



**House
Legislative
Analysis
Section**

Olds Plaza Building, 10th Floor
Lansing, Michigan 48909
Phone: 517/373-6486

DRIVER ED. AMENDMENTS

**House Bill 4826 (Substitute H-4)
First Analysis (7-7-93)**

**Sponsor: Rep. David Jaye
First Committee: Education
Second Committee: State Affairs**

THE APPARENT PROBLEM:

The problem of drunk drivers has become more prominent in recent years, partly due to the efforts of advocacy groups formed to help victims of vehicle accidents caused by drunk drivers and to educate the public about the dangers of drinking alcohol and driving. Mothers Against Drunk Driving (MADD), for example, is one such prominent organization. Under the Motor Vehicle Code (MCL 257.625b) courts may order drunk drivers to take part in alcohol or drug education or treatment programs. Reportedly, one component of a number of these programs includes a presentation by victims (or the families of victims) of drunk drivers. For example, MADD conducts "drunk driving victim impact panels (VIPs)" for drunk drivers sentenced by the court. A VIP consists of a film and three to five victims who were injured or had a family member killed or injured by a drunk driver. Sometimes the panel also includes a police officer or emergency medical person. Panelists tell their stories and what impact the accident has had on them and their families. As a result of one legislator's experience with a MADD panel, legislation has been introduced that would require driver education courses to include similar panels in their curricula. In addition, the Department of Education has suggested some changes in the current requirements for driver education instructors.

THE CONTENT OF THE BILL:

The bill would amend the Michigan Vehicle Code to add the following requirements to provisions dealing with driver education programs.

* Driver education courses would have to include a presentation by a victim advocacy group representing the interests of victims of traffic collisions in a portion of the classroom instruction concerning substance abuse. The presentation could be through a video recording or any other medium.

* Qualified teachers and licensed instructors who provided instruction in driver education courses would be required to attend a three-hour continuing education course every three years after receiving initial approval from the Department of Education. A continuing education course also would have to include a presentation by a victim advocacy group delivered personally or through any other medium or a highway safety class. The cost of attending the course would be paid by the teacher or his or her employer. The Department of Education would have to revoke the approval of a teacher or instructor if he or she failed to meet the continuing education requirements.

* Driver education courses would have to include classroom instruction of at least 30 hours and behind-the-wheel instruction of at least 6 hours. (No time requirements are in statute currently.)

* The Department of Education would be required to promulgate rules to implement driver education provisions in the vehicle code, including instructional standards, teacher qualifications, reimbursement procedures, and other requirements. (The act currently says the department "may" promulgate such rules; the bill would say the department "shall" promulgate the rules.)

BACKGROUND INFORMATION:

Driver education programs. Reportedly, 530 public school districts provide driver education, while there are, in addition, 53 commercial programs in the state. In fiscal year 1991-92, the 530 districts provided driver education for 98,831 students; commercial programs provided driver education for 28,356 students. The statewide average per-pupil cost for fiscal year 1991-92 was \$142.78, while the state reimbursement rate was \$45 per pupil. Public school districts report a 15 percent failure rate in

their programs, while commercial schools report a three percent failure rate (with 14 of the 53 commercial programs reporting no failures from their programs).

Drunk driving statistics. According to Mothers Against Drunk Driving, the National Highway Traffic Safety Association (NHTSA) credits minimum drinking age laws with saving nearly 9,000 lives since 1982, yet drunk driving continues to claim one life every 29 minutes. In Michigan, 635 people were killed in 1991, with young people disproportionately represented.

FISCAL IMPLICATIONS:

Fiscal information is not available.

ARGUMENTS:

For:

Requiring driver education students and instructors to see and listen to so-called "victim impact panels" could benefit both the students and instructors, as well as everyone else, by vividly presenting -- and, hopefully, thereby deterring -- the possible consequences of driving while drunk or otherwise drug-impaired. Those who are teaching future drivers, as well as those future drivers themselves, would gain a more realistic understanding of the potentially devastating effects of driving while drunk or drug-impaired than is possible merely by knowing of the legal prohibitions against such behavior. What is more, Michigan would be a leader in implementing this preventative measure for young drivers, as, reportedly, no other states have yet legislated that a victim presentation be incorporated into driver education.

The preventive nature of victim impact panels is supported by the evaluations of drunk drivers sentenced by the courts to attend presentations by "drunk driving victim impact panels (VIPs)" sponsored by Mothers Against Drunk Driving (MADD). MADD has been conducting such panels since it began in Calhoun County in 1987, and currently conducts panels in 26 of Michigan's 83 counties. MADD reports that evaluations by many drunk drivers who have seen and heard the drunk driving victim impact panels (VIPs) indicate that many of the drivers wished that they had seen the panel before, not after, the accident for which they had been responsible, and many have recommended that such programs be conducted in high schools.

The stories presented by real people whose lives have been devastated by drunk driving accidents can have a much stronger impact on the future behavior of drivers than a simple license suspension or revocation. When faced with the decision whether or not to drink and drive, both convicted drunk drivers and students beginning their driving careers may well remember these vivid stories and think twice when faced with the potentially deadly decision of whether to drink and drive. As MADD's research has shown a positive impact of panel attendance on the recidivism rate of arrested drunk drivers, so, too, such panels could reduce the incidence of drunk driving among the student population.

For:

It is particularly important that young people, just beginning their driving careers, get this vital information in this vivid format, since they account for a disproportionate number of drunk driving fatalities. According to MADD, a 1991 report from the Michigan State Police, drivers under the age of 24 made up 31.6 percent of all drinking drivers involved in fatal crashes, yet accounted for only 17.8 percent of the total driving population. Traffic crashes remain the leading cause of death for Americans under 33, with alcohol being involved in 48 percent of all highway fatalities in 1992. Clearly, young people need to be reached effectively in order to lower these statistics.

For:

Victim impact panels can not only benefit future drivers, they also can prove therapeutic for victims of drunk drivers. Retelling the story of the loss of a loved one can be therapeutic for the person telling the story, both by allowing the panel members to publicly remember their loved ones as well as by offering the possibility that telling the story may spare other families from suffering a similar fate.

For:

By educating both instructors and young drivers about the full ramifications of drunk driving, the bill would continue in the direction of current laws (such as the minimum drinking age) as well as new proposals relating to young people (for example, the legislature currently is considering Senate Bills 132 and 133, which would penalize minors for attempting to buy alcoholic beverages by suspending their drivers' licenses, and House Bill 4839, which would create an unlawful blood alcohol level for minors).

For:

The bill would establish a standard amount of time to be spent in driver education courses, including both the number of classroom hours and actual driving hours, thereby guaranteeing that no matter where in the state a student took driver training, he or she would meet a basic minimum number of hours. Currently, there is a wide range in the hours required by various school and commercial driver training programs. Some require 30 classroom hours and six hours on the road; some offer 30 classroom hours, four and one-half "range" hours (i.e. hours driving in a parking lot), and three road hours; some offer 22 hours classroom and four hours road "competency" programs; while still others offer as little as ten classroom hours plus two hours of road experience "competency" programs. Schools are not free to release students after "22 & 4" or "10 & 2" programs unless school officials verify, through Department of Education testing procedures ("competency"), that the students have acquired the expected knowledge and skills. Nevertheless, the Department of Education reports that some schools are illegally releasing students after "10 & 2" without having verified knowledge and skill expectations. The bill would address this problem with illegal school programs, while at the same time, since 389 of the 530 public school districts already provide the full "30 & 6" program, simply extend this program to all 530 school districts.

For:

Continuing education is sorely needed in driver education. For example, the "in-car evaluation" used to be mostly a subjective evaluation by the individual instructor, but through new programs developed by Michigan State University there now exists an objective driver performance measure. In addition, the legislature is continually updating and expanding on laws regarding alcohol and driving (such as, for example, Senate Bills 132 and 133 and House Bill 4839 of the current session), and without any kind of continuing education requirements, there is no guarantee that all driver education instructors are keeping up on these changes. What is more, there has been a deterioration of driver education teacher preparation throughout the country, as well as in Michigan. According to some, Michigan State University once had the best driver education teacher training program in the country, offering both an undergraduate minor as well as a graduate program. However, MSU dropped its program this year, losing both its graduate program and its undergraduate minor. Currently, MSU has

only three driver education teacher courses left. Finally, reportedly, out of about 2,800 instructors approved to teach driver education in the state, only 450 (14 percent) belong to the Drivers Education Teachers Association, with fewer than 50 teachers belonging to the national professional association. Clearly, driver education teachers are not getting up-to-date information, nor are they bothering to affiliate with their own professional associations. The bill would help remedy these existing gaps in the education of driver education teachers in the state.

Against:

By mandating that a certain number of hours be taught and that three-hour continuing education courses be taken by driver education instructors, to be paid by the instructors or their employers, every three years, the bill has Headlee implications, since most of the driver education instructor "employers" are school districts. Reportedly, 141 school districts applied for, and were granted, "competency programming" (26 percent of the districts), rather than providing the proposed "30 & 6" program, while 46 of the 53 commercial programs (86 percent) use "competency programming." Changing to a full 30 hours in the classroom and six hours of road time would represent a considerable increase in the amount of instructor time required, and by law schools are required to provide driver education programs but are not allowed to charge for them because they are part of the curriculum (nor, according to an attorney general's opinion, can they subcontract for them). In a time of shrinking education budgets, and with some schools threatening to close (or actually closing) due to lack of funds, it seems unwise to impose additional financial burdens on school districts without first identifying a source of funds for this new requirement.

Against:

According to Mothers Against Drunk Driving, the organization currently gives drunk driving victim impact panel presentations in only 26 of Michigan's 83 counties. Unless the organization can rapidly expand into these other counties, which, as a volunteer organization, it might prove difficult to do, it is questionable as to whether or not the bill's mandated requirements could be met, at least in the near future.

POSITIONS:

The Department of Education supports the bill. (7-2-93)

Representatives of the following groups testified in support of the bill (6-9-93):

- * Mothers Against Drunk Driving
- * The Michigan Driver and Traffic Safety Education Association