

Teen Driving Task Force  
Minutes of March 20, 2012 Meeting  
RedRossa Italian Grille, 808 West Sioux Ave  
Pierre, South Dakota

Task Force Members Present: Staci Eggert, Ken Franks, John Foster, Cindy Gerber, Representative Peggy Gibson, Major Randy Hartley, Representative Nick Moser, Dr. Susan Randall, Senator Todd Schlekeway, Mark Swendsen, and Senator Craig Tieszen.

Support staff present: Lee Axdahl and Hannah Houdyshell

Others present: Dick Tieszen, on behalf of Safe and Sound South Dakota, Terrold Menzie, on behalf of Indian Health Services (IHS), and Duane LaFave

Task Force Members absent: Nancy Allard, Bob Clark, Captain Steve Haney

**Call to Order:** Senator Tieszen called the meeting to order.

**Roll Call:** Houdyshell passed around a sign in sheet and noted absences.

**Approval of minutes for January 27, 2012 meeting:** Chair Senator Tieszen, and Co-Chair Dr. Randall approved the minutes.

**Discussion and prioritization of issues and consideration of possible recommendations and/or legislation:** Senator Tieszen opened the floor to the task force member's suggestions/recommendations.

Ken Franks offered driver education, specifically, standardization of curriculum as well as possible elective offering within the school district. Senator Schlekeway wanted the task force to look into a uniformity of resources for driver education. Staci Eggert expressed concern with mandating driver education and Representative Moser could not see supporting making it a requirement in schools. Dr. Randall pointed out that in Dr. Braunstein's study concerning driver education, which was presented to the task force at the January 27<sup>th</sup> meeting, it was suggested that South Dakota is behind in driver education compared to other rural states and cited that states that had mandated driver education had fewer fatalities than South Dakota and Wyoming, where driver education is not required. Duane LaFave mentioned that insurance companies offer lower rates to those who complete driver's education as an incentive to families and Representative Gibson wondered if perhaps insurance companies would offer funding to the State of South Dakota if we were to standardize driver education throughout the state, offering it within the schools as an elective and not a required course. Senator Tieszen commented that the incentive offered by insurance companies, as well as the reduction of required supervised driving time given to those who complete driver education, is a prime motivator to families. Major Hartley noted that these incentives are not offered as much as driver education has lost its importance. Dick Tieszen stated that the studies performed by auto and insurance companies have not provided evidence that driver education reduces crashes and fatalities, but also said that insurance companies still support

some type of driver education based on a standardized core curriculum and he was in favor of the incentive program offered by insurance companies.

Major Hartley wanted the task force to really get to know a driver education curriculum and its requirements before mandating it. John Foster referred to Dr. Braunstein's study of driver education and the Department of Transportation (DOT) response to it. Dr. Braunstein's study encouraged the State of South Dakota to adopt a standardized curriculum for driver education, specifically, the curriculum developed by the American Driver and Traffic Safety Education Association (ADTSEA). DOT responded by stating that one specific curriculum was not necessary, but that a standardized core group of points could be developed that driver education instructors and school districts could work from in choosing their curriculum and resources.

Senator Tieszen asked Lee Axdahl where the Department of Public Safety (DPS) would stand on the mandating of driver education. Axdahl stated that the Office of Highway Safety supported education, but he was unsure of whether making it a requirement was necessary. The Governor's office would have the final say on where DPS would stand on the issue.

Cindy Gerber mentioned that the funding for driver education used to come from the Department of Education (DOE), but changes in the structure of the DOE left driver education by the wayside. A Driver Education Association used to exist within the state as a resource for school districts and instructors, but it was disbanded several years ago. Both Senator Schlekeway and Senator Tieszen wondered if the DOE should be the department to handle driver education again, but Dr. Randall suggested an outside source should be responsible for it. Senator Schlekeway wondered if an outside source would be able to reach teens in rural areas as effectively as an offering provided by the school district. Duane LaFave said there is a lack of time in the school day to handle the requirements of driver education, but that he had an interest in revisiting students after the student has a chance to gain more experience behind the wheel to assess knowledge retention. Dick Tieszen suggested a driving experience with students once a month for 12 months, which would give the instructor time to work with the student and observe his/her development behind the wheel. Dr. Randall referred to a program, introduced in Dr. Braunstein's study, in Michigan where driver education coincides with Graduated Driver Licensing (GDL). A teen takes courses as he/she advances through the GDL system. The task force wondered if there were other states that utilized long term driver education.

Senator Tieszen tabled the discussion in order to move on to a presentation on rural road and specifically reservation road safety by Terold Menzie of Indian Health Services (IHS).

**Presentation by Terold Menzie from Indian Health Services:** The IHS works to predict and prevent injury. For more information on the HIS, visit the website at [www.ihs.gov/medicalprograms/injuryprevention](http://www.ihs.gov/medicalprograms/injuryprevention). American Indians are three times more likely to die as a result of injury than any other race. The IHS aims to identify the problems that result in injury and bring them to public awareness. According to data from patient charts, 49.2% of fatalities are caused by motor vehicle accidents. In South Dakota the percentage of American Indians who use their seat belts is very low. A few of the reservations in South Dakota have made primary seat belt laws; Lower Brule, Rosebud, Sisseton, Crow Creek, and Oglala, which has increased the usage of seat belts among American Indians on these reservations. Tracking of seat belt usage is done at stop signs in various locations throughout the reservations and seat belt use among the front seat occupants is recorded. Oglala Sioux

Tribe does this two times annually. The State of South Dakota tracks seat belt use once a year and the EMT association helps fund the data collection. The state also only records the usage of seat belts by the front seat occupants. Statewide the percentage of seat belt usage is 72.4%. Among crash victims 60% of crash victims were unbuckled. Ken Franks noted that 100% of crash victims on the Oglala Sioux Tribe reservation were unrestrained. Representative Gibson stated that seat belt use cuts down on fatalities and Dr. Randall suggested we think about a primary seat belt law as a possible piece of legislation.

Dr. Randall asked about the age of licensure on Reservations. Ken Franks responded that drivers on the Oglala Sioux Tribe reservation are licensed by the state, so the age at which they can receive a license is 14, but that many people drive without a license including young children. The Highway Patrol goes to the schools on reservations and gives presentations on driver safety and seat belt usage. The reservations have their own traffic courts to prosecute traffic violations.

Senator Tieszen thanks Terrold Menzie for his presentation and asks for further discussion on possible legislation.

**Further discussion on issues and consideration of possible recommendations and /or legislation:**

Representative Gibson brought up texting as a problem/cause of distraction to teen drivers. Dr. Randall suggested raising the driving age to 15 and limiting passengers. Representative Moser wanted to know more about alcohol related fatalities. The statistics provided by the Office of Highway Safety revealed alcohol to be the cause in 3% of fatalities among drivers aged 14 to 18. The main causes of fatalities among this age group were failure to yield and speeding. Senator Schlekeway asked if distraction was involved in the accidents caused by failure to yield. Distraction can be written as a secondary cause and is specified in the narrative on a crash report. There is not a specific breakdown of distraction causes listed on a crash report. Senator Tieszen cited the lack of a specific law against distracted driving as a reason for underreporting and investigation of distracted driving and its causes. Major Hartley informed the task force of two recent crash fatalities that involved cell phone use. Representative Moser said he has been told by law enforcement that cell phone bans are difficult to enforce. Major Hartley disagreed, stating that we all have noticed people stopped at stop signs chatting on his/her phone or texting. Representative Gibson asked law enforcement in other states had a specific list of distractions and accident causes on their crash investigation forms. Lee Axdahl said a national standard called the Model Minimum Crash Criteria is used to record crashes and South Dakota is 98% compliant with this model.

Ken Franks suggested that a primary seat belt law was something the task force should look into. Keeping people in the car during an accident should be a priority. Senator Tieszen mentioned that the type of laws that are likely to face the most resistance in the legislature are the ones that infringe on individual rights. Traffic laws fall into this category and are extremely difficult to change. Major Hartley wanted the task force to be on the same page and focus on what had a good chance of making it through the legislature. Representatives Gibson and Moser thought the climate for change was good if the task force could propose legislation that is complete and backed up with supporting evidence.

Senator Tieszen moved that the task force break for lunch and continue with the discussion of legislation before hearing public testimony at 1:00 p.m.

**Further discussion of possible legislation:**

Dr. Randall referred to Dr. Braunstein's study of driver education that found a higher driver age to be a catalyst in the reduction crashes and suggested the task force propose the raising of driving age from 14 to 15. Staci Eggert noted that rural residents may be opposed to this change. Many rural teens have long commutes to school and there has been talk of ending bus service to these areas and reimbursing families for mileage. Senators Schlekeway and Tieszen agreed that changes to the political climate in South Dakota could get the driver age raised, but the possibility of an exception for rural residents may be an option. Nebraska has an exception to their graduated driver licensing program called the LPE which is a limited license for residents 14 years of age who live 1.5 miles or more from their school. Details of the program can be found at ([www.autoinsurancetips.com/nebraska-ne-teen-auto-insurance-laws-rates-requirements](http://www.autoinsurancetips.com/nebraska-ne-teen-auto-insurance-laws-rates-requirements)). The concern with this exception was that it seemed to negate the purpose of the task force, which is to make South Dakota roads safer for teens, when a larger percentage of accidents among teen drivers occur on rural roads.

The question was raised as to the benefit of driver education if it was offered at a younger age and if the instruction period were lengthened to give the teen time to mature while learning. The incentives given to driver education participants that reduce the amount of required driving time do not reduce crashes, but they do encourage parents and teens to enroll in driver education courses. Keeping the incentive but raising the driving age and increasing the required time behind the wheel may be a good compromise. Duane LaFave mentioned the passage of the driver education course final test, given by the individual instructor, allows the student to wave the test issued by the department of motor vehicles. He would like to see a uniform test agreed upon by the state.

Representative Moser wondered if it would be possible to restrict the learners permit for those below the age of 16 to driving between home, school, and work. From a law enforcement perspective these types restriction are hard to enforce. Currently if a permit is violated it is lost for 30 days. In regards to DUI, the court can make a decision on the punishment the minor will face.

Senator Tieszen opened the floor to public testimony. Dick Tieszen, on behalf of Safe and Sound South Dakota, agreed to speak on what the group recommends for the task force after a presentation, by conference call, from the CEO of the American Driver and Traffic Safety Education Association (ADTSEA).

#### **Presentation of American Driver and Traffic Safety Education Association curriculum by Alan**

**Robbinson:** The ADTSEA curriculum was suggested to the task force in the study by Dr. Braunstein. The task force members were given copies of the curriculum, ADTSEA Driver Education Curriculum 2.0, on DVD to review at a later date. The curriculum is being updated and the newer version 3.0 will be available summer 2012. Senator Tieszen introduced himself as chair of the task force and asked Mr. Robbinson to present the curriculum to the task force. Mr. Robbinson explained that the ADTSEA developed the curriculum in 2006 beginning with the standards for what should be taught. There are currently 10 units of instruction and 8 videos and slides that correspond with the units. The DVD is the one source for all the classroom material. The newer version, 3.0, has 13 units on 2 DVDs and one cd of printable materials. It includes videos from the AAA film library. The curriculum requires 45 classroom hours and 8 hours of driving time, but can be tailored to meet the needs of a particular state. Unit one of the curriculum is state specific and the ADTSEA will work with the state to tailor the unit to the state's current laws. The cost for one copy is \$150.00. The cost is reduced depending on the size of the order.

ADTSEA also works with the state to train instructors, holding a course for a select group which then can go out into the rest of the state and train others.

The curriculum is currently being used in 35 states and 7 have adopted it in total, such as Hawaii, Maryland, North Carolina, and North Dakota. Some states adopted the curriculum standards but chose to use other resources that followed these standards and were agreed upon by the state. Oregon is one state that chose this approach.

Lee Axdahl asked if there have been studies done to prove the efficacy of the curriculum. Mr. Robinson responded that there is not a lot of data available on driver education, but cited a study done by East Coast Driver Education that found the curriculum to be effective. Also, the National Highway Traffic Safety Administration (NHTSA) encourages driver education and the ADTSEA curriculum. ADTSEA uses many AAA resources and will provide technical assistance to an individual state to implement the curriculum with funding provided by NHTSA. Mr. Robinson said the state may need to set up an agency to work at standardizing driver education and that ADTSEA would be willing to help with this process. The question the task force member's had was what department would be responsible for driver education. States have been moving away from the Department of Education being the provider of driver education. The Department of Public Safety has at times taken over this responsibility.

Senator Tieszen thanked Mr. Robinson for his presentation and tabled the discussion of driver education. He handed the floor to Dick Tieszen for Safe and Sound South Dakota's recommendations to the task force.

**Public Testimony:** Safe and Sound South Dakota provided the following recommendations:

1. Within the graduated driver licensing program, increase the required supervised driving time to 12 consecutive months. Dick Tieszen presented some national statistics that showed South Dakota's crash ratings to be very high in comparison to other states. Lee Axdahl suggested that the task force make sure we have the most accurate and up to date statistics to back up our proposed legislation. He also stated that the Office of Highway Safety has all of the statistics that the task force needs, but it is just a matter of mining the data. Dr. Randall said whether the statistics were accurate or not, there is still a problem in South Dakota regarding teen drivers.
2. A passenger limit needs to be added to the graduated driver licensing in the intermediate stage limiting the number of passengers to one nonfamily member.
3. Eliminate the driver education incentive of reducing the required driving time.
4. Experience has proven to be the best learning tool and Safe and Sound South Dakota stressed the 12 months of supervised driving time. The requirement should be 12 months regardless of how old the teen is when he/she gets a license, up to 18 years of age.

Dick Tieszen stated that graduated driver licensing passed due to increased public awareness and that it was not right away. He said that as the makeup of the legislature changes and the public is made aware of the task force's efforts the likelihood of legislation coming from the task force moving forward is good.

Senator Tieszen returned the task force to discussion of possible legislation.

### **Further discussion of possible legislation:**

Senator Schlekeway wanted to know about the process of standardization of driver education and driver education curriculum, namely what department would be taking on the issue. Dr. Randall wondered about designating a state agency for driver education. The Department of Education (DOE) takes care of certifying instructors to teach driver education. The instructor certification is attached to the teaching certificate and there is no further training pertaining to driver education alone. The driver education instructor is responsible for choosing the curriculum he/she will teach since it is an add on program and not given for credit. John Foster pointed out that several of the suggestions the task force had discussed as possible legislation were also suggested in the Department of Transportation (DOT) response to Dr. Braunstein's study on driver education. DOT also wanted to see a database created to store information on driver education participants. Currently there is no record of driver education students. The Driver Education Association (DEA) was disbanded in South Dakota several years ago and DOT agreed with Dr. Braunstein that the DEA should be reestablished.

Major Hartley wanted to reaffirm that the bill written to establish the task force was open ended. It was concluded that the bill implied that legislation coming out of the task force is unrestricted and can be both cooperative and forced.

Task force members wondered if the Department of Education should be involved in the discussion of a standardized curriculum or if the Department of Public Safety could take it on.

Senator Tieszen offered to take the driver education agency idea to the Governor's office to suggest department implementation. Dr. Randall wondered if both departments could work together. Senator Schlekeway wanted to move toward a standard driver education curriculum and figure out who is going to implement it. Dr. Randall would like teachers to be involved in this process.

Dr. Randall made a motion to propose a resolution to establish a standardized driver education curriculum and to coordinate driver education at a state level.

Representative Gibson seconded the motion.

The Department of Education (DOE) would need to be involved in the standardization of a curriculum if it was to become a required course within the school. ADTSEA has a core curriculum concept to work from and DOE would be best suited to work with in establishing South Dakota's core curriculum concepts as they would know and follow the rules for creating a core curriculum.

Senator Tieszen will carry the task forces's resolution to the executive branch.

Motion carried unanimously.

Axdahl reminded the task force that the Office of Highway Safety has data available for study and specific requests can be made to analyze the crash statistics relative to teen drivers. Foster and Dr. Randall referred to reports and data involving driver education that can come out of the proposed reformation of a Driver Education Association and the creation of an agency responsible for standardized driver education. Hartley told the group that crash reports are well documented but not broken down into specifics unless requested. The participation in driver education is not included in these reports and is not well documented. There is a disconnect between some agencies and in order to study data accurately specific requests must be made. It is a hope that in establishing a standardized driver education, data on driver education can be recorded and studied.

Senators Schlekeway and Tieszen, along with Representative Gibson proposed three separate bills to increase the chances of passage in the legislature.

Representative Gibson made a motion to draft separate legislation as follows:

1. A supervised driving period of 12 consecutive months with a discount for taking driver's education. This would either be increased to 15 months to ensure 12 months of driving experience or remain at 12 months with a required 9 months for those taking driver education.
2. A passenger limit of one non family member with an exception for household members under 18. This would apply during the intermediate licensing stage within graduated driver licensing.
3. A restriction on electronics usage. This would also apply to the intermediate licensing stage. The same 30 day licensure suspension would apply for this violation.

Senator Schlekeway seconded the motion.

The motion carried unanimously.

These proposed bills would correspond with graduated licensing which applies to teens age 14 to 18. Dick Tieszen suggested that the 12 month supervised driving period could apply to any teen getting his/her license up to the age of 18.

Crash reports do not list the specific cause of distracted driving except within the narrative. Electronic use is underreported due to the fact that there is no law against it. It would be added to the crash report if it were made illegal.

Senator Tieszen closed discussion to schedule the next task force meeting. Dr. Randall suggested a June meeting when it would be easier for teens to participate in the meeting. The date of June 18, 2012 was decided upon. The task force will meet from 11:00 a.m. to 4:00 p.m. in order to allow travel time for those who come in from outside of Pierre. The venue will be determined at a later date. Senator Tieszen will prepare proposed legislation and a resolution to take to the Governor's office for consideration.

Meeting adjourned at 3:15p.m.