

Special issue: state traffic safety laws

# STATUS

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# REPORT

INSURANCE INSTITUTE  
FOR HIGHWAY SAFETY

## BEST LAWS

- ✓ California
- ✓ District of Columbia
- ✓ Maryland

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## WORST LAWS

- ✗ Montana
- ✗ South Carolina
- ✗ South Dakota

# how state laws MEASURE UP



## State traffic laws rated good to poor, revealing nation's best and worst

### Ratings based on likelihood laws will enhance traffic safety by influencing driver behavior

Traffic safety laws are on the books in every state to reduce deaths and injuries in crashes by changing driver behavior. The idea is to deter dangerous behavior like driving while impaired by alcohol and encourage beneficial habits like buckling up safety belts.

How do these laws compare from state to state? Overall the strongest laws in the United States are in California, the District of Columbia, and Maryland. The weakest traffic safety laws are those in Montana, South Carolina, and South Dakota.

Research has repeatedly shown the benefits of good traffic safety laws that are enforced. This has been established as the only way to achieve high belt use rates, for example. The starting point is to put a good law on the books, which is why the Institute has conducted a comprehensive assessment of key traffic safety laws in all 50 states and the District of Columbia.

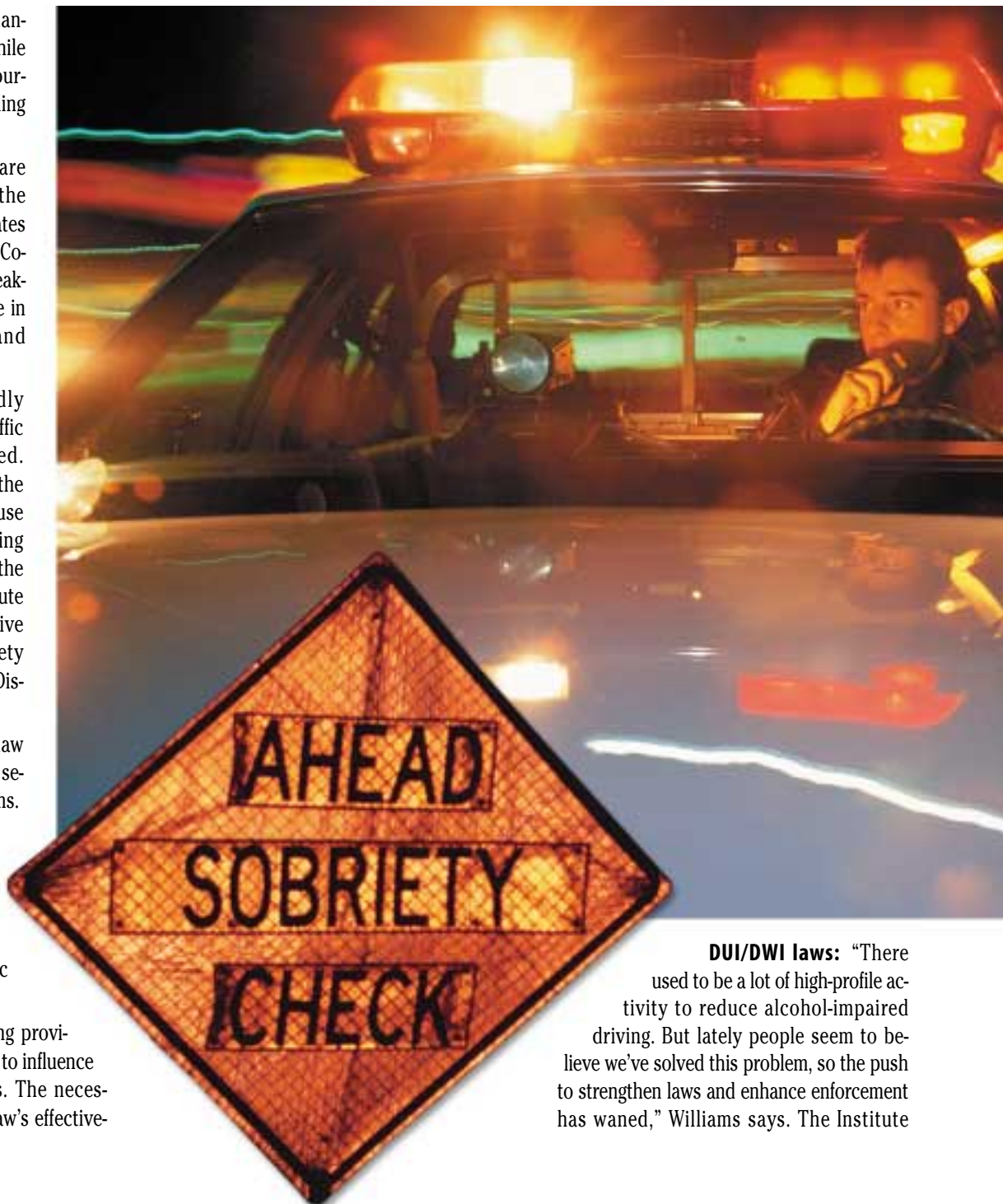
"We didn't evaluate every law by any stretch," says Institute senior vice president Allan Williams. "We looked at provisions of selected laws that research shows have improved driver behavior. Clearly some states do a better job than others of getting good traffic safety laws on the books."

Even if a law includes strong provisions, enacting it isn't sufficient to influence the behavior of many drivers. The necessary next step to maximize a law's effective-

ness is to publicize and enforce it. "People don't usually comply with traffic laws because they think doing so will prevent crashes or save lives. People comply if they believe there's a real chance of getting a ticket or points on their license if they don't. This is why we didn't give high marks to laws that are on the books but are hard to enforce," Williams explains.

Institute researchers assessed alcohol-impaired driving laws, young driver licens-

ing laws, safety belt use laws, child restraint use laws, motorcycle helmet use laws, and laws allowing camera enforcement of red light violations. A rating of good, acceptable, marginal, or poor is assigned to each law, or set of related laws, in each state (see pp. 4-5). These ratings reflect how well the provisions of a given law can be expected to improve safety, based on research identifying what works and doesn't work to achieve such improvements.



**DUI/DWI laws:** "There used to be a lot of high-profile activity to reduce alcohol-impaired driving. But lately people seem to believe we've solved this problem, so the push to strengthen laws and enhance enforcement has waned," Williams says. The Institute

has evaluated four separate DUI/DWI laws in all states and the District of Columbia.

1. Under administrative license revocation laws, the license of every driver arrested for DUI/DWI is automatically revoked for a specified time. The success of such laws in reducing fatal crashes has been documented since the late 1980s (see *Status Report*, March 14, 1988). The best administrative license revocation laws require driver's license removal for at least 30 days with few or no exceptions for hardship.

"Administrative license revocation is the cornerstone of an effective DUI or DWI program," Williams says. Yet Kentucky, Michigan, Montana, New Jersey, Pennsylvania, Rhode Island, South Carolina, South Dakota, and Tennessee still don't have such laws on the books. Another 17 states don't require revocations lasting at least 30 days.

2. Under the laws in 21 jurisdictions, it's illegal to drive with a blood alcohol concentration, or BAC, at or above 0.08 percent (elsewhere it's usually 0.10 percent). Research indicates that 0.08 laws have reduced fatal crashes in which alcohol is a factor.

3. Across the United States, it's illegal for people younger than 21 to drive with any measurable BAC. All jurisdictions have such laws, dubbed zero tolerance, because in 1998 the federal government began withholding highway funds from states without the provisions. But the laws are far easier to enforce in some states than others. Institute researchers found that laws in Massachusetts, Nevada, New Jersey, New Mexico, North Dakota, Rhode Island, and Tennessee are virtually unenforceable because police must suspect a young driver has a high BAC before administering a breath test to check for violations of the zero tolerance law, under which any measurable BAC constitutes a violation (see *Status Report*, March 11, 2000; on the web at [www.highwaysafety.org](http://www.highwaysafety.org)).

4. High-profile sobriety checkpoints are effective ways to deter alcohol-impaired driving. They increase drivers' perceptions that apprehension is likely to follow the offense. Yet checkpoints aren't permitted in Idaho, Iowa, Michigan, Minnesota, Montana, Oregon, Rhode Island, Texas, Washington, Wisconsin, or Wyoming.

**Graduated licensing laws:** The newest drivers are the most hazardous because they're not only inexperienced but also im-



mature. Teenage drivers have the highest crash risk of any group, and 16 year-olds pose a much greater risk than older teens. This is why graduated licensing is being embraced by state legislators. Its purpose is to protect beginners by phasing in full driving privileges so teenagers graduate to unrestricted licenses over at least a year (see *Status Report*, March 11, 2000; on the web at [www.highwaysafety.org](http://www.highwaysafety.org)).

Beginning with Florida in 1996, "graduated licensing has caught on rapidly," Williams points out. "An impetus has been media attention on young driver crashes, especially fatal crashes. This attention has kept the issue in the forefront and helped make state legislators receptive to graduated licensing."

Now only nine states (Alabama, Arizona, Hawaii, Kansas, Montana, Nevada, Oklahoma, Texas, and Wyoming) fail to include any of the key provisions of graduated licensing. In the other 42 jurisdictions, there's wide variation in the strength of the provisions.

Williams explains that "the most important aspect of graduated licensing is to restrict driving once a beginner gets a license.

## GOOD LAWS

### ALCOHOL

Alabama  
California  
Florida  
Hawaii  
Kansas  
New Hampshire  
Utah  
Vermont

### YOUNG DRIVERS

California  
District of Columbia  
Massachusetts  
New Jersey  
Oregon  
Tennessee  
Washington

### SAFETY BELT USE

California  
District of Columbia  
Oregon

### CHILD RESTRAINT USE

Alaska  
California  
Colorado  
Connecticut  
Delaware  
District of Columbia  
Georgia  
Hawaii  
Kansas  
Louisiana  
Maryland  
Michigan  
Missouri  
New Hampshire  
New York  
North Carolina  
North Dakota  
Oklahoma  
Oregon  
Rhode Island  
Tennessee  
Texas  
Utah  
Vermont  
Virginia  
Washington

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# Traffic safety laws: how they rate

	DUI/ DWI	Young driver licensing	Safety belt use	Child restraint use	Motorcycle helmet use	Red light camera
Alabama	Green	Red	Yellow	Red	Green	Red
Alaska	Yellow	Orange	Orange	Green	Red	Red
Arizona	Yellow	Red	Orange	Red	Red	Yellow
Arkansas	Yellow	Orange	Orange	Red	Red	Red
California	Green	Green	Green	Green	Green	Green
Colorado	Yellow	Yellow	Orange	Green	Red	Green
Connecticut	Yellow	Orange	Yellow	Green	Red	Red
Delaware	Yellow	Yellow	Orange	Green	Red	Green
District of Columbia	Yellow	Green	Green	Green	Green	Green
Florida	Green	Yellow	Orange	Orange	Red	Red
Georgia	Yellow	Yellow	Yellow	Green	Green	Red
Hawaii	Green	Red	Yellow	Green	Red	Green
Idaho	Yellow	Orange	Orange	Red	Red	Red
Illinois	Yellow	Yellow	Orange	Red	Red	Red
Indiana	Yellow	Yellow	Yellow	Red	Red	Red
Iowa	Yellow	Yellow	Yellow	Red	Red	Red
Kansas	Green	Red	Orange	Green	Red	Red
Kentucky	Yellow	Orange	Orange	Orange	Red	Red
Louisiana	Yellow	Yellow	Yellow	Green	Red	Red
Maine	Yellow	Orange	Orange	Orange	Red	Red
Maryland	Yellow	Yellow	Yellow	Green	Green	Green
Massachusetts	Yellow	Green	Orange	Orange	Green	Red
Michigan	Red	Yellow	Yellow	Green	Green	Red
Minnesota	Yellow	Orange	Orange	Red	Red	Red
Mississippi	Yellow	Orange	Orange	Red	Green	Red
Missouri	Yellow	Yellow	Orange	Green	Green	Red
Montana	Red	Red	Orange	Orange	Red	Red
Nebraska	Yellow	Orange	Orange	Orange	Green	Red
Nevada	Yellow	Red	Orange	Orange	Green	Red
New Hampshire	Green	Yellow	Red	Green	Red	Red

	DUI/ DWI	Young driver licensing	Safety belt use	Child restraint use	Motorcycle helmet use	Red light camera
New Jersey	POOR	GOOD	ACCEPTABLE	POOR	GOOD	POOR
New Mexico	ACCEPTABLE	ACCEPTABLE	ACCEPTABLE	POOR	POOR	POOR
New York	ACCEPTABLE	ACCEPTABLE	ACCEPTABLE	GOOD	GOOD	MARGINAL
North Carolina	ACCEPTABLE	ACCEPTABLE	ACCEPTABLE	GOOD	GOOD	MARGINAL
North Dakota	ACCEPTABLE	MARGINAL	MARGINAL	GOOD	POOR	POOR
Ohio	ACCEPTABLE	ACCEPTABLE	MARGINAL	POOR	POOR	ACCEPTABLE
Oklahoma	ACCEPTABLE	POOR	ACCEPTABLE	GOOD	POOR	POOR
Oregon	ACCEPTABLE	GOOD	GOOD	GOOD	GOOD	MARGINAL
Pennsylvania	MARGINAL	ACCEPTABLE	MARGINAL	POOR	GOOD	POOR
Rhode Island	POOR	ACCEPTABLE	MARGINAL	GOOD	POOR	POOR
South Carolina	MARGINAL	MARGINAL	MARGINAL	MARGINAL	POOR	POOR
South Dakota	MARGINAL	MARGINAL	MARGINAL	POOR	POOR	POOR
Tennessee	POOR	GOOD	MARGINAL	GOOD	GOOD	POOR
Texas	ACCEPTABLE	POOR	ACCEPTABLE	GOOD	POOR	POOR
Utah	GOOD	MARGINAL	MARGINAL	GOOD	POOR	POOR
Vermont	GOOD	ACCEPTABLE	MARGINAL	GOOD	GOOD	POOR
Virginia	ACCEPTABLE	MARGINAL	MARGINAL	GOOD	GOOD	MARGINAL
Washington	ACCEPTABLE	GOOD	MARGINAL	GOOD	GOOD	MARGINAL
West Virginia	ACCEPTABLE	ACCEPTABLE	MARGINAL	MARGINAL	GOOD	POOR
Wisconsin	ACCEPTABLE	ACCEPTABLE	MARGINAL	MARGINAL	POOR	POOR
Wyoming	ACCEPTABLE	POOR	MARGINAL	MARGINAL	POOR	POOR

**LEGEND**



GOOD



ACCEPTABLE



MARGINAL



POOR

# Helmet use laws in 30 states don't cover cyclists of all ages



unfold page to see how traffic safety laws are rated



# HOW LAWS ARE RATED

## Alcohol laws

**GOOD:** an administrative license revocation law that mandates at least a 30-day revocation for a violation with few or no exceptions for hardship; a law under which it's illegal to drive with a blood alcohol concentration (BAC) at or above 0.08 percent; a readily enforceable law under which it's illegal for anyone younger than 21 to drive with any measurable BAC (enforcement is impeded in some states because police must suspect that a young driver has a high BAC before administering an alcohol test to check for any measurable BAC); **and** sobriety checkpoints must be permitted

**ACCEPTABLE:** an administrative license revocation law (not necessarily including a 30-day revocation) **or** a law under which it's illegal to drive with a BAC at or above 0.08 percent **plus** at least one of the other provisions listed above (see **GOOD**)

**MARGINAL:** a readily enforceable law under which it's illegal for anyone younger than 21 to drive with any measurable BAC **plus** no limitations on conducting sobriety checkpoints

**POOR:** one or none of the four provisions listed above (see **GOOD**)

## Young driver licensing laws

**GOOD:** minimum 6-month learner's phase; once licensed, beginners are subject to restrictions beginning at 10 p.m. or earlier and extending to 5 a.m. and/or a restriction that allows no more than one passenger when driving unsupervised; **and** beginners must wait until age 17 for their unrestricted licenses

**ACCEPTABLE:** law includes the late evening/night driving restriction and/or passenger restriction listed above, **and** beginners must wait until age 17 for their unrestricted licenses; **or** law includes a minimum learner's phase (any length) plus some restrictions on driving hours and/or passengers, **and** beginners must wait until age 16½ for their unrestricted licenses

**MARGINAL:** law includes a minimum learner's phase (any length) **plus**, once a beginner is licensed, some restrictions on driving hours and/or passengers; **or** law includes only a learner's phase lasting a minimum of 6 months; **or** law includes only restrictions on driving hours and/or passengers once a beginner is licensed

**POOR:** minimum learner's phase shorter than 6 months **and** no restrictions on driving by beginners

## Safety belt use laws

**GOOD:** law allows primary enforcement (police may stop and ticket motorists for belt law violations alone); fines and/or license points are imposed for violations; **and** law applies to occupants in rear as well as front seats

**ACCEPTABLE:** law allows primary enforcement but doesn't require belt use in rear seats

**MARGINAL:** law allows secondary enforcement (police must stop motorists for other violation before enforcing belt law)

**POOR:** either no belt use law **or** law doesn't impose any fine or license points

## Child restraint use laws

**GOOD:** all children younger than 13 in all vehicle seats are required to ride in infant restraints, child seats, or safety belts; enforcement is primary (see above for definition of primary enforcement)

**MARGINAL:** all children younger than 13 in all seats are required to ride in infant restraints, child seats, or safety belts; enforcement under adult belt laws may be secondary (see above for definition of secondary enforcement)

**POOR:** some children younger than 13 aren't required to be restrained

## Motorcycle helmet use laws

**GOOD:** all motorcycle riders must wear helmets

**POOR:** either no helmet use law **or** law covers only some riders

## Red light camera enforcement laws

**GOOD:** law grants specific statewide authority for camera enforcement

**ACCEPTABLE:** operational camera enforcement without specific state authority

**MARGINAL:** law restricts authority for camera enforcement to specific communities only

**POOR:** no law grants authority for camera enforcement and no operational camera enforcement

## GOOD LAWS

1

### MOTORCYCLE HELMET USE LAWS

- Alabama
- California
- District of Columbia
- Georgia
- Maryland
- Massachusetts
- Michigan
- Mississippi
- Missouri
- Nebraska
- Nevada
- New Jersey
- New York
- North Carolina
- Oregon
- Pennsylvania
- Tennessee
- Vermont
- Virginia
- Washington
- West Virginia

2

3

### RED LIGHT CAMERA ENFORCEMENT

- California
- Colorado
- Delaware
- District of Columbia
- Hawaii
- Maryland

4

States accomplish this by prohibiting unsupervised driving in high-risk situations like at night or with passengers. The tougher these restrictions are and the longer they last past a beginner's 16th birthday, the higher we rated a state's licensing law covering young drivers. Also important is an initial learning phase lasting six months or longer when only driving under supervision is allowed."



**Safety belt use laws:** In 1984, New York enacted the nation's first law requiring motorists to buckle up. Within 2 years, 22 jurisdictions had such laws, and now all but New Hampshire does. But the provisions vary widely.

For example, most states still don't allow police to stop motorists solely for belt violations (primary enforcement). Enforcement is secondary, which means motorists have to be stopped for some other violation first. This impedes enforcement and explains, in part, why belt use is significantly lower in the United States than in Canada and elsewhere. The laws in only 17 U.S. states and the District of Columbia allow primary enforcement, and even in these states the laws don't always cover people riding in rear seats.

"One thing we know from repeated research conducted since the early 1980s is that belt law effectiveness depends on publicity and enforcement," Williams says (see *Status Report*, Jan. 15, 2000; on the web at [www.highwaysafety.org](http://www.highwaysafety.org)). "It's harder to enforce a secondary law. This is why, when we rated state belt use laws, we considered whether the provisions for enforcement are primary or secondary. We also considered whether all occupants are covered."

### Child restraint laws:

To evaluate these, the Institute assessed not only the comprehensiveness of state laws covering very young children but also the adequacy of adult belt laws, which cover older children. What matters most is whether these laws together provide primary coverage for all children younger than 13 in all seats or allow some children to ride unrestrained.

For example, children too old to be covered under the child restraint laws in 14 states are pro-

protected by adult belt laws that apply only to people riding in the front seat. Thus, it's perfectly legal for children to ride unrestrained in rear seats.

"This makes no sense," Williams says. "The back seat is where we tell parents it's safest for their children to ride, so restraint laws should cover the kids who sit there."

### Motorcycle helmet use laws:

By the 1970s, helmet laws had been enacted in virtually all states. All riders were covered, and injuries among cyclists were reduced. (Wearing a helmet reduces the risk of death in a motorcycle crash by about one-third). But by 1980 most states had abandoned their motorcycle helmet laws or substantially weakened them by applying them only to riders younger than a specified age, usually 18.

Now all riders are covered in only 21 jurisdictions. Helmet laws aren't on the books in Colorado, Illinois, or Iowa, and they're watered down in another 27 states.



“You might as well not have a law that doesn’t apply to all riders,” Williams says, “because so few motorcyclists are the younger riders covered under the weak laws. Helmet use rates in states with limited laws are about the same as in states without any laws at all” (see *Status Report*, April 4, 1998; on the web at [www.highwaysafety.org](http://www.highwaysafety.org)). For this reason, the Institute assigned poor ratings to the laws in all states where helmet laws don’t apply to all riders.

**Red light camera enforcement:** Running red lights is a good example of “everyday” aggressive driving. It’s less spectacular but a lot more common than the occasional headline-grabbing instances of aggressive driving known as road rage.

Until a few years ago, red light violators had to be apprehended and ticketed one by one. The odds of this were so small that offenders found little reason to change their ways. But now they do, at least where red light cameras have been installed to snap photos of vehicles whose drivers deliberately run red lights. Then the violators are ticketed by mail.

Such programs reduce red light running by about 40 percent (see *Status Report*, July 11, 1998; on the web at [www.highwaysafety.org](http://www.highwaysafety.org)), but there’s a problem. Relatively few red light camera programs are operational, in many cases because state laws haven’t been enacted to authorize them. In only six jurisdictions (California, Colorado,

Delaware, the District of Columbia, Hawaii, and Maryland) is camera enforcement specifically authorized for use statewide.

“Cameras shouldn’t merely be permitted in the United States. They should be in wide use, as in other countries,” Williams says. “Red light running kills hundreds of people every year, more than half of them struck by the signal violators. To make a dent in this toll, we’ve got to encourage the use of the camera technology we know will deter the would-be violators.”

**For more information:** Specific provisions of selected traffic safety laws in all 50 states and the District of Columbia are detailed at [www.highwaysafety.org](http://www.highwaysafety.org). Click on “safety facts” and then choose “state laws.”



# STATUS REPORT

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This special issue focuses on state traffic safety laws. Recent special issues have focused on the following subjects:

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Cosmetic repair parts	35:2 (2000)
Graduated licensing	34:10 (1999)
Vehicle compatibility in crashes	34:9 (1999)
Child safety	34:8 (1999)
Neck injuries	34:5 (1999)
Vehicle safety advancements	34:4 (1999)
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Truck safety	33:8 (1998)
Urban crashes	33:4 (1998)
Crash compatibility	33:1 (1998)

306  
traffic safety  
laws evaluated:

about  
one-fourth  
are good, about  
one-third are poor,  
and the rest are  
rated acceptable  
or marginal

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Auto Club South Insurance Company	Harleysville Insurance Companies	PEMCO Insurance Companies
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Cotton States	Motorists Insurance Companies	USAA
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