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REPORT OF THIS SUBCOMMITTEE ON HIGHWAY SAFETY

to

THE IOWA HIGHWAY STUDY COMMITTEE

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Members of the Subcommittee

Senator Gene Hoffman, West Grove,
Chairman

Representative Merle Hagedorn, Royal

Kenneth Robinson, Mayor, Bayard

Harold Teachout, Shenandoah, Member
of Highway Commission

State of Iowa
December, 1960

To Members of the Highway Study Committee and the General Assembly:

This report contains our findings and recommendations resulting from meeting with many Iowa citizens interested in highway safety and study of some of the highway safety problems of our state. This is a revision of the preliminary report made to the full Committee in August, 1960.

Improving our highway safety programs is one of the most important challenges Iowa is facing. The long-range planning and public policy that were essential in building good highways are necessary in dealing with our highway safety problems. Therefore, we have urged continuing study and coordinated efforts by the legislature, state and local governmental agencies, and the interested persons and groups of our state.

The subcommittee was assisted by Clayton Ringgenberg and Bill Hedlund of the Iowa Legislative Research Bureau and Mrs. Winifred Dalrymple, Clerk of the Highway Study Committee.

Respectfully submitted,

Members, Subcommittee on Highway Safety

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GENERAL STATEMENT OF THE SUBCOMMITTEE

Problems of Highway Safety?

Safe and convenient transportation will not necessarily be assured by the very best system of roads that Iowa could build and maintain. Safer and more convenient transportation can come only by concerted efforts of the people of Iowa to plan and establish long-range highway safety programs. While safety starts with and is centered in the individual, state organizations, outside and within government, need to provide the impetus for safety programs. The long-range planning and public policy that were essential in building good highways are necessary in dealing with our highway safety problems.

Driving a Right or A Privilege?

A "right to drive" proponent can say that nationally the number of deaths per 100 million miles of traveling have been cut in half the last 20 years, from 12 to 6. Yet, the economic costs and loss as a result of accidents still run into millions of dollars. With Iowa recognizing driving as a "privilege", we are convinced our records of traffic accidents can be improved through well planned, long-range, coordinated programs helped by legislative actions.

Interest in Highway Safety

Many Iowans are interested in safety. The different groups and individuals who presented their views to this subcommittee are evidence of this interest. (A listing of these persons is attached. See Page 18) Also, at public hearings of the full committee held in Storm Lake, Atlantic, Ottumwa and Waterloo, some of the liveliest discussions concerned highway safety.

The major need, in our opinion, is to provide a continuity of leadership to work with various individuals and groups interested in all safety programs. The governor and the legislature need to assume the responsibility of providing this leadership and funds necessary to implement action programs.

Work of the Subcommittee

Many ideas and suggestions for possible study were given to us. However, in view of the other work of the full committee, we have concentrated our efforts on those problems which seemed to be most urgent or of

the most interest. Because of the great amount of further study and planning that should be done, we suggest the full Committee ask the 1961 Legislature to provide for a comprehensive, continuing study of highway safety problems and programs. The last parts of this report contain listings of some of the problems given to this subcommittee that could be given further study. (See Pages 19-31).

RECOMMENDATIONS

The following are the recommendations of this subcommittee:

1. Traffic Coordinating Committee of State Officials. We recommend that a traffic safety coordinating committee of state administrative officials be created by the legislature. This committee should have the responsibility for planning and coordinating traffic safety programs carried out by the individual department and division heads. (See Pages 8-10.)

2. Continuing Legislature Study Committee. We recommend that the legislature provide for continuing safety studies, particularly of motor vehicle and traffic safety matters, from a legislative policy viewpoint. This committee could be created as an independent study committee, or it could be a subcommittee of the Legislative Research Committee. Two members of this committee should serve on the coordinating committee in an advisory capacity. (See Page 11.) .)

3. State Citizens Safety Council. We recommend that a statewide citizens safety council be established. Both the coordinating committee and the legislative committee suggested in "1" and "2" above should encourage the creation of such a citizens council to lend public support for official safety programs and to provide ideas for dealing with highway safety problems. Consideration should be given by the legislature to partial financial support by the state of the work of this citizens group. (See Page 12.)

4. Traffic Safety Coordinator. We recommend that the position of traffic safety coordinator, appointed by the governor, be established. This position should be filled with a qualified person in the traffic safety field. He would work with the state safety committees and the state departments in planning and carrying out safety programs, and would assist state, community and county safety councils. His duties and responsibilities should be similar to those for the director of traffic safety in the Indiana law described on pages 6-7.

5. Local Traffic Safety Programs. The coordinating committee, the traffic safety coordinator and the state citizens safety council should help counties and municipalities establish local safety councils to carry out safety programs. (See Page 12)

6. Analysis of the Iowa Motor Vehicle Laws. A comparison was made, as part of this survey, of the motor vehicle laws of Iowa with the Uniform Motor Vehicle Code. In our opinion, although it would not be necessarily advantageous to completely rewrite the Iowa motor vehicle laws, there are some changes in the Iowa law that need to be made. In some respects, the Iowa vehicle laws are broader and more complete than the Uniform Motor Vehicle Code. On pages 22-24 we have listed the sections needing change, with a brief explanation for these changes. In addition, members of the highway patrol presented at one of our hearings a list of statutory changes they felt should be made. Due to a shortage of time, we could only compare these requests with the Uniform Motor Vehicle Code and add our comments. These proposed changes are part of the report and are listed on pages 25-31. We urge the next legislature and future study committees to consider these proposals.

7. Probationary Licenses for Young Persons. Everything possible should be done to make the new young driver (our driver of tomorrow) aware of his responsibilities. The privilege of having a drivers license should be taken from those drivers who do not assume this responsibility. We recommend that drivers licenses issued for persons from 16 to 20 years of age should be probationary. Such licenses would be suspended for a minimum of six months upon conviction of any moving traffic violation as determined or defined by the state commissioner of public safety, and could be suspended for a longer period of time at the discretion of the courts. (See Pages 13-15).

8. Drivers Training Education. Although a strong case was made to the subcommittee for compulsory drivers education, we did not feel that conclusive data had been established at this time to warrant a recommendation for a compulsory program in Iowa. However, we recommend that schools with driver's education set up a cooperative program with other schools in its area that do not have drivers training and make this service available year around. Adults as well as some students could avail themselves of this service during the summer months. Such a program might be financed partly by the schools and partly on a fee basis.

9. Legislation Concerning the Drinking Driver. There are four types of state legislation concerning the drinking driver. Iowa has the basic law; some other states have the chemical test law, the impaired driving law, and/or the implied consent law, which are designed to assist peace officers and the courts in the enforcement of the basic law. The subcommittee is in full agreement that Iowa's law with respect to the "drinking driver" must be strengthened. While the subcommittee was not in complete unanimity as to which plan should be recommended, most of the members favored the chemical test law as modified by New York State which concerns the problem of "driving while ability is impaired by alcohol". (See Pages 16-17)

1. STATE COORDINATING COMMITTEES ON HIGHWAY SAFETY

What Is A State Coordinating Committee?

This is a committee of state officials working together on traffic control and traffic safety matters. Its purpose is to provide a means whereby officials of the various departments concerned with highway safety meet regularly to achieve teamwork. The members of the Committee determine policy and plans, assign priorities to what they want to get done, provide mutual support, and check on accomplishments and failures.

The President's Committee for traffic safety recommended in 1954 that such a coordinating committee be established in each state, preferably by statute, in the executive branch.

How May States Have a Coordinating Committee?

In 1957 about one-half of the states had a state coordinating committee on highway safety. Some of these have been set up by the legislature, some have been set up by an order of the governor, and others, by common consent of the agencies concerned.

Not all of these coordinating groups have been successful. In the 1957 Public Officials Safety Conference, the following statement was made as a result of a study of state coordinating groups:

"The range runs from complete, specific and practical agreement on traffic-safety activities through total coordination, to half-hearted attempts at state sponsorship of a particular program or activity. The wholly effective state official coordinating operations are the exception. Equally rare are the instances in which the chief executive takes a direct, forceful part in the mechanics of coordination. The exceptions provide some of the finest state highway-safety programs."

Here are some examples of the organization and objectives of state coordinating committees.

Arizona. Governor's Traffic Safety Council. Established by the governor very recently, its purpose is to develop a comprehensive action program. After study, it will develop an official program and determine priorities and changes in the program. Members are:

1. The Governor.
2. Supervisor of traffic safety of the highway department.
3. Supervisor of the motor vehicle division of the highway department.

4. Superintendent of the highway patrol. 5. State highway engineer. 6. President of the Senate. 7. Speaker of the House. 8. Chief Justice of the Supreme Court. 9. Attorney General. 10. Chairman of the highway commission. 11. Chairman of the corporation commission. 12. Heads of all other departments and agencies with traffic safety responsibilities.

Texas. Traffic Safety Council. Established by the legislature in 1957. This council was given broad powers to assist the governor and other state agencies in the development of a cooperative program of traffic safety. Involved are public and private persons and city and county officials and groups as well as state agencies.

The council has an executive committee with the Governor as Chairman. Other members are the director of the department of public safety, the state highway engineer, the attorney general, the commissioner of education and the commissioner of public welfare. In addition the governor was permitted by the law to appoint other persons to the council, and he appointed nine persons from private groups interested in traffic safety as well as from other state departments.

Indiana. Governor's Traffic Safety Committee, Governor's Traffic Study Commission, and Office of Director of Traffic Safety. The director of traffic safety is appointed by the Governor. The director's duties, in general, are to coordinate all traffic safety work in the state. This is an attempt to give professional, full-time, continuous assistance to state agencies, local governments, and private groups interested in traffic safety. The director of traffic safety is not given the power to carry out programs. He is authorized to study needs, to recommend programs, and to call meetings to discuss these matters. State agencies, in turn, are directed by the law to cooperate with the director and provide technical assistance. The director may also use the services of Purdue University.

A governor's traffic safety committee was established to help carry out the purpose of the act. This committee consists of: 1. The Governor. 2. The director of traffic safety. 3. The commissioner of the bureau of motor vehicles. 4. The superintendent of public instruction. 5. The superintendent of the state police. 6. The chairman of the state highway commission. 7. The Attorney General. 8. and three other state officials appointed by the Governor.

The Governor may also appoint a traffic safety advisory board, of not to exceed eleven members.

The governor's traffic study commission is a continuing study committee of five legislators, three appointed by the governor and two by the presiding officers of the House and Senate.

Colorado. Highway Safety Council. The Colorado group is somewhat similar to the governor's traffic safety committee in Indiana. However, in Colorado, the planning and coordinating duties are given to the council rather than the director of public safety, and the council is set up independent from the governor's office rather than coordinated under it. In addition there is an advisory committee of 12 citizens appointed by the governor.

The Colorado Legislative Council recently studied the work of the safety council and the office of the director of public safety. Its conclusions were that coordination was not being achieved, that the departments were still going their separate ways and, in some instances, duplicating the work of the safety council. The Legislative Council suggested that the trouble was not the idea, but rather the structure of the safety council, and the recommendation was made that a highway safety division be established in the motor vehicle department and coordination be achieved under a governor's coordinating committee.

Does Iowa Have A State Coordinating Committee?

Iowa is fortunate in that many functions relating to highway safety are now handled by one department, the department of public safety. This department is concerned with both the driver and the vehicle: highway patrol work, drivers' licensing, motor vehicle licensing, safety responsibility work, and safety education. All are functions of this one department. Coordination of these functions can be achieved within this department.

However, there are a number of other state agencies concerned with traffic safety. The highway commission has the responsibility for building and maintaining safe roads. It also is in charge of signs, signals, markings, etc. on primary highways. In addition the commission has charge of truck weighing. The state department of public instruction is involved in driver education programs in the schools. The state colleges have done some research on traffic safety matters.

In 1959 the governor began a series of meetings with representatives of the department of public safety, highway commission and department of public instruction to foster coordination. The major program which has developed from this is a systematic study of traffic accident trouble spots by the highway patrol and the highway commission and correction of these trouble spots from a traffic engineering standpoint.

Should Legislators Be On A Coordinating Committee?

Legislators should be kept informed of traffic safety plans and how well the traffic safety policies that are in the law are being carried out. Because the legislature meets only every two years, about the only way legislators can keep touch is through individual personal interest. Therefore, state agencies have brought proposed legislative changes to the legislative session with little or no advance study or consideration by legislators.

If traffic safety matters are of great importance and if the legislature is to be a part of developing long-range programs and policies. Some legislators should participate in the work of studying and developing the programs between sessions of the legislature, it is argued. Legislators could be a part of the coordinating committee as is the case in Arizona, or they could be a separate study committee which would work with and use the services of the study committee.

There is merit in both approaches. If legislators were on the coordinating committee, this would give them a chance to see the problems of the administrators, and vice versa. On the other hand, many things which would be done as a result of the work of the coordinating committee would be carried out by the operating departments, and legislators should be careful not to get involved in administrative affairs. This danger could be avoided by having a separate legislative committee. A third possibility would be to have the two separate committees with two of the legislators serving on both committees.

In most of the states which have a coordinating committee, the committee is comprised solely of administrators, and apparently these programs are most successful where there is leadership from the governor's office.

Recommendations

1. We recommend that a traffic safety coordinating committee of state administrative officials be created by the legislature.
2. We recommend that two legislators serve on this committee in an advisory capacity.
3. We recommend that the position of traffic safety coordinator be established in the governor's office.
4. We recommend that the Iowa law for this be patterned after the Indiana law.

Coordinating Committee. Members of the committee should be:

Governor
 Commissioner of Public Safety
 3 persons from the Highway Commission, including one commissioner
 Traffic Safety Coordinator
 Chief of the Highway Patrol
 Director of Safety Responsibility Division
 Director of Safety Education Division
 Chief Driver's Licensing Examiner
 Person appointed by the Superintendent of Public Instruction
 Person appointed by the State Commerce Commission
 Person appointed by the State Board of Regents

A person from the Attorney General's office should be assigned to assist the committee on an "on call" basis.

The committee would meet at the call of the Governor, but at least monthly. The Governor would be the chairman, and the traffic safety coordinator would be the secretary of the committee. The secretary would be responsible for preparing agendas, minutes, etc., and would keep a continuous record of the work of the committee.

Duties of the Coordinating Committee. This committee should be authorized to study, plan and recommend programs to deal with all phases of traffic safety which are the responsibility of the state. These activities would be designed to reduce accidents and to facilitate the control of traffic. The committee should:

1. Act as a central coordinating agency to plan traffic safety programs and campaigns.
2. Do all things possible to see to it that these programs and campaigns are carried out by the proper administrative officials.
3. Review periodically the results of the programs and campaigns.
4. Report its activities and recommendations for legislative action to the governor and legislature.

5. Develop a system of voluntary safety committees of governmental officials in each county and city, to assist these committees, and coordinate their efforts.

6. Cooperate with public and private agencies interested in accident prevention and traffic control, especially in promoting public education and informational programs on traffic safety.

Traffic Safety Coordinator. This position should be established in the governor's office and should be filled with a person well qualified in the traffic safety field. The position should have a salary which would attract qualified applicants.

The person in this position would be the right-hand man of the governor in all traffic safety matters. He would work with the coordinating and legislative committees and the state departments in planning and carrying out safety programs. He would not have any direct authority over the state departments. He would assist state, community, and county safety councils.

2. CONTINUING LEGISLATIVE STUDY OF HIGHWAY SAFETY MATTERS

Motor vehicle transportation has grown at a phenomenal pace, and there is no particular sign of a let-up. Long-range programs for highway construction and maintenance are being set up by states to take care of this increased transportation.

But building and maintaining the roads is only one part of the picture. Motor vehicle affairs--registration, licensing, safety, insurance, regulation, etc.,--are the other side. This is becoming an increasingly large and complex function for state governments to handle. Some claim that states have too long taken the short-sighted approach to legislation and the administration of these laws and that states should take a longer range view. One person has expressed this as follows:

"States must now begin to adopt the same long-range, orderly approach to problems of motor vehicle ownership and use as has been applied to the highway improvement program. Failure to plan ahead in the face of much greater traffic volumes which new and improved facilities are expected to generate not only would be short-sighted, but would endanger hard-won gains in accident prevention and over-all efficiency of the highway transportation system."¹

What Would A Legislative Committee Consider?

This continuing legislative committee on transportation and safety could make a long-range factual study of every state function bearing on ownership and use of the motor vehicle. These are: highway signs and signals, accident records, highway patrol, driver education, driver licensing, courts, financial responsibility, motor vehicle registration, etc.

Which States Have This Kind of a Committee?

Minnesota is pioneering this type of study, along with Nevada and California. In California, the 13-member legislative committee is being assisted by a 14-member advisory committee of citizens from private groups interested in this long-range study.

In addition, in many of the states which have legislative councils, a permanent committee of the council considers highway safety and motor vehicle matters on a systematic study basis.

1 "Legislative Responsibility for Future Highway Use" Louis R. Monroney of the Automotive Safety Foundation in the Nebraska Law Review, March, 1959, P. 536.

3. ENCOURAGEMENT OF STATE AND LOCAL SAFETY COUNCILS

If this state is going to have a successful highway safety program, this has to be more than a state government program. It must be a statewide program, enlisting the support of citizens and officials in each county of the state.

How can this be accomplished? We have two suggestions. First of all, we recommend that a statewide citizens safety council be established. Both the coordinating committee and legislative study committee we have suggested should encourage the creation of such a citizens group. This organization should be made up entirely of citizens and should be largely or entirely supported privately. The legislature should consider providing part of the money which would be needed by such a group, but not more than one-third of its budget. This citizens safety council could be very helpful in statewide traffic safety matters by getting public support for official programs and by providing ideas.

Secondly, the state coordinating committee should draw up plans for organizing safety councils in each county to carry out the programs adopted by the state and those adopted locally.

The state traffic safety coordinator should work with and assist these local safety councils.

4. DRIVER EDUCATION AND PROBATIONARY LICENSES FOR YOUNG PERSONS

The Problem of The Teen-age Driver

If our highway safety record is to be improved, all drivers must be responsible drivers. The public should be concerned that our new young drivers should develop good driving habits and attitudes from the beginning. Several groups which appeared before the sub-committee said, and the facts show, that teen-age drivers are involved in accidents out of proportion to the number of miles driven by this age group. (See Page 14) How much of this is attributable to inexperience, recklessness, or bad driving habits is not known.

Because of this, we believe the driver of this age is of special concern, not only because he is creating a special problem now, but that he represents the driver of tomorrow, and the driving habits he is forming now will affect how safe a driver he will be in the future. We believe it would be well to do everything possible to impress upon the new young driver that driving a car is a responsibility and a privilege, and that if he wants to drive, society will demand that he be a safe driver. At the same time, society has the responsibility of helping the young driver to learn to be a good driver.

Driver Education

Driver education programs are becoming well accepted around the nation. There are four states that have mandatory driver education courses, and in these states the courses are required for graduation from high school. These states are: California, Illinois, North Dakota and Virginia. In none of these states is behind-the-wheel training mandatory. Michigan and Connecticut have laws that require any person who wants a driver's license before 18 years of age to have completed the driver education course, including behind-the-wheel training.

In Connecticut, the course consists of 30 hours of classroom instruction and six hours of behind-the-wheel training.

ACCIDENT INVOLVEMENT OF YOUNG DRIVERS IN IOWA

This information is for Iowa drivers in the 14-19 age bracket. This was submitted to the subcommittee by the state department of public safety.

A. How much do these young people drive?

1. They drive less than 5% of the miles traveled.
2. About 7% of all drivers are of this age.
3. 50% of persons this age have driver's licenses.
4. They drive mostly during the daylight hours.
5. They drive usually when there are less hazardous driving conditions.

B. How much were these young people involved in accidents in 1959?

1. About 15% of all fatalities were persons of this age.
2. These drivers killed 25% of pedestrians killed.
3. These drivers were in over 20% of the run-off-the-roadway accidents.
4. About 50% of their accidents were with another vehicle.
5. 88% of these drivers were licensed in Iowa.

C. What was their record before they were involved in an accident?

1. 35% of these Iowa licensed youths had previous violation convictions.
2. 25% of these Iowa drivers had been involved in a previous accident or accidents.
3. Over 4% of these Iowa drivers had a previous suspension or revocation.

Probationary Licenses

Several states provide probationary licenses for young persons.

Ohio. Ohio law states that persons under 18 years of age shall have a probationary license. If a person of this age is convicted of two separate moving violations, his license is revoked until he is 18 and for one year after the last violation. The bureau of motor vehicles of the State of Ohio reports that they believe their law is very good and that it has aided tremendously in controlling the actions of their teen-age drivers.

Connecticut. The Connecticut law provides that the first license obtained by a person under 21 is a probationary license. If this person is convicted of speeding, reckless driving, or other acts that the commissioner of public safety believes require proper action, his license is revoked for the remainder of the term of the license, and may be suspended for a longer time if a violation merits this. The department of motor vehicles of the State of Connecticut reports that they believe the severe restrictions concerning the issuance and keeping of a provisional license has had a good effect on the driving habits of their young persons.

Indiana. In Indiana the law provides that persons under 18 years of age who receive a driver's license shall receive a probationary license. This license may be revoked upon conviction of a moving traffic violation involving injury to persons or damages to property. It may be revoked at the discretion of the commissioner of motor vehicles. The revocation lasts only until the person is 18 years of age.

Minnesota. In Minnesota a person receives a provisional license until he is 21. The license is provisional in this sense: if, during the time previous to age 21, the person has had a poor driving record, the commissioner of motor vehicles may require that this person take a complete examination before he receives a permanent license at age 21.

5. LEGISLATION CONCERNING THE DRINKING DRIVER

Alcohol and Automobile Accidents

Repeatedly persons and groups who appeared before the sub-committee commented about alcohol as a factor in automobile accidents. A wide range of statistics were given to the committee about the importance of this factor. As for fatal accidents, one person claimed that alcohol was a factor in only about 5% of these accidents. At the other extreme, there were claims that alcohol is a factor in at least half of the fatal accidents.

There is no doubt that alcohol impairs driving ability. One Iowa doctor told the sub-committee that alcohol always causes impairment of judgment, reasoning ability, and coordination. He said that individuals with blood-alcohol content between 50 and 150 milligrams are dangerous drivers and are definitely under the influence of alcohol. There have been other tests given around the nation which show that alcohol does impair driving ability. In fact, the statement has been made that the drinking driver is more of a hazard than the drunken driver.

We conclude from the information presented to us and from our study that: (1) it is impossible to determine precisely what portion of accidents or fatal accidents are caused by the drinking driver, because present accident records do not give this information accurately, and (2) alcohol does impair driving ability.

Four Types of State Legislation

There are four types of state laws which apply to the drinking driver. Iowa has the first type. This law simply provides a penalty of a fine or imprisonment and suspension or revocation of the license upon conviction for driving while intoxicated. These penalties are increasingly severe until at the end of the third conviction, and each subsequent offense, the person may be imprisoned in the state penitentiary. Usually under this type of law a driver must have an alcoholic content of at least 150 milligrams in his blood to be considered intoxicated.

The second type of law is known as the Chemical Test Law. This law, which 32 states have, is in the Uniform Motor Vehicle Code. This law outlines a series of presumptions. A person with less than 50 milligrams of alcohol is considered not under the influence. If a person has 50 to 150 milligrams, this evidence can be used along with other evidence to determine his guilt or innocence, but it is not presumed that he is under the influence. If a person has over 150 milligrams, it is presumed that he is under the influence.

The third type of law is now in use only in New York State. This is an addition to the Chemical Test Law in that if a driver is found to have 100 to 150 milligrams of alcohol in his blood, he will be charged with "driving while ability is impaired by alcohol". This is considered a traffic infraction with a corresponding penalty, in contrast to the more severe penalty for persons who are convicted of driving while intoxicated. This New York law was passed to deal with two problems which seem to arise even in the states which have the Chemical Test Law. The first problem is that the 150 milligrams level, in practice, has been the dividing line between the conviction or dismissal of a person. The second problem is that a drunken driver is classified as a criminal according to the penalties which are imposed upon him. This, of course, has made it difficult to get convictions except for the more serious offenders. New York feels that the Chemical Test Law is strengthened considerably by this addition, because the drinking driver as well as the drunken driver is more effectively dealt with.

The fourth type of law is the implied consent law, which eight or nine states now have. This law provides that a person who is arrested or who is taken into custody on suspicion of driving under the influence of intoxicating liquor, must agree to a chemical test for intoxication or have his driver's license suspended for a certain length of time. Only doctors are permitted to give blood tests. Other types of chemical tests may be given by law enforcement officials, but the person may request that his doctor also give these types of tests. If a person's driver's license is revoked under this law he has the right to an administrative hearing. In addition, provisions for taking the matter to court as a last resort are provided in the law.

The implied consent law has been upheld in several state courts. In New York the law was attacked on the grounds of self-incrimination, unreasonable search and seizure, equal protection under the law, and due process of the law. The law was declared constitutional in respect to each of these matters.

Appendix A

LISTING OF PERSONS AND GROUPS WHO MADE
SUGGESTIONS TO THE SUBCOMMITTEE

Adams, Albert - Western Mutual Insurance Company
 Alexander, Sterling - Mutual Insurance Alliance

Barg, Dr. W. H., Mason City - Committee on Automotive Safety of the Iowa
 Medical Society

Brice, Robert - Iowa Highway Commission
 Butter, John - Consultant, Iowa Highway Commission

Connell, Bryan - Iowa Assoc. of Mutual Insurance Associations

Downing, Dr. Arthur - Committee on Automotive Safety of the Iowa Medical
 Society

Gunn, John - Employers Mutual Casualty Company

Harvey, Vernon E. - U. S. Bureau of Public Roads
 Highway Patrolmen
 Holcomb, Richard - Institute of Public Affairs, SUI

Iowa Committee on Driver Education

Keeney, Larry; Grinnell - Farmers Mutual Insurance Company
 Kent, Hal - National Safety Council

Link, Floyd L. - Chairman, Iowa Highways Users Conference
 Lodwick, Mr. - Farmers Mutual Insurance Company

Morgan, Dr. H. W., Clear Lake - Consultant, Committee on Automotive Safety of
 the Iowa Medical Society

O'Mara, Professor John - Civil Engineering Department, SUI

Pyle, Howard - President, National Safety Council

Schach, Carl F. - Safety & Traffic Engineer, Iowa Highway Commission
 Smith, Arnold - Iowa State Insurance Department
 Statton, Donald - Public Safety Commissioner
 Spencer Council for Safety

Timmons, William E. - State Insurance Commissioner
 Tow, Richard - Deputy Public Safety Commissioner

Ulrich, Stewart - Iowa Association of Independent Insurance Agents

Appendix B

SUGGESTIONS AND RECOMMENDATIONS ON HIGHWAY SAFETY
MADE TO THE SAFETY SUBCOMMITTEE AS OF MARCH, 1960*Driver's Education

Education regarding human behavior in connection with safety.
(Harvey)

More education of the general public about causes of accidents,
safe driving, etc. by films. (Subcommittee)

Compulsory driver education is a vital part of highway safety
program especially in terms of long-range improvements. (Brook)
(State Safety Dept.)

Study of driver education as it pertains to accident reduction
to determine where there needs to be improvement in the Iowa driver
education program. (AAA Motor Club of Iowa)

General Traffic Laws

Experimentation to change color of signs and lights on school
buses and other safety measures about school buses. (Schach) (Brice)

Clarification of law regarding driving with parking lights in
fog, etc. (Hagedorn)

Uniformity among states and local units of government of signs
and signals along highways. (Schach)

Adjustment of speed limits on primary highways based on engineering
studies. (Schach)

Study of accident reporting at both the state and local city
level. (AAA Motor Club of Iowa)

A more workable method of setting realistic speed limits in
various zones such as school zone, business district, urban areas,
secondary roads, etc. because this authority now rests with about a
thousand different official bodies. (AAA Motor Club of Iowa) (Brice)

Compare Iowa's motor vehicle laws with the recommendations of the
Uniform Motor Vehicle Code. (AAA Motor Club of Iowa)

* See pages for recommendations by highway patrolmen.

Suggestions and Recommendations on Highway Safety (continued)

The existing rules-of-the-road as they appear in Iowa law should be examined to see if they will apply in all respects to freeway driving. (AAA Motor Club of Iowa)

Driver's Licensing

Testing of persons who have never taken a test.

Periodic testing of elderly people.

Review of accident records to determine causes of accidents. (Harvey and Hoffman)

Suggested that it might be possible that the courts could require the traffic violator to take a test such as the one administered by the Farmers Mutual Insurance Co. of Grinnell. (Reppert)

Psychological testing was discussed several times.

More Stringent licensing procedures. (State Safety Dept.)

Temporary license to all young drivers until they have reached 20 years of age. (Subcommittee)

Re-examination of those involved in accidents and convictions of traffic violations. (State Safety Dept.)

Require physicians to report certain conditions and diseases to State Safety Dept. (State Safety Dept.)

Enforcement

Strict enforcement of present laws and public support of this. (Ulrich and Kelley)

Uniform application of laws in courts. (Ulrich)

Investigate the minor court system as far as traffic cases are concerned and make some recommendations to improve our existing minor courts which handle traffic cases. (AAA Motor Club of Iowa)

Possibility of curfew for age group 18 to 23. (Ulrich)

The annual driver's license fee be increased from its present amount of \$1.50 to either \$4.00 or \$5.00 with the full amount of the increase earmarked for highway traffic law enforcement. This full

Suggestions and Recommendations on Highway Safety (continued)

amount of increase could be used to increase the number of highway patrolmen and to equip the patrol with detection devices. (J.W.Gunn).

Require inspection of motor vehicles.

Study the probable effect motor vehicle inspection will have on vehicles in unsafe condition as they pertain to the cause of accidents. (AAA Motor Club of Iowa).

Implied consent law pertaining to drunken driving.

Safety Organizations

Permanent committee of state agencies and legislators on highway safety matters to coordinate efforts and to take suggestions to the Legislature. (Hagedorn)

State safety council financed by the legislature. (Alexander)

Miscellaneous

Study of accident prone locations. (Robinson)

Necessary to have people at the local level who are interested in safety in order to have an effective traffic safety program. (Ulrich)

The advent of lower cars, especially foreign cars, the study of possible changes in sight distance standards for the "No Passing" grade lines should be made. (Brice) (Schach)

Non-conforming signs or signals appear in cities and towns which results in confusion to the traveling public. Consideration be given to the reemphasis of the use of standard sign and signals in Section 321.236 which limits the powers of local authorities. (Brice)

Authority to regulate and control parking on rural primary roads in the vicinity of intersections and on the shoulders in other areas. (Brice)

Clarification of law concerning crossing a yellow line to make a left turn. Often times in rural areas, a yellow no-passing line is extended beyond a farm drive. (Brice)

APPENDIX C

CONCLUSIONS FROM A COMPARISON OF THE IOWA MOTOR
VEHICLE CODE AND THE UNIFORM VEHICLE CODE

One very apparent change in the Iowa Motor Vehicle Laws that would improve it would be to break down or divide certain long sections, such as 321.24, 42, 47-50 and others. These sections are so long and involved that they are extremely difficult to understand and interpret.

Suggested changes to conform more closely to the Uniform Vehicle Code would include the following:

1. Clarify the police authority of the department. See Page 13 of the Uniform Motor Vehicle Code, Sec. 2-115.

The present Iowa law provides only that patrolmen shall have the authority of peace officers. See 321.84, 321.229, 321.95, 321.477 and 321.492 of the Iowa law.

2. Clarify when transfer of registration must be completed on transfer of a vehicle by the owner. See page 37, Sec. 3-501.

The present law is not clear as to when the registration expires or must be completed. See 321.46.

3. It does not appear that the Iowa Code has any provisions relating to used parts dealers, wreckers and re-builders. See Pages 48 and 49.

4. Provisions concerning owners of for-rent vehicles should be clarified. See Pages 86,88.

Iowa law provides only that persons renting motor vehicles shall inspect the operator or chauffeur's license of the person renting the motor vehicle. See Sections 321.222-223 and 224.

5. Powers of local authorities as to altering speed limits should be clarified. See page 116, Sec. 11-803.

See Sections 321.293 and 294.

6. Provisions to establish whether the driver of a motor vehicle was under the influence of intoxicating liquor or drug could be clarified. See page 118, Sec. 11-902.

Our law only provides that a person shall not operate a motor vehicle while in an intoxicated condition or under the influence of a narcotic drug. There is no standard to determine when he is intoxicated.

Comparison of Iowa Motor Vehicle Laws and UMV (Continued)

7. Negligent homicide should be considered. See page 119, Sec. 11-903.

Under Iowa law, when a person is involved in an accident that results in death, he can be charged with reckless driving or manslaughter. In many cases, the officers know they cannot convict the person of manslaughter so they can only charge him with reckless driving. This breaches the gap between reckless driving and manslaughter.

8. There are no provisions regulating the riding of bicycles. See pages 123-4, Sec. 11:1201-07.

Iowa law does not provide for regulation of bicycles on highways. It gives local authorities the authority to pass ordinances regulating bicycles, but these are only effective inside the corporate limits of the municipality. See Section 321.236.

9. Provisions relating to lamps on farm tractors, farm equipment and implements of husbandry could be clarified. See pages 133, Sec. 12-215.

See Section 321.398 of the Iowa Code.

10. Who should be required to sign the application of a person under the age of 18 years? Sec. 6-107; page 54.

Iowa law provides that the application shall be signed by both the father and mother. This causes undue hardship and is unrealistic where there is a divorce or one parent has deserted.

11. Other changes to be considered include the following:

(1) Page 17. Certificate of Title, Iowa law does not require the department to make any check on the application for a first certificate of title. See Sec. 321.24.

(2) Page 18. Registration without certificate of title. Under Iowa law, it is not possible to register a motor vehicle without a certificate of title. See Sec. 321.24.

(3) Page 44. Garages. Iowa law does not require the operator of a garage to report a vehicle that is unclaimed.

(4) Page 45. Offenses relating to title and registration: felonies. Iowa law does not make any such provision.

(5) Page 46. Offenses relating to title and registration: misdemeanors. Iowa law has no such provision.

(6) Page 54. Application of minors. The UVC provides that the person who signs the application of a person under 18 years of age shall be jointly liable for any negligence or willful misconduct of such minor. The Iowa law has no such provision.

Comparison of Iowa Motor Vehicle Laws and UMV (continued)

(7) Page 50. UVC provides that before a person receives a chauffeur's license, he shall surrender any operator's license he possesses. Under Iowa law a person could have a valid operator's license and a valid chauffeurs license.

(8) Page 56. UVC provides that every chauffeur's license shall bear a photograph of the licensee. Iowa has no such provision.

(9) Page 57. Notice of change of address. Iowa law does not provide that a person notify the department when his address changes.

(10) Page 96. Garages to report. Iowa law does not require an owner of a garage or repair shop to report motor vehicles which have been involved in accidents.

(11) Page 109. Pedestrian's right of way in crosswalks. UVC provides that when any vehicle is stopped at a crosswalk to permit a pedestrian to cross, no other vehicle shall overtake or pass the stopped vehicle. Iowa has no such provision.

(12) Page 122. Opening and closing vehicle doors. The Iowa code has no provision concerning this matter.

(13) Page 135. Fog lamps. Iowa law has no provision concerning fog lamps.

(14) Page 145. UVC provides that the registration of a vehicle may be suspended or revoked when the brakes do not comply with the provisions of the law. Iowa law has no such provision.

(15) Page 146. Hydraulic brake fluid. Iowa law has no provision relating to such matters.

(16) Page 152. Transportation of explosives and other dangerous articles. UVC provides that the department is directed to promulgate regulations governing the transportation of explosives and other dangerous articles. It is not clear that the department in Iowa has such authority.

Note: This comparison was made by Mr. Oscar Jones, who was employed by the Legislative Research Bureau to give this legal assistance to the Committee.

APPENDIX D

PROPOSED CHANGES AND ADDITIONS IN IOWA'S MOTOR VEHICLE LAWS PROPOSED BY THE HIGHWAY PATROL, WITH COMMENTS AS TO WHETHER SUCH SUGGESTIONS ARE IN THE UNIFORM MOTOR VEHICLE CODE*

1. Enactment of implied consent law.

Quite difficult now to obtain conviction on OMVI cases where no test is available.

Almost impossible to get tests from those who have previous convictions and who have submitted to tests previously.

Comment: This matter is covered in the comparison of Iowa Motor Vehicle Laws and the UVC.

2. Enactment of a negligent homicide with a motor vehicle law.

It is a definite must to bridge the gap between reckless driving and manslaughter.

Manslaughter convictions are very difficult to obtain.

Comment: This matter is covered in the comparison.

3. Enactment of a careless driving law.

Present reckless driving law with wilful and wanton wording makes convictions very hard to get.

Could be used for a variety of violations not expressly covered by statute now.

Comment: It appears that there would be a constitutional question whether this kind of law would be too indefinite.

4. Section 321.176 - Persons exempt.

Set a definite time limit on the time that a person can reside in Iowa for purpose of determining whether subject is required to have Iowa driver's license and for determining when Iowa license plates for motor vehicles are required.

Change paragraph two of same section to define "adjacent or nearby" by establishing a definite length of distance.

Comment: Non-residents are mentioned in UVC, but this suggestion appears to be an improvement.

Paragraph two not included in UVC.

*The comments were prepared by Mr. Oscar Jones (See page 24)

Highway Patrol Suggestions (continued)

5. Section 321.283 - Reckless driving.

Reword "wilful or wanton". Under present wording act must be deliberate. Very hard to obtain conviction, used mainly on borderline OMVI cases.

Comment: The words "wilful or wanton" are used in both the Iowa code and the UVC.

6. Section 321.285 - Speed restrictions.

Eliminate unrealistic speed zones in certain residential areas.

Eliminate the necessity of posting speed limits on all secondary roads.

Comment: The Iowa laws concerning speed limits are substantially the same as the UVC.

7. Section 321.288 - Control of vehicles.

Make this section applicable to all times, especially to apply to straight stretches of highway.

Comment: This suggestion is not included in the UVC.

8. Section 321.303 - Limitations on overtaking on the left.

Change the last sentence of this section by increasing the distance of 100 ft. It is much too close to be practicable.

Comment: The Iowa provision concerning this matter is identical with the UVC.

9. Section 321.304 - Prohibited passing.

Amend paragraph two to include "on any narrow bridge or viaduct" in addition to "when approaching within 100 ft. of".

Change "within 100 ft." to have pass completed when not less than 100 ft. of approaching, etc.

Comment: The Iowa provision is the same as the UVC.

10. Section 321.415 - Required usage of lighting devices.

Amend the second and third paragraphs of this section to read that lights shall be lowered before approaching the specified distance instead of "within the specified distance".

Comment: The Iowa provision is identical with the UVC.

Highway Patrol Suggestions (continued)

11. Section 321.436 - Mufflers, prevention of noise.

Have a better definition of a muffler and define what types of mufflers are legal or illegal.

Make fiberglass and similar types of mufflers illegal.

Comment: The Iowa provisions relating to mufflers are identical with the UVC. No definition in either the Iowa code or the UVC.

12. Definitions.

Have definition of "implement of husbandry" clarified.

Eliminate farm trucks from possibility of being classified as an implement of husbandry.

Comment: The Iowa definition of "implement of husbandry" is substantially the same as UVC.

13. Section 321A.32 - The penalty should be reduced, but held to a mandatory amount. In this manner, it could be tried in Justice or Mayor's Court, and yet the violator would receive the same penalty he is now getting in the district court. District court never fines them over \$100 anyway, and county attorneys and district court judges just consider these cases a nuisance.

Comment: There is no such provision in the UVC.

14. Section 306A.9.

Iowa has had few or none of these cases of driving across the divider of divided four-lane highways, and other control access violations, but I am sure in the next few years we can expect some. The county attorneys and district court judges will look down on these cases as they do SR cases at present, and we could accomplish the same end if there were a mandatory penalty, perhaps \$100 or 30 days, but it was small enough to keep the case in Justice Court. This law would also be more available if it were copied into Chapter 321.

Comment: There is no such provision in the UVC.

15. Establish right-of-way when emerging from a truck creeper lane. It appears that since approaching such a lane the sign says "slow traffic; keep right", anyone who uses this lane puts himself in the category of slow traffic. Right-of-way might then be established by a sign on leaving the end of the creeper lane, saying "slow traffic; yield to through traffic". Apparently the Highway Commission does not have authority to establish right-of-way in this manner, and there must be legislation to legalize such a procedure.

Comment: There is no provision such as this in the UVC.

Highway Patrol Suggestions (Continued)

16. Section 321.268

This section states that if the driver cannot report an accident, a passenger must file a report. This section should be entirely deleted and a new one substituted requiring the owner and driver to jointly file the accident report. This would make insurance information easily available for the person filing the report, for SR purposes, and case of a fresh accident, a quick check on the record of the owner would determine if a report had been filed. We occasionally run into a case where a car is freshly banged up but the owner claims he was not driving it at the time of the accident, he refuses to make a report, and will not say who was driving it. He simply has to keep his mouth shut, no one can prove he was driving the car, and he can get by without filing an accident report. This recommended change would certainly clarify that situation.

Comment: This matter is included in the UVC. See Page 95, Section 10-111.

17. Make driver's training a required course in all high schools, or other applicable law, perhaps require driver's training for issuance of a license under the age of 18 years.

Comment: No such provision in the UVC.

18. Change the concealed weapons statute to include pellet guns and switchblade knives.

Comment: There is no such provision in the UVC.

19. Stop arms on school buses by changing from yellow and black, to bright red background with white letters, and said sign to be reflectorized.

Comment: There is no such provision in the UVC.

20. Section 321.218 and 321.288 - Driving under suspension.

Penalty should be changed to not less than 5 days or more than 30 days.

This suggestion is different from the UVC.

21. Section 321.294 - Minimum speed regulations.

On any highway where there is no fixed minimum speed limit, no person shall drive a motor vehicle at a slower speed than is reasonable and proper, taking into consideration the weather, road and traffic conditions that exist at that time. Any vehicle that is being operated on the highway at a speed continuously of 20 miles per hour or less, said operator shall yield the right-of-way by pulling to the right shoulder if shoulder conditions permit such movement. Any violation

Highway Patrol Suggestions (continued)

of this section shall be a misdemeanor and be punished as provided in Section 321.482.

Reasons: Present section is unenforceable in that it actually provides the operator with one chance to violate the law legally.

Comment: The Iowa provision is similar to UVC.

22. Section 321.462 - Drawbars and safety chains.

Add: this section shall apply to all vehicles operated on the highways regardless of Section 321.1, Subsection 16.

Reason and Need: Present section is vague in its meaning. At present, loading chutes, elevators, farm wagons and trailers need not have safety chains if the operation is remotely connected with farm operations.

Comment: There is no such provision in the UVC.

23. Make 14 the minimum age to operate any motor vehicle including farm tractors and implements of husbandry on the public highway.

Comment: This is different from the provision in the UVC.

24. Illegal to operate a motor vehicle with parking lamps lighted while vehicle is in motion.

Comment: There is no such provision in the UVC.

25. Uniformity in all school stop signs needed.

Comment: There is no provision in the UVC.

26. Amend to read "any person must be at least 18 years of age before obtaining a chauffeur's license."

Any person must have a chauffeur's license to operate a motor truck where the gross weight exceeds 10,000 pounds.

Comment: There is no such provision in the UVC.

27. Authorize the State Highway Commission to set speed limits on through-highways within cities and towns, instead of local authorities.

Comment: This is different than the UVC.

28. To change the wording of prohibited passing law to read, "No vehicle shall in overtaking and passing another vehicle or at any time, be driven on the left side of the roadway."

Highway Patrol Suggestions (continued)

Comment: This is contrary to the UVC and appears that it would absolutely prevent passing where there is only two lanes.

29. Reflectorized license plates for all vehicles.

Comment: No provision in the UVC.

30. Clarify Section 321.176, Number 2, as to how far adjacent or nearby is.

Comment: There is no definition in the UVC.

31. To make a uniform speed law through all cities and towns on primary highways.

Comment: There is no such provision in the UVC.

32. Section 321.357 - To provide for authority to remove all vehicles abandoned on or along the highway.

Comment: The Iowa provision concerning this is the same as the UVC.

33. Repeal Section 321.188.

This section permits temporary chauffeurs' permits to be issued to holders of operators' licenses, even though the recipient may never have ever driven a vehicle larger than a passenger car.

Comment: There is no such provision in the UVC.

34. Section 321.210.

Amend this section to permit the suspension of the driving privilege. Presently this section permits only the suspension of licenses.

Comment: There is no such provision in the UVC.

35. Section 321.210, Subsection 7.

Presently this section permits an incompetent to drive until a hearing has been held. Under this section, a person suffering from mental disorders or serious physical defects is permitted to operate a motor vehicle after his disabilities have been discovered.

Comment: There is no such provision in the UVC and it appears that the department is unable to prevent a person suffering from mental or physical defects from operating a motor vehicle until the case has been finally determined by appropriate appeals.

Highway Patrol Suggestions (continued)

36. Driver training course should be offered and made available in all high schools.

Comment: There is no such provision included in the UVC.

The above changes and additions to Iowa's Motor Vehicle Laws were submitted by representatives of each of the five patrol areas. Members participating were Col. David Herrick, Major James Machholz, Capt. Leonard Simms, Lt. Robert Lead, 1/Sgt. Edwin Freese, Sgt. Lawrence Dickinson, and Patrolman Melvin Beaman.