



NCUTLO: WHO WE ARE AND WHAT WE DO

The National Committee on Uniform Traffic Laws and Ordinances is a private, non-profit membership organization dedicated to providing uniformity of traffic laws and regulations through the timely dissemination of information and model legislation on traffic safety issues.

Uniformity in traffic laws will be critical to transportation in the 21st century. That is why we need your help, and through your membership, not only will you be playing a role in determining America's future, but your membership will provide you with the following:

- Participation in the making of model legislation in critical transportation areas,
- Toll-free information clearinghouse on motor vehicle laws and ordinances,
- State Traffic Law Resource Center, an on-line shortcut to state motor vehicle laws which will save hours of research,
- Electronic voting and input - In these days of costly travel, cast your vote or send your input electronically and free,
- Subscription to NCUTLO News,
- Annotated list of member states with internet links

If you are interested in becoming a member of NCUTLO, you can receive an application easily on-line. Just follow the link below and fill **out the appropriate information and you can register quickly on-line.**

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NCUTLO News, June, 1997

NCUTLO DRAFTS CHILD RESTRAINT SUMMIT PLAN

NCUTLO's Task Force on Standard Safety Belt Model Laws very quickly turned into a dual purpose Task Force - drafting two model laws instead of the one originally anticipated when the Task Force was impaneled. It also uncovered a much more significant issue - and has taken the lead to see if the traffic safety community can put an end to one of the most confusing areas of child restraint - what are the best restraint measures for older children?

NCUTLO's Task Force members found themselves over and over again debating the issue of the best, most scientifically supported recommendations concerning the issue of children from four to sixteen - and how best to reflect that in the model legislation being drafted. It became obvious after numerous hours of debate that there was no standard or overwhelming consensus - indeed, there was little, of any consensus and much confusion concerning older child restraint. Lively debate spurred an exchange between the NTSB and the NCUTLO, and the NCUTLO responded with a plan to develop precise guidelines from a consortium of agencies specifying the age of children to be restrained and the proper devices to use in that restraint.

"Seating placement is increasingly a critical issue: NCUTLO'S position is that a well-discussed, research-supported statement should help establish consensus...and would truly be a public service."

John W. Archer, Chairman, NCUTLO

FINAL MEETING COMPLETES STANDARD SAFETY BELT, CHILD RESTRAINT MODELS

The Task Force on Standard Safety Belt/Child Restraint Model Laws has completed its work with the recent revision and completion of the Standard Safety Belt Model Law and the Child Restraint Use Model Law. Both of these revised models appear in this issue of NCUTLO NEWS' fax back service, and are on the web site under Model Laws.

According to the recently passed Procedure to Adopt Model Laws, (see April 97 NCUTLO NEWS) these models will now be sent to the *NCUTLO* Board of Directors to be voted on as official *NCUTLO* documents. They may also be considered to become a part of the Uniform Vehicle Code; that would take place during the Annual Meeting of the *NCUTLO* full membership, scheduled this year for October 24, in Ballston, Virginia.

All comments received on these two models were discussed and reviewed during the final meeting. Many suggestions were incorporated into the final draft; others were purposely left out of the final product. For a comprehensive summary of these comments and the committee's discussion and determination, click on "Standard Safety Belt Model" on the web page, then on "Comments and Discussion - 06/18/97."

NCUTLO offers its formal thanks to the members of the Safety Belt Task Force who invested countless hours and their significant talents to complete these models and get them to you, our *NCUTLO* constituents, in as timely a fashion as possible. Special recognition goes to **Barbara Harsha**, who very ably chaired the Task Force, and to **John Archer** and **Michele Fields**, who provided invaluable legal support and drafting. For a copy of the Child Restraint Summit Proposal, see this month's Fax back documents or download from the Model Law section of the web page.

NCUTLO, FHWA TO PARTNER LIGHT RAIL MODEL LAW

A tragic crash leads to model law recommendation, partnership for *NCUTLO*. Recommendations arising from a Task Force convened by former Secretary of Transportation **Federico Pena** include the enacting of model legislation, a product to be developed in concert with the National Council of State Legislators, the National Governors' Association, *NCUTLO* and states with light rail systems. A recent letter from **Mike Trentacoste**, Director of the Office of Highway Safety, FHWA, requests that the *NCUTLO* become involved in the drafting of such a law, to include development of draft legislation and review of current legislation. The recommendation states, in part, "states with light rail systems should enact model legislation for penalties associated with light-rail crossing violations based upon existing laws in Texas, California, Virginia and other states"

NCUTLO is pleased to be invited to assist with this critical safety problem; the extensive background of the *NCUTLO* EVP, **Leila Osina**, in highway-rail crossing issues is felt to be a valuable asset in providing practical and useful advice and suggestions to the drafting process. Any *NCUTLO* members interested in becoming involved with a Task Force on Light Rail Legislation should contact **Leila Osina** at 800/807-5290 or send an e-mail message to her at ncutloceo2@msn.com.

WEB PAGE REDESIGN TO FEATURE NEW URL

A new web page redesign will feature the registration of www.ncutlo.org as the *NCUTLO*'s new and simplified web page Uniform Resource Locator, or URL. The URL is used to identify and navigate to the organization site, and the use of the standard format for nonprofit organizations, .org extension, should simplify the access to the web page. Along with the url change, the entire Home Page will undergo

transformation into a slicker and more graphically pleasing home site, while still retaining its ability to load quickly.

Among the new features planned will be themed and color-coded discussion groups, so members will be able to easily track all discussions and issues on a single subject by following the color-coded comments list.

The planned new Home Page for the NCUTLO ClearingHouse site on the World Wide Web.

Briefly Noted.....

NCUTLO attends 1997 International Highway Transportation Safety Week Kickoff....

NCUTLO was present at the recent press conference announcing the kickoff of the 1997 International Highway Transportation Safety Week. Highlights included messages from our neighbors in Canada and Mexico, and the unveiling of the truck caravan which will tour the United States with interactive safety demonstrations on safe driving with trucks and buses.

NCUTLO presents Model Laws at Lifesavers 15...

NCUTLO was front and center at this year's Lifesavers Conference, held June 8 - 11 in Orlando, Florida. The *NCUTLO* ClearingHouse and web page were demonstrated for the attendees, and numerous copies of the three model laws created by the National Committee this year were given out to the interested visitors. Sessions on Graduated Licensing were given copies of the National Committee's Gradlaw for their distribution.

NTSB publishes Air Bag Recommendations ...

The National Transportation Safety Board has issued recommendations on Air Bags and Automobile Occupant Restraint Use. These recommendations stem from a public forum convened in March, 1997 with the participation of NHTSA, the auto industry, the air bag industry, insurance safety and consumer groups. See Fax back documents for complete details.

Fewer Traffic Deaths reported in March. 1997...

Compared to the same month in 1996, fewer traffic deaths occurred in March, 1997, according to the Highway & Vehicle Safety Report, June issue. March of 1996 reported a total of 3,260 deaths nationwide, as compared to 3,146 reported for March 1997, a 3.5% decline. the twelve month totals for April 1996 to March 1997 continued to show a small decline, with a .9% decrease over last year.

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NCUTLO News, August, 1997

NCUTLO LAUNCHES ENHANCED WEB PAGE

Services expand, NCUTLO claims domain

August 4 heralded the launching of the new NCUTLO's expanded and redesigned web page, which features the move to the URL www.ncutlo.org. The registering of NCUTLO's own domain name, which is the standard format for non profit organizations, will make it easier for those searching the Internet to find the National Committee. It also provides simpler, more direct access to our future work sites. Take a moment now and bookmark the new site...as of September 1st, the old URL (www.webplus.net/ncutlo) will no longer function.

Far more important than the redesigned graphics and sleek look of the new page is the completion of the public and member-only discussion forums. It is with these tools, now available to every member, regardless of geographic location, that the new National Committee will develop model laws and additions to the Uniform Vehicle Code that have been reviewed and commented upon by potentially every member of the National Committee. But it is up to you. To be a part of the new NCUTLO, you need to access and use this technology...for all our efforts to succeed, we must get you involved! And it has never been easier, more efficient or more immediate. The discussion forums allow you as a National Committee member immediate access to all our UVC revisions, model laws, future Task Forces, and other projects of the National Committee. But, most important - that access is INTERACTIVE. What that means is that you, the National Committee member can read, critique, post suggested changes, and ask questions of the drafters immediately by posting a message..and then keep abreast of all the discussions on that particular topic by "subscribing" (free of charge) to that discussion "thread". You will get nationwide input from all NCUTLO members...and it will be delivered to your email doorstep by the Discussion Forums!

"You can impact...IMMEDIATELY...the new model laws, the revision of the UVC, or the future direction of NCUTLO... without leaving your desk..."

-- Leila Osina, EVP, NCUTLO

Don't delay...if you have not activated your web page account with NCUTLO, you are missing out on a terrific opportunity...and losing out on this low-cost method of making your voice heard!! Contact Leila Osina now if you do not have a password, if your password no longer works, or if you have any questions about using the new discussion forums (See "How to Use the Forums", Page 2).

AAMVA MODEL LAWS READY FOR UVC INCLUSION

Five model laws discussed and drafted by AAMVA's Model Law Committee in 1995 have been revised and formatted to fit into the upcoming revision of the Uniform Vehicle Code by traffic safety consultants retained by the National Committee. The five model laws address: CDL disqualification, electronic records, financial responsibility reciprocity, salvage vehicle titling, and disclosure of personal information contained in motor vehicle records.

The text of the revisions is now posted on the NCUTLO web page and has a separate section in the members-only discussion forum. To comment, click on the "Model Legislation" page section to read, then navigate to the Members only discussion forum to suggest edits or improvements. The membership of the National Committee will be voting on the inclusion of these five model laws into the Uniform Vehicle Code at its meeting on October 24.

THE NEW DISCUSSION GROUP SITE - HOW DOES IT WORK?

The quick (and easy) way to submit your ideas and suggestions

Relax...it's easy!!! Even if you have never accessed a discussion forum before, you can make your voice be heard...and your organization's position be publicized

across the nation...just by posting a comment (or two!) at the Members Only discussion forum now available to all NCUTLO members at the new web site. Not only is it quick, easy and accessible by any Internet browser, it is the only travel-free (and travel-COST- free) way of assuring that your state, agency, organization or individual comment, question, suggestion for editing or new model idea will be acted upon.

All you have to do is go to the public discussion site, choose the discussion "thread" or topic that you wish to comment on, and post a message...that's it! All messages are automatically delivered to the National Committee staff ...and if you wish, will be delivered to your email address as they are posted. What better way to access your National Committee membership without having to go through the hassle and expense of out-of-state travel?

Currently, the topics posted on the discussion forum site are: UVC - Revisions to Chapter 11; Standard Safety Belt Model; Child Restraint Use Model; Graduated Licensing Model; and 1998 NCUTLO Projects. Here are 6 steps to accessing the Discussion forum:

- 1). Point your browser to this URL address:
<http://www.ncutlo.org>
- 2). Click on "NCUTLO Discussion Forum (members only)"
- 3). Enter your USERNAME - Remember: This is a NUMBER - the number the NCUTLO staff has already provided to you)
- 4). Enter your password (Case matters!) You should arrive at a welcome screen which will list all current forum topics, or threads as links.
Click on any of the topics to see the messages listed under them.
Use the "Back" button to return to the main page and change discussion areas.
- 5). To post a message, click into the "thread" or topic you wish to comment on. Then, click on "Post a new message in this thread" and follow the directions. Your message will be automatically delivered to NCUTLO staff headquarters, and will be posted for all to see.
- 6). Want to start a new discussion topic? Click back to the Welcome Page and click "New Thread"...and post your new message there to start a new discussion topic.

That's all there is to it...it's quick, it's easy and - best of all -

the National Committee members can produce meaningful models, revisions and products...but only if YOU get involved. So join us today!! Now listed for your comment are the planned revisions to the UVC, the AAMVA Model laws, and the areas listed above. GET WIRED TODAY!!!!

**BOOKMARK IT NOW!!! THE NEW
NATIONAL COMMITTEE WEB SITE
ADDRESS IS :**

[HTTP://WWW.NCUTLO.ORG](http://www.ncutlo.org)

**NCUTLO ANNUAL MEETING TO EMPHASIZE
ELECTRONIC COMMUNICATION AMONG
MEMBERS**

This year's NCUTLO Annual Meeting to be held October 24, 1997 in Ballston, Virginia, will feature a presentation and demonstration of the new web page and its planned use in the accomplishments of the National Committee into the 21st century. With the mechanisms now in place for each member to quickly and easily respond to the products as created by task forces, it is now imperative that all NCUTLO members understand and access this simple but effective means of exercising their National Committee membership.

Executive Vice President Leila Osina will present the new web page's capabilities, and demonstrate how a model may be written, edited, reviewed and voted upon solely by electronic communication among National Committee members. She will also demonstrate the data bases being developed, and request ideas and input on further advances needed to make the system simple and easy to access .

Since each state and/or organization can have as many as eight separate accounts to access the page, it is easy to see that the compilation of fairly extensive data from many diverse areas of traffic safety and transportation can be amassed, managed and utilized in a remarkably efficient and low cost manner, if all members become

knowledgeable about its use.

BRIEFLY NOTED.....

NTSB PRAISES EFFORTS OF NCUTLO ON GRADUATED LICENSING

In a letter dated July 14, 1997, the National Committee is praised for its efforts in closing out with an "Acceptable Action" rating a recommendation concerning development and promotion of graduated licensing that had been open since 1976. The NTSB, while concerned with the 20-year gap in the response of the National Committee nevertheless noted that "...the rejuvenated NCUTLO has taken aggressive action..." in the development and distribution of the model. Other NTSB correspondence promised agency involvement in developing child restraint guidelines for older children and involvement by NTSB staffers in the Vehicle Sanctions Task Force forming now.

NAGHSR, AAMVA TO MEET IN SEPTEMBER

Two of NCUTLO's traffic safety coalition partners and members are holding critical meetings in September of 1997. NAGHSR, the association for Governor's Highway Safety Representatives, will hold their annual meeting from September 14-17, 1997 in Scottsdale, Arizona. The theme will be "Breaking Boundaries & Facing Challenges in Highway Safety" and will include discussions and workshops on air bag safety, drowsy driving and older children's safety needs. Further information can be obtained by calling 202/789-0942. Also convening in September, from 7-10 will be the AAMVA 64th Annual International Conference, scheduled to be held at the Excelsior Hotel, Little Rock, AR.

DOT STRATEGIC PLAN ISSUED FOR COMMENT

In late July, the U.S. DOT released its strategic plan for the DOT of the 21st century. NCUTLO was asked to comment upon its contents; the safety area was reviewed and found to be consistent with the plans of the National Committee in the 21st century. Various steps in the safety strategic goal are particularly important from the NCUTLO point of view:

emphasis on child safety, incorporation of human factors considerations, and maximum use of education to promote safe behavior

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NCUTLO News, October, 1997

ELECTRONIC BALLOTING TO DEBUT THIS MONTH

Annual Meeting agenda issues to be first test

In another first designed to make the services and projects of the new National Committee accessible to all members, regardless of size and travel capabilities, the National Committee is launching its first-ever electronic ballot, which will place the preexisting voting issues, available on NCUTLO's Home Page since September 23, on a form which can be sent by email to NCUTLO Staff.

All members of NCUTLO, whether state, sponsor or individual, have one vote in the activities of the National Committee. Members who are unable to travel to Washington, DC to cast their votes in person will now be able to utilize the new technology to cast their votes without the necessity of travel.

Here's how it will work: On October 14, 1997, a special section will be placed on NCUTLO's Home Page, which is located at: www.ncutlo.org. Any member with access to the member only sites will use the pre assigned password to enter the voting site, where complete directions and a ballot containing the suggested UVC changes submitted by AAMVA, the suggested changes submitted by the Task Force on Chapter 11 revision, and the suggested revisions submitted by the Ohio Bicycle Federation will be posted. The member may then vote "Yes", "No", or "Abstain" on any of the issues posted. When the form is filled out to include the member name and

affiliation, the member simply clicks "Submit Form" and the ballot is returned to the NCUTLO office. The form will remain on the web site for 7 business days, and will be withdrawn at 8:00 p.m. (EDT) on October 22, 1997. Once withdrawn, the only way to cast a vote will be by attending the Annual Meeting. That's all there is to it!

Keep in mind the following: there will be only ONE vote accepted from any state, sponsor or individual member. Should more than one vote be submitted, the NCUTLO staff will invalidate all votes submitted, and notify the member of the discrepancy. It is then the member's responsibility to talk with all potential individuals and decide how to cast the member vote, and so notify the NCUTLO staff. Also, any member who votes by electronic ballot and subsequently attends the Annual Meeting will have their previous electronic vote invalidated, and the representative present will cast the official vote for that member.

The purpose of the electronic balloting is to provide simple, timely and inexpensive access to NCUTLO activities for all members...but there are drawbacks to this method. Only those issues already posted and submitted to the NCUTLO staff can be voted on; any issues which arise at the Annual Meeting itself will NOT be available for vote by this electronic method. Also, electronic balloting will be limited to responses of "Yes", "No", or "Abstain"...any comments will need to be submitted separately through the use of the Discussion Forum. In addition, any members not attending will miss the Internet demonstration and the opportunity to speak up and debate NCUTLO's future plans and projects as we head into 1998.

So if you can attend, we welcome you...but if travel and time are insurmountable obstacles for you, please feel free to take advantage of this opportunity. If you have problems in attempting to vote by e-mail, please use the toll-free number, 800/807-5290 to call Leila Osina, and she will work with you to resolve any technical difficulties. So there's no reason NOT to vote..let us hear from you!!!

FRANCOIS HEADS NEW BOARD SLATE

New NCUTLO member AASHTO (American Association of State Highway and Transportation Officials) Executive Director Mr. Francis B. Francois has agreed to serve on the Board of Directors of the new NCUTLO. If approved, AASHTO will fill the board slot recently vacated by the resignation of Mike Crow, Kansas DOT.

Also scheduled to join the NCUTLO Board is Michele Fields, representative of new member Insurance Institute for Highway Safety (IIHS). Michele has been active with NCUTLO since its reorganization and will be a welcome addition to the hardworking NCUTLO Board.

Board members being slated for reelection are: Linda Lewis, American Association of Motor Vehicle Administrators (AAMVA), and Terry Tyrpin, National Association of Independent Insurers (NAII). The full slate will be presented to the membership for approval on October 24.

SALVAGE VEHICLE TITLING CHANGES TABLED FOR RECONSIDERATION

Citing likely changes to issues included in AAMVA's recent submission of suggested changes in salvage vehicle titling legislation, AAMVA has requested that NCUTLO remove from consideration these recommended changes to the Uniform Vehicle Code's Chapter 3. As the issues become clearer in the months ahead, NCUTLO will work with AAMVA and all other interested parties to revise the suggestions and develop model language to reflect these pending changes. To read the previously submitted changes, check this month's fax back documents and request document AAMVA4. Should you have comments or concerns about these

revisions, please send them to the NCUTLO staff, either by letter, fax or by submitting comments over the new NCUTLO Discussion Forum. (See article below for information on how to access the Forum).

WEB PAGE REDESIGN TO FEATURE NEW URL

A new web page redesign will feature the registration of www.ncutlo.org as the NCUTLO's new and simplified web page Uniform Resource Locator, or URL. The URL is used to identify and navigate to the organization site, and the use of the standard format for nonprofit organizations, .org extension, should simplify the access to the web page. Along with the url change, the entire Home Page will undergo transformation into a slicker and more graphically pleasing home site, while still retaining its ability to load quickly.

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The planned new Home Page for the NCUTLO ClearingHouse site on the World Wide Web.

HOW TO ACCESS THE DISCUSSION FORUM

Editor's Note: Below is an article from last issue's newsletter...it is reprinted again so that members can review how to access our new Discussion Forum so that your input and opinions can be submitted to the National Committee.

HOW DOES IT WORK?

The quick (and easy) way to submit your ideas and suggestions

Relax...it's easy!!! Even if you have never accessed a discussion forum before, you can make your voice be heard...and your organization's position be publicized across the nation...just by posting a comment (or two!) at the Members Only discussion forum now available to all NCUTLO members at the new web site. Not only is it quick, easy and accessible by any Internet browser, it is the only travel-free (and travel-COST- free) way of assuring that your state, agency, organization or individual comment, question, suggestion for editing or new model idea will be acted upon.

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"Post a new message in this thread" and follow the directions. Your message will be automatically delivered to NCUTLO staff headquarters, and will be posted for all to see. 6). Want to start a new discussion topic? Click back to the Welcome Page and click "New Thread"...and post your new message there to start a new discussion topic.

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NCUTLO's GRADUATED LICENSING MODEL IS BENCHMARK

NHTSA, NTSB, IIHS USE MODEL AS DEFINING STANDARD

Fourteen states have passed laws that include elements of "graduated licensing" in 1996 and 1997, and interest in the subject is expected to remain very high. Confusion reigns, however, as to what, exactly constitutes a true "graduated" licensing system. The National Committee is pleased to report that, upon reviewing the available information and model legislation available, the Committee's **Model Graduated Licensing Law** has been adopted as the benchmark with which to determine this critical issue.

Using the NCUTLO model as a benchmark, the **National Transportation Safety Board**, the **National Highway Traffic Safety Administration**, and the **Insurance Institute for Highway Safety** are developing a document comparing provisions of licensing laws in the 18 states that have one or more of the core provisions of the NCUTLO model (mandatory six-month holding periods for the learner's permit and intermediate license, and prohibition of unsupervised nighttime driving).

The document, tentatively titled "Characteristics of Selected U.S. Licensing Laws", includes a chart comparing each state on such categories as minimum age, length of mandatory holding period, nighttime restriction and other features. Each state which include all of the core provisions as delineated by the National Committee's model, are then starred as meeting the definition of graduated licensing laws.

As of press time, the chart is still preliminary. However, as soon as the chart becomes available, the National Committee will offer it to members, states and other interested constituencies, as well as placing it on its Internet site. In addition, the chart will be updated regularly, so that members can have access to the most current information available.

This project is a fine example of the success of the *new* NCUTLO. Such successes are what the Committee was hopeful it could accomplish with the new reorganization, and we are delighted to report this success. Special thanks go to all the National Committee Task Force volunteers who labored so intensively to produce the Graduated Licensing model, and individual

recognition goes to **John Archer** and **Dan Gilbert**, the drafters of the model.

NCUTLO welcomes the Polk Company to Membership

The Polk Company, based in Cincinnati, Ohio, is the latest sponsor member to join the *new* National Committee. We welcome the Polk Company and its representative, Mr. Jerry Fischer, Vice-President of Government Systems, to membership in the National Committee and look forward to their active and enthusiastic support. Special thanks on this one goes to Mr. Tony Rocha, State Farm Mutual Insurance Company, for taking the leadership position in demonstrating to the Polk Company the value of a National Committee membership.



WHAT NEXT FOR 1998???

Annual meeting attendees discuss task forces, services

The National Committee's Annual Meeting is traditionally the time the members meet to brainstorm and discuss those products and services that might be of value to our constituent state and sponsor members. Budget limitations make the choice of products and Task Forces to pursue of critical importance, since the limited size of NCUTLO makes the adoption of more than three or four active Task Forces impossible to maintain in a quality and timely manner. To that end, the members offer a multitude of suggestions and then count on **YOU**, the member to indicate which ones you feel are most important to develop.

Below is a list of all of those Task Forces, as well as products and services which might be pursued by NCUTLO. Beside each is a blank line. Copy this newsletter page, take a moment NOW...and mark by numbering 1 to 5 your five highest priority projects for NCUTLO...**Do it now**...WE NEED YOUR INPUT!!!...and it couldn't be easier...fax your copy back to: 703/441-1144 as soon as possible.

POSSIBLE TASK FORCES

- _____ Overweight Trucks
- _____ Definition of "vehicle"
- _____ Traffic Records Upgrade
- _____ Diversion programs

- _____ Aggressive driving
- _____ Driver fatigue
- _____ Older driver issues
- _____ Bicycle safety & general
- _____ Grade crossing issues
- _____ Work zone safety
- _____ Other _____

POSSIBLE MEMBER SERVICES

- _____ "Rules of the Road - Rated" (local code comparison)
- _____ State code database - searchable
- _____ State code comparison to UVC
- _____ Digest of Alcohol laws - continuation
- _____ Digest of youth-related licensing laws
- _____ Other _____

Name _____ of
Member _____

Affiliation

Fax back to 703/441-1144 as soon as possible, but
no later than December 30, 1997.

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**NHTSA AIR BAG RULING PROMPTS INFORMATION
CAMPAIGN**

With the announcement of the recent rulemaking by **NHTSA** permitting on-off switches to be installed in vehicles in certain circumstances, the **Air Bag Safety Campaign** wants to be sure the message is out: the overwhelming majority of Americans and their families are safer with air bags in their vehicles, as long as they follow these simple safety steps:

Always

slide the seat back as far as possible and sit back;

Buckle

everyone;

Children

12 and under ride properly restrained in the back

"NHTSA's announcement indicates that a limited number of people may want to consider having an on-off switch installed", said **Janet Dewey**, Executive Director of the Air Bag Safety Campaign. The four risk profiles who might consider the installation, according to the Air Bag Safety Campaign, are: those who cannot avoid

placing rear-facing infants in the front passenger seat; those who have a medical condition that places them at specific risk; those who cannot adjust their driver's position to keep back 10 inches from the steering wheel; and those who cannot avoid situations - such as a car pool - that require a child 12 or under to ride in the front seat. For a copy of the NHTSA Safety Fact Sheet and application to install an on-off switch, see this issue's Fax Back Documents (page 4).

BRIEFLY NOTED.....

GEORGIA HOUSE INTRODUCES DUI/GRADUATED LICENSING BILL

A compromise bill which combines DUI initiatives and restrictions on teen driving laws has recently been introduced in the Georgia House of Representatives. The compromise, hailed by **Gov. Zell**

Miller, Lt. Gov. Pierre Howard, as well as bipartisan House leadership, combines the Lt. Governor's teen driving package with **Miller's** DUI initiatives to impose zero alcohol tolerance for teens, restrict nighttime driving privileges until age 18, limit the number of nonfamily passengers that teen drivers can transport, and require teens to stay in school or get a general education diploma to retain their license. MADD officials, who had lobbied intensely, said the compromise ushers in "a phenomenal day on Georgia."

OKLAHOMA'S PRIMARY BELT LAW NOW IN EFFECT

The state of Oklahoma now has a primary belt law in effect as of November 1, 1997. The state legislature passed the bill and it was signed by **Governor Frank Keating** in late May. The law allows police officers to issue a \$20 fine to a driver and/or an adult front-seat passenger solely for not wearing a safety belt. The law applies to all passenger vehicles. It is hoped that the new law will increase safety belt use rates, as has been the case in a number of other states. Current Oklahoma belt use is 48 per cent and hopes are the new law will boost that usage rate by 15-20 percent.

U.S.D.O.T ANNOUNCES FINAL RULE ON AIR BAGS

On November 18, 1997, the U.S. DOT announced a final rule that allows consumers to have retrofit air bag on-off switches installed for the air bags in their vehicles. It is imperative that consumers have accurate information in order to determine if they are in a risk group, so that they can make an informed decision about such installations, which the rule now allows as of January 19, 1998. NHTSA has produced a brochure entitled "Air Bags and On-off Switches: Information for an Informed Decision". This brochure is available now from state and local motor vehicle offices, AAA clubs, and some new car dealers. For further information, call the Auto Safety Hotline at 1-800-424-9393.

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1998 UNIFORM VEHICLE CODE SUPPLEMENT NOW IN PRINT

ACTIONS TAKEN AT 97 ANNUAL MEETING CODIFIED

The first print supplement to the National Committee's major product, the Uniform Vehicle Code, is now printed and available from the NCUTLO ClearingHouse. The supplement, the first since the most recent version was published in 1992, includes all changes made and approved at the Committee's Annual Meeting in October, 1997.

Those changes include, for the first time, the addition of NCUTLO's model laws on graduated licensing, child restraint use and safety belt use as an actual part of the UVC. Past practice had been to wait until such laws had been passed and enacted for a period of time in several states before their inclusion; the addition of the model language in this new supplement marks an aggressive new approach taken by NCUTLO in its efforts to improve both services and information to states, and increase uniformity by providing model law well before states begin the legislative process.

The 25-page supplement also includes changes made to the critical "Rules of the Road" section (Chapter 11) as identified by last year's Task Force on Chapter 11 revisions. While by no means comprehensive, this supplement marks the beginning of a comprehensive review and revision of the Uniform Vehicle Code which will eventually lead to

the production of an entire new volume.

National Committee members approved the changes in principle at the October 1997 Annual Meeting, and the actual drafting was done by consultants hired by the National Committee. The supplement will be sent to all members of the National Committee free of charge and will be included in all orders for the Uniform Vehicle Code received in 1998 and beyond.

While much work remains to be done to complete a comprehensive review of the Uniform Vehicle Code, this new supplement marks the newest in a growing list of useful and much-needed products created by the new NCUTLO. For individual copies of the new supplement in addition to the one being sent to members, please contact Leila Osina at the National Committee's Information ClearingHouse. Individual copies will be available for \$5.00, plus \$2.00 shipping and handling to all members, and \$10.00 for nonmembers.

California, Washington join the New NCUTLO

The National Committee is particularly pleased to announce the addition of two new member states in 1998 - California and Washington state. Both states are tremendously active in the traffic safety arena, and their addition to NCUTLO's state constituency is a major step forward in the new NCUTLO's plan to serve all states' traffic safety needs. (Con't on Page 2)

SURVEY, NCUTLO MEMBERSHIP TO DECIDE 1998 TASK FORCES

The results of last issue's survey, combined with the needs of the states as determined by the NCUTLO Board of Directors, and member states and sponsors are narrowing in on those Task Forces to be

convened in 1998. Thanks to all who took the time to make their voices heard in our December survey request; below is a summary of the results. While there are a large number of Task Forces which could be effectively impaneled and managed by the new NCUTLO, the final choice of which ones to move forward with will be based on input from NCUTLO Board members, funding sources and the critical issues in traffic safety as they are perceived at the time of the decision. Final consideration is expected to take place when the NCUTLO Board of Directors meets in March, 1998.

Here is the list of Task Force ideas which were considered important by survey responders, in the order of importance as determined by individual number of votes:

Aggressive driving

Driver fatigue

Bicycle safety & general

Overweight Trucks

Older driver issues

Traffic Records Upgrade

Diversion programs

Definition of "vehicle"

Grade crossing issues

Work zone safety

Other - Pedestrian

Member services considered most popular were (again in order of number of votes):

"Rules of the Road - Rated" (local code

comparison)

Digest of youth-related licensing laws

State code database - searchable

State code comparison to UVC

Digest of Alcohol laws

CA, WA JOIN NCUTLO (con't from Page 1)

In both cases, the new member states were once members on the National Committee on Uniform Traffic Laws and Ordinances, and have now chosen to rejoin. Washington's Steve Lind, Program Director of the Washington State Traffic Safety Commission, cited "*...the well thought out and aggressive approach the NCUTLO is taking in the area of traffic safety...*" as its reason for considering rejoining.

We welcome our new state members and pledge our commitment to listening to their needs!!

NCUTLO BOARD OF DIRECTORS TO MEET MARCH 26

The Board of Directors of the National Committee on Uniform Traffic Laws and Ordinances will meet March 26, 1998, at the offices of the Insurance Institute for Highway Safety. The regularly scheduled Board meeting will review financial statements, discuss and finalize 1998 Task Force plans, and discuss future membership recruitment and fund raising for the National Committee's program year. In addition, the Board will review the 1998 Supplement to the Uniform Vehicle Code just completed, as well as discuss potential new roles the National Committee might play in the implementation of strategic highway safety plans of the Federal Highway Administration and other NCUTLO partner members.

Suggestions for inclusion on the NCUTLO agenda are welcome; fax to Leila Osina at 540/465-5383 or [email to: ncutloceo@rica.net](mailto:ncutloceo@rica.net).

NCUTLO CLEARINGHOUSE HAS CHANGED ITS FAX AND E-MAIL ADDRESS

THE NEW FAX NUMBER IS: 540/465-5383

**THE NEW E-MAIL ADDRESS IS:
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PLEASE CHANGE YOUR RECORDS NOW!!!!!!

BRIEFLY NOTED.....

AIR BAG SAFETY CAMPAIGN SURVEY INDICATES 86% OF RESPONDENTS HAVE HEARD "CHILDREN IN THE BACK" WARNING

The Air Bag Safety Campaign has released their survey results which indicate an impressive 86% of those polled had heard a specific warning not to put children 12 or younger in the front seat of a vehicle. While this is good news, there remains 13% of the population who indicated that they had not heard such a specific warning. Of those indicating they had NOT heard such a warning, the top groups were: Hispanic - 25%; African-American - 22%; Under \$20,000 income - 21%, Renters - 20% and Not registered to Vote - 19%.

TRANSPORTATION RESEARCH BOARD RELEASES ROADSIDE SAFETY BROCHURE

Developed as part of TRB's Strategic Plan for Roadside Safety, the new brochure describes the size of the roadside safety problem, key steps in addressing it, and successful implementation strategies. The brochure is an excerpt of a report prepared under NCHRP Project 17-13, "Strategic Plan for Improving Roadside Safety. Copies of the 8-page, full-color brochure can be obtained by contacting Kathryn Harper at (202) 857-1200.

NETS ANNOUNCES "DRIVE SAFELY AT WORK" WEEK

NETS, the Network of Employers for Traffic Safety announced its "Drive Safely at Work" Week, this year scheduled for April 20-24, 1998. The goal of the campaign is to save 800 lives and three billion dollars during the week by encouraging drivers to follow some basic traffic safety rules. NETS is looking for partner participants; you can send for a "Drive Safely at Work" Tool Kit, which contains Fact Sheets, newsletter articles, posters and camera-ready art to make the participation of your organization easier. For more information or to send for the Tool Kit, please call NETS National, at 1888-221-0045.

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Lifesavers 16 Attendees Show Brisk Interest in Gradlaw

Lifesavers 16, the 16th annual gathering of the traffic safety community, took place this year in Cleveland, Ohio from March 29 to April 1. The National Committee hosted a booth at the exhibition hall, and distributed a record-high number of handouts of the Committee's new Graduated Licensing Model.

Among the varied sessions offered this year was one on graduated licensing, which was repeated several times. National Committee staff managed to attend one session, speaking to the process utilized in making the model, and handing out additional copies. Panel members of the session included Rob Foss, from the UNC Highway Safety Research Center, Pat Waller from the U of MI Transportation Research Institute, and Allan Williams, of NCUTLO-member IIHS. Allan distributed copies of the IIHS-created chart which compares each state's graduated licensing law, compared to the NCUTLO model. (The most current chart (February 1998) is an available fax-back document in this issue's fax-back section on Page 4.)

The interest created was high, judged by the number of requests for the GL model, which was being given out at the National Committee exhibit booth. Also available at the booth was the NCUTLO web site, live and connected to the Internet, for potential members and other interested users to examine.

This issue will be carefully monitored by the National Committee staff, and updates on GL laws and related information will be made available as soon as it is received. If you are aware of useful information which

may need wider distribution, please call NCUTLO staff at 800/807-5290 to submit it for sharing with NCUTLO members.

Board of Directors Met March 26

The NCUTLO Board of Directors met on March 26 at the offices of the Insurance Institute for Highway Safety. The spring meeting was highlighted by a presentation given by Dave Hensing, Deputy Executive Director of the American Association of State Highway Transportation Officials (AASHTO). Hensing's presentation detailed the AASHTO Strategic Highway Safety Plan, and included statistics on future problems, amounts of funding and percentage goals that the Plan is designed to meet. Extended discussion followed as to the role the National Committee might play in assisting new member AASHTO's efforts to achieve its ambitious safety goal - a reduction of from 5,000 to 7,000 fatalities per year.

In other Board business, final Task Force determinations were made, the membership recruitment campaign was discussed, and possible new projects which might be undertaken with the Federal Highway Administration were reviewed. Task

Force chairs and charges should be finalized by the end of April with work to begin soon after that. (See page 2)

1998 TASK FORCES **NOW FINALIZED**

Members solicited for three working groups

The 1998 Task Forces for the National Committee on Uniform Traffic Laws and Ordinances have been determined by recent action of the Board of Directors. While there are a large number of projects that our

members show interest in, it is the Board's responsibility to focus the very narrow resources of the National Committee on those areas which show the greatest potential for useful products this year.

As with all Task Forces impaneled by the National Committee, the 1998 Task Forces follow the same methodology: The Chairman of each Task Force is appointed by the Chairman of the National Committee. Each Chairman, in cooperation with staff and other members, selects a well-balanced representation from all aspects and points of view within the subject area. Nonmember experts may be selected from time to time as members of these committees, but preference will be given to members.

While all attempts will be made to have all interested parties serve on the Task Force of their choice, it is important for NCUTLO members to keep in mind the need for representative balance in all Task Force structure if not placed on the Task Force of their choice.

With that necessity in mind, the Board of Directors authorized the following Task Forces to be impaneled for the 1998 program year:

TASK FORCE ON VEHICLE SANCTIONS - To be chaired by **Barbara Harsha** Executive Director, NAGHSR. Task Force will examine vehicle sanctions issues, including definitions, current practices, and updated statistics and recommend products for possible endorsement of the National Committee. Any member interest in serving should call Barbara Harsha at 202/789-0942 or Leila Osina at 800/807-5290.

TASK FORCE ON UVC REVISIONS: RE BICYCLE AND PEDESTRIAN ISSUES

To be chaired by **Ray Pusey**, BD & R, Inc., Dover, DE. This Task Force will resolve the issue from the last Annual Meeting regarding rewriting the language of Section 11-809 of the Uniform Vehicle Code (Racing on Highways) as well as recommending other revisions necessary to update the Code. Members have already been selected; any member

who has not yet expressed an interest in serving on this Task Force should call Leila Osina right away at 800/807-5290.

TASK FORCE ON OVERWEIGHT TRUCKS - Chair currently vacant. This Task Force will review past efforts on drafting legislation for overweight trucks, and propose any new legislation or other products deemed necessary by the Task Force members. Should any member be interested in serving on this Task Force, please call Leila at 800/807-5290.

Each Task Force will establish their own section on the NCUTLO Discussion Page...they will create a "thread" where they will talk with each other and discuss possible revisions by Internet and email. To be an involved member of the Task Forces, it is recommended that each potential volunteer have access to the Internet and an email account, although some work will be done by fax and mail. Each Task Force will meet a minimum number of times, all meetings to be held in the Washington, DC area. Join now and get involved with the National Committee.

REMINDER!!

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-

WEB HOST CHANGES; Delays, glitches result

Those members regularly using the NCUTLO web page may have noticed some difficulties recently with the operation of member-only sections of the page. This is the result of a sudden loss of the NCUTLO's

web site host, who unexpectedly went out of business in February of this year. The incident forced the migration of the NCUTLO web site to a new host, and with that the volume of details necessary to assure that the functionality of the site is replaced as soon as possible.

NCUTLO staff is pleased to report that most of the transition work is now complete; if you were having any difficulties reaching and using the web site or certain sections of it, that should now be corrected. All passwords should once again allow access to the member only sites. If you have any difficulty in logging on, have forgotten your password, or need any assistance, please call Leila at 800/807-5290.

BRIEFLY NOTED.....

RECORD SAFETY BUDGET PROPOSED BY THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

U. S. Secretary of Transportation Rodney Slater has proposed a 22 per cent spending increase for NHTSA's highway safety programs. In his annual budget message, Slater requested a record \$406 million in 1999 for the National Highway Traffic Safety Administration, a proposal that is nearly 50 per cent greater than the first budget developed by current NHTSA Administrator, Ricardo Martinez, MD. when he took over the Agency in 1994. "Transportation safety remains Secretary Slater's number one priority, and this proposed budget includes increases specifically designed to save lives by reducing traffic crashes on the nation's highways", said Martinez. In the proposal, highway safety grants to states would increase 25 %.

Copies of the NHTSA "Budget in Brief" can be downloaded from the World Wide Web at:

<http://www.nhtsa.dot.gov>

NATIONAL COMMITTEE ON UNIFORM TRAFFIC CONTROL DEVICES SUBMITS PENDING

CHANGES TO MUTCD

Changes to seven different sections of the Manual on Uniform Traffic Control Devices (MUTCD) have been submitted to the members of the National Committee on Uniform Traffic Laws and Ordinances. Comments on any of these changes should be made no later than May 31, 1998 at the NCUTDC office in Sun City West, Arizona. The sections being presented with changes are: 1A.3, 1A.14, 2B.x Cross Traffic Does Not Stop plaque; 2D.38 Advance Street Name Signs, 2E.49 Signing of Approaches and Connection Roadways; 4D.5; Part 6: Typical Application Diagrams and Part 9, Figure 9C-6d, Sign R3-17, Sign R9-7a. For copies of the specific attachments and changes, please contact the NCUTLO ClearingHouse at 800/807-5290.

AASHTO SUBCOMMITTEE ON TRAFFIC ENGINEERING, NATIONAL COMMITTEE ON UNIFORM TRAFFIC CONTROL DEVICES HOLD ANNUAL MEETINGS

San Antonio, Texas is the site selected for this year's Annual Meetings of the NCUTCD and the AASHTO Subcommittee on Traffic Engineering. The dates for the meeting are June 21-26, 1998 and the headquarters hotel is the Omni San Antonio. The program will include both general and technical sessions, social events and a spouse program. For more information, please call, send registration, or fax to: Tom Newbern, P.E., Traffic Operations Division, Texas Department of Transportation, 125 E. 11th Street, Austin, TX 78701-2483. Telephone: (512) 416-3200, Fax: (512) 416-3214

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Recommendations of the Task Force to Review UVC Provisions Covering Bicycles

§ 12-705—Additional lights or reflectors authorized

"A bicycle or its rider may be equipped with lights or reflectors in addition to those required by the foregoing sections. These lights and/or reflectors may be LED or regular, steady or flashing, as long as they comply with the requirements or limitations of the department. These lights may emit a steady or flashing light."

Rationale:

There is no need to mention reflectors at all in the second sentence, or to try and specify that these lights should be "LED or regular" since the intent of this section is primarily to authorize the use of the flashing, blinking, or twinkling bike lights that have become increasingly popular over the past decade.

2. § 11-1211—Bicycle racing

~~(a) By agreement with the approving authority, participants in an approved bicycle highway racing event may be exempted from compliance with any traffic laws otherwise applicable thereto, provided that traffic control is adequate to assure the safety of all highway users.~~

~~(b) Bicycle racing on a highway shall not be unlawful when a racing event has been approved by state or local authorities on any highway under their respective jurisdictions. Approval of bicycle highway racing events shall be granted only under conditions which assure reasonable safety for all race participants, spectators and other highway users, and which prevent unreasonable interference with traffic flow that would seriously inconvenience other highway users.~~

Rationale: This last sentence of subsection (b) succinctly captures the necessary concern for balancing the needs of traffic safety and the (sometimes-competing) interests of the parties.

3. §11-606—Method of giving hand-and-arm signals

All hand-and-arm signals shall be given from the left side of the vehicle in

the following manner and such signals shall indicate as follows:

1. *Left turn*—Hand and arm extended horizontally.
2. *Right turn*—Hand and arm extended upward. Bicyclists may signal with right arm extended.
3. *Stop or decrease speed*—Hand and arm extended downward.

-

~~Notwithstanding the foregoing provisions, a person operating a bicycle may give a right turn signal by extending the right hand and arm horizontally and to the right side of the bicycle.~~

Rationale: It is clearer to mention the right arm possibility for bicyclists in "2."

rather than later, in a final paragraph. Adding that language " eliminates the need for the final paragraph, beginning with 'Notwithstanding . . .' which can now be deleted.

4. §11-1203—Riding on bicycles

No bicycle shall be used to carry more persons at one time than the number for which it is designed or equipped, except that an adult rider may carry a child securely attached ~~adult rider in a back pack or sling.~~ to the bicycle in a seat or trailer designed for carrying children.

Rationale: This substitution of a seat or trailer for the current "back pack or sling" reflects current practice and safety consideration.

Note: These recommendations come from the 2000 Bicycle and Pedestrian Task Force of the National Committee on Uniform Traffic Laws and Ordinances. Please refer any comments by email, fax or mail, to: NCUTLO 107 S. West Street, # 110, Alexandria, VA 22314; 800/807-5290; 540/465-5383 (fax); ncutloceo@rica.net (email)

These recommendations will be presented to the membership of NCUTLO for their consideration at its 2000 Annual Meeting, scheduled for January 6, 2001.



Ohio Bike Federation

Here are the Suggested changes to the National Committee's Uniform Vehicle Code as presented by the **OHIO BICYCLE FEDERATION**, submitted by Chuck Smith.

1. *Delete* **UVC 11-1209** as a housekeeping measure, following our change to 11-604(b) in 1997 which limited the requirement that vehicles signal for 100 consecutive feet before an intersection to vehicles with automatic turn signals.

APPROVED

2. *Delete* **UVC 11-1212** as a housekeeping measure, following our change to 11-809 in 1998 which permitted bicycle racing on highways.

DELETED SECTION "A" ONLY - REVISE LETTERS AFTER

3. *Renumber* UVC 11-1210, 11-1211, and 11-1213.

APPROVED

4. *Add* the following to 11-1205 as an exception to the "ride as close as practicable" requirement:

"4. When riding in the right-turn-only lane."

APPROVED

Chuck Smith

Chair, Ohio Bicycle Federation

825 Olde Farm Court

Vandalia, OH 45377

(937) 890-6689

chksmith@gemair.com (note new address)



Revisions To UVC approved 1/11/00:

Section 11-1209 - DELETED

Section 11-1202(a) - DELETED

Section 11-1205 - Add new # 4:

- "4. When riding in the right-turn-only lane."

(For background, click on this file link) [OHIOBIKE99](#)

Section 12-702 -- Add Following language : "Head lamp [and tail lamp] required at night

Every bicycle in use at the times described in 12-201 shall be equipped with a lamp on the front emitting a white light visible from a distance of at least 500 feet to the front, [and a lamp on the rear emitting a red light visible from a distance of at least 1000 feet to the rear.] (Former section 11-1207(a); revised and repositioned, 1975)

(For background, click on this file link) [LABUVC99](#)

Section 1-128 - Hazardous material

Has the same meaning as that found in 403 of the Hazardous Materials Transportation Act (49 App. U.S.C. 1801 et seq.). (Revised and renumbered, 1992.) 49 U.S.C. §5102 (definitions).

Section 12-408 - Footnote 9 to section 12-408 (a) revised as follows: See Federal Hazardous Materials Regulations in Parts 107,170,171, 172, 173, 177, 178, 180, and 397 of Title 49, Code of Federal Regulations.

Section 6-211 (b) Amend as follows:

6-211 - Authority of department to suspend or revoke license

(b) For the purpose of identifying habitually reckless or negligent drivers and habitual or frequent violators of traffic regulations governing the

movement of vehicles, the department shall adopt regulations establishing a uniform system assigning demerit points for convictions of violations of chapter 11 of this code or of ordinances adopted by local authorities regulating the operation of motor vehicles. The regulations shall include a designated level of point accumulation which so identifies drivers. The department may assess points for convictions in other states of offenses which, if committed in this State, would be grounds for such assessment. Notice of each assessment of points may be given, but notice is required when the point accumulation reaches _____ percent of the number at which suspension is authorized. No points shall be assessed for violating a provision of this code or municipal ordinance regulating standing, parking, equipment, size or weight. ~~In case of the conviction of a licensee of two or more traffic violations committed on a single occasion, such licensee shall be assessed points for one offense only and if the offenses involved have different point values, such licensee shall be assessed for the offense having the greater point value.~~ The department is authorized to suspend the license of a driver when such person's driving record identifies driver as an habitually reckless or negligent driver or as an habitual or frequent violator under this subsection. The department may, in accordance with its rules and regulations, order the licensee to attend a group or private driver improvement interview regarding such person's driving ability and record.

(For background, click on this file link) [RevisionstoUVC](#)

The DUI Millennum Protection Act, NCUTLO's model law on impaired driving, was approved in its entirety to be added to the Uniform Vehicle Code. For that reason, the following revisions in the UVC have automatically been approved: [DUIUVCRev](#)

PROPOSED REVISIONS TO THE UVC - 2002 EDITION

NOTE TO NCUTLO MEMBERS: The following **four** changes have been recommended by the NATIONAL COMMITTEE on UNIFORM TRAFFIC CONTROL DEVICES to make the planned changes to the MUTCD consistent with the UVC.

These changes were presented by Ray Pusey at the Annual Meeting; because of the time constraints to get these changes considered before final rule-making, we are asking that you review and vote on these changes by the mail ballot which is coming to you shortly.

These changes will be reviewed and considered, as well as posted to the web page for 30 days, after which all ballots are due to be returned to the National Committee. If you are a member in good standing of the National Committee, you may vote on these suggested changes, either by returning the form which was mailed to you, or by sending an email ballot

to: ncutloceo@rica.net

NO LATER THAN

FRIDAY, MARCH 10, 2000

SUGGESTED CHANGES TO THE UNIFORM VEHICLE CODE

as recommended by the

NATIONAL COMMITTEE on UNIFORM TRAFFIC CONTROL DEVICES

Presented by Raymond S. Pusey, NCUTLO Delegate

January 11, 2000

The National Committee on Uniform Traffic Control Devices (NC) has been working on a rewrite of the 1988 Manual on Uniform Traffic Control Devices (WTCD) which is to be published in 2001. In the course of this rewrite, definitions found in the NWTCD have been reviewed as have pertinent parts of Chapter 1, Definitions, and Chapter 11, Rules of the Road, of the Uniform Vehicle Code (UVC). Since the Federal Highway Administration (FHWA) has the final word on the contents of the MUTCD, it is recommended that a careful review of the differences as found in the December Federal Register notices be made and that a response to the Federal Docket be made by NCUTLO.

An effort has been made by the NC to keep the definitions in harmony, but recent actions by the FHWA as indicated in the Federal Register Notices raise strong concerns that the full impact of such differences may not be apparent to all parties.

The NC is recommending several items which should be of concern to the UVC. They are discussed below and include recommendations for possible revisions to the UVC.

Item 1. Turn on Red Arrow.

The UVC provides that a turn on Red may be made during the display of a circular Red or a Red arrow unless a sign prohibiting the movement is posted.

[UVC C 1 1-202 (c) 2 & (c) 3]

The NC has adopted language which defines the Red arrow as prohibiting turns. There is a need to prohibit turns on red at specific locations for purposes such as protecting pedestrians and controlling turning traffic where there is no merging

area or where an unexpected conflict exists. In urban areas, sign clutter and the lack of or limited space to post any signs are issues. It is felt that having the signal display convey the "No Turn on Red" message allows faster recognition by the driver as well as saving sign space. It also allows the prohibition to be applied as needed. For example, at a school crossing location, prohibiting turns on Red when pedestrians are walking under the control of the pedestrian signal is important, but the rest of the time, the prohibition is totally unnecessary.

Many factors alter the crossing times for school children such as weather delays or early closings and after school activities and sports practices or games. Providing protection, when needed, and allowing turns otherwise, is a safe and effective traffic operating method. It provides an extra level of safety for the pedestrian without unduly delaying the vehicles, wasting time and fuel, and altering driver's moods for no purpose. A simple traffic signal display with a very low cost of installation and maintenance for this purpose is highly desirable.

It is recommended that the language of the UVC C11-202(c)3 be modified as follows:

"Except when a (sign) traffic control device is in place prohibiting such a turn, vehicular traffic facing (any) a steady circular red signal may cautiously, etc.

The change of "sign" to "traffic control device" is recommended to eliminate any arguments concerning electronic displays being a sign or a signal.

The replacement of "any" by "circular" defines the one red display which permits turn on red.

I believe a further statement which specifically states that turns on red arrow are prohibited is unnecessary.

Item 2. Pedestrians at signalized locations.

It was noted that the UVC provides directives to the pedestrian and the motorist at signalized intersections, but that a key operational element is

not addressed. There are two conditions which may exist at the beginning of a vehicular green; no vehicle is lawfully within the intersection and a vehicle is lawfully within the intersection (typically, it entered to turn left on green but was delayed by opposing traffic until the opposing traffic was stopped by a red.)

Where no vehicle is lawfully within the intersection, the UVC is clear as to the respective responsibilities of drivers and pedestrians. [See C11-202 (a)].

Where a vehicle(s) is lawfully within the intersection, before the vehicles or pedestrians just receiving a green begin to move, it is necessary that the vehicle(s) depart the intersection. The open question is, "Does the departing driver yield to pedestrians who are just beginning to cross or must the pedestrians yield to the departing vehicle?" As a practical matter, the pedestrians must yield exactly as the vehicle drivers just receiving the green must yield.

The NC adopted the following language for inclusion in the MUTCD. "Unless otherwise directed by a pedestrian signal head, pedestrians facing any green signal indication, except when the sole green signal indication is a turn arrow, may proceed across a roadway within a marked or unmarked crosswalk, **but pedestrians shall yield the right-of-way to vehicles lawfully within the intersection at the time that signal is first shown.**" [In Bold is language not now in C 11-202 (a) 3].

The NC also adopted the following language for inclusion in the MUTCD. "A steady WALK signal indication means that a pedestrian facing the signal indication may start to cross the roadway in the direction of the signal indication, possibly in conflict with turning vehicles, but shall yield the right-of-way to vehicles lawfully within the intersection at the time that signal is first shown."

The UVC language concerning the meaning of the WALK and the DON'T WALK signal is not duplicated in the MUTCD.

It is recommended that the language of the UVC

C11-202 (c) 3 be modified as follows:

"Unless otherwise directed by a pedestrian signal (head) indication, pedestrians facing any green signal indication, except when the sole green signal indication is a turn arrow, may proceed across a roadway within a marked or unmarked crosswalk, but pedestrians shall yield the right-of-way to vehicles lawfully within the intersection at the timer that green signal indication is first displayed."

[Underlined language is new. See C11-202 (a) 3].

The change from "head" to "indication" recognizes that the visible symbol or word controls, not the signal head by which it is displayed.

It is recommended that the language of the UVC C11-203 be modified as follows:

(a) " Steady WALK or WALKING PERSON - Any pedestrian facing (the) this signal indication may proceed across the roadway in the direction of the signal indication and every driver shall yield the right-of-way to such pedestrian, but such pedestrian shall yield the right-of-way to vehicles lawfully within the intersection at the time that signal indication is first displayed."

[Underlined language is new. See C11-203 (a).]

The NC has recommended the elimination of the Flashing WALK display. Thus, the recommendation to remove it from the UVC is included.

Item 3. Bicyclist in crosswalk.

The UVC allows bicycles in crosswalks and in some jurisdictions, bicyclists are required to share pedestrian facilities. Since a bicycle is a "vehicle", does a bicyclist obey the vehicular traffic signal indications or does the bicyclist obey the pedestrian indications when operating in a

crosswalk or on a pedestrian facility? While the question arose concerning bicyclists, it is equally of issue about other small vehicles such as the several types of motorized wheel chairs and adult tricycles.

A study of the UVC as it applies to the many new types of vehicles which are appearing in the market place is recommended.

It is recommended that the language of the UVC C11-1210 be modified as follows:

"(d) No person shall drive or operate a vehicle upon or along a sidewalk or shared pedestrian facility, or across a roadway, upon or along a crosswalk, unless vehicles of that class are authorized by statute or by a posted traffic control device to be driven or operated upon or along a sidewalk or shared pedestrian facility or across a roadway, upon or along a crosswalk.

The driver or operator of any vehicle so authorized when driving or operating said vehicle upon or along a sidewalk, or shared pedestrian facility, or across a roadway, upon or along a crosswalk, shall first obey all traffic control devices posted to regulate, warn, or guide drivers or operators of that class of vehicle and second shall obey all traffic control devices posted to regulate, warn, or guide pedestrians, except for those provisions which by their very nature can have no application."

This is not currently in the UVC and it is worded broadly to capture any user of any of the named facilities and every vehicle of every type or class which may be designated in the future. The wording is intended to set the order in which conflicts between traffic control devices are to be resolved.

I specifically did not recommend modification of the section on pedestrian signals since I believe that this covers the issue. *pusey2/10/00*

CHILD RESTRAINT USE MODEL LAW
The National Committee On Uniform Traffic Laws and Ordinances
7/25/97

Purpose:

The purpose of this legislation is to complement the state's safety belt use law so that, taken together, this law and the belt law will require that all occupants of motor vehicles, regardless of age or seating position, be appropriately restrained in order to reduce the incidence of injuries and fatalities resulting from motor vehicle crashes on the streets, roads and highways.¹

Section 1: Title

This act may be cited as the [state's] Child Restraint Use Act.

Section 2: Definitions.

As used in this act:

(a) "Motor vehicle" means any motor vehicle having a gross vehicle weight of 10,000 pounds or less that is required to be equipped with safety belts by Federal Motor Vehicle Safety Standard No. 208.

(b) "Driver" means a person who drives or is in actual physical control of a motor vehicle.

(c) "Child passenger restraint system" means a specially designed seating system which meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213 as it may be amended from time to time and which is either permanently affixed to a motor vehicle or is affixed to such vehicle by a safety belt or a universal attachment system.

Section 3: Application.

This act shall apply to all occupants of motor vehicles on the streets, roads, and highways of this state.

Section 4: Operation of motor vehicles with occupants younger than 16

No driver shall transport any child in a motor vehicle in this state unless the child is properly secured in a child passenger restraint system or safety belt as provided below. If the driver is neither a parent or guardian of a child and the child's parent or guardian is present in the vehicle, then the parent or guardian is responsible for complying with

the provisions of this act.

(a) For children younger than 4 years, regardless of weight, or weighing less than 40 pounds, regardless of age, a child passenger restraint system must be used.²

(b) For children four years old or older weighing 40 pounds or more but younger than 16, a properly adjusted safety belt may be used^{2, 3}

Section 5: Penalty⁴

[(a)] An offense under this section is punishable by a fine of not less than fifty dollars (\$50) and no more than one-hundred dollars (\$100).

1 *Drafters' Recommendation:*

The Committee's overall objective is to provide model laws that operate together to protect all motor vehicle occupants and to provide for standard (primary) enforcement of the safety belt law. As originally enacted, the application provisions of child restraint and safety belt laws in most states exempted classes of occupants, including many children based on the type of vehicle, state in which the vehicle is registered, seating position, relationship between driver and child occupants, age of the child, and residency of vehicle occupants. The Committee strongly recommends that legislators carefully review any revisions in the model language of either the Safety Belt Law or the Child Restraint Use Law to assure that such revisions do not inadvertently create exemptions or gaps in coverage for any class of occupants. Similarly, legislators considering only one of these model laws are strongly advised to review the state's restraint laws to assure that comprehensive coverage will be provided for all occupants.

² ***Drafter's Note:*** *The National Transportation Safety Board has recommended that for children younger than 8 years, regardless of weight, or weighing less than 60 pounds, regardless of age, a child passenger restraint system should be used.*

³ ***Drafters' Recommendation:*** *In the event of a crash, the rear seat is the safer seating position. Legislators may wish to enact language to provide maximum protection to children 12 and under. This issue is particularly important in light of injuries and fatalities that have occurred when infants and young children have gotten in the path of an air bag early in its inflation. The risk is greatest for infants in rear-facing child restraints, unbelted or incorrectly belted children traveling in the front seats of vehicles with passenger side air bags.*

The following language is offered for legislators wishing to provide additional protection for children by requiring that they be seated in the rear of vehicles, whenever possible.

Additional provision for Sections 4 (a) and (b):

(c) All children 12 years old or younger shall be properly secured as provided above in the rear

seat of any motor vehicle equipped with a rear seat, unless all available rear seats are in use by other children.

***⁴ Drafters' Note:** License sanctions have been shown to be among the most effective methods of increasing compliance with traffic laws. Survey research has demonstrated that persistent safety belt law violators are unwilling to use safety belts even when high fines are imposed. They report that license sanctions would, however, increase their compliance. The following is offered for those legislators wishing to consider imposition of points or other license sanctions for violators of the child passenger restraint law.*

For states with point systems:

***Section 5(b):** A person who violates Section 4 of this Act shall be assessed two (2) points.*

For states that do not have point systems:

***Section 5(b):** Violation of Section 4 shall be considered a minor moving violation for the purpose of driver license records.*

GRADUATED DRIVER LICENSING MODEL LAW

APPROVED OCTOBER 24, 1996, by NCUTLO MEMBERSHIP

(Revised 1999, 2000)

Section 1.

Purpose¹

The legislature has recognized the need to develop a graduated licensing system in light of the disproportionately high incidence of motor vehicle crashes involving youthful motorists. This system will improve highway safety by progressively developing and improving the skills of younger drivers in the safest possible environment, thereby reducing the number of vehicle crashes²

Section 2.

Minimum Age Requirements.

The department³ may not issue a license or permit to any person under the age of 18 years, except that it may issue a driver's license to any person who is 16⁴ or 17 years old who presents evidence of having satisfactorily completed the requirements of sections three and four.

Section 3.

Instructional Permit, Intermediate License and Driver's License Application⁵

The Department shall not grant the application for an instructional permit, intermediate license or driver's license to anyone 16 or 17 years old unless such application is both signed by the applicant and the applicant's parent or guardian, and the applicant has satisfactorily completed the requirements provided in Section 4 of this law.

Section 4.

Limitations on the issuance of licenses and permits

Instructional permits and licenses shall be issued pursuant to the following conditions and requirements:

(a) Instructional Permit.

An instructional permit authorizes the permit holder to drive a specified type or class of motor vehicle under the conditions set forth in this section while in possession of the permit and accompanied by a parent, guardian, or other person 21 years or older, who is a licensed driver in accordance with the requirements set forth in this law.

(i) An applicant for an instructional permit shall have:

1. Passed a vision test;
2. Passed a written test administered by the Department;
3. Paid a fee for an instructional permit of (X) dollars.

(ii) An instructional permit requires supervised driving at all times. The supervisor shall be a parent, guardian or other adult age 21 years of age or older, possessing a valid driver's license under the laws of this state. The supervisor shall be the only other occupant of the front passenger section of the vehicle.

(iii) The instructional permit licensee shall not place the vehicle in motion until every occupant of the vehicle has a seat belt properly fastened about his or her body.

(iv) Every holder of an instructional permit shall maintain a conviction-free driving⁶ record and shall not have violated state drug, zero blood alcohol tolerance⁷, seat belt or other driver-related safety laws⁸ of the state.

(v) The instructional permit shall be valid for a period of at least one year from the date of its issuance.

(vi) In the event a person who holds an instructional permit drives a motor vehicle in violation of law, the permit shall be suspended⁹, or revoked.¹⁰

(b) Intermediate License.

An intermediate license authorizes the holder to drive a specified type or class of motor vehicle under the conditions specified below:

(i) An applicant for an intermediate license shall have:

1. Possessed a valid instructional permit for a period of not less than 6 months without any conviction of drug, zero blood alcohol tolerance¹¹, seat belt, or other driver-related safety laws;¹²
2. Passed a road test administered by the department or its agent;
3. Completed (30-50) hours of supervised driving practice¹³ which is in addition to any other driving instruction provided by law. Not less than (10) hours of the required practice hours shall include nighttime driving.
4. Passed a course of drivers education¹⁴ in accordance with standards established by the State Board of Education and the department¹⁵; and
5. Paid a fee for an intermediate license of (X) dollars.

(ii) An intermediate license allows unsupervised driving from [5 a.m.] to [10 p.m.]¹⁶ except that an intermediate licensee may not transport passengers younger than 20 years of age unless supervised.¹⁷ At all other times the intermediate licensee must be supervised. While being supervised, the intermediate licensee must be accompanied by a parent, guardian, or other person 21 years or older. The supervisor shall possess a valid driver's license under the laws of this state. The supervisor shall be the only other occupant of the front passenger section of the vehicle.

(iii) The intermediate licensee shall not place the vehicle in motion until every occupant of the vehicle has a seat belt properly fastened about his or her body.

(iv) To be eligible to apply for a driver's license, an intermediate licensee shall maintain a conviction-free driving¹⁸ record and shall not have violated any state drug, zero blood alcohol tolerance¹⁹, seat belt or other safety law of any state for at least the period of six months immediately preceding the date of the application for the license.

(v) The intermediate license shall be valid for a period of at least one year from the date of its issuance.

(vi) In the event that an intermediate licensee drives a motor vehicle in violation of law, the intermediate license shall be suspended²⁰ or revoked²¹ *Also footnote ..*²²

(c) Driver's License.²³

The department may issue a driver's license to any person who has completed the requirements set forth in this law, or to anyone who has reached 18 years of age and has operated a motor vehicle without traffic violations, drug violations, zero tolerance alcohol violations or seat belt violations for a period of 6 months immediately preceding the date of the application for the license.²⁴

Section 5.

Distinctive Form of License or Permit

- (a) The instructional permit shall be identified as an "instructional permit" and issued in a distinctive form as determined by the department.
- (b) The intermediate license shall be identified as an "intermediate license " and issued in a distinctive form as determined by the department.
- (c) Every license issued to a person under the age of 21 shall be in a distinctive form determined by the department so as to be readily identifiable as a license issued to someone less than 21 years of age.
-

Section 6.

Conduct

An individual holding an instructional permit or license issued under this law may not drive, attempt to drive, or be in the actual control of a vehicle, in violation of any provision of law.

Section 7.

Penalty

Any person knowingly violating any provision of this law shall be guilty of a Class [A] misdemeanor.

1 - The Drafting Committee notes that a state may adapt this model graduated driver licensing system to apply to all novice drivers without regard to age. The Drafting Committee also encourages states to cross reference appropriate license suspension and revocation requirements to assure that violation of the provisions of this model may result in the immediate suspension or revocation of the driver's permit or license in accordance with due process and the licensing system of the state.

2 - This model also requires the driver to comply with the zero blood alcohol tolerance statute if under the age of 21 and state drug and seat belt laws regardless of age.

3 - Department refers to the department of motor vehicles. If administration of driver licensing

is not vested in that department, the term department should be changed to the correct department or bureau of government.

4 - This model law assumes that an instructional permit may not be issued before the age of 16 -- which the Drafting Committee recommends. If a state issues instructional permits to applicants less than 16 years of age, it should adjust the timetable incorporated into this model. In that event the Drafting Committee recommends extension of the duration of the instructional permit and the time period the applicant must hold the instructional permit before application may be made for an intermediate license.

5 - The drafter should cross reference the section of the state's law governing application requirements

6 - States have the option of defining "conviction-free driving" as the absence of serious moving violations; if a state exercises this option, it should also enumerate the violations which are not sufficiently serious to trigger immediate license suspension, but rather may be waived, possibly through a departmental administrative process providing additional education or counseling.

7 - The Uniform Vehicle Code defines zero blood alcohol tolerance as the alcohol concentration in a person's blood or breath which is 0.02 or more based on the definition of blood and breath units. "See Uniform Vehicle Code, Sec. 6-208 & Section 108 of the National Committee's model law , Millennium DUI Prevention Act."

8 - The state should enumerate the laws covered by the term "other driver-related safety laws" of the state

9 - The temporary withdrawal by formal action of the department of a person's license or privilege to operate a motor vehicle on the public highways, which temporary withdrawal shall be for a period specifically designated by the department. See Uniform Vehicle Code, Sec. 1-185.

10 - The termination by formal action of the department of a person's license or privilege to operate a motor vehicle on the public highways, which terminated license or privilege shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the department after the expiration of the applicable period of time prescribed in this code. See Uniform Vehicle Code, Sec. 1-167. Also see Uniform Vehicle Code, Sec. Chapter 6, Article II--Cancellation, Suspension, or Revocation of licenses.

11- The Uniform Vehicle Code defines zero blood alcohol tolerance as the alcohol concentration in a person's blood or breath which is 0.02 or more based on the definition of blood and breath units. "See Uniform Vehicle Code, Sec. 6-208 & Section 108 of the National Committee's model law , Millennium DUI Prevention Act."

12 - *The state should enumerate the laws covered by the term "other driver-related safety laws" of the state*

13 - *The person supervising the driving may be a parent, guardian or other person age 21 or older.*

14 - *States without a driver education requirement should omit subsection 4(b)(i) 3 requiring applicants under the age of 18 to have completed a driver education program. Such states should consider requiring the applicant's parent or guardian to certify that the applicant has participated in a specified minimum number of hours of supervised driving*

15 - *All approved driver training and safety education courses and courses of driver instruction shall include at least six hours of actual driving experience. The Drafting Committee recommends serious consideration be given to a driving requirement substantially greater than six hours. .*

16- *If greater supervision of younger drivers with intermediate licenses is preferred, one option states might consider is to expand the period of supervised driving required for 16-year-olds*

17 - *States can provide family-related exemptions from the prohibition against unsupervised transporting of teenage passengers, as deemed necessary.*

18 - *States have the option of defining "conviction-free driving" as the absence of serious moving violations; if a state exercises this option, it should also enumerate which violations are not sufficiently serious to trigger immediate license suspension, but rather may be waived, possibly through a departmental administrative process providing additional education or counseling*

19 - *The Uniform Vehicle Code defines zero blood alcohol tolerance as the alcohol concentration in a person's blood or breath which is 0.02 or more based on the definition of blood and breath units. "See Uniform Vehicle Code, Sec. 6-208 & Section 108 of the National Committee's model law , Millennium DUI Prevention Act."*

20- *The temporary withdrawal by formal action of the department of a person's license or privilege to operate a motor vehicle on the public highways, which temporary withdrawal shall be for a period specifically designated by the department. See Uniform Vehicle Code, Sec. 1-185.*

21 - The termination by formal action of the department of a person's license or privilege to operate a motor vehicle on the public highways, which terminated license or privilege shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the department after the expiration of the applicable period of time prescribed in this code. See Uniform Vehicle Code, Sec. 1-167. Also see Uniform Vehicle Code, Sec. Chapter 6, Article II--Cancellation, Suspension, or Revocation of licenses.

22 - As noted earlier, the state may stipulate moving violations which do not automatically trigger immediate suspension or revocation, but rather may be waived, possibly as a result of participation in departmental counseling or educational programs.

23 - Drafter should cross reference the appropriate traffic code sections setting forth the requirements for obtaining driver's license. These provisions should set forth the appropriate driver training, testing and administrative requirements for acquiring a driver's license.

24 - Drafter should cross reference the appropriate provisions regarding the driver training and testing requirements of the 18-year-old or nonresident licensed driver receiving a driver's license.

The National Committee on Uniform Traffic Laws and Ordinances
Model Law on Civil Penalties for Weight Limit Violations¹

10/98

Section 1

(a) Any police officer or qualified department employee may require the driver of any vehicle or combination of vehicles to stop and submit the vehicle or combination to be weighed by using either portable or stationary scales, or as a screening device may require the driver to drive the vehicle or combination of vehicles at an appropriate speed and manner through a weigh-in-motion mechanism. Any police officer having reason to believe that the weight of a vehicle or combination is unlawful is authorized to require the driver to drive the vehicle or combination for a distance of not more than (10) miles to the nearest location where it can be weighed in compliance with this subsection.

(b) A police officer citing a person for a violation covered by this section may place the vehicle or combination of vehicles "out-of-service" if the weight violation is 10 percent or greater than the legal maximum, and hold the vehicle or combination until the vehicle is reloaded so as to comply with applicable weight statutes or regulations. The driver and owner of an out-of-service vehicle shall be provided access to the vehicle as necessary to remove, reload, or care for cargo. The vehicle shall not be placed back in service until it has been weighed again and determined to be in compliance with all applicable statutes or regulations.

(c) Cargo being carried in a vehicle placed out-of-service shall be available to the driver for care and disposition. If necessary, the police officer shall arrange for storage of an out-of-service vehicle, and the owner and the driver of the vehicle shall be jointly and severally liable for any storage charges.

(d) Where it is determined by the appropriate enforcement agency that any vehicle or combination of vehicles has been operated on the highways in violation of any provision of state or local law regulating the gross weight of any vehicle or combination of vehicles, or regulating the weight imposed by any single axle, tandem axle, or group of two or more consecutive axles, the driver of the vehicle and the owner of the vehicle or vehicles, shall be jointly and severally liable for the following civil penalties² in addition to any applicable criminal penalties:

(1). ("x" cents)³ per pound if less than or equal to (10 percent) in excess of the applicable weight limit;

(2). (2 "x" cents) per pound if more than (10 percent) but less than or equal to (20 percent) in excess of the applicable weight limit;

- (3). (4 "x" cents) per pound if more than (20 percent) but less than or equal to (30 percent) in excess of the applicable weight limit;
- (4). (8 "x" cents) per pound if more than (30 percent) but less than or equal to (40 percent) in excess of the applicable weight limit;
- (5). (16 "x" cents) per pound if more than (40 percent) in excess of the applicable weight limit.

(e) If a vehicle exceeds more than one weight limitation, the civil penalty assessed shall be the higher of the possible penalties. No part of the penalty assessed under this section shall be suspended, probated or reduced in any manner unless a hearing officer determines that an incorrect weight assessment was made.

Section 2

(a) Any person who is found to have violated a weight limitation or the driver or owner of any vehicle placed out-of-service may request a hearing before the department to determine whether the law was violated and whether the correct penalty was assessed. The request for a hearing shall be made in writing to the department within (30) days following the issuance of the citation. Failure to make timely request for a hearing shall constitute an admission of the violation. The hearing shall be held within (30) days of the filing of the written request for a hearing. The hearing shall be held at the (State Police or State Department of Transportation) office with appropriate personnel and accommodations which is closest to the site of the alleged violation, unless the (Department or State Police) and the person requesting the hearing agree to a different location. The hearing shall be conducted by the department's designated hearing officer. The hearing may be conducted upon a review of the police officer's written reports and documentary evidence without the presence of the officer, or the officer's testimony may be taken by telephone, or the officer may be subpoenaed to appear, in the discretion of the hearing officer. The hearing officer shall determine, upon the preponderance of the evidence, whether the law was violated and whether the correct damage assessment was made. The hearing officer may adjust the damage assessment only as necessary to correct an assessment error.

(b) Upon a determination by the hearing officer that a violation was not committed, the seized vehicle or vehicles shall be returned immediately to the possession of its owner, driver or representative.

(c) Any person aggrieved by a determination of the departmental hearing officer under this law is entitled to judicial review upon the record under (cite appropriate state statute comparable to section 15 of the Model State Administrative Procedure Act).

(d) A determination by the department under this section shall be independent

of a determination of the same or similar facts by a court of law in a trial of any criminal charges for violation of the weight restrictions covered by this section.

(e) All penalty assessments collected by the department under this section shall be deposited in the state treasury to the credit of (the agency charged with enforcing vehicle weight limitations).

¹ This model law is intended to apply to vehicles with a gross vehicle weight of 26,001 pounds and above.

² The penalty rate should increase very substantially as the weight violation increases to reflect both the willfulness of the violation and the exponential increase in pavement and bridge damage caused by increased weight.

³ The drafters suggest that states use a number between 5 and 10 (cents per pound) as the value of "x". Specified rates are contained in parentheses to suggest possible modification to reflect local needs and conditions.

Drafted and presented by NCUTLO, 107 S. West Street, # 110, Alexandria, VA 22314 800/807-5290

The National Committee On Uniform Traffic Laws and Ordinances

Model Standard Safety Belt Law

Purpose: The purpose of this legislation is to reduce injuries and fatalities on the streets, roads and highways by requiring all drivers and all passengers to wear safety belts meeting applicable federal motor vehicle safety standards while riding in motor vehicles and by authorizing standard enforcement.^{1, 2}

Section 1: Title

This act may be cited as the [state's] Safety Belt Use Act.

Section 2: Definitions

As used in this act:

- (a) "Motor vehicle" means any motor vehicle having a gross vehicle weight of 10,000 pounds or less that is required to be equipped with safety belts by Federal Motor Vehicle Safety Standard No. 208. Passenger cars are required to have belts if built after December 31, 1967. Light trucks and multi-purpose vehicles are required to have safety belts if built after December 31, 1971.
- (b) "Driver" means a person who drives or is in actual physical control of a motor vehicle.
- (c) "Safety belt" means any strap, webbing or similar device designed to secure a person in a motor vehicle including all necessary buckles and other fasteners, and all hardware designed for installing such safety belt assembly in a motor vehicle.

Section 3: Application

This act shall apply to drivers and all occupants of motor vehicles on the streets, roads, and highways of this state.

Section 4: Operation of motor vehicles with safety belts.

- (a) Each driver of a motor vehicle in this state shall have a safety belt meeting applicable federal motor vehicle safety standards properly fastened about his or her body at all times when operating a motor vehicle.

[(b) Alternate 1 - The driver of a motor vehicle in this state shall not operate a motor vehicle unless the driver secures or causes to be secured in a properly adjusted and fastened safety belt or child restraint meeting applicable federal motor vehicle safety standards all passengers and secures any passenger 12 or younger in the rear seat, unless all available rear seats are in use by other passengers 12 or younger.^{3]}

[(b) Alternate 2 - The driver of a motor vehicle in this state shall not operate a motor vehicle unless every occupant is secured in a properly adjusted and fastened safety belt or child restraint system meeting applicable federal motor vehicle safety standards and consistent with the [state's] child restraint use law.^{3]}

(c) Every occupant of a motor vehicle in this state shall have a safety belt meeting applicable federal motor vehicle safety standards properly fastened about his or her body at all times when the vehicle is in operation.

Section 5: Exemptions⁴

(a) The provisions of sections (4) (c) shall not apply to children covered by [cite to the state's child restraint use act or law].

(b) The provisions of section (4) shall not apply to persons with a physically disabling condition whose physical disability would prevent appropriate restraint in safety belts, provided, however, such condition is duly certified by a physician who shall state the nature of the condition, as well as the reason such restraint is inappropriate.

(c) The provisions of this law shall not apply to passenger cars built prior to December 31, 1967 and possessing no safety belts.

(d) The provisions of this law shall not apply to passenger vehicles which are not required to be equipped with safety belts under federal law.

Section 6: Penalties⁵

A person who violates section (4) (a), (b), or (c) of this act shall be punished by a fine of not less than \$25.00 nor more than \$50.00, [and court costs].⁶

1 Drafters' Note: In the absence of limitations on enforcement, all laws authorize standard ("primary") enforcement. Consequently, no special language is needed to authorize primary enforcement of safety belt laws.

Secondary safety belt laws uniquely restrict enforcement by specifying that officers may not issue a citation solely for a belt infraction, but also must have another legal reason to stop the vehicle.

This model law is a primary law. Nevertheless, the drafters strongly recommend use of the term "standard safety belt use law" in describing this or any other safety belt law which does not

restrict enforcement because the absence of a secondary provision limiting enforcement merely establishes an enforcement standard comparable to other traffic laws.

2. This model law is intentionally silent on the admissability in civil lawsuits of evidence of noncompliance with safety belt usage requirements.

The drafting committee notes that a number of proposals have been made (and some enacted) which would alter state tort law as applied to lawsuits arising from traffic crashes where potential plaintiffs were not wearing a safety belt. Some of these proposals would require that such noncompliance always be admissable evidence, while others would stipulate that noncompliance with a safety belt law could never be admitted into evidence. The drafting committee believes that no such provision(s) should be included in any safety belt law, and any such provisions now enacted should be repealed, in order to allow the application of traditional state tort law to determine civil lawsuit evidentiary questions.

3 Drafter's Recommendation: In the event of a crash, the rear seat is the safer seating position . The drafters recommend language to provide maximum protection to children 12 and under. (4b Alternate 1). This issue is particularly important in light of injuries and fatalities that have occurred when infants and young children have gotten in the path of an air bag early in its inflation. The risk is greatest for infants in rear-facing child restraints and unbelted children traveling in the front seats of vehicles with passenger side air bags.

4 Taxicab exemptions are common. The following **alternative Section 5 (e)** is offered to exempt drivers from responsibility for adult passengers but not for underage passengers.

"(e) The provisions of Section (4) (b) shall not apply to taxicab drivers [with regard to passengers age 18 or older]."

5 Drafter's Recommendation: License sanctions (e.g., "points") have been shown to be among the most effective methods of increasing compliance with traffic laws. Survey research has demonstrated that persistent safety belt law violators are unwilling to use safety belts even when high fines are imposed. They report that license sanctions would, however, increase their compliance. The following is offered for those legislators wishing to consider impositions of points or other license sanctions for violators of the Safety Belt Law.

For States with point systems:

"Section 6: (b) A person who violates Section 4 (a) or (b) of this act shall be assessed [2] points."

For states that do not have point systems:

"Section 6: (b) Violation of Section 4 (a) or (b) shall be considered a minor moving offense for the purpose of driver license records."

6 Drafter's Recommendation: States may choose to raise the upper limit of the range of fines, but should not consider reducing the lower limit of the range.

VEHICLE SANCTIONS MODEL LAW

"The Safe Streets Act"

The National Committee On Uniform Traffic Laws and Ordinances

This act shall be known as the **Safe Streets Act**.¹

The Legislature finds and declares the following:

- (a) Driving a motor vehicle on the public streets and highways is a privilege, not a right.
- (b) Citizens who comply with the law are frequently victims of traffic accidents caused by those who continue to drive when their driver's license is suspended or revoked. These innocent victims suffer considerable pain and property loss at the hands of people who flaunt the law.
- (c) Approximately [75] percent of all drivers whose driving privilege has been withdrawn continue to drive in violation of the law.
- (d) It is necessary and appropriate to take additional steps to prevent driving while intoxicated (DWI), driving under the influence (DUI) and driving with a suspended or revoked license, including immobilization of vehicles used by repeat offenders. The state has a critical interest in enforcing its traffic laws and in keeping dangerous drivers from illegally driving. Immobilizing the vehicles used by repeat DWI or DUI offenders with suspended or revoked licenses who continue to drive serves a significant governmental and public interest, namely the protection of the health, safety, and welfare of state citizens from the destruction and damage to lives and property caused by drivers involved in a disproportionate number of traffic crashes.

Section 1 - Vehicle Immobilization

(a) For purposes of this Act, vehicle "immobilization" means rendering a motor vehicle inoperable. The Department is authorized to immobilize a motor vehicle utilizing, at its discretion, any of the following methods:

- (1) taking possession of the vehicle as provided in state or local impoundment

procedures;

(2) immobilizing the vehicle on private property designated by the vehicle owner by any method approved by the Department;

(3) or taking possession of the vehicle's registration and tags.

(b) A motor vehicle is subject to immobilization for (30) days if it is driven on a highway in this state by a driver:

(i) whose driver's license is suspended or revoked pursuant to a conviction under [insert reference to state's DUI and/or DWI law]²; or

(ii) who is driving in violation of the terms of a restricted license imposed as a condition of reinstatement of a suspended or revoked license under [insert reference to state's DUI and/or DWI law]²;

(c) A motor vehicle is subject to immobilization for (60) days if it is driven on a highway in this state by a driver:

(i) whose driver's license is suspended or revoked pursuant to a second conviction within the previous [five]³ years under [insert reference to state's DUI and/or DWI law]; or

(ii) who is driving in violation of the terms of a restricted license imposed as a condition of reinstatement of a license suspended or revoked for the second time within the previous [five]³ years under [insert reference to state's DUI and/or DWI law];

(d) Notwithstanding subsections (b) and (c), with the written consent of the registered owner(s) a vehicle immobilized pursuant to subsection (b) or (c) may be released with an installed compulsory ignition interlock system meeting the requirements of section (2), for the period of time specified for vehicle immobilization, to any person who:

(1) demonstrates that he or she:

(i) currently resides in the household of the registered owner(s) of such vehicle and resided in that household at the time of immobilization; and

(ii) that the vehicle is the only vehicle available to that person's household which may be operated with a private passenger vehicle license;

(2) submits proof that he or she is properly licensed and that the immobilized vehicle is properly registered; and

(3) submits proof of payment of the cost of installation and regulated monitoring of that vehicle interlock system for one year, and payment of any towing, storage or administrative charges resulting from the immobilization of that vehicle.

Section 2 - Certification of Ignition interlock systems

(a) The [Department of Motor Vehicles]⁴ shall certify or cause to be certified vehicle ignition interlock devices required by this Act, publish a list of approved devices, and conduct or regulate the operation of a vehicle ignition interlock program, including imposing charges on the motorist for compulsory system installation and monitoring.

(b) No model of vehicle ignition interlock device shall be certified unless it meets the accuracy requirements and specifications provided in the guidelines adopted by the National Highway Traffic Safety Administration.

(c) The [Department of Motor Vehicles] shall utilize information from an independent laboratory to certify ignition interlock devices on or off the premises of the manufacturer or manufacturer's agent, in accordance with the guidelines. The cost of certification shall be borne by the manufacturers of interlock ignition devices. If the certification of a device is suspended or revoked, the manufacturer of the device shall be responsible for, and shall bear the cost of the removal of the device and the replacement of a certified device of the manufacturer or another manufacturer.

(d) All manufacturers of vehicle ignition interlock devices that meet the requirements of the National Highway Traffic Safety Administration and are certified in a manner approved by the [Department of Motor Vehicles], who intend to market the devices in this state, first shall apply to the [Department of Motor Vehicles] on forms provided by that department. The application shall be accompanied by a fee in an amount not to exceed the amount necessary to cover the costs incurred by the [Department of Motor Vehicles]

in carrying out this section.

(e) The [Department of Motor Vehicles] shall ensure that standard forms and procedures are developed for documenting decisions and compliance, and communicating results to relevant agencies and parties.

(f) The [Department of Motor Vehicles] may delegate a private contractor to act as the agent of the state in carrying out any of the requirements of this section.

Section 3 - Use of a Vehicle by an Unlicensed Driver: Owner's Duty

No owner of a motor vehicle may knowingly allow another person to drive the vehicle upon a highway unless the owner determines that the person possesses a valid driver's license that authorizes the person to operate the vehicle. For purposes of this section, an owner is required only to make a reasonable effort or inquiry to determine whether the prospective driver possesses a valid driver's license before allowing him or her to operate the owner's vehicle. An owner is not required to inquire of the department whether the prospective driver possesses a valid driver's license.

Section 4 - Immobilization Exceptions and Safeguards

(a) If a driver is unable to produce a valid driver's license on the demand of a police officer enforcing the provisions of the Motor Vehicle Code, the vehicle may be immobilized for up to thirty days, regardless of ownership, unless the police officer is reasonably able, by other means, to verify that the driver is properly licensed. Prior to immobilizing a vehicle, a police officer shall attempt to verify the license status of a driver who claims to be properly licensed but is unable to produce the license on demand of the police officer.

(b) A police officer shall not immobilize a vehicle pursuant to this section if the license of the driver expired within the preceding 30 days and the driver otherwise would have been properly licensed.

(c) A police officer may exercise discretion in a situation where the driver without a valid license is an employee in the course of employment driving a vehicle registered to the employer. A police officer also may exercise discretion in a situation where the driver without a valid license is the employee of a bona fide business establishment or is a person otherwise controlled by such an establishment and it reasonably appears that an owner of the vehicle, or an agent of the owner, relinquished possession of the vehicle to the business establishment solely for servicing or parking of the vehicle or other reasonably similar situations, and where the vehicle was not to be driven except as directly necessary to accomplish that business purpose. In that event, if the vehicle can be returned to or be retrieved by the business establishment or registered owner, the police officer may

release and not immobilize the vehicle.

(d) If the driver of a vehicle immobilized pursuant to subsection (a) was a registered owner of the vehicle at the time of impoundment, the impounding agency shall authorize release of the vehicle if, within three days of such immobilization, the driver of the vehicle at the time of immobilization presents his or her valid driver's license, including a valid temporary driver's license or permit, to the responsible agency. The vehicle shall then be released to a registered owner of record at the time of immobilization, or an agent of that owner authorized in writing, upon payment of towing and storage charges related to the immobilization, and any reasonable administrative charges, providing that the person claiming the vehicle is properly licensed and the vehicle is properly registered.

Section 5 - Consumer Protection

(a) A vehicle immobilized pursuant to the circumstances described in subsection 4 (c) shall be released to a registered owner whether or not the driver of the vehicle at the time of such immobilization presented a valid driver's license. No processing charges shall be imposed on such registered owner if he or she properly redeems the vehicle within 15 days of its immobilization.

(b) Any owner of a vehicle who suffers any loss due to vehicle immobilization may recover the amount of the loss from the culpable driver whose actions caused the immobilization. If possession of a vehicle has been tendered to a business establishment in good faith, and an unlicensed, suspended or revoked driver employed or otherwise directed by that business establishment committed the violation which caused the vehicle to be immobilized, a registered owner of the vehicle may recover damages for the loss of use of the vehicle from the business establishment.

(c) Within 10 days of a vehicle immobilization, a registered or legal owner of record at the time the vehicle was immobilized may request a hearing to determine the validity of that vehicle immobilization.

(1) The responsible agency, if requested to do so not later than 10 days after the date the vehicle was immobilized, shall provide the opportunity for a hearing to determine the validity of the vehicle immobilization, to the persons who were the registered or legal owners of the vehicle at the time of its immobilization.

(2) The post immobilization hearing shall be conducted not later than two days after the date it was requested. The responsible agency may authorize its own officer or employee to conduct the hearing if the hearing officer is not the same person who directed the storage of the vehicle. Failure of either the registered or legal owner to request a hearing as provided in paragraph (1) or to attend a scheduled hearing shall satisfy the post immobilization hearing requirement.

(3) The responsible agency employing the person who directed the vehicle immobilization is responsible for all costs incurred for any towing, storage or administrative charges if it is determined that the vehicle was improperly immobilized.

(4) Towing and storage charges for any vehicle immobilized pursuant to this Act shall not exceed the normal towing and storage rates for other vehicle towing and storage conducted by the towing company or agency in the normal course of business.

(5) The burden of proof in the hearing shall be on the immobilizing agency, by a preponderance of the evidence. All questions that may arise shall be decided and all other proceedings shall be conducted as in an ordinary civil action. A judgment upholding vehicle immobilization does not require as a condition precedent the conviction of a defendant for the offense which made the vehicle subject to immobilization.

Section 6 - Disposition of Abandoned Vehicles

Any immobilized vehicle unclaimed under this Act which is determined to be abandoned under the laws of this state may be disposed of at the discretion of the [Department of Motor Vehicles].

Section 7 - Administration

(a) The [Department of Motor Vehicles] may prescribe standard forms and procedures for implementation of this Act to be used by jurisdictions throughout the state.

(b) In computing any period of time prescribed or allowed by this Act, if the time period to be computed is 15 days or less, Saturdays, Sundays and holidays shall not be counted. If the time period to be computed is greater than 15 days, Saturdays, Sundays and holidays shall be counted.⁵

¹ This model is a "plug-in" model incorporating provisions essential to address the serious problem of repeat DWI or DUI offenders and motorists who drive while suspended or revoked. It does not include many of the basic underlying motor vehicle provisions, such as provisions stipulating the criteria for suspending or revoking the license or the definition of driving while intoxicated or impaired, which are essential to enactment of this model law but typically already have been enacted by states. Consequently, when implementing this law, states should coordinate the provisions of this model law with their statutes concerning driving while intoxicated or impaired, license suspension or revocation, and other pertinent provisions.

² This reference should make certain that the state's zero tolerance law is excluded, if that is the intent.

3 Drafters' Recommendation: Drafters recommend five years, since research seems to indicate that this is the most common duration; however, states should adjust to reflect their recordkeeping needs and duration.

4 States should substitute the appropriate agency throughout Section 2 should the responsible agency in their state differ from the above.

5 - States should review their existing notice requirements for license suspension and revocation actions to determine if they are sufficient under the due process requirements of federal and state law for vehicle immobilization under this Act. The following is a suggested notice provision states may wish to consider:

(Optional) Section 8 - Notice of License suspension or revocation

(a) It shall be conclusively presumed that a person has knowledge of the suspension or revocation if notice has been sent by certified mail by the department to the most recent address officially reported by the person pursuant to procedures established by the department, and the return receipt has been signed and returned to the department. It is the responsibility of every license holder to report changes of address to the department within [10 days]⁶ of the change of address.

(b) (i) In the event the certified mail is not delivered, the department shall attempt to provide personal service by using a process server for service of any person whose driving privilege was suspended or revoked.

(ii) At the time of license reinstatement, the department shall recover an amount equal to its total cost of providing notices pursuant to this subsection, in addition to any fines or fees otherwise authorized by law.

⁶ Generally speaking, the number of days allowed for specified actions is bracketed to indicate that states can choose different time frames. However, to allow mail notifications required by the statute to be sent to the correct address of the license holder, the 10 day change of address notice requirement should not be lengthened.

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State/Organization	Minimum Age(Learner's Phase)	Mandatory Holding Period	Minimum Age(Intermediate Phase)	Unsupervised Driving Prohibited	Duration of Nighttime Restriction	Other Features	Unrestricted License Minimum Age
NCUTLO	16	6 months	16, 6 months	10pm-5 am	6 months	N/A	17
*California (eff. 7/1/98)	15	6 months	16	Midnight-5am	12 months	Certification: 50 hrs of supervised driving, 10 at night; Passenger restriction: first 6 mo. of intermediate phase, no passengers under 20	17
Connecticut (eff. 1/1/97)	16	6 months	N/A	N/A	N/A	N/A	16, 6 months
*Delaware (eff. 7/1/99)	15, 10 mo.	6 months	16, 4 mo.	9 pm-6am (Second six months of Level one learner's phase)	6 months	Passenger restrictions; first six months of learner's phase, no more than supervisor and two passengers; second six months, no more than two passengers.	16, 10 mo.
*Florida (eff. 7/1/96)	15	6 months	16	11pm-6am(16) 1am-5am(17)	Until age 18	N/A	18
*Georgia (eff. 1/1/98)	15	12 months	16	1am-5am	Until age 18	No more than 3 passengers younger than 21 in the intermediate phase(driver's family excepted)	18
Illinois (eff.1/1/98)	15	3 months	16	11pm-6am, Sun-Thur Midnight-6am, Fri-Sat	Until age 17	Certification: 25 hrs. of supervised driving	17
Indiana (eff. 7/1/98)	15	2 months	15, 2 mo.	1am-5am, Sat-Sun After 11pm, Sun-Thur	Until age 18	Passenger restriction: First 90 days, no passengers unless supervised by 21 year old driver	18
*Iowa (eff. 1/1/99)	14	6 months	16	12:30am-5am	12 months	Certification: 20 hrs. of supervised driving, 2 of which must be at night in the learner's phase	17
Kentucky (eff. 10/1/96)	16	6 months	N/A	N/A	N/A	N/A	16, 6 mo.
Louisiana (eff. 1/1/98)	15	3 months	16	11pm-5am	Until age 17	N/A	17
Maryland	15, 9 mo.	4 months	16, 1 mo.	Midnight-5am	Until age 18	Certification: 40 hrs. of supervised driving and acquisition of minimum skills	17,7 mo.
Massachusetts	16	N/A	16, 6 mo.	1am-4am	Until age 18	N/A	18
*Michigan (eff. 4/1/97)	14, 9 mo.	6 months	16	Midnight-5am	6 months	Two stage driver education; Certification: 50 hrs. of supervised driving	17
Minnesota (eff. 2/1/97)	15	6 months	16	N/A	N/A	Certification: 30 hrs of supervised driving, 10 of which must be at night	17
Nebraska (eff. 1/1/99)	15	N/A	16	Midnight-6am	12 months	Certification for those without drivers education: 50 hrs. of supervised driving before	17

						the intermediate phase	
New Hampshire (eff. 1/1/98)	16	3 months	16, 3 mo.	1am-5am	Until age 18	N/A	18
New York	16	N/A	16	9pm-5am	Until age 18(17 if drivers education completed)	N/A	18
*North Carolina (eff. 12/1/97)	15	12 months	16	9pm-5am	6 months	N/A	16, 6 mo.
*Ohio (eff. 1/1/99)	15, 6 mo.	6 months	16	1am-5am	Until age 17	Certification: 50 hrs. of supervised driving, 10 at night	17
Pennsylvania	16	N/A	16	Midnight-5am	Until age 18(17 if driver education completed)	N/A	18
South Carolina (eff. 7/1/98)	15	90 days	15, 3 mo.	6pm-6am, EST 8pm-6am, EDT	Until age 16, 3 mo.	N/A	16, 3 mo.
Virginia (eff. 7/1/96)	15	6 months	N/A	N/A	N/A	N/A	16