.5	Booster IID (half)	High BAC Law Repeat Offender Law
Utah	9.5	8.5	-1	GDL: cell (half) IID (half) All-Driver Texting	High BAC Law Repeat Offender Law Sobriety Checkpoint Law
Vermont*	7.5	6.5	-1	-	Sobriety Checkpoint Law
Virginia*	9.5	6	-3.5	GDL: age 18	GDL: cell IID (half) High BAC Law Repeat Offender Law Sobriety Checkpoint Law
Washington	11	9	-2		High BAC Law Repeat Offender Law
West Virginia	8	8	0	GDL: night (half) GDL: passenger (half) GDL: cell	Repeat Offender Law Sobriety Checkpoint Law
Wisconsin	8	8	0	PE	Repeat Offender Law
Wyoming	5	5.5	+0.5	IID (half)	



Sanctions are Successful in Getting Every State to Act

21 Minimum Drinking Age (1984) →	22 states already had a 21 minimum drinking age law in 1984	Every state adopted a 21 minimum drinking age law by 1987 after federal sanction
Zero Alcohol Tolerance (1995) →	24 states and D.C. already had a zero tolerance law for youth under the age of 21 in 1995	Every state adopted a zero tolerance law by 1998 after federal sanction
Commercial Driver's License (CDL) (1986) →	Each state had its own CDL system in 1986	Every state upgraded their law to federal requirements by 1992 after federal sanction

Sanctions are More Effective than Incentives

Section 2011: → Child Safety and Child Booster Seat Incentive Grants (SAFETEA-LU, 2005)	18 states and D.C. already had had a booster seat law in 2005	Only 5 states qualified for funding by adopting a booster seat law (2005-2009)	Total funds for those 5 states: \$1,553,268	24 states still need an optimal booster seat law (through age 7)
Section 406: → Primary Belt Law Incentive Grants (SAFETEA-LU, 2005)	19 states and D.C. already had a primary seat belt law in 2005	Only 10 states qualified for funding by adopting a primary seat belt law (2005-2009)*	Total funds for those 10 states: \$128,202,335	21 states still need a primary enforcement seat belt law
Section 163: → .08% BAC Law Incentive Grants (TEA-21, 1998)	15 states already had a .08% BAC law in 1998	Only 2 states and D.C. qualified for funding by adopting a .08% BAC law <u>before sanctions were adopted</u>	Sanction Adopted in 2000 10 states adopted a .08% BAC law in just the first year (2001) Every state adopted a .08% BAC law by 2005. No state lost any highway funds	

*An additional 5 states received funding as safety belt performance states: 4 do not have primary enforcement laws; 1 has a law that does not meet federal standards.

Sources: *National Highway Traffic Safety Administration & Federal Highway Administration*

The Safe Teen and Novice Driver Uniform Protection Act of 2009 (The STANDUP Act – H. R. 1895)

A public health crisis

Motor vehicle crashes are the #1 killer of American teens. On average, more than 10 teens are killed in the United States each day as a result of motor vehicle crashes. In 2008 alone, nearly 6,500 people lost their lives in crashes involving young drivers ages 15 to 20. More than 2,700 of these deaths were young drivers, and more than 1,600 were passengers of young drivers. Since 1999, more than 84,400 people have been killed in the United States as a result of crashes involving teen drivers.

A promising remedy

Research has shown that a Graduated Driver Licensing (GDL) program is an effective method for reducing the crash risk of new drivers. GDL programs introduce teens to the driving experience gradually by phasing in full driving privileges over time and in lower risk settings. Optimal GDL laws have multiple components, including a three-stage licensing process and restrictions on nighttime driving, number and age of passengers, and cell phone usage. Research shows that states with strong GDL laws have experienced a reduction in teen driver crashes of up to 40%.

The need for federal action

State GDL laws vary widely with regard to the components included and the strength of the restrictions. This has resulted in an uneven patchwork of stronger and weaker GDL laws across the nation. The federal practice of withholding a percentage of Highway Trust Fund monies from states until they have adopted key lifesaving highway safety laws – known as “sanctions” – has worked effectively to speed up the process of passing state laws and create a uniform safety policy across all 50 states and D.C. This practice has been successful on a number of important issues, such as establishing 21 as the minimum legal drinking age; establishing the allowable blood alcohol concentration level for drivers at .08%; and establishing a zero tolerance policy for underage drinking and driving. With the use of federal sanctions, all 50 states passed these laws in the time allowed, and no state lost money. Even more importantly, these laws are credited with saving more than 25,000 lives. Using this approach to improve state GDL laws would ultimately lead to a reduction in teen driver crashes and related deaths.

The Safe Teen and Novice Driver Uniform Protection Act of 2009 (STANDUP Act) would establish minimum requirements for state GDL laws:

- A 3-stage licensing process (learner’s permit and intermediate stage before unrestricted driver’s license);
- A prohibition on nighttime driving during the learner’s permit and intermediate stages;
- A passenger restriction during the learner’s permit and intermediate stage (no more than 1 non-familial passenger under the age of 21 unless a licensed driver over 21 years of age is in the vehicle);
- A prohibition on non-emergency use of cell phones and other communication devices, including text messaging, during the learner’s permit and intermediate stages;
- Age 16 for issuance of learner’s permit and age 18 for lifting of all restrictions on newly-licensed teen drivers;
- Any other requirement adopted by the Secretary of Transportation, including learner’s permit holding period at least 6 months; intermediate stage at least 6 months; at least 30 hours behind-the-wheel, supervised driving by licensed driver 21 years of age or older; automatic delay of full licensure if permit holder commits an offense, such as DWI, misrepresentation of true age, reckless driving, unbelted driving, speeding, or other violations as determined by the Secretary.

The STANDUP Act

The purpose of the STANDUP Act is to provide safety grants to states with qualifying GDL laws and urge all states to adopt GDL laws that meet specific minimum requirements within 3 years.

For 3 years following enactment of the STANDUP Act, states complying with the defined minimum requirements will receive grants based on the same ratio used to apportion funds under the Section 402 highway safety program. The annual authorization level is \$25 million.

For States that do not comply with the minimum requirements section within three years of enactment, the Secretary shall withhold a percentage of certain federal highway construction program funds otherwise required to be apportioned to that State. The withholding percentage increases each year for the first three years after the incentive grant program ends. Funds withheld for noncompliance in the first two fiscal years of withholding will be returned to States that later come into compliance within three years following the year for which funds were withheld. Withheld funds that are not recovered by a State within the three-year period, and any other funds withheld for other fiscal years, will be returned to the U.S. Treasury.

The Saferoads4teens Coalition is a broad and diverse group of consumer, health, safety, medical, teen and parent organizations as well as insurance companies and automotive representatives supporting a federal law, the STANDUP ACT, to strengthen state graduated driver licensing (GDL) laws.