

2009 HOUSE TRANSPORTATION

HB 1337

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1337

House Transportation Committee

Check here for Conference Committee

Hearing Date: 01/22/09

Recorder Job Number: 7611

Committee Clerk Signature

Janette Cook

Minutes:

Chairman Ruby called the hearing to order on HB 1337.

Rep. Blair Thoreson, District 44 in Fargo, introduced HB 1337 and asked for the committee's Do Pass recommendation. The bill came as an effort of Paul Conlin, the founder of a program called "Cars and Kids". The program works at educating young drivers towards safe driving choices. It is Paul's vision that this program could be carried out throughout the state. This bill will place a surcharge on those people who are convicted of DUI to help fund the bill. It would be \$75 for a first offense and \$125 for a second or subsequent offense.

Representative Weisz: The fiscal note shows the cost of \$20,000 to administer this program. What will be done with an accumulation of dollars that are in this fund?

Rep. Thoreson felt that was something that would need to be looked at as the bill moves forward.

Representative Delmore: Do you know how this will be organized statewide?

Rep. Thoreson: The details have not been worked out yet.

Representative Delmore: Can you explain how you came up with the \$75 and \$125 amounts?

Rep. Thoreson: Those were the numbers we came forward with when working with Legislative Council. It may be a steep number, but it may work as an additional deterrent. If the committee thinks that those numbers are too high, we can work with those amounts.

Paul Conlin, founder and Executive Director of Cars and Kids from Fargo, North Dakota, stated that he started his organization because he wanted to bring teens and parents together to educate them about what is happening on the roads. He found people who had been involved in teen crashes and were willing to share their experiences to show teens the consequences of making bad decisions behind the wheel. He has involved insurance agencies present better education for insurance needs. The Fargo Police Department come and explain minor licensing laws. Law firms take teens through the actual civil litigation process. All of these entities came together. He has been doing this for four years. It has been a struggle to fund. He presents the program for free at Blue Cross/ Blue Shield of North Dakota every other month. He found that if you charge, people will opt not to come because of the fee. He program is a nonprofit organization and is funded as such. He wanted to introduce this bill so he could bring a new flow of funds into educating teens, not necessarily just teenage traffic safety. The money that comes in could fund many different prevention programs in our state. As far as the allocation of the money, he feels that the money could be collected by each county for the violations. Then it could be run through the DOT. The counties, hopefully, have some sort of traffic safety program that could be implemented and paid for by this fund. Mr. Conlin is not asking for all of this money to funded to him. It takes a lot of hard work by many organizations to do prevention efforts in our state. They will all need funding. If we can impose \$75.00 on every first time DUI offense, then \$125.00 on a repeat offender (x 4,000 DUI's per year), there will be a pool of over \$400,000 be available. The organizations would be able to write grants through the DOT, apply for the money, and have it

allocated to run the programs. His request is for every family that has lost a teenager in a driving accident. He feels that we need to change teenage driving education, and we need to do better. He didn't want to take money out of current funds, but felt that it would be possible to take money from offenders and have the problem be part of the solution. He knows what he does makes a difference. He is asking for support of HB 1337.

Written testimony by **John T. Goff, a board member of Cars and Kids and a criminal defense lawyer**, was presented in support of HB 1337. See attachment #1.

Representative Delmore asked Mr. Goff to explain how his program works.

Paul Conlin: Currently, I present two programs a month, which are hosted at Blue Cross/Blue Shield of North Dakota in Fargo. The program runs about two and one half hours long. We provide the tools necessary to empower parents to make good decisions. One of those tools is a parent/teen driving contract. We feel that is important for the parents and teens to work together toward a solution. The parents attending with the teens has been a unique part of my program. We also work with juvenile offenders, since it has been shown that they have a higher driving risk. We have a capacity to educate about 80 individuals in each session, so there will be between twenty to 40 families per session.

Representative R. Kelsch: When you meet with families do you ask them if the teens received their training through the school district or through private driving school?

Paul Conlin: No, I don't go into that too much. Most of the kids have had to complete some sort of behind the wheel training. The school training doesn't involve the parents. I would like to see more training, but I try to focus on the consequences of making bad decisions. Kids seem to know how to operate a vehicle; it is my belief that not all of them will operate it conscientiously.

Representative R. Kelsch: I asked that because there have been questions about teens being adequately prepared by going to private driving schools. Are you finding that parents just don't tell their children what bad decisions in their driving are?

Paul Conlin: I can't really speak for them. I feel that parents are overwhelmed. Many parents that come through my program are just appreciative to go on to the next level with their teen drivers.

Representative Weiler: How do you currently fund your program?

Paul Conlin: I used to apply for grants. It is tough. I am a small organization, and I don't get much. US Bank, Blue Cross/Blue Shield, and some other local companies provide some funding. As of right now, the largest year that I had fund raising was \$23,500. I host different events and ask for donations at the end of my program. He has had cars donated to his program, and he uses them to fund raise. One donated car was used as an incentive to encourage teens to write a thirty second tv commercial and print ad campaign about traffic safety for teenagers from teenagers. The winner won the car. I ask for private donations.

Representative Weiler: How do you envision the DOT running a program like this? Would there be a program in the eight major cities?

Paul Conlin: I think it would come down to where there is the most need. Each county will be able to register the number of DUI offenses in that county. I would consult with anyone who would want to implement my program. A county would be able to model what I do in their community. The funds could go to any of the alcohol prevention programs that may be already administered. The DOT would have to assess the needs in each county.

Representative Weiler: I have a concern about turning this over to the government. I think it may cost millions of dollars for more FTE's (full time employees). You are doing a fantastic

job, with what you do. I wonder if there is a way to make it work without getting the government involved.

Chairman Ruby: Are there any other programs like yours in the state right now?

Paul Conlin: I am not aware of any right now. Moorhead, MN has a Restorative Justice Program.

Representative Gruchalla: SAD (students against drunk drivers) chapters exist throughout the state. Have you attended one of their meetings?

Paul Conlin: Yes, Lee Ericson and I have worked closely together. SAD presents some of my programs as well. I am a big proponent of what they do. When they are available I will have them come in and try to engage kids in being involved in SAD. I would love to see money go them, but this funding would interfere with his current grant money.

Representative Gruchalla: I have worked with Lynn Ericson, and I was hoping that there was some way to merge these two organizations together. Have you explored that angle?

Paul, have you applied for grants through DOT, safety programs?

Paul Conlin: No, I haven't.

Matt Voorhees, serves as the Executive Director for North Dakota Teen Challenge, spoke in favor of HB 1337. He supports further education for prevention programs: prevention not only in the area of traffic safety but also prevention of whatever is being done in a motor vehicle, such as drugs/alcohol or just messing around. Our organization is in support of such a cause. We get calls for our organization to come out and speak at schools about prevention efforts. I know that this is something that is needed in communities.

There was no opposition to HB 1337.

Glen Jackson, Interim Director of the Drivers License and Traffic Safety Division of North Dakota DOT, provided neutral testimony on HB 1337. See attachment #2.

Representative Weiler: Are there grants available from DOT for programs such as Paul's?

Glen Jackson: There are some grants available, but they are limited in nature and have limited funding. Most of our work actually goes ??? (inauable).

Representative Potter: Are the only grants that are available the ones that are self sustaining?

Glen Jackson: We have about \$7 million dollars in grants that we run in a fiscal year. They cover a variety of different topics and subjects. The specific grants that would go to an organization from NITZA (don't know meaning) has to become self-sustaining in a given amount of time.

There was no further testimony on HB 1337 and the hearing was closed.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1337

House Transportation Committee

Check here for Conference Committee

Hearing Date: 02/05/09

Recorder Job Number: 8866

Committee Clerk Signature

Jeanette Cook

Minutes:

Chairman Ruby called for the committee to take up HB 1337. There was general discussion and review of the bill. Committee members felt that there are already vehicles in place to obtain money for these types of programs.

Representative Weiler was impressed with Mr. Conlin's program, but has concerns that it will not be "screwed up" by the government.

An amendment was written and discussed.

Representative Weiler expressed a dislike for putting an additional burden on someone who receives a DUI.

Representative R. Kelsch stated that we have always been careful to keep a separation between church and state. She has a problem with developing an office for faith based and community initiatives.

Representative Weisz moved the amendment.

Representative Potter seconded the amendment.

A roll call vote was taken on the amendment. **Aye 6 Nay 8 Absent 0**

The amendment failed.

Representative Weiler moved a **Do Not Pass** on HB 1337.

Representative Weisz seconded the motion.

Representative Weisz doesn't feel that it is clear in this bill how the money will be spent, or that there is any accountability.

Representative Weiler: The bill says that the DOT will be administering the program, and I feel that it is better administered on a private level.

A roll call vote was taken. **Aye 14 Nay 0 Absent 0**

Representative Weiler will carry the bill.

FISCAL NOTE
Requested by Legislative Council
01/22/2009

REVISION

Bill/Resolution No.: HB 1337

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2007-2009 Biennium		2009-2011 Biennium		2011-2013 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$1,106,625		\$998,728
Expenditures				\$1,106,625		\$998,728
Appropriations				\$1,106,625		\$998,728

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2007-2009 Biennium			2009-2011 Biennium			2011-2013 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

Collect administrative surcharges from individuals convicted of 39-08-01 to support the young driver safety fund to be administered by the department of transportation.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

The bill provides that the fees collected be deposited in a special the "young driver safety fund". All money deposited in the fund is to be used for administering a young driver safety grant program. Administration of the Young Driver Safety Grant Program would require approximately ¼ of an FTE for program monitoring.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

Based on available 2008 DUI data there were 4,650 1st time offender and 1,750 second or subsequent offender convictions. Projected revenue for the program based on 2008 date would be as follows:

1st time offenders (4,650 x \$75) = \$ 348,750
2nd or subsequent offenders (1,750 x \$125) = \$ 218,750

Estimated Total 1st Year Revenue = \$567,500

Every effort is made to reduce the number of DUI offenses in the state of North Dakota. The amount of money deposited in this fund should be reduced annually. An estimated 5% annual decrease is used for the following year estimates.

Estimated 2nd year (\$567,500 x 95%) = \$ 539,125

2009-2011 Biennium Estimate = \$1,106,625

2011-2013 Biennium Estimate (\$512,168 + \$486,560)= \$ 998,728

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

The bill provides that the funds generated be used for administering a young driver safety grant program. The cost of

the program would include Traffic Safety estimates ¼ of an FTE at a cost of \$10,000 per year or \$20,000 per biennium; this would be funded out of the revenues generated under this bill.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

In accordance with the provisions of the bill, the revenues generated would be used to administer a young driver safety grant program. This would require appropriations in an amount equivalent to the revenues received. The bill does provide that "all money deposited in the fund is appropriated on a continuing basis to the department of transportation for administering a young driver safety grant program." The additional FTE cost should be considered as part of this appropriation and would be funded out of the revenues generated under this bill

Name:	Glenn Jackson	Agency:	NDDOT
Phone Number:	328-4792	Date Prepared:	01/22/2009

FISCAL NOTE
 Requested by Legislative Council
 01/20/2009

REVISION

Bill/Resolution No.: HB 1337

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Collect administrative surcharges from individuals convicted of 39-08-01 to support the young driver safety fund to be administered by the department of transportation.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

The bill provides that the fees collected be deposited in a special the "young driver safety fund". All money deposited in the fund is to be used for administering a young driver safety grant program. Administration of the Young Driver Safety Grant Program would require approximately ¼ of an FTE for program monitoring.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

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The bill provides that the funds generated be used for administering a young driver safety grant program. The cost of

the program would include Traffic Safety estimates ¼ of an FTE at a cost of \$10,000 per year or \$20,000 per biennium.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

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Name:	Glenn Jackson	Agency:	NDDOT
Phone Number:	328-4792	Date Prepared:	01/20/2009

FISCAL NOTE
Requested by Legislative Council
01/13/2009

Bill/Resolution No.: HB 1337

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Expenditures				\$20,000		\$20,000
Appropriations				\$20,000		\$20,000

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

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Collect administrative surcharges from individuals convicted of 39-08-01 to support the young driver safety fund to be administered by the department of transportation.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Administration of the Young Driver Safety Grant Program would require approximately ¼ of an FTE for program monitoring.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

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2009-2011 Biennium Estimate = \$1,106,625

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B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

Traffic Safety estimates that the ¼ FTE would cost \$10,000 per year or \$20,000 per biennium.

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency*

and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.

Appropriations needed would be for the ¼ FTE of \$20,000 per biennium.

Name:	Glenn Jackson	Agency:	NDDOT
Phone Number:	328-4792	Date Prepared:	01/16/2009

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1337

Page 1, line 8, replace "seventy-five" with "fifty"

Page 1, line 10, replace "one hundred twenty-five" with "seventy-five"

Page 1, line 14, replace "department of transportation" with "office of faith-based and
community initiatives"

Page 1, line 15, after "program" insert "in which a grantee must be a not-for-profit entity that
has been in existence for at least three years"

Renumber accordingly

Date: 2-5-09

Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1337

House TRANSPORTATION Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do pass Don't Pass Amended
on amendment

Motion Made By Weisz Seconded By Potter

Representatives	Yes	No	Representatives	Yes	No
Representative Ruby - Chairman	✓		Representative Delmore		✓
Rep. Weiler - Vice Chairman		✓	Representative Griffin		✓
Representative Frantsvog	✓		Representative Gruchalla	✓	
Representative Heller		✓	Representative Potter	✓	
Representative R. Kelsch		✓	Representative Schmidt		✓
Representative Sukut	✓		Representative Thorpe	✓	✓
Representative Vigesaa		✓			
Representative Weisz	✓				

Total Yes 6 No 8

Absent 0

Bill Carrier _____

If the vote is on an amendment, briefly indicate intent:

Date: 2-5-09

Roll Call Vote #: 2

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1337

House TRANSPORTATION Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do pass Don't Pass Amended

Motion Made By Weiler Seconded By Weisz

Representatives	Yes	No	Representatives	Yes	No
Representative Ruby - Chairman	✓		Representative Delmore	✓	
Rep. Weiler - Vice Chairman	✓		Representative Griffin	✓	
Representative Frantsvog	✓		Representative Gruchalla	✓	
Representative Heller	✓		Representative Potter	✓	
Representative R. Kelsch	✓		Representative Schmidt	✓	
Representative Sukut	✓		Representative Thorpe	✓	
Representative Vigasaa	✓				
Representative Weisz	✓				

Total Yes 14 No 0

Absent 0

Bill Carrier Weiler

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1337: Transportation Committee (Rep. Ruby, Chairman) recommends DO NOT PASS
(14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1337 was placed on the
Eleventh order on the calendar.

2009 TESTIMONY

HB 1337

Attachment #1

House Bill 1337

From: **John Goff** (John@bullislaw.com)
Sent: Wed 1/21/09 8:53 PM
To: bthoreson@nd.gov

Dear Committee Members,

I present this written testimony in favor of House Bill 1337. I am a board member of Cars and Kids and I am the father of two teen-age drivers. I am also a former Cass County State's Attorney and now a criminal defense lawyer. North Dakota needs to recognize that young drivers are now put into a position of operating motor vehicles in highly urban areas at a very young age with very little actual driving experience. They also do not have a mature appreciation of the risks and dangers that come with the operation of motor vehicles. Not all kids are the same and some are able to handle the responsibility of driving, but many need more sophisticated training and education. Rural teen-agers are not challenged the same way that urban drivers are on a daily basis. It is imperative that we are better able to prepare these young drivers to operate vehicles safely on our roads. It is necessary for their protection and for the protection of all drivers and pedestrians.

We are not fulfilling our duties as citizens and parents and community leaders if we do not put in place the appropriate training tools to better educate and prepare our young drivers. House Bill 1337 is not the perfect or final solution to making our roads safer, but it is a big step in the right direction. I have prosecuted and defended criminal cases involving young drivers who have been involved in tragic automobile collisions. In virtually every case, the young defendant would give anything to have another chance to change what happened. But we all know that is impossible. We have a duty to make all reasonable efforts to prepare them as well as we can.

Please send House Bill 1337 on with your approval so we can move forward in the right and safe direction.

John T. Goff
Montgomery, Goff & Bullis, P.C.
4650 38th Ave. South
P.O. Box 9199
Fargo, N.D. 58106

Attachment #2

HOUSE TRANSPORTATION COMMITTEE
January 22, 2009 2:00 p.m. Ft. Totten Room

North Dakota Department of Transportation
Glenn Jackson, Interim Director, Drivers License and Traffic Safety Division, NDDOT

HB 1337

Mr. Chairman, Members of the committee, my name is Glenn Jackson, Interim Director of the Drivers License and Traffic Safety Division of the North Dakota Department of Transportation (NDDOT).

This bill allows the court to order Driving Under the Influence (DUI) offenders to pay an administrative surcharge to help support a young driver safety grant program, administered by the NDDOT.

Teenage drivers accounted for 23 percent of fatal crashes in North Dakota last year. In 2007, they accounted for 22 percent of all crashes, a number disproportionate to their demographic which represents 11 percent of the population. The number one contributing factor in teen crashes is speed - driving too fast for conditions.

The NDDOT's Traffic Safety Office receives federal funding through the National Highway Traffic Safety Administration (NHTSA). Historically, less than five percent of NHTSA funding is allocated to young driver safety programs. NDDOT has focused its funding on the broader demographic to include educating all age groups in North Dakota on seat belt use and impaired driving.

The Traffic Safety Office receives requests for funding to support young driver safety programs from groups such as Students Against Destructive Decisions (SADD), the North Dakota Safety Council's *Alive at 25* program, and colleges/universities. The office is unable to fund some of these requests under NHTSA funding requirements. NHTSA only allows for seed grants, and requires programs become self-sustaining. As a result, we are often required to deny funding for recurring projects, even though they provide excellent value.

There should be a fiscal note attached to this bill.

NDDOT is committed to the safety and education of teen drivers as a means of improving traffic safety. Mr. Chairman, I am happy to take your questions at this time.