

MORNING SESSION
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Safety Legislation: Concerns for 1990 General Assembly

Moderator

Calvin G. Grayson, Director
Kentucky Transportation Center
University of Kentucky

Panelists

Nancy Foster
Passenger Safety Education, Crime Prevention Unit
Jefferson County Police Department

Ray Larson
Commonwealth Attorney
Lexington

Jerry Pigman
Transportation Research Engineer
Kentucky Transportation Center
University of Kentucky

The Honorable William M. Lear, Jr.
Representative, 79th District
Kentucky General Assembly

SAFETY LEGISLATION CONCERNS FOR THE 1990 GENERAL ASSEMBLY

OPENING REMARKS

by Calvin G. Grayson

There is a thread that runs through the resumes of our panelists that indicates the concern and care about safety issues. The organizations to which they belong, their activities outside their regular work day reflect that kind of concern and care. At this Forum, we are trying to get all of us involved with safety so that we will continually, on a daily basis, think safety.

INTRODUCTIONS

Representative William M. Lear, Jr. represents the 79th district. He is a member of the Stoll, Keenon and Park law firm, and also has served as Commissioner of Law for Lexington-Fayette Urban County Government. He is a member of the State Task Force on Runaway and Homeless Youth. Representative Lear has a BA in economics from Davidson College and a J.D. (with High Distinction) from the University of Kentucky College of Law.

Nancy Foster has a BS in nursing (Magna Cum Laude) from St. Olaf College in Minnesota, and presently serves as Passenger Safety Education Coordinator in the Crime Prevention Unit of the Jefferson County Police Department in Louisville. She has been appointed by Governor Wilkinson as a representative to the National Association of Women Highway Safety Leaders and is on the Advisory Committee for the Kentucky Coalition for Highway Safety. This year Ms. Foster was chosen recipient of the J. Starnard Baker Award for Highway Safety.

Commonwealth Attorney Ray Larson has been in that position since 1985. He is currently involved in 15 organizations, such as the Attorney General's Task Force on Drunk Driving, and other organizations that deal with drunk driving. He has recently received the Kentucky DARE Officer's Association leadership award for his leadership in prevention of drug use and abuse of children in Lexington. He is a graduate of the University of Kentucky and has a J.D. from UK's College of Law.

Jerry Pigman is transportation research engineer and head of the Traffic Section at the Kentucky Transportation Center at the University of Kentucky. He has published almost 100 technical research reports and papers, 23 of which have been published nationally. Mr. Pigman has BS and MS degrees in civil engineering from the University of Kentucky.

Representative Bill Lear

It is a pleasure for me to address this group today. The invitation asked me to talk about legislative matters coming before the General Assembly in the up-coming session. I want to list two or three very quickly, and then talk about the one that is most on my mind, which is a seat belt law.

You've heard a great deal about task forces dealing with DUI. The Governor had one, the Attorney General's had one, and they all made recommendations. One consistent recommendation calls for lowering the level for

presumption of intoxication from .10 to .08 percent blood alcohol, as many states have done. I think you'll see a serious run at this piece of legislation and quite frankly, I think it will be adopted. Adoption of the second half of the recommendation is more of a close call. It calls for taking out the word "presumption" and substituting the word "conclusive." Ray Larson, who is far more knowledgeable on this issue, tells me that this kind of change has been upheld through process challenges in other states. I'm sure he will be available to answer questions on this. As many of you know, Ray is perhaps the outstanding expert on alcohol intoxication offenses in Kentucky, an expertise for which he has gained a national reputation.

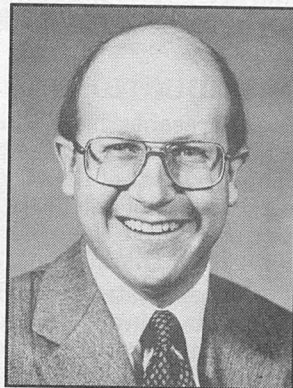
Regarding the child restraint law, I don't know that there will be much of a change. There are some holes in that legislation. We've passed the penalty so that Kentucky ceased being one of only two states without a penalty on that statute. We passed it last session, thanks in large part to the efforts of Senator Weaver, who passed away within the last year.

In another, related issue, the Governor and the Transportation Cabinet have proposed a \$600 million bond issue. My guess is that it will pass. There will be a lot of discussion about it, but as you know, there is a lot to like in a \$600 million bond issue. There are some awfully good projects in this.

As a legislator, the subject I most want to talk about this morning is Kentucky's lack of a mandatory seat belt law. Because of work I've done on child restraint bills in the past and my general interest in this subject, I've tried to follow it. Quite frankly, it's a difficult thing to explain to this or any group concerned with safety and saving lives.

I thought I would run through some of the things that crossed my mind. I first thought that maybe it is just not time for Kentucky to have a mandatory seat belt law. Kentucky has never been a leader in many things. We don't look at ourselves as a test tube state like Florida and California. When I thought that maybe it's not time, I counted 33 states and the District of Columbia that have seat belt laws in effect, encompassing about 85 percent of the total U.S. population. I thought that even if we're not a leader, I can't very well say that it's not time. Next, I thought that maybe it's geographic; maybe there's something about the area of the country where we live that sort of militates against a seat belt law. Then, I started looking around and saw that Missouri has one and Illinois has one and Indiana has one and Ohio has one and Virginia has one and Tennessee has one. You'll note that I have gone all the way around our border with the exception of West Virginia. Then, I thought maybe it's the phenomenon of the South, but Georgia, North Carolina, Louisiana, and Florida have seat belt laws.

Maybe there are just some parts of the country where the idea of individual freedom is held so closely, the people just won't give up that amount of freedom. Possibly, we're part of this group of states. But, I know that



Bill Lear

Texas, Oklahoma, Kansas, and Wyoming have seat belt laws, and I've always looked at the Old West as an area where they still trumpet these rights.

At this point, I began to think the costs of traffic accidents and not wearing seat belts might not be as great as they are made out to be. I got the material out again for the twentieth time and I read where traffic crashes are the number one killer of persons in this country between the ages of 1 and 40. I also read that each year, the number of "year lives" (years of life lost computed by taking a person's age at death and comparing it to their life expectancy at that point) lost due to automobile accidents exceeds the loss due to cancer by about 1.1 million years for Americans. I read again where safety belts can reduce the incidence of serious injuries or fatalities by 40 to 55 percent, depending on whose estimate one uses. The total cost of deaths and injuries in terms of dollars and cents in a recent year measured about \$75 billion. I decided that didn't sound like the reason so I returned to this matter of free choice: we don't have a seat belt law because the people who are hurt are the ones who have elected to run the risk, and we're simply letting them pay the price.

Then, I read a study that the University of Louisville and Humana Hospital (they jointly run University Hospital) conducted over a four-month period this year. They studied accident victims (brought to their hospital) who were using restraints versus those who were not using restraints. The total cost for medical care for the 171 patients not wearing seat belts was about \$2.7 million. About 61 percent of the cost was paid by private insurance and about 30 percent by public funding, which of course, is a polite word for tax dollars. Only about 18 percent was paid from the pockets of those injured. That was just for one hospital over a four-month period. We wonder why our taxes go up and our insurance rates go up.

Who gets hurt most when we exercise this freedom of choice? The leading factor in the death of kids in automobile accidents is the failure to use seat belts or child restraints. For kids under four or five years old, automobile fatalities is far ahead of the leading childhood diseases. The total number of disease fatalities pales in comparison to automobile fatalities. It bothers me even more to know that the second leading cause of childhood fatalities in automobile accidents is that they are crushed by unrestrained adults bouncing around in the car during an accident. That makes it hard for me to say that individual choice only hurts the people who make that choice.

All of this is my way of getting around to saying this: there really is no good reason why Kentucky doesn't have a mandatory seat belt law. All of you know that. The reason that we don't have a mandatory seat belt law might be called the Lackey Factor. Henry Lackey was a Senator from Henderson, who was bright and upcoming and was talked about as a possible candidate for the office of lieutenant governor or even governor. He sponsored a seat belt law during my first session in 1985 and came within one vote of getting it passed on the floor of the Senate, and chances looked pretty good in the House. The bill was tabled at that point and moved no further that session. Henry stood for re-election and his opponent pounded on him because he had sponsored the seat belt law. The opponent won. Since then, conventional wisdom says that the seat belt law is the kiss of death. What does that tell you? That tells you there is still no good reason. We could call the decision of the General Assembly not to push forward justified because it might be

untimely. I think kids usually speak with more clarity on some issues than we adults. My son would say we're just chicken and he'd be right. So, there is really no good reason.

I'm hopeful that a seat belt law will pass. Someone will probably ask, before I get off of this panel, if I'll be the one who will sponsor seat belt legislation. I'll tell you that I very well may be the one. I want to give you two caveats on it. First, I'm committed not to do anything that will interfere with the efforts of Commonwealth Attorney Ray Larson. His efforts have been heroic and will continue to be in order to get a seat belt law passed in Lexington. We're going to work together. I think Lexington can and should lead the way and I'm committed to that idea. I'm not going to sponsor a bill, that has little or no chance in Frankfort, if it's going to hurt the bill that I think Lexington will soon pass.

The other caveat is that we have a session coming up that doesn't generate optimism for going forward with controversial pieces of legislation. I'm talking pragmatic, practical politics to you. We have abortion, education, gun control, roads, and a big bond issue on the agenda. Someone made a list the other day to think of a controversial issue we didn't have on the agenda; he wasn't able to. We also have money and taxes on the agenda.

I wanted to give you some appreciation for why we are where we are in the General Assembly on the seat belt law. We will have one sooner or later, and it's my hope that it's sooner and not later. There are children alive in Kentucky today because the child restraint penalty was passed in the 1988 session. I know that. People are going to die on the highways every week that we don't pass a seat belt law, and I just hate to see that happen. Thank you.

Nancy Foster

Thank you. There are some threats to life, limb, and our communal pocketbook that happen with such frequency and apparent random distribution that to mainstream America, they are accepted as an unavoidable fact of modern life. Motor vehicle collisions (MVC) top the list. Dealing with the staggering financial burden and the grim morbidity and mortality statistics generated from crashes is an interval part or all of your lives. The simple solutions to minimize these figures are so apparent to us that we often find it difficult to understand why the public doesn't rush to change behaviors once a solution is revealed to them. The challenge of encouraging people in this country to buckle up, and to do it properly, is one that must be met with a comprehensive view of the issue and a fierce determination to reach for long range goals.



We're pitted against several major obstacles:

- The majority of our population today did not grow up traveling in cars using safety belts.

- They continue to view the capacity of an automobile to be determined by cubic feet of interior space rather than the number of safety belts available.
- There is a widely held belief in the invulnerability of an otherwise fragile human body when it is behind the wheel or riding in this powerful machine.
- There is an unwillingness by many people to use restraint devices because that use would be an outright admission of their "potential" mortality.
- While everyone knows at least one person who has been involved in a collision, people fail to come to grips with the fact that the probability of being involved in a motor vehicle injury accident during a 75-year lifetime is better than 86 percent.

Those are only a few of the wide ranging myths that continue to inhibit safety belt/child restraint use.

How do we change the personal daily habits in such a diverse society like ours? How can we convince them of the magnitude of a problem that they have resolutely ignored for decades.

Changing perspectives is not easy. I am always amazed at the national focus of attention following an airliner crash, yet the death toll on our nation's highways is equivalent to an airliner crashing every other day all year long. There are 46,000 deaths (92 percent of those fatalities were unbelted), 3.4 million serious injuries, and over \$74 billion in calculable costs each year.

If there were an easy and forthright approach that every community could adopt, the solution would have circulated a long time ago and there certainly would be no need for us to continue to examine this issue year after year.

In a recent article published in the journal *Pediatrics*, Dr. Robert Foss presented a comprehensive perspective on this issue of modifying passenger safety habits in various populations. I would like to elaborate on some of his observations.

The methods of influencing individual behavior with regard to restraint use can be divided into four categories:

1. Long range education programs
2. Awareness campaigns and incentive programs
3. Legislative efforts at the local, state, and national levels
4. Continuous modification of physical and social structures.

All four methods must work together to make effective change that will encourage not just increased use, but proper use of all types of restraints systems.

I would like to examine each one in a little more detail.

I. The goal of long-range educational programs is to provide accurate information through settings such as day care centers, preschool schools, parent groups, business, and social organizations. It is very important to choose educational programs that will establish routine proper use of restraints as a cultural norm, thereby promising greater success than plans that focus only on relevant information or on increasing legislative efforts alone.

II. In promoting passenger safety, I would offer Dr. Foss' reminder "of the fact that rarely is human behavior based on information or knowledge alone." Motivation must be provided for people "to engage in a behavior that can be troublesome and time consuming...Perhaps the greatest potential for obtaining rapid and dramatic increases in restraint use lies in the implementation of incentive programs wherein material rewards are given to those people who buckle up."

Examples:

- Contests that provide coupons or cash rewards for belted motorist observed at check points around your community. They can be conducted at malls, shopping centers, schools, fast food restaurants, or local businesses, and can involve local government and law enforcement officials. It's very important for a community to take advantage of focusing local attention to passenger safety during two national awareness weeks held every year. Most of you are probably familiar with the National Child Passenger Safety Awareness Week that comes in February, around Valentines Day, and the Buckle-Up America Week, which is the week that ends in Memorial Day weekend in May.
- Capitalize on any opportunity to keep messages about passenger safety visible in the American media, constantly keep it on your mind.
- Use people to remind other people: Distribute bumper stickers, posters, and signs. Teach children to pass on the buckle-up message to family and friends.

Community incentive programs or contests are generally regarded as having the greatest potential for obtaining rapid and dramatic increases in usage rates. The rates usually fall soon after the motivational campaign is over, but there will be a net gain of the targeted population's compliance with that restraint use.

III. States that have achieved higher child restraint safety belt usage rates have attributed their success to combined effects of reasonable and sound legislation with enforcement and good public information education programs. Dr. Foss points out that "active enforcement (of existing laws) helps to establish that using safety restraints is normative behavior. In the long run, this may be more important than the short term increase in use that results in the fear of punishment."

Effective legislation and enforcement are very appropriate measures for government to enact in order to lower the financial burden placed on the people of the state by the emergency care, hospitalization, and rehabilitation, of unrestrained occupants and by the escalating costs of insurance coverage. The costs are borne by government, private business, and individual citizens alike, whether in the form of higher taxes, higher insurance premiums or higher prices for consumer goods.

IV. Finally, we must continue to focus energies on modifying physical and social structures to encourage and reward proper use of all types of restraints and remove the barriers that can deter their use.

Examples:

Many families cannot easily afford a safety seat. This regrettable fact cries out for the establishment of car seat rental or loaner programs in every community across the state.

At the same time we are documenting dramatic increases in the use of child safety seats (CSS), the rate of misuse of those safety seats is unacceptably high. (Overall child safety seat usage in the United States is currently estimated at about 80 percent. But at least 45 percent of those restraint systems are grossly misused.) The reasons for such widespread misuse, no doubt, stems partially from carelessness, but it also can be attributed to the complicated array of car seats and incompatible safety belt systems that parents are faced with everyday. Manufacturers are moving toward more compatible systems to reduce this problem, but other measures might help in the meantime.

- Communities should provide and advertise a resource agency to answer questions about restraint systems for all ages. There is a NHTSA auto safety hotline, number 1-800-424-9393.
- Perhaps local auto dealers could be encouraged to provide a child safety seat that is compatible with their car models. It could be provided free or at a minimal cost to parents of young children when purchasing a new or used car.
- Automobile insurance companies could provide added benefits and/or lower premiums to policy holders who consistently buckle up.
- Hospitals should be encouraged to provide infant car seats upon discharge of all newborns and thorough discharge teaching upon strict policies enforced regarding discharging of children of any size to appropriate restraint systems
- Day care centers and preschools could be encouraged to not only provide information about the proper use of child safety seats, but also state specific policies about carpool guidelines, field trips, and transportation to and from the center.

- Youth organizations such as scout troops and athletic leagues can show active support by mandating policies that require members to be belted whenever they are collectively transported.
- Car seat misuse and instructional checkpoints can be set up at local preschools, day care centers, and shopping malls to detect and correct misuse of safety belts and seats.
- Don't hesitate to provide feedback to local or nationally produced television shows, movies, or commercials when you notice positive or negative safety belt messages portrayed by the mass media.

We've made some tremendous progress in the areas of awareness and usage of passenger safety systems over the past decade. There is a national effort underway to reach a goal of 70 percent proper restraint use by 1990 in the United States. The resources to make "70 by 90" a reality are available to all of us. It's going to take massive efforts by communities and government to meet that challenge. Thank you.

(Note: Statistical data for Nancy Foster's speech excerpted from National Highway Traffic Safety Administration records. Also, information quoted from R. D. Foss, "Sociocultural Perspective in Child Occupant Protection," *Pediatrics* 80 (6), 6 December, 1987.)

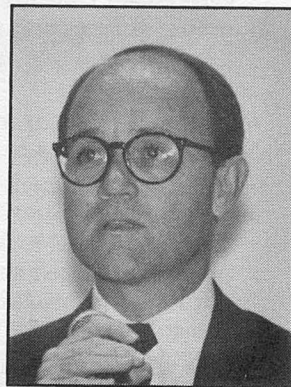
Ray Larson

Good morning. What in the world is a commonwealth's attorney and what in the world is an attorney doing being in activist in safety issues? Well, the law says a commonwealth's attorney prosecutes felonies in his Circuit Court, in his jurisdiction. After being involved as a prosecutor for 17 years, I'm convinced that if the best we can do is prosecute the people we catch, then we're destined to lose, because we don't catch them all. I've got some observations about the criminal justice system that are going to lead into the safety issues, so bear with me.

These are the observations:

1. There are three characteristics of defendants who commit crimes. First, there is significant drug and alcohol involvement in their lives. Second, most of them have dropped out of school, and third, they almost all come from a lousy family situation.

2. Drugs, including alcohol, equal crime. New York City drug-tested people charged with serious crimes for a certain period of time and found that 82 percent of the people who were charged with serious crimes were on some sort of hard drug (they didn't measure for alcohol or marijuana). Washington, D.C. did the same thing and found that approximately 70 percent of the



adults and 50 percent of the juveniles were on drugs at the time they were arrested for a serious crime.

Kentucky has done a less scientific survey and found that 71 percent of the people in our penitentiaries were on drugs at the time they committed the crime for which they were incarcerated.

3. The third observation is that the criminal justice system in Kentucky and around the country is in the midst of a credibility crisis. Most of you all probably feel that the court system is stacked in favor of the criminal. I agree with President Bush that we would all love to have a kinder, gentler country. But, I contend that after dealing with some of the people who commit crimes, that in order to achieve that kinder, gentler country, we're probably going to have to get a little rougher and tougher with some of the criminals.

That leads me to the prosecution of vehicular homicide and vehicular assaults. How did I get interested in this safety belt issue? We prosecuted almost 40 vehicular assaults and vehicular homicides in Fayette County. As I go through the trial of these cases, I'm discovering that if people had been wearing safety belts, we would have only had to prosecute six cases. That's how I got interested in this safety belt issue. Remember, if the best we can do is prosecute the people we catch, then we're destined to lose, because we can't catch them all; we have to prevent some of these issues. How do we do that? Take a few seconds to buckle up, that's how we prevent some of these issues.

What has been our experience? The state has not passed the safety belt law, for any number of reasons. So, what do we do? The chances are not good that we'll pass one this session, so what can we do in Lexington? If we accept no for an answer, then we do nothing. We won't do that. We're recommending (like Little Rock, Arkansas and Spokane, Washington, and Texarkana, Arkansas) that we pass a safety ordinance, at least requiring the people in Fayette County to wear their safety belts while they're here in our county either as residents or as guests. Why do we do that? Well, it's the right thing to do first. But, we hear from this vocal minority, who are loud and clear, saying we have no right to tell them they have to wear a safety belt! They say they have a constitutional right to go through the windshield. How do we deal with that? That's the famous freedom-of-choice issue with which we have to deal. One man says to me, "You can't tell me to wear no safety belt." I handed him a piece of paper and told him to sign it. He asked me what it was and I told him I was going to call it a waiver. I said, "If you will waive or guarantee me that neither you nor anyone in your family will make any claim against any Cabinet of Human Resources program, or Social Security program, or Veterans Administration Benefits program, for any kind of disability or medical care, then I don't care if you buckle up or not and I don't care whether you go through the windshield." He says, "What do you mean?" Then I had an opportunity to explain to this fellow how expensive it is to take care of people who go through the windshield and become paralyzed.

The National Head Injury Foundation tells us it cost between \$4 million and \$9 million to treat a person with a serious head injury over their lifetime. Most of us have insurance that will pay up to \$250,000 over our lifetime and some of us even have over a million dollars, but who pays the balance? It is an economic issue, and if you explain that to people, they think maybe the

public does have more of a right to demand certain kinds of conduct, because we're certainly paying the tab. In 1987 it was to the tune of \$3,506,986,000—in government losses.

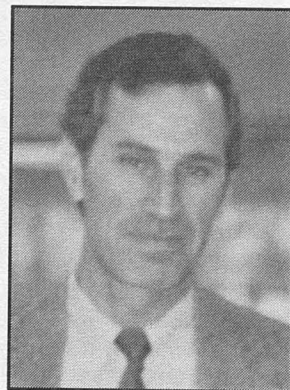
The excuse we hear most frequently for not wearing safety belts is the one about a person becoming trapped in a car that is in water. The answer to that is simple—you can't get out of your car anyway if you're unconscious. A safety belt can keep you from getting banged around on the inside of your car so you can get out.

I think that prevention of all of these injuries is the key. One of the ways is to deal with this safety belt law. I feel that the way to do it, based on our experience in Kentucky, is from the "bottom up" as opposed to the "top down"—if Lexington passes the safety belt ordinance many of the other urban areas will not be far behind. I also believe that at that point, the state will say, wait for us. It's important to change perceptions, and we all know about perceptions. Remember the National Geographic magazine that we receive in October. The cover shows a quaint New England farm and you remember the Texan who said he'd like to go see one of those quaint New England farms. He got on an airplane, arrived at Logan International Airport in downtown Boston, got in a cab and told the driver he wanted to see one of those quaint New England farms. The taxi driver said, "Sure." He drove out into the country, saw a man standing on the side of the road, and the Texan asked if he was a farmer? He said he was, so the Texan said, "I'd like to see a quaint New England farm, do you own a farm?" The farmer said he did, told the Texan to go down the road 200 yards to that tree, turn right, and go 300 yards to that fence. Then go down the fence 200 yards to the next tree and right back down here, and that's my quaint New England farm. And the Texan grinned, as Texans do, and said, "You know, partner, back where I'm from, I can get in my car at daybreak and drive all day long, and by the time the sun goes down I won't have reached the other side of my ranch." The New England farmer grinned at him and says, I know what you mean, I used to have a car just like that. It's a matter of perceptions and I think the perceptions are changing and I ask each of you to do what you can to convince folks that a simple way to try to avoid some of the devastation that we're creating is to pass a law that requires our people to help themselves. Thanks.

Jerry Pigman

We've talked about the reductions in fatalities and injuries by using safety belts. Based on recent Kentucky accident data, if we increase seat belt usage from the current level of about 25 percent up to 50 percent, we estimate fatalities could be reduced by 91 and the cost of injuries and fatalities could be decreased by \$159 million per year. These are pretty significant statistics for just Kentucky.

I'd like to talk about some legislative concerns that should be of interest to the Legislature. Some are projects that the Center has worked on in some degree. The safety belt law is obviously one of them.



We also should be concerned about the truck safety issue. The commercial driver's license law is going to be considered. We had a session yesterday here at this Forum on this issue, but didn't have very many people attend. It's going to have some major impacts on drivers of commercial vehicles and those trucks or commercial vehicles that weigh 26,000 lbs. or more. Major retesting is going to be taking place in Kentucky. The ultimate objective is to improve the overall safety of the driving habits of those who operate commercial vehicles. Those types of vehicles are involved in many of the more spectacular accidents that occur on our roadways. One of the most significant points about it is the possible reduction in the alcohol level of which one would be presumed to be driving while intoxicated. It would be reduced to .08 for regular drivers. This law, which has some federal mandates and restrictions that will cut back our funding if we don't go ahead and pass it, is going to presume that the commercial driver is drunk when he has a .04 or above alcohol level. That's a very low alcohol level to consider.

I also want to mention the issue of older drivers. We are analyzing data that show increased accident rates for young drivers and older ones, as we've heard before. Certainly some consideration should be given to retesting and possible restrictions; nighttime restricting for older drivers is an important consideration.

Vehicle inspections is also an issue to consider. Kentucky had a vehicle inspection law for many years, but it wasn't taken very seriously. We've studied accident data for many years and see that the number of accidents involving vehicle defects has continued to increase each year since we've done away with the vehicle inspection law. If we had an effective law, there would be some considerations to try to reduce those accidents involving older vehicles that have a lot of defects.

Driver education and training certainly is an important issue. Unfortunately, we don't have much training now for highway school-age drivers or any other new drivers. Many young people who start driving these days don't have an opportunity to get any kind of training.

We've certainly heard a lot about school bus safety and more is going to be done in terms of trying to improve that.

Question:

Have the major insurance companies been approached to see if they will offer reductions of rates if everyone in a car wears seat belts regularly?

Answer: (Larson)

We have the luxury of the Little Rock, Arkansas, experience and our group has drawn on their experience heavily. They've had a safety belt ordinance in place now for over a year and they're now working with the insurance companies toward the reduction of insurance rates. But they have to have some factual basis, some statistical basis to do that, and that's what they've done. They're working on it right now.

I'll tell you something that is really scary. New Jersey had a great case (Waterson vs. General Motors) where a woman was driving a car with a defective right rear axle (admitted defective by General Motors). The axle broke causing her to go off the road and hit a tree. She suffered \$28,000 worth of

physical injuries, including facial injuries. General Motors said there was no question about it, the right rear axle was defective and that was their fault; however, they said it wasn't their fault that she was injured because she didn't make use of a safety device. As a result, the court permitted the jury to determine how much of the injury could have been prevented had she worn a safety belt. The jury reduced the proven \$28,000 damage figure by 40 percent because she failed to use a safety belt.

(Lear)

To answer the question from the state's perspective: that run at the insurance companies has not been seriously made. The state of our law on that issue (they will correct me if I state it incorrectly) is that you can now introduce evidence into a case concerning what the injuries would have been had seat belts been worn. This is an effort to reduce the award. However, because we don't have a seat belt law, the judge will not give an instruction on failure to wear seat belts as a defense to the action. You get it in the evidence, but jurors don't take an instruction back to the jury room with them.

We passed a major tort and insurance reform legislation in Kentucky last year; however, the task force that gave rise to that legislation, simply stayed away from this issue altogether because of the factors that I mentioned a few moments ago.

Question:

How can we get driver's education back into our high schools?

Answer: (Lear)

That's an easier question to ask than it is to answer because, in this group, we could all agree on that. But right now we're concerned about getting reading, writing, and arithmetic back in our high schools and in our state task force, and how we're going to come up with the \$400 million that's going to be necessary to do a good job with that.

Driver's education should be a course that is required at some level, prior to driving, but that idea in my opinion is still going to have to take second priority to the bigger needs in education.

You may want to ask that same question to Senator Moloney and Representative Clark when they get here. I believe they will tell you they go to meetings like this one and are asked how are we going to get more special education in our high schools, and how are we going to get more arts in our high schools, and how are we going to get more education for advanced students. So, we're in the midst of a great reform effort now, but the bottom line is finances. Any time we mandate a program statewide, it costs a lot of money, and that's really what the hang-up is.