

Status Report

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DOT Seeks to Kill National Driver Register

Transportation Secretary Drew Lewis has asked Congress to abolish the National Driver Register (NDR), a file to help states identify problem drivers.

The draft measure would make official the Department of Transportation's (DOT) informal abandonment of the program indicated in its appropriations request for winding down the program during fiscal 1982.

One of the oldest highway safety programs still in existence, the register was begun under a 1960 law

Raising Drinking Age Reduces Fatal Crashes

A substantial reduction in nighttime fatal crashes involving young drivers has been found by Insurance Institute for Highway Safety researchers in states that have recently raised their legal minimum drinking age.

By January of this year, 14 states had raised their minimum drinking age since 1976, reversing the trend of the early 1970's when more than half of the states lowered the minimums. In those 14 states (including nine states studied and five others) the researchers estimated about 380 fewer young drivers are involved each year in nighttime fatal crashes since the minimums were raised.

Among the nine states studied there were reductions in the nighttime fatal crash rate of affected drivers in eight of the states, ranging from 6 to 75 percent. "Any single state that raises its drinking age can expect the involvement in nighttime fatal crashes of the age groups to which the change in the law applies to drop by about 28 percent," the researchers reported.

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requiring the federal government to maintain a file of drivers whose licenses have been suspended, revoked, cancelled, or denied. States query the register routinely to find out whether license applicants have lost their driving privilege elsewhere. However, the register has been the subject of frequent criticism by the states and safety groups who want to see the NDR's response time brought into the computer age and access broadened to permit screening of commercial drivers who often hold multiple licenses. (See *Status Report*, Vol. 15, No. 4, March 5, 1980.)

William Haddon, Jr., M.D., first head of the National Highway Traffic Safety Administration (NHTSA) and since 1969 president of the Insurance Institute for Highway Safety, said: "Cutting off the flow of driver license information enabled by the register will directly impair highway law enforcement and increase the maiming and killing of Americans throughout the United States. Such a step would make sense only if better sources of such information were otherwise already available."

In a letter to Congress accompanying the draft bill, Lewis said the reason for abolishing the register is that it is not effective. Not all states participate in the register, Lewis said, either because of state privacy laws or because the

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NHTSA Schedules Another Hearing On Restraints

The National Highway Traffic Safety Administration (NHTSA) has set a new public hearing on the automatic restraint provisions of Federal Motor Vehicle Safety Standard (FMVSS) 208. This will be the sixth hearing by the federal agency on the automatic restraint question. The agency has consistently concluded in the past that automatic restraints are both feasible and practical.

The hearing will supplement comments already received in the docket, which closed on May 26. (See *Status Report*, Vol. 16, No. 3, Feb. 25, 1981.)

It is scheduled on August 5, from 9 a.m. to noon and 1:30 to 5 p.m., at the Departmental Auditorium on Constitution Avenue between 12th and 14th Streets, N.W., Washington, D.C.

In a public notice announcing the meeting, the agency said: "The administrator has determined that it is in the public interest to allow interested persons an opportunity to present further factual information and statements concerning the issues raised in the notice of proposed rulemaking, prior to final decision."

Previously, the agency had asked for comments on three alternatives:

- Reverse the implementation order of FMVSS 208 to require small cars to comply with the standard beginning with the 1983 model year, mid-size cars by the 1984 model year, and large cars by 1985.
- Require all cars to provide automatic protections in frontal crashes of up to 30 mph by March 1, 1983.
- Drop the requirement for automatic protection entirely.

Anyone wishing to testify should contact Robert Nelson, Office of Vehicle Safety, National Highway Traffic Safety Administration, 400 7th St., S.W., Washington, D.C. 20059, (202) 426-2264. The deadline for being placed on the schedule of witnesses is July 24. A general outline of the oral testimony should be submitted by that date, NHTSA said, and written statements in addition to the testimony may be entered into the record. Individuals wishing to show slides or films should contact Nelson so he can make the necessary equipment arrangements. Copies of slides, photographs, and films shown at the meeting should be submitted at the hearing.

Four More States Vote Child Restraint Laws

Legislatures of four more states representing a significant part of the nation's population have approved legislation calling for the use of child restraints in motor vehicles. This will bring to nine the number of states having some form of child restraint laws.

Child restraint bills have been approved by legislators in both New York and Michigan and are awaiting the respective governor's signature. Minnesota and Maine bills also have been approved, and the governors of those states have signed them into law.

The New York bill will require that a passenger motor vehicle registered in New York, transporting a child under the age of five, shall be driven only if the child is restrained in a specially designed seat that meets the specified Federal Motor Vehicle Safety Standard. Failure to comply will result in civil penalties of up to \$25. However, the fine will be waived with proof of purchase or rental of a proper restraint system.

The Michigan law will provide that children under the age of one year must ride in a crashworthy child restraint regardless of seating position. Children between one and four must be in a restraint device if

riding in the front seat of a vehicle and in riding in the rear seat have the option of being secured in a child restraint or fastened with a lap belt. The law applies only to state resident drivers and a civil infraction fine of no more than \$10 is specified for violations.

Minnesota will require every parent or legal guardian of a child under the age of four who is a state resident to use a child passenger restraint system while transporting that child in their motor vehicle. Failure to use such a system can result in the issuance of a hazard warning by a law enforcement officer. "The warning shall also advise and urge that parent or guardian to utilize the child passenger restraint systems that are available in the vehicle," the law provides. Other than the warning, no penalty will be assessed against a parent or guardian who violates this law.

While Maine approves the use of child restraints, its law calls only for the Commissioner of Public Safety to "develop and implement a public information and education program designed to encourage seat restraint utilization for children under four years of age who are passengers in motor vehicles." Law enforcement officers may, at their discretion, issue oral or written safety information to drivers found to be operating a motor vehicle where a child is not confined by the use of an available seat restraint.

Two States Avoid Penalties

Both the Minnesota and Maine laws are notable for the lack of any penalties for motor vehicle operators who fail to restrain children in motor vehicles. In contrast, Tennessee – the first state to pass legislation requiring the use of proper child restraints for children under the age of four – deems the failure to use such child restraints a misdemeanor subject to a maximum civil penalty of \$10. In West Virginia, a driver who fails to place a child below the age of three in a proper child restraint while transporting that child in a motor vehicle is also guilty of a misdemeanor carrying a fine of \$20. (See *Status Report*, Vol. 16, No. 6, April 27, 1981.) Failure to comply with the child restraint law in Rhode Island is considered to be a moving violation subject to a fine of \$15. (See *Status Report*, Vol. 16, No. 2, Feb. 9, 1981.) In some states, the fines are waived if the motor vehicle operator provides evidence of the purchase of a child restraint device within a specified period of time.

Minnesota and Maine are not the only states failing to provide penalties. California, for example, calls upon the Secretary of the Business and Transportation Agency to "prepare and disseminate materials for the purpose of educating the public about the importance of using seat restraints for infants and children under 15 years of age who are passengers in motor vehicles." While law enforcement agencies may issue an oral hazard warning to motor vehicle operators observed to be in violation of the law, there are no penalties for failure to obey.

Similarly, Kansas requires the Secretary of Transportation to "adopt rules and regulations for the performance, design, and installation of child passenger safety restraining systems for use in passenger cars for children under the age of two years." If violations are observed, law enforcement officers may only issue oral warnings.

UPDATE . . .

FMVSS 128 REVOKED: The National Highway Traffic Safety Administration (NHTSA) has revoked FMVSS 128, Fields of Direct View, explaining that "the agency has determined that the minor safety benefits associated with the standard are substantially outweighed by the costs imposed by the standard." The standard, which had been years in the making, was issued in January as one of the last acts of the outgoing administration and set requirements on maximum permissible obstructions in the driver's field of view, minimum size of the field of view through the windshield, and the light transmittance of the windshield. (See *Status Report*, Vol. 16, No. 2, Feb. 9, 1981.) It would have become effective with 1985 models.

Raising Drinking Age Reduces Fatal Crashes (Cont'd from page 1)

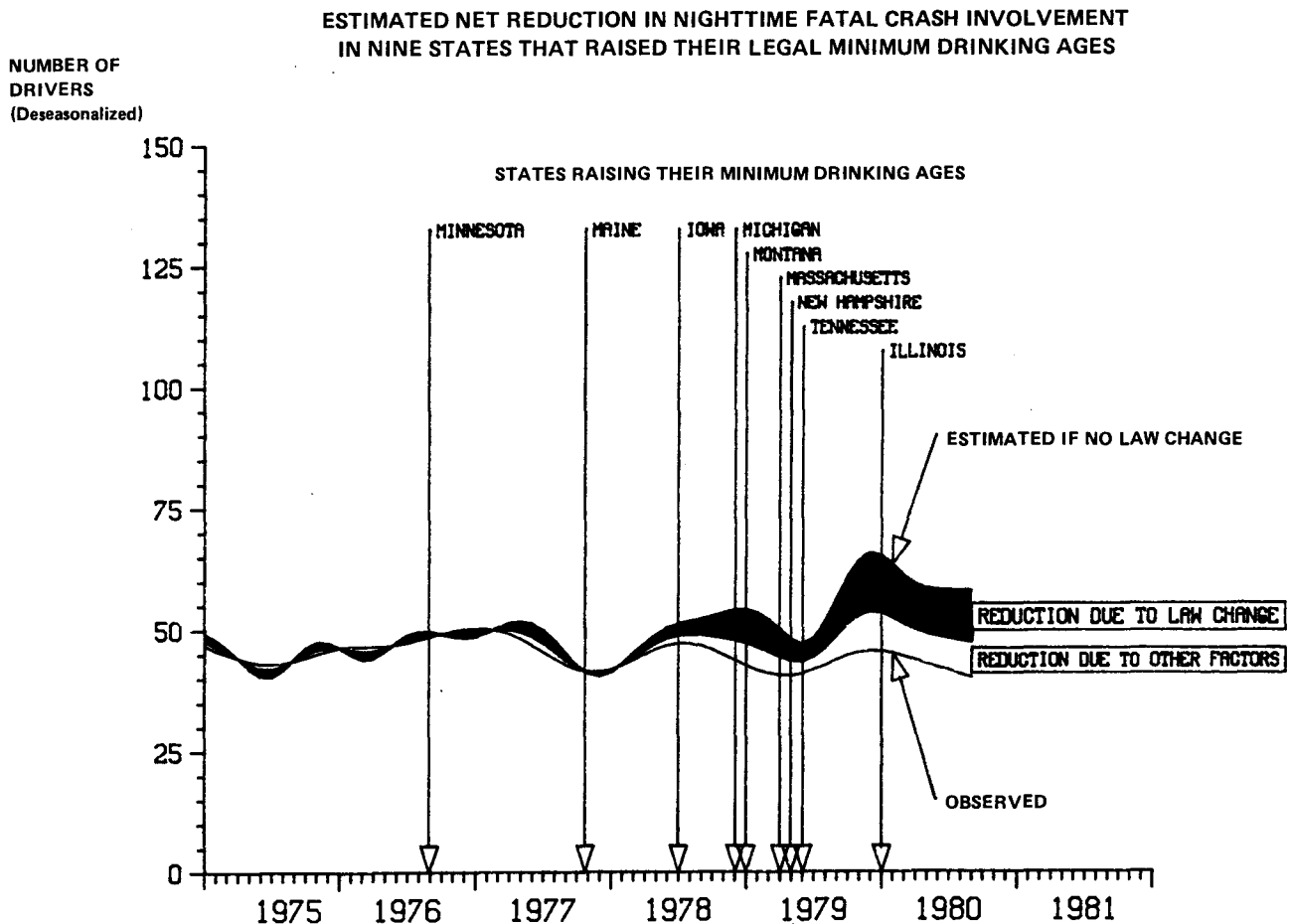
The study, "The Effect of Raising the Legal Minimum Drinking Age on Fatal Crash Involvement," was conducted for the Institute by Allan F. Williams, Paul L. Zador, Sandra S. Harris, and Ronald S. Karpf.

States included in the study were Illinois, Iowa, Maine, Massachusetts, Michigan, Minnesota, Montana, New Hampshire, and Tennessee. For comparison purposes, each of these states was linked with another state that had not experienced a law change. Five other states that had raised their minimum drinking age very recently were excluded from the study because there had not been time for the law-change results to be measured with the available data.

Nighttime fatal crashes were the focus of the study because, while alcohol is a major factor in fatal crashes in general, it is known to be particularly likely to be involved in nighttime fatal crashes (from 9 p.m. to 5:59 a.m.), especially single-vehicle crashes.

More Gains Seen Possible

Authors of the study point to even more substantial gains that might be made if all 31 states (including seven of the nine studied) that as of last January had a drinking age of less than 21 raised the minimum to 21. They estimate that each year about 730 fewer young drivers would then be involved in nighttime fatal crashes. (Cont'd on next page)



“Raising the legal minimum drinking age to 21 in all states would have an important impact in reducing the annual toll of motor vehicle deaths in the United States, particularly the deaths of young people and of others with whom they are involved in crashes,” the researchers said.

Copies of the study are available by addressing: Drinking Age, Insurance Institute for Highway Safety, Watergate 600, Washington, D.C. 20037.

Highway Safety Advisory Committee Faults Budget Cuts

The National Highway Traffic Safety Advisory Committee has warned Transportation Secretary Drew Lewis that budget cuts from highway safety programs are excessive.

In a position paper adopted unanimously by the 34-member committee and signed by chairwoman Sheila Sidles, the committee said it recognized the need to lower federal spending in every sector.

“However, the magnitude of the budget cuts has been far greater in highway safety than in most other areas,” the committee said. “The cuts and their size are especially serious because motor vehicle injuries represent an area that has not received funding and attention at a level commensurate with its importance as a major public health problem.”

As the need to conserve fuel results in increased numbers of small cars and two-wheeled vehicles along with heavier trucks and buses, the death and injury rate will accelerate, costing the nation more in the long run, the committee said.

“Every state legislature as well as the Congress is struggling with the serious problems of health cost containment, while motor vehicle injuries remain a continuing drain on our economy,” the committee said, adding that “The secretary has within his authority the power to do more immediately to save lives and to improve the health of Americans than all other federal health programs combined.”

The advisory committee urged Lewis to strengthen safety programs and to reinstate the “safety” category in the administration’s proposed highway legislation submitted to Congress earlier this year. If adopted, the department’s proposal would eliminate many of the Federal Highway Administration’s (FHWA) safety programs, such as state and community highway safety grants and removal of roadside hazards. (See *Status Report*, Vol. 16, No. 6, April 27, 1981.)

The committee was established by Congress under the Highway Safety Act of 1966 and is charged with advising the secretary on highway safety issues. Normally, it has 35 members and the president routinely designates 12 new appointees as members’ terms expire.

A DOT spokesman said Lewis’ response to the committee’s position paper was “positive,” but a formal response to it has not been formulated.

Correction:

In the captions accompanying two graphs used to illustrate an announcement of the book, “The Incidence and Economic Costs of Major Health Impairments,” in *Status Report*, Vol. 16, No. 7, May 13, 1981, the graphs were incorrectly explained. The graphs, dealing with the estimated direct and indirect costs associated with incidence of cancer, coronary heart disease, motor vehicle injuries, and stroke, illustrated the costs in *billions* of 1975 and 1980 dollars. In terms of 1980 dollars the costs for motor vehicle injuries totalled approximately \$20.1 billion.

DOT Seeks to Kill National Driver Register (Cont'd from page 1)

response to states' inquiries is too slow, taking up to 14 days to answer information requests by mail. Data contained in the file are often inaccurate as well, he said.

Although the NDR maintains its files on a computer, states cannot receive an on-line response to information requests and must wait for a mail response. Most find the system cumbersome, since the states have begun issuing licenses to motorists on a same-day basis.

Since 1977, legislation has been sponsored in Congress that would not only allow the register to upgrade its computer equipment to allow rapid response, but would broaden the register's scope somewhat to allow trucking firms to screen job applicants through state agencies as an aid for detecting problem drivers. Currently, identical bills sponsored by Reps. James Oberstar (D.-Minn.) and John Rhodes (R.-Ariz.) and Sen. Claiborne Pell (R.-R.I.) are pending before oversight committees. (See *Status Report*, Vol. 16, No. 4, March 17, 1981.)

Contrary to recommendations from the National Transportation Safety Board, the General Accounting Office, and the DOT's own 1980 report to Congress, Lewis said such improvements to the federal system would not help.

"After examining the prospects for improving the system," said Lewis, "the department now concludes that improvements at the federal level will not affect the problems of privacy laws and inaccurate data that keep many states from participating in the system, and it should therefore be abolished."

Lewis also said if states wish to establish their own register, federal involvement "would not be necessary."

DOT Study Urged Upgrading Register

In its comprehensive study of the NDR, which was delivered to Congress in June 1980, the DOT reviewed the question of whether the register is needed at all.

"There is no other mechanism either in existence or contemplated," the DOT said, "that would allow a state driver licensing official to determine with a single inquiry if a person has a past record of poor driving practices in other jurisdictions."

In the absence of the register, states would have to make inquiries to each licensing jurisdiction to assure proper checking of driver applicants – a time-consuming and costly process, the study noted. The DOT study did acknowledge the register had serious problems – partly because state participation is not mandatory and because of antiquated equipment. In order for the register to be fully effective, said DOT, all the states should participate and improve their own licensing functions.

Drunk Driving Program Could Lose Teeth

Several NHTSA officials, whose agency is charged with managing the NDR, acknowledged to *Status Report* that abolishing the register is inconsistent with the agency's proposed drunk-driving campaign – one of the few safety programs to receive more money under the Reagan Administration. "But whoever said government was supposed to be consistent?" quipped one official.

Among the drunk-driving program's goals is improvement of judicial access to driver records before sentencing drivers with drunk driving convictions. That effort would be seriously impaired if the register were abolished, the officials said, although some noted in-state records would still be accessible to judges. The problem is a serious one, since drinking is implicated in about half of all fatal motor vehicle crashes.

According to NHTSA records, 53 percent of the 6.75 million people listed in the file are there for drunk-driving offenses.

Secretary Lewis has based the proposed repeal on the DOT study that said, "continued operation of the existing system, unless improved, is not a viable alternative." (See *Status Report*, Vol. 15, No. 14, Sept. 17, 1980.)

Safety Groups Oppose Repeal

The repeal is opposed by the American Association of Motor Vehicle Administrators (AAMVA) and Citizens for Safe Drivers, a group run by Ken Nathanson, who founded it after his daughter was killed by a truck driver who held multiple licenses despite a record of multiple convictions.

Nathanson has challenged the validity of Lewis' assertions, including his statement that improvements to the register would not spur greater participation by the states. Two states – Florida and New York – who do not now use the register have indicated their willingness to participate in a rapid-response register, Nathanson said.

Lewis overstated the privacy question, Nathanson alleged. Maine is the only state which is partly limited by its own privacy laws, according to NHTSA, but that restriction did not prohibit Maine from using the register. Last year, the state filed over 21,000 reports on Maine drivers whose licenses had been suspended or revoked. Massachusetts previously had a privacy question, Nathanson noted. But that problem has since been cleared up, although for administrative reasons the state has not yet begun to send in records on suspensions and revocations.

NHTSA's records show there were over 23 million inquiries to the NDR in 1980 and over 2 million reports of suspensions, revocations, and updates were filed.

Even though not all states participate fully in the register, thus hampering its effectiveness, Nathanson reported that 47 states plus the District of Columbia regularly inquire about new and renewal applicants for driver licenses. Only Florida, Nebraska, and New York do not screen applicants.

AAMVA Officials Worried

Motor vehicle administrators are worried that a total shutdown of the register will make it even more difficult to keep the concept of the register alive before Congress.

Donald J. Bardell, executive director of the AAMVA, told *Status Report*, "We're going to do all in our power to assure that the NDR is not abolished." He added that the organization not only wants to see the concept survive, but improved via the pending legislation. He said, though, that preservation of the register in today's budgetary climate will be an uphill fight.

Bardell said AAMVA would support a state-run driver register – possibly administered by the AAMVA itself as some have suggested – but such discussions appear moot without federal support. That option seems to have been foreclosed by Lewis in his letter to Congress.

Right now, the House and Senate Appropriations committees are considering bills that contain \$545,000 to "wind down" the NDR by June 30, 1982. That is the amount requested by the Administration in its request to Congress. In FY 1981, \$1.587 million was appropriated. The program would be "zeroed out" in FY 1983, budget documents indicate.

The actual cost of running the register in FY 1981 is shown to be \$978,000. *Status Report* was told the register's budgetary needs have been inflated by as much as one-third in the past in order for the agency to maintain a fund for special projects.

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