

DOT Says 45 States Have Unacceptable Plans

The federal government has told 45 states, Puerto Rico and the District of Columbia that their long-range highway safety plans are unacceptable. Only five states — Delaware, Florida, Georgia, Idaho and Ohio — have had their plans approved through fiscal 1977.

State governors received word of the Department of Transportation's action in letters dated between March 26 and June 29, 1973. The department has not publicly announced the existence of the letters or their contents. On request, the letters were supplied to *Status Report*.

The letters detail deficiencies in states' long-range "Comprehensive Program Plan", which DOT requires each state to submit. Those plans outline highway safety programs that states claim they will implement between now and fiscal 1977. As yet, DOT's annual "Report Cards", which rate states on current projects, have not been issued.

DOT has given the 45 delinquent states specific deadlines for legislative action in order to bring their highway safety plans to an acceptable level. The department is empowered under the Highway Safety Act of 1966 to withhold all of a state's highway safety funds and 10 per cent of its highway construction funds if those deadlines are not met.

Although the government, for the first time, has given states specific deadlines for action, the Administrator of the National Highway Traffic Safety Administration has indicated that it might back down.

In a Sept. 26, 1973, address to a convention of governors' safety representatives in Lake of the Ozarks, Mo., Dr. James B. Gregory said, "... deadlines are approaching on several items we all can agree are important safety measures. . . . We cannot in good conscience set them aside." However, in the same speech, Gregory also told the governors' representatives: "I keep an open door and an open mind to receive your input, so that we can together determine the best course of action in getting our jobs done, within a reasonable time, mutually agreed upon."

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Following are the deficiencies, state-by-state, and the deadlines DOT has established for correction of those shortcomings.

Alabama. By June 30, 1975, Alabama must have a periodic motor vehicle inspection program or its equivalent. Within one year after the close of the 1975 legislative session, the state must implement a program to determine the blood-alcohol concentration of persons killed in traffic crashes.

Alaska. By March 1, 1974, the state must support its claim that it does not have a skidding accident problem. Alaska must have by Jan. 1, 1974, a driver license advisory board. The state must have fully implemented by Jan. 1, 1975, a driver improvement program. By June 30, 1975, it must have a periodic motor vehicle inspection program or an acceptable alternative. Alaska must have implemented within a year of the end of the 1974 general session of the legislature a program to determine the blood-alcohol concentrations of persons killed in traffic crashes. The state must also have within one year of the end of the 1975 legislative session a driver re-examination program including knowledge and vision testing.

Arizona. By June 30, 1975, Arizona must have a periodic motor vehicle inspection program or its equivalent. Within one year after the close of the 1974 legislative session, the state must implement a program to determine the blood-alcohol concentrations of persons killed in traffic crashes.

Arkansas. Within one year after the close of the 1975 legislative session, the state must implement a program to determine the blood-alcohol concentrations of persons killed in traffic crashes. By Dec. 15,

Review Reveals 'Report Card' Discrepancies

The Department of Transportation's review of the states' long-range highway safety plans in some cases seems to contradict the "grades" states were given in last year's "report cards".

This year, Arkansas and Kentucky were both given deadlines to enact laws requiring tests to determine the blood-alcohol concentrations of persons killed in traffic crashes.

However, in the Department of Transportation's 1972 evaluation for compliance with the alcohol safety standard, both Arkansas and Kentucky received 100 points. (See *Status Report*, Vol. 7, No. 8, April 24, 1972.) The 100-point grade means that DOT considered both states at that time in full compliance.

In another apparent discrepancy, the 1972 "report card" gave Virginia 94 points for driver licensing, indicating almost total compliance with the standard. However, the 1973 review of long-range plans requires that Virginia have a periodic driver re-examination program.

This series of discrepancies indicates the difficulty DOT has in trying to assess the status of state compliance. In the past, states have complained that the "report cards" were "biased" and "unfair". (See *Status Report*, Vol. 6, No. 6, March 29, 1971.) The Federal Highway Administration has pointed out that in preparing last year's "report card", the National Highway Traffic Safety Administration relied on promises from states rather than actual program implementation. (See *Status Report*, Vol. 7, No. 14, Aug. 7, 1972.)

1973, the state must re-submit for review its comprehensive plan of current and proposed highway safety activities for fiscal years 1974-77.

California. By the end of the 1974 legislative session, California must have adopted a helmet law for motorcycle riders. This legislation must be fully implemented within one year of passage.

Colorado. Prior to June 30, 1974, the state must expand its alcohol in relation to highway safety plan to include alcohol countermeasure programs. The state, prior to June 30, 1975, must implement an emergency services plan including training and certification of ambulance attendants. By Jan. 1, 1974, Colorado must provide for a school bus safety administrator and school bus driver training.

Connecticut. By Dec. 15, 1973, the state must submit an acceptable comprehensive plan for emergency medical services. Connecticut must implement its existing motorcycle helmet law by Dec. 31, 1973. By June 30, 1975, the state must have a periodic motor vehicle inspection program or its equivalent.

Hawaii. By Jan. 1, 1974, the state must provide for a school bus safety administrator and school bus driver training. Within one year of the close of the state legislature's 1975 session, Hawaii must have in full operation a periodic driver re-examination program including knowledge and vision testing at least once every four years.

Illinois. By March 1, 1974, the state must submit a revision of the present comprehensive plan of current and proposed highway safety activities acceptable to the Federal Highway Administration for those programs under the FHWA's aegis. Illinois must have by Jan. 1, 1974, a driver license advisory board. By June 30, 1975, the state must have implemented a periodic inspection program for all classes of motor vehicles. In lieu of this, the state must have an approved pilot or demonstration program. Within one year of the close of the 1975 legislature, Illinois must have a periodic driver re-examination program to include knowledge as well as vision testing at least once every four years.

Indiana. By Dec. 31, 1973, the state must begin identification of locations with high accident experience. By Dec. 15, 1973, there must be a comprehensive emergency medical services plan. A training and certification program for ambulance attendants must be enacted by the end of the 1975 session of the legislature with implementation within one year. By fiscal year 1975 there must be a plan for grade crossing improvements. Finally, the state must implement a program to determine the blood-alcohol concentrations of persons killed in traffic crashes. This must be done within one year of the end of the 1975 legislative session.

Iowa. By June 30, 1975, the state must have a periodic motor vehicle inspection program or an approved pilot or demonstration program. By Jan. 1, 1975, Iowa must have a system of reporting traffic court convictions to the state traffic records system. The state must have by the end of the 1974 general legislative session, a helmet law for motorcycle riders. By the end of the 1975 legislative session, Iowa must have a classified driver's license system using the one-license concept. A periodic driver re-examination program including vision testing also is required by the end of the 1975 legislative session. By the end of the 1974 legislative session, the state must implement a program to determine the blood-alcohol concentrations of persons killed in traffic crashes.

Kansas. Within one year of the close of the 1974 legislative session, the state needs to have implemented an emergency medical services plan and have enacted necessary legislation for training and certification of ambulance attendants. By June 30, 1975, Kansas must have in operation a periodic motor vehicle inspection program or an acceptable alternative. Within one year after the 1974 legislative session, the state must have a system to determine the blood-alcohol concentration of drivers killed in traffic crashes. Within one year of the end of the 1975 legislative session, the state must have a classified driver's licensing system utilizing the one-license concept.

Kentucky. By Dec. 15, 1973, the state must submit an expanded long-range plan to include a plan to implement a traffic records system. Within one year of the close of the 1974 legislative session, the state must implement a system to determine the blood-alcohol concentrations of persons killed in traffic crashes. Kentucky must also adopt by the end of the 1976 legislative session and implement within one year of passage a classified driver's licensing system utilizing the one-license concept.

Louisiana. The state must revise and re-submit its entire long-range plan for highway safety activities for fiscal years 1974-77 by Dec. 15, 1973.

Maine. The state needs to submit by Dec. 15, 1973, an acceptable comprehensive plan for emergency medical services.

Maryland. The state must submit by Dec. 31, 1973, a comprehensive emergency medical services plan. Maryland must implement by June 30, 1975, a periodic motor vehicle inspection program or an acceptable alternative program. The state must enact a presumptive level of 0.10 per cent blood-alcohol concentration law by the end of the 1974 legislative session. Maryland must have a periodic driver re-examination program including vision and knowledge testing at least once every four years by the end of the 1975 legislative session. These laws are to be implemented within one year of the end of the respective legislative sessions.

Massachusetts. The state must develop by Dec. 15, 1973, an emergency medical services plan. Massachusetts must appoint a full-time school bus safety administrator and initiate training of school bus drivers by Jan. 1, 1974. By the end of the 1974 legislative session, the state must have a training and certification program for ambulance attendants. This program must be implemented within one calendar year of enactment. The state must have an expanded driver re-examination program to include knowledge testing by the end of the 1975 legislative session with implementation within one calendar year of enactment. Finally, the state must have a driver licensing advisory board by Jan. 1, 1974.

Michigan. The state needs to supply a description of state and local programs for improvement of hazardous rail-highway grade crossings in its fiscal 1975 annual work program.

Minnesota. The state must have within one year of the end of the 1975 legislative session, a periodic driver re-examination program including vision and knowledge testing at least once every four years. By March 31, 1974, and pending approval by the Federal Highway Administration, Minnesota must have a plan for a skid resistance inventory of all paved roads with speed limits over 40 miles per hour. Implementation of the plan must be initiated by July 1, 1974. By June 30, 1975, a periodic motor vehicle inspection program, or an approved pilot or demonstration program must be implemented.

Mississippi. The state needs a more definitive priorities program developed for the implementation of all safety activities by Jan. 1, 1974. A helmet law for motorcycle riders is required to be implemented within one year of the end of the 1974 legislative session. The state must enact a presumptive level of 0.10 per cent blood-alcohol concentration law within one year of the end of the 1974 legislative session.

Missouri. The state must implement a comprehensive emergency medical services plan and enact legislation to provide for a regulated training and certification program for ambulance attendants within one year of the close of the 1974 legislative session. Within a year of the end of the 1974 legislative session, Missouri must have a driver license advisory board. The state within one year of the 1974 legislative session must have a blood-alcohol concentration testing system for persons killed in traffic crashes and a classified driver's licensing system using the one-license concept. By Jan. 1, 1975, the state must have a compatibility study of the state's traffic code with the Uniform Vehicle Code (Chapter 11) and corrective legislation by the same date. Missouri also needs to expand the existing driver re-examination program to include knowledge as well as vision testing at least once every four years by the end of the 1975 legislative session. All these laws must be implemented within one year of enactment.

Montana. The state, by June 30, 1975, must implement a periodic motor vehicle inspection program for all classes of motor vehicles.

Nebraska. By the close of the 1974 legislative session, the state must have a provision for a training and certification program for ambulance attendants. Also by the end of the 1974 session, Nebraska must have a system to determine the blood-alcohol concentration of persons killed in traffic crashes, as well as a helmet law for motorcycle operators. By the close of the 1975 session, the state must adopt a classified driver's licensing system utilizing the one-license concept.

Nevada. The state is to implement by Jan. 1, 1975, a driver improvement program responding to all classes of driver deficiencies. By June 30, 1975, Nevada is to have implemented a periodic motor vehicle inspection system, or an acceptable alternative, for all types of vehicles.

New Hampshire. By Dec. 15, 1973, the state must submit to the government a clarification of its Selective Traffic Law Enforcement Program including implementation plans. By Jan. 1, 1974, New Hampshire must enact legislation for a driver license advisory board.

New Jersey. Within a year after the end of the 1974 legislative session, the state must implement a law making 0.10 per cent blood-alcohol concentration the level determining intoxication. New Jersey must have by one year after the end of the 1975 legislative session a driver's license system utilizing the one license concept. By Dec. 15, 1973, the state must submit a revised comprehensive plan of current and proposed highway safety activities for fiscal years 1974-77.

New Mexico. By Dec. 15, 1973, the state must revise and re-submit its entire long-range plan for highway safety activities for fiscal years 1974-77.

New York. The state must by the end of the 1974 legislative session have legislation that provides for the training and certification of ambulance attendants. Within one year after the close of the 1975 session, the state must have in operation a periodic driver re-examination program, including knowledge and vision testing, at least once every four years. Within one year of the end of the 1974 session, New York must have implemented revised legislation to determine the blood-alcohol concentrations of persons killed in traffic crashes.

North Carolina. The state must have a pedestrian safety program formulated by Jan. 1, 1974.

North Dakota. By June 30, 1975, the state must have implemented a periodic motor vehicle inspection program for all classes of vehicles.

Oklahoma. The state must have a helmet law for motorcycle riders implemented within one year after the end of the 1974 legislative session. A blood-alcohol concentration law for persons killed in traffic crashes must also be implemented within a year after the 1974 session. Within a year after the end of the 1975 legislative session, Oklahoma must have implemented a classified driver's licensing system utilizing the one-license concept. Also within a year after the 1975 session, the state must have a periodic driver re-examination program including vision and knowledge testing at least once every four years. The state must also submit a revision of the comprehensive plan of current and proposed highway safety activities for fiscal years 1974-77 by Dec. 15, 1973.

Oregon. The state must develop and submit to DOT by March 1, 1974, a plan to identify locations of high crash experience, train traffic engineers in loss reduction concepts, improve skid crash situations, improve highway signs and develop a pedestrian safety program.

Pennsylvania. By Jan. 1, 1974, the state must make provisions for training all school bus drivers. Within one year after the end of the 1975 legislative session, the state must have a classified driver's license system utilizing the one-license concept.

Rhode Island. By Jan. 1, 1974, the state shall have appointed a school bus safety administrator and provide training for all school bus drivers. By Jan. 1, 1975, Rhode Island shall have established and implemented a driver improvement program responding to all classes of driver deficiencies. Within a year after the end of the 1974 legislative session, the state must implement a blood-alcohol concentration law for persons killed in traffic crashes. Within a year of the end of the 1975 session, the state must have a periodic re-examination program including vision and knowledge testing at least once every four years.

South Carolina. Within one year after the end of the 1975 legislative session, the state must have a periodic driver re-examination program including knowledge as well as vision testing at least once every four years.

South Dakota. The state must expand its present comprehensive plan of current and proposed highway safety activities to achieve the stated objectives in traffic safety education, traffic courts, emergency medical services, pedestrian safety and accident investigation and reporting. The plan must be submitted by June 30, 1974. The plan must also be expanded to better identify the relationship between state and community alcohol activities to the state's Alcohol Safety Action Project (ASAP) activities. South Dakota must also have within one year of the end of its second general legislative session a classified driver's license system utilizing the one-license concept. A periodic driver re-examination program including vision and knowledge testing at least every four years must also be in operation within one year of the end of the second general legislative session.

Tennessee. The state by Dec. 15, 1973, must expand its long-range plan of highway safety activities to include more definitive priorities. By Dec. 15, 1973, the state must also include in its plan a program to implement a traffic records system. By June 30, 1975, Tennessee must have in operation a periodic motor vehicle inspection program or an acceptable alternative.

Texas. The state must have implemented within one year of the end of the 1975 legislative session a system to determine the blood-alcohol concentration of persons killed in traffic crashes. By Jan. 1, 1975, Texas must have a system for verifying traffic court convictions to the state's traffic records system. The present long-range plan must be revised and submitted by Dec. 15, 1973.

Utah. The state must have a helmet law for motorcycle riders by the end of the next general legislative session. This law must be implemented within a year of the end of the session.

Vermont. Within one year of the end of the 1975 legislative session, the state must have a classified driver's license system utilizing the one-license concept. The same deadline applies to a periodic driver re-examination program including vision and knowledge testing every four years.

Virginia. The state must make provisions for the training of all school bus drivers by Jan. 1, 1974. Within one year of the end of the 1975 legislative session, Virginia must have a periodic driver re-examination program including knowledge and vision testing of all drivers at least once every four years.

Washington. By June 30, 1975, the state must have implemented a periodic motor vehicle inspection system or an acceptable alternative program for all vehicles.

West Virginia. The state must have a driver license advisory board by Jan. 1, 1974. By Jan. 1, 1975, West Virginia must have a system to report 95 per cent of traffic court convictions to the state traffic records system. Within one year of the end of the 1975 legislative session, the state must have implemented a blood-alcohol testing program for persons killed in traffic crashes.

Wisconsin. By June 1, 1974, the state must submit a plan and timetable for a program to identify high accident locations. By June 30, 1975, Wisconsin must implement a periodic motor vehicle inspection program.

Wyoming. By June 30, 1974, the state must expand its long-range highway safety plans to include an alcohol countermeasures program.

District of Columbia. The District must implement a classified driver's license system utilizing the one-license concept by June 30, 1976. Also by that date, the District must have a periodic driver re-examination program to include knowledge and vision testing at least once every four years.

Puerto Rico. By Dec. 15, 1973, Puerto Rico must submit an expanded long-range plan of highway safety activities that address specific alcohol related problem areas. By this same date, it must submit an emergency medical services plan. Within one year of the end of the 1974 legislative session, Puerto Rico must have implemented a presumptive blood-alcohol concentration law of 0.10 per cent to determine if a person is driving while intoxicated. It must have a periodic driver reexamination program including vision and knowledge testing at least once every four years implemented within one year of the end of the 1975 legislative session.

GM Slashing Air Bag Plans

General Motors, in an unpublicized policy shift, has decided to slash by more than 80 per cent its planned production of air bag-equipped cars during the 1974 and 1975 model years.

The slash, from 1.1 million vehicles with air bags to no more than 150,000, was revealed in a letter from GM President Edward N. Cole to Transportation Secretary Claude S. Brinegar. In the letter, Cole blamed DOT standards-making procedures and GM tooling problems for the delay.

Although dated August 10, the letter has not made a public appearance because DOT did not place a copy in its passive restraint standard docket. The omission drew criticism from the Center for Auto Safety, which told Brinegar in an open letter that, "The letter is a public document once received by you Opportunity to comment on its contents is critical to our interests."

In the letter, Cole told Brinegar that instead of building 100,000 air-bag equipped cars during the 1974 model year, as originally planned, GM now plans to build "in the neighborhood of 50,000 units, assuming no unforeseen production or marketing difficulties."

Production capability for the 1975 model years "will be about 100,000 units," he also said. Earlier GM plans had called for production of one million such vehicles in the 1975 model year, to meet — according to a letter from Cole to Brinegar in June — "the critical need to gain manufacturing and field experience on this promising but unproven restraint." (See *Status Report*, Vol. 8, No. 14, July 10, 1973.)

Cole told Brinegar that GM recognizes that "this amount is substantially less than the number of units contemplated at one time and it merits some explanation." He cited NHTSA delay in issuing a test dummy standard as the reason GM will not offer air bag equipped 1974 models until next January.

The agency's test dummy requirements and deadline for passive restraints in cars were thrown out by a federal court in December, 1972. NHTSA issued new requirements, effective Aug. 1, 1973, adopting the GM Hybrid II dummy. To date, NHTSA has not moved to reestablish a date for mandatory passive restraints, such as air bags, in cars. (See *Status Report*, Vol. 8, No. 8, April 9, 1973.)

The cutback in 1975 production of GM cars with air bags is the result, Cole said, of NHTSA's failure to announce requirements for passive restraints (FMVSS 208) beyond Aug. 15, 1975. Until GM knows whether a passive restraint system will be mandatory or optional, Cole said, "We cannot justify the expenditure in the area of \$200 million for fully-automated tools and facilities." Cole told Brinegar that GM "would not be reluctant" to make the investment provided that they receive a lead time of 15-18

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months and that field experience shows the passive restraint equipped cars are "competitive with belt systems" in reducing deaths and injuries.

GM earlier asked NHTSA to delay issuing a post-1975 passive restraint standard. In a report submitted Oct. 4, 1973, by GM Automotive Safety Engineering Director David Martin, the auto maker requested a delay for the next two years, until "actual field experience" is available.

The report said GM statisticians estimate satisfactory evaluation would require two years of field accident observations "based on an introduction rate of 100,000 vehicles a year." GM's planned production for 1974 and 1975 model years combined is only 150,000, and no other manufacturer is believed to be planning volume air bag production during those years.

The Center for Auto Safety expressed concern over GM's reduced 1974-model production in an October 4 letter to Sen. Vance Hartke (D-Ind.), who earlier chaired Senate Commerce Committee hearings on air bags. It charged that 50,000 air bags are not enough to demonstrate the effectiveness of passive restraints, particularly in analyzing different types of crashes. "Such analysis would be particularly valuable in light of skepticism over the performance of air cushions in rollovers and side collisions," the Center said.

Citing a study prepared for DOT, it claimed that, "Even under optimum test conditions a field test of 62,500 air cushion-equipped vehicles for a one year period (625 million vehicle miles) would achieve a 90 per cent confidence level for only two types of crashes out of a breakdown of five types."

The Center for Auto Safety also contested GM's claim that the test dummy delay has caused them to "miss the real option market" at the start of the 1974 model year. The Center asserted GM could "devise an ad campaign" to persuade buyers to wait until January "when consumer reaction to the interlock system should be at its peak."

Sen. Warren G. Magnuson (D-Wash.), chairman of the Senate Commerce Committee, has also questioned GM's advertising plans. In a recent letter to Cole, he asked, "How large will your advertising and promotion budget be for these vehicles?" A GM official told *Status Report* that advertising plans had not been settled but would not be revealed in advance. He said GM did not expect air bag sales without advertising.

NHTSA To Expand Defect Investigation Publicity

The National Highway Traffic Safety Administration plans to expand its program to publicize current defect investigations. NHTSA Administrator Dr. James B. Gregory announced the new program at the opening of a National Motor Vehicle Safety Advisory Council conference on safety related defects.

Earlier this year, NHTSA began publicly distributing information limited to newly initiated and recently completed defect investigations. Under the new program the scope of reporting will be expanded beyond the monthly opening and closing of investigations to include listing of the agency's more than 50 on-going investigations. The following information will be given monthly for each of NHTSA current defect investigations: year, make and model of the vehicle under investigation and the possible defect in the component being studied. (*Status Report* has quarterly published the same information since February, 1972.)

During the conference NHTSA also published a policy statement outlining its current procedures for conducting defect investigations. The statement announced that NHTSA will "suspend" any defect investigation when "insufficient" information is found to justify pursuing the investigation. Unless additional evidence supporting a determination of defect is received by the agency, the investigation will be

automatically closed 60 days later. The investigatory files for all closed defect investigations are open to public scrutiny.

The purpose of the defects conference, according to the sponsoring advisory council, was to assist in developing "recommendations and guidelines" for use by the Secretary of Transportation in determining "what constitutes a 'safety-related defect.'" However, Sen. Warren G. Magnuson (D-Wash.), chairman of the Senate Committee on Commerce, warned the conference that any limitation on DOT's "ability to take action against" vehicle defects "would not be desirable" and would be "contrary to the philosophy" underlying the 1966 National Traffic and Motor Vehicle Safety Act. Magnuson said that the Congress had "wrestled with the issue of what constitutes a safety related defect" and declined to define the term, preferring that DOT make a determination of defect on a "case by case basis."

Lowell Dodge, director of the Center for Auto Safety, warned that the advisory council might face a "legal challenge" if the conference efforts "appear to be directed at weakening the effect of NHTSA's

Defect Repair Rate Improved In Test Project

Response rates in vehicle recall campaigns can be "increased substantially" concludes a study conducted jointly by a major insurance company and an auto maker.

Results of the State Farm Mutual Automobile Insurance Co.—Ford Motor Co. study were presented by Dr. Wayne W. Sorenson, assistant vice president of research for State Farm, during the recent National Motor Vehicle Safety Advisory Council conference on defects.

The joint effort tested an experimental defect notification system on two selected Ford recall campaigns. One campaign involved approximately 24,000 Pintos, 9,000 of which had not been corrected prior to the study. The second campaign involved 414,000 Montegos and Torinos, 85,000 of which had not been corrected. The auto maker had sent two defect notification letters on all of the cars.

Using the vehicle identification numbers (VINs) of the recalled cars that had not been corrected, State Farm searched its files for policy holders who owned the unrepaired vehicles. Then, some of those policy holders were sent a follow-up notification letter from either State Farm or Ford, while a control group received no additional notification.

One quarter of the Montego and Torino owners and almost 20 per cent of the Pinto owners who received follow-up letters took their cars in for repair. The greatest response was from second or third purchasers, the study found. Sorenson attributed the "dramatically increased" response rate to the use of VINs in identifying car owners. The study showed that the use of VIN is "effective" in locating such second and subsequent owners, Sorenson said. The test project letters were "probably the first notification that these people have ever had," he said. He noted that such owners are the "ones that were unable to be located from the original purchaser listing" that auto makers keep. (Manufacturers are currently only required to send defect notification letters to first purchasers and subsequent owners of the vehicle while it is still under warranty.)

Most states maintain VINs in motor vehicle registration files. Some states have advocated that their records be used in recall campaigns.

Single copies of the State Farm—Ford report, "Safety Defects Notification Study," may be obtained by writing Dr. Wayne W. Sorenson at State Farm Mutual Automobile Insurance Company, One State Farm Plaza, Bloomington, Illinois 61701.

safety function.” Dodge stressed that a broad definition of the term “safety related defect” is needed so that “industry will be encouraged to build greater safety margins into the design of safety related components.”

While only the International Harvester Co. proposed a specific definition of “safety related defect,” several vehicle manufacturers concentrated on the process used by NHTSA in making a determination of defect. In particular, Volkswagen of America, Inc., and the Automobile Importers of America urged adoption of a more formal agency hearing and the use of a third party to arbitrate disputes between NHTSA and a manufacturer over whether a defect exists.

Ineffective defect notification campaigns and delays in investigating possible defects also came under criticism. Citing the low response rate to current defect notification campaigns, the Connecticut Department of Motor Vehicles among others, suggested that state vehicle records be used to provide correct addresses for the current owners of the possibly defective vehicles. Owners could be identified through vehicle identification numbers (VIN) that are part of most state’s records, it said.

Given the “enormous amounts of money, time and talent” used “to persuade consumers to buy a car,” Public Communications, Inc., a consumer law and advertising firm, urged that manufacturers be required to run television ads warning owners of safety related defects. Public Communications used as an illustration its own ad notifying consumers about the General Motors engine mount recall campaign. (See *Status Report*, Vol. 7, No. 9, May 8, 1972.)

Noting the motor vehicle safety act’s mandate of “timely, dependable discovery and correction of safety related vehicle defects,” the Insurance Institute for Highway Safety reviewed the history of several NHTSA defect investigations, including the yet to be completed, three-and-a-half-year-old investigation into lower control arm failures in 1965-1969 Ford vehicles. A useful function for the NMVSAC conference, the Institute suggested, would be to develop and recommend ways “to substantially increase the public’s sensitivity” to NHTSA’s defects program and “its active participation in it.”

Mandatory Belt Laws Gain Acceptance Abroad

Four countries – Australia, Czechoslovakia, France and New Zealand – now have laws which require the use of seat belts, and similar laws are under active consideration in eleven other countries. The Australian belt law experience has been widely publicized (see *Status Report*, Vol. 7, No. 11, June 12, 1972), but belt use laws in the other countries are less well known.

According to information supplied to the American Safety Belt Council by the European Conference of Ministers of Transport, mandatory laws are also the subject of study in Belgium, Luxemburg, The Netherlands, Portugal, Spain, Switzerland, the Scandinavian countries and West Germany. The Swedish Traffic Safety Administration last year called on the government to adopt a mandatory usage requirement.

New Zealand – Drivers and front seat passengers in all 1965 and later automobiles must wear belts under a traffic regulation which took effect June 1, 1972. The law was not enforced during its first six months, which were declared an education period. The New Zealand Minister of Transport, Sir Basil Arthur, claimed in June this year that the value of the regulation had been proved by a study of fatality rates. Those convicted under the law are subject to possible license revocation and fines up to \$296 (U.S.).

France – A mandatory seat belt requirement was one part of a parcel of highway regulations, which also included a 62-mph speed limit, announced by French Prime Minister Pierre Messmer in June. Under the regulation, which came into effect July 1, 1973, drivers and front seat passengers in cars manufactured after

April 1, 1970, must wear seat belts when traveling outside a "population center" on penalty of a \$10 to \$20 fine. Compliance with the regulation was high in the first month but has recently started to decline, according to one news account.

Czechoslovakia – According to the Czech embassy, a mandatory belt use regulation has been in effect for more than two years. It applies outside city limits, to cars manufactured in 1967 and later years. Police are empowered to stop cars for a check on several safety-related items; if seat belts are not being worn, the driver can be fined \$5 to \$10 on the spot, a Czech embassy official told *Status Report*.

In the United Kingdom, the government reportedly hopes to achieve a high level of voluntary seat belt usage by a publicity campaign. The British press reports that the government will consider mandatory use regulations if the voluntary campaigns do not increase belt usage. British courts have recently taken seat belt use into account in awarding damages to automobile crash victims; damages to one victim who failed to wear her belt were reduced by five per cent on grounds of contributory negligence.

In Finland, according to the Finnish Embassy here, a mandatory belt law reportedly is likely to take effect next year. The full text is not yet available but belt use would be required of all persons over 10 years of age.

Puerto Rico is the only major U. S. jurisdiction with a mandatory belt use law. The 1973 Federal-aid Highway Act, however, authorizes incentive payments, which could give as much as \$94.5 million in the next three years, to states which adopt such laws. The Department of Transportation is holding a national conference November 28-30 in Washington, D. C., to promote mandatory belt use laws.

Support Growing For Administrative Adjudication

The National Advisory Commission on Criminal Justice Standards and Goals has backed a proposal that most traffic offenses should be handled by administrative disposition rather than criminal proceedings.

The recommendation by the Task Force on Courts, named by the U. S. Law Enforcement Assistance Administration, was similar to the administrative adjudication plan offered by a task force of the National Highway Safety Advisory Committee. (See *Status Report*, Vol. 8, No. 17, Sept. 10, 1973.)

Both task forces recommend retention of criminal procedures for drunk or reckless driving, driving with a suspended or revoked license, vehicular homicide and certain other serious offenses. Using similar language, both said lesser offenses should be reclassified as "infractions."

"Penalties for such infractions," said the LEAA Task Force, "should be limited to fines; outright suspension or revocation of driver's license; and compulsory attendance at educational and training programs, under penalty of suspension or revocation of driver's license."

Both task force reports cited the overcrowding of court dockets with traffic cases as a prime factor for change, but the National Highway Safety Advisory Committee report gave equal weight to "promotion of highway safety" as a byproduct of the new system.

"The major advantage to the criminal justice process of the administrative solution to minor traffic matters is that it frees the court to deal with matters that can benefit from the judicial process," the LEAA task force said.

"There is a corresponding benefit for those traffic matters that are shifted to an administrative forum," the report went on. "The shift in forum as well as the change in terminology will facilitate the development of procedures better suited to the processing of minor traffic matters."

Under the procedure outlined by the LEAA task force, violators would be permitted to enter most pleas by mail, no jury trial would be available, and any hearing would be held before a legally-trained referee. Rules of evidence would not be applied strictly. Appeals would be heard within the administrative agency, subject to judicial review only for abuse of discretion.

The LEAA task force report suggests that such administrative disposition may be eventually extended to some non-traffic matters, such as public drunkenness.

These two reports are in significant conflict with the long-held position of the Traffic Court Program of the American Bar Association. The ABA's traditional position stresses mandatory court appearances in all hazardous moving violations, authority for judges to suspend licenses and reliance on strict criminal law procedures in the trial of such cases. The organization's position is set forth in its publication, *Traffic Court Procedure and Administration*.

Copies of the LEAA report, *Courts* (2700-00173) are for sale (\$3.95) by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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