

**EFFECTIVENESS OF OREGON'S TEEN  
LICENSING PROGRAM**

**Final Report**

**SPR 618**



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by  
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Washington, DC 20590-0003

**June 2008**



1. Report No. FHWA-OR-RD-08-12		2. Government Accession No.		3. Recipient's Catalog No.	
4. Title and Subtitle Effectiveness of Oregon's Teen Licensing Program				5. Report Date June 2008	
				6. Performing Organization Code	
7. Author(s) June H. Ross Oregon Department of Transportation Research Unit 200 Hawthorne Ave. SE, Suite B-240 Salem, OR 97301-5192				8. Performing Organization Report No.	
9. Performing Organization Name and Address Oregon Department of Transportation Research Unit 200 Hawthorne Ave. SE, Suite B-240 Salem, OR 97301-5192				10. Work Unit No. (TRAIS)	
				11. Contract or Grant No. SPR 618	
12. Sponsoring Agency Name and Address Oregon Department of Transportation Research Unit and Federal Highway Administration 200 Hawthorne Ave. SE, Suite B-240 400 Seventh Street, SW Salem, OR 97301-5192 Washington, DC 20590-0003				13. Type of Report and Period Covered Final Report	
				14. Sponsoring Agency Code	
15. Supplementary Notes					
16. Abstract  <p>Significant changes in Oregon's teen licensing laws went into effect on March 1, 2000. The new laws expanded the provisional driving license program which had been in effect since October 1989 and established a graduated driver licensing (GDL) program for all drivers under age 18. The program is intended to reduce fatal and injury crashes among teen drivers and to promote safe driving.</p> <p>Two studies were completed by research organizations that were designed to assess the impact of Oregon's teen licensing laws. The National Highway Traffic Safety Administration (NHTSA) published a study, <i>Evaluation of Oregon's Graduated Driver Licensing Program</i>, conducted by the Center for Applied Research, Inc. (CAR). The American Automobile Association financed a study, <i>Reducing the Crash Risk for Young Drivers</i>, which was conducted by the Traffic Research Injury Research Foundation (TIRF) to review not only Oregon's graduated licensing program but also programs in Ontario and British Columbia, Canada. Analysis of driver records as well as surveys and focus group research were included in these studies.</p> <p>The Oregon Department of Transportation (ODOT) has synthesized the results of these studies. This report provides background information, summarizes the key findings of the two reports and presents conclusions and recommendations based on the results. The results indicate that Oregon's graduated driver license program has safety benefits and it should be continued.</p>					
17. Key Words GRADUATED DRIVER LICENSING PROGRAM, GDL, TEEN DRIVERS, OREGON			18. Distribution Statement Copies available from NTIS, and online at <a href="http://www.oregon.gov/ODOT/TD/TP_RES/">http://www.oregon.gov/ODOT/TD/TP_RES/</a>		
19. Security Classification (of this report) Unclassified		20. Security Classification (of this page) Unclassified		21. No. of Pages 45	22. Price

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APPROXIMATE CONVERSIONS TO SI UNITS					APPROXIMATE CONVERSIONS FROM SI UNITS				
Symbol	When You Know	Multiply By	To Find	Symbol	Symbol	When You Know	Multiply By	To Find	Symbol
<b><u>LENGTH</u></b>					<b><u>LENGTH</u></b>				
in	inches	25.4	millimeters	mm	mm	millimeters	0.039	inches	in
ft	feet	0.305	meters	m	m	meters	3.28	feet	ft
yd	yards	0.914	meters	m	m	meters	1.09	yards	yd
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gal	gallons	3.785	liters	L	L	liters	0.264	gallons	gal
ft <sup>3</sup>	cubic feet	0.028	meters cubed	m <sup>3</sup>	m <sup>3</sup>	meters cubed	35.315	cubic feet	ft <sup>3</sup>
yd <sup>3</sup>	cubic yards	0.765	meters cubed	m <sup>3</sup>	m <sup>3</sup>	meters cubed	1.308	cubic yards	yd <sup>3</sup>
NOTE: Volumes greater than 1000 L shall be shown in m <sup>3</sup> .									
<b><u>MASS</u></b>					<b><u>MASS</u></b>				
oz	ounces	28.35	grams	g	g	grams	0.035	ounces	oz
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\*SI is the symbol for the International System of Measurement

ii:

## **ACKNOWLEDGEMENTS**

The author would like to thank the members of the Technical Advisory Committee (TAC) for their assistance with this project. Persons serving on the TAC included: Rod Rosenkranz, Dan Thompson, Becky Renninger, and Aaron Hughes of the Driver and Motor Vehicles Division. Also on the TAC were John Harvey and Sue Riehl of the Transportation Safety Division, Mark Joerger of the Research Unit, and Nick Fortey of the Federal Highway Administration.

The TAC took on the difficult task of reviewing the two reports published on Oregon's graduated driver license program. The TAC analyzed the data provided to determine if the findings presented in each report were supported, and helped synthesize the results into a final summary report with conclusions and recommendations.

Thanks also to Barnie Jones, Manager of ODOT's Research Unit, who reviewed the report and provided comments, and to Troy Costales, Manager of the Transportation Safety Division, who participated in the discussion

## **DISCLAIMER**

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## **1.0 INTRODUCTION**

### **1.1 PROBLEM STATEMENT**

Significant changes in Oregon's teen licensing laws went into effect on March 1, 2000. The new laws expanded the provisional driver licensing program which had been in effect since October 1989 and established a graduated driver licensing (GDL) program for all drivers under age 18. The program is intended to reduce fatal and injury crashes among teen drivers and to promote safe driving.

### **1.2 GRADUATED DRIVER LICENSE PROGRAMS**

Fewer teen drivers are now involved in traffic crashes because most states, including Oregon, have implemented changes in their teen driving laws. The Graduated Driver License (GDL) is designed to address the inexperience and risk taking behaviors of young drivers. Extensive research shows that young drivers are especially at risk when driving:

- at night;
- after drinking alcohol or using other drugs; and
- with passengers in the vehicle.

The Insurance Institute for Highway Safety (IIHS) has established guidelines for Graduated Driver License Programs:

Graduated licensing is a system designed to delay full licensure while allowing beginners to obtain their initial experience under lower risk conditions. There are three stages: a minimum supervised learner's period; an intermediate license (once the driving test is passed) that limits unsupervised driving in high-risk situations; and a full-privilege driver's license available after completion of the first two stages. Beginners must remain in each of the first two stages for set minimum time periods.... In an optimal system, the minimum age for a learner's permit is 16; the learner stage lasts at least 6 months, during which parents must certify at least 30-50 hours of supervised driving; and the intermediate stage lasts until at least age 18 and includes both a night driving restriction starting at 9 or 10 p.m. and a strict teenage passenger restriction allowing no teenage passengers, or no more than one teenage passenger (*IIHS, Highway Loss Data Institute 2008*).

See Table 1.1 which compares the components of Oregon's program with the IIHS guidelines.

**Table 1.1: Comparison of Oregon's GDL program to the Insurance Institute of Highway Safety's "Desirable Components"**

"Desirable Components" (Insurance Institute for Highway Safety)	Oregon's Graduated License Program
Learner's Phase	Instruction Driver Permit
Minimum age to receive permit is 16.	May receive permit at age 15 (ORS 807.280(2)(a))
Require supervision by a fully licensed driver who is at least age 21	Require supervision of person 21 or older with valid license (ORS 807.280(5))
Require 30-50 hours of certified driving, some of which should be nighttime driving. If driver education is required it should be integrated to complement graduated licensing	Require 50 hours of supervised driving and either drivers education (normally 24 hours classroom and 6 hours behind the wheel) or an additional 50 hours of supervised driving (ORS 807.065). Supervised driving must be with a person age 21 or older who has had a valid license for at least 3 years
Must have learner's permit for at least 6 months	Must have instruction driver permit for at least 6 months (ORS 807.065)
Intermediate Stage	Provisional License
Unsupervised driving not permitted before age 16 and not until have had a learner's permit for at least 6 months	Unsupervised driving allowed at age 16
Restrict unsupervised night driving between 9 or 10 PM and 5 AM, except under certain conditions	Restrict unsupervised driving between midnight and 5 AM, except under certain conditions, for first year or until age 18. (ORS 807.122 (b))
Limit teenage passengers to 0 or 1 during some or all of the intermediate phase, unless an adult is present	For first 6 months no passenger under the age of 20 is allowed who isn't a member of their immediate family; for the second 6 months no more than 3 passengers under the age of 20 are allowed who aren't a member of their immediate family. (ORS 807.122 (a)).
Hold beginning drivers in the intermediate stage until at least age 18	Hold beginning drivers in provisional license stage until age 18, but passenger and night driving restrictions end in 1 year or at age 18, whichever comes first. Other restrictions and the provisional driver improvement program apply until age 18.
Consider an exit driving test to ensure competence prior to full licensure.	No exit driving test, but required written examination to test knowledge and understanding of safe driving practices prior to obtaining provisional license. (ORS 807.065 (b))
Include penalty provisions that delay full licensure for beginners with poor driving record.	Driver Improvement Program restrictions are more stringent for drivers under age 18. DMV will restrict driving privileges for 90 days to a person who has 2 driver improvement violations, 2 preventable accidents, or a combination. Can drive only for work purposes without passengers, except parent, stepparent or guardian. DMV will suspend driving privileges of a driver with 3 driver improvement violations, 3 preventable accidents, or a combination. Increased suspension periods apply for additional traffic crimes. (ORS 809.480 and OAR 735-072-0023)
Full Driving Privileges	Full Driving Privileges
Passenger restrictions in effect until at least age 17	Passenger restrictions in effect until at least age 17
Nighttime driving restrictions in effect until at least age 18	Nighttime driving restrictions in effect until at least age 17

Significant research has been done on GDL programs. This report focuses on the findings of two recently-published studies that addressed Oregon's GDL program and does not investigate any of the other studies on this topic. For readers interested in other current research on this topic, a

special issue of the *Journal of Safety Research*, “Novice Teen Driving; GDL and Beyond – Research Foundations for Policy and Practice Symposium”, reports on much of the most recent research (*National Safety Council 2007*).

### **1.2.1 Oregon’s Graduated Driver Licensing Program**

Changes were made to Oregon’s provisional licensing program in 2000. Prior to those changes, elements of Oregon’s provisional license program included:

- safe-driving practices knowledge test;
- 28-day waiting period between attempts, for drivers who fail the road test;
- suspension for any measurable blood alcohol;
- suspension until age 18 for any major traffic conviction;
- accelerated driver improvement program; and
- the license heading “Provisional Driver License,” and the license showing “minor until...” date, indicating the date a person turned 21.

In 1999 the Oregon legislature added tougher qualifications for 16 and 17 year olds to get a license, more restrictions during the first year of licensure, and stricter penalties when laws are violated. The graduated driver license law which went into effect in March 2000 includes, in addition to the requirements already in place, the following elements:

- an instruction permit for six months prior to issuance of full driving privileges;
- completion of at least 50 hours of supervised driving experience and an approved drivers education course or parent certification of completion of at least 100 hours of supervised driving experience;
- Passenger and nighttime driving restrictions which, when violated, can result in issuance of a citation (ORS 807.010(2)) if the police officer has probable cause to make a stop:
  - ✓ for the first six months after obtaining the license, no occupants can be in the car who are under age 20, except immediate family members;
  - ✓ for the second six months, no more than three passengers who are under age 20 can be in the car, except immediate family members;(Passenger restrictions do not apply while the provisional driver is driving with an instructor as part of a certified traffic safety education course or with a parent or stepparent who has valid driving privileges.)
  - ✓ for the first twelve months, no driving is allowed between midnight and 5 a.m. except between home and work, between home and a school event for which there is no other transportation available; for employment purposes; or if accompanied by a licensed driver who is at least 25 years old;
- Longer periods of license restriction and suspension if traffic laws are violated. Under the Provisional Driver Improvement Program, drivers with two driver improvement

violations or crashes, or a combination, will have their driving privileges restricted for 90 days to drive to and from work only. Driver and Motor Vehicle Services (DMV) may require the driver to complete a defensive driving course or re-take license tests. Subsequent violations or accidents will lead to a six month license suspension which will continue to be in effect even if the driver turns 18;

- A distinctive license. All drivers under the age of 21 have a red border around the edges of the card with the date the licensee turns ages 18 and 21. The photo is distinguishable because of its placement on the right side of the license instead of the left. For drivers under 18 the license heading states “Provisional Driver License”.)

Oregon has additional laws that require school attendance or proof of graduation and allows parents to withdraw their consent of driving privileges for their son or daughter who is under the age of 18.

A comprehensive public information program directed at teens and their parents was launched prior to the implementation of the GDL program. DMV continues to have public information materials available on its website (<http://www.oregon.gov/ODOT/DMV/TEEN/index.shtml>). Materials include a Transportation Safety Division publication “The Road to Getting Your License” and a Practice Driving Log for tracking practice hours. When the graduated licensing program first was implemented, a manual called “Tuning Up” was offered to parents when their son or daughter got an instructional permit. There is now a publication called “The Oregon Parent Guide to Teen Driving” that includes a driving log so parents can keep track of supervised driving time.

### **1.3 CRASH INVOLVEMENT**

The number of young drivers involved in fatal and injury crashes has declined significantly since the GDL program was implemented in March 2000. Figure 1.2 shows the changes in the number of teenage drivers involved in fatal and injury crashes since 1985. The year the GDL program was implemented is marked. The reduction in crash involvement of 16 year old drivers has been particularly dramatic. In 1998 there were 1,195 16 year-old drivers involved in fatal and injury crashes; in 1999, 1,078; in 2000, 898; and the numbers continued to decline so that in 2006, 658 16-year-old drivers were involved in fatal and injury crashes in Oregon.

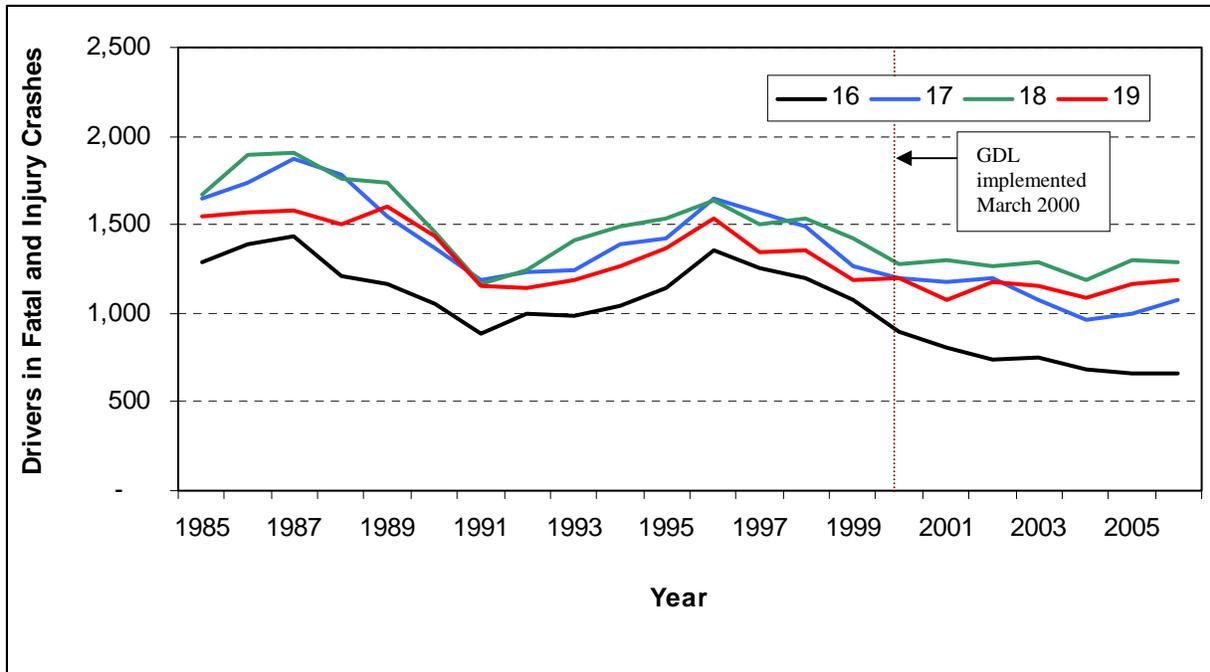


Figure 1.2: Teen drivers involved in fatal and injury crashes, 1985-2006

The reduction in teen driver involvement in fatal and injury crashes from 1985 to 2006 is significant, but, overall, teens are overrepresented in motor vehicle crashes. To take a closer look at this, we have calculated the rate of involvement of teens in fatal and injury crashes using licensed driver data and compared this to the rate of involvement of all drivers. Though the use of licensed driver data as a measure of exposure is not as representative as vehicle miles traveled (VMT), VMT data is not available. We can speculate that younger teens probably drive fewer miles than older teens, but it is not possible to determine the vehicle miles traveled by age.

ODOT has used 1998 as the base year for analysis in its public information reports about the impact of the teen driving program due to concern that 1999 data might be tainted by the influence of early licensure of teens wishing to avoid upcoming requirements. Unfortunately, the driver license data which was needed for the analysis included in this research report was not available for 1998. Table 1.2 shows the rate of involvement (using licensed driver data) of drivers in fatal and injury crashes, by age, for the years 1999 and 2004. These years were selected to represent the period prior to the implementation of the expanded provisional license program and the year by which all teenage drivers had been exposed to the requirements of the program. Our use of 1999 data rather than 1998 data for the analysis does not imply that the comparisons previously presented in other reports are incorrect.

**Table 1.2: Comparison of fatal and injury crash involvement in Oregon, 1999 and 2004**

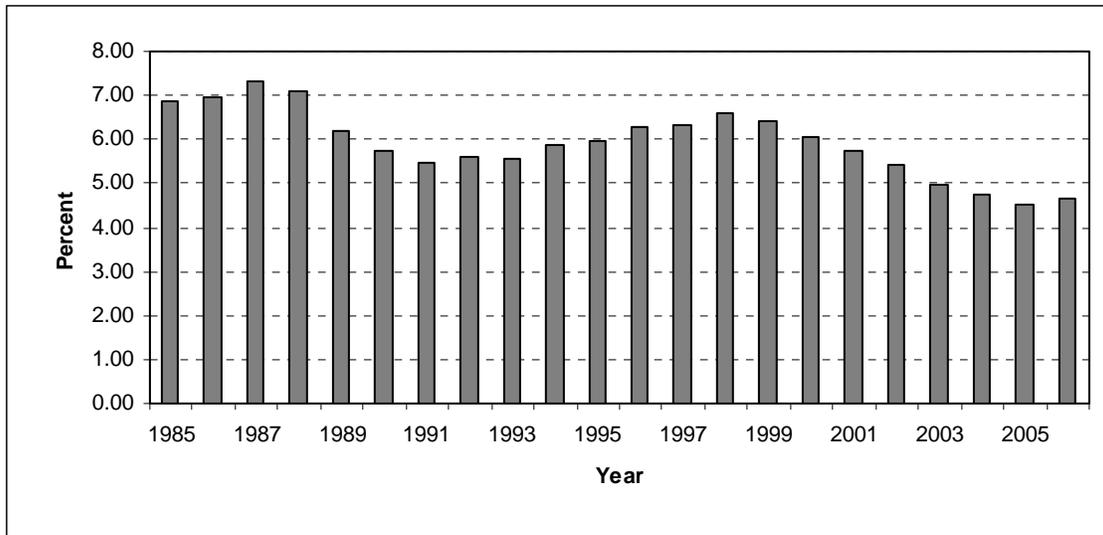
Age	1999			2004			% Change in Rate (1999-2004)
	Licensed Drivers	Drivers in F&I crashes	Rate /1000 drivers	Licensed Drivers	Drivers in F&I crashes	Rate /1000 drivers	
16	33,019	1,078	32.6	28,264	689	24.4	25.3%
17	38,770	1,262	32.6	34,209	960	28.1	13.8%
18	43,406	1,419	32.7	39,550	1,184	29.9	8.4%
19	45,858	1,187	25.9	44,243	1,087	24.6	5.1%
16-19	161,053	4,946	30.7	146,266	3,920	26.8	12.7%
All drivers (16 and older)	2,721,375	36,277	13.3	2,893,591	34,781	12.0	9.8%

Sources: ODOT Crash Analysis and Reporting System and DMV. Licensed driver data is from "Drivers of Issuance by Age" report and reflects the number of drivers of each age licensed at end of the calendar year.

Specific observations:

- The rate of involvement in fatal and injury crashes of 16-year-old drivers has declined by over 25%, which is more than twice the decline for all drivers, but the rate of involvement of older teenagers (18 and 19) has declined less than for the rest of the driving population.
- Teenage drivers continue to have more than twice the rate of involvement in fatal and injury crashes as compared to all drivers.
- The number of licensed teenage drivers (16-19) decreased by 9.2% from 1999 to 2004 while, in the same period, the number of all licensed drivers in the state increased by 6.3%. Also, according to official state population estimates, during that same time period, the Oregon teenage population increased. Both suggest that the graduated license program is having the additional effect of delaying licensure. Table 1.2 shows that the proportion of licensed teenagers who are 16-17 has declined since the GDL program went into effect; and, to a lesser extent, the proportion of older teenagers who are licensed has also declined. Considering the effects of delayed licensing, the rate of crashes per licensed driver may severely underestimate the *per capita* crash rate. Unfortunately population estimates by specific age are not available.

Figure 1.2 illustrates the reduction in the involvement of teen drivers in fatal and injury crashes as a percentage of the involvement of all drivers during the last 20 years. In 1985, 6.9% of drivers involved in fatal and injury crashes were under 16 or 17 years old; in 2006, 4.4% of drivers involved in fatal and injury crashes were 16 or 17.



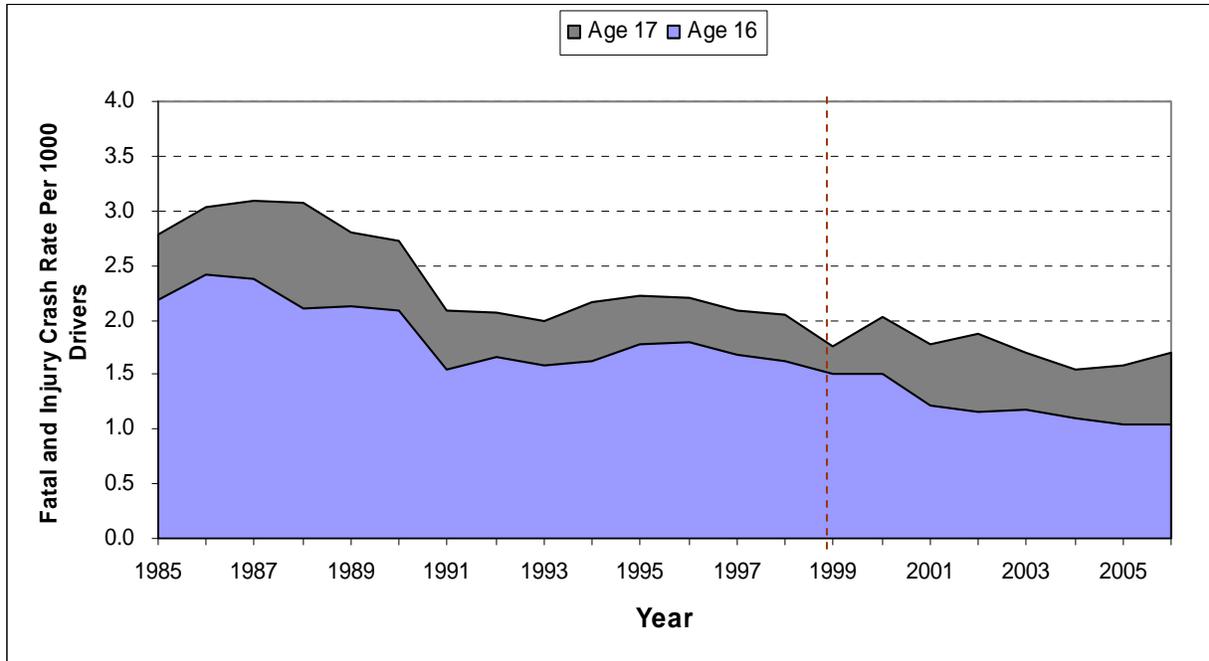
Source: ODOT, Crash Analysis and Reporting System (CARS)

Figure 1.2: Percent of all drivers in fatal and injury crashes that were 16 or 17 years old, 1985-2006

Additional observations:

- Even before the introduction of the provisional license program in 1989 the percent of all drivers that were 16 or 17 years old that were involved in fatal and injury crashes had begun to decline. With the provisional license program, the relative involvement of teens in fatal and injury crashes remained relatively steady for several years, but in the late 1990's the trend reversed itself.
- With the introduction of the graduated driver licensing program in 2000, the involvement of 16- and 17-year-old drivers in fatal and injury crashes returned to about the same level as immediately after the implementation of the provisional driver license program in 1989.
- The downward trend has continued.

Another way of looking at the changes in the involvement of teens in crashes is to look at their rate of involvement based on the number of licensed drivers. In Figure 1.3 crash rates per 1,000 drivers aged 16 and 17 is presented. Crash data is from ODOT's Crash Analysis and Reporting Unit. Driver license data is from the Driver and Motor Vehicle Services.



Source: ODOT (Crash Analysis and Reporting Unit and DMV). DMV data for 1999 (marked by a dotted line) to 2006 is from the “Drivers of Issuance by Age” report and has been determined to be consistent over time. Data for 1985 to 1997 is from driver population reports generated by DMV. Due to changes made to the data system, there appears to have been a significant underreporting of licensed drivers in all age categories in 1998. For this reason, 1998 data was interpolated using 1997 and 1999 data.

Figure 1.3: Fatal and injury crash rate, 16- and 17-year-old drivers, 1985-2006

## 1.4 REPORT OBJECTIVES

The purpose of this report is to review, analyze and synthesize the results of two evaluative reports on the Oregon GDL program: *Reducing the Crash Risk for Young Drivers* (Mayhew et al. 2006) and *Evaluation of Oregon’s Graduated Driver Licensing Program* (Raymond et al. 2007). The findings of these reports will help ODOT examine the effectiveness of the Graduated Driver Licensing program and identify the elements of the program that offer the most crash reduction benefits.

The report, *Reducing the Crash Risk for Young Drivers*, was published in June 2006 (Mayhew et al.). The American Automobile Association (AAA) Foundation for Traffic Safety financed a study conducted by the Traffic Research Injury Research Foundation (TIRF) which reviewed not only Oregon’s graduated licensing program but also programs in Ontario and British Columbia, Canada. This study included interviews of both parents and teens which were conducted by the Oregon Survey Research Laboratory (OSRL).

The other report, *Evaluation of Oregon’s Graduated Driver Licensing Program*, was published in September 2007 (Raymond et al.). The National Highway Traffic Safety Administration (NHTSA) supported the study conducted by the Center for Applied Research, Inc. (CAR). This

study included 14 focus groups of parents, teens, DMV road test administrators, driving instructors, police officers, and high school administrators and the analysis of driver records.

Oregon Department of Transportation Research Unit has, with the assistance of a Technical Advisory Committee (TAC), reviewed both reports and prepared a summary intended to identify those elements of Oregon's GDL program that are effective and aspects of the program that could be strengthened.

Our review process involved identifying the conclusions that related to Oregon's teen driver population and determining if the crash data analysis and survey results supported them. The TAC formed to complete the review of the two reports represented program managers responsible for licensing and education programs for teen drivers and policy and research analysts from three different sections of ODOT. When reviewing each report the TAC was asked to focus only on the report and not consider results from other research or their own knowledge of the program. The TAC concluded in some instances that the data, as presented, did not support the conclusion given. This is not to say that the conclusion is incorrect or that it may not be validated by other research.



## **2.0 REVIEW OF: *REDUCING THE CRASH RISK FOR YOUNG DRIVERS* REPORT**

### **2.1 REPORT OVERVIEW**

The Traffic Injury Research Foundation (TIRF) published the report, *Reducing the Crash Risk for Young Drivers*, in June 2006 (Mayhew *et al.*). This report relies on previous research, analysis of interviews conducted by the Oregon Survey Research Laboratory, and driver record data to provide insight into how well graduated licensing programs are working in three jurisdictions: Ontario and British Columbia, Canada and Oregon. The report is available from AAA Foundation at: [www.aaafoundation.org/pdf/ReducingTeenCrashes.pdf](http://www.aaafoundation.org/pdf/ReducingTeenCrashes.pdf). The Oregon Survey Research Laboratory compiled the results of interviews conducted of teens and their parents in the unpublished report, *Teen Driver Licensing Program Survey-2005*<sup>1</sup>.

Since the TIRF study included comparisons of Oregon teen drivers to Canadian teen drivers, the TAC's approach was to review the entire report and pull out the key points specifically relevant to Oregon teens and Oregon's GDL program. This study helped to identify some strengths in Oregon's GDL program. The TAC, however, advised some caution in using the results without some additional analysis of driver record data. Primary reasons for this were:

- While acknowledging that the report identified that greater exposure is associated with greater collision involvement, the TAC would have liked to see more specific comparisons, based on driver record data, made between collision-free and collision-involved teens. Based on interviews and self report of collision involvement, collision-involved teens had significantly more driving time than teens not involved in collisions. Those involved in collisions had been driving longer and estimated they drove more than collision-free drivers.
- Interview results provided useful insight about issues related to sufficiency of parental involvement, peer pressure, and experiences with driver education and supervised driving requirements. On the other hand, these results are not a very reliable source on the relationship of convictions and crashes and incidence of crashes associated with different phases of the GDL program. For example, the interview results indicated that parents and teens agreed that the rate of crashes is highest during the first six months of licensure. While previous research has shown this to be true, analysis of driver record data for drivers impacted by the GDL might reveal that this may have changed. It is likely that with the GDL program in place, more crashes occur at a later point, possibly when the passenger and night time driving restrictions end.

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<sup>1</sup> ODOT's Transportation Safety Division (TSD) has posted this report on its website: <http://www.oregon.gov/ODOT/TS/docs>. Also posted is a secondary review of the survey results done by Jessica Hartos, Department of Public Health Sciences, University of North Carolina Charlotte.

For these two reasons, the Technical Advisory Committee was reluctant to support some of the conclusions stated in the report and in some cases, suggested that additional analysis of driver records is needed to draw more definitive conclusions about Oregon's GDL.

## **2.2 REPORT CONCLUSIONS**

### **2.2.1 Crash Involvement**

The report provides a number of comparisons between Oregon teens and Ontario teens, looking at both per capita and per driver crash involvement. Due to differences in age at licensure in the two Canadian jurisdictions, and the limitation of reviewing data for a single year (2002), the TAC was reluctant to draw definitive conclusions on the contribution the GDL program might have on changes to teen crash involvement. A review of Oregon teen crash-involvement data is summarized in Section 1.0 of this report. The TAC supported the following findings from the TIRF study:

- Teens who received a traffic ticket had nearly four times the odds of having been involved in a crash as compared to those who had not received a ticket. Speeding violations were the most frequent citations received.
- Based on interviews, collision-involved teens were more likely to engage in negative health behaviours (such as: smoking cigarettes, using drugs other than alcohol, or not wearing a seatbelt) than collision-free teens.

### **2.2.2 Early Intervention**

Based on interviews, teens who received a traffic conviction were more likely to have been involved in a crash than those who had not. These citations were often for GDL violations. The study recommends that "early interventions triggered by tickets and convictions should be encouraged so that appropriate remedial driver improvement actions are taken before the novice driver becomes involved in a collision and so that incentives are provided for conviction-free and collision-free driving" (*Mayhew et al. 2006*). This issue was considered when modifications were made to the Driver Improvement Program in 2002. The program now requires swifter and stricter response for teens than for adult drivers.

### **2.2.3 Passenger Restrictions**

Data presented in the report indicates that a higher percentage of crashes in Oregon than in Ontario, occurred when the 16- or 17-year-old driver did not have any passengers. This may provide evidence that teens in Oregon are adhering to the passenger restriction requirements, but it does not necessarily show that the absence of passengers is lessening the number of crashes.

As presented in the report, collision rate by driver age data for 2002 for Oregon and Ontario is difficult to interpret due to the different age of licensure.

#### **2.2.4 Nighttime Driving Restrictions**

A prohibition on unsupervised driving during late night hours in the intermediate stage was associated with relatively fewer collisions during these hours in Oregon, than in Ontario (where there was no such restriction). In 2002, only 1% of the crashes in Oregon involving 16-year-old drivers and 2% involving 17-year-old drivers occurred between midnight and 5 a.m. Data for Ontario, where there is no night time restriction, showed 6% of the crashes involving 16-year-old drivers occurred between these hours and 7% of the crashes involving 17-year-old drivers did.

The conclusion given in the study: “a prohibition on unsupervised driving during late night hours in the intermediate stage was associated with relatively fewer collisions during these hours than in Ontario” (*Mayhew et al. 2006*) needs additional supporting data. When making the comparison, the fact that Ontario does not allow learners to drive at night, which means that novice drivers have less experience driving at night, needs to be considered. In Oregon, further analysis may be needed to draw conclusions about whether the night time restrictions should begin earlier than midnight.

#### **2.2.5 Role of Practice Driving**

The study reported that collision-involved teens had more driving practice as learners than collision-free drivers. The analysis did not consider the average amount of driving done by collision-involved and collision-free drivers. More research is needed on the role of driving practice in reducing the collision-involvement of teens.

#### **2.2.6 Driver Education**

The interviews included several questions about driver education. The results indicate:

- Sixty-one percent of Oregon teens said they took a driver education course. Crash free teens were only slightly more likely to have taken driver education than crash-involved teens (64% versus 61% according to parents, and 66% versus 60% according to teens). Collision-free teens were more likely than collision-involved teens to cite the desire to be a safer or more skilled driver as a reason for completing driver education.
- Beginner drivers who completed driver education differed from those who did not, particularly on person-centered factors such as risky driving, and on negative health behaviors associated with crash involvement. When evaluating the safety impact of driver education, these factors need to be taken into consideration.
- The study was not designed to determine the relative benefits of driver education and supervised driving practice. While some teens used driver education as a substitute for

### **2.2.7 Parental Involvement**

Parents played a critical role in influencing their teen's attitudes and driving performance. This included supervision of driving, encouraging or requiring participation in driver education and restricting driving. Parents rated themselves as being the strongest motivating factors for their teens to drive safely. Teens agreed.

Parents interviewed, especially those of collision-involved teens, were willing to manage their teen's driving, at least in terms of imposing restrictions and, perhaps to a lesser extent, taking away driving privileges. The parents of collision-involved teens, however, had more difficulty in communicating with their teens on driving issues, and appeared to have, in general, lower parental monitoring skills.

### **2.2.8 Support for Laws**

The survey of Oregon teens and their parents included a series of questions about support for teen driving laws. Eighty-three percent of the parents approved or strongly approved of Oregon's teen driving laws; 79% of the teens approved of the laws.

## **3.0 REVIEW OF: *EVALUATION OF OREGON'S GRADUATED DRIVER LICENSING PROGRAM* REPORT**

### **3.1 REPORT OVERVIEW**

The National Highway Traffic Safety Administration (NHTSA) published the report, *Evaluation of Oregon's Graduated Driver Licensing Program*, in September 2007 (Raymond et al. 2007). The report relies on focus groups and analysis of driver record data to provide insight into how well the graduated licensing program is working in Oregon. The report is available from the NHTSA website at:

[www.nhtsa.dot.gov/staticfiles/DOT/NHTSA/Traffic%20Injury%20Control/Articles/Associated%20Files/HS810830.PDF](http://www.nhtsa.dot.gov/staticfiles/DOT/NHTSA/Traffic%20Injury%20Control/Articles/Associated%20Files/HS810830.PDF).

#### **3.1.1 Focus Groups**

For the study, 14 focus groups were completed in Oregon in November 2003. These included a focus group of young drivers and a focus group of the parents of young drivers, held in each of ODOT's five regions. Four additional focus groups, each composed of a group of individuals involved with the GDL program were also completed. These groups included DMV personnel, driving instructors, law enforcement officers, and high school administrators. Two judges were interviewed by telephone. While all information generated in a focus group setting is subjective and not factual, the views expressed provide insight about how the GDL program was received soon after its implementation.

#### **3.1.2 Analysis of Driver Performance Data**

Driver record information on drivers ages 16 to 24, who had received their driver's license from January 1, 1998 through November 30, 2003, was acquired from ODOT's Driver and Motor Vehicle (DMV) Services. Information on crashes, convictions, and suspensions as well as testing information was included and used in the analysis.

Data on adult drivers ages 25-65 was also examined to identify trends in the general driving population and to help isolate the changes in outcome for young drivers that could be attributed to GDL requirements. Since this data was drawn at a different time and was probably affected by the regular purging of entries on the driver record, analysis based on this comparison is inconclusive.

## 3.2 REPORT CONCLUSIONS

### 3.2.1 Conclusions Based on Focus Group Research

The report includes a list of 15 conclusions on the results of the focus group research. The TAC reviewed each conclusion given in the report and identified those that were the most significant. These are listed below with some minor changes and additional comments to reflect the TAC's input.

- “Strong support for GDL requirements and restrictions was exhibited across the board, by all groups who participated. Although many of the teenagers disliked the restrictions, even the teens felt the GDL program enhanced their safety.”
- “The restrictions placed on the first 6 months of licensure were well understood. These included a ban on young, non-family-members passengers and on unsupervised driving between midnight and 5 a.m.”
  - TAC: The report says that most parents were aware of restrictions on passengers during the first 6 months, but many were not aware of the nighttime driving restrictions.
- “The restrictions placed on the second 6 months of licensure were *not* well understood. These included a restriction on the number of young, non-family member passengers (no more than 3) and no unsupervised driving between midnight and 5 a.m. Parents were often unaware of these restrictions and law enforcement found it inconvenient to peer at a teen's license date of issue, calculate the restriction period applied, and check the exact restrictions at the time.”
  - TAC: The report says that “most of the teens were much less aware of the second 6 months' restrictions. In fact, a few of the teens were not aware that there were restrictions during the second six months.”
- “Peer pressure (was cited) as a factor for noncompliance. Strong enforcement was believed to mitigate the influence of peers.”
- “The DMV was perceived as weak when enforcing the practice requirements for the GDL program. Most respondents wanted the DMV to require use of the practice log and wanted the DMV to collect it.”
- “Law enforcement was perceived by others to enforce the restrictions unevenly. There was widespread belief that enforcement differed by geographical area and by local political climate.”...
- “Most parents and teens were unaware that law enforcement officers could not make traffic stops solely for GDL violations. There was strong support for GDL to become subject to primary enforcement.”

- TAC: The report states that teens were, “much more so than parents, very aware that violations were a secondary offense.”
- “The support for primary enforcement was so strong that many respondents advocated a voluntary means for law enforcement to easily identify restricted drivers (e.g., the sticker idea).”
- “There was strong support for stringent enforcement of the GDL program. Many respondents noted that when a teen was not cited for a GDL violation, word spread quickly and undermined compliance in the community of teens.”
- “The GDL rules and restrictions were strongly believed to positively affect safety, both for teen drivers and for those they encounter on the road. This seemed to be the major cause of the intense support for the GDL program.”
- “Parents felt empowered by the GDL program.”
- “Many of the adult participants saw the GDL program serving a wider purpose of gradually ushering a teen into adult responsibilities. They expected the GDL program’s implementation and enforcement to have a long-lasting effect on individuals’ broader attitudes toward the law.”

### **3.2.2 Conclusions Based on Analysis of Driver Performance Data**

The conclusions that were based on analysis of the driver performance data were difficult to confirm by studying the data presented in the report. Additional analysis of teen driver data led the TAC to support the following conclusions given in the report:

- The Oregon GDL program enhances safety.
- Crash rates for 16- and 17-year-old drivers, when standardized to adult rates, were lower after implementation of Oregon’s new GDL program.
  - TAC: The fatal and injury crash rate declined by 25% between 1999 and 2004 for 16-year-old drivers and 14% for 17-year-old drivers. During this same time period the fatal and injury crash rate for all drivers declined by 10%.
- Standardized crash rates of 18-year-old drivers were lower in the third post-GDL year. Nineteen-year-old drivers, however, showed increased crashes for two years after GDL implementation.
  - TAC: Comparing 1999 injury and fatal crash rates to 2004, fatal and injury crash rates for all teens showed declines for teenagers of all ages. The crash rate for 18-year-old drivers declined by 8%; for 19-year-old drivers it declined by 5%.

- After implementation of the GDL program, a few more Oregon teenagers seemed to wait until they turned 18 to acquire their driver’s licenses. Males seemed to be more likely to wait.
  - TAC: Oregon data indicates that not only are fewer 16- and 17-year-olds licensed since the GDL took effect, but that there are also fewer 18- and 19-year-olds licensed. In 2004, 14% fewer 16-year-olds were licensed than in 1999; 12% fewer 17-year-olds were licensed; 9% fewer 18-year-olds were licensed; and 4% fewer 19-year-olds were licensed. During this same period, the total number of persons licensed increased by 6%. Males were only slightly more likely to postpone licensure than females.

### **3.2.3 Safety Impact of Driver Education**

One of the requirements for licensure is that teens must take either driver education and have 50 hours of supervised driving or, if they do not take driver education, they must take an additional 50 hours of supervised driving.

The NHTSA study was not designed to be an evaluation of driver education but did include some analysis of the driving records of teens that had provided evidence of having taken driver education with those who had not, but had completed 50 additional hours of supervised driving. The results of the comparison were included in the report along with conclusions; these were both reviewed by the TAC. The TAC concurred that the following conclusion should be included in this report:

- “Teen drivers who opted to take an approved ODOT driver education course, in lieu of an additional 50 hours of supervised practice, had fewer crashes, traffic convictions, and suspensions. It is not possible to determine whether these outcomes are associated directly with the ODOT-approved training courses, or if they are an artifact of another variable such as selection bias. It is also important to note that there was no way to verify that the teen drivers who opted for 100 hours of supervised practice actually completed 100 hours of practice. Focus group participants reported that many parents may have simply signed the ODOT form verifying the 100 hours of practice regardless of how many, or how few, hours their teen driver actually completed.”

## 4.0 CONCLUSIONS AND RECOMMENDATIONS

### 4.1 CONCLUSIONS

For this study, two evaluative reports on Oregon's graduated driver licensing program were reviewed: *Reducing the Crash Risk for Young Drivers* (Mayhew et al. 2006) and the *Evaluation of Oregon's Graduated Driver Licensing Program* (Raymond et al. 2007). Data on crash records for young drivers was also assessed, and the following conclusions were identified:

1. The Oregon's GDL program enhances safety. The fatal and injury crash rate declined by 25% between 1999 and 2004 for 16-year-old drivers and by 14% for 17-year-old drivers. During this same time period, the fatal and injury crash rate for all drivers declined by 10%.
2. Teens who received a traffic ticket were significantly more likely to have been involved in a crash as compared to those who had not received a ticket. Speeding violations were the most frequent citations received, though many citations were for GDL violations as well.
3. There is evidence that most teens are adhering to the passenger restrictions. There is also evidence that teens are adhering to the nighttime driving restrictions. Due to limitations in the data and analysis, it is not possible to draw conclusions about whether the nighttime restrictions should begin earlier than midnight.
4. Parents play a critical role in influencing their teen's attitudes and driving performance. Parents are willing to manage their teen's driving. Teens consider their parents to be an important factor in motivating them to drive safely.
5. Focus group sessions included discussions about the role of DMV in enforcing the practice requirements. Some participants thought DMV should require the use of a practice driving log that would be collected at the time the intermediate license was issued.
6. In the GDL program, all teens are required to have 50 hours of supervised driving and driver education or an additional 50 hours of supervised driving. While both studies included discussions on the possible benefits for this requirement, neither study was designed to evaluate the benefit of this requirement. The NHTSA study, *Evaluation of Oregon's Graduated Driver Licensing Program*, includes the following conclusion: "Teen drivers who opted to take an approved ODOT driver education course, in lieu of an additional 50 hours of supervised practice, had fewer crashes, traffic convictions, and suspensions. It is not possible to determine whether these outcomes are associated

directly with the ODOT-approved training courses, or if they are an artifact of another variable such as selection bias” (Raymond et al. 2007).

7. Not all parents, and teens to a lesser extent, were aware that GDL is not subject to primary enforcement. Many did not know that law enforcement officers could not make traffic stops solely for the purpose of enforcing the GDL restrictions.
8. A high percentage of Oregon teens and their parents approve of Oregon’s teen driver licensing laws.

## 4.2 RECOMMENDATIONS

The following recommendations which were developed by the Technical Advisory Committee are based on the conclusions given above:

1. The Provisional Driver Improvement Program, which provides stricter intervention for young drivers involved in crashes or who receive traffic convictions, than for adults, should be continued and enhanced.
2. Since parents play a critical role in influencing their teen’s attitudes and driving performance, efforts to support parental involvement through each stage of the graduated licensing program should be enhanced. *The Oregon Parent Guide to Teen Driving*, which was developed two years ago by the Transportation Safety Division and the DMV, should continue to be distributed widely and updated as necessary ( <http://www.odot.state.or.us/forms/dmv/7190.pdf>). Programs presented by organizations, such as *Trauma Nurses Talk Tough*, include Youth Driver Improvement classes and other outreach programs for teens and their parents should also be continued. The *2007 Oregon Transportation Safety Action Plan for Youth* references many of these. [http://www.oregon.gov/ODOT/TS/docs/Youth\\_Safety/YouthPlan\\_Broadband.pdf](http://www.oregon.gov/ODOT/TS/docs/Youth_Safety/YouthPlan_Broadband.pdf))
3. More research should be completed on the role of supervised driving in reducing the crash involvement of teens. The research should look at various ways to enhance the value of supervised driving. A national level study is suggested.
4. An administrative rule now requires that parents log at least five hours of driving practice with their teen driver who is enrolled in driver education. Other programs to encourage more practice driving time and greater accountability should be continued and enhanced. These include:
  - Requirements that parents attend a parent night when their son or daughter who is enrolled in driver education.
  - Development of creative ways to encourage parents and teens to increase practice time and maintain a driving log that could be reviewed at the time the intermediate license is issued.

- Consideration of extending the minimum time a teen must have an instructional permit before applying for an intermediate license.
5. Efforts should be focused to continue to improve driver education through enhanced curriculum, improved teaching methods and encouragement of the involvement of parents. Specific guidelines have been established by administrative rule. The Oregon Driver Education curriculum has been updated: <http://www.otsea.org/curriculum>.
  6. Consider the development of a training program or training segment of an existing training program for police officers to provide more information about GDL to encourage more consistent enforcement.
  7. The GDL program should continue. It should be monitored regularly. Specific measures to monitor program performance should be identified. These should include driver license issuance by age; exposure data by age; fatal and injury crashes involving teen drivers; convictions, by major type, received by teen drivers; driver education enrollments as identified on both Transportation Safety Division and DMV records; and the number of months teens have had an instruction permit.



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**APPENDIX A:**  
**OREGON STATUTES RELATED TO YOUTH DRIVER LICENSING**



## **Oregon Statutes Related to Youth Driver Licensing**

**807.065 Additional eligibility requirements for persons under 18 years of age; provisional driver license.** (1) The Department of Transportation may not issue a driver license to a person who is under 18 years of age unless the person:

- (a) Complies with the requirements of ORS 807.040 and 807.066;
- (b) Passes an examination designed to test the person's knowledge and understanding of safe driving practices, in addition to any examination required under ORS 807.070;
- (c) Has had, for at least six months prior to application for the license, an instruction driver permit issued under ORS 807.280 or the equivalent of an instruction driver permit issued by another state of the United States or by the District of Columbia;
- (d) Certifies to the department that the person has had at least 50 hours of driving experience during which the person was supervised by a person at least 21 years of age who has had a valid driver license for at least three years; and
- (e) Completes a traffic safety education course that meets standards developed by the department under ORS 802.345. In lieu of completion of a traffic safety education course, a person may certify to the department that the person has had at least 50 hours of driving experience during which the person was supervised by a person at least 21 years of age who has had a valid driver license for at least three years, in addition to the 50 hours required by paragraph (d) of this subsection.

(2) A person under 18 years of age need not comply with the requirements of subsection (1)(c), (d) and (e) of this section if the person has been issued a driver license by another state and surrenders that license in order to get an Oregon license.

(3) If the person takes but does not pass a test that consists of an actual demonstration of driving ability under ORS 807.070, the department may not allow the person to perform the demonstration again until the person has had an instruction permit issued pursuant to ORS 807.280 for a period of not less than one month.

(4) A driver license issued pursuant to this section shall be a provisional driver license.

(5) The department shall prominently identify each driver license issued pursuant to this section as a provisional driver license. [1989 c.715 §2; 1993 c.751 §37; 1999 c.328 §1; 1999 c.789 §5; 2001 c.176 §4; 2003 c.92 §1]

**807.066 School requirements for persons under 18 years of age.** The Department of Transportation shall not issue driving privileges to a person who is under 18 years of age unless the person:

- (1) Has graduated from high school and provides the department with proof of graduation satisfactory to the department;
- (2) Has received a General Educational Development (GED) certificate from a community college and provides the department with proof of the certificate satisfactory to the department;
- (3) Provides the department with a form provided by the department and signed by the principal, or the designee of the principal, of the secondary school attended by the person that declares that the person is enrolled in a secondary school of this state or any other state;
- (4) Provides the department with a form provided by the department and signed by the authorized representative of the community college attended by the person that declares that the person is making satisfactory progress toward a General Educational Development (GED) certificate;

(5) Provides the department with a form provided by the department and signed by the authorized representative of the community college attended by the person that declares that the person is making satisfactory progress toward a high school diploma;

(6) Provides the department with a form provided by the department and signed by the authorized representative of the education service district or school district having jurisdiction over the area of the person's residence that declares that the person is being taught by a private teacher or parent in compliance with ORS 339.035;

(7) Provides the department with documentation satisfactory to the department that indicates that the person is exempted from school attendance requirements due to circumstances beyond the control of the person; or

(8) Provides the department with documentation satisfactory to the department that the person is exempt under ORS 339.030 (2) from the requirement to attend school. [1999 c.789 §2]

**807.122 Restrictions on operation with provisional driver license.** (1) The Department of Transportation shall place the following restrictions on a provisional driver license issued under ORS 807.065:

(a) Except as provided in subsections (2) and (3) of this section, for the first six months after issuance of the license, the holder of the license may not operate a motor vehicle that is carrying a passenger under 20 years of age who is not a member of the holder's immediate family. For the second six months, the holder of the license may not operate a motor vehicle that is carrying more than three passengers who are under 20 years of age and who are not members of the holder's immediate family.

(b) For the first year after issuance of the license, the holder of the license may not operate a motor vehicle between the hours of 12 midnight and 5 a.m. except when:

(A) The holder is driving between the holder's home and place of employment;

(B) The holder is driving between the holder's home and a school event for which no other transportation is available;

(C) The holder is driving for employment purposes; or

(D) The holder is accompanied by a licensed driver who is at least 25 years of age.

(2) Subsection (1)(a) of this section does not apply to the holder of a provisional driver license who:

(a) Is employed by a farmer, rancher or orchardist;

(b) Is operating, solely for employment purposes, a motor vehicle that is owned by the employer and for which financial responsibility requirements of ORS 806.060 have been met;

(c) Is transporting passengers who are employed by the same employer as the driver and who are being transported solely for employment purposes;

(d) Is not transporting more passengers than the number of available seat belts; and

(e) Has in the vehicle a written statement signed by the employer certifying that the driver is employed by the employer and that there is no other option for transporting the employees.

(3) Subsection (1)(a) of this section does not apply to the holder of a provisional driver license who is 16 or 17 years of age and who is operating a motor vehicle with:

(a) An instructor in the vehicle as part of a certified traffic safety education course; or

(b) A person in the vehicle who has valid driving privileges and who is the parent or stepparent of the holder of the license. [1999 c.328 §3; 2001 c.410 §6; 2001 c.608 §1; 2003 c.14 §475; 2003 c.767 §1]

**807.280 Instruction driver permit; fees.** The Department of Transportation shall provide for the issuance of instruction driver permits in a manner consistent with this section. A person who is issued an instruction driver permit may exercise the same driving privileges as those under the class of license or endorsement for which the permit is issued except as provided in this section or under the permit. Except as otherwise provided in this section, an instruction driver permit is subject to the fees, provisions, conditions, prohibitions and penalties applicable to a license or endorsement granting the same driving privileges. The following apply to an instruction driver permit:

(1) An instruction driver permit is subject to the same classifications and endorsements as a license. The department may issue an instruction driver permit to grant the same driving privileges as a Class A commercial, Class B commercial, Class C commercial or Class C driver license or as a motorcycle endorsement, but the permit will also be subject to the provisions of this section.

(2) The department may issue an instruction driver permit to a person who is qualified to obtain the same driving privileges under the corresponding class of license or type of endorsement except for the person's age or lack of experience in the operation of motor vehicles subject to the following:

(a) An applicant must be 15 years of age or older to receive the same driving privileges as are granted under a Class C license.

(b) An applicant must be 16 years of age or older and have a commercial driver license or a Class C license to receive the same driving privileges as are granted under a motorcycle endorsement.

(c) An applicant must be 18 years of age or older to receive the same driving privileges as are granted under any class of license not otherwise provided for under this subsection.

(3) The only fee required for issuance of an instruction driver permit is the instruction driver permit issuance fee under ORS 807.370.

(4) A Class C instruction driver permit shall be valid for 24 months from the date of issuance. All other instruction driver permits issued under this section shall be valid for one year from the date of issuance. A permit issued under this section may not be renewed.

(5) The holder of the permit may not operate a motor vehicle unless the holder has the permit in the holder's immediate possession and is accompanied by a person with a class of license granting the same driving privileges or a license with an endorsement granting the same driving privileges who is not less than 21 years of age. The accompanying person must be occupying a seat beside the holder of the permit unless the permit is for motorcycle driving privileges. For a permit granting motorcycle driving privileges, the holder of the permit must be in the company and under the supervision and visual observation of the accompanying person and the accompanying person must be operating a separate motorcycle. If the permit authorizes its holder to operate a commercial motor vehicle, the accompanying person must have a commercial driver license and the proper endorsements for the vehicle being operated by the holder of the permit. [1983 c.338 §316; 1985 c.16 §135; 1985 c.608 §23; 1989 c.397 §1; 1989 c.636 §29; 1991 c.67 §219; 2001 c.410 §5; 2003 c.14 §482; 2003 c.277 §8]

**809.260 Denial of driving privileges for convicted juvenile.** (1) Whenever a person who is 17 years of age or younger, but not younger than 13 years of age, is convicted of any offense described in this subsection or determined by a juvenile court to have committed one of the described offenses, the court in which the person is convicted shall prepare and send to the

Department of Transportation, within 24 hours of the conviction or determination, an order of denial of driving privileges for the person so convicted. This subsection applies to ORS 166.370 and to any offense involving the delivery, manufacture or possession of controlled substances.

(2) Whenever a person who is 20 years of age or younger, but not younger than 13 years of age, is convicted of any offense described in this subsection or determined by a juvenile court to have committed one of the described offenses, the court in which the person is convicted shall prepare and send to the Department of Transportation, within 24 hours of the conviction or determination, an order of denial of driving privileges for the person so convicted. This subsection applies to any offense involving the possession, use or abuse of alcohol.

(3) If a court has issued an order of denial of driving privileges under this section, the court, upon petition of the person, may review the order and may withdraw the order at any time the court deems appropriate except as provided in the following:

(a) A court may not withdraw an order for a period of 90 days following the issuance of the order if it is the first such order issued with respect to the person.

(b) A court may not withdraw an order for a period of one year following the issuance of the order if it is the second or subsequent such order issued with respect to the person.

(c) Notwithstanding paragraph (a) of this subsection, a court may not withdraw an order for a period of six months if the order is based on a determination or conviction involving controlled substances.

(4) Upon receipt of an order under this section, the department shall take action as directed under ORS 809.280. [1985 c.16 §206; 1991 c.835 §3; 1993 c.625 §6; 1999 c.1051 §88; 2007 c.359 §1]

**809.480 Driver improvement programs; rules; purpose; suspension; fee.** (1) The Department of Transportation may establish, by administrative rule, programs for the improvement of the driving behavior of persons who drive in this state. The programs shall have as their goal the reduction of traffic convictions and especially accidents. The programs may include, but need not be limited to, letters, interviews and classroom instruction.

(2) The department may establish programs for persons who are under 18 years of age that are different from programs for adults. Differences may include, but need not be limited to, differences in criteria for entry into a program and differences in content.

(3) The department, under a program authorized by this section, may suspend driving privileges based on any of the following:

(a) A person's record of convictions or accidents.

(b) A person's failure or refusal to complete or comply with a requirement of a program established by the department under this section.

(4) The department may charge a reasonable fee to participants in a driver improvement program to cover costs of administration.

(5) Any suspension that the department stays under a driver improvement program in this section shall continue for the full term of the suspension if a person fails to complete the program. For purposes of reinstating driving privileges, the stay of a suspension under this section may not be used to determine the length of time a person's driving privileges have been suspended if the person does not successfully complete the program.

(6) A person is entitled to administrative review of a suspension imposed under this section if based on a conviction. [1983 c.338 §368; 1985 c.16 §190; 1991 c.702 §12; 2001 c.176 §2; 2003 c.402 §34]

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**This is the relevant administrative rule: 735-072-0023**

**Provisional Driver Improvement Program**

(1) Drivers who have reached 14 years of age but who have not yet reached 18 years of age are subject to the Provisional Driver Improvement Program. The Provisional Driver Improvement Program is designed to have a quick and immediate impact on young drivers who are convicted of traffic offenses or involved in preventable accidents. This rule applies to driver improvement violations and preventable accidents that occur when the driver is 14, 15, 16 or 17 years of age, and whose record review date occurs before the person has reached 18 years of age.

(2) On the record review date, DMV will review the person's driving record and restrict the driving privileges of any provisional driver who has:

(a) Two driver improvement violations; or

(b) Two preventable accidents; or

(c) A combination of one driver improvement violation and one preventable accident.

(3) The following apply to provisional restrictions:

(a) DMV will restrict the license or instruction permit of a provisional driver to drive only to and from or for employment, with no passengers except their parent, stepparent or guardian;

(b) DMV will impose the restriction for a period of 90 days regardless of whether the driver becomes 18 years of age during the restriction period. DMV will notify the provisional driver by letter that the restriction will begin five days from the date of the letter. During the 90-day restriction period, the provisional driver must carry the restriction letter at all times while the person is driving a motor vehicle;

(c) A person who violates the Provisional Driver Improvement Program restriction, can be cited under ORS 807.010, operating in violation of license restrictions, which is a Class B traffic violation; and

(d) DMV will delay imposition of a restriction to driving privileges and place a pending restriction code on the person's driving record of any provisional driver:

(A) Whose driving privileges are cancelled, suspended or revoked until DMV grants driving privileges or fully reinstates driving privileges; or

(B) Who has not been granted driving privileges until DMV grants driving privileges in the form of a provisional driver license or instruction permit;

(C) Unless that provisional driver gets another driver improvement violation or preventable accident while under the age of 18. In that case, DMV will suspend the driving privileges or right to apply for driving privileges as set forth in subsection (6) of this rule. This suspension will supercede the pending restriction and the pending restriction code will be removed from the person's driving record.

(4) DMV may offer an interview with a DMV employee to a provisional driver whose driving privileges are restricted. The purpose of the interview is to re-evaluate the person's driving privilege based on a review of performance since the date of the incident that caused the restriction. Actions DMV may take after re-evaluating the person's performance include but are not limited to:

- (a) Lessening or increasing the severity or duration of the restriction;
- (b) Requiring the completion, within 90 days of the interview, of a driver improvement course;
- (c) Requiring the person to complete and pass all or some of DMV's driver license examinations (knowledge test, vision test and drive test) within 60 days from the date of the interview directing the person to complete the examination and to notify DMV of the completion. If the person fails any licensing examination, DMV will suspend the person's driving privileges or right to apply for driving privileges under ORS 809.419.

(5) DMV will suspend driving privileges or the right to apply for driving privileges if a provisional driver has an interview with a DMV employee and does not comply with any requirement imposed by DMV. If the requirement is to complete and pass all or some of DMV's driver license examinations, the suspension will continue until the provisional driver completes and passes all required examinations. For all other requirements imposed by DMV, the suspension will continue until the provisional driver fully complies with the requirement or for five years from the effective date of the suspension, whichever is earlier.

(6) DMV will suspend for six months the driving privileges or right to apply for driving privileges of any provisional driver who has:

- (a) Three driver improvement violations;
- (b) Three preventable accidents; or
- (c) A combination of driver improvement violations and preventable accidents that total three.

(7) For each subsequent driver improvement violation or preventable accident, DMV will suspend for six months the driving privileges or right to apply for driving privileges of a provisional driver, regardless of a previous or current Driver Improvement Program suspension(s), who has:

- (a) Four or more driver improvement violations;
- (b) Four or more preventable accidents; or
- (c) A combination of driver improvement violations and preventable accidents that total four or more.

(8) DMV will suspend for one year the driving privileges or the right to apply for driving privileges of a provisional driver convicted of any offense listed in ORS 809.600(1). This suspension is for Provisional Driver Improvement Program purposes and is in addition to any suspension or revocation imposed because of the specific conviction.

(9) The suspension period for those suspensions imposed under sections (6), (7) and (8) of this rule will be imposed for the full suspension period, regardless of whether the provisional driver becomes 18 years of age during the suspension period. A suspension of driving privileges or the right to apply for driving privileges under this rule shall run concurrently with any other suspension, revocation, or cancellation in effect at the time the suspension begins. This section is applicable to suspensions imposed on or after June 30, 2002.

Stat. Auth.: ORS 184.616, 184.619 & 809.480

Stats. Implemented: ORS 809.480

Hist.: DMV 29-2001(Temp), f. 12-14-01 cert. ef. 1-1-02 thru 6-29-02; DMV 12-2002, f. 6-24-02, cert. ef. 6-30-02; DMV 7-2003(Temp), f. 5-14-03, cert. ef. 5-15-03 thru 11-10-03; DMV 13-2003, f. & cert. ef. 9-22-03; DMV 1

**This is the statute that limits the authority of a police officer to enforce nighttime and passenger restrictions detailed in ORS 807.122:**

**810.410 Arrest and citation.** (1) A police officer may arrest or issue a citation to a person for a traffic crime at any place within or outside the jurisdictional authority of the governmental unit by which the police officer is authorized to act as provided by ORS 133.235 and 133.310.

(2) A police officer may issue a citation to a person for a traffic violation at any place within or outside the jurisdictional authority of the governmental unit by which the police officer is authorized to act:

(a) When the traffic violation is committed in the police officer's presence; or

(b) When the police officer has probable cause to believe an offense has occurred based on a description of the vehicle or other information received from a police officer who observed the traffic violation.

(3) A police officer:

(a) Shall not arrest a person for a traffic violation.

(b) May stop and detain a person for a traffic violation for the purposes of investigation reasonably related to the traffic violation, identification and issuance of citation.

(c) May make an inquiry into circumstances arising during the course of a detention and investigation under paragraph (b) of this subsection that give rise to a reasonable suspicion of criminal activity.

(d) May make an inquiry to ensure the safety of the officer, the person stopped or other persons present, including an inquiry regarding the presence of weapons.

(e) May request consent to search in relation to the circumstances referred to in paragraph (c) of this subsection or to search for items of evidence otherwise subject to search or seizure under ORS 133.535.

(f) May use the degree of force reasonably necessary to make the stop and ensure the safety of the peace officer, the person stopped or other persons present.

(g) May make an arrest of a person as authorized by ORS 133.310 (2) if the person is stopped and detained pursuant to the authority of this section.

(4) When a police officer at the scene of a traffic accident has reasonable grounds, based upon the police officer's personal investigation, to believe that a person involved in the accident has committed a traffic offense in connection with the accident, the police officer may issue to the person a citation for that offense. The authority under this subsection is in addition to any

other authority to issue a citation for a traffic offense. [1983 c.338 §400; 1985 c.16 §212; 1991 c.720 §1; 1995 c.308 §1; 1997 c.682 §1; 1997 c.866 §§4,5; 1999 c.1051 §89]

