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0026 Highway Safety in Colorado

Report to the Colorado General Assembly:

HIGHWAY SAFETY IN COLORADO



COLORADO LEGISLATIVE COUNCIL

RESEARCH PUBLICATION NO. 26

December 1958

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OF THE
COLORADO GENERAL ASSEMBLY

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* * * * *

The Legislative Council, which is composed of five Senators, six Representatives, and the presiding officers of the two houses, serves as a continuing research agency for the legislature through the maintenance of a trained staff. Between sessions, research activities are concentrated on the study of relatively broad problems formally proposed by legislators, and the publication and distribution of factual reports to aid in their solution.

During the sessions, the emphasis is on supplying legislators, on individual request, with personal memoranda, providing them with information needed to handle their own legislative problems. Reports and memoranda both give pertinent data in the form of facts, figures, arguments, and alternatives, without these involving definite recommendations for action. Fixing upon definite policies, however, is facilitated by the facts provided and the form in which they are presented.

LEGISLATIVE COUNCIL
REPORT TO THE
COLORADO GENERAL ASSEMBLY

HIGHWAY SAFETY
IN COLORADO

Research Publication No. 26

MEMBERS OF THE SENATE

Frank L. Hays, Lt. Gov.
Charles E. Bennett
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Legislative Council

STATE CAPITOL - DENVER 2, COLORADO

RAY B. DANKS, Chairman WALTER W. JOHNSON, Vice-Chairman

LYLE C. KYLE, Director

LETTER OF TRANSMITTAL

November 21, 1958

Senator Ray B. Danks
Colorado Legislative Council
Denver 2, Colorado

Dear Senator Danks:

Transmitted herewith is the report of the Legislative Council Committee on Highway Safety appointed pursuant to Senate Joint Resolution No. 23 (1957). This report covers the committee's study of the various aspects of highway safety including motor vehicle administration, driver licensing and improvement, driver education, law enforcement and the courts, and highway safety programs.

Sincerely yours,

/s/ Senator Charles E. Bennett
 Chairman
 Committee on Highway Safety

CEB:mrl

FOREWORD

This study was made under the provisions of S.J.R. No. 23 passed at the first session of the Forty-first General Assembly. The resolution directed the Colorado Legislative Council to begin a study of traffic safety laws. The resolution stated further that a study of traffic safety was needed because of the annual death, injury and property toll from motor vehicle accidents in Colorado and the continuing annual increase in the number of drivers licensed, in vehicles registered, and in the number of miles traveled.

The Chairman of the Legislative Council, as directed by the resolution, appointed a committee to make this study of highway safety. Committee members included: Senator Charles E. Bennett, Denver, Chairman; Senator A. W. Hewett, Boulder; Representative Orlando Salaz, Trinidad; Representative Walter Stalker, Kirk; and former state senator Ben Bezoff, Denver. Harry O. Lawson, Legislative Council senior research analyst, had the primary responsibility for the staff work on this study.

Fourteen meetings were held by the Legislative Council Committee on Highway Safety during the course of its study. Several of these meetings were public hearings at which national, state, and local authorities in the various fields related to highway safety gave the committee the benefit of their advice and consultation. Considerable time was devoted by the committee to an examination of the programs and operations of the Colorado State Patrol; the Motor Vehicle Division, State Department of Revenue; and the Colorado Highway Safety Council.

In carrying out the mandate of the resolution, the committee gave considerable attention to the following major aspects of highway safety: 1) law enforcement and the courts; 2) driver education; 3) the teenage driver; 4) the drinking driver and "implied consent" legislation; 5) driver licensing and improvement; 6) vehicle inspection; 7) traffic engineering; 8) motor vehicle program administration; 9) highway safety campaigns and public support; and 10) highway safety research including accident records and statistics, driver vision, and the relationship between violations and driver attitudes.

From its study of these various aspects of highway safety, the committee has developed a legislative program which it feels will lead to the reduction of accidents and deaths on Colorado's streets and highways. The committee, in presenting this program, recognizes that there is no one way in which traffic deaths and destruction can be drastically reduced. Rather, it will take concerted effort on many different aspects of highway safety to achieve this result.

While the development of an effective highway safety program depends on many factors, the committee believes that the place to start is with the driver, himself, and his license; often a person will drive more carefully to save his license than his life. Accordingly, the committee has given special attention to driver licensing - the process by which it is issued initially and renewed, the reasons why it may be suspended or revoked and subsequently returned, and driver improvement through the licensing process.

Space does not permit listing the large number of traffic safety authorities and officials, as well as those in related fields, who took time from their busy schedules to provide the committee with consultation and advice during the course of the study. The committee wishes to take this opportunity to express appreciation for all this help and cooperation and for the many contributions made to the committee's final recommendations.

Lyle C. Kyle
Director
Colorado Legislative Council

November 7, 1958

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COMMITTEE RECOMMENDATIONS AND FINDINGS

1. The Committee on Highway Safety recommends the continued gradual development of state systems of driver licensing programs which are based on scientific and appropriate methods of the licensing process and procedure. Eventually, this program should be completely handled by the state.

Findings: The driver's license is the key to the highway safety program. It is very important that adequate, complete driver license examinations be given the first license of the licensee and a second exam for renewal. It is also important that qualified personnel maintain the examinations under constant supervision. Such personnel and supervision are practically impossible to provide at the county level.

A complete state program would require at least 100 men personnel and at least one at a county or city level. It would be difficult to provide for renewal examinations or to maintain the examinations at any level. It is also difficult to maintain a consistent line of renewal in the state. It is recommended that the state take this function and complete the program. This would require the development of state personnel, adequate training, and adequate supervision of the driver licensing program.

2. The Committee on Highway Safety recommends the adoption of a point system for suspension and revocation of licenses. In conjunction with this point system, the committee recommends the establishment of a program for the revocation of licenses of drivers who are convicted of offenses which are defined by statute as to be such that the purpose for the issuing of such

Findings: The revocation and suspension program is of extreme importance because it is the process by which the state or highway agency is identifying and removing drivers from the streets who are dangerous. This program protects the public by removing the dangerous driver from the streets and improving his to the extent that he becomes less of a menace when again allowed to drive.

The most effective way of operating a revocation and suspension program is through the adoption of a point system. This system has been used in 14 states and several Canadian provinces. With a point system, violations are assigned numerical values on the basis of the degree of violation which will result in additional points on the accumulation of the driver's license. This system works on the assumption that more serious violations are better indicators of dangerous drivers than less serious violations. At the same time, it is recognized that a number of less point violations is also an indication of a dangerous driver.

At present the revocation and suspension program is set by largely by administrative regulations. It is recommended that a point system be adopted and that the committee recommend the establishment of a program for the revocation of licenses of drivers who are convicted of offenses which are defined by statute as to be such that the purpose for the issuing of such

from making frequent changes in point values, which may be unjustified and unpublishable. While there is less flexibility in a statutory point system, it is argued that changes are not needed so quickly that correction can't be made by subsequent legislative action without causing undue problems.

3. The Committee on Highway Safety recommends that a system of preferential licensing be set up by statute, such system to provide that a licensee with no moving violations during the previous licensing period shall have his license renewed for a four-year period. In conjunction with this proposal, the committee recommends that licensees with poor driving records be subject to selective re-examination before their licenses are renewed.

Findings: Preferential licensing provides an incentive for safe driving by rewarding the good driver. Upon application for renewal, he is issued a license for a longer period than normal, e.g., a four year license if the normal licensing period is three years. A driver improvement program, in addition to penalizing the poor driver, should offer encouragement to the good driver. Preferential licensing not only provides such encouragement, but is a means of gaining public support.

More attention should be given the driver who does not accumulate sufficient points to face suspension, but whose driving record is spotty enough to cause concern. Some highway safety officials have recommended that every driver take a complete driving re-examination at least every other time the license is renewed. Selective re-examination seems to be more feasible, because of the prohibitive cost of a complete re-examination program. If the point system is adopted it is proposed that those drivers who accumulate 50 per cent or more of the points needed for suspension over the licensing period be given a re-examination before renewal.

4. The Committee on Highway Safety recommends that vehicle inspection be reduced to one a year. The Committee recommends further that the fee for such annual inspection be set at \$2.50, with \$1.00 to be used for state aid to driver education, such state aid to be integrated with the school foundation program and to be distributed to public high schools on the following basis: one-half of the cost up to a maximum of \$20.00 for each student successfully completing a driver education course, including behind the wheel training, as accredited by the State Department of Education.

Findings: 1) Colorado is one of 14 states which has either annual or semi-annual vehicle inspection. The vehicle inspection program is designed to accomplish two purposes: (a) to identify and require repair of unsafe vehicles; and (b) to make the public "safe vehicle" conscious.

The results of state patrol road blocks show that many vehicles have faulty equipment even a short time after the safety inspection, which is an indication that some inspection stations are making cursory, inadequate inspections. There is also reason to suspect that some inspection stations have required unnecessary repairs.

Inadequate inspections mitigate the usefulness of the inspection program and give the driver a false sense of security. Over-zealous inspections create a feeling of animosity on the part of the public, which refuses to cooperate with what is considered a "shake down" operation.

For these reasons, the committee feels that the inspection program should be limited to one a year and should serve primarily as a prod to safe vehicle maintenance; the inspection program should be more closely supervised than at present.

1) Driver education leads to improved driving skills and behavior for teenage

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The present statute providing for the licensing of 15 year olds to operate motor vehicles has been declared invalid by a Denver District Court decision. Even if the law were in force, it could not achieve its purpose of encouraging youngsters to take driver education courses because of the conflict and confusion between it and other teenage licensing statutes.

A desirable teenage licensing law would induce teenagers to take and complete a driver education course by making it possible for them to get operators' licenses at an earlier age than those teenagers who don't. In addition, the importance of safe driving could be stressed by providing that a youngster between 16 and 18 will lose his license until his 18th birthday upon conviction of a serious moving violation or a predetermined number of points under a point system suspension program.

7. The Committee on Highway Safety recommends that an "implied consent" law be adopted. Under the provisions of such an act, refusal to take a chemical or breath test to determine intoxication would constitute grounds for license suspension or revocation.

Findings: Statistics do not reveal the extent to which accidents are caused by drinking drivers. Accidents are usually attributed to the overt causes, such as passing on a hill or reckless driving. Much more often than is reported, the driver who committed the violation which caused the accident had been drinking to the extent that both his driving ability and his judgment were impaired.

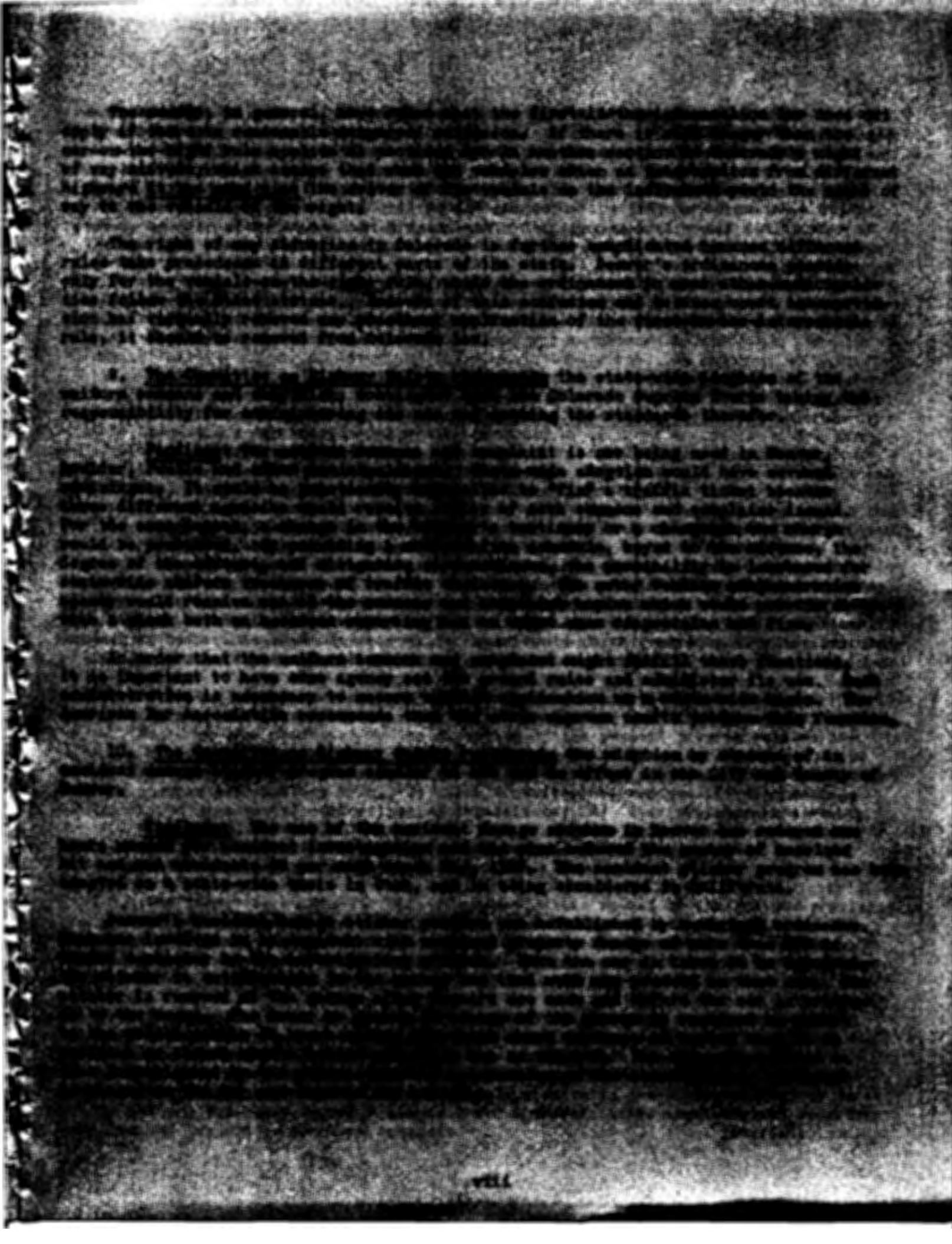
Colorado's statute which provides for the admittance of chemical tests as evidence in intoxicated driving cases is a step in the right direction but it does not permit law enforcement authorities and the courts to deal adequately with the drinking driver. In some areas of the state chemical tests are not available. Even when tests are available an alleged intoxicated driver is not required to submit to a chemical test to determine whether he is intoxicated. Consequently, the conviction of intoxicated drivers is extremely difficult in some courts and often the charge is reduced to reckless or careless driving in order that a conviction may be obtained. Chemical tests protect the innocent as well as incriminate the guilty, which is another reason why their wide-spread use is desirable.

Four states -- Idaho, Kansas, New York, and Utah -- have passed "implied consent" legislation. Experience in these states indicates that these laws have aided considerably in the apprehension and conviction of intoxicated drivers.

8. The Committee on Highway Safety recommends that the right of way law be changed to give right of way to the vehicle on the right rather than to the first one in the intersection.

Findings: Failure to yield right of way has been one of the three major causes of urban traffic accidents, both fatal and non-fatal. Many of these accidents are caused by intersection races which result from the common misconception that the first vehicle into the intersection has the right of way.

This misconception arises from the lay interpretation of one provision of the Colorado right of way statute which states that the driver of a vehicle approaching an intersection shall yield the right of way to the driver of a vehicle which has entered the intersection from a different highway. This provision has been interpreted as meaning that the first car in the intersection has the right of way regardless of the proximity of another vehicle approaching the intersection from another direction.



11. The Committee on Highway Safety recommends the abolition of the Colorado Highway Safety Council. In its place there should be a division of highway safety in the recommended independent department of motor vehicles.

The effectiveness of highway safety public relations and its other highway safety functions have been hampered by the organizational structure of the Colorado Highway Safety Council. Currently seven state agencies have a hand in its direction and the council director has no authority to direct the participating agencies in highway safety campaigns but must depend on each agency's cooperation. The Highway Safety Council was established for the purpose of coordinating the state's highway safety activities. Nevertheless, the participating agencies still go their separate ways and in many instances duplicate the efforts of the Highway Safety Council. In addition, the Council has concentrated heavily on the public relations aspects of its work to the detriment of research and agency coordination, although the latter is practically an impossibility under the present organizational arrangement.

12. The Committee on Highway Safety recommends the continuation of its study of highway safety under the auspices of the Legislative Council through the passage of a joint resolution to that effect at the first session of the 42nd General Assembly.

Findings: The recommendations made as a result of the committee's 18-month study lay the basis for reducing traffic fatalities, injuries, and property damage. Many of these recommendations, if put into effect, may need revising as a result of further study. Several aspects of highway safety studied by the committee need additional consideration before recommendations can be made. These include: driver improvement schools; absolute speed limits; "hot pursuit" legislation; lowering of the blood alcohol ratio for legal presumption of intoxication; pedestrian legislation; and the need for a state patrol academy. The work of the committee to date is a strong indication of the need for a continuing committee to keep the General Assembly informed on this important subject as well as to make recommendations for legislative action.

HIGHWAY SAFETY, A LOOK AT THE PROBLEM

In 1957, there were 367 deaths as a result of traffic accidents on Colorado's streets and highways. The fatality total for the first ten months of 1958 was 6.6 per cent higher than for the corresponding period in 1957. If this rate holds through the remainder of 1958, there will be almost 400 traffic deaths in 1958. The estimated economic loss resulting from motor vehicle accidents in Colorado in 1957 was at least \$46 million.¹ The average annual loss from motor vehicle accidents in Colorado since 1950 is estimated at \$40 million.

A Look at the Record

With the exception of the war years (1942-1945), Colorado has had at least 312 annual traffic fatalities since 1936.² At first glance, it would appear that there was little improvement in the state's safety record between 1935 when 402 were killed and 1957 with 367 deaths. But the full story is not told by the number killed, tragic as this may be. Increases in population, number of licensed drivers, number of registered vehicles, and in number of vehicle miles traveled must be considered to give perspective to Colorado's highway safety situation.

Traffic Fatality Rates

The traffic fatality rate per 100 million vehicle miles in 1936 was 17.9. If that rate had been the same in 1957 there would have been 1,258 fatalities. Instead the rate was 5.1 per 100 million vehicle miles in 1957, a reduction of almost 72 per cent.

The traffic fatality rate per 10,000 motor vehicles in 1936 was 12.7. If the 1957 rate were the same, there would have been 1,086 fatalities. The actual 1957 traffic death rate per 10,000 motor vehicles was 4.3, almost two-thirds less than in 1936.

The traffic fatality rate per 100,000 population in 1936 was 36.8. If the rate had been the same in 1957 there would have been 618 fatalities.³ The 1957 traffic death rate per 100,000 population was 21.9, almost 60 per cent less than in 1936.

Colorado's traffic fatality record shows considerable improvement during the past two decades, when the annual traffic death toll is related to motor vehicle miles traveled,

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1. According to the National Safety Council, the calculable costs of motor vehicle accidents are wage loss, medical expense, overhead cost of insurance, and property damage. The National Safety Council estimates these costs in 1956 averaged approximately \$125,000 per death for all accidents -- fatal, non-fatal, and property damage. This "per death" total includes the cost of one death, 35 injuries and 240 property damage accidents. Final 1957 figures were not available so the \$125,000 per death was multiplied by 367 to arrive at the \$46 million estimate.
 2. First year for which comprehensive records are available.
 3. 1957 population estimate of State Planning Division

number of registered motor vehicles, and population.⁴ These 1936-1957 comparisons also show some reasons why there is increasing concern about traffic safety, even though there has been improvement. The increase in the number of registered vehicles and the number of motor vehicle miles traveled in the past 20 years has far exceeded what was expected as a normal consequence of population growth. The motor vehicle plays a very large role in the economy of the state and in the personal lives of its citizens. Problems resulting from the motor vehicle cannot be ignored. The economic loss and the loss of life demand that highway safety problems be given attention.

Between 1950 and 1957 there was a population increase in Colorado of slightly more than 21 per cent.⁵ During the same period motor vehicle registrations increased almost 52 per cent, motor vehicle miles traveled almost 51 per cent, and motor vehicle operators' licenses, 28 per cent. It is estimated that there are 900,000 registered vehicles in the state in 1958, and approximately one million operators' licenses. The Motor Vehicle Division of the State Department of Revenue estimates a continuing annual increase of six per cent in the number of motor vehicles registered and a 12 per cent triennial increase in operators' licenses.⁶ If these estimates hold true there will be 550 to 600 people killed on Colorado streets and highways in 1965 on the basis of the current fatality rate.

It follows that one of the major highway safety problems is to develop a program which will produce results in the years to come comparable to those gains made in the past 20 years. Comparable gains would mean only that the annual traffic fatalities and injuries would be kept at the present level.

Comparison With Other States. Another way to look at traffic fatality rates is to compare Colorado's record with that of other states and the county as a whole. Since 1950, Colorado's accident fatalities per 100 million vehicle miles has been below the national rate in every year except 1955. In 1957, Colorado ranked 14th lowest among the 48 states in rate of fatalities per 100 million vehicle miles. Nebraska was the only one of the surrounding states which had a lower rate than Colorado. This year tells a different story, however. Through the first nine months of the year, Colorado was one of only 14 states which showed a fatality increase over the previous year.

Injuries and Property Damage

A highway safety program should be designed not only to reduce the number and rate of traffic fatalities, but also to decrease the number of injuries and the total number of accidents. Unfortunately, the dramatic impact of highway deaths often diverts attention from the great number of traffic injuries sustained annually, as well as the large number of accidents, most of which result in property damage only. It is difficult to determine accurately the number of traffic injuries and accidents, because neither are always reported. The annual accident reports of the Motor Vehicle Division shows that the number of accidents reported has jumped from almost 30,000 in 1950 to more than 43,500 in 1957, an increase of 47 per cent or slightly less than the increase in vehicles

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4. These are the three highway death rate measurements used most commonly by the National Safety Council and other public and private agencies. The one used most often is the number of deaths per 100 million motor vehicle miles traveled.
 5. Based on the 1957 population estimate of 1,679,675 by the State Planning Division.
 6. Licenses are issued for three years, therefore those issued in 1958 would be twelve per cent more than in 1955, those issued in 1959 twelve per cent more than in 1956, etc.

registered and number of miles driven over the same period. The annual accident reports also show a 30 per cent increase in traffic injuries from 1950 to 1957. So from 1950 through 1957, there were substantial increases in the number of accidents and non-fatal injuries, while the actual number of traffic fatalities declined from 388 to 367. The rapid population growth of urbanized areas in the last few years, and the consequent increase in motor vehicles, is the major reason for the large increase in the number of accidents -- especially those that involved property damage only. From 1950 through 1957, property damage accidents increased 53 per cent as compared with 47 per cent for all accidents and 30 per cent for those resulting in non-fatal injuries.

While the actual number of annual traffic deaths declined between 1950 and 1957, the number of persons killed in highway (outside urban areas) accidents⁷ increased from 301 in 1950 to 305 in 1957. Seventy-eight per cent of the traffic deaths in 1950 occurred outside cities. This proportion gradually increased until it reached 83 per cent in 1957.

Table I presents a year by year recapitulation for the 1950-1957 period of accidents, injuries, deaths and estimated economic loss.

TABLE I
 COLORADO MOTOR VEHICLE ACCIDENTS, DEATHS AND INJURIES
 1950 - 1957

<u>Year</u>	<u>No. of Accidents</u>	<u>No. of Deaths</u>	<u>Death Rate Per 100 Million Vehicle Miles</u>	<u>No. of Injuries</u>	<u>Estimated Economic cost (in millions)</u>
1950	29,583	388	8.3	8,615	\$36.9
1951	36,024	344	6.6	9,720	32.7
1952	35,888	384	6.9	9,613	36.5
1953	35,268	338	5.8	9,418	31.6
1954	33,622	388	6.4	9,738	42.7
1955	38,780	431	6.6	10,022	47.4
1956	42,024	409	6.1	10,609	51.0
1957	43,528	367	5.1	11,212	46.0

Summary

During the past two decades, Colorado has shown considerable improvement in both the number and the rate of traffic deaths. Despite an increase of more than 50 per cent since 1950 in the number of motor vehicles and number of miles traveled, the 1957 fatality record shows 21 fewer deaths than the 1950 total. Colorado also compares well with other states in reduction of traffic fatalities.

7. As defined by Motor Vehicle Division accident report -- includes all non-incorporated areas. Urban applies to all incorporated municipalities regardless of size.

On the other hand, there is little cause for complacency. Fatalities in 1958 are expected to exceed the 1957 total by nearly seven per cent. The expected increase in number of vehicles and miles traveled in the next few years will result in a 60 per cent increase in annual fatalities unless the fatality rate is reduced.

The record for non-fatal injuries and property damage accidents is not good. Accidents resulting in injuries or property damage have increased substantially since 1950. The rapid development of urbanized areas has been the major factor in the increase of property damage accidents. The economic loss from all traffic accidents has averaged \$40 million annually since 1950 and is estimated at \$46 million for 1957.

Accidents -- Type and Causes

Accidents may be classified as follows: 1) collisions involving two or more motor vehicles; 2) vehicle-pedestrian accidents; 3) collision with non-motor vehicles, such as trains or bicycles; and 4) other one car accidents, such as driving off the road or collision with a fixed object.

Table II shows the proportion of Colorado traffic deaths and injuries resulting from the four types of accidents classified above. Averages for the five year period, 1953-1957, are shown.

TABLE II

PROPORTION OF COLORADO TRAFFIC DEATHS AND INJURIES
BY TYPE OF ACCIDENT 1953 - 1957 AVERAGE^a

<u>Type of Accident</u>	<u>Per Cent of Deaths</u>	<u>Per Cent of Injuries</u>
Collision with another motor vehicle	33%	51%
Motor vehicle-pedestrian	12	10
Collision with non-motor vehicles	4	4
Other one car	51	35

a. Based on annual accident record reports of the Motor Vehicle Division, State Department of Revenue.

Collisions involving two or more motor vehicles account for about three-fourths of all traffic accidents in Colorado for the past few years; yet, these collisions resulted in only one-third of the traffic deaths and slightly more than one-half of the injuries. One car accidents comprise about 20 per cent of all Colorado traffic accidents. These accidents, however, accounted for more than 50 per cent of the traffic fatalities and 35 per cent of the injuries. The seriousness of one car accidents in Colorado exceeded

the experience of the nation as a whole in both 1956 and 1957.⁸ For these two years, nation wide totals show one car accidents resulted in 40 per cent of the deaths and only 18 per cent of the injuries.

Nationally, collision of two or more vehicles caused 40 per cent of the traffic deaths and 72 per cent of the injuries as compared with 33 per cent and 51 per cent, respectively, for Colorado.

There is also a variation between the proportion of deaths caused by pedestrian-vehicle accidents in Colorado and for the nation as a whole. Twenty per cent of traffic deaths nationally in 1956-1957 resulted from pedestrian vehicle-accidents; in Colorado, the 1953-57 average was 12 per cent, although this type of accident caused almost 15 per cent of the traffic deaths in 1956-1957. The proportion of injuries caused by pedestrian-vehicle accidents is very much the same for Colorado and the nation as a whole, 10 per cent and nine per cent respectively.

Accident Causes

Three types of driving violations were responsible for slightly more than one-half of Colorado's traffic accidents for the five year period, 1953 through 1957. Speeding (both exceeding the limit and exceeding a safe speed) accounted for almost 19 per cent; failure to yield right of way caused slightly more than 17 per cent; and following too closely, almost 15 per cent. Six other major categories of driving violations each caused more than five per cent of the accidents for the same period. These included: improper passing, driving on the wrong side of the road - not passing, improper turning, ignoring traffic control signals, driving while intoxicated, and improper starting from a parked position.

Speeding accounted for more than 47 per cent of the traffic deaths. Almost 15 per cent were caused by driving on the wrong side of the road not passing, and 10 per cent each by driving while intoxicated and ignoring traffic control signals. Table III shows the proportion of traffic accidents caused by driver violations for 1953 through 1957.

Three types of violations which are among the major causes of accidents do not result in a very high proportion of fatal accidents. These include: following too closely, improper turning, and improper starting from a parked position. Conversely, three other types of violations are the cause of a considerably higher proportion of fatalities than of all other accidents. These are driving on wrong side of road -- not passing, ignoring traffic control signals, and driving under the influence of alcohol. It is probable that driving while intoxicated played a larger role in causing accidents than is shown in Table III. Often a driving while intoxicated charge is not made if the proof is considered doubtful because of the absence of chemical tests or the refusal of the alleged violator to take one. It is not unusual to have a driver, alleged to be under the influence, charged with a lesser count because there is a better chance of conviction. It is quite possible that many of the violations involving speeding, failure to yield right of way, driving on the wrong side of the road and other major offenses resulted at least in part from drinking drivers.

8. The Road Toll, the travelers 1958 Book of Street and Highway Accident Data.

TABLE III

PROPORTION OF TRAFFIC ACCIDENTS CAUSED BY DRIVER VIOLATIONS
IN COLORADO 1953 - 1957 AVERAGE^a

<u>Type of Violation</u>	<u>Per Cent of all Accidents</u>	<u>Per Cent of Fatal Accidents</u>
Speeding ^b	18.8%	47.3%
Failure to yield right of way	17.3	7.3
Following too closely	14.6	1.0
Improper passing	8.7	4.6
On wrong side of road (not passing)	6.7	14.7
Improper turning	7.6	1.5
Ignoring traffic control signals	7.2	9.9
Under influence of alcohol	5.2	10.0
Improper starting from parked position	5.0	--

a. Based on annual accident record reports of the Motor Vehicle Division.

b. Includes both exceeding the speed limit and exceeding a safe speed.

Age of Drivers Involved in Accidents

Drivers between the ages of 25 and 34 were involved in more accidents for the period 1953 through 1957 than was any other age group. Drivers in this group were involved in almost 27 per cent of all accidents and the same proportion of fatal accidents. Other drivers involved in a high proportion of accidents included those in the 20 - 24 and 35 - 44 age brackets.

Table IV shows the proportion of Colorado drivers involved in accidents, 1953 through 1957, by age group.

TABLE IV

PROPORTION OF COLORADO DRIVERS INVOLVED IN TRAFFIC ACCIDENTS
BY AGE GROUPS, 1953 - 1957 AVERAGE^a

<u>Age Group</u>	<u>All Accidents</u>	<u>Fatal Accidents</u>
Under 16	.4	.5
16 - 19	13.8	11.6
20 - 24	15.8	17.6
25 - 34	26.7	26.7
35 - 44	17.9	17.2
45 - 54	12.2	11.2
55 - 64	7.8	7.4
65 - 74	3.9	5.4
Over 75	1.0	1.9

a. Based on annual accident record reports of the Motor Vehicle Division.

Summary

One-half of Colorado's traffic accidents for the five year period 1953 - 1957 resulted from collisions of two or more motor vehicles. This type of accident accounted for only one-third of the fatalities. One car accidents comprised 35 per cent of the total and caused slightly more than one-half of the fatalities. One car accidents occurred considerably more often in Colorado than in the nation as a whole and resulted in a much higher proportion of fatalities.

Three violations -- speeding, failure to yield right of way, and following too closely-accounted for more than one-half of the accidents during this period. Forty-seven per cent of the fatalities were caused by speeding. Drivers in the 25 - 34 age group had the highest proportion of accidents, followed by those in 35 - 44 and 20 - 24 age groups.

Factors Involved in a Highway Safety Program

There is no single method by which traffic accidents and fatalities can be drastically reduced, short of outlawing the use of motor vehicles. Many factors have contributed to the fatality rate reduction experienced by Colorado and the rest of the states during the past 20 years.

Not the least of these were the improvements in motor vehicles and highways. The continued development of a highway system which can carry safely both today's and tomorrow's expected high speed traffic load is essential for the success of any traffic safety program. Safety advances in motor vehicle construction are also necessary.

Good road planning, construction, and traffic engineering help correct the physical hazards of motor vehicle operation, but behind-the-wheel hazards must be dealt with through legislation, law enforcement, and the judicial system.

Sound legislation includes the statutory framework of a good driver licensing and driver improvement program. The success of the licensing program depends on the administrative agency and the quality of its personnel. Such an agency is usually responsible for other portions of the motor vehicle program -- vehicle registration, accident records, vehicle inspection, and safety responsibility.

Driver education is also extremely important and in the broadest sense is not limited to the training of teenage drivers. It also includes driver training for adults, driver improvement schools for violators, special training for bus and truck drivers, and in-service training for personnel engaged in highway safety work.

Problems which require special attention are posed by the teenage driver, the chronic violator, the drinking driver, and the hit and run driver. Also of importance are the interest and support of citizen groups and organizations representing various kinds of highway users.

Much of the safety research carried on by universities, the armed forces, medical societies, oculists, and optometrists is expected to result in findings which will have direct application to the highway safety program. Research under way includes the effect of vision on driving; equipping of vehicles to reduce injuries and fatalities; the relationship between personality, emotional problems, and driving behavior; and the effect of alcohol on driving ability.

In addition to programs on the state and local levels, many national groups are conducting research in various aspects of highway safety, developing uniform laws, and setting standards for the several highway safety activities.

There are almost as many proposals for improving each of the different facts pertaining to highway safety as there are facets. Consequently, two steps are prerequisites for the development of an adequate highway safety program: 1) determination of the best methods for improving the program; and 2) establishment of a priority of needs, beginning with those measures which will be the most effective in the short run while setting the foundation for the long term program.

II

DRIVER LICENSING AND IMPROVEMENT

A good driver improvement program begins with the licensing process. The licensing examination, if properly conducted, screens out those who are physically or mentally unfit to drive and assures that those who pass it have at least the minimum requisites for adequate driving performance. Driving examinations should be given by trained, competent examiners, and should include tests of eyesight, ability to read and understand highway traffic signs, and knowledge of traffic laws, as well as a road demonstration.¹

There is a growing awareness on the part of traffic safety officials, in general, and motor vehicle administrators, in particular, that re-issuance of a driver's license should not be merely a clerical operation -- at least not for all drivers. A method of selective re-examination would provide the opportunity to take a second look at drivers whose records are poor, but not poor enough to make them subject to either suspension or revocation of their licenses.

It has been the recommendation of many national and Colorado safety groups and officials that driver licensing be conducted on a state-wide basis. A state-wide driver licensing program is considered the best way to assure a uniform licensing program carried out by qualified, trained, and properly supervised personnel.

Driver Licensing in Colorado

Colorado statutes state that the driving examination shall include a test of the applicant's eyesight, his ability to read and understand highway signs, and his knowledge of the state's traffic laws. In addition, the applicant must demonstrate his ability to exercise ordinary and reasonable care and control in the operation of a motor vehicle and to submit to such further physical and mental examinations as are deemed necessary.²

The Department of Revenue has the responsibility for licensing motor vehicle operators.³ The Department of Revenue is authorized to appoint license examiners for the Motor Vehicle Division, in any county, to conduct local examinations for operators' and chauffeurs' licenses. Such examiners are required to collect all license fees, which are credited to the Department of Revenue administration fund. Present law also requires that drivers' examinations be administered in the county where the applicant resides,⁴ although the Director of Revenue may authorize the examination in any county convenient for the applicant.

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1. Highway Safety, report of the Governors' Conference Committee on Highway Safety, November, 1956, p. 30.
 2. 13-3-10 CS 1957 to CRS 1953.
 3. 13-3-11 CS 1957 to CRS 1953.
 4. 13-3-10 CS 1957 to CRS 1953.

Counties are also given authority to perform licensing functions, but only if the county clerk is designated by the Department of Revenue as its authorized agent.⁵ The counties which perform licensing functions retain \$1.50 of the \$2.00 fee collected for each operator's license issued, and \$3.00 of the \$5.00 fee for each chauffeur's license issued. The remainder is forwarded to the Department of Revenue.⁶

Present State Driver Licensing Program

There are 18 counties in which driver examinations are conducted by the Motor Vehicle Division, State Department of Revenue. In the other 45 counties, the county retains responsibility for driver licensing -- acting as the agent of the Department of Revenue.

The 18 counties in the state licensing program include:

Archuleta	Gilpin	Moffat
Clear Creek	Grand	Otero
Costilla	Huerfano	Pitkin
Denver	Jackson	Rio Grande
Elbert	La Plata	Saguache
Fremont	Mineral	Summit

These eighteen counties issued 119,512 operators' licenses and 8,060 chauffeurs' licenses in 1957, or 35.3 per cent of all operators' licenses and 31.1 per cent of all chauffeurs' licenses issued in the state. The total revenue collected from drivers' licenses in 1957 was \$826,129. In these 18 counties, the revenue total was \$286,520, or 34.7 per cent of the total.

While 45 counties handle their own driver licensing program, their examiners are under the supervision of the Motor Vehicle Division. In 1957 the Motor Vehicle Division had a field staff of seven examining supervisors for 194 license examiners. Thirty four of the license examiners were employed by the Motor Vehicle Division to handle driver licensing for the counties in the state program.⁷ Since that time 10 additional examiners have been added to the state program.

The 1957 ratio of supervisors to licensing examiners was 1 to 27. Leading states have found it necessary to have at least one field supervisor for each ten examiners in order to maintain the desired quality of examining procedures.⁸

The Motor Vehicle Division is meeting national standards, in so far as pre-service and in-service training is concerned, for its own driver examination personnel. New examiners received 15 days of specialized training and the field examining staff received 15 days of in-service training in 1957.⁹ In the 45 counties which handle their own licensing program, the Motor Vehicle Division neither selects nor trains the personnel. The Division does try to improve county licensing programs through its supervisory field staff, but it is handicapped because of a shortage of supervisory personnel in relation to the number of examiners.

5. 13-2-13 CRS 1953.

6. 13-3-12 CRS 1953.

7. Annual Inventory of Traffic Safety Activities, Analysis for 1957, "Driver Licensing", Sect. 6, National Safety Council, p. 2.

8. Ibid.

9. Ibid.

As a result, the state has an uneven licensing program. Uniform standards and procedures apply to the 18 counties in the Motor Vehicle Division program. Such standards may not be met in the remaining 45 counties, because of the training and qualifications of county employed personnel.

The Department of Revenue has the authority to take over the licensing program in these other counties since the counties may perform licensing functions only if designated as the authorized agent of the Department of Revenue. The Director of Revenue told the Committee on Highway Safety that while his department may take over a county licensing program, effort is made to work with the counties to improve the local programs rather than take them over. He said that sometimes state interference is very much resented by county officials, even if it is only to assist in improving the county program. He added that the counties are reluctant to give up the licensing program because of the fees which are retained for county funds.

While the Department of Revenue has not attempted to take over driver licensing unless requested by the counties, it has given attention to the development of a state-wide licensing program.

It would require at least 130 additional personnel and an estimated expense of at least \$500,000, if the state operated the driver licensing program on a state-wide basis.¹⁰ Operation of a state licensing program on a district basis might prove the most efficient method of organization, because of Colorado's geography and population distribution. Such a program would necessitate a change in the statute which requires that the license examination be given in the county in which the applicant resides.¹¹ The Motor Vehicle Division gets around this statutory problem at the present time by having an examiner spend a day or two a week in each of three or four small counties in the state program.

Selective License Re-Examination

The re-examination of licensed drivers is provided for in two ways by the Colorado statutes. First, at the time of license renewal, further examination may be required if a need is indicated by the licensee's driving record or apparent physical limitations.¹² Second, the Department of Revenue may require a licensed driver to be re-examined upon evidence indicating that he is incompetent or otherwise unqualified.¹³

In many instances a complete driving examination is given before a license is renewed, if the prior driving record warrants it.¹⁴ Drivers may also be subject to a re-examination on determination of a Motor Vehicle Division hearing officer. These officers hold hearings on the suspension and revocation of licenses.

Many traffic safety officials feel that a complete examination for every driver is desirable at least every three to seven years. Such an extensive license examination

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10. Estimate by the Assistant Director of Revenue who is the chief administrator of the Motor Vehicle Division.
 11. 13-3-10 CS 1957 to CRS 1953.
 12. 13-3-16 CS 1957 to CRS 1953.
 13. 13-3-11 CS 1957 to CRS 1953.
 14. According to the Assistant Director of Revenue, chief administrator of the Motor Vehicle Division.

program would be extremely expensive, and other traffic safety officials feel that the same results could be achieved at less cost through a sound selective re-examination program.

Preferential Licensing

Preferential licensing provides a means by which the good driver may be rewarded and safe driving encouraged. Under a preferential licensing plan drivers with no moving violations during the previous licensing period have their licenses renewed for a longer period than other drivers.

A preferential licensing plan was set up by law in California during the 1957 legislative session. California drivers have their licenses renewed for a five year period if they had no moving violations during the previous licensing period. Drivers with two moving violations may have licenses renewed only for a two year period. Delaware has had an incentive plan for a number of years, which provides a permanent license for drivers without accidents or violations. The permanent license is revoked upon notice of conviction and/or accident and a regular license issued.¹⁵

Recommendations of the Committee on Highway Safety

The Committee on Highway Safety believes that the development of a sound driver licensing program is an important step in the development of a good highway safety program. Complete driver license examinations should be given upon first issuance of the license and on a selected basis upon renewal. It is important that qualified personnel administer such examinations, under competent supervision, uniformly throughout the state. These standards are not being met under the present system in many of those counties which handle the licensing program.

The difficulty in recruiting and training all the necessary additional personnel and the reluctance of many counties to give up the driver licensing program, because of the resultant loss in revenue, makes it impossible for the state to take this function over completely at present.

The Committee on Highway Safety recommends that the continued development of state control should be encouraged, looking toward eventual state-wide operation of the driver licensing program. The Committee finds selective licensing re-examination as well as preferential licensing to be desirable. These two aspects of the licensing program should be tied in directly with other portions of the driver improvement program.

The Driver Improvement Program

Once drivers are licensed, the function of the driver improvement program is primarily one of protecting the public from those drivers who constantly abuse the driving privilege. This protection is provided in three ways: 1) by attempting to improve the violator, before he becomes a habitual violator; 2) by taking habitual violators off the road through license suspension or revocation, if necessary; and 3) by educating habitual

15. Traffic Digest and Review, "California's Safety Incentive Law in Effect", May, 1958, p. 29.

violators who have had their licenses suspended or revoked before they are again allowed to drive.

In order to improve the habitual (or potentially habitual) violator before his behavior becomes bad enough to warrant license suspension or revocation, there should be some method by which these drivers may be identified. In addition, a determination must be made as to when action should be taken and what such action should be.

The level at which action should be taken may be determined by statute or by administrative regulation. This step may be automatic according to the number of violations or points (if a point system is used), or may involve a record review with an agency officer determining whether action is warranted. Action taken might include a warning letter or an interview or both. In some states, revocation or suspension might follow after such an interview, but usually this early interview is devoted to a review of the driving record, a discussion of the driver's habits and problems, followed by a warning of the consequences of further violations. The purpose of the warning letter, as its name implies, usually is to notify the driver that his driving record has reached a critical point and that further violations will result in loss of license.

Licensing suspension or revocation is the next step for those drivers for whom the warning letter had no effect. For this portion of the program to be effective, it is again necessary to have a method by which these drivers may be identified and for determining the level at which action is taken.

Such action may be mandatory or automatic for some violations such as felonious use of a motor vehicle, driving while intoxicated, hit and run, or manslaughter. For other violations, there may be standards set such as the number of violations or accumulation of points. Even then, action may not be automatic but discretionary with the responsible agency. In either event, the driver is entitled to a hearing and to court appeal if desired. This hearing is important, not only to provide due process for the driver, but as a means of discussing the driving record, ascertaining the driver's outlook, and for making an attempt at driver improvement. The hearing also provides an opportunity for recommendation of a probationary or restricted license if such is needed. The hearing is especially important in this respect if this is the agency's first contact with the driver.

After a license is suspended or revoked, it is important to keep the driver from continuing to operate a motor vehicle, either without a license or by applying for and receiving one. The effectiveness of this portion of the driver improvement program is dependent upon: 1) cooperation among the driver improvement agency, the various law enforcement agencies, and the courts; 2) an efficient record system which makes possible a rapid and free flow of information among the participating agencies; and 3) an adequate penalty provision for driving illegally.

Agency Discretion or Point System

State agencies responsible for the driver licensing and improvement program usually identify the dangerous or potentially dangerous driver and determine action in one of two ways.

- 1) The agency reviews the driver's record and determines its action strictly through discretionary judgment.
- 2) The agency may use a point system either as a guide to indicate when action should be considered, or as an arbitrary method of indicating when action should be taken.

In either case the agency assumes that drivers with spotty records are likely to be problems in the future, and that agency action is needed. The best kind of driver improvement program, then, would be the one which most accurately selects the drivers who need improvement and determines appropriate action.

Opponents of the point system argue that point systems are too rigid and restrict administering agency's action and then also point out that not all cases can be handled in quite the same way even if the records are quite similar. They claim that trained personnel can determine the problem driver and the action needed with a greater degree of success than can be done through an arbitrary system of points or values assigned to violations.

Even if no point system is in effect, the agency usually has some sort of guide to determine when a driver's file should be pulled for examination. This guide may be a rule of thumb such as the number of all violations or a smaller number of more serious violations or accidents. In a way this is sort of a modified point system without the advantages of having offenses automatically weighted according to seriousness.

On the other hand, a significant number of states have turned to some form of point system as an effective tool in their driver improvement programs. Connecticut was the first state to adopt a point system, in 1947, and since then at least 14 other states have followed suit. While point systems differ, from state to state, all of them have three elements in common:

- 1) differential weights applied to violations;
- 2) an objective criterion for selecting cases for action; and
- 3) automatic action of some kind taken at certain point levels.¹⁶

Point systems operate on the assumption that more heavily weighted violations are better indicators of dangerous drivers than less heavily weighted violations. At the same time, it is recognized that a number of low point value violations is also an indication of a dangerous driver.

Point systems provide an objective measure for determining at what levels action should be taken. Discretion, therefore, is limited to the type of action that should be taken, although even this amount of discretion may be further limited by statutory or regulatory ground rules and standards. Usually, in point system states, more publicity is given to the suspension and revocation program than in non-point system states. Consequently, the public has a better idea of the ground rules and at what point and for what reasons there is danger of losing the driver's license.¹⁷

The purposes and advantages of a point system have been summed up by the administrators of the Massachusetts system.¹⁸

16. A Report to the Point System Committee of the American Association of Motor Vehicle Administrators, Institute of Government, University of North Carolina, 1958, p. 16.

17. Ibid. p. 75.

18. Suggested State Legislation Program for 1957, Council of State Governments p. 164.

"Basically, the point system is a procedure for keeping a cumulative record of unsatisfactory driver performance. Violators convicted of traffic offenses are given demerit points in accordance with a predetermined formula scaled to the seriousness of each offense. After a certain number of points have been charged against the driver's record, he is usually sent a warning notice. Continued violations lead to a hearing. In some states, hearings include a clinical examination as well as other types of review. The next step, based on the findings of the hearing, is action to restrict, suspend or revoke the driver's license.

The reported advantages of a point system have been set forth as follows:

- 1) The point system can serve as a guide for motor vehicle administrators in indicating needed areas of driver improvement.
- 2) It ensures equity in evaluating the histories of motor vehicle operators.
- 3) It reduces violations and improves driver practices.
- 4) It makes license control more effective.
- 5) Increased safety consciousness of drivers is reported where the point system is used.
- 6) It provides a uniform method of eliminating that small percentage of chronic violators who cause a disproportionate share of traffic violations.
- 7) Point systems, in conjunction with conferences, hearings and clinics, keep violators from becoming menaces on the highway.
- 8) The rating scales of a point system may readily be revised as warranted by experience.
- 9) The point systems have been well accepted by the public. The complaints come from the relatively few drivers who in fact have bad records.
- 10) The point system tends to have a favorable psychological effect on drivers and serves as a valuable educational measure."

Types of Point Systems

There have been three legislative approaches taken by the states which have established point systems.

- 1) The point system was established by the administering agency under a broad legislative grant of authority for the driver improvement program rather than through a specific statutory point system.
- 2) The point system was specifically provided for by statute; however, the statutes do not specify point values, or levels at which action should be taken, but simply permit the administering agency to assign points and take action on that basis.
- 3) The point system was authorized by statutes which specify the number of points to be assessed for each violation, the levels at which various departmental actions are to be initiated and the time period over which points are to be accumulated.

The chief criticism of the statutory point system is that it does not give the administering agency enough flexibility in changing the point system to meet changing needs. The answering argument is that usually conditions do not change so drastically that the problem cannot be handled at the next legislative session. It is also pointed out that a statutory point system limits the effectiveness of the administering agency by narrowing the scope of its discretionary powers. While to a certain extent this may be true, it may be argued that if a point system is spelled out clearly by law, there is less chance of public confusion, misinterpretation by the courts, and of the administering agency's acting in an arbitrary or capricious manner.

Point Schedules and Period of Accumulation

There is a wide range among the point system states in the number of points assessed for different categories of violations, in the length of the period during which points may be accumulated, and in the number of points required for different levels of action, such as warning letter, hearing, and/or suspension.

In general, all of these point systems operate on the assumption that there is a relationship between violations and accidents and that violations with high point values are better predictors of accidents than violations with low point values.¹⁹ Some states have weighted each violation partially according to its importance as a causal factor of accidents. While all violations are usually weighted in point system states, mandatory revocation statutes take precedence over point system action, e.g., conviction of involuntary manslaughter, hit and run and some other offenses usually results in automatic revocation of license.

The differences in point values, levels of action, etc., partially resulted from attempts to meet local needs and conditions. There has not been sufficient experience with the various approaches to the point system nor sufficient research completed on what constitutes a model point system to provide a guide, except in a general way, for states which are contemplating establishing a point system. The states with point systems have been satisfied with the results, another indication that a variety of approaches may be undertaken successfully.

Driver Improvement in Colorado

Colorado statutes provide for the cancellation, revocation and suspension of licenses.

Cancellation. The Department of Revenue has the authority to cancel, deny, or deny re-issue of any license upon determination that the licensee was not entitled to the license, or gave incorrect or fraudulent information in making application. The department may also cancel a license when it has cause to believe that the operation of a motor vehicle by such person would be inimical to the public safety and welfare.²⁰

Revocation. The Department of Revenue has the authority to revoke licenses upon receiving a record indicating that a driver has committed any of a number of offenses such as, but not limited to, use of a motor vehicle in commission of a felony, conviction of manslaughter involving use of a motor vehicle, habitual use of narcotics, and three convictions of reckless driving in a two year period. Upon revoking a license under this statute, the department must immediately notify the licensee personally in writing according to the rules of civil procedure, or by registered mail with return receipt requested. If the licensee is subsequently acquitted of the charge which resulted in the revocation, his license is reinstated.²¹

19. A Report to the Point System Committee of the American Association of Motor Vehicle Administration, Op. Cit. p. 88.

20. 13-3-19 CS 1957 to CRS 1953.

21. 13-3-34 CS 1957 to CRS 1953.

Suspension. The Department of Revenue has the authority to suspend the license of any driver without a preliminary hearing if its records or other sufficient evidence show that the licensee has committed any of a number of offenses, but not limited to: 1) conviction as a driver in any accident resulting in death, personal injury, or serious property damage; 2) habitual reckless or negligent driving; 3) frequent conviction of traffic violations, which indicates a disrespect for law or the safety of others; and 4) conviction of any misuse of license, titles, permits, or license plates. Upon suspending the license of any person, the department must immediately notify the licensee personally in writing or by registered mail with return receipt requested. The department must grant a hearing if requested, to the suspended licensee, within 30 days of the request. After a hearing the department may rescind its order of suspension or may extend the period of suspension or revoke the license.²²

The statutes also provide for the length of suspension or revocation and set forth penalties for driving under suspension or revocation. Suspension is for a maximum of one year and revocation for a minimum of one year; a revoked licensee is given the opportunity of court action after two years, if his license is still revoked.²³ A person convicted of driving under suspension or revocation is guilty of a misdemeanor and subject to a fine of \$50 to \$500 or a jail sentence of one day to six months, or both.²⁴ False application for a new license while under suspension or revocation is also a misdemeanor and carries a fine of up to \$300 and a jail sentence of up to 30 days, or both.²⁵

A driver whose license is suspended or revoked is required to surrender his license to the Department of Revenue.²⁶ Every person who has been denied a license or whose license has been cancelled, suspended, or revoked, except in those cases where revocation is mandatory, has the right to appeal the department's action to district court. Such appeal must be made within 30 days after the department's action and must be heard within 30 days after the appeal is filed by the district court. A person whose license has been suspended cannot avail himself of the right of court appeal until he has requested a hearing by the department and either the hearing has been held or 20 days has elapsed from the date of the receipt of such request.²⁷

Legal Problems. Several of these statutory provisions have caused problems which resulted in court cases in the past and/or which may cause future litigation. These problems are summarized below.

- 1) The phrase "inimical to public safety and welfare" should either be clarified by legislation setting forth what the phrase means or it should be omitted. This phrase, which is also listed as a reason why the Department of Revenue may deny initial issuance of a license,²⁸ was declared unconstitutional in a recent lower court decision. This decision held that the provision regarding "inimical to public safety" is so broad and without standards as to be an unconstitutional delegation of legislative power. The court also pointed out that the department may be given discretion regarding the denial of licenses, but the discretion must be guided by standards fixed by the General Assembly.²⁹ This decision is being appealed by the Department of Revenue.

22. 13-3-24 CS 1957 to CRS 1953.

23. 13-3-25(1) and 13-3-23 (1)(i) CS 1957 to CRS 1953.

24. 13-3-31(1) CS 1957 to CRS 1953.

25. 13-3-25(2) CS 1957 to CRS 1953.

26. 13-3-26 CS 1957 to CRS 1953.

27. 13-3-28 CS 1957 to CRS 1953.

28. 13-3-3(8) CS 1957 to CRS 1953.

29. Miketa v Theobald, Denver Superior Court, August 12, 1958.

- 2) Another recent lower court decision has upheld the constitutionality of "inimical to the public safety and welfare," at least as it is used in the statute which allows the Department of Revenue to cancel a license for this reason.³⁰ In upholding this provision, however, the decision raised other questions of constitutionality. The court held that (1) the department, by denying the petitioner a hearing before he surrendered his license, had not properly exercised the quasi-judicial power granted it by the General Assembly; and (2) it was not proper for the department to cancel the petitioner's license pursuant to a fixed administrative regulation adopted after petitioner's violation.³¹ If a person must be granted a hearing before a license may be cancelled, it may follow that a hearing must also be granted in cases of suspension and revocation before the license is relinquished to the department. If this is true, then the statute requiring such relinquishment may be ruled unconstitutional.³² This decision is also being appealed by the Department of Revenue.
- 3) At the present time the mandatory revocation section of the statutes is under attack in a court case.³³ It is contended that the whole section is invalid, because it does not make provision for an administrative hearing on the accuracy of the department's conviction record files. The argument is to the effect that if the department makes an error regarding conviction records, and subsequently revokes a person's license erroneously, that person is without any administrative remedy to correct the error.
- 4) The statutory provisions requiring the department to notify a person whose license has been suspended or revoked are also open to legal attack. It is not clear whether the laws require return receipt "by the addressee" in order to constitute notice. A lower court case, now on appeal, ruled that the statutes do require return receipt "by the addressee" in order to constitute notice of suspension or revocation. If this decision were upheld on appeal, enforcement of license suspension and revocation laws would be greatly impaired.
- 5) The meaning of the terms cancellation, revocation, and suspension are not clearly set forth by statute and the functions of each overlap.
- 6) Some courts are reluctant to accept the written conviction notices presented by the Department of Revenue to support a license suspension or revocation, even though these notices are provided for by law.³⁴ The difficulty arises from the failure of the statutes authorizing cancellation, revocation, and suspension to specify the type of record upon which such action may be based. A change in these statutes to specify conviction notices as records for the purpose of cancellation, suspension, and revocation might make them acceptable to the courts.

30. 13-3-19 CS 1957 to CRS 1953.

31. John Clifford Rudolph v Department of Revenue, District Court, 8th Judicial District, July 14, 1958.

32. 13-3-26 CS 1957 to CRS 1953.

33. 13-3-23 CS 1957 to CRS 1953.

34. 13-3-22 CS 1957 to CRS 1953.

Colorado Driver Improvement Program in Practice. Prior to May 14, 1958, Colorado's driver improvement program was operated pursuant to administrative regulations which spelled out revocation and suspension policy. These regulations were issued by the Department of Revenue under the authority given it in the suspension, cancellation, and revocation statutes already cited.

Effective May 14, 1958, a point system was adopted for use in determining when suspension or cancellation of one's driver's license will occur. The point values and action levels, as taken from a Motor Vehicle Division Memorandum, are shown below.

Suspension, cancellation, or denial will follow the accumulation of 20 points within six months; or 30 points within one year;

The following point values have been assigned to the following violations:

Under influence	30
Reckless driving	20
Careless driving	14
Passing on hill	13
Speeding	12
Improper lane	11
Improper passing	10
Failure to observe school bus stop or signal	10
Following too closely	9
Failure to yield R/W to vehicle	9
Failure to yield R/W to pedestrian	9
Improper turn	8
Driving through safety zone	8
Obstruction of view of driver	8
Failure to observe stop sign	7
Failure to observe railroad signal	6
Improper starting parked vehicle	5
Failure to signal	4
Failure to observe authorized emergency vehicle	3
Failure to dim headlamps	3
Failure to turn on headlamps	3
Unattended motor vehicle	1
Improper parking	1

This point system supplants the prior policy of suspension.

Some statutory violations which may result in revocation or suspension have not been given point designation. Naturally these suspensions will occur as required by statute.

Originally this memorandum also set suspension or cancellation at the accumulation of 40 points within five years. This provision was cancelled on May 29, by the Director of Revenue. It was replaced by another regulation which provided that the evaluation clerks will bring the record of any licensee who has five or more violations within a period of five years to the attention of the supervisor, who will determine what action will be taken.

The point values were based roughly on the importance of each violation as an accident cause in the past three years. More weight was given those violations which

figured most prominently in fatal accidents.³⁵ The number of points per violation in this schedule is higher than in most other point system programs, but the number of points which may be accumulated is also higher in proportion when compared with other point systems.

Adoption of this point system program is a step toward a more effective driver improvement program. However, several factors may mitigate its effectiveness.

- 1) The memorandum establishing the point system uses the terms cancellation, suspension, and revocation interchangeably, although a clear definition of each would not be inconsistent with present statutes.
- 2) The procedures which have created many of the present legal problems have not been corrected, primarily because many of them are statutory in nature. These problems are discussed in further detail below.
- 3) The point system was set up by administrative regulation, which permits flexibility in the program. However, it also makes possible the abolition of the point system and for changes which might be viewed as arbitrary and capricious, especially if not well publicized.

The Department of Revenue's failure in the past to publicize the regulations pertaining to revocation and suspension was corrected in part through the publication of the point schedule and action levels in newspapers around the state. Other states, however, go much further and prepare wallet size point schedule cards for general distribution. This is done on the grounds that publicity makes the average driver more aware that his record is under observation and that this awareness leads to more careful driving. It is also felt in some point system states that public acceptance of a stringent program depends in some measure on the public's understanding of the program's aims and methods.³⁶ In rebuttal it has been contended that publicity under a point system might have the opposite effect; a person with a cushion of few points might feel no need to drive more carefully. Prior to the establishment of the point system, the Motor Vehicle Division did not make copies of the suspension and revocation policies available to law enforcement agencies or to the general public.³⁷

Operational Problems. One of the most vital functions of driver licensing and improvement programs is the record keeping process. The record for each driver should indicate: 1) personal information; 2) data on license application, issuance, and renewal, including any restrictions, if any; and 3) reports of violations, accidents, previous or current suspensions or revocations and reinstatements, and supporting documentation.

These records are the heart of the driver control program. Unless they are kept up to date and in order, there is no way to determine those drivers for whom action is

35. According to the Assistant Director of Revenue, Chief Administrator of the Motor Vehicle Division.

36. A Report to the Point System Committee of the American Association of Motor Vehicle Administrators, Op. Cit. p. 118.

37. Colorado Legislative Council Committee on Highway Safety Minutes of Meeting of March 7, 1958 p. 5.

indicated or those drivers who are driving or applying for another license while under suspension or revocation. The data in these files are also needed for court action and are of great help to law enforcement officials. The effectiveness of the record keeping program depends on: 1) sufficient qualified personnel properly supervised; 2) a well organized data processing system which can accomodate the work flow; 3) a well organized data collection system which includes both adequate procedures and adequate documents; 5) a rapid flow of correct information from courts and law enforcement agencies; and 6) a rapid flow of correct information to the courts and law enforcement agencies.

Colorado's driver improvement program has been handicapped by the inadequacies of the record keeping process. In the opinion of the Deputy Director of the Revenue Department, record keeping problems will not be solved until a machine records system is set up to handle all motor vehicle records. Eventually, plans for the Motor Vehicle Division include full machine programing and magnetic tape storage. This type of machine record system would take up much less space than the type of files now used. With random access files it would be possible to relay information by teletype anywhere in the state in a matter of minutes. With more than 900,000 driver licenses, and an increase of 25,000 to 30,000 per year, it requires an expense of \$15,000 to \$16,000 annually for additional files and clerks.³⁸ A machine data processing program for the motor vehicle department will no doubt depend on the development of an over all machine data processing program for the state, of which motor vehicle records would be a part. The planning and programing of such an extensive machine records operation is a project of several years' duration. In the interim, additional personnel and an increase in the number of file units may be the only way in which the driver record keeping process can be improved.

A major criticism of the current record keeping program is that lack of proper information makes it difficult to apprehend persons who continue to drive under suspension and revocation, and it is difficult to prosecute them once apprehended. It is also difficult to apprehend quickly persons under suspension or revocation who apply for a new license.

Prior to the Merris case decision by the Colorado Supreme Court,³⁹ the City and County of Denver prosecuted persons for driving with suspended or revoked licenses under a municipal ordinance passed in 1954. During 1957 there were 534 cases of driving under suspension and revocation filed under the Denver ordinance. The Denver Police Accident Investigation Bureau reviewed Motor Vehicle Division files on 2,500 potential cases, and only 534 cases were considered to have a chance of conviction. The other 1,966 cases would not have stood up in court because the files on these drivers maintained by the Motor Vehicle Division were not complete.⁴⁰

In a number of cases, the offending driver's file did not indicate that the driver had acknowledged receipt of the notice that his license had been suspended or revoked. If a person moved from the address to which the notice had been sent, without leaving a

38. Legislative Council Committee on Highway Safety, Minutes of Meeting of July 26, 1957, p.7.

39. For a brief summary of the Merris case see Chapter IV.

40. Legislative Council Committee on Highway Safety, Minutes of Meeting of January 9, 1958 p. 2.

forwarding address, a follow-up was usually not made by the Motor Vehicle Division. The shortage of manpower and the over-all work load of the division were reasons given by the Accident Bureau as to why the follow-up was possibly not made.⁴¹

Among the 2,500 cases reviewed in 1957, 323 were found to have a reinstatement notice in their files, but Denver had not been notified. In 196 cases, the mailed notice of revocation or suspension had been returned to the division and filed without further action being taken by the division. This experience of the Denver Accident Investigation Bureau has indicated a need for record certification which would be acceptable to all courts. Different types of record supervision are used for Denver Municipal Court and Denver Superior Court.⁴²

In discussing the criticism of notification procedures, the Assistant Director of Revenue was in agreement that they weren't too satisfactory. He said the problem stemmed from the interpretation of the courts as to whether a person had received notification if some other person at his residence signed the receipt for the registered notice. If proper notification cannot be proved, then no case can be made against a person for continuing to drive under suspension and revocation. He suggested that the notification statute be changed so that notification can be made by regular mail. Delivery of a letter sent by regular mail is prima facie evidence that it has been received by the person for whom it was intended.

Lack of personnel is the reason why the division has not followed up when there is doubt whether notification has been received. The division has requested assistance from the state patrol in making personal service, but the patrol also does not have enough personnel to help without curtailing its other functions.

While improvement is needed it was the opinion of the Assistant Director of Revenue that the problem had been in record checking and relaying information on suspended and revoked drivers. The City and County of Denver as well as other jurisdictions⁴³ are notified when suspensions and revocation have been lifted.

Some drivers who have had their licenses suspended or revoked have received new ones by applying in another state or county or by falsifying their names and addresses. In Colorado, when a license applicant is accepted, he receives a temporary license good for 90 days while his permanent license is prepared and forwarded. Drivers with suspended or revoked licenses who make application for another one and receive a 90 day receipt cannot be apprehended with the receipt in their possession, because issuance of the receipt can be construed as evidence that the driver is not under suspension or revocation. To help correct this problem, the Motor Vehicle Division has been considering adding a qualifying phrase to the 90 day receipt to the effect that the receipt is valid only if there is no reason why a permanent license should not be granted.

Some of the difficulties in the driver improvement program stem from a personnel shortage. The upper 30 per cent of the states employed 1.3 persons per 100,000 motor vehicle operators in 1957; the ratio in Colorado was .7 per 100,000.⁴⁴ This personnel

41. Ibid.

42. Ibid. p. 3.

43. Legislative Council Committee on Highway Safety, Minutes of Meeting of March 7, 1958, p. 4.

44. Annual Inventory of Traffic Safety Activities, Op. Cit. p. 4.

shortage has resulted in Colorado's being below standard in driver review examinations, personal interviews with drivers, and use of advisory or warning letters. However, Colorado ranked well on special driver examinations and the holding of hearings with violators.⁴⁵

The number of licenses suspended or revoked has more than doubled during the past five years. In 1953 there were 6,227 licenses suspended and revoked. In 1957 the total was 13,136. This increase shows the growing importance of the driver improvement program and the need for sound procedures and sufficient personnel.

Recommendations of the Committee on Highway Safety

The Committee on Highway Safety recommends the adoption of a statutory point system as the basic tool of the driver improvement program. Preferential licensing and selective driver re-examination should be related to the point system program.

The Committee recommends in addition that cancellation, suspension, and revocation be redefined and that hearing and appeal procedures be clarified. The committee's recommendations in outline form are presented below.

Outline of a Proposed Statutory Point System for Colorado.

1. Time Period for Accumulation of Points

- a. Points shall be accumulated during the period for which the license is issued.
- b. Point totals shall be wiped out upon issuance of a new license.

2. Action Levels

- a. Suspension:
 - (i) 12 points in one year
 - (ii) 18 points in two years
 - (iii) 21 points in three years
- b. Warning letter or interview:
 - (i) 6 points in one year
 - (ii) 9 points in two years
 - (iii) 11 points in three years
- c. Application to drivers with unexpired driver licenses at the time this point system is established:
 - (i) those with one year left or a fraction thereof - 12 points
 - (ii) those with more than one year but less than two years - 18 points
 - (iii) those with more than two years - 21 points

45. Ibid

3. Relationship to Mandatory Revocation Provision

No provisions of this proposed point system shall interfere with mandatory revocations as provided by statute.

4. Selective License Re-examination

- a. Those drivers who, upon renewal of their licenses, have accumulated 11 points during the previous licensing period shall take a complete driver's examination before being issued a new license, to be paid for by the licensee. Any driver who is not granted a license as a result of failing such re-examination may reapply for re-examination after 90 days.
- b. Application to drivers with unexpired driver licenses at the time this point system is established;
 - (i) those with one year left or a fraction thereof- 6 points
 - (ii) those with more than one year but less than two years- 9 points
 - (iii) those with more than two years- 11 points

5. Preferential Licensing

- a. Those drivers who, upon renewal of their licenses, have accumulated no points, shall have their licenses renewed for a period of four years.
- b. The number of points which shall result in suspension in the fourth year, where a preferential license has been issued, shall be the same as for the third year.
- c. Those drivers with unexpired licenses at the time this point system is established shall receive a four year license, if a check of their file in the motor vehicle division shows no violations or points during the previous licensing period.

6. Hearing Provisions

- a. Upon accumulation of the requisite number of points for suspension, a driver shall be entitled to a hearing before an officer of the agency responsible for the administration of this program.
- b. This hearing shall be held, if possible, within 10 days of notification of revocation or suspension, but in no case in more than 20 days.
- c. After such hearings, the hearing officer at his discretion may authorize a probationary license which will be revoked if a subsequent violation is committed.
- d. All drivers whose licenses have been revoked or suspended shall have the right to appeal to the county or district court. Such suspension or revocation shall remain in effect pending a court hearing on the appeal.

7. Length of Suspension

- a. Suspension of license shall be for a six month period.
- b. This provision shall not apply where a longer period is specified in those statutes providing for mandatory revocation.
- c. At the discretion of the administering agency, a driver under suspension shall be subject to a license examination at the end of the suspension period.
- d. Whether or not such examination is authorized, the returned license shall be valid only for the remainder of the unexpired period, and such driver shall be subject to further action if he accumulates sufficient points to reach the next suspension level in accord with 12 points in the first year, 18 points in the second year, and 21 points in the third year.
- e. If no license examination is given at the end of the suspension period, upon renewal of license such examination shall be given.

8. Basis for Assessment of Points

Points shall be assessed to driver's record only upon a municipal or state court conviction, or upon payment of a state penalty assessment ticket, or upon payment of a municipal traffic fine without a municipal court appearance.

9. Schedule of Points

Hit and Run Accident	12
Driving While Intoxicated	12
Reckless Driving	6
Careless Driving	4
Speeding	4
Driving on Wrong Side of Road	4
Improper Passing	4
Failure to Stop for School Bus or Signal	4
Failure to Yield Right of Way	3
Following too Closely	3
Improper Turn	3
Driving in Wrong Lane or Direction on One Way Street	3
Failure to Observe Traffic Sign or Signal	3
Driving through Safety Zone	3
Failure to Yield to Emergency Vehicle	3
Failure to Signal or Improper Signal	2
Improper Backing	2
Failure to Dim or Turn on Lights	2
Operating an Unsafe Vehicle	2
Improper, Dangerous Parking	1

Other Provisions

1. Definitions:
 - a. cancellation - pertains only to fraud, misinformation and/or other circumstances affecting the issuance or reissuance of a license;
 - b. revocation - pertains only to mandatory revocation as set by statute; and
 - c. suspension - pertains only to loss of license under the statutory point system.
2. Notification of mandatory revocation, cancellation, or suspension according to the rules of civil procedure.
3. Hearings in mandatory revocation and cancellation:
 - a. the license must be surrendered to administering agency upon notification;
 - b. a hearing may be requested of the administering agency to determine the accuracy and authenticity of the records used to substantiate the mandatory revocation or cancellation; and
 - c. a court appeal may be made in the same way as provided in the statutory point system.
4. The same definition of records should be provided in all statutes pertaining to cancellation, revocation, and suspension; in the statutes providing for hearings under these actions; and in the statutes providing these records be supplied by courts and law enforcement agencies.
5. Collateral Action. In any proceeding for alleged driving under cancellation, suspension or revocation, no collateral action may be made challenging the cancellation, suspension or revocation. Such challenge must be made through the procedures outlined for hearings and appeals under the statutory point system suspension, mandatory revocation, or cancellation, and in no other way. Failure to make such challenge at the time of suspension or mandatory revocation or cancellation shall be evidence of the validity of such suspension, revocation, or cancellation.
6. Definitions of driving without a license:
 - a. under revocation, suspension, or cancellation;
 - b. expired license; and
 - c. no license ever issued.
7. Commission of an offense, without a driver's license or with an expired license, which would have resulted in mandatory revocation or suspension had there been a valid license shall subject the driver to the same penalties as if he had a valid license, and in addition he shall not be able to obtain a license until one year after he makes application for such license.

Motor Vehicle Administration

The success of the driver improvement program depends to a great extent on how it is administered. The best designed program will have little chance of achieving its goals without adequate administrative organization and proper supervision. The major economic and social role played by the motor vehicle makes motor vehicle administration vitally important. This includes administration not only of the driver improvement program, but of vehicle registration, vehicle inspection, accident records, and safety responsibility.

Many traffic safety officials have recommended that each state establish a separate agency to handle motor vehicle functions and that this agency be directly responsible to the governor.⁴⁶ This recommendation has been endorsed in Colorado by the Colorado Citizens' Committee for Highway Safety and the Colorado delegation to the President's Western Area Highway Safety Conference held in San Francisco, April 9th and 10th, 1958.

Nineteen states now have independent motor vehicle departments. Most of the other states have a motor vehicle division as a part of another agency. The types of motor vehicle administration by state are shown in Table V.

TABLE V

TYPE OF MOTOR VEHICLE ADMINISTRATIVE ORGANIZATION BY STATE

<u>Independent Department</u>	<u>Division of Revenue Department</u>	<u>Division of State Highway Department</u>
California	Alabama ²	Arizona
Connecticut	Arkansas	Delaware
Idaho	Colorado	Kansas
Indiana	Georgia ²	South Carolina
Iowa	Kentucky	
Maryland	Louisiana ²	<u>Division under Secretary of State</u>
Massachusetts	Missouri	
Nevada	New Mexico	
Nebraska	New York	Illinois
New Hampshire	Oklahoma ²	Maine
North Carolina	Pennsylvania	Michigan
Ohio	Tennessee ²	Minnesota ¹
Oregon	Utah	
Rhode Island	Wyoming	<u>Division under Attorney General</u>
South Dakota		
Vermont	<u>Administrator Appointed by Governor - Limited Function</u>	New Jersey
Virginia		
West Virginia		<u>Division under Department of Licenses</u>
Wisconsin	Florida	
	Mississippi	
	Montana	
	North Dakota ¹	Washington

1. Highway Department also administers several functions.
2. Department of Public Safety also administers several functions.

46. Immediate Needs and Long-Range Objectives, Report of the 1957 Public Officials Traffic Safety Conference, The President's Committee for Traffic Safety pp. 30 and 31. Also Report of the Governors' Conference Committee on Highway Safety, November, 1956, Council of State Governments p. 13.

Proponents of the independent agency approach to motor vehicle administration point out that motor vehicle administration has grown haphazardly over the years rather than in any planned way. When motor vehicle functions were less important it was possible to handle them as a division of a department of revenue or some other agency. In their judgment one of the fundamental weaknesses in traffic safety programs is that motor vehicle agencies, in many states, which were created in a haphazard fashion have not been reviewed and reorganized to deal with present highway problems. It is increasingly apparent that effective regulation of highway use involves control of vehicles as well as drivers, and that both should be the responsibility of a specialized agency of cabinet rank. The motor vehicle program should not suffer as a consequence of a lack of understanding on the part of a parent agency whose functions are not related.

Opponents of an independent motor vehicle agency are in agreement on the importance of motor vehicle functions. However, they feel that these functions can be handled by a division of another agency, especially in a small state where the creation of a separate agency would result in a separate administrative structure with its additional costs of personnel, purchasing, and other services which could be supplied at less cost and more efficiently by the present parent agency. It is argued that motor vehicle administration, in general, suffers from a lack of qualified personnel and gaps in the record keeping process. These improvements will not result automatically from the creation of an independent department. The proper staffing and equipping of a motor vehicle division of another agency would result in the desired improvements in the motor vehicle program.

Motor Vehicle Administration In Colorado

The Director of Revenue is given the responsibility for the administration of motor vehicle functions by law. The statutes also provide for the employment of a motor vehicle supervisor whose position is part of the classified civil service system.⁴⁷ The Motor Vehicle Division is one of five divisions of the Department of Revenue and is under the supervision of the Assistant Director of Revenue. He is subordinate to both the Director of Revenue and his deputy.

The Department of Revenue through the Motor Vehicle Division administers these functions: motor vehicle titles, vehicle registration, driver licensing and improvement, financial responsibility, accident records, vehicle inspection and reciprocal agreements with other states. The Legislative Council Committee on Highway Safety held two meetings at the Motor Vehicle Division in July, 1957, and March, 1958. In addition to driver licensing and improvement, the committee asked questions pertaining to accident records, vehicle inspection, and administration.⁴⁸

At the July, 1957, meeting the Director of Revenue cited the reasons why the administrators of the Department of Revenue and of the Motor Vehicle Division do not believe that an independent motor vehicle department is necessary in Colorado.⁴⁹ Under

47. 13-2-1 CRS 1953.

48. Present at the first meeting were the Director of Revenue, the Deputy Director, the Assistant Director, and the Chief of the Driver Improvement Section.

49. Legislative Council Committee on Highway Safety Minutes of July 26, 1957 Meeting, p. 9.

the present set-up, the Department of Revenue has executive control, but it does not use it to curb the actions of the Motor Vehicle Division. The department makes administrative assistance available to the Motor Vehicle Division. The Assistant Director of Revenue is in complete control of the Motor Vehicle Division, and the Director and Deputy Director only make policy reviews. Savings are extensive, because the division is a part of the Department of Revenue, rather than a separate agency. For example, the Motor Vehicle Division does not need a personnel officer because this service is provided by the Revenue Department. This is also true of a purchasing agent and enforcement agents.

Motor vehicle administration is becoming more and more of a record-keeping process according to the Director of Revenue, and the Revenue Department has the facilities and know-how to do this job. The deputy director added that states which have independent departments, such as California, Washington, and Wyoming, are not doing a better job in the enforcement of financial responsibility, revocations, and suspensions than Colorado.

It was his opinion that political influence is much more marked when a department is responsible to the governor than when there is an intervening layer to act as a buffer. Where the head of a separate motor vehicle department would be subjected to these pressures directly, it is now possible for the administrators of the Revenue Department to take the brunt and, therefore, protect the Motor Vehicle Division from any kind of influence. He cited as "outside influences" the insurance companies, the motor carriers, the direct mail companies, and the major vehicle manufacturers. He said that their influence is lost in the Revenue Department because of the separation of powers.

It was the opinion of the Director of Revenue that administrative mixups would occur even with an independent department directly responsible to the governor. He felt that there would be no advantage to an independent department.

Accident Records

Accident records are an important tool in traffic safety programs and should be comprehensive and up to date. Accident record data should be compiled in such a way that special reports can be made with a minimum of time and effort. Sufficient personnel, adequate reporting forms, and the cooperation of local law enforcement agencies are all necessary in the development of an accident reporting program.

Colorado's accident record program is handicapped by a lack of personnel. Leading states report .7 person per 1,000 accidents working on this function, Colorado reports .2 per 1,000 accidents.⁵⁰ This lack of personnel is the major reason why Colorado's annual accident reports are not compiled until after the first quarter of the following year. The Traffic Engineering Division of the State Highway Department usually has two people going over the accident reports to develop data for traffic engineering studies, and the state patrol prepares its own accident statistics for selective enforcement procedures. All of these needs should be served through a central accident records agency.

50. National Safety Council Annual Inventory of Traffic Safety Activities Analysis for 1957, Accident Records, Sect. 3, p. 3.

Two types of reports on accidents are received by the Motor Vehicle Division. One is processed by the accident records section and the other by the safety responsibility section. These records are not cross-checked because of the lack of personnel.⁵¹ It has been recommended that both reports be consolidated in one reporting form.⁵²

The Department of Revenue's plans for mechanizing the Motor Vehicle Division's records also includes accident statistics; however, complete machine processing, as is the case with driver improvement records, will depend on the development of an overall machine processing program. It also will necessitate a change in the equipment now being used for accident record processing. The equipment currently being used, cannot be integrated with the equipment planned for the machine processing program.

Vehicle Inspection Program

Colorado is one of the 14 states with an annual or semi-annual vehicle inspection program.⁵³ Colorado's inspection program was established by statute.⁵⁴ The program was changed in 1957 when inspections were made more extensive and the inspection fee raised from \$.50 to \$1.50. Inspections are made by privately owned garages which are licensed as inspection stations by the Motor Vehicle Division. The division, in administering the program, has the responsibility for supervising and checking the performance of the inspection stations. This is the same method followed in all other states with inspection programs, except for Delaware and New Jersey, which operate their own inspection stations.

A shortage of field inspectors has made it difficult for the Motor Vehicle Division to provide the necessary supervision. Some inspection stations have required unneeded repairs, while others make cursory inspections and do not check all items thoroughly. The garages requiring unnecessary repairs are not necessarily trying to gouge the public. Garages in small communities fear loss of prestige if their inspection licenses are revoked, and so have been over-zealous in conforming to specifications.⁵⁵ It was the observation of some committee members that specifications should be limited only to those items definitely related to highway safety.

The Deputy Director of Revenue told the committee that the Motor Vehicle Division acts on all complaints which it receives, and as a result some inspection stations have lost their licenses. It was his feeling that, while the state should not operate inspection stations, perhaps inspections might be performed on a selected basis by the state as a cross check on what the private inspection stations are doing.⁵⁶

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51. Legislative Council Committee on Highway Safety Minutes of Meeting of March 7, 1958, p. 7.
 52. Annual Inventory of Traffic Safety Activities, Accident Records, Op. Cit. p. 1.
 53. Four additional states have inspection regulations but have not put the program into full operation.
 54. 13-4-115 CS 1957 to CRS 1953.
 55. Colorado Legislative Council Committee on Highway Safety, Minutes of Meeting of March 7, 1958, p. 6.
 56. Colorado Legislative Council Committee on Highway Safety, Minutes of Meeting of July 27, 1957, p. 11.

It is very difficult to measure the results of a vehicle inspection program. It is hard to determine whether inspection actually makes vehicles safer except for a limited time after the inspection has been made. Safety equipment such as brakes and lights can get out of adjustment very easily. It is even difficult to determine how many vehicles get into accidents because of faulty equipment, because it is hard to tell whether the faulty equipment was on the car prior to the accident or resulted from it.

The Colorado State Patrol holds periodic road blocks at which all vehicles stopped are given a safety check. These road blocks are held around the state throughout the year. In 1956 and 1957 the patrol road blocks stopped and checked almost seven per cent of the state's registered motor vehicles. A summary of results of the road blocks for 1956, 1957 and the first half of 1958 is shown in Table VI.

TABLE VI

ROAD BLOCK SUMMARY COLORADO STATE PATROL
1956 - 1958

	<u>1956</u>	<u>1957</u>	<u>First Half of 1958</u>
Number of road blocks	590	705	315
Total vehicles checked	45,485	64,574	21,537
Number of vehicles in violation	11,874	15,179	4,540
Per cent of vehicles in violation	26.1%	23.5%	21.0%
Per cent of vehicles - faulty lights	48.1	48.7	55.0
Per cent of vehicles - faulty brakes	8.2	8.8	8.4

This summary shows that approximately one-fourth of the vehicles checked were in violation. Although there has been some reduction through the first six months of 1958, there is no way to tell whether this reduction is the result of the improved inspection program inaugurated in the last half of 1957. Faulty lights and brakes were the two most significant safety equipment violations. Almost half of the vehicles stopped by patrol road blocks over the two and one-half year period had faulty lights, and almost nine per cent had bad brakes.

Eleven of the states with vehicle inspection programs had traffic fatality rates below the national rate in 1957. It is difficult to determine to what extent vehicle inspections contributed to the record of the 11 states. On the other hand, three of the inspection states were considerably above the national fatality rate, and one of these, New Mexico, had the highest fatality rate in the country - 9.4 deaths per 100 million vehicle miles. There were 13 non-inspection states which had fatality rates below the national average. Five of the 14 states had annual inspections and the remainder semi-annual. Two of the three inspection states with fatality rates above the national average require two vehicle inspections per year. The states with annual inspections had a slightly better average fatality record in 1957 than the states with semi-annual inspections.

The desirability of mandatory vehicle inspections on an annual or semi-annual basis had been stressed by traffic safety officials. While it is certain that faulty vehicles contribute to accidents, there is no way to determine exactly to what extent. States with mandatory vehicle inspection, in general, have better fatality records, than non-inspection states, but there is no way to relate these records to mandatory vehicle inspections.

Recommendations of the Committee on Highway Safety

The importance of motor vehicle administration necessitates a specialized agency to handle such functions. This agency should not be a part of the Revenue Department or any other state office. This motor vehicle agency should be responsible for driver licensing and improvement, vehicle registration and titles, vehicle inspections, safety responsibility, accident reporting and records, and highway safety. It should be staffed with qualified personnel in sufficient quantity to carry out its responsibilities and be headed by a qualified, experienced motor vehicle administrator appointed by the governor.

Creation of an independent motor vehicle agency, in the committee's opinion, is the best method of solving current difficulties with driver licensing and improvement, accident records, and vehicle inspection. The inadequacies of these programs have been attributed by Revenue Department officials to a lack of personnel and mechanized record keeping. The Committee feels that motor vehicle personnel needs have not received proper attention, because of the subordinate position of motor vehicle administration in an agency with many other important responsibilities not related to motor vehicles.

The Assistant Director of Revenue in charge of the Motor Vehicle Division is subordinate and directly responsible to the Director of Revenue from whose office most, if not all, administrative rules and regulations concerning the motor vehicle program are issued. The Committee observes this to be the case, even though it was told by the Director of Revenue that the Assistant Director had the major responsibility and authority for the division's operation subject only to the review of the director and/or the deputy director. In the committee's opinion this apparent shuffling of responsibility provides no clear line of administration and policy making and makes it difficult to point to the director, the deputy director, or the assistant director as the person in authority.

Machine processing of motor vehicle records is a desirable goal. Problems involved in planning such a program and the cost of installation indicate that it may be several years before it will be established. In the meantime, immediate steps should be taken to improve the record keeping process.

The establishment of an independent motor vehicle department and the proposed driver licensing and improvement legislation, in the committee's judgment, are extremely necessary for the development of an adequate traffic safety program in Colorado. Without these measures, which are the program's foundation, other committee recommendations may fall short of the desired results.

III

DRIVER EDUCATION AND THE TEEN-AGE DRIVER

Approximately six per cent of the licensed drivers in Colorado are teen-agers, yet teen-age drivers were involved in 12 per cent of all fatal accidents and slightly more than 14 per cent of all accidents in Colorado between 1953 and 1957. Drivers just out of their teens (in the 20-24 age group) were involved in almost 18 per cent of all fatal accidents and 16 per cent of all accidents in Colorado during the same period.

The record of Colorado drivers in these two age groups is not unique. Studies and statistics from other states show approximately the same results. The American Automobile Association, as a result of one of its studies, found that persons between the ages of 16 and 19 drive one-fifth as far per fatal accident as do the drivers in the safest group--ages 45-49. In other words, teen-age drivers had five times the fatality rate per mile of vehicle travel as drivers between the ages of 45 and 49.¹ Other studies show that drivers in the 20-24 age group, especially males, have the worst accident record of all groups of drivers.²

Driver Education

Driver Education, including behind the wheel training, is considered the most effective way of instilling correct driving methods and habits in young drivers. Untrained or poorly trained teen-agers require about 10 years to outgrow adolescent recklessness.³ The first high school course in driver education was given in State College, Pennsylvania, in 1934. By 1957, more than half of the nation's high schools offered some type of driver education course, with an enrollment of 1,123,164 pupils.⁴ These courses are offered by at least some high schools in every state.

State Aid

In all except 14 states, high school driver education is financed at the local level. These 14 states have passed legislation in the past three years which provides state aid to driver education. These state aid programs are financed in a number of ways as is shown in Table VII.

These 14 states also distribute state aid by a variety of formulae, although a fixed dollar amount according to the number of students or on a matching basis is the most popular method. The distribution of driver education aid in these states is shown in Table VIII.

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1. Fatality Hazard Greater for Young Drivers, American Automobile Association, Washington, D. C.
 2. Driver Education in High School, Kansas Legislative Council, October 1956 p. 11
 3. Developing Responsible Drivers, Colorado State Department of Education, 1954 p. 8
 4. Association of Casualty and Surety Companies, Summary of School and Student Participation in Driver Education, 1956-1957.

TABLE VII

SOURCE OF FUNDS IN OTHER STATES
FOR STATE AID TO DRIVER EDUCATION

<u>Source</u>	<u>States</u>
1. General Fund	Louisiana, Maine, West Virginia ^a and Delaware ^b
2. \$1 added to three year driver license fees	Michigan
3. \$25 added to annual driver license fees	Florida
4. \$1 added to operator's license (biannual) \$1 added to chauffeur's license (annual)	Oregon
5. \$2 added to three year driver's license fees	Illinois
6. \$3 added to driver's license fees	Connecticut
7. \$2 added to learner's permit fees	Pennsylvania
8. \$1 added to vehicle registration fees	North Carolina and Utah
9. \$1 penalty assessment on every \$20 of traffic fines or fraction thereof	California
10. \$5 added to vehicle registration fees for owner's initials affixed to license plate	New Hampshire

a Special appropriation.

b State operates program.

TABLE VIII

FORMULAE IN OTHER STATES
FOR DISTRIBUTION OF STATE AID TO DRIVER EDUCATION

<u>Method</u>	<u>States</u>
1. \$10 per pupil enrolled	Connecticut and Pennsylvania ^a
2. \$10 per pupil trained	Maine
3. 1/2 not to exceed \$15 per pupil	Louisiana
4. \$20 per pupil	West Virginia
5. 3/4 not to exceed \$20 per pupil enrolled	Oregon
6. \$23.43 per pupil trained	Florida ^b
7. \$25 per pupil enrolled	Michigan
8. \$30 per pupil trained	Illinois and Utah
9. 3/4 not to exceed \$35 per pupil	California
10. \$38 per pupil	Delaware ^c
11. No fixed amount	New Hampshire and North Carolina ^d

a Based on formula which includes average daily attendance; \$10 minimum per student.

b \$4,100 provided for each unit of 175 pupils trained; average of \$23.43 per pupil.

c State operated program, cost estimated at \$38 per pupil

d Commissioner of Education apportions funds in New Hampshire. Allocation in North Carolina is proportionate to each unit's enrollment of eligible students.

The states with aid to driver education programs showed the greatest gain in the proportion of students enrolled in such courses between the 1955-1956 and the 1956-1957 school years. Ten of the 14 states showed increases as compared with 18 of the 34 non-driver aid states. A few of these 14 states had such meager driver training programs before establishing state aid that it may be a few years before a sizable number of the eligible students are brought into the program.

Effectiveness of Driver Education

The chief benefit of teenage driver training is that it modifies the driving behavior of those in the 16-24 age group. After age 25, there appears to be little difference between the performance of drivers who have had such training and those who have not. The National Education Association reviewed 26 recent studies of driver education and traffic accident reduction and drew four conclusions.⁵

1. Most of the studies have found that the drivers who are graduates of a high school course in driver education have fewer accidents and violations than drivers with no formal high school course in driver education. The evidence presented in this report may be regarded as conclusive.

2. The amount of superiority shown for the trained drivers varied greatly among the studies. However, the studies which appear to have controlled a maximum of variables have found for trained males a superior performance of 30 to 50 per cent for the initial period of driving. The exact per cent does not seem as important as the fact it consistently reflected superior performance.

3. The drivers who completed a course in classroom and practice driving instruction generally were found to have a better record than drivers whose course was limited to classroom instruction. The evidence here is strong.

4. It appears that the salutary effect of driver education is most evident in the early stages of driving. As experience increases, the performance of the trained and untrained drivers tends to equalize. Further investigation of the lasting effect of driver education is needed to establish generalizations in this area.

These general conclusions have also been reached as a result of reviews of driver education made by other organizations and research agencies such as the American Automobile Association, and the Institute of Government, University of North Carolina.

The validity of many of these research studies has been open to question, because of the way in which the groups of drivers compared were selected and measured. A principal difficulty with these studies is that they do not take into account the attitude of the students. It is possible that it is the attitude and motivation of the teenager who has taken driver education which makes him a better driver, and that it was this attitude and motivation which caused him to volunteer for driver education in the first place. Several studies have been set up to test this assumption. In other words, this criticism of driver education studies implies that compulsory driver education and training might result in very little change in the driving performance of those teenagers who are forced into the program.

5. A Critical Analysis of Driver Education Research, National Commission on Safety Education, National Education Association, p. 53.

The importance of attitude was also pointed out by the American Automobile Association in a summary of driver education program results.

"unfortunately from a statistical standpoint, the interest in driving of the trained and untrained groups is not equal, since frequently those enrolled in a course are students who are most interested or have a real reason for learning to drive. While no studies of attitudes have been made, it is quite likely that students volunteering for a driving course have a different attitude than those students who do not volunteer to take a course."⁶

Compulsory Driver Education

There are four states that have mandatory education courses, and in these states the course is 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.⁷ In 1957, Michigan passed legislation which required successful completion of a driver education course including behind the wheel training as a condition for obtaining a driver's license for all applicants less than 18 years of age. While this was not a compulsory driver education law, it has the same effect because all teenagers must take the course if they want a license before their 18th birthday.

The Michigan driver education program was considered one of the important factors in the accident fatality reduction in 1957. Michigan had 222 fewer traffic fatalities than in the preceding year.⁸ It will take more than one year's experience, however, to measure the effectiveness of the Michigan program.

Usually educators have been opposed to a compulsory program,⁹ a position endorsed by some but not all traffic safety officials. Arguments against compulsory driver training include: 1) the expense involved; 2) lack of teachers and vehicles; 3) possible interference with other portions of the school program; 4) lack of adequate facilities; and 5) results may not be as satisfactory as with a voluntary program. Those traffic safety officials who support compulsory programs argue that it makes certain that all adolescents would have to participate in the program; consequently, the problem of the driver under 25 could be attacked on a broad scale, with a significant reduction in accidents and fatalities the result.

Federal Aid to Driver Education

There is a possibility of federal aid to driver education programs as a result of the studies made by the Special Sub-Committee on Traffic Safety of the House Committee on Interstate and Foreign Commerce of the 84th and 85th Congresses. Two identical bills concerned with driver education were introduced in the House and Senate during the 85th Congress in 1957.

It was proposed that \$28 million be appropriated annually for state youth driver education programs, to be apportioned to the states in the proportion each

6. Driver Education Proves Its Worth, American Automobile Association 1955, unpagged.
7. Driver Education in High School, Op.Cit.p.20
8. State Government "Driver Education in Michigan's Traffic Safety Program", by Lynn M. Bartlett, March 1958, p.54.
9. Policies and Practices for Driver Education, National Commission on Safety Education, National Educational Association, 1954.

state's population bears to the total population of all participating states. The money apportioned to the states would be matched on a 50-50 basis by state or local funds, or both.

The bills provided that states could use these funds for administration, supervision, teacher training, salaries, and expenses. To receive this aid each state would have to create a board of not less than three members which would cooperate with the Secretary of Health, Education, and Welfare in the administration of the act's provisions. Each state board would be required to prepare a detailed plan on driver training for approval by the Secretary of Health, Education, and Welfare, before federal funds would be forthcoming.

Except for hearings, this proposal was not acted upon by the 85th Congress. It is expected that a similar proposal will be submitted to the 86th Congress in 1959 by the traffic safety sub-committee members.

Teenage Driver Education in Colorado

For the school year 1956-1957, Colorado ranked 38th among the states in the proportion of its high schools offering driver education and 22nd in the proportion of eligible students enrolled in such courses. One-fourth of total high school enrollment is considered the maximum number eligible in any one year. Table IX shows the number of schools offering driver training and the number of students participating in the program for the past seven years.

TABLE IX

DRIVER TRAINING IN COLORADO HIGH SCHOOLS,
SCHOOL AND STUDENT PARTICIPATION, 1951-1958

<u>School Year</u>	<u>No. of Schools Providing Driver Training</u>	<u>No. of Students Taking Driver Training</u>	<u>Pct. of Student Increase Over Previous Year</u>
1951-52	37	1775	--
1952-53	50	3419	92.6%
1953-54	69	3827	11.9
1954-55	84	3470	- 10.3
1955-56	91	4560	31.4
1956-57	96	5064	11.1
1957-58	105	5063	- .02

The totals shown in Table IX are for schools offering driver education courses as accredited by the State Department of Education. An accredited course must consist of at least 32 classroom hours and eight hours of behind the wheel training, and must be taught by a teacher who meets the education department's driver instruction training requirements. During the 1957-1958 school year, there were two additional schools with unaccredited teachers which provided both classroom and behind the wheel training for 28 students. Three other high schools had a total of 110 students enrolled in driver training courses which did not meet education departments standards.

There were 264 high schools in Colorado, with an enrollment of 68,913 students, during the 1957-1958 school year. Driver education courses were provided for 30 per cent of the eligible students by slightly less than 40 per cent of the high schools.

The schools offering accredited driver training courses are generally the largest

in the state and account for almost 90 per cent of the total high school enrollment. For this reason, even if the other 159 high schools had offered accredited driver training courses for all their eligible students, only 40 per cent of all eligible students would have received training during the 1957-1958 school year.

This observation indicates the two-fold problem of providing additional high school driver training in Colorado. First, expansion of present programs in the larger high schools will be necessary to provide training for a significantly greater proportion of students than receive it now. Second, joint programs involving two or more schools may be the only way that driver training can be provided in the small schools because of the small number of eligible students in each.

The present cost of driver training in Colorado is \$38 per student. This amount includes salaries, vehicle maintenance, texts, insurance, and other equipment used in the program. For the most part dual control cars are provided by automobile dealers through a program fostered by the American Automobile Association. The entire cost of Colorado's driver training program is borne by local school boards. The State Department of Education sets standards and assists the local school districts in setting up and/or expanding their programs.

There has been a 48 per cent increase in the number of students taking driver training since the 1952-1953 school year, yet the proportion of eligible students taking the course has increased only from 25 to 30 per cent. There was a decline in 1957-1958, both in the actual number of students taking the course and in the proportion of those eligible over the preceding year, even though nine more schools took part in the program. In other words, even with the substantial increase in the number of students during the past few years, driver training enrollments are maintaining just about the same ratio to the number of eligible students.

The cost of driver education is cited as the main reason why there has not been a greater expansion in the program. While there has been general agreement as to the desirability of driver training, the cost has prevented local school boards from accelerating the program.

The State Department of Education has recommended that state aid be made available for driver education and that such aid be incorporated in the school foundation act. The department also recommended that procedures be established to enable school districts with smaller high schools to share driver education programs. It is proposed that the program continue under the administration of the Department of Education. The department would be responsible for setting standards, accrediting courses and teachers, dispersing funds, and assisting and guiding the establishment and expansion of driver education programs.¹⁰ Other state and local traffic safety officials have also recommended a state aid program for Colorado.

The cost of a state aid to driver education program may be estimated by applying various formulae to the expected number of eligible students during the next few years. The results of some of these applications are shown in Table X.

10. Legislative Council Committee on Highway Safety, Minutes of Meeting of June 28, 1957, p. 6

TABLE X

ESTIMATED COST OF DRIVER TRAINING
PROGRAMS IN COLORADO, 1959-1966

<u>Year</u>	<u>No. H.S. Students^a</u>	<u>No. Eligible for D.E.^b</u>	<u>Cost of Training all Eligible^c</u>	<u>Cost of Training 30% of Eligibles^d</u>	<u>Cost of Training 50% of Eligibles^c</u>
1958-59	77,160	19,290	\$ 771,600	\$231,480	\$385,800
1959-60	79,534	19,884	795,360	238,600	397,680
1960-61	84,484	21,121	844,840	253,460	422,420
1961-62	92,820	23,205	928,200	278,960	464,100
1962-63	100,416	25,104	1,004,160	301,240	502,080
1963-64	107,667	26,917	1,076,680	323,000	538,340
1964-65	111,696	27,924	1,116,960	335,080	558,480
1965-66	114,543	28,636	1,145,440	343,640	572,720

a Public School Enrollment Trends for Colorado, Colorado State Department of Education, Division of Research, May, 1958 p. 22

b Based on one-fourth of total enrollment

c Based on \$40 per capita

d Based on \$40 per capita and maintaining the present ratio of students taking driver training

If all eligible students were to receive driver training, the estimated annual cost would vary from \$771,600 in the 1958-1959 school year to \$1,145,400 in the 1965-1966 year, as compared with the present program cost of slightly more than \$200,000. Even if the present level of providing driver training for 30 per cent of those eligible were maintained, expected increases in high school enrollment would raise the costs of driver training to almost \$350,000 in the 1965-1966 school year. The objective of state aid, however, is not to make it easier to finance the driver education program at present levels, but to accelerate program expansion. If the state were to provide funds on a 50-50 basis with local school districts, at least twice as many students as are now participating in the program should have the opportunity to take the course in order to achieve the purposes of the state aid program.

Sources of funds. The amount of state aid to be provided will depend on the amount of revenue which can be derived from the various possible sources such as an added fee on vehicle registration, operators' licenses, fines, or vehicle inspections. It is doubtful whether state aid would be approved unless one of these potential revenue sources is utilized, because of the many demands on the state general fund.

Three methods of raising funds for driver education were explored. These included an additional driver's license fee of \$.50 or \$1.00, and additional vehicle registration fee of \$.50 or \$1.00, and an additional annual vehicle inspection fee of \$.50 or \$1.00. The amount of money which could be raised from these sources was projected on an annual basis through 1966. The rate of annual increase used for the number of vehicle registrations and drivers' licenses was slightly less than those predicted by the Motor Vehicle Division.

The estimated funds from these sources minus collection costs and driver education program administrative costs were allocated on the basis of \$20 per student as the state's share. As the present per capita cost of driver education in Colorado

\$38, the \$20 allocation as the state's portion would assume a 50-50 matching program with local districts.

Possible annual revenue by source and the number of students for whom state aid could be provided is shown in Table XI on the following page.

The data in Table XI shows that additional vehicle registration or inspection fees would provide a greater amount of funds for driver education than a similar fee added to driver licenses. Based on a \$20 allocation, both the \$.50 or the \$1.00 additional fee on registrations or inspections would produce more than enough funds to pay the state's share of training all eligible students. If either of these methods were used, it would be possible for the state to pay more than 50 per cent of the cost. In addition, funds could be made available for the purchase of vehicles, training equipment, and for the training of teachers. All of these may be necessary to provide teaching personnel and equipment in sufficient quantity to meet the needs of an expanded driver training program.

With an expanded program, it should be possible to offer driver training to out of school youths during non-school hours and on Saturdays. It is important that these youngsters also have the opportunity to take driver education.

Adult Driver Education. In addition to the commercial schools providing driver training for adults, courses may also be offered through high school extension programs. This practice is much more widespread in other states than in Colorado where only eight high schools in the 1957-1958 school year offered driver training, with a total of 226 adults enrolled.

With an expanded driver education program it would be possible to make more extensive use of equipment and teaching personnel after school and on Saturday to train adults as well as out of school youngsters. A fee to cover part or all of the cost of providing such training could be charged every adult who registers for the course.

Recommendations of the Committee on Highway Safety

While there is some doubt as to whether driver education is as beneficial as some of its proponents claim, the Committee on Highway Safety feels that it does help provide teenage drivers with improved driving skills and attitudes, especially for those male drivers under 25 years of age. Male drivers between the ages of 20-24 have the worst driving record, a factor taken into consideration by the insurance companies, which set higher rates for such drivers unless they have successfully completed a driver education course, including behind the wheel training.

The Committee on Highway Safety recommends that the state teenage driver education program be expanded at least to the extent that all volunteers would be able to take the course. It is also the committee's opinion that driver education should definitely include behind the wheel instruction. The one unchallengeable fact resulting from driver education studies so far is that those who have had behind the wheel training in addition to classroom instruction have superior driving records to those who have had classroom instruction only.

An expanded program should provide the opportunity for out of school youth and adults to take driver training, through the use of teaching personnel and facilities during non-school hours and Saturdays. Steps should be taken by the Department of Education to facilitate cooperation between school districts in establishing joint driver education courses for small high schools, although the provision of driver training in small high schools is rapidly becoming less of a problem with the increased

TABLE XI

NUMBER OF STUDENTS FOR WHOM STATE AID TO DRIVER EDUCATION COULD BE PROVIDED
BASED ON AN ALLOCATION OF \$20 PER PUPIL FROM FUNDS DERIVED FROM VARIOUS SOURCES
1959-1966

Year	Estimated Revenue Yield	I \$1 Additional Driver's License Fee				No. of Students	Per Cent of those Eligible
		Minus Collection ^a Costs	Total Collected	Minus Admin. ^b Costs	Total Available		
1959	\$ 292,554	\$ 4,388	\$ 288,166	\$14,408	\$ 273,758	13,688	70.9%
1960	420,990	6,315	414,675	20,734	393,941	19,697	99.1
1961	400,486	6,008	394,478	19,724	374,754	18,738	88.7
1962	321,809	4,827	316,982	15,849	301,133	15,057	64.9
1963	463,089	6,946	456,143	22,807	433,336	21,667	86.3
1964	440,534	6,605	433,929	21,696	412,233	20,612	76.6
1965	353,989	5,310	348,679	17,434	331,245	16,562	59.3
1966	509,397	7,641	501,756	25,088	476,668	23,833	83.2
Year	Estimated Revenue Yield	II \$.50 Additional Driver's License Fee				No. of Students	Per Cent of those Eligible
		Minus Collection ^a Costs	Total Collected	Minus Admin. ^b Costs	Total Available		
1959	\$ 146,277	\$ 4,388	\$ 141,889	\$ 7,094	\$ 134,795	6,074	31.5%
1960	210,495	6,315	203,880	10,194	193,686	9,684	48.7
1961	200,243	6,008	194,235	9,712	184,523	9,023	42.7
1962	160,904	4,827	156,077	7,804	148,273	7,414	31.9
1963	231,544	6,946	224,598	11,230	213,368	10,668	42.5
1964	220,267	6,605	213,662	10,683	202,979	10,149	37.7
1965	176,994	5,310	171,684	8,584	163,100	8,016	28.7
1966	254,698	7,641	247,057	12,353	234,704	11,735	41.0
Year	Estimated Revenue Yield	III \$1 Additional Vehicle Registration or Inspection Fee ^c				No. of Students	Per Cent of those Eligible
		Minus Collection ^a Costs	Total Collected	Minus Admin. ^b Costs	Total Available		
1959	\$ 946,002	\$14,190	\$ 931,812	\$46,591	\$ 885,221	44,261	d
1960	993,302	14,899	978,403	48,920	929,483	46,474	
1961	1,042,967	15,644	1,027,323	51,366	975,957	48,798	
1962	1,095,115	16,426	1,078,689	53,934	1,024,755	51,237	
1963	1,149,871	17,249	1,132,622	56,631	1,075,991	53,800	
1964	1,207,364	18,110	1,189,254	59,463	1,129,791	56,489	
1965	1,267,732	19,015	1,248,717	62,436	1,186,281	59,314	
1966	1,331,119	19,966	1,311,153	65,558	1,245,595	62,279	
Year	Estimated Revenue Yield	IV \$.50 Additional Vehicle Registration or Inspection Fee				No. of Students	Per Cent of those Eligible
		Minus Collection ^a Costs	Total Collected	Minus Admin. ^b Costs	Total Available		
1959	\$ 473,001	\$14,190	\$ 458,811	\$22,940	\$ 438,871	21,943	d
1960	496,651	14,899	481,752	24,087	457,665	22,883	
1961	521,483	15,644	505,839	25,291	480,548	24,027	
1962	547,557	16,426	531,131	26,557	504,574	25,229	
1963	574,936	17,249	557,686	27,884	529,802	26,490	
1964	603,682	18,110	585,572	29,279	556,293	27,815	
1965	633,866	19,015	614,851	30,743	584,108	29,205	
1966	665,559	19,966	645,593	32,280	613,313	30,666	

a Based on 3% of collections for \$.50 additional fees for both licenses and registrations

b 5% estimated for administration

c Annual additional inspection fee, regardless of number of inspections

d In excess of 100% for all years if either of these methods is used, the state would be financially able to bear a greater proportion of all of the costs

consolidation of school districts under the provision of H.B. 385 passed in 1957.

The Committee on Highway Safety recommends that the expansion of the driver education program be financed in part by state aid. This aid should be made a part of the school foundation program and be allocated to each school district on a 50-50 matching basis with a maximum of \$20 for each pupil who has successfully completed a driver education course which has been accredited by the State Department of Education. The Department of Education should administer the driver education program and be responsible for the setting of standards and the dispersal of funds. Administrative expenses should be included in the allocation of funds for driver training purposes. The Department of Education should also draw up a comprehensive plan for the state driver training program, so that Colorado may take advantage of any federal funds which may be forthcoming for this purpose. If more funds are provided than are needed to pay the state's share of the cost of driver training courses, consideration should be given to the purchase of vehicles and equipment, and the training of additional teachers.

The committee recommends that state aid to driver education be financed through an additional vehicle inspection fee of \$1.00, and that the number of vehicle inspections be reduced to one a year, making a total annual inspection cost of \$2.50, which is \$.50 less than at present. From its evaluation of the vehicle inspection program, the committee feels that one inspection a year is all that is necessary to focus attention on safe vehicle maintenance.

Licensing the Teen-age Driver

Driver education is one way in which teenage driving skills and attitudes may be improved. A sound teenage licensing law is also necessary. Teenagers can be encouraged to take and complete a driver education course by making it possible for them to get drivers' licenses at an earlier age than those teenagers who don't. This was the intent of the present statute which provides for the licensing of 15 year old youngsters under certain circumstances. This statute has been declared invalid, but even if it were in force it could not achieve its purpose of encouraging youngsters to take driver courses.

This statute provides that a minor may obtain a special operator's license when he is 15 years old if: 1) he has completed a driver training course approved by the chief of the state patrol; and 2) he has met all the requirements relating to operators' licenses, such as the eye examination and the written test.¹¹ This special operator's license enables a 15 year old to drive a motor vehicle on the highways of this state, provided he is accompanied by an adult with an operator's license. This license is voided when the licensee reaches his sixteenth birthday.

A minor who is sixteen years of age or older may obtain an instruction permit. This permit is similar to the special minor operator's license issued to 15 year olds in that the holder must be accompanied by a properly licensed adult operator when driving on the state's highways. A temporary instruction permit or learner's permit, as it is sometimes called, is issued for 90 days, but may be renewed for an additional 60 days.¹²

11. 13-3-5 (3) CS 1957 to CRS 1953

12. 13-3-5 (1) CRS 1953

A minor is also eligible to obtain an operator's license at the age of sixteen.¹³ When the holder of such a license reaches his seventeenth birthday the minor operator's license expires, and application must be made for a new operator's license.¹⁴

The teenage driver is not particularly encouraged to take a driver education course, because the only advantage to be derived as far as licensing is concerned is the acquisition of a restricted special license which he must surrender on his sixteenth birthday when he must make new application for a minor's operator's license. The teenager who does not take a driver education course, upon reaching his sixteenth birthday, may make application and receive a license as easily as the teenager who has taken a driver education course. In addition, the Colorado State Patrol is designated as the accrediting agency for driver education courses, while it is the State Department of Education which acts as the standard setting agency for these courses in public high schools.

No special 15-year old operators' licenses have been issued by the Department of Motor Vehicles. Shortly after the passage of this law in 1954, a court suit was brought to have the law declared invalid. The basis for the suit was that the General Assembly failed to follow the legislative procedure outlined in Article V, Section 22 of the Colorado Constitution. It was contended that the provision was a "substantial amendment" to another bill and was not printed prior to the vote, as required by the Constitution.¹⁵ On July 29, 1954, the court upheld these contentions and issued an injunction against the Department of Revenue--prohibiting the issuance of such licenses. The case was not appealed.

When the 1957 statutory supplement was approved by the General Assembly the provision regarding 15-year old licensees was included. This action prompted another court case in Denver district court, which resulted in another injunction against the Department of Revenue.¹⁶ The contentions in this case were the same as those in the previous case. This case was not appealed.

At the present time, Colorado law also provides that a minor of 14 years of age who meets the standards prescribed by the Department of Revenue may obtain a special restricted license to operate a motor scooter or motorbike.¹⁷

Recommendations of the Committee on Highway Safety

The laws providing for the licensing of teenage drivers should encourage participation in the driver education program and should also encourage safe driving practices. The former could be achieved by making it possible for teenagers to acquire an operator's license more easily and at an earlier age than those who don't. The latter could be achieved by revoking the license of teenagers who have serious moving violations.

The Committee on Highway Safety, therefore, recommends teenage licensing legislation which includes the following provisions:

1. Juveniles who are 15 1/2 years old may obtain a learner's permit, if enrolled

13. 13-3-7 CRS 1953

14. 13-3-7 (4) CS 1957, to CRS 1953

15. Henry v. Fugate, Director of Revenue, Denver District Court (1954)

16. Dye V. Theobald, Director of Revenue, Denver District Court (1957)

17. 13-3-3 CS 1957 to CRS 1953

in a driver education course accredited by the State Department of Education.

2. Upon reaching the age 16 and upon successful completion of an accredited driver education course, they may apply for an operator's license and, upon passing the driving examination receive same.

3. Unless enrolled in an accredited driver education course, no juvenile may apply for a learner's permit before his 16th birthday.

4. All juveniles of less than 18 years of age must obtain a learner's permit 90 days prior to making application for a driver's license.

5. Any juvenile between the ages of 16 and 18 who possesses a driver's license will have such license revoked until his 18th birthday upon conviction of a serious moving violation or a predetermined number of points under a point system suspension program.

The Committee on Highway Safety also recommends repeal of the law which allows 14 year olds to operate motor scooters. Such repeal would remove a dangerous accident hazard from the streets and highways. A recent study by the Metropolitan Safety Council showed that motor scooter operators in the four-county metropolitan Denver area have an accident rate ~~10 times~~ twice that of other motor vehicle operators. Repeal of this law would also be in conformance with provisions of the Uniform Vehicle Code, which place motor scooters in the same category as other motor vehicles and subject to the same regulation.

IV

LAW ENFORCEMENT AND THE COURTS

Law enforcement agencies constitute the front line in the battle against traffic accidents and fatalities. Law enforcement provides the most immediate remedy of all the accident preventatives; lack of good law enforcement weakens the other aspects of the highway safety program and lessens the effectiveness of traffic safety legislation.

After violators have been apprehended it is important that they be tried by impartial and efficient traffic courts. The effects of good traffic legislation and law enforcement efforts can be offset by poor quality traffic courts.

Sometimes existing statutes or the absence of statutes make it difficult for law enforcement agencies and the courts to operate effectively. Several recommendations considered by the Committee on Highway Safety have as their objective the improvement of the highway safety program by increasing the effectiveness of law enforcement agencies and the courts.

Traffic Courts

Traffic cases in Colorado are usually tried in municipal and justice of the peace courts. Municipal courts have jurisdiction over traffic offenses which are violations of municipal ordinances. Justice courts have jurisdiction over traffic offenses which are violations of state law. In many counties more serious traffic violations, such as involuntary manslaughter or driving while intoxicated, are likely to be tried in county court rather than justice court, upon decision of the district attorney. Since municipal and justice courts are not courts of record, appeals from their decisions are tried de novo in county court.

Merris Decision

The Merris decision¹ by the Colorado Supreme Court is expected to affect the traffic jurisdiction of municipal courts, especially in home rule cities. While there is considerable disagreement as to the actual ramifications of this case, many attorneys construe the decision to mean that municipalities cannot regulate matters which are of "state-wide concern." If this interpretation is correct, municipalities will be unable to enforce ordinances which provide punishment for a violation of any act which is also a crime by state law. Consequently, local law enforcement officials would have to have the district attorney try these cases under state statutes in state courts. Traffic violations such as driving under suspension or driving while intoxicated would be tried in justice courts rather than municipal courts. The Merris decision has also led to the adoption of jury ordinances by many municipalities so as to assure the right of a defendant to a jury trial.

1. City of Canon City v. Clyde James Merris. The case revolved around whether driving while intoxicated can be prosecuted under a municipal ordinance which differs from state law and whether a defendant prosecuted for an offense which carries a criminal penalty in a municipal court trial, essentially civil in nature, without opportunity of a jury trial, has been denied due process.

Municipal Courts

Municipal courts in the larger cities are usually presided over by lawyer-judges. Most of the state's municipalities have non-lawyer judges serving as police magistrates. In a number of instances, the police magistrate is also a justice of the peace. These judges try all traffic offenses whether violations of state law or municipal ordinances. Except for the larger cities, such as Denver, Pueblo, Colorado Springs, and Boulder, the position of municipal judge is not full time.

Many people who appeared before the committee indicated that a number of the municipal court judges and police magistrates in the small cities and towns are not well versed in traffic safety problems, motor vehicle laws, and the rules of evidence. It was recommended to the committee that in-service courses be set up in these subjects for municipal judges. It was also recommended that prosecuting attorneys be present in the courts at least in the larger cities. The presence of a prosecuting attorney would relieve the officer making the arrest of the necessity for acting as prosecutor.

Only a cursory study of municipal court operations and problems was made by the Committee on Highway Safety because of concentration on traffic safety needs on the state level; consequently, no recommendations concerning municipal courts have been made.

Justice of the Peace Courts

There are approximately 275 justices of the peace in Colorado who tried an estimated 32,000 traffic cases in 1957. The justice courts have been studied extensively by another Legislative Council Committee. Recommendations for improving the justice of the peace system have been made by the Colorado Bar Association, the Colorado Judicial Council, and Judge Mitchel Johns, Denver Superior Court.

The Committee on Highway Safety has held several joint meetings with the Legislative Council Committee on Justice Courts. The latter's study included a complete docket analysis of all justices in 22 counties; a comprehensive analysis of all statutes, constitutional provisions, and supreme court decisions pertaining to justice courts; and seven hearings around the state with justices of the peace. The Committee on Highway Safety has deferred recommendations on justice courts to the Justice Court Committee.

Colorado State Patrol

The Colorado State Patrol is considered among the top three or four state patrols in the country and enjoys a nation-wide reputation. The National Safety Council's annual analysis of police traffic supervision has given the State Patrol a very high rating for each of the last three years.² This analysis measures patrol activities against the minimum performance record achieved by the state patrols rated in the upper 30 per cent in the nation.

The 1957 analysis rated the Colorado State Patrol highly on organization and administration,, pre-service and in-service training, and most aspects of accident

2. Annual Inventory of Traffic Safety Activities, Police Traffic Supervision, Sect. 5, (analyses for 1955, 1956, and 1957).

investigation and traffic law enforcement.

The analysis also contained a few criticisms of the patrol's operations. Based on the performance level achieved by the state patrols in the top 14 states, Colorado's patrol falls below standard in: 1) the number of drunken driving and drunken pedestrian convictions per drunken driving and drunken pedestrian accidents, respectively; 2) the number of pedestrian arrests per rural pedestrian deaths; and 3) the incidence of chemical test use in drunken driving cases.

The lack of convictions for driving or walking while intoxicated, as well as the failure to use chemical tests more than 24 per cent of the time, may be laid to a lack of adequate legislation and to a lack of chemical testing equipment. These needs will be discussed in detail below in the section on "Implied Consent" legislation.

Selective Enforcement

The 1957 analysis places considerable emphasis on selective law enforcement, which is the concentration of law enforcement activity on each of the different categories of traffic violations in direct proportion to the number of accidents caused by such violations. For the past several years, the Colorado patrol has made selective enforcement a cornerstone of its program. The patrol's 1957 records show that five violations needed increased enforcement effort, because of the proportion of accidents caused by them. These were taking the right of way, following too closely, driving on the wrong side of the road, improper turning, and drunk driving.

Selective law enforcement is made more difficult by the many miles of Colorado highways with limited traffic. The patrol has to try to cover these roads in addition to the more heavily traveled highways in such a way as to make the most effective use of its personnel.

Patrol Personnel

The National Safety Council for the last three years has indicated that the patrol may need up to 98 additional officers, depending on the criteria used.³ The applicability of these criteria to Colorado is open to question, since the reduction in rural deaths, as compared with an increase in rural miles traveled, indicates that the patrol is doing an effective job with present personnel.

At the request of the Governor, Chief Gilbert Carrel has appointed a committee of his supervisory employees to study the patrol's future personnel and organizational needs. The patrol has not made any requests for additional personnel, pending the results of this study, which is expected to be presented to the Governor and the General Assembly in time for consideration at the next legislative session.

It is Chief Carrel's opinion that future personnel needs should be based on increases in the number of registered vehicles and/or number of miles traveled. He informed the committee that the State of Washington now relates the number of patrolmen to the number of registered vehicles as a result of a similar patrol study made

3. Based on rural accidents, the patrol needed 28 additional patrolmen in 1956 and 2 in 1957; based on rural miles traveled the patrol needed 62 additional men in 1956 and 70 in 1957; based on paved miles of state highway, the patrol needed 86 additional men in 1956 and 98 in 1957.

in that state. Washington provides by statute that one patrolman be added for each additional 2,500 registered vehicles. The license fee was increased from \$2.00 to \$5.00 to provide for the financing of an expanded patrol program. The Washington patrol itself determines when additional supervisory officers are needed as the result of an increase in force.

One of the Colorado patrol's main problems, according to the chief, is that there has been no increase in the number of supervisory officers since shortly after World War II, even though the number of patrolmen has increased along with the number of registered vehicles and miles traveled. Because of the state's peculiar geographic conditions, often one corporal or sergeant has to supervise an area larger than is satisfactory. One phase of the patrol study concerns the need for more supervisory personnel in the field and the proper location of these men. At present, the patrol has thirty-seven supervisory employees and two hundred patrolmen. Several of the supervisors are in staff functions, rather than in direct control of patrolmen in the field.

Patrol Training Program

The patrol operates both an in-service and a pre-service training program each year for six weeks at Camp George West, a National Guard training center near Golden. The 1958 session got under way on April 28 and was concluded on June 6. Patrol recruits attended the full six weeks, and the experienced patrolmen, including supervisory personnel, spent one week at the camp.

Subjects covered included patrol policies, supply and maintenance, firearms, photography, accident investigation, court procedure and testimony, report writing, motor vehicle laws, and public relations, among others. Classes were conducted primarily by top patrol personnel, with outside experts called in as needed. Classes were held from 8:00 a.m. until 9:00 p.m. each day, with time out for meals.

A few local law enforcement officers from municipal police departments and sheriffs' offices also attended the school at their own request. Because of the limited facilities at Camp George West, many more of these officers requested permission to attend than could be accepted by the patrol.

There were thirteen men in the 1958 recruit class. Patrol turnover has been reduced almost 50 per cent as a result of salary increases and the special \$50 per month uniform and maintenance allowance. Only twenty-seven men left the patrol during 1957, as compared with an average of fifty-five in former years.

Need for a New Training Academy

The patrol is dissatisfied with the facilities at Camp George West, but has continued to make use of the camp pending a decision on establishing a new training academy. The chief concern is with the condition of the buildings, which are in constant need of repair, and an antiquated heating system which makes it impossible to operate the program on a year-round basis.

The patrol would like to have a permanent academy where it would be possible to hold classes ten months a year. Such an expanded program would make it possible to bring in experienced personnel for periods of longer than a week without disrupting patrol work in the field. It would also make it possible to extend the recruit training period by bringing the new men in from the field at various times throughout the year.

It is Chief Carrel's opinion that this proposed academy could be used by local law enforcement officials and personnel from other public agencies, who would welcome the opportunity to have a place to conduct their own training programs.

Two proposals for the proposed training academy have been under consideration by the patrol. Preliminary plans have been drawn for an entirely new facility, which would cost an estimated \$400,000, including the purchase of the land upon which it would be located; attention has been given as well to renovation of the Denver Farm, at a cost of \$100,000. This possibility, however, rests on the completion of a trade between the State Land Board and the City of Denver, involving the Denver Farm and a portion of the City Park Golf Course owned by the state.

The Committee on Highway Safety has given consideration to patrol personnel and training academy needs, but has made no recommendations pending the release of the patrol's self-study report.

Absolute Speed Limit

An absolute speed law has been recommended by the Colorado State Patrol, the State Highway Department, and the Highway Safety Council. At present, Colorado has a prima facie speed limit, which means that speed in excess of the limit is a presumption of guilt, which places the burden upon the alleged offender to prove that he was driving at a reasonable and prudent speed considering road, traffic, and weather conditions. If the alleged offender can establish that he was driving at a reasonable and prudent speed he is acquitted, despite the fact that he exceeded the limit.

With an absolute speed limit, any speed in excess of the fixed limit is automatically a violation. There is also another type of speed limit in use in a few states. A reasonable and prudent speed limit sets no maximum limits, but simply requires that motor vehicles shall be operated at a reasonable and prudent speed at all times. The burden of proof is then placed upon the arresting officer.

Colorado statutes provide for maximum prima facie limits of 60 miles per hour on open highways, 40 miles per hour on open mountain highways, 35 miles per hour in residential areas, 25 miles per hour in business districts, and 20 miles per hour on narrow winding highways and blind curves.⁴ The State Highway Department is also given the authority to set prima facie limits lesser or greater than the above, on the basis of traffic and engineering studies.⁵ The only limit set above 60 miles per hour applies to the Boulder-Denver Turnpike, on which the speed limit is 65 miles per hour. Municipalities are also given the authority to set different prima facie limits on the streets and highways within their corporate limits, under certain circumstances.⁶

Discussion of the Three Types of Speed Limits

Support of a reasonable and prudent limit is based on two considerations: 1) such a limit is closer to actual driving situations and habits and allows for variances caused by different weather and road conditions; and 2) a reasonable and prudent limit encourages people to drive safely. On the other hand, it is argued that a reasonable

4. 13-4-33 (2) CRS 1953.

5. 13-4-33 (4) CRS 1953.

6. 13-4-34 CRS 1953.

and prudent limit does not provide enough guidance for the average driver, nor does it provide enough compulsion for him to drive at safe speeds.

The advocates of prima facie speed limits point out that such limits provide guides for the driver as to what is believed to be the maximum safe speed. Since the speed limit is posted, it is easier to enforce than a reasonable and prudent speed limit. A prima facie limit provides for a more uniform maximum speed than a reasonable and prudent limit.

Opponents of the prima facie limit state that law enforcement officials and judges often do not understand what a prima facie limit means, and that it takes additional training of police officers in enforcement techniques and court preparation to make enforcement of a prima facie limit effective. Enforcement of a prima facie limit is much more difficult than enforcement of an absolute limit.

Supporters of an absolute speed limit cite the relative ease of enforcement under such a limit, compared with other types. They say that it is possible to have a degree of flexibility under a maximum limit, because enforcement officers usually allow a five mile per hour tolerance. An absolute limit also provides definitely for a fixed maximum speed on a state-wide basis.

Opponents of an absolute speed limit point out that an absolute limit imposes a maximum speed which cannot be proper under all circumstances or in all areas of the state. In addition, there is a tendency to set an absolute speed limit higher than a prima facie limit.

An absolute speed limit does not mean necessarily that the maximum speed would apply throughout the state regardless of road conditions. The State Highway Department could still be given the authority to set limits below the maximum wherever its road studies indicate such a need.

The Uniform Motor Vehicle Code provides for maximum speed limits as follows: 30 miles per hour in any urban district, 55 miles per hour in other locations at night, and 60 miles per hour in other locations in the day time.⁷ The code also provides that lower maximum limits may be imposed after study by the State Highway Department.⁸

Twenty-seven states have adopted absolute speed limits, but none has adopted the specific day-night limits set by the Uniform Code. Table XII shows the range of maximum limits set by states which have absolute speed limits.

Two states (Iowa and Nevada) with absolute speed limits also have reasonable and prudent top speeds except where absolute limits are posted. One state (Montana) which is shown as having an absolute speed limit actually has a combination of all three types of speed limits. Montana statutes provide for a maximum limit which is reasonable and prudent during daylight hours, except as posted, and 55 mph at night; however, the limits may be raised or lowered by the highway commission, which has set the daylight limit as 65 mph prima facie.

7. Uniform Motor Vehicle Code Article VIII, 11-801.

8. Ibid.

TABLE XII

MAXIMUM SPEEDS IN THE 27 STATES
WITH ABSOLUTE SPEED LIMITS

<u>Day Speed</u>	<u>Night Speed</u>	<u>Number of States</u>
50	50	4 ^a
55	55	4
60	60	3
60	50	2
65	65	1
65	55	7 ^b
65	60	1 ^c
65 prima facie	55	1
70	60	2 ^d
Reasonable & Proper	60	1
Reasonable & Proper	Reasonable & Proper	1
		<hr/> 27

- ^a One state (Delaware) -- 55 on 4-lane and dual highways
- ^b One state (North Dakota) -- or as zoned.
- ^c One state (Missouri -- 70/65 on undivided federal highways, 70 on divided federal highways
- ^d One state (New Mexico) -- 60/45 in other than open country.

The Drinking Driver

Traffic safety officials agree that a sufficient amount of alcohol makes the good driver bad and the bad driver worse; there is some difference of opinion as to what constitutes a sufficient quantity of alcohol. In general, the standards are those contained in the Colorado statutes, which were taken from similar provisions in the Uniform Vehicle Code.⁹

Colorado laws provide that the amount of alcohol in the defendant's blood at the time of the original offense or within a reasonable time thereafter, as shown by a chemical analysis of the defendant's blood, urine, breath or other bodily substances, shall give rise to the following presumptions: 1) if there is 0.05 per cent or less by weight of alcohol in the defendant's blood, there is no presumption of intoxication unless verified by other evidence; 2) if the proportion of alcohol in the blood by weight is between 0.05 and 0.10 per cent, intoxication has neither been confirmed or denied, but such fact should be considered along with other evidence; and 3) if there is 0.15 per cent or more by weight of alcohol in the defendant's blood, intoxication is presumed.¹⁰

The amount of alcohol which must be consumed to reach these blood content levels varies according to the weight of the individual and his tolerance of such beverages.

9. Uniform Motor Vehicle Code, Article V, Section 11-902.
10. 13-4-30 (2) CS to 1957 CRS 1953.

As a general standard, Dr. Horace Campbell, Chairman, Automotive Safety Committee, Colorado Medical Society, told the committee that two 12-ounce bottles of beer or two ounces of 100 proof whiskey are enough to bring the alcoholic content to 0.04 or 0.05 per cent in a 150 pound man.

There is general acceptance of the idea that the average driver must drink at least three or four ounces of whiskey or more than three bottles of beer before he is sufficiently under the influence to drive unsafely.¹¹ As far as safety is concerned, the real highway menace is the so-called social drinker. The driver who has had just enough alcohol in his system to release his inhibitions, who has reached the state of stimulation and has a false sense of well-being, is the one who forms the causal link in the chain of many traffic accidents. The driver who has reached the extreme stages of intoxication either cannot drive, or when he does so, at least sometimes gives warning to other drivers by his own erratic behavior.¹²

A number of research studies have been made to determine the effect of alcohol on driving skill. The findings of these studies have been quite similar and can be illustrated by the results of a study made by the University of Toronto in conjunction with the Ontario Attorney General's Department. Three conclusions were reached on the relationship between the hazard of accidents and the ranges of alcohol concentrations in the blood of motor car operators.¹³

- 1) The hazard is significant when the blood alcohol concentration is above 0.10 per cent.
- 2) Between 0.10-0.15 per cent blood alcohol concentration, the hazard of accident is 2.5 times that when the concentration is less than 0.05 per cent.
- 3) The hazard of accident when blood alcohol concentration is above 0.15 per cent is 10 times that when the concentration is less than 0.05 per cent.

The Automotive Safety Committee of the Colorado Medical Society is of the opinion that the hazard is greater than shown above for a blood alcohol concentration of between 0.05 per cent and 0.10 per cent and has drawn on other studies for support. It is their recommendation that Colorado and other states follow the lead of the Scandinavian countries and establish blood alcohol concentration of more than 0.05 per cent as a presumption of intoxication.

Several law enforcement officials have indicated that a reduction from 0.15 per cent to 0.10 per cent as the presumption of intoxication would be desirable; however, the present standard of 0.15 per cent blood alcohol concentration as the presumption of intoxication is generally accepted.

Alcohol as a Factor in Motor Vehicle Accidents

In Chapter I of this report, it was shown that driving under the influence was responsible for five per cent of Colorado's motor vehicle accidents between 1953 and 1957, and for 10 per cent of the fatal accidents during the same period. It was also pointed out that these proportions may be low, because the difficulty of proving

11. "The Drinking Driver", Thomas A. Seales, Traffic Safety Magazine Research Review, December, 1957, page 83
12. Ibid, page 82
13. Ibid, page 85

intoxication may have led to a lesser charge.

It has been asserted that the testing of all drivers involved in accidents would show that at least 50 per cent of them had been drinking to some extent. This assumption is based on a number of studies of drivers involved in accidents in different parts of the country which have shown that from 30 to 60 per cent of them had been drinking.¹⁴

The failure to charge more drivers involved in accidents with driving while intoxicated, and to obtain more convictions, has been attributed to several causes: 1) the difficulty of establishing evidence if chemical tests are not available or if the alleged violator refuses same; 2) evidence of guilt not properly presented in court; and 3) reluctance of some judges to convict if the blood content is between 0.05 per cent and 0.10 per cent even though supporting evidence indicates intoxication.

Dealing with the Drinking Driver

Chemical Tests. In twenty-five states, including Colorado, the admittance of chemical tests as evidence is authorized by state law. In nine other states, such legislation has not been passed, but chemical tests are considered acceptable by the courts until decided otherwise. Chemical tests are considered by most law enforcement and traffic safety officials as the best method of establishing the guilt or innocence of a person charged with driving under the influence; many of these officials feel that this evidence should be supported by observation of driver behavior and other evidence.

It is important that chemical tests be conducted by qualified personnel using accepted techniques in obtaining and processing specimens, and that expert witnesses -- physicians or other qualified persons -- be available to interpret the test results to the court.

Chemical tests for alcohol concentration are based on breath, blood, or urine samples. Breath tests are the easiest to administer because they require less technical skill and portable machines are used. The three devices most commonly used for breath tests are the Drunkometer, the Intoximeter, and the Alcometer.

A study has been made by Michigan State University on the comparability and reliability of chemical tests for intoxication. Among its conclusions, the study committee reported: "It is believed that with a proper interpretation of the results obtained by analysis of either the blood or breath, assuming that all analytical work has been carried out in a proper manner...analysis by Drunkometer, Intoximeter, and Alcometer procedures, and blood analysis may be used with confidence and the results so obtained will be reliable."¹⁵ The study also showed that the concentration of alcohol in the urine is less likely to be a reliable index of intoxication than the alcoholic content of blood or breath.¹⁶

14. "The Drinking Driver" op. cit. p. 85. (Studies made in Cleveland, San Francisco, Kansas City, Los Angeles, New Orleans, Atlanta, and the State of Kentucky); also The Relation of Alcohol to Motor Car Deaths by Dr. Horace E. Campbell, a statement before the Legislative Council Committee on Highway Safety, June 28, 1957. Campbell based part of his remarks on Delaware and Maryland reports for 1956.

15. Evaluating Chemical Tests for Intoxication, a report of the Committee on Tests for Intoxication, National Safety Council, p. 10.

16. Ibid p. 11

Penalties for Driving While Intoxicated. Colorado statutes provide that the first conviction of drunken driving is punishable by a fine of \$100 to \$1,000 or one day to one year in jail, or both. The second offense within five years carries a jail sentence of 90 days to one year and in the discretion of the court a fine of \$100 to \$1,000. ¹⁷ This statute provides for a mandatory jail sentence on the second and subsequent convictions; however, a law passed by the first session of the 41st General Assembly (1957) gives justice courts the authority to suspend sentences in whole or in part and, as a later law, supersedes the mandatory jail sentence provision. ¹⁸

These penalties are similar to the ones enumerated in the Uniform Motor Vehicle Code and are also comparable to those provided by law in most other states.

Revocation and Suspension. Colorado statutes provide for mandatory license revocation for one year upon the second conviction of driving while intoxicated within a five year period or upon conviction of the first offense by minors. ¹⁹ Upon a third conviction of driving while intoxicated the license is revoked for at least a period of two years. ²⁰

Under the administrative regulations pertaining to suspension and revocation used by the Department of Revenue prior to May 14, 1958, the first conviction of driving while intoxicated could result in a 60 day license suspension if recommended by hearing officers. Under the point system adopted by administrative regulation as of May 14, 1958, driving under the influence carries a penalty of 30 points which would be sufficient for immediate suspension.

Colorado, California, and North Dakota are the only states which have discretionary license suspension powers upon first conviction of driving while intoxicated; however, no suspension is possible in Arizona and the suspension period in Nevada is only 10 days. The remainder of the states have mandatory revocation provisions. In all states but Arizona there is mandatory revocation for the second or third conviction; in Arizona suspension is discretionary in both instances.

Implied Consent Legislation

Colorado ranks with the majority of states in the legal admittance of chemical test evidence and in its penalties for driving while intoxicated, including license suspension and revocation; however, these measures are only a partial solution to the problem of the drinking driver. Chemical tests were used in only 29 per cent of the intoxicated driver arrests made by the state patrol. Accident record statistics for the past few years indicate that many charges of drunk driving were not brought when they might have been, or if brought were not sustained.

Under Colorado law, no person is required to take a blood alcohol test without his consent and the failure to take such a test shall not be presumed as guilt on the part of the person so refusing. ²¹

Most traffic safety officials are of the opinion that chemical tests should be used in all alleged driving while intoxicated violations, and that such tests are an important enforcement tool as well as a protection for the innocent. The problem, then,

17. 13-4-30 CS 1957 to CRS 1953

18. 79-2-24 CS 1957 to CRS 1953

19. 13-3-23 (1) g. CRS 1953

20. Ibid.

21. 13-4-40 (3) CS 1957 to CRS 1953

is one of devising a method by which chemical tests are extensively used without violating the rights of the alleged violator.

Four states have dealt with this problem by passing implied consent legislation. In these states -- Idaho, Kansas, New York, and Utah -- drivers are not required to submit to a chemical test, but their refusal to do so constitutes grounds for the suspension or revocation of their drivers' license. Issuance of a drivers' license assumes consent on the part of the driver to a chemical test.

A summary of the Kansas Law is presented below for illustrative purposes. The laws in the other three states are quite similar.

Kansas Implied Consent Law. General Statutes of Kansas (1955 Supplement) G.S. 8-1001 "Any person who operates a motor vehicle upon a public highway in this state shall be deemed to have given his consent to submit to a chemical analysis of his breath, blood, urine or saliva for the purpose of determining the alcoholic content of his blood..." Whenever an arresting officer has reasonable grounds to believe the person arrested was driving under the influence of liquor he is required to administer a test to the individual. If the person arrested refuses to take the test, the law prescribes that "it shall not be given." The arresting officer then submits a sworn report of the refusal to the state highway commission stating that he had reasonable grounds to believe the person was driving under intoxication. Upon receipt of that report, the commission suspends the person's driver's license for a period "not exceeding 90 days." A hearing is then granted the person on the reasonableness of his failure to submit to the test, after which the commission may "revoke the person's license or permit to drive or nonresident operating privilege."

G.S. 8-1002 requires that where chemical tests are administered, the test results must be given to the person who submitted to the test, if the person so requests.

G.S. 8-1003 provides that "only a physician or a qualified medical technician acting at the request of the arresting officer can withdraw any blood of any person submitting to a chemical test under this act."

G.S. 8-1004 permits the person to have an opportunity for an additional chemical test by a doctor of his own choosing.

G.S. 8-1005 "The following presumptions prevail in cases of prosecution on any criminal charge of manslaughter, or driving under the influence or for a violation of a city ordinance:

- (a) Less than 0.15% - not under the influence; and
- (b) More than 0.15% - under the influence.

G.S. 8-1006 provides that these provisions do not limit the introduction of any other competent evidence bearing on whether the defendant was under the influence of intoxicating liquor.

Experience in the four states with implied consent legislation shows that chemical tests are being used in almost all charges of driving while intoxicated and that there has been a significant increase both in charges and convictions. In the only test of constitutionality (New York) the implied consent statute was upheld by the courts.

In Colorado, implied consent legislation has been recommended to the Committee on Highway Safety by the Chief of the State Patrol, the Attorney General, the Automotive Safety Committee of the Colorado Medical Society, and the Colorado Citizens' Committee on Highway Safety.

Recommendations of the Committee on Highway Safety

Proper and effective law enforcement procedures dealing with the drunken driver are a vital part of the highway safety program. Lack of adequate legislation providing for compliance in chemical tests in determining intoxication has handicapped the state patrol and other law enforcement agencies. It has also resulted in insufficient evidence offered in some court cases. Colorado already has legislation providing for the admittance of chemical tests as evidence in drunken driving cases the next step is the adoption of legislation which will extend their use.

It is the committee's opinion that the adoption of implied consent legislation would provide a means for extension of chemical testing without forcing anyone to take a test against his will. After examination of the four states with implied legislation, the committee determined that the Kansas law with modifications would be the most suitable for Colorado.

The committee therefore recommends the adoption of the Kansas statute with these changes: 1) substitution of the agency responsible for motor vehicle administration in Colorado for State Highway Commission; ²² 2) that chemical tests be limited to breath, blood, or saliva, because urine tests are considered less reliable; and 3) that the presumption of intoxication in the present Colorado statute be substituted for those in the Kansas statute.

Right of Way Legislation

During the past five years, right of way violations ranked second as the cause of all motor vehicle accidents in Colorado and fifth as the cause of fatal accidents. More than 17 per cent of all accidents and seven per cent of fatal accidents were attributable to failure to yield or grant right of way.

Colorado's statute pertaining to vehicle right of way at open intersections follows the provisions of the Uniform Motor Vehicle Code. ²³ Colorado's law provides that: 1) the driver of a vehicle approaching an intersection shall yield the right of way to a vehicle which has entered the intersection from a different highway; 2) when two vehicles enter an intersection from different highways at the same time the driver of the vehicle on the left shall yield the right of way to the vehicle on the right.

Colorado's right of way law is not followed state wide. The City and County of Denver provides by ordinance that the vehicle on the right has the right of way rather than the first vehicle in the intersection. Boulder has been considering adopting a similar ordinance.

If the existence of two right of way rules were the only problem, a convincing argument might be made for the need of Denver to change its ordinance, especially since Colorado law follows the Uniform Motor Vehicle Code.

22. An independent motor vehicle department if another committee recommendation is adopted; if not, the Department of Revenue, Division of Motor Vehicles.

23. 13-4-52 CRS 1953.

A more serious problem arises from the different interpretations given the first provision of the Colorado statute by the general public and the courts. The lay interpretation is that the first car in the intersection has the right of way regardless of the proximity of another vehicle approaching the intersection from another direction. This interpretation has led to intersection races which in turn have resulted in accidents. On the other hand, the courts, in general, have ruled that the vehicle on the right rule applies only when two vehicles approach the intersection in such proximity that there is danger of collision.²⁴

The prime purposes of right of way rules is to determine the order of preference between motor vehicles traveling on intersecting roads or streets in order to prevent collisions between such vehicles and to avoid the confusion and danger inherent in races to get to the intersection first.²⁵

It would appear that there is a conflict between granting right of way to the first vehicle in the intersection and the prime purpose of right of way rules which is to avoid accidents and intersection races. This conflict has apparently been resolved by the courts which have ruled that only the vehicle on the right has the right of way if there is reasonable danger of collision.

Since these court interpretations have been made in a large majority of the states, including Colorado,²⁶ the first vehicle in the intersection generally has application only when there is no possible danger of collision. In other words, it would seem that this rule appears when there is no need for a rule at all, because if two vehicles approaching an intersection are not in close enough proximity to have a collision, there is no need to determine preference.

Edward C. Fisher, Associate Counsel, Northwestern University Traffic Institute in his comprehensive study of right of way in law enforcement draws the following conclusion.²⁷

"In view of the modern principle that right of way rules apply only when vehicles approach a crossing at so nearly the same time that a collision is likely to occur unless one gives way to the other, it seems clear that the 'first-in-the-intersection' rule no longer has any practical application. If there is reasonable danger of collision, the 'car-on-the-right' rule applies; if there is no danger there is no need for any right of way rule. No problem of precedence is presented. Since the 'first-in-the-intersection' rule is one of danger and has confused the motorists and courts long enough, it should be eliminated from future traffic codes."

Recommendation of the Committee on Highway Safety

The Committee on Highway Safety is in complete agreement with the conclusion drawn by Mr. Fisher. Consequently, the committee recommends that the Colorado right of way statute be amended to provide only for the vehicle on the right rule. Since the first-in-the-intersection rule gives way if there is reasonable danger of collision, and is not

24. Right of Way In Traffic Law Enforcement, by Edward C. Fisher, Associate Council, Northwestern University Traffic Institute, 1956, p. 55.

25. Ibid. p.12.

26. Ibid. p.47.

27. Ibid. p.55.

needed if there is no such danger, it should be repealed.

It is argued by some state traffic safety officials that no change should be made in the right of way law so long as the Uniform Motor Vehicle Code provides for the first-in-the-intersection rule. Unless a change is made in the Uniform Code, Colorado would be out of conformity with other states, causing confusion for out of state travelers.

The Committee on Highway Safety agrees that the Uniform Code should be changed, but that there is no reason for Colorado to retain an unworkable law just because other states adopted it.

Uniform Summons and Complaint

The uniform summons and complaint is being used extensively in Delaware, Maryland, Michigan, Minnesota, New Jersey, New Hampshire, New York, and Tennessee. Ten other states report limited use. In Colorado, it has been adopted by Denver, Boulder, and Pueblo; and four smaller communities use a form of the ticket: Ault, Canon City, Victor, and Yuma.

The uniform summons and complaint is a four part traffic ticket each of which is numbered in sequence. Upon issuance, the original is given the alleged violator, one copy goes to the court as a summons, one is sent to the agency responsible for motor vehicle administration, and the fourth is retained by the law enforcement agency. A sample uniform summons and complaint as used in the City and County of Denver is shown below.

COMPLAINT

IN THE MUNICIPAL COURT IN AND FOR THE CITY AND COUNTY OF DENVER AND STATE OF COLORADO, CITY AND COUNTY OF DENVER, PLAINTIFF v.

A 115226

NAME _____ DEFENDANT
 Last First Initial

State _____ Car Lic. _____ Yr. _____

Address _____

Make _____ Model _____ Color _____

Business Address _____

Opr. Lic. Chauff. Lic. Date of Birth _____

The City and County of Denver, State of Colorado, to the above named defendant, greetings: You are hereby ordered to appear before this court at the time and place shown below to answer charges of violations indicated below, of The Revised Municipal Code, which occurred in the City and County of Denver, Colorado, at

Bureau Issuing _____ Police District _____ Male Female

(LOCATION) _____ on or about DATE _____ Time _____ M.

Date Served _____ Time _____ By _____

Complainant _____ Serial No. _____

Court appearance at _____ M., on the _____ day of _____, 19____,

Complainant _____ Serial No. _____

WEST SIDE COURT BLDG., COLFAX AND KALAMATH, COURT ROOM _____

DENVER UNIFORM TRAFFIC SUMMONS & COMPLAINT

- | | | | |
|---|---|---|---|
| <input type="checkbox"/> SPEEDING (over limit) | <input type="checkbox"/> 5 m.p.h. 511.3 | <input type="checkbox"/> 6-10 m.p.h. 511.3 | <input type="checkbox"/> Over 10 m.p.h. 511.3 |
| <input type="checkbox"/> (____ m.p.h. in ____ m.p.h. zone) | | | |
| <input type="checkbox"/> ILLEGAL LEFT TURN | <input type="checkbox"/> No Signal 513.9-1 | <input type="checkbox"/> Cut corner 513.1-2 | <input type="checkbox"/> Wrong Lane |
| <input type="checkbox"/> ILLEGAL RIGHT TURN | <input type="checkbox"/> No Signal 513.9-1 | <input type="checkbox"/> Into wrong lane 513.1-1 | <input type="checkbox"/> Two-way street 513.1-2 |
| <input type="checkbox"/> Disobeyed Traffic Signal (When light turned red) | <input type="checkbox"/> Past Middle Intersection 508.6-2 | <input type="checkbox"/> Middle of Intersection 508.6-2 | <input type="checkbox"/> One-way street 513.1-3 |
| <input type="checkbox"/> Disobeyed STOP SIGN | <input type="checkbox"/> Wrong place 515.5 | <input type="checkbox"/> Walk speed 515.5 | <input type="checkbox"/> From wrong lane 513.1-1 |
| <input type="checkbox"/> Improper Passing | <input type="checkbox"/> At Intersection 514.3 | <input type="checkbox"/> Cut in 514.3-1 | <input type="checkbox"/> Not reached Intersection 508.6-2 |
| <input type="checkbox"/> Lane Usage | <input type="checkbox"/> Lane straddling 514.8-1 | <input type="checkbox"/> Changing lanes 514.8-1 | <input type="checkbox"/> Faster 515.5 |
| | | | <input type="checkbox"/> On left side of roadway 514.5 |
| | | | <input type="checkbox"/> Double yellow line 514.6-1(4) |

- Condition that Increased Seriousness of Violations
- | | | | |
|--|---|--|--|
| <input type="checkbox"/> SLIPPERY PAVEMENT | <input type="checkbox"/> Rain | CAUSED PERSON TO DODGE | <input type="checkbox"/> Ped. <input type="checkbox"/> Vehicle |
| <input type="checkbox"/> VISIBILITY | <input type="checkbox"/> Snow | | <input type="checkbox"/> Intersection |
| <input type="checkbox"/> OTHER TRAFFIC PRESENT | <input type="checkbox"/> Ice | <input type="checkbox"/> Pedestrian Driver | <input type="checkbox"/> Right angle |
| | <input type="checkbox"/> Night | JUST MISSED ACCIDENT | <input type="checkbox"/> Head on |
| | <input type="checkbox"/> Fog <input type="checkbox"/> Raining | | <input type="checkbox"/> Sideswipe |
| | <input type="checkbox"/> Snowing | <input type="checkbox"/> Rear end | <input type="checkbox"/> Run off roadway |
| | <input type="checkbox"/> Cross | <input type="checkbox"/> Hit fixed object | |
| | <input type="checkbox"/> Oncoming Pedestrian | | |
| | <input type="checkbox"/> Same direction | | |

OTHER VIOLATIONS (describe) _____

The above complainant knows or believes and so alleges that the above named defendant violated the above sections of the Revised Municipal Code of the City and County of Denver, and further certifies that a copy of this summons and complaint was duly served upon the above named defendant as provided by law.

The ticket contains blocks which are checked by the arresting officer according to the nature of the alleged violation, the degree of the alleged violation, and the circumstances involved in the violation. Each check mark has a unit value upon which fines are based. Under the system adopted in Denver, all check marks in the extreme left column are one unit violations; those in the second column, two unit violations, and those in the third column, three unit violations. The section on the right of the ticket deals with conditions and circumstances involved in the violation and are graded in units, according to their seriousness. If found guilty, the violator pays a fine equal to the unit fine times the number of units for which he was convicted.

State wide adoption of the Uniform Summons and Complaint in Colorado has been recommended by the Chief of the Colorado State Patrol, the Attorney General, the Highway Safety Council, and the Colorado Citizens' Committee on Traffic Safety. Several national traffic safety organizations have also advocated extensive use of the uniform summons and complaint.

State wide adoption of the uniform summons and complaint has been advocated because of several advantages.

- 1) It makes possible the uniform treatment of traffic violators on a state wide basis.
- 2) It makes it practically impossible to "fix" a ticket or alter testimony or change in court, because the three copies of the ticket go to three different agencies.
- 3) It provides for a uniform fine schedule, keyed to the offense, its seriousness, and pertinent circumstances.
- 4) It provides the motor vehicle agency with data for its driver record files and to serve as a check on traffic court fines and accident reporting.
- 5) It encourages selective law enforcement by aiding the officer in interpreting the seriousness and consequences of violations.

Those opposed to the use of the uniform summons and complaint argue that this ticket usurps the function of the court in that law enforcement officers must weigh circumstances and determine the seriousness of the violation in making out the ticket. It is also argued that the ticket imposes a rigid straight jacket upon the court which denies latitude of judicial discretion.

The Traffic Court Committee of American Bar Association points out that there must be some over-all agency to set the ground rules and administer the uniform summons and complaint to insure the possibility of state-wide uniformity. Without a uniform set of procedures and uniform fine schedule based on unit values, the uniform summons and complaint would be subject to a variety of interpretations by the 275 Justice of the Peace courts in the state. Neither the law enforcement agency responsible for the ticket's issuance nor any other administrative agency should be given this responsibility. As a judicial function it should be administered by the State Supreme Court. The Colorado Supreme Court has the authority to carry out this function through its statutory administrative power.²⁸ It is very doubtful, however, that the supreme court could take on an added burden at this time because of its substantial case backlog.

28. 37-10-1 through 37-10-5 CRS 1953.

Integration of the penalty assessment fine system with the unit fine values on the uniform summons and complaint is also considered necessary so that one fine system would prevail, even though an offender chose to accept a penalty assessment ticket rather than appear in court. If this were done his fine would be based on the same standard and would be equal to that he would have paid if found guilty by the court. The chief of the state patrol told the committee at its May, 1958 meeting that this change would be satisfactory to the patrol.

If the uniform summons and complaint is adopted on a state wide basis an ultimate goal might be the integration of the unit values on the uniform summons and complaint with the unit values set up under a point system. This integration would establish a common basis for both fines and suspension or revocation. In other words, the more serious the offense, the larger the fine and the higher the point value for suspension or revocation purposes. This proposal would also assist in selective law enforcement in that emphasis would be placed by the judge, the motor vehicle agency, and the law enforcement officer on those offenses most related to accident causation.

Recommendation of the Committee on Highway Safety. The Committee on Highway Safety recommends the state wide adoption of the uniform summons and complaint contingent upon the Colorado Supreme Court taking the responsibility for administering its use and setting the standards thereof.

Accident Damage Sticker Program

The accident damage sticker program was originated in the City and County of Denver and has been adopted by ordinance. Each car involved in an accident with combined property damage of more than \$50 is issued a damaged car sticker by the investigating officer. When the car is taken to be repaired, the sticker is notification to garage men that work may proceed on the car. The sticker is removed at the garage after repairs are made and before the car is returned to the owner.

Under city ordinance the owner or person in charge of the garage is required to report, within 24 hours, to the police any car which shows evidence of having been in an accident or struck with a bullet and which has no damaged car sticker. The alleged accident is then investigated by the police. At the culmination of the investigation a sticker is placed on the car and repairs may be made.

A person who damages his car by collision with his garage door or fence or through a similar accident must report the accident to the police. After the report is checked out, a damaged car sticker is issued. Accidents occurring outside of the City and County of Denver must also be reported if repairs are to be made in Denver. In these instances, the reports are checked with the state patrol or appropriate local law enforcement agency to confirm the report.

The use of this sticker has resulted in a considerable reduction in man hours on the part of the accident investigators who previously spent a large portion of their time tracing damaged cars found in Denver. It has also resulted in a 30 per cent increase in the solution of hit and run accidents in Denver since May, 1957.

Denver's damaged car sticker program is not as effective as it might be because drivers take their damaged cars to garages in the metropolitan area outside of Denver city limits. A state wide accident damage sticker program would eliminate this practice. Such a state-wide program has been adopted in Utah and is being considered in California. The chief of the state patrol told the committee that Colorado could benefit from such a program, although the number of hit and run accidents is not as much of a problem outside the Denver metropolitan area.

The Motor Vehicle Division, Department of Revenue, has given consideration to setting up a state wide damage sticker program by administrative regulation. It might be possible to do so under a broad interpretation of the Colorado statute requiring every driver of a vehicle involved in an accident resulting in death, injury, or property damage to report such accident either to the state or local police authorities within 24 hours.²⁹ This statute also requires garages to report on vehicles which show evidence of having been involved in an accident or struck by a bullet.³⁰ Utah's state-wide damage sticker program was set up by administrative regulation under the provisions of a similar accident reporting statute. The chief of the Colorado state patrol, however, would prefer to have the program specifically enacted into law. Even if an accident damage sticker program were enacted into law, there is doubt whether it would be applicable in the 22 home rule cities. Without the participation of these cities, the intent of the program would be defeated, because cars could be taken into these cities for repairs without needing a sticker. Adoption of this program would also cause additional paper work for garages and might result in inconvenience to a great number of motorists who would have to explain minor accidents such as denting a fender on the garage or fence while backing out of the driveway. It can be argued that this inconvenience is a small price to pay for the solution of hit and run accidents.

Committee on Highway Safety Recommendation

The Committee on Highway Safety recommends the adoption by statute of an accident damage sticker program similar to the one in effect in the City and County of Denver. It recommends further that home rule cities be requested through all feasible means to adopt similar programs by ordinance. The Merris decision may obviate this necessity, and a bill by the legislature may suffice.

"Hot Pursuit" Legislation

The presiding judge of the Denver Municipal Court recommended to the committee that legislation be passed which would permit local police to follow violators of city ordinance across county lines in "hot pursuit" with power of arrest and service of summons in such cases, regardless of county lines. This would be comparable, in theory, to the authority already vested in local officers to follow and apprehend in felony cases.

Such legislation was proposed during the first session of the 41st General Assembly and was passed by the House; it was then referred to the Senate Judiciary Committee, where no action was taken. The content of this proposed legislation (House Bill 323) is presented below.

"...Section 1. Whenever any peace officer of any city, city and county, county, or incorporated town in the State of Colorado believes, on reasonable grounds, that any person then within the said city, city and county, county, or incorporated town in which the said peace officer has jurisdiction, has violated a statute of the State of Colorado or an ordinance of such political subdivision for which violation such person might lawfully be arrested within such political subdivision, and such officer starts in pursuit of such person while such person is still within such political subdivision, and while the officer is in such pursuit, such person crosses the boundary of such political subdivision, the officer may continue pursuit of such person and arrest him when he is overtaken anywhere within the State of Colorado with all the right and authority which such officer had within such political subdivision in which the pursuit began, and may return the prisoner to the said political subdivision in which the pursuit began and there deal with him in all respects as if the arrest had been made within the said political subdivision..."

Legislative interest was demonstrated by the fact that H.B. 323 passed the House on third reading with only six dissenting votes. This bill was probably not considered by the Senate because it was received and assigned to the Senate Judiciary Committee just four days before the closing of the session.

No action was proposed by the Committee on Highway Safety on either hot pursuit legislation or on another proposal outlined below which would provide for the service of local court summons outside the court's jurisdiction. Limited time and the priority of other highway safety measures precluded sufficient consideration of these two proposals to make recommendations pro or con at this time.

Service of Local Court Summons Outside the Court Jurisdiction

The presiding judge of the Denver Municipal Court also recommended passage of a law which would authorize service of local court processes, summons, and warrants, including those of Denver Municipal Court, at places and locations anywhere within the limits of the state of Colorado, regardless of county lines, on a basis comparable to that now permitted in cases filed before justices of the peace and other state courts.

The effect of this proposed legislation would be to authorize municipal and police magistrate courts to prosecute non-residents of the municipality who are in violation of a municipal ordinance and who live within the boundaries of the state. Ordinances dealing with traffic and motor vehicles generally would be the most affected, and municipalities would be provided with a method of enforcing these ordinances against out-of-town traffic violators.

CITIZENS SUPPORT AND THE COLORADO HIGHWAY SAFETY COUNCIL

Citizen acceptance and support is extremely important in the initiation and development of a comprehensive traffic safety program. Such support rests upon public understanding of the problems of traffic safety and the need for corrective measures. Citizen support is not limited to endorsement of suggested programs by citizen safety groups, even though such endorsement is very important. It also involves the personal acceptance of highway safety programs by individual citizens, as demonstrated through adherence to safe driving practices and respect for laws and regulations set up for their protection.

Public support can be achieved through an educational program with the help of citizens' safety organizations, service and fraternal organizations, other community groups, and the mass media such as radio, television, and the newspapers. The stimulation of these local groups is a function of state organizations such as the Colorado Citizens' Committee on Traffic Safety and state and local traffic safety officials.

Citizen groups also assist in calling attention to the weak spots in present highway safety programs and in providing a channel for exchange of ideas and plans between official and non-official agencies. Highway safety should be everybody's business, and organized citizen support is a necessity if a highway safety program is to be successful.

Colorado has a number of community safety organizations, which are assisted in a variety of ways by state and local traffic safety officials as well as by the National Safety Council and other national groups. Assistance is provided by the Colorado Highway Safety Council through conferences, provision of literature, and help in establishing community safety organizations.

The Colorado Highway Safety Council

The Colorado Highway Safety Council was established by statute and is composed of an official committee, an advisory committee, and staff.¹ The official committee is composed of the Director of Revenue, or some one from the Motor Vehicle Division appointed by him; the Chief of the State Patrol; the Commissioner of Education, the Attorney General, the Secretary of State, the Chairman of the Public Utilities Commission, and the Chief Engineer of the State Highway Department. The advisory committee is composed of 12 citizens appointed by the governor for overlapping six year terms.²

The Highway Safety Council is charged by statute with the following duties and functions:³

- 1) to study problems of street and highway safety, safety control and engineering, observance and uniform enforcement of highway safety laws;
- 2) to act as central coordinating agency on the planning and execution of safety programs and campaigns;

1. 3-5-1 and 2 CRS 1953.

2. 3-5-3 CRS 1953.

3. 3-5-4 CRS 1953.

- 3) to conduct conferences on various phases of street and highway safety traffic law enforcement;
- 4) to advise with and assist the Motor Vehicle Division, State Highway Department, Colorado State Patrol, State Department of Education, and all other agencies for the purposes listed in (1) through (3) above;
- 5) to study safety programs in other states and the recommendations of all persons and groups engaged in the study and promotion of highway safety;
- 6) to keep public informed of the Highway Safety Council's activities and recommendations; and
- 7) to report biennially to the governor.

All final actions and decisions of the Highway Safety Council are made by the official committee. The advisory committee's recommendations and actions are not official unless approved by the official committee.⁴

In addition to the full time staff of the Highway Safety Council, the Motor Vehicle Division and the State Patrol are authorized and directed to assign the safety council for part time or full time work, any employees deemed necessary by the safety council for carrying out its program.⁵

The Highway Safety Council appropriation for fiscal year 1959 was \$53,542. The safety council's appropriation has increased a few thousand dollars each year. The appropriation for fiscal year 1956 was \$29,975; \$38,637 for fiscal year 1957; and \$49,008 for fiscal year 1958.

During 1957-1958, the Highway Safety Council had a staff of eight people including a director, deputy director, field representative, information writer, administrative secretary, safety service assistant, and two clerk-typists.

Highway Safety Council - Operation and Programs

The Legislative Council Committee on Highway Safety held a meeting in the offices of the Highway Safety Council in April, 1958, to discuss fully the safety council's programs and operations, and to examine its physical facilities. The committee was especially interested in how the safety council carried out its statutory functions. This meeting was one of several held by the committee with the various agencies participating in the highway safety program.

The committee asked the director of the Highway Safety Council several questions concerning his agency's statutory duties and responsibilities and how they are carried out. For example, section 3-5-4, CRS 1953, provides that the Highway Safety Council shall study problems for street and highway safety, safety control and engineering, and uniform enforcement of highway safety laws. The Director said that the safety council does not have a "heavy" research program. Accident record data is interpreted and used for safety campaigns and slogans. He added that the Traffic Engineering Division of the State Highway Department handles traffic engineering research, while the State Patrol makes studies pertaining to enforcement.

4. 3-5-5 CRS 1953.

5. 3-5-8 CRS 1953.

To find out what type of advice the Highway Safety Council provides its seven participating agencies (Department of Education, State Patrol, Attorney General's office, Secretary of State, State Highway Department, Public Utilities Commission, and Department of Revenue), the committee asked for which specific programs had the council been asked to provide comments and recommendations. As a general rule the safety council staff is not called in for such assistance. In regard to the vehicle inspection program, for example, the safety council was not consulted by the Director of Revenue, his deputy, or the head of the Motor Vehicle Division regarding the safety aspects of the new inspection program, although, in the past, this had occasionally been done. For example, the safety council director was consulted on the establishment of the motor scooter licensing program.

While cooperation with the participating agencies is generally good, the Highway Safety Council is often not consulted on programs where it might be of help. Of necessity, the safety council must rely on public relations with the participating agencies to realize its goals, because it does not have the authority to perform most of its statutory functions.

In its budget request for 1958-59, the Highway Safety Council had listed a research statistician, but such a person probably will not be added to the staff, because the appropriation for 1958-59 is less than the amount asked. The safety council director said that it was impossible for his office to do much research at present because his staff is kept busy with field work and setting up safety conferences.

The committee next asked about the planning and execution of safety programs; specifically, how and by whom such programs and safety campaigns are measured. It was explained that the Official Committee of the Highway Safety Council determined the programs and campaigns. Ideas are received from the advisory committee, the seven participating agencies, the National Highway Safety Council, the teenagers' highway safety groups, and from the Highway Safety Council staff.

It is difficult to gauge results of these programs and campaigns, and the Highway Safety Council has not worked out any procedures for doing so. Usually, lay people and highway safety officials write to the safety council and comment on these programs and campaigns. Evaluations received in this way are the only measure of success which the safety council has at the present time.

The Official Committee of the Highway Safety Council meets five to seven times a year. Often, some of these officials send other members of their respective departments to represent them at these meetings. The official committee discusses traffic safety problems and programs and makes all policy decisions.

The committee asked whether the Highway Safety Council ever made any recommendations to any of the national organizations which set standards for the various aspects of highway safety; in particular, the committee was interested to know whether any recommendations had been made regarding changes in the Uniform Vehicle Code. The director indicated this had never been done. He stated that at one time he had suggested that the official committee sanction a request to motor vehicle manufacturers that the clicker on turn signals be made louder, but the official committee had felt that it would be presumptuous of the Highway Safety Council to make such a recommendation.

The statutes also provide that the Highway Safety Council study safety programs in other states as well as the recommendations of all persons and groups engaged in the study and promotion of highway safety. The director of the safety council said that information on programs in other states is usually picked up at the various national conferences which he and/or members of the official committee attend. Occasionally, his

office writes to other states for specific information, and he has set up files for material on miscellaneous aspects of highway safety. He also depends upon the various member agencies of the safety council for information in their specialized fields.

The various safety conferences held in Colorado produce many recommendations for highway safety legislation and programs. These recommendations may become part of the Highway Safety Council's program.

While 3-5-8, CRS 1953, directs the Motor Vehicle Division and the State Patrol to assign personnel, either full or part time, to the Highway Safety Council upon request, such a request has never been made. Since these agencies are also short of personnel, the safety council has refrained from requesting such assistance, except for speeches and conference help.

The major activities of the Highway Safety Council are the arrangement and holding of conferences, field work -- including assistance to municipalities in setting up local safety organizations -- and work with teenagers. At present, there are 75 teenage clubs and 25 community safety organizations in the state. The Highway Safety Council considers the teenage safety program most important. Not only do the teenagers become interested in practicing highway safety, but their parents become interested as well. Teenagers may join the various safety groups when they are in the ninth grade and continue through high school. They make speeches, distribute literature, carry out safety campaigns, and generally promote highway safety. Colorado is nationally recognized for its fine teenage program, and many other states have written for information about it.

Recommendations of the Committee on Highway Safety

The Committee on Highway Safety recognizes the importance of public relations and traffic safety campaigns. The committee also recognizes the importance of citizen support in the prevention of fatalities and accidents. Nevertheless, the committee feels that the Colorado Highway Safety Council has overemphasized public conferences, sloganeering, and press releases in its programs against highway death and destruction. In the committee's judgment, these programs have not been particularly effective in reducing accidents and fatalities.

Traffic safety public relations programs, to be effective and educational, should be based on the results of highway safety research and program needs. This type of information is of much more constructive help to citizens' groups than sloganeering and press releases. The committee feels that there has been too much emphasis on this aspect of public relations, to the neglect of safety research and other functions with which the Highway Safety Council is charged.

The Committee on Highway Safety believes that even the possible effectiveness of the highway safety public relations program has been hampered by the organizational structure of the present Highway Safety Council. Seven independent state agencies have a hand in its direction, and the safety council director has no authority to direct the participating agencies in highway safety campaigns, but must depend on each agency's cooperation. The Highway Safety Council was set up for the purpose of coordinating the state's highway safety activities, a commendable objective, in the committee's opinion; however, just the opposite seems to have been achieved. The participating agencies still go their separate ways and in some instances duplicate the efforts of the Highway Safety Council.

The Committee on Highway Safety recommends that the Highway Safety Council as it is presently constituted be abolished. In its place there should be a division of highway

safety within the framework of an independent motor vehicle agency. Ten states with independent motor vehicle departments have placed traffic safety functions in their motor vehicle departments. These states are Massachusetts, New Hampshire, Nevada, North Carolina, Ohio, Oregon, Rhode Island, South Dakota, Vermont, and Wisconsin. The director of the proposed highway safety division should be directly responsible to the director of the motor vehicle department and the relationships between other departments and the proposed highway safety division should be spelled out by statute. If it is deemed advisable to set up a coordinating committee to replace the Official Committee of the Highway Safety Council, it would be more effective if established as the Governor's Coordinating Committee on Highway Safety, as has been done in some other states.