



Report Of:
Task Force on
Safe Teen Driving

January 3, 2013

Representative Brian Gosch
Speaker of House

Lt. Governor Matthew Michels
South Dakota Senate President

Representative David Lust
House Majority Leader

Senator Russell Olson
Senate Majority Leader

Representative Bernie Hunhoff
House Minority Leader

Senator Jason Frerichs
Senate Minority Leader

Re: Report to the South Dakota legislature of the
Task Force on Teen Driving Safety

Dear Legislative Leadership:

The eighty-sixth session of the South Dakota legislative assembly passed House Bill 1221, an act entitled: "An Act to establish a task force on teen driving safety." A copy of the engrossed bill is attached to this letter for your reference.

Task force membership was assigned pursuant to the legislation and a roster of task force members is listed on the last page of this document for your review. During the organizational phase of the first official meeting, I was elected Chairperson and Dr. Susan Randall was elected Vice-Chairperson. In the course of that meeting and several other gatherings, the task force fulfilled the legislative mandate to examine teen driving statistical data, review current laws affecting teen drivers, examine driver education options, examine barriers to teen driving safety; and, review national best practices to improve safety of teen drivers.

The content of this letter has been reviewed and approved by a majority of the task force membership at our meeting of September 24, 2012, and will serve as our report to provide recommendations to the 2013 Legislature.

The task force met on five separate occasions from late 2011 through September, 2012, in full day meetings to accomplish the results of this report. The group solicited comments from parties outside its membership and openly encouraged participation in the task force meetings.

A summary of the meetings is outlined hereon:

December 15, 2011:

- Suggested timeline of task force events, studies and meetings
- Round table discussion of potential study topics

January 27, 2012:

- Presentation of current South Dakota laws affecting teen drivers which can be found online at the following address:

http://dps.sd.gov/enforcement/highway_safety/teen_driving_taskforce.aspx

- Presentation of "Evaluation of Driver Education in South Dakota" report (SD2009-03) by University of South Dakota – Government Research Bureau's Dr. Richard Braunstein. A copy of this report is available online at the following address:

http://dps.sd.gov/enforcement/highway_safety/documents/SD2009_03_F_final_report.pdf

- Presentation by Safe and Sound South Dakota which can be found online at the following address:

http://dps.sd.gov/enforcement/highway_safety/teen_driving_taskforce.aspx

- Public Testimony

March 20, 2012:

- Discussion and prioritization of issues and recommendations
- Presentation by Terrold Menzie, Office of Environmental Health, Public Information Officer, Indian Health Services, on Tribal Roadway Safety issues.
- Further discussion on legislative or policy recommendations
- Presentation of American Driver and Traffic Safety Education Association (ADTSEA) curriculum by Allen Robinson, Founder and CEO of ADTSEA.
- Public Testimony

June 18, 2012:

- Discussion of Driver Education initiative related to Department of Public Safety
- Discussion of potential legislative bills
- Presentation and testimony from numerous South Dakota teens
- Other public testimony

September 24, 2012:

- Department of Education – Deedra Gesinger, Education Program Specialist offered background on Driver Education history in South Dakota
- Discuss proposed legislation
- Discuss and finalize legislative report
- Public Testimony from citizens, including South Dakota teens

Throughout the many hours of meetings and discussions, the task force maintained a keen focus on the safety of drivers aged 14 to 17 in South Dakota. Drivers in this age group in South Dakota comprise 4.4% of licensed or permitted operators, yet the Office of Highway Safety reports that nearly 18% of all speed-related fatal and injury crashes are attributable to this demographic.

Further, the task force reviewed existing laws and safety issues with an open mind as to what needs to happen in our state to improve the safety of all individuals using the public roadways simultaneously with teen drivers. The voluminous data reviewed and detailed discussions pursued in these meetings have been distilled into a number of proposed legislative and policy recommendations for state government.

The potential legislative actions are outlined first for your review:

Legislative Action One:

RESTRICT UNRELATED MINOR PASSENGERS DURING PERIOD OF RESTRICTED MINOR'S PERMIT (WITH SCHOOL EXEMPTION)

South Dakota statute does not address a limit on the number of passengers allowed in a motor vehicle operated by a holder of a restricted minor's permit. However, the task force believes Chapter 32-12 of South Dakota codified law be amended adding a new section to restrict the number of unrelated family members as passengers in a vehicle operated by a holder of a restricted minor's permit. The task force also believes this new language should include a school travel-related exemption to minimize disruption to family work and activity schedules.

Research unmistakably indicates limiting passengers during the restricted permit phase is correlated with a reduction in crashes. In fact, the National Highway Transportation Safety Administration (NHTSA) recently released a study on this topic entitled "The Effect of Passengers on Teen Driver Behavior" (DOT HS 811 540, April 2012) and based on a naturalistic study involving event-data recorders and in-vehicle video, researchers concluded:

- Heightened crash risk from inadvertent or advertent driver distraction due to use of electronic devices including extremely loud music
- Loud conversation was five times more common when multiple teenage peers were in the vehicle
- Males are more likely than females to carry multiple teenage peers
- Over 7% of the multiple passenger trips involved horseplay that contributes to driver distraction

During public comment periods at task force meetings, teenagers agree with research such as this, but in nearly universal response, teen's will also state their opposition to such a measure. In fact, the South Dakota Voices for Children Youth Advisory Council expressed significant opposition to this provision and urged in testimony a school exemption.

In spite of this opposition, the task force remains committed to this recommendation based on additional research proving that this change in statute could save additional lives.

The AAA Foundation for Traffic Safety released a study (November 2012) showing a strong association between the number and age of passengers present in-vehicle and the risk of a teen driver dying in a traffic crash.

The report, "Teen Driver Risk in Relation to Age and Number of Passengers," found that the likelihood of a 16- or 17-year-old driver being killed in a crash, per mile driven, increases with each additional young passenger in the vehicle. Compared to driving with no passengers, a 16- or 17-year-old driver's fatality risk:

- Increases 44 percent when carrying one passenger younger than 21 (and no older passengers)
- Doubles when carrying two passengers younger than 21 (and no older passengers)
- Quadruples when carrying three or more passengers younger than 21 (and no older passengers)

Conversely, carrying at least one passenger aged 35 or older cuts a teen driver's risk of death by 62 percent, and risk of involvement in any police-reported crash by 46 percent, highlighting the protective influence that parents and other adults have in the car.

The study analyzed data on crashes and the number of miles driven by 16- and 17- year-olds to assess the effect on a teen driver's safety of having passengers in the vehicle.

Legislative Action Two:

INCREASE THE INSTRUCTION PERMIT REQUIREMENT TO ONE YEAR

Current statute (SDCL 32-12-11) addresses the period of time a minor must hold an instruction permit. Under current South Dakota law, such a permit must be held for a minimum of 180 days if the applicant is at least fourteen years of age but less than eighteen years of age.

During discussion of this item, the task force generally favored increasing the instructional permit period to 365 days with a reduction to 270 days if the individual passes an approved driver education course.

This extension to 365 days generally follows Graduated Drivers Licensing (GDL) enhancements and correlating safety results nationwide.

In Kansas, for example, state law was changed to require a 12-month permit holding period that included logging practice driving hours. The law, which took effect on January 1, 2010, also prohibits intermediate license holders from transporting more than one non-family member under the age of 18 and bans the use of all wireless communication devices. Crash data is showing positive results. According to Kansas highway safety officials, teens account for approximately 8% of the drivers in the state and prior to enactment, were involved in 22.2% of crashes. Nearly 17% of those were fatal. Two years after the law was enacted, the total crash statistic has dropped to 18.5% and a 11.9% fatal component. This represents a 17% drop in total crashes and a 30% drop in the fatal component.

The Kansas story, along with numerous other examples, is outlined in the recent GHSA/State Farm publication "Curbing Teen Driver Crashes: An In-Depth Look at State Initiatives."

The task force strongly agrees that this legislation would enhance roadway safety and include a very strong incentive to take driver education.

Legislative Action Three:

PROHIBIT USE OF ELECTRONIC DEVICES DURING INSTRUCTION AND RESTRICTED PERMIT PERIODS

Current statute does not prohibit the use of electronic devices during restricted or instructional permit periods. In fact, current South Dakota law allows such devices to be used without restriction. Distracted driving is generally prosecuted in South Dakota under SDCL 32-24-8 which states:

Definition of careless driving--Misdemeanor. Any person who drives any vehicle upon a highway, alley, public park, recreational area, or upon the property of a public or private school, college, or university carelessly and without due caution, at a speed or in a manner so as to endanger any person or property, not amounting to reckless driving as defined in § 32-24-1, is guilty of careless driving. Careless driving is a Class 2 misdemeanor.

National research clearly demonstrates that the use of cell phones and texting is a growing cause of traffic injuries and deaths on our roadways. The Insurance Institute for Highway Safety estimates that texting while driving increases the risk of accident **23.2 times** over unimpaired driving. And a recent Virginia Tech Transportation Institute study indicates that texting behind the wheel is generational: 37 percent of drivers 18-27 admit to texting while driving, compared to 14 percent of 28-44 year olds, and 2 percent of 45-60 year olds. The prohibition of such usage early in the development of driving skills should reinforce the dangers of texting and cell phone use as these young drivers mature.

In fact, 93% of South Dakotans surveyed by the University of South Dakota Government Research Bureau (on behalf of the Office of Highway Safety's annual Driver Behavior Survey) believe that the use of texting devices by drivers should be banned.

The task force overwhelmingly supports the passage of legislation banning the use of handheld electronic devices (exempting car radios) while the driver is under any phase of pre-licensure commonly known as the instructional or restricted permit phase.

Legislative Action Four:

ESTABLISH DRIVER EDUCATION COORDINATOR POSITION

The South Dakota Department of Transportation Office of Research commissioned a study titled "Evaluation of Driver Education in South Dakota" and published the document in April, 2011. In

the course of that study, researchers identified a number of areas where the relationship between state driver education and licensing practices were significantly correlated with state crash rates. In essence, states with more explicit requirements for driver education programs were associated with lower crash rates. Researchers moreover determined that South Dakota has the fewest intermediate licensing provisions and least regulation and oversight of state driver education programs in the nation.

Although there is demonstrated value in such a program, South Dakota has no driver education standards, core curriculum or instructor certification requirements.

After thorough discussion, the task force unanimously put itself on record to recommend that the Department of Public Safety be tasked with the following items:

1. Establish core driver education curriculum using the "American Driver and Traffic Safety Education Association" (ADTSEA) model of instruction.
2. Establish standardized testing methodology for students.
3. Establish a statistical tracking methodology to create data linkages.
4. Establish a standard training program for instructor licensing, recertification, and continuing education by reconsidering the re-establishment of the Driver's Education Association.
5. Accomplish these and other related tasks by hiring a Driver Education Coordinator funded through the Office of Highway Safety.

DPS Secretary Trevor Jones was in attendance at the June 18, 2012, task force meeting during which this motion passed and told the group that DPS is very much open to working on moving Driver Education forward in a logical progression.

These four legislative action items are the core recommendations of the task force. Two additional policy recommendations have been added to this legislative report:

Policy Recommendation One:

MOVE OPERATOR LICENSE AGE TO SEVENTEEN YEARS OF AGE

Current South Dakota law (SDCL 32-12-17) allows full operator license privileges to residents who are as young as 16 years of age.

However, the Governor's Highway Safety Association (GHSA) reports that since stricter graduated driver licensing (GDL) began to be introduced across the country in the mid-1990s, teenage driver fatalities have dropped precipitously, more so than in the case of older drivers. This is so particularly for 16- and 17-year-olds, the primary age groups targeted by GDL.

GDL is designed to allow young beginning drivers to obtain on-road driving experience in a manner that protects them while they are learning, keeping them out of higher risk situations until they are ready.

Most task force members consider this a sensible and humane approach to integrating novices into the driving population, yet they also recognize significant family and community adjustments would be required by this change.

Policy Recommendation Two:

DEVELOP MORE DETAILED CRASH REPORTING ON CELL PHONE USAGE

The South Dakota Accident Reporting System (SDARS) is the repository for all state reportable crashes. Because much of the detail of a crash report is contained in the narrative section of the crash report, it is difficult to ascertain if a crash was caused by the use of a cell phone by one of the drivers. While there is currently a "Driver Contributing Circumstance" labeled "Cell Phone," there are also two other possible selections for law enforcement officers investigating crashes. One of those possible selections is "Other electronic device" and the third option is "Distracted." Of the latter two options, the investigating officer is asked to list the device or distraction in the narrative section of the crash report.

It is difficult to distill crash data regarding cell phone usage as a contributing factor to a crash when details concerning the device are outlined in the narrative section of the crash form. This section of the form is not statistical in nature, and therefore is not contained in statistical databases. To research this usage one is required to physically look at each crash report.

The Office of Highway Safety/Accident Records will examine viable options to more clearly define these contributing circumstances.

SUMMARY

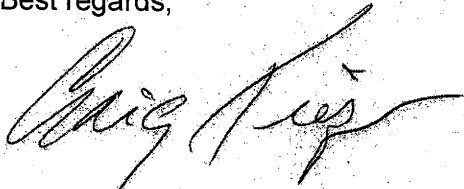
In conclusion, we believe the mix of policy and legislative actions outlined in this report will greatly enhance roadway safety in South Dakota. This enhancement is not for the sole benefit of teen drivers, but for all parties using the roads.

Detailed reports, minutes, and agendas of our activities can be found online at www.dps.sd.gov.

We would be remiss not to thank the dozens of individuals who participated over these many months of discussion, debate, and the review of hundreds of pages of data and research. It should be agreed by most that safe driving habits begin when one first sits behind the wheel of a motor vehicle. It is also our hope that you now assist the task force to move our safety agenda to the next level.

On behalf of the task force, we thank you in advance for your earnest consideration of our recommendations. And, we thank you for the opportunity to serve the citizens of South Dakota on this assignment.

Best regards,



Senator Craig Tieszen
Chairperson



Susan M. Randall
Vice Chairperson

Task Force Membership

Major Randy Hartley
South Dakota Highway Patrol

Nancy Allard, Director
Trial Court Services of South Dakota UJS

John Foster,
Department of Transportation – Research

Bob Clark, Owner
Bob Clark Insurance

Captain Steve Haney
Sioux Falls Police Department

Cindy Gerber, Director
South Dakota Driver Licensing

Staci Eggert, Executive Director
South Dakota Sheriff's Association

Representative Peggy Gibson
South Dakota House of Representatives

Mark Swendsen, General Manager
Dakota Radio Group

Sergeant Kenith Franks
Oglala Sioux Tribe - Department of
Public Safety

AN ACT

ENTITLED, An Act to establish a task force on teen driving safety.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. There is hereby established a task force on teen driving safety. The task force shall evaluate data, laws, and current practices regarding teen driving in South Dakota and provide recommendations for improving teen driving safety to the 2013 Legislature. The evaluation by the task force shall include the following:

- (1) Examine data on teen driving by age groups and urban and rural setting including traffic citations, crashes, injuries, fatalities, and circumstances and causal factors in crashes;
- (2) Review current laws affecting teen drivers;
- (3) Examine data on driver education available for teens, including preparation and ongoing training of instructors, costs for driver education, current payers, and enrollment statistics;
- (4) Examine barriers to teen driving safety; and
- (5) Review national best practices to improve safety of teen drivers.

Section 2. The task force may not exceed twenty members. The Executive Board of the Legislative Research Council shall appoint two senators and two representatives to the task force. The Chief Justice of the Supreme Court shall appoint a representative. The secretary of Public Safety shall appoint no more than fifteen members to the task force. The secretary's appointments shall include parents, advocates, representatives from law enforcement, insurance industry, auto clubs, health care, Indian Health Service, driver education, higher education, public schools, and representatives of the Department of Public Safety, the Department of Education, the Department of Health, and the Department of Transportation.

Section 3. Appointment of the task force shall be contingent on the state receiving a grant to fund the activities of the task force.

An Act to establish a task force on teen driving safety.

I certify that the attached Act
originated in the

HOUSE as Bill No. 1221

Chief Clerk

Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1221

File No. _____

Chapter No. _____

Received at this Executive Office
this _____ day of _____,

20____ at _____ M.

By _____
for the Governor

The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20____
at _____ o'clock ____ M.

Secretary of State

By _____
Asst. Secretary of State