

STATUS REPORT

FEDERAL ROLE
IN
HIGHWAY SAFETY

INSURANCE INSTITUTE for HIGHWAY SAFETY

Watergate Office Building
2600 Virginia Avenue, N. W.
Washington, D. C. 20037

Vol. 5, No. 7

April 17, 1970

H. R. 10105 SETTLED IN CONFERENCE

A House-Senate conference committee has worked out agreement on a long-pending bill -- H. R. 10105 -- that would grant authorizations for the National Highway Safety Bureau current-year motor vehicle safety program and also would make substantive changes in the Traffic and Motor Vehicle Safety Act of 1966.

The conference version of H. R. 10105 is assured of quick passage in the House and Senate within a matter of days.

In a conference session on H. R. 10105 that otherwise saw most of the Senate's amendments prevail, the conferees retained the House limitation of \$100,000 on current funding for the multi-million dollar research and test facility called for in the Act of 1966. The facility plan's funding was dealt a setback when Transportation Secretary John Volpe, in a letter to the House Commerce Committee prior to the conference, said the \$100,000 limitation on the research and test facility would be "acceptable if it prevails."

Other substantive matters approved by the conference in H. R. 10105 include:

-- Authorizations for NHSB motor vehicle safety activities of \$23,000,000 for fiscal year 1970, \$40,000,000 for fiscal year 1971 and \$40,000,000 for fiscal year 1972.

-- A broadened definition of motor vehicle equipment which gives DOT authority to establish performance standards for protective items such as motorcycle helmets and goggles.

-- A requirement that consumer information on vehicle performance be made available in dealer showrooms for retention by prospective customers, as well as actual car purchasers, or available by mail. The information will also be placed in each vehicle.

-- The Secretary of Transportation may impose rules pertaining to recall campaigns on dealers and distributors as well as manufacturers.

Dropped from the Senate version of H. R. 10105 were proposals which would:

- Require manufacturers to bear the full expense in repair of safety related defects.
- Toughen procedures for determination of a defect or violation of motor vehicle safety standards.
- Require the Secretary of Agriculture to submit a report to Congress by January 1971 on farm tractor accidents.

MICHIGAN CONSIDERING U. K. ALCOHOL LAW

A Michigan state lawmaker long associated with sponsorship of tougher laws to keep abusive drinkers from driving has introduced before the state's legislature a bill to permit pre-arrest breath testing of drivers suspected of driving while intoxicated.

Rep. James Heinze patterned his bill (Michigan House Bill 4523) on the unique Baton Rouge, La. ordinance allowing police to administer chemical tests of blood alcohol content to drivers who have been charged with moving violations or involved in crashes, when the police officer suspects that the driver may be under the influence of alcohol. That ordinance, developed by the Institute and Baton Rouge, is in turn based on the British drunk driving statute.

The Michigan bill states:

"Any person who operates a motor vehicle upon the public highways of this state shall be deemed to have given his consent to submit to a chemical test of his breath, for the purpose of determining the alcoholic content of his blood if he is either involved in any collision which results in property damage, personal injury or death, or is cited, charged or arrested for a violation of any state law relating to a moving vehicle, upon the request of a law enforcement officer who has reason to believe such person was driving a motor vehicle while under the influence of alcohol in violation of this act. If such person refuses to submit to such test, none shall be given, but such refusal shall constitute a violation of this section.

"Every person convicted of violation of this section shall be fined not more than \$1,000.00 or imprisoned for not more than 1 year, or both."

This approach to combating the abusive drinker who drives is yet to undergo a court test in Baton Rouge, the first jurisdiction to try it out.

The Michigan bill has been sent to the state's House Judiciary Committee. If passed it would make Michigan the first state to have initiated a pre-arrest testing system in the British mold.

BUMPER TESTIMONY HEARD

Chrysler Corporation has voiced strong endorsement of bumper standardization and has urged that a "consumer information regulation which would require that manufacturers

indicate on a uniform basis the degree of exterior protection provided the front and rear of their various makes and models of vehicles" be used until an effective federal bumper standard is issued.

Its views were voiced at NHSB's April 2 meeting to discuss a possible standard for bumper safety performance.

"The Bureau is now in a position to accomplish something that the industry has not and will not be able to accomplish voluntarily without regulation," Chrysler said.

Chrysler's statement fell among testimony from other automobile industry representatives that reflected lukewarm to cold reception of the NHSB discussion paper -- actually a proposed standard -- on bumper height and effectiveness.

Ford Motor Company insisted that federal standards are not "necessary or appropriate to the development of bumper systems aimed at the reduction of collision costs... It would be very unfortunate, we believe, if this pursuit of reduced collision costs by the private sector were to be inhibited by the intervention of government support for one or another unproven approach to solving the problem. Certainly, the resources of the NHSB should not be diverted by property protection programs from the paramount task of protecting the public as fully as possible from unreasonable risks of injury or death by reason of motor vehicle accidents."

NHSB does not now have legal authority to set standards aimed at reducing property loss in crashes.

Information submitted at the April 2 meeting will be considered by the Bureau in developing a safety standard for bumper height and effectiveness.

* * *

NADER FIGHTS STANDARDS EXEMPTIONS -- Attorney Ralph Nader has filed suit in the U. S. District Court in Washington, D. C. to permanently enjoin the Department of Transportation from exempting individual auto makers from compliance with motor vehicle safety standards issued by the National Highway Safety Bureau except as explicitly authorized by exemption provisions of the Traffic and Motor Vehicle Safety Act of 1966.

The suit was prompted by a 180-day exemption granted by DOT to Checker Motors Corp. when the manufacturer claimed it was unable to meet the January 1, 1970 effective date for DOT's windshield retention standard, No. 212. No legal provision exists for granting such an exemption, Nader contended in a letter to DOT Secretary John Volpe.

In his law suit, Nader contends that the temporary exemption was granted "without any notice to the public of Checker's request or of the deliberations... on the matter of granting the exemption." The purpose of the suit, according to Nader, is to "test the inviolability of the auto safety law from arbitrary administrative undermining."

Although effective dates for standards have been changed in the past, the Checker exemption was the first ever granted by DOT to an individual manufacturer.

The Bureau's position on the case has not yet been filed with the court.

SAFER SEATS FOR CHILDREN -- Beginning January 1, 1971, child seating devices for use in all vehicles but motorcycles will have to meet federal safety performance standards intended to insure that they offer crash protection to children.

National Highway Safety Bureau Director Douglas Toms, announcing issuance of motor vehicle safety standard No. 213, covering child restraint devices, said some child seating systems on the market "do little to protect a child in the event of accident and, indeed, may actually increase the severity of his injuries. "

The new standard applies to seating systems generally used by children between the ages of six months and three years. According to NHTSB, it will reduce child deaths and injuries because "more small children will be carried in the improved systems instead of being allowed to go unrestrained in moving motor vehicles. "

The standard requires that:

-- Manufacturers specify the weights and heights of children able to be protected by their device.

-- "Each child seating system shall be accompanied by an instruction sheet" on installation and use.

-- Each system's seat back extend 21 inches above the seating surface for whiplash protection, or be designed for use in a fashion that will allow the vehicle seat back to provide head restraint protection.

-- Systems be constructed with webbing at least 1½ inches wide and without sharp edges and hard, unyielding surfaces.

Excluded from the standard are "car beds," which, according to Toms, "will be the subject of rule making in the future. "

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