



ISSUE: STATUTORY CHANGES INFLUENCING HIGHWAY SAFETY

Iowa's highway safety program is built around the premise that effective policies, defined in reasonable, common sense terms and strong safety laws, provide the foundation for progressive behavioral change in the field of highway safety. Much of the progress realized in recent decades in reducing motor vehicle fatalities and injuries in this state happened because Iowa adopted laws, since proven to work. Listed below are some of the laws making a difference in saving lives.



Child restraint law

Iowa has had a child passenger safety restraint law in effect since January 1, 1985, requiring that all vehicle occupants under age 6 be restrained regardless of seating position. Iowa has child restraint laws that include a primary enforcement provision that allows law enforcement officers to issue a citation any time they see a violation of the law.

The proper use of child safety seats and seatbelts is the best protection we have to keep Iowa's children safe. During the 2003-04 Legislative session, Iowa's child restraint law was upgraded. Iowa's current Child Restraint Law requires:

- A child under 1 year old and weighing less than 20 lbs. must be secured in a rear-facing child restraint system;
- A child under 6 years old must be secured in a child restraint system (a safety seat or booster seat NOT a seat belt);
- A child from the age of 6 up to the age of 11 must be secured in a child restraint system or by a safety belt.

Surveys conducted by the University of Iowa for the Governor's Traffic Safety Bureau during 2003

measured Iowa's average child restraint usage at 84 percent, up 8 percent from the 2002 figure of 76 percent.



Work zone fines

Doubling the fine for traffic violations occurring in marked work zones.

Primary enforcement seat belt law

The primary enforcement seat belt law requires anyone riding in a motor vehicle, as defined by state law, to buckle up or face a fine. No other violation need occur first for the officer to write a citation.

Administrative License Revocation

Administrative License Revocation (ALR), or suspension, provides a means for immediately removing impaired drivers from the road. ALR laws permit law enforcement officers to take the licenses of drivers suspected of impaired driving who fail a chemical test or who refuse to take the chemical test required by state law. The immediate loss of driving privileges sends a strong message to drunk drivers.

ALR laws provide drivers with the right to a prompt administrative hearing to appeal the results of the chemical test and license revocation. Before ALR laws were in place, license revocations could be ordered only by a judge or magistrate at an administrative or criminal hearing. As a result, nearly all accused impaired drivers requested hearings, often as a means of delaying the license revocation. In addition, when criminal charges were involved, offers would often avoid license revocation as well as other serious penalties by plea

bargaining. ALR imposes an immediate administrative punishment that is independent of any criminal prosecution.

In addition to eliminating the immediate danger that impaired drivers pose to the public, ALR also serves as a deterrent to others who might drink and drive. Strict enforcement and educational campaigns about ALR laws have increased public awareness of these laws and the consequences of impaired driving.



License Renewal for Older Drivers

As we grow older the natural effects of the aging process, including slower perception-

reaction time and poorer eyesight, affect our ability to perform the driving task. This fact merely reflects a decline in a range of functional capabilities that accompany aging. Thus, while older drivers have more experience, drivers over the age of 69 are still twice as likely as middle-age drivers to be involved in fatal car crashes. In addition, because of increasing life expectancy and good health, people 85 years of age and older are the fastest growing group of registered drivers. This safety concern will expand as the Baby Boom generation begins to reach retirement age in less than a decade. The 65-plus population age group is expected to increase by 60 percent between now and the year 2020.

Not all older drivers, including those that are the same age, have the same driving ability. Many older people are excellent drivers who are frequently more careful, more likely to obey traffic laws, and more experienced than younger drivers. However, some older citizens continue to drive after they become unsafe to themselves and to others. Because of the wide range of abilities, the decision whether each person should continue to drive needs to be based on individual assessments.

Currently, self-regulation is the primary method by which older drivers monitor their driving. Drivers use self-assessment to determine when they should modify their driving practices. As a consequence, many older drivers have opted to stop driving or eliminate higher-risk conditions

such as driving at night, in inclement weather, during rush hours, or on interstate highways.

In addition to self-regulation, Iowa law requires drivers age 70 and older to renew their driver licenses every two years and take the vision exam (and potentially a road test), rather than the five-year license period granted to younger drivers. Similar to the graduated driver licensing system for younger drivers, but operating in reverse, the driving privileges of older drivers may be reduced according to the driver's ability to handle the demands of different types of driving situations. Instead of placing the burden entirely on the individual to make the often-difficult decisions based on self-assessment alone, this approach allows trained professional licensing authorities to assist by making evaluations of driving skills. Under such systems, a license can be custom-tailored to the driver's specific abilities and may include such limitations as daytime-only driving, restricted driving area, and to roadways with lower maximum travel speeds. This law also empowers examiners to find solutions that are user-friendly to older drivers so they can maintain as much mobility and independence as is safely possible.

In addition, Iowa law allows peace officers, health personnel, and close relatives to file a report stating that a driver cannot safely operate a motor vehicle. The report must be based on personal observation or physical evidence. The state must then investigate to determine whether the reported driver should retain driving privileges. The state can require the driver to retake the driver's license written and road tests. The state is then able to limit the driver's license according to ability, suspend the license, require a driver to take the driving exam again, and require a driver to complete a physical or mental examination. Drivers who fail the written and road tests can be retested at a later date. This approach is considered beneficial since it too focuses on continuing driving privileges based solely on the ability, not the age, of the driver.

Open container law

This prohibits open containers of alcohol in the passenger area of a motor vehicle. The law prohibits both possession of any open alcoholic beverage container and consumption of any

alcoholic beverage; covers the entire passenger area of any motor vehicle; applies to all alcoholic beverages; applies to all vehicle occupants; applies to vehicles on the shoulder of public highways; and requires primary enforcement of the law.

Minimum drinking age/.08 percent BAC illegal per se level/zero tolerance BAC law for youth

It is illegal for the operator of a motor vehicle to have a blood alcohol concentration (BAC) of .08 percent or higher. The per se law makes it illegal to drive with a BAC at or above the established limit, and a breathalyzer test alone is sufficient evidence to go forward with a drunk driving charge.

High BAC penalties

According to the National Highway Traffic Safety Administration, drivers with excessively high BACs account for approximately 50 percent of all fatal crashes during normal weekend nights. A person with a .15 percent BAC is 200 times more likely to be involved in a fatal crash. The high BAC statute provides for stiffer penalties for drivers convicted of an OWI/DWI offense when their BAC is over a certain threshold.

Mandatory BAC test law for drivers who survive fatal crashes

Upon issuance of a legal warrant, this statute requires any surviving driver who is involved in a crash in which a death occurs to have his or her BAC tested.

Child endangerment citation

A U.S. Centers for Disease Control and Prevention study published in 2000 found that in over 5,000 child passenger deaths, 64 percent of the children who were killed were riding in the car driven by an impaired driver. Additionally, the CDC study found that only 18 percent of children who were killed in a crash while riding in the impaired driver's vehicle were properly restrained. Under Iowa law, someone who drives under the influence of alcohol or drugs with a minor child in the vehicle can be cited for child endangerment.

Repeat offender penalties

According to the National Highway Traffic Safety Administration, about one-third of all drivers arrested while intoxicated or driving under the influence of alcohol are repeat offenders. The repeat offender law applies to

impaired drivers with previous impaired driving convictions. More stringent penalties apply to individuals who are convicted of an impaired driving offense for the second, third or fourth time. Stiffer penalties are an effective deterrent to a repeat impaired driving offense.



Graduated driver's licensing

On Jan. 1, 1999, Iowa's Graduated Driver License (GDL) law took effect creating a three-tier licensing system for young drivers. GDL programs allow teenagers to learn to drive under supervised and lower risk conditions. The comprehensive

GDL program consists of a learner's stage, an intermediate stage and an unrestricted driving stage.

Possibly the most significant change brought about by the passage of GDL law in Iowa was the creation of a middle tier---an "intermediate driver license" ---for young drivers in their first year of driving without the requirement of adult supervision. Previously, young drivers went from their instruction permit, which required these drivers to have adult supervision whenever they drove, to a full privilege driver license after successfully completing driver education and turning age 16.

Now young drivers get an intermediate license, which carries some restrictions on driving privileges, and accelerated driver improvement interventions, which are intended to help these drivers make the transition to unsupervised driving more safely. This new intermediate license is held, primarily, for the period between the 16th and the 17th birthdays.

In 1999, the first year of Iowa's new Graduated Driver License law (GDL), 16-year-old drivers, the first to be holders of the new intermediate licenses, had 20 percent fewer moving violation traffic convictions (the kind of violations that can get your license suspended) than did 16-year-old drivers in 1998, the last year before the GDL law took effect. In the same year, traffic crashes for 16-year-old intermediate drivers decreased about 10 percent from the number of crashes in which 16-year-old drivers were involved in 1998.

In the second year of the graduated licensing law, 16-year-old drivers received 27 percent

fewer moving violation traffic citations than they received in 1999. During that same year, traffic crashes for 16-year-old intermediate license holders decreased about 10 percent from the number of crashes in which 16-year-old drivers were involved in 1999. For the two years that the GDL law has been in effect in Iowa, moving violation traffic convictions for 16-year-old drivers have decreased a total of 42 percent and traffic crashes involving 16-year-old drivers have decreased approximately 19 percent.

In the third year of the graduated licensing law (2001), the experience of the 16-year-old drivers was different from previous 16 year olds. This was the first group of 16-year-old drivers who received both their permits and their intermediate license under the provisions of the GDL law. These drivers had to adhere to the provisions of the GDL instruction permit as well as the GDL intermediate license.

In 2001, 16-year-old drivers received 521 more traffic citations than in the previous year (2000). Even though this was a slight increase in the number of citations over the previous year, it was still 5,252 citations fewer than were received in the year before the GDL law took effect. This is 38 percent lower than in 1998 (the last pre-law year).

Traffic crashes in the third year of the GDL law continued to decrease, but at a reduced rate. There were 75 fewer crashes in 2001 than there were in 2000. This was a 1.5 percent decrease in traffic crashes. The 4,965 crashes in 2001 represented a 20 percent reduction in traffic crashes for 16-year-old drivers compared to the 6,206 crashes 16 year olds had in the last year before the GDL law took effect.

In 2002, the fourth year of Iowa's GDL law, moving traffic convictions received by 16-year-old drivers increased for the second year in a row. Sixteen-year-old drivers received 201 more moving violation convictions in 2002 than they received in 2001. That is a 2.4 percent increase over the previous year. This number is still 5,051 fewer moving traffic violation convictions than

were received by 16-year-old drivers in the last year prior to the Graduated Driver Licensing law taking effect (1998). This is still a 36.8 percent decrease in the number of moving violation citations since the law took effect. Traffic crashes, on the other hand, have continued to decrease since the GDL law took effect.

In 2002, 16-year-old drivers had 4,588 traffic crashes. This is a 26.1 percent decrease from the 6,206 traffic crashes in which 16-year-old drivers were involved in 1998, the last year before the GDL law took effect. This was the fourth year in a row that traffic crashes declined.

Speed limits

The National Highway System Designation Act of 1995 repealed the national maximum speed limit and returned authority to set speed limits to the states. Iowa Code section 321.285 was amended in 1996 to authorize the Iowa Department of Transportation to increase speed limits to 65 mph on certain divided, multi-lane highways.

In the interest of providing information to legislative decision-makers, the Iowa Safety Management System (SMS) Coordinating Committee formed a Speed Limit Task Force. The Speed Limit Task Force has issued reports on the subject of speed limits for the six years extending from 1996 through 2001. The most recent report showed the collective fatality experience for Midwest states that did not raise limits above 65 mph was a 1.3 percent decline in traffic deaths, while states that did raise speed limits above 65 mph experienced a 10.2 percent increase in traffic fatalities.

Combined, Illinois, Iowa and Wisconsin (which maintained 65 mph limits) averaged 11 fewer traffic fatalities per year for 1996 through 2000, compared to 1991 through 1995. Kansas, Minnesota, Missouri, Nebraska, and South Dakota (which raised limits above 65 mph) combined averaged 277 more traffic fatalities per year for the same period.