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As traffic deaths soar near record levels and hundreds of state law loopholes persist, most states earn average grades in nation's highway safety report card

Safety advocates call for "new sense of urgency" to enact 15 model laws to curb teen and drunk driving deaths, increase seat belt, child booster seat, and motorcycle helmet use

WASHINGTON, D.C. (Monday, February 18, 2008) – Most states earned average grades in a nationwide report card tracking state progress on the enactment of 15 model laws to curb the near record high number of deaths on the nation's highways, according to an annual study issued today by Advocates for Highway and Auto Safety (Advocates)

In its fifth annual report, the "2008 Roadmap to State Highway Safety Laws," Advocates graded each state and the District of Columbia based their adoption of 15 recommended traffic laws to require seat belt, child booster seat and motorcycle helmet use, and to strengthen teen driving and drunk driving statutes.

The report found that no state has adopted all 15 traffic safety measures, and a combined total of only 25 new laws were enacted by the states in 2007, which leaves 324 potentially lethal loopholes that should be closed in 2008. The full report and a replay of the webcasted news conference can be found at www.saferoads.org.

With nearly every state legislature currently in session, Advocates issued the 2008 report cards as a timely call-to-action to focus policymakers on specific steps each should take this year to reduce the leading cause of death of Americans ages 4 to 34 – traffic crashes.

In 2006, more than 42,600 people were killed and 2.5 million were injured in motor vehicle crashes in the U.S., which was the second highest number of traffic deaths since 1990 when 44,599 people died.

"More than half of those killed were unbuckled and the number of motorcycle rider deaths continued to climb for the ninth consecutive year," said Advocates president Judith Lee Stone. "At the same time, fatalities involving teen motorists and drunk drivers didn't budge. We can and must do better, starting with this strong foundation of proven-effective laws."

The "2008 Roadmap to State Highway Safety Laws" report cards graded states on their adoption of 15 model laws divided into four 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) system that phases in the full driving privilege in a three stage process: (5 laws)

- * 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 drivers education course.
- * Intermediate Stage: A nighttime driving restriction provision that prohibits unsupervised driving from 10:00 p.m. to 5:00 a.m.
- * Intermediate Stage: A passenger restriction of no more than one non-family teen passenger.
- * Learner's and Intermediate Stages: A cell phone restriction that prohibits the use of cellular devices (handheld and hands-free) by novice teen drivers, except in the case of an emergency.

Impaired Driving (7 laws)

- * Child endangerment law that creates a separate impaired driving offense for driving drunk with children in the motor vehicle.
- * Repeat offender penalties that comply with federal standards in the Transportation Equity Act for the 21st Century (TEA-21), which include a minimum one year license suspension, motor vehicle impoundment or installation of an ignition interlock system, and alcohol addiction assessment.
- * Open container ban in the passenger area of motor 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.
- * High blood-alcohol concentration (BAC) drivers would be subject to stronger penalties for exceeding a .15 BAC.
- * Mandatory BAC testing for all drivers – killed or surviving – in crashes involving death or serious injury.
- * Sobriety checkpoint program that is authorized by state law and conducted by state law enforcement agencies.
- * Ignition Interlock Device law that mandates their installation in vehicles of all drunk driving offenders – first-time and repeat offenders.

In each of the four 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.

Each state's overall rating was based on the number of the 15 recommended laws enacted. Full credit was given only when the law met Advocates' optimal law recommendations and half credit was given for booster seat and teen driving laws that partially met Advocates' recommendations. In the overall grade, no state was eligible for a Green rating, no matter how many other laws they have, unless they enacted a primary enforcement seat belt law.

The 2008 state grades

GREEN STATES – States with 11 or more laws including primary enforcement seat belt law or 9 or more including primary enforcement seat belt law and all-rider motorcycle helmet law: 17 states (Alabama, California, Delaware, Georgia, Hawaii, Illinois, Kentucky, Louisiana, Maine, Maryland, New Jersey, New York, North Carolina, Oregon, South Carolina, Tennessee, and Washington) and the District of Columbia received a “Green” rating, showing significant advancement toward adopting all of Advocates' recommended optimal laws.

YELLOW STATES – States with 6 to 10 laws including primary enforcement seat belt law or 7 to 13 laws without the primary belt law: 30 states (Alaska, Arizona, Colorado, Connecticut, Florida, Idaho, Indiana, Iowa, Kansas, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, Texas, Utah, Vermont, Virginia, West Virginia, and Wisconsin) received a “Yellow” rating, showing some advancement but with numerous gaps still in their highway safety laws.

RED STATES – States with less than 7 laws and no primary enforcement seat belt law: 3 states (Arkansas, South Dakota, and Wyoming) received a “Red” rating, indicating dangerous lack of key laws.

Senator John Cullerton (D-District 6, Chicago) is chair of the Illinois State Senate's Judiciary Civil Law Committee and vice chair of the Insurance Committee. The father of five children, Senator Cullerton sponsored Illinois' child passenger safety, seat belt and teen driving safety laws. “These are almost always bipartisan efforts, they save lives and taxpayer dollars, and they are strongly supported by the public,” Cullerton said. “When I travel by plane, I am reminded that the safety procedures, such as having to wear a seat belt, are mandated by uniform rules. It makes no sense that buckling my seatbelt is required no matter what airport I fly in or out of, yet if one of my kids drives from Illinois to Indiana or Kentucky or Wisconsin, there are different rules regarding seat belts, cell phones, and how many teen passengers can be in their car,” Cullerton said. “The laws that the states are being graded on should be the law of our land nationwide. It's time to close the gaps.”

The only state to change categories in the 2008 report was Maine, which was elevated to green from yellow because of its enactment of a primary enforcement seat belt law in 2007.

Stephen Hargarten, MD, MPH, chairs the Emergency Medicine Department at the Medical College of Wisconsin, where he serves as Director of its Injury Research Center. Dr. Hargarten is a board member of Advocates for Highway and Auto Safety, and he is past chair of the Wisconsin Medical Society's Injury Prevention Committee and Wisconsin Seat Belt Coalition. He noted that Wisconsin lacks both a primary enforcement seat belt law and an all-rider motorcycle helmet law.

“It is exasperating that preventive medicine in the form of effective laws is being ignored in so many state capitals across the country,” Dr. Hargarten said. “It is medical malpractice for me not to use all available treatments to save a patient, and I believe it’s the same for state policymakers who choose to ignore these readily available cures to one of our most serious public health problems.”

The 2008 report identifies “Best Performing” and “Worst Performing” states:

* The “Best Performing” category recognizes the “Green” states that passed at least 2 new laws in 2007 and / or enacted a primary enforcement seat belt law – Maine, Illinois and Oregon.

* The “Worst Performing” category identifies “Red” states plus “Yellow” states with the closest number of points to the “Red” category that have not passed any model laws in the past 2 years – Red: Arkansas, South Dakota and Wyoming; and borderline Yellow with no action in 2 years – Alaska, Minnesota, Mississippi, North Dakota, and Vermont.

“Lawmakers in states with all-rider motorcycle helmet laws need to quit trying to repeal or weaken this law. Every state where helmet repeal bills have been introduced lacks several of the 15 basic highway safety laws,” said Advocates vice president Jacqueline Gillan.

“Lawmakers should instead focus on ways to close those gaps instead of their shameful attempts to create even bigger loopholes. It ought to be a no brainer.”

Summary of 2007 state legislative action and the unfinished highway safety agenda:

* 24 states still need a primary enforcement seat belt law. Only one state – Maine – enacted this law in 2007.

* 30 states still need an all-rider motorcycle helmet law. In 2007, there were attempts in 15 states to repeal their existing all-rider motorcycle helmet laws. All attempts failed, and at the same time no state passed a helmet law.

* 33 states still need a child booster seat law through age 7. Of these states, 21 have partial laws. Only two states – Oregon and Virginia – enacted the optimal booster seat law in 2007, bringing the total to 17 states.

* 49 states still need a comprehensive teen driving Graduated Drivers Licensing program, but numerous states adopted various elements of the optimal GDL in 2007, such as Arizona, California, Illinois, Nebraska, Nevada, Ohio, Oregon, Virginia, and West Virginia.

* Many states are missing critical impaired driving laws, especially the mandatory ignition interlock device law for all DUI offenders, which is law in only 4 states (Arizona, Illinois, Louisiana, and New Mexico).

Sherry Chapman of Hartford, CT, spoke about the tragic death of her son Ryan Ramirez, 19, who was killed as a passenger in a crash caused by a teen driver on December 7, 2002. “Out of this tragedy, I became a strong believer in the power of changing public policy so that others will not have to suffer the untold grief of losing a child.” She co-founded a parent-teen education program Mourning Parents Act (IMPACT) and serves on the Connecticut Governor's Task Force on Teen Driving Safety and the Connecticut Teen Driving Safety Partnership. “I am hopeful that our Governor’s teen driving task force will result in the legislative changes that we need in our state,” Chapman said. “I also hope that Congress will adopt legislation to encourage all states to uniformly adopt the same sensible and lifesaving standard that is recommended in this report.”

National statistics show that while teens account for 7 percent of all licensed drivers, they are involved in 14 percent of fatal traffic crashes.

Todd Waymon of Silver Spring, Maryland, lobbied the state of Maryland to enact landmark teen driving safety laws after his son Matt, age 16, was killed in a multiple fatal crash caused by a newly-licensed teen driver on July 14, 1998. He also founded COA-MATT (Coming of Age – May All Teens Thrive) to help teens to transition into adulthood with activities to develop life skills and responsible behavior. “These laws should be the basis of any state’s attack on the unrelenting number of traffic deaths across our country. Educating teens and parents is one crucial part of the solution, but these laws are the foundation on which we can help keep our kids alive and families whole.”

The 6.2 million motor vehicle crashes in 2006 cost an estimated \$230 billion related to deaths, injuries, property damage, productivity losses, medical bills, and other related costs.

“These economic losses are equivalent to a ‘crash tax’ of nearly \$800 on every man, woman and child every year,” said Delegate Jolene Ivey (D-47, Cheverly), who as a member of the Maryland House of Delegates serves on the Ways and Means Committee that oversees state revenues. The mother of five boys, including one teen driver, Delegate Ivey is a co-sponsor of pending legislation to close loopholes in Maryland’s child booster seat and teen driving laws. “Our state and every state should act this year to protect our most precious resource – our children, and to prevent every parent’s worst nightmare from coming true.”

Every day, 9 of 10 Americans use the nation’s 4 million miles of roadway to drive to work, school or other nearby destinations. As proven legislative solutions in the form of highway safety laws languish in state legislatures, 119 people are killed and nearly 7,400 others are injured every day on our highways.

“Our message to state lawmakers and Governors is simple and direct: Remove the roadblocks, stop taking wrong turns, quit idling, and start passing laws to save lives and save money,” said Advocates vice president Gillan. “No more excuses. Here’s the roadmap. Now let’s get going as if our lives depended on it, because they do.”

The complete "2008 Roadmap to State Highway Safety Laws" report and a replay of today’s webcasted news conference can be found on 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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