



**ADVOCATES**  
for Highway & Auto Safety

## **FOR IMMEDIATE RELEASE**

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## **New report finds nationwide stagnation in filling hundreds of lethal loopholes in vital state highway safety laws**

*Safety advocates urge Congress and President-Elect Obama to compel states to enact low-dollar, high-results uniform traffic safety laws to reduce annual 41,000 deaths and \$230 billion economic losses.*

WASHINGTON, D.C. (Monday, January 12, 2009) – As state legislatures across the nation open their 2009 sessions this month, Advocates for Highway and Auto Safety (Advocates) today unveiled its 2009 Roadmap to State Highway Safety Laws report that graded each state and the District of Columbia on their passage of 15 model traffic safety laws related to teen driving, drunk driving and the required use of seat belts, child booster seats, and motorcycle helmets.

The sixth annual Roadmap Report found that no state in the nation has adopted all 15 proven-effective measures to reduce traffic crash deaths and injuries, and that a total of only 11 new laws out of 344 existing legislative gaps were enacted by the states in 2008. Go to [www.saferoads.org](http://www.saferoads.org) for the complete 2009 report.

The 2009 report 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) law that phases in the full driving privilege in a three stage process and allows for primary enforcement of the law: (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 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, 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 checkpoints that are authorized by state law and conducted by 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.

**Only 11 optimal highway safety laws enacted in 2008:**

- \* No state passed a primary enforcement seat belt law;
- \* No state passed an all-rider motorcycle helmet law in spite of the fact that motorcyclist fatalities have more than doubled over the past 10 years. 12 states unsuccessfully tried to repeal their helmet law;
- \* Only four states adopted optimal booster seat laws protecting children through age 7 – Maryland, Massachusetts, Michigan, and Utah;
- \* Only 4 of the 116 gaps in teen graduated driver’s licensing (GDL) laws were filled legislatively in the nation – Connecticut (supervised driving), Louisiana (supervised driving), Minnesota (teen passenger restriction), Virginia (supervised driving); and,
- \* Other than the three ignition interlock device laws enacted by Alaska, Nebraska and Washington, no state passed any other of Advocates’ basic impaired driving laws.

“This is a very dangerous and deadly broken record and the wait is literally killing us,” said Judith Lee Stone, President of Advocates. “Another year has passed during which more than 41,000 people perished and millions suffered injuries in traffic crashes, and again we find that state legislatures have obstructed adoption of proven effective highway safety laws to help bring this public health and safety epidemic under control.”

The 2009 report found that four states – Arkansas, North Dakota, South Dakota and Wyoming – were the worst performing states (red) because they have the fewest of the most fundamental lifesaving laws. Additionally, 14 of the 31 states in the yellow category are perilously close to being rated as poor. These states on the edge are Arizona, Kansas, Idaho, Iowa, Minnesota, Mississippi, New Hampshire, Ohio, Pennsylvania, Rhode Island, Texas, Vermont, West Virginia, and Wisconsin.

Several states have achieved green ratings over the years by adopting most of Advocates' basic model laws (AL, CA, DE, DC, HI, IL, LA, ME, MD, MI, NJ, NY, NC, OR, TN and WA). However, progress has slowed in most of the green states in recent years.

**Green States need a Boost:**

The following states have green ratings, but still have serious gaps in several of the 15 optimal highway safety laws. No action has been taken in these states over the past three years to close those remaining loopholes:

- \* Alabama: Needs an optimal booster seat law, and has several gaps in teen and impaired driving laws
- \* District of Columbia: Has several gaps in teen and impaired driving laws
- \* New Jersey: Has several gaps in teen and impaired driving laws
- \* New York: Needs an optimal booster seat law, and has several gaps in teen and impaired driving laws
- \* North Carolina: Has gaps in teen and impaired driving laws
- \* Tennessee: Has several gaps in teen and impaired driving laws
- \* Washington: Has several gaps in teen and impaired driving laws

“This year’s report is not as much about ‘green-yellow-red states’ as it is about how little progress there has been in plugging legislative loopholes and coming together as a nation to wage a serious battle against tragic and costly traffic deaths,” said Advocates president Stone.

**In 2007:**

- \* Highway crashes continued to be the leading cause of death of Americans ages 4 to 34 as another 41,059 people were killed and nearly 2.5 million others were injured.
- \* More than half (54%) of passenger vehicle occupants killed were unbuckled.
- \* 6,552 fatal crashes involved young drivers ages 15-20, resulting in 7,512 deaths.
- \* Motorcycle deaths increased for the 10<sup>th</sup> year in a row as 5,154 motorcyclists died – the highest number since 1975. This rapidly escalating death toll now accounts for 13 percent of all traffic fatalities.
- \* 1,233 children and youth ages 8 through 15 were killed in motor vehicle crashes.
- \* 376 children ages 4 through 8 were killed and another 50,000 were injured in crashes.

“The lack of any real progress in reducing death and injury as lifesaving bills are abandoned and junked year after year in state capitals points to the critical need for federal leadership,” said Jacqueline Gillan, Vice President of Advocates. “At critical times over the past three decades, when states ignored proven public health measures to reduce highway deaths and injuries, Congress and the White House exhibited bipartisan leadership to bring about uniformity in state traffic safety laws.”

In 1984, Congress passed and President Reagan signed the National Uniform Minimum 21 Drinking Age law. In 1995, Congress and President Clinton closed a loophole in underage drinking and driving by enacting the Zero Tolerance Blood Alcohol Concentration (BAC) law. And, in the year 2000, Congress and President Clinton established a nationwide uniform .08 percent blood-alcohol limit in every state.

“All three federal measures, with the political muscle of a sanction within a reasonable time frame, resulted in each state quickly adopting these laws and no state losing a single dollar of federal funds,” Gillan said.

**The unfinished agenda in 2009:**

- \* 25 states still need an optimal primary enforcement seat belt law;
- \* 30 states still need an optimal all-rider motorcycle helmet law;
- \* 29 states still need to adopt an optimal primary enforcement booster seat law covering children ages 4 through 7;
- \* 49 states and DC do not protect teen drivers with an optimal graduated driver’s licensing program; and,
- \* 36 states and DC are missing more than one critical impaired driving law.

"Passing highway safety laws is not only socially responsible, it is fiscally prudent. They are highly effective public health interventions that shield vehicle occupants from death and injury in crashes." Linda C. Degutis, DrPH, the Immediate Past President of the American Public Health Association, Board Member of Advocates for Highway and Auto Safety, and Associate Professor of Surgery and Public Health at Yale University.

“The 400,000 lives claimed in just the past 10 years is a chilling reminder of the scope of this epidemic,” Dr. Degutis said. “There are few public health problems that are this large, and when you add in injuries at a rate 62.5 times fatalities, the annual number of tragic and largely preventable incidents is in the multi-millions. We have a perfect blueprint for reformers in the incoming Administration. Adoption of these basic laws in each state will lower health and other economic costs at no financial cost to taxpayers or governments.”

Patty French is a Fredericksburg, Virginia, mom who spoke of her repeated efforts to urge the Virginia General Assembly to pass a primary enforcement seat belt law after her son Greg, age 23, died at Christmas 1994 following a 3-1/2 year coma caused by a car crash in which he was not buckled up. The Virginia legislature has yet to approve this lifesaving law.

“In addition to this indescribable loss, costs to the state for Greg’s medical care were nearly \$1 million. It took us ten years to pay back what we owed, between \$75-100,000,” French said. “I have spent too many winters in our state capital pushing the Virginia General Assembly to pass a primary enforcement seat belt law because primary enforcement – rather than a weaker secondary enforcement law – results in far more people buckling up and far fewer people dying. Yet, only half the states and DC have enacted this lifesaving law. Last year, no state – including my own --adopted this law, even with the promise of extra federal funds to reward states that pass it.”

French pointed out that between 1996 and 2003, 4200 people were killed on Virginia’s roads. A primary enforcement seat belt law in Virginia would have prevented an estimated 300 of those deaths.

“We are now at a crossroads. And while some state legislators and governors have tried to push passage of safety laws, the pace is too slow, the political obstacles too large, and the problem too great to wait another 10, 20, or 30 years when millions of lives are at stake,” said Advocates vice president Gillan. “Federal incentive grants alone are not working and there is an urgent need for bold new federal action and leadership,” Gillan said, as Congress this year takes up multi-year, multi-billion dollar surface transportation legislation frequently referred to as the SAFETEA-LU Act (Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users).

“During the five-year authorization period of SAFETEA-LU it is expected that more than 200,000 people will die on our highways and nearly 13 million more will be injured, despite the largest financial investment in our nation’s surface transportation system history,” Gillan said. “Any significant reduction in motor vehicle deaths and injuries will require Congress to address this tragic and unnecessary mortality and morbidity toll. We can’t wait any longer and 2009 is the year for federal action.”

Also addressing the National Press Club news conference today were two of the nation’s most respected traffic safety law enforcement leaders. Captain Thomas Didone is a veteran Montgomery County (Maryland) Police Department district commander who has dedicated much of his career to highway safety law enforcement and education. On October 20, 2008, Commander Didone’s son Ryan, age 15, was killed as a passenger in a crash involving a newly-licensed 17-year-old classmate who lost control of his car and struck a tree before catching fire. Ryan was not wearing his seat belt.

Assistant Chief Patrick Burke of the Metropolitan Police Department in Washington, D.C. is the leading voice for traffic safety laws and their enforcement in the nation’s capital. “This new report is an important and well-taken reminder that those that are green can be greener and there’s plenty of room for improvement for the Yellow and Red states,” said Chief Burke. “Together, we can save a lot more lives, prevent a lot of needless misery, and preserve those precious budgetary dollars – especially in these tough economic times -- that are sorely needed to build healthier communities across our country.”

Advocates today publicly thanked a “Legislative Honor Roll” of state legislators who introduced and committees that acted on optimal highway safety legislation in their 2008 sessions. The list of legislators, along with the complete 2009 Roadmap to State Highway Safety Laws report, an electronic version of the entire press kit, and the replay of today’s webcasted news conference can be found at the Advocates for Highway and Auto Safety website: [www.saferoads.org](http://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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