

## GRADUATED DRIVER LICENSING IN NOVA SCOTIA

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Nova Scotia is a relatively small province on the Atlantic coast with a licensed driving population of approximately 600,000. In recent years we have issued about 18,000 learner's licenses and upgraded some 13,000 of these individuals to full driving privileges. Our driving environment consists of seasonal fluctuations in weather tempered by marine influences. This is a polite way of saying we have our fair share of rain, fog, sleet, freezing rain, slush, snow and just about any other form of water you can imagine. Winter driving conditions prevail for about four months of the year. We have a good network of arterial highways but a minimum of high density expressway conditions. Most of the population resides in two modest sized urban areas or in small towns scattered along the coast. In Nova Scotia you are never more than an hour's drive from salt water hence the motto on our license plate "Canada's Ocean Playground".

Last year we recorded the lowest number of highway fatalities since the 1940s - 91. This continues the gradual downward trend that is generally characteristic of the North American experience. The Department of Transportation and Communications in cooperation with other departments, public interest groups and law enforcement agencies continued to work toward an improved safety record by pursuing initiatives within the context of the National Occupant Restraint Program and the Strategy to Reduce Impaired Driving, both of which were coordinated at the national level through the Canadian Council of Motor Transport Administrators. Overall we decided to focus our attention on high risk groups and behaviours in a period of severe fiscal restraint. Legislative measures proved attractive in this context.

Very briefly other measures we have taken include an immediate three month license suspension for drivers when the police officer has reason to believe they operated a vehicle with a blood alcohol content in excess of 80 mg or refused to provide a breath sample for analysis, a mandatory education program for first time impaired driving offenders as a condition of license reinstatement, a ban on the use of radar detection devices, increased fines for a number of high risk offences and driving while suspended and, of course, graduated driver licensing. We are also actively considering mandatory use bicycle helmets, the seizure and impoundment of vehicles operated by suspended drivers, major revisions to our driver improvement

programs and measures to address the senior driver issue.

Nova Scotia has enacted fairly strong highway safety measures in the past and continues to pursue the objective of reducing the adverse consequences of traffic collisions on our highway system. My first point, then, is to emphasize that the people of this province have been willing to tolerate firm legislative action designed to improve safety. My personal experience as Director of Highway Safety has been to enjoy the support of the public, the media and our legislators on many points. As one critique of the major provincial newspaper once remarked, the editorial policy advocated by this media enterprise seldom ventured beyond steadfastly supporting God, Queen and highway safety.

I will not burden you with the familiar data on collision involvement of new, and in particular, young drivers. It will be no surprise to anyone that the patterns observed in our province are largely the same as those experienced in your jurisdiction. I confess to having repeatedly using Leonard Evans' statement to the effect that the overinvolvement of young road users is so robust and repeatable that it is almost like a law of nature. Of course we had to assemble the data to document the problem we wished to address by a new approach to driver licensing.

Let me take a moment to describe the system that was in place prior to introducing graduated driver licensing.

Persons had to be 16 years of age to apply for a learner's license which they could obtain by passing a knowledge test of the rules of the road and sign recognition. A vision screening test was also administered. A one year learner's license was issued which authorized the operation of a motor vehicle only while accompanied by a licensed driver in the front seat and no other passengers in the vehicle. The learner could take a practical test of his or her driving capabilities after 60 days or earlier if a licensed driving instructor certified that the person was ready to be road tested. This did not necessarily mean that the learner had successfully completed a program of driving instruction. The learner was subject to suspension under our demerit point system (six months) after one speeding conviction or two minor moving violations.

Once the road test was completed the learner became a newly licensed driver for the next four years. There were no driving restrictions. A newly licensed

driver differed only with respect to the demerit point system from any other fully licensed driver. The suspension threshold was lower for the newly licensed driver and would occur after two speeding convictions or three minor moving violations. Commercial drivers licenses were restricted to drivers with at least one year of driving experience and a minimum age of 18 or 19 depending on the vehicle being driven.

That was our licensing system as it existed in the early 1990s.

In February, 1991 the Insurance Bureau of Canada sponsored an international symposium on "New to the Road: Prevention Measures for Young or Novice Drivers". This symposium was organized by the Traffic Injury Research Foundation of Canada and was held in our capital city of Halifax. The symposium included presentations from many highly qualified individuals from Canada, the United States, New Zealand and Australia and resulted in an excellent report of key findings and implications. Graduated driver licensing was strongly recommended for implementation in all Canadian provinces in a manner which best reflects the conditions and circumstances under which collisions occur in each jurisdiction. The location of this symposium certainly helped in our efforts to educate decision makers, the media and the public to the new driver issue and the concept of graduated driver licensing.

Our Department was very active in this symposium and it certainly served as the springboard for our plans to develop a graduated driver licensing system to recommend to government. Shortly after the symposium we established a working group on graduated licensing which was to consider program recommendations for both new and senior drivers. Graduated entry and graduated exit from the driving population was the guiding principle of the group's responsibility. The mandate established for the group was to:

1. Gather and review relevant research materials,
2. Identify and quantify problem areas, and
3. Examine possible program responses.

The senior person in each operating unit of the Highway Safety Division was involved and each shares credit for the result. At this point we did not have a clear assessment of the political acceptability of what we were developing as the direction could be best described as "do something". As I recall from my days as a political science student "do something" is often the public policy response of choice in many, if not most, instances in modern liberal democracies. In any event, we accepted the new driver issue as a priority for us and

soon were describing the initiative as a plan to develop a new generation of safe drivers.

It is appropriate at this point to acknowledge the cooperation of our colleagues in the provinces of Ontario and British Columbia. Being much wealthier provinces, they were able to engage in much more detailed research and policy development work than was possible in Nova Scotia. We were the beneficiary of very helpful documents delivered in the proverbial brown paper envelopes from an unknown source.

Development of the graduated driver licensing system proceeded quietly within our organization as we waited for the opportune moment to present our recommendations. The approach we were taking was fairly comprehensive and included some elements we knew would be a challenge to gain acceptance. It was also abundantly clear that we were entering a period of fiscal restraint — any proposal which included significant expenditures was known to be a non-starter. As it turned out the graduated driver licensing proposal that was eventually presented enabled us to absorb budget reductions. A serendipitous outcome to say the least!

The required stimulus finally came in October, 1992 when once again the insurance industry targeted Halifax to launch its public information campaign to heighten awareness and support for graduated licensing. The industry stated that it was not advocating a particular design for graduated licensing but simply encouraging government to introduce legislation that is practical and enforceable. This effectively placed the issue on the public agenda and we were prepared with the results of the working group's efforts.

Our Minister recommended to his Government colleagues that we proceed to further develop staff recommendations through a public consultation process. The objective presented to Government was stated as follows:

"To effectively address the persistent problem of road crashes involving inexperienced drivers of all ages in a manner which:

1. May be implemented within existing resource limitations,
2. Is perceived as a fair and reasonable response to a serious social issue, and
3. Emphasizes positive motivation for safe driving while accepting the necessity of addressing those individuals who may require more direct treatment."

While Government considered this recommendation we proceeded with a staff workshop which had been previously scheduled for December with guest speakers

to participate in a panel discussion following the next day by a detailed review of our proposal. This essentially finalized the proposal which was taken to the public when Government approval to consult was received in January, 1993.

It is important to note that the Government's mandate was rapidly coming to a conclusion. A general election was several months away and the public consultation schedule was compressed in recognition of this reality. The Government's standing in public opinion was not high as the election was to conclusively demonstrate. Having made a presentation to the Government's Policy Board, a small group of senior Cabinet Ministers which included the Minister of Education, the Minister of Justice, and the Minister of Health (a former minister of our Department), I can assure you we gained the substantive support of these politicians for the proposal. However, I would be less than honest if I did not also observe that the need to gain a higher approval rating in advance of the election was an important contributing factor to our success.

Our consultation involved the release of a brochure summarizing the problem and the proposal. It was geared to a youth audience. A self-addressed, postage-paid comment card was included in the brochure. We did not utilize any extensive discussion paper normally associated with such a process. Presentations were made to student assemblies in high schools throughout the province usually followed by public sessions at the school in the evening. Public interest was low to moderate. As expected, high school students were keenly interested but for the most part were ill-equipped to engage in discussion on the merits of the proposal.

In my report summarizing the results of the consultation process I reached the following conclusions:

1. There is widespread support for action to reduce the collision involvement of young drivers,
2. Adults strongly endorsed the graduated driver licensing concept, teens tended to oppose it,
3. Many adults expressed support for some form of mandatory driver education/training,
4. There was near unanimous support for a zero BAC for new drivers,
5. Teens opposed usually felt that the good majority would be penalized because of a minority of young problem drivers,
6. Teens were most concerned about the late night driving curfew and the length of time it would take to be able to drive without supervision,
7. Many teens and adults believe it is too easy to qualify for a license.

Implementation of the graduated driver licensing proposal required numerous legislative amendments which were hastily prepared after a legal opinion had been obtained to the effect that the proposal did not offend the Human Rights Act (Nova Scotia) or the Canadian Charter of Rights and Freedoms.

Then the Government was defeated at the polls, activity went into a holding pattern while the new Government established itself. It was fall of 1993 before the new Government became interested in the proposal which had undergone some minor modifications following the public consultation. It was nearly a year later to the day that the new Government announced that it too wished the benefit of public consultation. Again the timeline was short as our new Minister wanted to introduce the legislation in the spring of 1994. This time we were to consult with student leaders assembled at three locations in the province. The representatives were almost always drawn from student councils and driver education classes. While discussion tended to be more meaningful and informed the participants clearly exhibited a selection bias. Another brochure was prepared with most of the content unchanged from the earlier version. Apart from becoming aware that driver education students and student council representatives are, on the whole, more pleasant to talk with and much more articulate than the general student body, not much was gleaned from this process that we had not already learned. The legislation was introduced as planned and enacted without amendment. Legislative debate was positive, no significant concerns were expressed as might have been expected since the former government was now sitting in opposition and could hardly oppose a measure which they had endorsed a year earlier.

Our graduated licensing system came into effect on October 1, 1994.

The system continues the learner, newly licensed driver and regular driver stages which had existed in the past. The learner stage remains unchanged except that the person must wait six months before taking the road test to upgrade his or her license. This can be reduced to three months if an approved driver education or driver training program is successfully completed. The driver who accompanies a learner must be a driver who has completed the newly licensed driver stage. In other words, the supervising driver must be an experienced driver. The learner is subject to a zero alcohol requirement.

Once the road test has been successfully completed the learner becomes a newly licensed driver for two years. If a suspension or revocation occurs during this

period the two years must be repeated. During the newly licensed period the zero alcohol requirement is effective. A midnight to five a.m. curfew is in effect unless the person has obtained an employment exemption or is accompanied by a licensed experienced driver. There must be a seatbelt available to every passenger transported by a newly licensed driver and no more than one passenger can occupy a front seat position regardless of the number of seatbelts available. Newly licensed drivers cannot upgrade their driver's license to a higher class of license. To graduate from newly licensed driver status the driver must successfully complete a six hour defensive driving course.

The requirements apply to anyone, regardless of age, applying to obtain a license for the first time after October 1, 1994. New residents will be given credit for experience while a licensed driver.

A similar system has been developed for motorcycle licenses. A new motorcycle learner's license has been developed. The learner is restricted to daytime driving without passengers. The learner period may be reduced to three months from six months if an approved motorcycle training program is taken.

We have reviewed our driver testing requirements with a view to increasing the standard necessary to qualify for a license. This also involved a policy of discontinuing testing in many small communities where it was felt we could not access a sufficiently challenging road test environment. We are developing new requirements for driver training schools to ensure the

programs offered meet minimum standards established by the Department.

The demerit point system has changed with inexperienced drivers being identified sooner for driver improvement action. Violations of the zero alcohol provision result in sufficient points to suspend the license for six months. Violations of the night curfew and other restrictions will result in demerit point accumulation with three convictions being necessary to reach the suspension level.

To assist enforcement personnel our photo driver's license is imprinted with a large "L" or "N" denoting learner or newly licensed driver respectively.

Introduction was accomplished without difficulty. No significant problems have been identified to date. There was a very definite rush before October 1 as persons without a license scrambled to beat the deadline. This was followed by a reduced number of persons seeking a learner's license after that date. Overall there appears to have been a reduction in the number of persons applying for a learner's license and scheduling driver's examinations since implementation. Driver training schools have reported less demand for their services. At this time we see this as a short term adjustment anomaly.

We intend to evaluate the results of our graduated licensing system. It will take several years before there are a sufficient number of new drivers under the system to influence program success criteria.