College of William & Mary Law School William & Mary Law School Scholarship Repository

Popular Media Faculty and Deans

2013

Why States Should Ban Adolescent Driving

Vivian E. Hamilton
William & Mary Law School, vhamilton@wm.edu

Repository Citation

Hamilton, Vivian E., "Why States Should Ban Adolescent Driving" (2013). *Popular Media*. 122. https://scholarship.law.wm.edu/popular_media/122

 $Copyright\ c\ 2013\ by\ the\ authors.\ This\ article\ is\ brought\ to\ you\ by\ the\ William\ \&\ Mary\ Law\ School\ Scholarship\ Repository.\ https://scholarship.law.wm.edu/popular_media$

- Concurring Opinions - http://www.concurringopinions.com -

Why States Should Ban Adolescent Driving

Posted By <u>Vivian Hamilton</u> On February 24, 2013 @ 9:59 am In <u>Psychology and Behavior, Uncategorized | 12 Comments</u>

[1]Car crashes kill more teens each year than any other cause; and of the crashes in which they are involved, teens are overwhelmingly at fault. Decades of lawreform efforts have led to mandatory seatbelt laws, an increased legal drinking age, and graduated-licensing systems. Yet traffic fatalities still account for nearly 40% [2] of all deaths of 16- to 19-year-olds. Driving, then, is arguably the greatest public health threat facing U.S. teens. (The next three leading causes of teen death homicides, suicides, and cancer-related illness — trail only distantly.) While existing measures have had some positive effects, they insufficiently safeguard both young drivers and the public at large from young



drivers' immaturity and inexperience. A $\frac{[3]}{[3]}$ of a National Academies interdisciplinary workshop, for example, concluded that "the sheer magnitude of the injuries and fatalities that continue to result from teen crashes shows that current prevention efforts are inadequate."

Most of us know that teens crash at rates far higher than those of older drivers. Fewer may be aware that the younger the teen driver, the higher the risk — by far the highest crash rates [3] are those of 16-year-olds (250% higher than those of 18-year-olds), followed by those of 17-year-olds (50% higher than those of 18-year-olds). Driving inexperience and developmental immaturity are the primary factors that contribute to adolescent crash risk. Driving inexperience, however, is *not* the primary cause of the higher crash risk of younger teens. At younger ages (15 to 17), driving inexperience is secondary [4] to developmental immaturity; not until later ages do different levels of driving experience account for more of the differences in crash rates. Thus the crash risk for 15-year-old beginners is much higher than that for 17-year-old beginners, but the crash risk for 18-year-old beginners is only slightly higher than that for 20-year-old beginners. At each month of driving experience, young drivers crash at rates higher than those of older drivers with equal driving experience.

By ages 15 or 16, adolescents indeed have the cognitive ability required to learn traffic rules and basic driving skills. But the self-regulatory capacities and psychosocial maturity essential to competent and safe driving remain immature in adolescence (the developmental stage between childhood and adulthood, generally spanning ages 12 to 17), as observed in research [5] of adolescent behavior generally and driving behavior specifically, and supported by research of the adolescent brain. When decision-making contexts involve stressors that require the exercise of psychosocial maturity/regulatory competence — requiring, for example, that a decision be made in an unfamiliar situation (such as the new perceptual situations involved in driving); under time pressure (such as the nearly-instantaneous reactions often required when reacting to driving hazards); in in the presence/under the influence of peers (including the direct or perceived influence of peer passengers); or in an emotionally-charged situation — adolescent decision making suffers. These characteristics all confound the execution of whatever nascent driving competence adolescents do possess.

Guided (i.e. supervised) practice facilitates expertise development, and experts stress its importance to the process of <u>skill acquisition</u> ^[5]. Beginners are unlikely to acquire expertise solely through unsupervised or unstructured experience. Practice guided by experienced

drivers helps ensure that the beginning driver acquires desirable skills and avoids acquiring undesirable habits (just as competent and safe driving skill can become automated, so to can unsafe habits). And driving under adult supervision is $\underline{\mathsf{safe}}^{[6]}$; very few learner drivers crash while driving with adult supervising passengers. Most states have imposed some aspect of graduated licensing, which generally includes a mandatory learner-permit stage requiring beginner drivers to practice under adult supervision. University of North Carolina Research Scientist Robert Foss [7], who studies licensing and driver education systems and works to develop policies to improve traffic safety, $\underline{\mathsf{wrote}}^{[8]}$ that at present, there is "little evidence that any kind of education or training other than 'just driving' effectively reduces crash rates." And acquiring experience takes time. Extending the period during which beginning drivers hold learner permits, and even lower the age at which beginning drivers can acquire permits, may improve driving skill and in turn reduce the crash risk when drivers do acquire unsupervised licensure. The safety benefits of an extended period of supervised learner's licensure, moreover, have found empirical support [9].

Graduated-licensing systems have resulted in crash reductions. In addition to learner-permit requirements, they often impose nighttime driving restrictions and passenger restrictions, which aim to provide beginners with experience in lower-risk situations. The major contributor to crash reduction attributable to these systems, however, is the <u>delay in licensure</u> [10] that tends to accompany their adoption. Minimum permit-holding periods and minimum practice-hour requirements tend to delay the age at which teens become licensed. And states whose licensing systems have resulted in delays in licensure have generally seen the largest crash reductions among young drivers.

Adopting 16 as the presumptive age of licensure has made the United States the <u>earliest-licensing</u> [11] nation in the developed world. U.S. teens continue to acquire licenses to drive unsupervised at younger ages and with less experience than do young people in other nations. Unsurprisingly, they also have a greater risk of being injured or killed in a car crash than do their counterparts in other developed nations. Recent <u>proposals</u> [10] predict that a licensing system that both delays licensure to age 17 (so far, New Jersey is the only state that does so, with early <u>studies</u> [12] characterizing its effects as "strongly positive") and implements elements of graduated-licensing provisions would lead to "major reductions" in young drivers' crashes.

Legislators and researchers both frequently express the view that increasing the age of licensure is not a politically feasible option. But skeptics may overestimate the level of public resistance. Surveys of parents consistently find significant $\frac{\text{support}}{\text{support}}$ for raising the licensing age, and overwhelming majorities have supported increasing various restrictions on young drivers. Importantly, in states where restrictions have been put into place, parents report near-universal support of them.

The immature regulatory competence of adolescents impedes the execution of their still-emerging driving skills in real-world contexts. For all beginners, the acquisition of driving skill comes only with guided practice and experience over many months. But only increased maturity and the development that comes with it can lead to the reliable exhibition of regulatory competence. Thus, licensure reform should provide for an extended supervised learning period, which could safely begin in mid-adolescence (ages 15 to 16). Unsupervised licensure, however, should be delayed until young people have gained the expertise that comes with practice and experience, and the regulatory competence that comes with age and development. This requires raising — ideally to 18 — the age of licensure.

[I expand on these arguments in a work-in-progress, <u>Liberty Without Capacity: Why States</u> <u>Should Ban Adolescent Driving</u> [14], that draws from principles of social ecology to explain the many aspects of this public health issue, interrelates and analyzes research from the social and developmental sciences, and accounts for the basic ends of the liberal state, the interests of immature citizens, political challenges, and constitutional boundaries to derive and make a sustained argument for the most effectual legal reforms to which this analysis inexorably points.]

image: http://www.sxc.hu/photo/921217

Article printed from Concurring Opinions: http://www.concurringopinions.com

URL to article: http://www.concurringopinions.com/archives/2013/02/why-states-should-ban-adolescent-driving.html

URLs in this post:

- [1] Image: http://www.concurringopinions.com/archives/2013/02/why-states-should-ban-adolescent-driving.html/dcf-1-0
- [2] 40%: http://www.cdc.gov/nchs/data/hus/hus10.pdf
- [3] report: http://books.nap.edu/catalog.php?record_id=11814
- [4] secondary: http://dx.doi.org.proxy.wm.edu/10.1016/0001-4575(95)00063-1
- [5] research: http://dx.doi.org.proxy.wm.edu/10.1016/j.amepre.2008.06.026
- [6] safe: http://search.ebscohost.com.proxy.wm.edu/login.aspx?

direct=true&db=a9h&AN=67132726&site=ehost-live http://www.hsrc.unc.edu/about/staff/foss_robert.cfm

- [7] Robert Foss: http://www.hsrc.unc.edu/about/staff/foss_robert.cfm
- [8] wrote: http://dx.doi.org.proxy.wm.edu/10.1016/j.jsr.2007.02.006
- [9] empirical support: http://dx.doi.org.proxy.wm.edu/10.1016/S0001-4575(00)00022-1
- [10] delay in licensure: http://www.iihs.org/research/topics/pdf/r1164.pdf
- [11] earliest-licensing: http://www.iihs.org/research/topics/pdf/r1167.pdf
- [12] studies: http://search.ebscohost.com.proxy.wm.edu/login.aspx?

direct=true&db=a9h&AN=4948902&site=ehost-live

- [13] support: http://dx.doi.org.proxy.wm.edu/10.1016/j.amepre.2008.06.015
- [14] Liberty Without Capacity: Why States Should Ban Adolescent Driving:

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2223571

Copyright © 2010 Concurring Opinions. All rights reserved.