

House Bill 4723 Testimony

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Good morning Mr. Chairman and Members of the Committee. My name is Jeffrey Pairan, Chief Operating Officer of the American Safety Council and I'm here today to testify in support of House Bill 4723. The American Safety Council ("ASC") is a national provider of transportation and workplace safety education courses both online and in the traditional classroom setting since 1997.

ASC was the first provider approved by the Department of State to offer online Basic Driver Improvement Courses in Michigan under Public Act 289 of 2010 and has, since program inception, trained more than 40,000 Michiganders - consistent with Department's rigorous requirements - utilizing ASC's research-proven effective Basic Driver Improvement Course curriculum.

Earlier in my career, as a member of the Florida Department of Highway Safety and Motor Vehicles ("DHSMV"), I served in the capacity of Senior Highway Safety Specialist, specific to administration of the State's driver improvement programs. As an inaugural member of DHSMV's driver improvement curriculum evaluation committee and enforcement division, I worked hand-in-hand with Drs. John C. Prothero and Richard Zeller in establishment of program requirements and implementation of the DHSMV's Basic and Advanced Driver Improvement Programs.

Key to the long-standing success of these programs (in place since 1991), was the foresight of the Florida legislature to require that rigor be

imposed in the area of statistically significant effectiveness, that is, that the statistical assessment of whether observed outcomes specific to completion of a Basic Driver Improvement Course reflect a pattern of improvement in driver behavior/performance rather than just chance.

To accomplish its legislative mandate, DHSMV conducts, on a five-year recurring basis, independent effectiveness studies in which approved courses are required to meet one of two key Outcome Measures: (1) A statistically significant reduction (at the .10 level of significance) in violation recidivism or (2) a statistically significant reduction in crash recidivism. Failure to meet one of these two evaluative outcome measures results in suspension and, after a formal review, termination of a course provider's approval by DHSMV.

I discuss the Florida effectiveness study requirements to bring into perspective the matter of the Department of State's like enforcement of rigor in its course provider approval process and ongoing administration of Michigan's Basic Driver Improvement Courses. In this regard, it's important to note that Basic Driver Improvement Course Provider approval under the aforementioned Public Act 289 of 2010 requires, as a prerequisite for approval, that a BDIC applicant satisfy the requirement - under Section 257.3a of Michigan Vehicle Code - to, among other requirements, "provide[] documented evidence from a federal state, or local government agency of course effectiveness in reducing collisions, moving violations, or both."

In the case of ASC's application to the Department of State for initial BDIC approval, our organization submitted an effectiveness study prepared by the Florida Department of Highway Safety and Motor Vehicles not

for ASC, but, rather, for the Florida legislature, which documented the effectiveness of our curriculum as administered under s. 318.1451, Florida Statutes.

Importantly, the state of Michigan's requirement for submission of an independently prepared, governmental effectiveness study is not without precedent. For instance, the State of New York requires, in almost precisely the same manner, submission of an effectiveness study as a prerequisite for approval and, importantly, in a state wherein students receive a mandatory 10% reduction in the base rates of their liability, collision and comprehensive premiums and up to a four-point reduction of points on their driving record for completion of the course, which they are eligible to complete once every three years. This program, known as the Point and Insurance Reduction Program has been in place since the early 1990's in the classroom setting and since 2009 online.

Again, consistent with Michigan law, New York driver improvement course providers must submit an effectiveness study as a prerequisite for initial approval and after five years to retain their approval to offer these programs in the state.

Specific to the discussion of frequency under which these benefits should be offered to Michiganders, I note that Michigan is the only state to limit the opportunity to attend research-proven effective remedial driver safety education to once in a driver's lifetime. The opportunities to complete courses of this type in other states range from once each year to once every three years.

Regarding frequency of attendance, it's important to note that Florida DHSMV effectiveness studies include data with a significant number of attendees who have completed the course more than once without impact on the effectiveness of the Department's aggregate study outcomes. This is reflected in the Department's analysis of data from 1993 through 2003, which indicates that reelections (Florida's terminology for a person who "elects" to attend a driver improvement program more than one time) by previous driver improvement course attendees drop markedly after the first course attendance: second and subsequent course attendance is, on average, consistently 20% of the prior attendance total.

Florida DHSMV Traffic School Elections – 1993 through 2003

Elections	Election Population	Election Percentage
First	2,175,212	79.5%
Second	452,983	16.5%
Third	89,566	3.3%
Fourth	15,923	0.6%

Importantly, with passage of Public Act 489 of 2012, the Michigan legislature has significantly enhanced the Department of State's Basic Driver Improvement Program by adding protections, which include a requirement for BDIC course providers to submit a surety bond in the amount of \$20,000 to indemnify or reimburse the secretary of state or an individual taking the course against improprieties while also authorizing the imposition of sanctions including suspension or revocation of approval for acts inconsistent with Department requirements for continued approval as a Basic Driver Improvement Course Provider. These measures further strengthen a well-founded program originally sourced in an approval process that

required scientific evidence of course effectiveness, which, assuredly, is attainable only in instances of propriety by a course provider.

With these enhanced protections and the long-standing effectiveness of courses of this type, I respectfully submit that the provisions of House Bill 4723 to delete the current prohibition that precludes drivers with 3 or more points on their driving record from attending a Basic Driver Improvement Course while also affording Michiganders the opportunity to consider completing a Basic Driver Improvement Course more than once in their lifetime, as is the case under current law, are prudent measures supported by scientific research.

It's counterintuitive not to allow drivers with points on their driving record to attend remedial driver improvement training for minor violations given the demonstrated effectiveness of these courses in reducing violation and crash recidivism. To be sure, ASC concurs that eligibility to attend this type of driver improvement course should remain limited to those Michiganders with minor violations, that is, we support retaining the prohibitions for violations that would result in issuance of 4 or more points by the Department as well as for criminal violations.

Honorable Representatives, I respectfully request that you consider adopting House Bill 4723 to permit Michiganders the opportunity to complete a Basic Driver Improvement Program as a refresher course, when they elect to do so, once every three years and to allow well-intentioned safe drivers who have a few points on their driving record the opportunity to complete a Basic Driver Improvement Course if they receive a minor violation and meet all other eligibility criteria imposed by the Department of State.