

Consultation Paper

NEW DRIVER PROPOSALS

October 2014

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Isle of Man
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Reilrys Ellan Vannin



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Ministerial Introduction

The Department of Infrastructure is responsible for the licensing of all drivers and for the overall safety of road users. The Department works very closely with the Isle of Man Constabulary to make sure that legislation created to safeguard all road users is enforced in a balanced and effective manner.

Over the past ten years, fatal accidents to drivers on the Isle of Man have fallen significantly, partly due to major road safety schemes that have improved the design of the road in areas where there were high numbers of serious accidents and partly due to improvements in the safety of vehicles. Despite these improvements, there are still significant concerns about the safety of young and new drivers, these drivers are particularly vulnerable to accidents in which their driving standards could be classed as a 'misjudgement'.

The Department has identified a number of things it could do to help reduce this sort of accident. The majority of these involve changing the way new drivers are allowed to use the road. The Department recognises that some of these changes could have a wider impact on the social freedoms and economic opportunities of new drivers and has decided to put the different ideas to the public through this consultation exercise.

Hon Phil Gawne MHK **Minister for Infrastructure**

A two month consultation runs until 30 November 2014. The Department hopes that members of the public will respond with their own views and has included a proposed response format at the end of the document. It would be greatly appreciated if members of the public who wish to respond could do so either on line at:

<https://www.surveymonkey.com/s/NewDriverPaper>

or should you prefer to respond directly, comments can be sent electronically to:

Chris.Hannon@gov.im

or by post to:

Chris Hannon
Department of Infrastructure
Sea Terminal Building
Douglas
Isle of Man
IM1 2RF

New drivers

During the course of the last year and a half, the Department has been investigating how jurisdictions around the world are developing and teaching skills to new drivers to enable them to drive safely on their own.

The reason for this research is that in the Island new drivers are more likely to be involved in accidents than any other group. This is a situation that is duplicated in practically every other country round the world. For example, statistics produced by the UK Department for Transport show that new drivers, up to age 24, account for only 12% of all drivers on the road but are involved in 24% of all serious and fatal accidents.

Against this type of statistical analysis, Governments and road safety organisations have looked to develop various programmes which provide new drivers with the skills needed and also to provide or encourage additional learning to deal with driving alone. Generally we found that restrictions are put in place once a person has passed the driving test, which vary from restricting the hours people can drive, the number of passengers they can carry or the speed at which they can travel for a defined period of time. These restrictions vary from 1 year to 4 years as in the case of Victoria, Australia.

In the attached Annex there is information covering accident statistics for the Isle of Man, details of what the UK Government has been asked to investigate by organisations such as the AA and RAC, charities like Brake and the ABI (Association of British Insurers) and there are details on what is being considered for introduction in Northern Ireland.

Department proposals for the Isle of Man

There are proposals listed below, that can be introduced by way of regulation relatively quickly if there is support from the public and Tynwald. There are also other suggestions, such as changing the way people are taught to drive, for example, which are not listed that would require changes to primary legislation. This would take a significant period of time and would involve further research with driving instructors and examiners.

The Department is therefore seeking the views of the public on what we could or should be doing to try and safeguard the Island's inexperienced drivers. The following proposals relate to car drivers only as motorcycle riders are already subject to a graduated scheme tailored to their issues.

Following the Department's investigations the proposals below have been developed for this consultation and to generate discussion going forward:

1. Allow 16 year olds to hold a provisional licence but do not allow them to take a driving test until they are 17 years old.

This suggestion encourages learning over a longer period of time. It is recognised that the more mature a candidate is when taking a driving test the better the success rate as the candidate tends to demonstrate better skills and judgement. A longer period of learning with an instructor is also considered to be a better way for a novice driver to learn the required skills that will ultimately allow them to deal with peer pressure when driving with friends, known to be a major contribution toward accidents. This proposal would require a change in regulations.

2. Extend the use of R plates to two or three years with a reduction to one year if further approved training is undertaken and an accepted test is passed.

This proposal would retain and extend the current R plate restrictions but to provide an incentive for novice drivers to take further training, the R plate period would be reduced to one year if the driver undertook relevant, recognised additional training, such as instruction from the Institute of Advanced Motorists or a similar course provider.

The proposal to extend the R plate period to two years can be achieved by a change to the regulations; however, any further increase to three years or the introduction of an incentive element would require a change to primary legislation.

3. Limit R plate drivers to carrying one passenger for the first six months after passing their test, or to having no passengers between 8.00pm and 6.00am, unless one passenger is aged 25 years or more in which case the vehicle can carry up to its maximum number of passengers.

The premise for this proposal is reducing the possibility of peer pressure causing driver related problems. Peer pressure is recognised as a major contributor to accidents in the under 24 year age group. Placing additional restrictions on the number of passengers would require a change to regulations.

4. All R plate drivers to be issued with an electronic device that would alert the police if the driver is speeding.

Based on Telematics principles, this proposal would monitor drivers and notify the police if a driver exceeds the speed limit or is driving in a dangerous manner. Further investigation will be required to ensure the technology is available in a suitable format.

5. R Plate drivers to lose the right to drive and have to retake the driving test if they attract three to six penalty points for driving offences within the R plate period.

This would require that any R plate driver who achieves either three or six penalty points should lose their driving licence and have to re-take the driving test before they are able to drive unaccompanied, i.e. automatically revert to a provisional licence for a minimum six month period. They would then be required to pass the theory and practical test before they can drive unaccompanied. This proposal would require a change to the primary legislation. It is however considered a strong incentive for new drivers to take responsibility for their actions.

6. Do nothing and retain the current instruction and testing system.

Leave the current method of learning to drive and R plate restrictions as they are.

This option has served the public for many years but may no longer be the best way to help new drivers learn the skills necessary to be equipped to drive a car in the current climate. The Department feels that more should be done to teach the relevant skills and to provide incentives for new drivers to take responsibility for their actions until such time as they are competent to drive safely.

Other options

The Department is aware that some other countries have developed more complex systems to reduce the risks posed by novice drivers. For the purposes of comparison, details of the system used by the Australian state of Victoria, which is one of the most rigorous systems that could be identified as having been implemented, are provided in the Annex.

Another alternative to the Departmental proposals given in this document would be to make the existing driving test harder to pass.

Whilst the Department is not currently proposing any one of these alternative approaches it would welcome comment from the public on them.

Conclusion

The information provided in the Annex to this document and the proposals listed above are intended to encourage discussion of the sensitive issues regarding new drivers. The Department acknowledges the proposals are not complete due to the complexities of developing and introducing new systems. The Department may need to consult further on this element for new drivers in the future.

How to Respond

The Department welcomes representations by anyone who wishes to comment on this document. We would encourage the submission of clear and concise responses using the online survey at:

<https://www.surveymonkey.com/s/NewDriverPaper>

It is also important to take into consideration that making a representation does not necessarily mean that the Department will make a change to legislation.

As previously indicated, those who do not have access to the internet can submit written comments to the following address:

Chris Hannon
Department of Infrastructure
Highways Division
Sea Terminal Building
Douglas
Isle of Man
IM1 2RF

Submissions should be clearly marked:

'Consultation on New Drivers'

You can provide your comments by e-mail to: Chris.Hannon@gov.im

An electronic version of this consultation document can be found at:

<http://www.gov.im/consultations>

Information provided in responses will be dealt with in accordance with access to information regimes:

'Guidance on the Code of Practice on Consultation' and

'Code of Practice on Access to Information'

This consultation begins on 8th October 2014 and it will close on 30 November 2014.

ANNEX

Background information

Isle of Man

Accident statistics covering the period 2007-2012 show that of all accident types recorded, those which could be classed as a “misjudgement”, are significantly higher for drivers aged 16-20 and drivers aged 21 to 25 than almost any other age group.

Under normal circumstances accident rates would show a downward trend from this point as the driver’s experience and knowledge improves. However, as can be seen from the data (plotted in the chart at Appendix 1 - number of accidents against the age of driver) there is a spike in this pattern for drivers aged between 36-40 and 41-45. Many theories could explain this: mid-life crisis, born-again bikers, and TT/MGP festival attendees. Unfortunately there is no guarantee that any one element causes this anomaly. However, if these two columns are removed the downward trend is very apparent, i.e. as drivers gain more experience the number of accidents reduces, a trend which is duplicated by statistics in jurisdictions all round the world.

At present, Isle of Man legislation allows individuals to apply for a provisional licence from the age of 16 years and individuals can sit a test as soon as the licence has been issued. Once a full test has been passed, for cars and motorcycles, drivers are obliged to display an R Plate on their vehicles for one year and are subject to a maximum speed of 50mph where speed restrictions are not in place. This is the only restriction currently in place for the new car driver in the Isle of Man. Motorcyclists are required to follow a different licensing route involving lower powered bikes until they have achieved a certain level of experience but again should display an R plate and are limited to the 50mph maximum speed.

UK Position

As a result of pressure from various motoring groups the UK Government commissioned the Transport Research Laboratory (TRL) to investigate and report on novice drivers and the options available for learning to drive, including graduated driving licence systems. The TRL report was published on 9 October 2013 and recommended the following:

- A minimum 12 month learning period
- Minimum amount of supervised practice
- Restrictions on solo night-time driving
- Restrictions on the carrying of passengers under the age of 30
- A lower alcohol limit
- A ban on hands-free mobile phone use
- After a 12-month probationary period drivers would then graduate to a Full licence with no restrictions.

The UK Government was due to release a Green Paper on the subject of Novice Driver proposals following pressure from various motoring organisations and road safety charities. Mr Robert Goodwill MP, the Parliamentary Under Secretary of State for Transport advised the following when questioned in Parliament on 18 December 2013:

“The safety of young people on our roads is very important to us. Too many young people die, too often. But we are wrestling with how to make things safer, while not unduly restricting the freedom of our young people. We want young people to be able to get to work and training, to education and to leisure activities, and we want them to do so safely. We are finding this a difficult balance, with passionate voices on both sides. We will issue a paper when we have considered this further.”

Information has been published since this announcement that suggests one of the main reasons for the delay in publishing the Green Paper is to enable further investigations of the use of Telematics.

Telematics Insurance or Black Box Insurance is a pay-as-you drive policy based on information received from a small device fitted to the car which records and feeds-back information on how you are driving. The type of information collected by the black box includes:

- Speed
- Braking and acceleration
- Distance travelled
- Time of travel
- Types of roads used

The premium is calculated based on data gathered by the black box with drivers who meet or exceed agreed criteria being rewarded with lower premium payments and those who don't meet the agreed criteria paying higher premiums.

Most insurance companies offer a variation of this type of policy but there are no industry standards and each company decides their own levels of what is good or bad driving.

The Institute of Advanced Motorists welcomed the initial announcement of the Green Paper as a "healthy stimulant to a long-overdue national conversation about young driver safety". They also made similar suggestions to those discussed below from the Association of British Insurers (ABI), the AA, the RAC and various other organisations.

Northern Ireland Proposals

Mr Alex Attwood MLA, the then Northern Ireland Minister for Environment, announced plans to introduce new requirements for novice drivers one of which was not allowing newly qualified drivers up to age 24 years to carry young passengers aged between 14 and 20 years, during the first six months after passing their test; unless the passengers are immediate family members. This limitation will not apply if a supervising driver (someone aged over 21 years who has held a full licence for a minimum of three years) is sitting in the passenger seat.

Other proposed changes include:

- A lower provisional licence age of 16½ years
- A mandatory minimum learning period of 12 months
- Increasing the post-test period from one to two years
- Removing the 45 mph speed restriction currently applied to learner and restricted drivers (45mph is the maximum limit for novice drivers)
- Allowing learner drivers to take lessons on motorways, as long as they are accompanied by an Approved Driving Instructor in a dual-controlled car
- Compulsory logbooks for learner drivers
- N plates for 'new' drivers (to replace R plates) to be displayed for two years

Mr Attwood acknowledged these proposals would create a radical change in the driver training regime in Northern Ireland and that they would challenge currently accepted concepts.

However, the objectives of better road safety, an ambition of zero road deaths and reduced driver insurance premiums are considered to be good reasons for introducing the proposals.

The proposals are due to be heard by the Northern Ireland Parliament in the near future.

Wales

In Wales, a report by Public Health Wales, prompted by a child death review, makes a number of suggestions to restrict the driving habits of young motorists. The report called for newly qualified drivers to:

- be banned from driving at night
- be subject to a limit imposed on the number of passengers they can carry
- have a total ban on driving after drinking any amount of alcohol

To justify these calls, Public Health Wales say that 34 teenagers lost their lives in fatal road accidents in Wales between 2006 and 2010 and the following factors were thought to be involved in causing loss of control of the vehicles in which they were travelling:

- driving inexperience
- failing to wear a seatbelt
- alcohol consumption
- over-loading of passengers (*significant factor in the number of casualties*)
- night-time driving was a factor in 19 out of 28 crash reports.

One suggestion in the report calls for the introduction of a graduated driving licence (GDL) system such as those operating in New Zealand, Australia and the United States. Cardiff University research (compiled by analysing road accident data from 2000 to 2007) supports the benefits of GDL systems; their research has shown that the introduction of such a system could save up to 200 lives every year and avoid 14,000 casualties which in turn would save the UK economy £890 million.

The same research also shows that every day four people are killed or seriously injured in crashes involving young drivers and although road traffic accidents in Britain are reducing, crashes involving new young drivers are increasing.

Other Proposals

The Association of British Insurers

In Great Britain, the Association of British Insurers (ABI) has called on the UK Government to revise how people learn to drive. To support their argument the ABI have produced statistics which show young drivers account for just 12% of licence holders but are involved in 25% of all road deaths and serious accidents; and that one in five young drivers will be involved in a crash within six months of passing their driving test. They also claim that carrying passengers significantly increases a young driver's chances of being involved in a collision.

The ABI further argue that the only way to bring down the cost of motor insurance for young drivers is to make them better, safer drivers. In 2012 the ABI launched a Campaign for Safe Young Drivers, in which they called for changes to the way young people learn to drive.

Based on extensive analysis of available data, the ABI recommend the following measures should be introduced:

- A minimum 12 month learning period before the driving test can be taken
- A ban on intensive driving courses
- Lowering of the age at which young people can learn to drive to 16½ years
- Introduction of graduated driver licensing
- Restriction on the number of young passengers that can be carried by a young driver
- Restrictions on driving during night-time hours
- A lowering of the blood alcohol concentration for drivers aged between 17–24 years

In order to provide evidence to support these proposals, the ABI quoted the results of a survey carried out by YouGov between 25 August 2012 and 3 September 2012 where:

- 76% of people agreed there should be restrictions on young drivers after passing their driving test
- 71% supported restricting the number of young passengers that newly qualified young drivers are allowed to carry
- 58% of people supported restrictions on night-time driving (11pm – 4am) for newly qualified young drivers
- 57% agreed with a minimum 12-month learning period before taking the driving test to enable young drivers to gain more supervised practice

Brake

The road safety charity 'Brake' have stated that one in eight licence holders in Britain is aged under 25 years but one in four drivers who die on our roads are in this age group, often taking their friends and other innocent road users with them. In their opinion, the fact that you can obtain a provisional licence at 17; pass a theory test then a practical driving test to obtain a full driving licence is simply not enough.

Brake want to introduce graduated driving licensing to allow novice drivers to develop their driving skills and experience gradually and want this to be done in three stages:

- Stage 1 Learner period – to last a minimum of 12 months
- Stage 2 Novice period – to last a minimum of two years during which time there will be restrictions placed on the driver (such as not driving late at night);
- Stage 3 Full licence.

Brake also wants to introduce a compulsory curriculum of education on the dangers of driving.

The AA and RAC

The AA and RAC are also calling for changes to the current system of teaching new drivers and have proposed similar ideas to those from the ABI, Brake and DoE, Northern Ireland.

Victoria's Graduated Licensing System

In the state of Victoria, Australia, new drivers are introduced to driving progressively. The system there provides a structured transition as the new driver's experience and maturity increase. It helps new drivers to be safer by:

- preparing learners for solo driving through extended learning
- testing learners to ensure they can drive safely in everyday traffic
- protecting probationary drivers by keeping them out of higher risk situations
- motivating probationary drivers to drive more safely and within the law.

This ensures that new drivers move through a learner permit stage followed by the P1 and P2 probationary licence stages to earn their full driver licence without being exposed to high risk driving situations before they are ready.

The following restrictions apply to P1 or P2 probationary licence holder:

- You must have a zero blood alcohol content (BAC of .00) at all times while driving.
- If you are a drink driving offender caught with a BAC of 0.07 or more, you will have to fit an alcohol ignition interlock in your vehicle for a minimum of six months once re-licensed.
- You must display the appropriate 'P' plate (red for P1 drivers and green for P2 drivers) on the front and rear of the vehicle, clearly visible from a distance of 20 metres*
- You must carry your licence at all times while driving.
- If you pass your Drive Test in an automatic vehicle, you can only drive a vehicle with an automatic transmission (this does not apply if you have previously held a manual licence).
- You must not accumulate five or more demerit points within a twelve-month period or twelve or more demerit points in a three-year period.

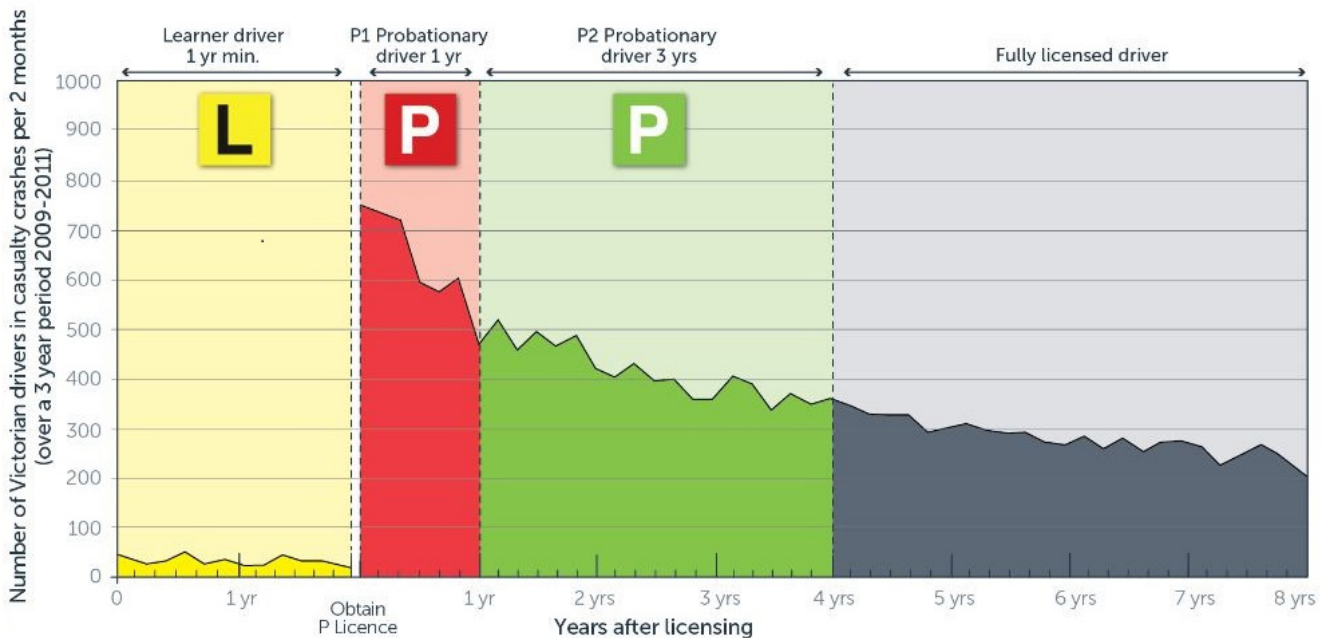
- You must not use a mobile phone while driving. This includes hands-free devices, hand-held phones and messaging of any kind.
- P1 probationary drivers are only allowed to tow for work at the request of their employer, or for driving solely in connection with agriculture, horticulture, dairying, pastoral, commercial fishing, or under instruction with an experienced driver in the vehicle.
- Your P1 or P2 period will be extended if you receive any suspension, drink driving offence without licence cancellation or suspension or a drug driving offence.
- P1 probationary drivers will only be permitted to carry one passenger (irrespective of age) for the balance of the P1 period on re-issue of a suspended or cancelled licence as a result of a traffic offence. Medical Review, Sheriff's Office suspensions and suspensions as a result of an offence committed under Section 51 of the Road Safety Act 1986 are excluded.
- P1 probationary drivers are only permitted to carry one peer passenger aged between 16 and 22 years.

** The probationary prohibited vehicle and requirement to display 'P' plate conditions do not apply to a member of the police force in the course of duty and driving a police motor vehicle. The requirement to display a 'P' plate does not apply to a member of the Country Fire Authority, State Emergency Service or an ambulance officer driving the vehicle in the course of duty.*

Key features of the Victoria graduated licensing system include:

- compulsory 120 hours of logged supervised driving experience
- a minimum 12 month learner permit period
- a more challenging on-road driving test
- a two stage probationary licence system (P1 and P2)
- peer passenger and mobile phone restrictions for P1 drivers
- probationary drivers are prohibited from driving certain vehicles
- a range of educational support measures

Probationary drivers have more crashes than anyone else using the roads, and car crashes are the number one killer of young people. The graph below shows that the first year of driving on a probationary licence is the most dangerous.



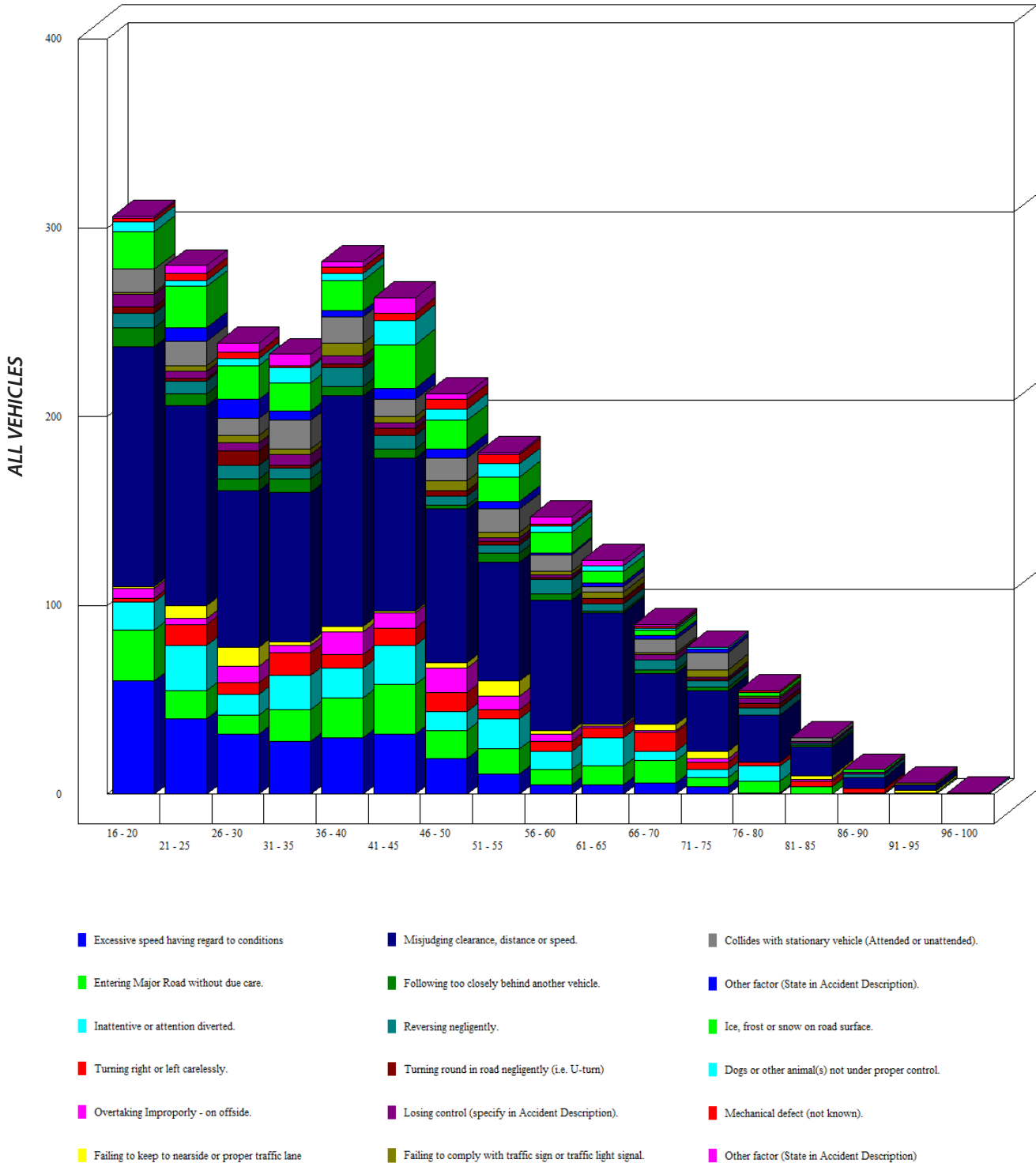
The crash risk graph above shows four important points:

1. You are relatively safe as a learner driver with a supervising driver to help you. This is why Victoria has a long learner driver period and a 120 hour requirement. This is the best time to learn the skills needed to be a safer driver.
2. The highest crash risk is associated with new P plate drivers. When you start to drive on a probationary licence you will have the highest risk of crashing than at any other time as a driver. This is why Victoria has special requirements for new drivers and a Graduated Licensing System.
3. The crash risk will go down over the first few years of driving experience, but for those first few years the risk of crashing is relatively high. This is why Victoria has a four year probationary period for most new drivers.
4. The risk of crashing will slowly decrease for many years after you get your licence.

Appendix 1

Isle of Man Accident Statistics 2007 - 2012

Cause of accident ... Age of driver



Appendix 2

Questionnaire

1. Allow 16 year olds to hold a provisional licence but do not allow them to take a driving test until they are 17 years old.

This suggestion encourages learning over a longer period of time. It is recognised that the more mature a candidate is when taking a driving test the better the success rate as the candidate tends to demonstrate better skills and judgement. A longer period of learning with an instructor is also considered to be a better way for a novice driver to learn the required skills that will ultimately allow them to deal with peer pressure when driving with friends, known to be a major contribution toward accidents. This proposal would require a change in regulations.

Should the Department look to introduce this restriction? YES NO

2. Extend the use of R plates to two or three years with a reduction to one year if further approved training is undertaken and an accepted test is passed.

This proposal would retain and extend the current R plate restrictions but to provide an incentive for novice drivers to take further training, the R plate period would be reduced to one year if the driver undertook relevant, recognised additional training, such as instruction from the Institute of Advanced Motorists or a similar course provider.

The proposal to extend the R plate period to two years can be achieved by a change to the regulations; however, any further increase to three years or the introduction of an incentive element would require a change to primary legislation.

Should the Department look to introduce this proposal? YES NO

3. Limit R plate drivers to carrying one passenger for the first six months after passing their test or to having no passengers between 8.00pm and 6.00am, unless one passenger is aged 25 years or more in which case the vehicle can carry up to its maximum number of passengers.

The premise for this proposal is reducing the possibility of peer pressure causing driver related problems. Peer pressure is recognised as a major contributor to accidents in the under 24 year age group. Placing additional restrictions on the number of passengers would require a change to regulations.

Should the Department look to introduce this proposal? YES NO

4. All R plate drivers to be issued with an electronic device that would alert the police if the driver is speeding.

Based on Telematics principles, this proposal would monitor drivers and notify the police if a driver exceeds the speed limit or is driving in a dangerous manner. Further investigation will be required to ensure the technology is available in a suitable format.

Should the Department look to introduce this proposal? YES NO

5. R Plate drivers to lose the right to drive and have to retake the driving test if they attract three or six penalty points for driving offences within the R plate period.

This would require that any R plate driver who achieves either three or six penalty points should lose their driving licence and have to re-take the driving test before they are able to drive unaccompanied, i.e. automatically revert to a provisional licence for a minimum six month period. They would then be required to pass the theory and practical test before they can drive unaccompanied. This proposal would require a change to the primary legislation. It is however considered a strong incentive for new drivers to take responsibility for their actions.

Should the Department look to introduce this proposal?

 YES NO

6. If the Department were to introduce the proposal in question 5, should it be at three points or six points?

 THREE POINTS SIX POINTS

7. Do nothing and retain the current instruction and testing system

Leave the current method of learning to drive and R plate restrictions as they are. This option has served the public for many years but may no longer be the best way to help new drivers learn the skills necessary to be equipped to drive a car in the current climate.

Should the Department retain the current system?

 YES NO

8. Do you think the current way of teaching people to drive is suitable or should the Department investigate other methods such as graduated driving licensing systems?

Should the Department investigate other methods?

 YES NO

9. Should the current driving test be made more difficult to pass?

 YES NO

10. If you have any further comments or suggestions you feel the Department should consider or investigate could you please let us know in the space below:



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Consultation Paper

NEW DRIVER PROPOSALS

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