

# Policy and Legislation

## BACKGROUND

### National

Developing public policies and legislation is an important component of injury and violence prevention. Implementing and enforcing regulations and laws can help reduce injuries, reduce state health care costs, and create funding sources for sustaining injury and violence prevention programs. Partnerships and collaboration among state health agencies, injury prevention organizations, and legislative bodies can foster policy change in local governments.<sup>1</sup> Most safety laws and regulations directed toward encouraging behavior modification are at the state level,<sup>2</sup> and injury prevention policies and legislation vary from state to state.

### Occupant Protection

Thirty states, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands have primary seat belt laws which allow law enforcement officers to ticket unbelted drivers when they are not in violation of another traffic offense. Nineteen states have secondary seat belt laws that only allow law enforcement officers to ticket unbelted drivers if they are in violation of another citable traffic offense. One state has neither a primary nor secondary seat belt law for adults; however, this state enforces a primary child passenger safety law that covers all child passengers under the age of 18.<sup>3</sup>

Child passenger safety laws and offenses also vary by state. All states, the District of Columbia, Guam, the Northern Mariana Islands, and the Virgin Islands require child safety seats for infants and children meeting specific criteria. Booster seat laws have been passed in 47 states

and the District of Columbia, requiring booster seats for children who have outgrown their infant/toddler safety seat, but are too small for adult seat belts. Five states have seat belt requirements for school buses; one state will require seat belts on buses purchased after September 2010.<sup>3</sup>

### Cell Phone Use and Text Messaging

A total of 32 states have passed some type of legislation regarding cell phone use or texting while driving. Six states, the District of Columbia, and the Virgin Islands prohibit all drivers from using handheld cellular phones while driving. Five of these six states have primary handheld cell phone laws – drivers may be ticketed for using a handheld cell phone while driving even if other traffic violations were not committed. Twenty-one states and the District of Columbia ban all cell phone use by novice drivers (these laws vary by state), and 16 states and the District of Columbia prohibit all cell phone use by school bus drivers when passengers are present.<sup>3</sup>

Seventeen states and the District of Columbia prohibit all drivers from text messaging. Nine states prohibit texting among novice drivers, and one state legally restricts school bus drivers from texting while driving.<sup>3</sup>

### Helmet Use

In the late 1960's, the United States federal government required states to endorse helmet use laws to qualify for particular federal safety programs and highway construction funds. Nearly all states had established motorcycle helmet use laws by the early 1970's. However, by the 1980's some states repealed the law and some states modified it to cover only young riders. Presently, 20 states, the District of

Columbia, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands have universal helmet laws that require all motorcyclists to wear helmets. Twenty-seven states and Guam require only some motorcyclists to wear helmets and three states do not have any helmet laws in place. Twenty-one states, the District of Columbia, the Northern Mariana Islands, and the Virgin Islands require some bicyclists to wear helmets when they ride; however, there are no bicycle helmet use laws in 29 states and Guam.<sup>4</sup>

#### All-terrain Vehicles

As of May 2009, 37 states had passed some type of all-terrain vehicle (ATV) safety law or requirement. Many states require riders to hold a safety training certificate, meet minimum age requirements, use certain safety equipment, or adhere to restrictions when riding ATVs on public lands and roads.<sup>5</sup>

#### Underage Drinking

The minimum drinking age in the United States was raised to persons who are 21 years of age or older to address motor vehicle crashes involving alcohol. "Zero tolerance" laws state that persons under 21 years of age are not legally permitted to consume alcohol and operate a motor vehicle. In states that have adopted zero tolerance laws, fatal crashes at night have decreased 16% among drivers younger than 21 years old. Underage drinking offenses vary by state.<sup>6</sup>

#### Ignition Interlock Devices

Some states require first-time driving under the influence and driving while intoxicated offenders to install ignition interlock devices in their vehicles.<sup>7</sup> The ignition interlock device is a breathalyzer device which attaches to the ignition system of the vehicle, and the driver must blow into the device before the vehicle starts. If the device measures the driver's blood alcohol level above the legal limit, the vehicle will not start. Mothers Against Drunk Driving (MADD) support

state legislation that mandates the use of these devices for convicted drunk drivers for all states; currently, 10 states mandate ignition interlock devices for all drunk driving offenders.<sup>8</sup>

#### Fire Safe Cigarettes

Fire safe cigarettes are less likely to burn when left unattended compared to traditional cigarettes. These cigarettes are wrapped with two to three thin bands of less-porous paper within the cigarette causing it to burn slower and eventually self-extinguish when left unattended. At this time, there are no federal regulations relating to fire safe cigarettes, but legislation for fire safe cigarettes has become effective in 26 states, 23 have passed legislation, and one state filed for legislation in 2009.<sup>9</sup>

#### Oklahoma

##### Injury Prevention Month

In 2002, Oklahoma passed legislation designating each May as Injury Prevention Month in Oklahoma. Since 2003, the Oklahoma State Department of Health, Injury Prevention Service has partnered with the Oklahoma Highway Safety Office, Safe Kids Oklahoma, and the Indian Health Service to promote joint events and provide injury prevention messages during the month of May, including invitation-only breakfasts for advocates and law enforcement, news conferences, educational and media materials, and safety promotion events.

##### Occupant Protection

In 2004, Oklahoma legislators passed a child safety seat law which requires children birth to five years of age to be properly restrained in a car seat or booster seat when traveling in a motor vehicle. Children ages six to twelve years old must be properly restrained in a child safety seat or seat belt. Prior to 2004, children birth to three years of age were required to be in a car seat, and children four to five years old could be

restrained in a seat belt, regardless of their seating position in the vehicle. Oklahoma's primary seat belt law covers all persons 13 years of age and older seated in front vehicle seating positions.

The *Forget-Me-Not Vehicle Safety Act* was passed in 2008, making it illegal for caregivers to leave children six years of age or younger unattended in a motor vehicle, unless accompanied by a person at least 12 years of age or older.

In 2009, child endangerment offenses were expanded to include any parent or guardian who knowingly permits a child to be present in a vehicle when the driver is impaired or under the influence of alcohol or other intoxicating substance, or when the parent or guardian is the impaired driver or under the influence of alcohol or other intoxicating substance.

#### Cell Phone Use and Text Messaging

Currently, Oklahoma has no laws relating to cell phone use or text messaging while driving. In 2009, nine legislative bills relating to cell phone use were introduced; however, none of them passed.

#### Helmet Use

Oklahoma has a partial helmet law that requires all motorcyclists younger than 18 years of age to

wear a motorcycle helmet. The state does not have any helmet laws pertaining to bicyclists.<sup>2</sup>

#### All-terrain Vehicles

All-terrain vehicles (ATVs) purchased on or after July 1, 2005 must be registered and titled in Oklahoma. Use of ATVs are prohibited on streets and highways except to cross these roads, for no more than 300 feet to cross a railroad track during daylight hours, or on unpaved roads on United States Forest Service property.<sup>5</sup>

Oklahoma state law requires riders younger than 18 years old to wear a helmet when operating an ATV on public lands, and prohibits operators of ATVs on public lands from carrying passengers unless the vehicle was designed by the manufacturer for passengers. A bill to make ATVs street legal was introduced in the 2009 session, but did not pass.

#### Graduated Driver Licensing

Oklahoma established the Graduated Driver Licensing (GDL) law in 1999. GDL consists of four levels of licensing; no license, learner permit, intermediate license, and unrestricted license. This system allows full driving privileges to novice drivers gradually, and requirements vary with each level. GDL restricts the number of passengers and the amount of driving time allowed for young, novice drivers. Table 1 from the Oklahoma Department of Public Safety shows GDL as it affects Oklahoma drivers 15 to 18 years of age.<sup>10</sup>

Table 1. Oklahoma Graduated Driver Licensing Law

License Type	Driving Privileges	Requirements	
		With Driver Education	No Driver Education
No License	<u>When:</u> While receiving instruction from and accompanied by a certified driver education instructor	-At least 15 years old -While receiving instruction from a certified instructor	(Not eligible)
Learner Permit	<u>When:</u> While accompanied by a licensed driver at least 21 years old	-At least 15 1/2 years old -Must be currently receiving instruction in or have completed driver education -Must have passed written driving exam -Must have passed vision exam	-At least 16 years old -Must have passed written driving exam -Must have passed vision exam
Intermediate License	<u>When:</u> 5am to 11pm, unless for activities related to school, church, or work <i>or</i> any time if accompanied by licensed driver at least 21years old  <u>Passengers:</u> 1 passenger <i>or</i> only people who live in the driver's home <i>or</i> any passenger if accompanied by licensed driver at least 21years old	-Must have had a Learner Permit for at least 6 months -Must have had at least 40 hours (10 hours at night) of behind-the-wheel training from licensed driver at least 21 years old and licensed for at least 2 years -Must have no traffic convictions on driving record -Must have passed driving skills exam	-Must have had a Learner Permit at least 6 months -Must have had at least 40 hours (10 hours at night) of behind-the-wheel training from licensed driver at least 21 years old and licensed for at least 2 years -Must have no traffic convictions on driving record -Must have passed driving skills exam
Unrestricted License	<u>When:</u> unrestricted  <u>Passengers:</u> unrestricted	-Must have had an Intermediate License for at least 6 months -Must have no traffic convictions on driving record	-Must have had an Intermediate License for at least 1 year -Must have no traffic convictions on driving record
		-OR-	
		-Must be at least 18 years old -Must have passed all driving and vision exams	

## Underage Drinking

According to Oklahoma's zero tolerance law, if drivers younger than 21 are found to have a blood alcohol level over 0.02 percent before or while operating a motor vehicle, they may be charged with impaired driving offenses.<sup>11</sup>

Oklahoma passed a law in 2006 making it illegal for a person to knowingly and willfully give alcohol or controlled dangerous substances to a minor (person under 21 years of age) who is invited by that person to a residence, building, or property owned or procured by that person. If this act results in the death of a person, violators will be fined and/or convicted of a felony. Fifty-five Oklahoma communities have taken this law a step further by adopting social host ordinances which prohibit persons from knowingly hosting gatherings where alcoholic beverages are available to minors.

## Ignition Interlock Devices

A measure related to the installation of an alcohol ignition interlock device as a condition of modifying license revocation or driving privileges becomes effective November 1, 2009. Another bill requiring persons to use ignition interlock devices when convicted of first-time driving under the influence offenses became dormant after failing to be heard in committee.

## Fire Safe Cigarettes and Novelty Lighters

Oklahoma legislators passed the Cigarette Fire Safety Standard and Firefighter Protection Act in 2008 which requires that only fire safe cigarettes be sold in Oklahoma. There was no opposition from tobacco companies and the bill passed the House and Senate unanimously. In the 2009 legislative session, a bill prohibiting the sale of novelty lighters was introduced, but failed to pass.

## Violence

In 2006, the Task Force to Stop Sexual Violence was created by House Resolution 1010 and charged with studying funding for victim services, development of prevention education programs, and improving sexual assault investigations. As a direct result of this task force, a bill was passed requiring six hours of evidence-based sexual assault training for police officers. Another bill to establish a State Plan for Coordinating Sexual Violence Prevention Efforts was introduced, but did not pass.

The definition relating to assault/battery, and domestic abuse was modified in the 2009 legislative session and another bill modified reporting requirements for sexual assault. Also passed in 2009 was a bill requiring individuals found guilty of domestic violence to submit to a DNA test.

## Water Vessel Operators

In 2009, a measure was passed requiring any operator of a water vessel involved in a collision, accident, or casualty resulting in the immediate death or severe injury of any person to submit to a drug/alcohol blood test.

## GOALS/OBJECTIVES

### Goals

- Reduce injuries and deaths from injury-related incidents through legislation.
- Reduce alcohol consumption-related deaths among minors and reduce alcohol-related crashes, injuries, and deaths.
- Continue to support injury prevention legislation by providing partners and legislators with relevant data, reports, fact sheets, and educational information.
- Continue to collect relevant injury and fatality data to support legislation.

## Objectives

- Develop and introduce statewide legislation addressing cellular phone use while driving by 2010.
- Develop and introduce statewide social host legislation by 2013.
- Develop and introduce legislation to establish a policy for responding to incidents of dating violence and provide dating violence education to students, parents, staff, teachers, and administrators by 2015.

## ACTION PLAN

- Prepare data reports and fact sheets, and provide data and other educational materials

to support injury-related legislation through 2015.

- Work with legislative liaisons to secure bill authors through 2015.
- Conduct fiscal analyses of bills as requested through 2015.
- Collaborate with Turning Point, other community organizations, survivors, survivors' families, and treating physicians to provide education for injury-related legislation through 2015.
- Identify supporting organizations for injury-related legislation through 2015.
- Research opposing arguments and organizations for injury-related legislation through 2015.
- Assist with organizing news conferences and providing education through the media through 2015.

## REFERENCES

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- <sup>3</sup>Governor's Highway Safety Association. Oklahoma August 2009. Retrieved 20 August 2009, from: <http://www.ghsa.org/html/stateinfo/bystate/ok.html>.
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- <sup>7</sup>United States DUI Laws. Ignition Interlock 101. Retrieved 24 August 2009, from: <http://dui.drivinglaws.org/interlock.php>.
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- <sup>10</sup>Oklahoma Department of Public Safety. Graduated Driver License (GDL). Retrieved 15 July 2009, from: <http://www.dps.state.ok.us/dls/gdl.htm>.
- <sup>11</sup>United States DUI Laws. DUI Laws in Oklahoma. Retrieved 24 August 2009, from: <http://dui.drivinglaws.org/ok.php>.