



OREGON LEGISLATIVE POLICY, RESEARCH, & COMMITTEE SERVICES

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Basics On **Graduated or Provisional Driver Licensing**

What is graduated driver licensing? A graduated licensing system requires young drivers to progress through a series of two or more restricted permits or licenses to gain experience before qualifying for a full license.

What are the common elements of a graduated license? Most graduated licensing systems include a learner's permit, available at age 15 or 16, which is valid for six to 18 months. The next step, an intermediate or provisional license, requires a written and a driving test. In some states the intermediate license authorizes driving under restricted conditions (e.g. no nighttime driving or passenger restrictions) and often the state imposes stiffer sanctions for traffic violations on the intermediate level driver. Full licensing occurs after progressing through the first two phases or after reaching a certain age and meeting the state's qualifications.

What is the rationale for graduated licensing? Many states have instituted graduated licensing as one strategy to reduce the increasing over-representation of young drivers in accident statistics. According to the Insurance Institute for Highway Safety, the risk of crash involvement per mile driven among drivers 16 to 19 is four times the risk among older drivers. Teenagers' lack of driving experience, combined with their general tendencies to inattention and to higher risk behaviors, can be dangerous. In 1997, Oregon teenagers (ages 15 through 19) represented 6 percent of drivers but 12 percent of drivers in fatality or injury accidents. Nationwide, traffic crashes are the leading cause of death among 15 to 20 year olds. Because driver error is blamed for most traffic crashes, most of these crashes are considered preventable. National groups as diverse as the American Academy of Pediatrics and the American Automobile Association have supported graduated licensing.

Does Oregon have a graduated licensing system? Yes. Oregon's has had a provisional driver license program for 16 to 18 year olds since 1989. The program imposes increased sanctions for violators within that age group. It does not impose either time-of-day or passenger restrictions on the provisional driver.

Under Oregon's system an instruction (learner's) permit is available to 15 year olds who pass a written test. Under the instruction permit the young person may only drive under the supervision of a licensed adult 21 or over. Sixteen and seventeen year olds are eligible for a provisional license for which they must pass a written test and a driving skills (behind-the-wheel) test. They can obtain a driver's license without having had an instruction permit. However, if the 16 or 17 year old fails the drive skill test, then they must have an instruction permit for one month before they are eligible to take another drive skill test.

The provisional license holder in Oregon is not restricted in terms of when, where, or with whom they drive, but they are subject to more sanctions on fewer convictions than under a full license. Provisional license holders also face suspension until age 18 for any measurable level of blood alcohol or for any major traffic conviction. Major traffic offenses include driving under the influence of intoxicants, reckless driving, hit-and-run, and eluding a police officer. For the first non-major traffic conviction provisional drivers receive a warning letter; for a second conviction - a meeting with a driver-improvement counselor who must determine a remedial action (defensive driving course, restricted license or other); for a third conviction - a suspension with conditions for re-instatement; and for a fourth conviction – suspension until the 18th birthday.

Driver education is not mandatory in Oregon, but a surcharge on driver license fees partially supports driver education in public schools offering programs.

What have other states implemented?

According to the U.S. Department of Transportation’s National Highway Traffic Safety Administration (NHTSA), 26 states have implemented some form of a graduated license. Nineteen states place some sort of restriction on nighttime driving either under the learner’s permit or the intermediate license. Four states have restrictions on either the number or the age of passengers that can be carried with the intermediate license.

California’s law, which took effect July 1, 1998, is one of the most comprehensive graduated licensing systems. Their new progression of licensing starts with instruction permits issued to youth aged 15 ½ years or older who have completed driver training courses. The state requires having this permit for six months before progressing to the provisional license, and also requires 50 hours of supervised driving under the permit. At least ten of these hours must be at night. Under the provisional license, drivers are prohibited for six months from carrying passengers under the age of 20 unless accompanied by a parent or an adult over 25. An exception allows younger family members to be passengers if authorized by a parent. During the first year of the provisional license there are nighttime restrictions with exceptions for employment, school activities, and medical necessity.

Are graduated license programs effective at reducing crashes?

Evidence to date indicates that they are effective, although for some programs it is too early to tell. Many of the graduated licensing states, including California, implemented their programs only recently. According to NHTSA, Maryland’s program is credited with reducing crashes by five percent and traffic convictions by ten percent for 16 to 17 year olds.

An analysis of Oregon’s provisional driver license program (between the years 1989 and 1994), showed that male drivers issued provisional licenses had 16% fewer reported accidents in their first year of driving. The analysis showed no differences in the number of accidents for female drivers or in the number of traffic violations for drivers of either sex.

What other types of provisions target young drivers?

Other states have implemented elements of graduated licensing programs separately. Examples include:

- Mandatory driver education

- Zero percent legal blood alcohol level (as in Oregon)
- Requiring school attendance to obtain and maintain a driver's license
- Increasing the minimum licensing age
- Requiring a driver to have a learner's permit for a certain period of time before s/he obtains a provisional or full license.

Additional considerations

Enhancing Oregon's graduated licensing program will involve a number of policy and financial decisions.

- Graduated licensing enhancements could impose significant new costs on driver licensing/record-keeping agencies, law enforcement and judicial systems, and, depending on the type of driver education requirements, public schools and families.
- Intermediate licenses with restrictions on either time-of-day or passengers can create inconvenience or true hardship to families who depend on a teenaged driver to transport themselves or others.
- Exemption and hardship provisions need to be determined for new restrictions.
- Graduated licenses restrictions may reduce auto insurance costs.
- Transition provisions need to be determined, including how to treat 16 to 18 year olds who already hold licenses.
- Whether the graduated license provisions should apply only to young people or to persons of any age being newly licensed needs to be determined.
- Effective enforcement is key in order for a program to achieve accident reduction. Because a person's age can be difficult to determine without making a stop and viewing their identification, enforcing age-based restrictions can be difficult.
- The effectiveness of a driver training requirement will depend on the quality of the training. If driver training is made mandatory, certain standards and regulations for trainers should be considered (these can add to costs of implementation). Several studies of driver training, including research performed in Oregon, showed that the programs did not reduce accidents.

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