

JUDICIAL PERSPECTIVES ON CHILD PASSENGER PROTECTION LEGISLATION

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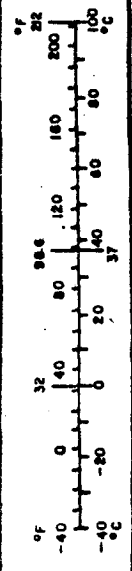
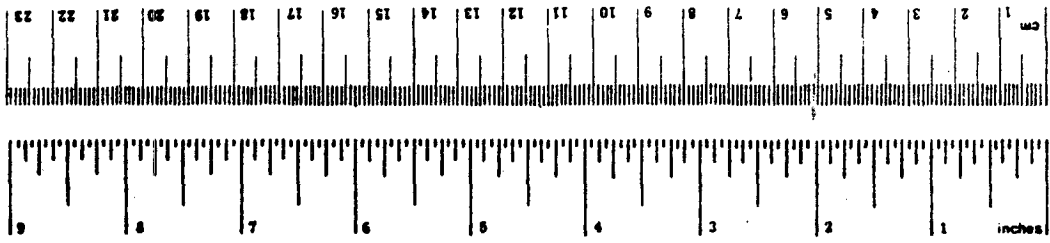
METRIC CONVERSION FACTORS

Approximate Conversions to Metric Measures

Symbol	When You Know	Multiply by	To Find	Symbol
LENGTH				
in	inches	2.5	centimeters	cm
ft	feet	30	centimeters	cm
yd	yards	0.9	meters	m
mi	miles	1.6	kilometers	km
AREA				
sq in	square inches	6.5	square centimeters	cm ²
sq ft	square feet	0.09	square meters	m ²
sq yd	square yards	0.8	square meters	m ²
sq mi	square miles	2.6	square kilometers	km ²
acres	acres	0.4	hectares	ha
MASS (weight)				
oz	ounces	28	grams	g
lb	pounds	0.45	kilograms	kg
	short tons (2000 lb)	0.9	tonnes	t
VOLUME				
tsp	teaspoons	5	milliliters	ml
Tbsp	tablespoons	15	milliliters	ml
fl oz	fluid ounces	30	milliliters	ml
c	cup	0.24	liters	l
pt	pints	0.47	liters	l
qt	quarts	0.96	liters	l
gal	gallons	3.8	liters	l
cu ft	cubic feet	0.03	cubic meters	m ³
yd ³	cubic yards	0.76	cubic meters	m ³
TEMPERATURE (exact)				
°F	Fahrenheit temperature	5/9 (after subtracting 32)	Celsius temperature	°C

Approximate Conversions from Metric Measures

Symbol	When You Know	Multiply by	To Find	Symbol
LENGTH				
mm	millimeters	0.04	inches	in
cm	centimeters	0.4	inches	in
m	meters	3.3	feet	ft
km	kilometers	1.1	yards	yd
		0.6	miles	mi
AREA				
cm ²	square centimeters	0.16	square inches	in ²
m ²	square meters	1.2	square yards	yd ²
km ²	square kilometers	0.4	square miles	mi ²
ha	hectares (10,000 m ²)	2.5	acres	acres
MASS (weight)				
g	grams	0.005	ounces	oz
kg	kilograms	2.2	pounds	lb
t	tonnes (1000 kg)	1.1	short tons	lb
VOLUME				
ml	milliliters	0.03	fluid ounces	fl oz
l	liters	2.1	pints	pt
		1.06	quarts	qt
		0.26	gallons	gal
m ³	cubic meters	36	cubic feet	ft ³
		1.3	cubic yards	yd ³
TEMPERATURE (exact)				
°C	Celsius temperature	9/5 (then add 32)	Fahrenheit temperature	°F



* 1 in = 2.54 (exactly). For other exact conversions and more detailed tables, see NBS Misc. Publ. 286, Units of Weights and Measures, Price \$2.25, SO Catalog No. C13.10286.

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PREFACE

This report is one in a series of 11 reports on the Child Passenger Safety Program in Tennessee. These reports are:

1. The Tennessee Child Passenger Safety Program;
2. The Impact of a Child Passenger Restraint Law and a Public Information and Education Program on Child Passenger Safety in Tennessee;
3. Development of Materials and Public Relations Efforts to Promote Child Passenger Safety;
4. Use of Telephone Surveys to Determine Awareness of Tennessee's Child Passenger Protection Law;
5. Organizational Networks for Promoting Child Passenger Safety;
6. Judicial Perspectives on Child Passenger Protection Legislation;
7. Enforcement of Child Passenger Protection Law;
8. Development of Child Passenger Safety Component for Driver Education Programs;
9. Parents' Knowledge, Attitudes and Behavior About Child Passenger Safety;
10. Child Restraint Device Loaner Programs; and
11. Compliance with the Child Passenger Protection Law: Effects of a Loaner Program for Low-Income Mothers.

This report provides an analysis of judicial perspectives of general sessions judges concerning the Tennessee child passenger protection law. The judges' survey was designed to accomplish two main objectives: (1) to gather the judges' overall opinions of the child passenger protection law and (2) to determine their preferred methods of handling child passenger protection law violations. Two methods were employed to gather information: questionnaires were mailed to 103 judges (the corresponding group), while 12 judges (the interview group) were asked to participate in a personal interview. The judges were asked to supply sociodemographic data about themselves, to answer questions specifically concerning the law and to respond to other questions relating to general highway safety issues and legislation.

The majority of general sessions judges replied that the law was a good one and felt that young children, who are unable to make decisions for themselves, should be protected from injury or death by this legislation. The judges felt that the most effective method to dispose of law cases was proof of child restraint device purchase and that the least effective method

was "non-enforcement." Both the corresponding group and the interviewees believed that the law should be amended to include all drivers rather than just parents and guardians. The interviewee group also wanted the "babes-in-arms" clause and the vehicle exemptions clause removed from the law. Both groups felt the law should be enforced but rewritten for clearer meaning.

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I. INTRODUCTION

Automobile accidents are the leading cause of death to children over one month of age. The National Highway Traffic Safety Administration reports that children in the birth to four-year-old group sustained 5,411 motor vehicle-related deaths and injuries in 1979. In Tennessee, 17 children under age five lost their lives in automobile accidents in 1978. During this same period, 1,000 injuries to small children in the state were reported by the Tennessee Department of Safety (1978).

It is believed that these reported cases underrepresent the actual number of children adversely affected by automobile accidents. Unrestrained children frequently are injured when the automobile stops suddenly, swerves or takes a sharp curve. Most parents are aware of the additional hazards of unrestrained children sticking their heads and hands out of automobile windows, opening car doors and distracting the driver. Furthermore, these dangers are compounded by the physical characteristics of young children. The head and upper torso of the young child are large and heavy in proportion to other parts of the body. This means that head and upper torso are likely to be the first parts of the body to strike objects when the child is thrown off balance.

Studies indicate that children who are unrestrained in passenger vehicles are more likely to be killed or injured in an accident than those who are restrained. A Washington state seat belt study indicated that if all children under the age of five years were restrained at the time of an accident, a reduction of deaths by 19 percent and of injuries by 78 percent might be expected (Scherz, 1974). However, seat belts used alone do not provide adequate protection for small children. Shelness and Charles (1975) document the need for small children to wear special child restraint devices (CRDs). They discovered that seat belts (lap type) can slip on the child's abdomen and cause internal injury during a crash. They point out further that children (infants in particular), due to their proportionally short legs and large heavy head, are far more likely than are adults to be thrown about in a vehicle upon collision.

An example of the ineffectiveness of seat belts for small children is demonstrated by the Australian experience. Since 1971, Australia has required the use of seat belts for all passengers in motor vehicles. During the period 1972 to 1974, a reported 25 percent reduction in fatalities and a 20 percent reduction in injuries in most categories occurred. However, statistics show no significant reduction in fatalities and injuries of small children during this period (Boughton, Lancashire and Johnston, 1977).

Although many parents are aware of these dangers and the additional risks to young children because of their anatomical development, relatively few parents take active measures to protect their children while traveling in automobiles. The Insurance Institute for Highway Safety reported that 93 percent of children under ten years of age ride as passengers in vehicles without any type of restraint (Williams, 1976). On the basis of an observational study of child passengers traveling to and from amusement areas and shopping centers in Maryland, Massachusetts and Virginia, it is documented that, of the children under four years of age who were riding in CRDs, only

27 percent were properly restrained against death or injury (Williams, 1976). Thus, even those who are aware of the benefits of using CRDs need education in their proper use.

Child Passenger Protection Legislation in Tennessee

In 1977, the Tennessee legislature passed legislation requiring parents or guardians to provide protection for children and infants under the age of four years while riding in a motor vehicle. The Tennessee child passenger protection law specifically requires that the child or infant be restrained in a federally-approved CRD or be held in the arms of an older passenger (see Appendix A for legislation). Public health officers, legislators and the Tennessee Chapter of the American Academy of Pediatrics were instrumental in securing passage of the bill. Dr. Robert Sanders, Director of the Rutherford County Health Department in Murfreesboro, Tennessee, has served as a member of a state accident prevention task force and had begun efforts to introduce a child restraint bill as early as 1974.

On January 1, 1978, the law became effective, making Tennessee the first state in the nation to pass such legislation. There are six basic points to the law.

1. The law applies only to parents and legal guardians who are driving their own cars.
2. Only children under the age of four must be restrained.
3. The child can be held by an older passenger (the so-called "babes-in-arms" clause).
4. The CRD must be one that is federally approved.
5. The CRD must be used properly.
6. The law does not apply to recreational vehicles of the truck or van type or to trucks having a tonnage rating of one ton or more.

The Tennessee Child Passenger Safety Program

Since mere passage of the law did not ensure a reduction of deaths and injuries to Tennessee children, the Tennessee Governor's Highway Safety Program and the National Highway Traffic Safety Administration jointly sponsored the Child Passenger Safety Program with two grants totaling \$654,286 (\$309,026 from the National Highway Traffic Safety Administration and \$345,260 from the Tennessee Governor's Highway Safety Program). The broad goals of this program were (1) to publicize the law, (2) to educate the people of the State of Tennessee about the importance of CRDs and (3) to evaluate the effectiveness of these efforts and the overall impact of the legislation on reducing deaths and injuries to children under the age of four years involved in automobile accidents in Tennessee. The Child Passenger Safety Program began three months prior to January 1, 1978, to permit collection of baseline data on CRD usage. The program continued for a 36-month period. The Transportation Center of The University of Tennessee and the Tennessee

Governor's Highway Safety Program worked jointly to accomplish the program's objectives and tasks.

Objectives of the Tennessee Child Passenger Safety Program

The project was divided into three major activity areas: (1) public information and education--PI&E, (2) evaluation and (3) management. Sixteen specific objectives were identified; these are listed in Table 1. In order to accomplish these objectives, 34 specific tasks were developed (see Table 2) concerning topics such as enforcement, adjudication, child restraint systems, child passenger accident records, legislation, advertising, education and support of various groups and organizations. Objectives I-V related to the evaluation area of the project; Tasks 1-13 were developed to meet these objectives. Objectives VI-XV related to the PI&E component of the project; Task 14-33 were identified to satisfy these objectives. Management activities were encompassed by Objective XVI and Task 34. An effective integration of all these activities and tasks was pursued to ensure the greatest positive impact of the law.

In order to evaluate the effectiveness of the PI&E campaign in increasing CRD usage, it was necessary to determine how many parents and guardians used CRDs prior to January 1, 1978, when the law took effect and the PI&E activities began. A data collection plan was developed to obtain information on usage of CRDs before and after January 2, 1978. The data collection involved a complex procedure, with data collection intervals staggered throughout the duration of the program at six selected target areas. These areas included five major urban centers (Memphis, Nashville, Chattanooga, Knoxville and Tri-Cities area) and one rural area (composed of merged data from Dyersburg, Columbia and Morristown). These areas are shown in Figure 1. The baseline data collected prior to January 1, 1978, provided information on the use of CRDs, the number of people using seat belts, demographic characteristics of the population surveyed and other information vital to the evaluation activities of the program.

The intent of the PI&E program was to determine effective educational efforts for increasing CRD usage rates and market segments with which they could be successful. The PI&E program consisted of two parts--the basic state plan (which included low profile statewide activities throughout the duration of the program) and the comprehensive plan (consisting of intensive promotional activities). The basic state plan required only the distribution of brochures and posters to hospitals, doctors' offices, clinics and other strategic places to which parents with small children may visit frequently. The comprehensive plan not only included the same activities, but also utilized television and radio public service announcements, outdoor advertising, displays and contact with special interest groups and driver education programs. Newspapers were encouraged to run editorials and feature stories and to cover events such as CRD related press conferences. A loaner program to help low-income families acquire CRDs supplemented the comprehensive plan in Memphis and Chattanooga. Comparisons of the impacts of the comprehensive PI&E plan with those of the basic PI&E plan were made.

Figure 2 shows the data collection and PI&E implementation schedule of the two plans in the various target areas. The initial data collection occurred prior to the effective date of the law and PI&E program. This data collection

TABLE 1
CPS PROGRAM OBJECTIVES

Objective	Description
I.	Determine the compliance with the enforcement of Tennessee's child passenger protection law.
II.	Determine the number of convictions for violation of the Tennessee child passenger protection law.
III.	Determine the attitude of adults toward and availability of child restraint systems.
IV.	Determine the number of deaths and injuries of children (under the age of four) resulting from being a passenger in an automobile involved in an accident.
V.	Determine the public awareness of the new legislation and attitudes toward it.
VI.	Increase the usage of CRDs and encourage the enforcement of the Tennessee child passenger protection law through press coverage in newspapers across the state.
VII.	Promote an awareness of the child passenger protection law and increase proper usage of CRDs through television advertising.
VIII.	Increase public awareness of the child passenger protection law and encourage CRD usage through public service announcements on the radio.
XI.	Select an image slogan with emphasis on easy visual and audio identification to be used through public service announcements on the radio.
X.	Promote proper use of CRDs and knowledge of the child passenger protection law through outdoor advertising.
XI.	Educate as many people as possible about the proper use of CRDs and the law by utilizing printed materials (posters, brochures, handouts, etc.).
XII.	Encourage the increased use of CRDs and provide knowledge of the child passenger protection law by utilizing audiovisual presentations.

TABLE 1 (continued)

Objective	Description
XIII.	Develop an awareness of the child passenger protection law and its implications in driver education classes in secondary public schools throughout the state by designing an instructional packet for class use.
XIV.	Provide CRDs for selected citizens who cannot afford them by making the national CRD manufacturers aware of the Tennessee child passenger protection law and encouraging each manufacturer to donate approximately 25 CRDs to local law enforcement agencies, civic groups, etc., across the state.
XV.	Develop and generate support and endorsement from organizations such as enforcement agencies, civic groups, pediatricians, hospitals, etc.
XVI.	Ensure that the project is managed in an effective and efficient manner.

TABLE 2
CPS PROGRAM TASKS

Task	Description
1.	Observational Survey of CRD Usage
2.	Survey of CRD Proper/Improper Use
3.	Survey of Number of Arrests
4.	Additional Survey of Enforcement Agencies
5.	Survey of Number of Convictions
6.	Survey of Judges' Attitude Toward Law
7.	Survey of CRD Availability (Manufacturers, Wholesalers, Retailers)
8.	Attitudinal Survey of Owners of CRDs (Personal Interview)
9.	Attitudinal Survey of Owners of CRDs (Telephone Survey)
10.	Safety Agencies Survey of Accident Data
11.	Survey of Hospital Records
12.	Determination of Public Awareness (Personal Interview)
13.	Determination of Public Awareness (Telephone Survey)
14.	Newspaper Coverage
15.	Public Service Television Spots
16.	Television News Spots
17.	Radio News Spots
18.	Radio Feature Programs
19.	News Interviews with Project Participants

TABLE 2 (continued)

Task	Description
20.	Image/Slogan Selection
21.	Designing of Billboards
22.	Designing of Brochures and Posters
23.	Development and Reproduction of Audiovisual Presentations
24.	Instructional Packet for Driver Education Programs
25.	Establishment of a CRD Loaner System
26.	Identification of Sources of Endorsement and Support
27.	Exchange Information and Materials
28.	Communication with Tennessee Department of Safety
29.	Communication with the National Safety Council
30.	Provide Materials to Prenatal Groups
31.	Development of Portable Exhibit
32.	Department Store Advertisement
33.	System of Communication with CRD Manufacturers
34.	Management of Project

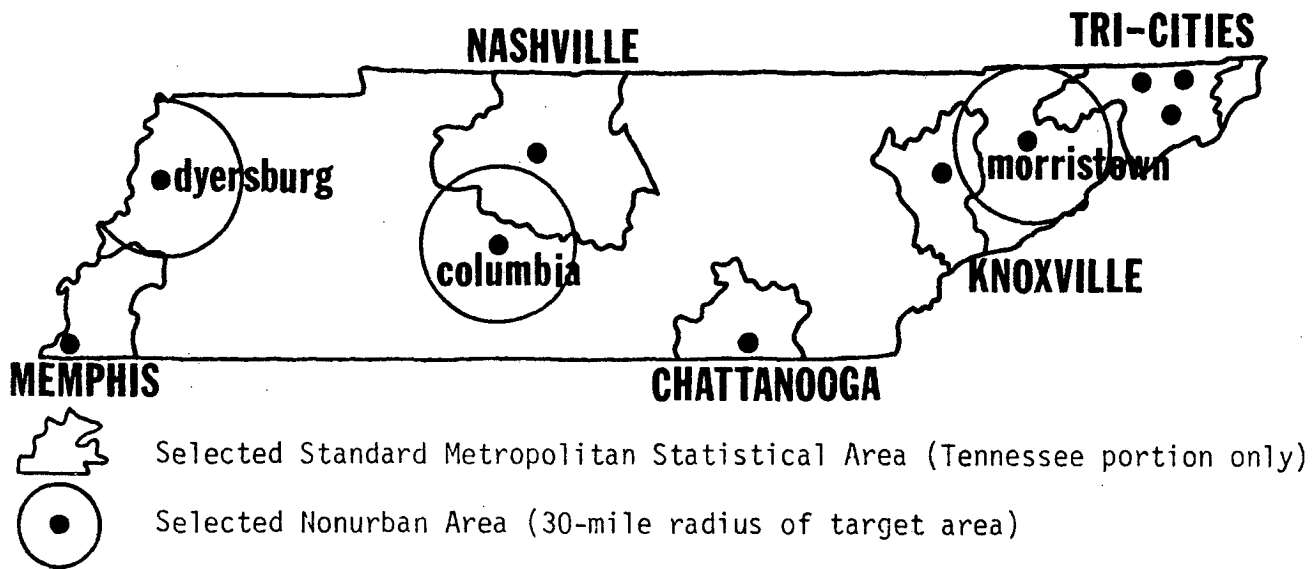


FIGURE 1

LOCATION OF TARGET AREAS FOR DATA COLLECTION

Target Area	Oct. 77	Jan. 78	July 78	Jan. 79	July 79	Jan. 80	July 80	Oct. 80
Memphis		BSP	CP + LP	CP + LP	CP + LP	CP + LP		Analysis and Report Preparation
	BLD	SAS	SAS	SAS	SAS			
Nashville		CP	CP	CP	CP	CP		
	BLD	SAS	SAS	SAS	SAS			
Knoxville		BSP	CP	CP	CP	CP		
	BLD	SAS	SAS	SAS	SAS			
Chattanooga		BSP	BSP	CP + LP	CP + LP	CP + LP		
	BLD	SAS	SAS	SAS	SAS			
Tri-Cities		BSP	BSP	CP	CP	CP		
	BLD	SAS	SAS	SAS	SAS			
Nonurban Dyersburg Columbia Morristown		BSP	BSP	CP	CP	CP		
	BLD	SAS	SAS	SAS	SAS			

Legend: BLD = Baseline Data CP = Comprehensive Plan (includes BSP)
 SAS = Semiannual Survey LP = Loaner Program
 BSP = Basic State Plan

FIGURE 2
 DATA COLLECTION AND PUBLIC INFORMATION AND EDUCATION
 IMPLEMENTATION PLAN

was taken to obtain baseline usage rate data. The samplings, taken every six months after the implementation of the law and PI&E program, were called semiannual surveys. The comprehensive plan was first implemented in Nashville. The implementation schedule shown in Figure 2 permitted a comparison of the impact of the basic state plan and the comprehensive plan.

In the study the number of target areas receiving the comprehensive plan (Figure 2) was to be increased each six-month interval until all target areas were included. A loaner program (Figure 2) designed to provide CRDs to selected citizens who could not afford them was implemented in Memphis beginning six months after the effective date of the law. Chattanooga received a loaner program six months after the Memphis loaner program was established. The objective of the loaner programs was to develop administrative procedures for establishing area-wide loaner programs rather than to attempt to reduce deaths and injuries. There were not a sufficient number of CRDs available through the loaner program to impact the death and injury rate.

Community Descriptors

Physical Environment. Tennessee is divided into 95 counties, grouped for geographic and cultural reasons into three regions--East, Middle and West. To facilitate planning and programming, the state consists of nine economic development districts.

Population. The population of Tennessee at the time of the 1970 census was about 3,926,018; the most recent estimate (1979) showed the population to be 4,380,000. Population of the study areas are shown in Table 3.

Licensed Drivers and Registered Vehicles. In 1976, Tennessee had 2,532,672 drivers with valid licenses; in 1977, 2,611,558; in 1978, 2,696,652; and in 1979, 2,755,445. In 1976 there were a total of 3,420,097 motor vehicles registered in the state; in 1977 a total of 3,666,757 motor vehicles were registered; in 1978 this total increased to 3,799,193.

Special Factors. The 1970 census showed that there were 256,650 children in Tennessee in the under-four age group. The most recent estimate (1979) showed there were 325,966 children under four years of age in Tennessee. Table 4 shows the number of children under four years of age who were injured in passenger vehicle accidents from 1974 through 1979. Data on injuries to children under one year of age were unknown. It is estimated that injuries for this category were approximately the same as the one year old category.

Summary

The Child Passenger Safety Program was created to publicize the child passenger protection law, to educate the people of Tennessee about the importance of CRDs, and to evaluate these efforts and the overall impact of the child passenger protection law on reducing deaths and injuries to children. Specific objectives and tasks were developed among three activity areas: PI&E, evaluation and management.

TABLE 3
COMMUNITY DESCRIPTORS

Descriptors	1976	1977	1978
A. Population			
Tennessee	4,234,000	4,292,000	4,332,954
Memphis	667,880	668,443	663,769
Nashville	430,941	428,957	425,424
Knoxville	185,649	184,942	185,236
Chattanooga	162,077	165,280	162,778
Tri-Cities	100,234	101,327	100,532
Columbia	22,583	22,944	23,258
Dyersburg	15,673	15,573	15,768
Morristown	20,799	20,673	20,479
B. Licensed Drivers	2,532,672	2,611,558	2,696,652
C. Registered Vehicles	3,420,097	3,666,757	3,799,193
D. Children Under Four Injured in Motor Vehicle Accidents	1,054	979	1,000

TABLE 4
TENNESSEE MOTOR VEHICLE ACCIDENT DATA
FOR CHILDREN UNDER AGE FOUR

Year	Number Injured
1974	702
1975	899
1976	1,057
1977	979
1978	1,000
1979	874

This report provides an analysis of judicial perspectives of general sessions judges concerning the child passenger protection law. Judges were asked to give their opinions on the child passenger protection law and to indicate their preferred method of handling child passenger protection law violations.

Chapter II of this report gives an overall description of the Tennessee judicial system, indicating general sessions as the court which handles child passenger protection law cases. The research plan for the study is outlined in Chapter III. Judicial perspectives concerning the law are summarized in Chapter IV, and conclusions and recommendations are given in Chapter V.

II. THE TENNESSEE JUDICIAL SYSTEM

Overall Description

The supreme judicial power of the State of Tennessee is vested in the Tennessee Supreme Court. This is the court of last resort in Tennessee.

The Court of Appeals and the Court of Criminal Appeals are one step removed from the Supreme Court. These courts have no original jurisdiction but have appellate jurisdiction in civil cases and criminal cases, respectively. These courts hear appeals from all courts in the state.

Each county in the state has its own network of courts. Most counties have a criminal court, a circuit court and a chancery court. The criminal courts have original jurisdiction of all common law or statutory crimes and misdemeanors, unless otherwise provided for by statute. Although their jurisdictions sometimes overlap, basically circuit courts have jurisdiction over matters of law and chancery courts have jurisdiction over matters of equity.

Appropriate Court to Handle Child Passenger Protection Law Violations

General sessions courts are civil courts of limited jurisdiction. This jurisdiction is conferred on the courts by both private and general acts. Generally, general sessions courts have jurisdiction over civil cases not exceeding \$5,000 in controversy (except forcible entry and detainer, which have no maximum amount), equity cases not exceeding \$1,500 in controversy and actions to recover personalty and debts not exceeding \$7,000 in controversy. General sessions courts have jurisdiction over certain misdemeanors but cannot levy a fine in excess of \$50. General sessions courts have jurisdiction over violators of the child passenger protection law

General sessions judges are elected by the people of the State of Tennessee. The judges of general sessions courts must be at least 30 years old, a Tennessee resident for five years and a resident of the county for one year. Some counties require further that the judge be authorized to practice law in Tennessee. A survey of Tennessee judges in 1976 revealed that 61 percent of general sessions judges had law degrees. The elected judges serve for a term of eight years. Currently there are 115 general sessions judges in Tennessee.

Appeals System

Under the court structure, if a violator of the child passenger protection law wanted to appeal the decision of the general sessions judge, that person would appeal to the circuit court. Such appeal must be made within ten days of the general sessions ruling. The appellant is entitled to a trial de novo (new trial) in circuit court.

III. RESEARCH PLAN

Goals and Objectives

In order to determine what impact the child passenger protection law was having in the courts across the state, and as a means of gathering information on general sessions judges' impressions and attitudes toward the child passenger protection law, a survey was conducted by the Child Passenger Safety Program in April 1980, approximately two years after the law went into effect. The judges survey was designed to gather the judges' overall opinions of the child passenger protection law and to determine their methods of handling child passenger protection law violations. Each of these objectives can be subdivided and made more specific and are discussed below.

To ascertain the judges' overall opinions of the law, their responses to certain questions were studied. Among those questions were:

- Is the law effective as written?
- Should the "babes-in-arms" clause be removed?
- Should the "vehicle exemptions" clause be removed?
- Should the child passenger protection law be amended to include all drivers?
- Should the child passenger protection law be enforced?

Various factors and data about the judges were studied to see what role, if any, these factors played in the judges' dispositions of their cases. The factors considered were:

- Does the judge's knowledge and familiarity of CRDs affect disposition of case?
- Does community knowledge of law affect the judge's disposition of case?
- Does the judge's sociodemographic data have any prediction on case disposition?
- Does the judge's personal safety habits affect disposition of child passenger protection law violations?
- Does the judge's personal safety attitude affect disposition of the case?
- Does the judge's exposure to young children have any effect on case disposition?

- Does the judge have any young children or grandchildren?
- How many actual child passenger protection law cases have been on each judge's docket, and what was their disposition?

Methodology

The questionnaire (see Appendix B) was designed to achieve the goals and objectives set forth in the previous section. The questionnaire consisted of three parts. The first part was constructed to obtain the demographic data of the judges via short-answer questions. The second part of the questionnaire used rank-ordering for the judges to rank possible dispositions of child passenger protection law cases in order of effectiveness. The third section of the questionnaire employed the Likert scale to record judges' responses to statements about the child passenger protection law and various safety-related statements.

Two methods were employed to gather information. Of the 115 general sessions judges in Tennessee, questionnaires were mailed to 103 judges, while 12 randomly selected judges were asked to participate in a personal interview conducted by Ms. Julie Howard, a lawyer, working with the Child Passenger Program. The same questions were asked of each group. As of May 1, 1980, 45 questionnaires were returned and 11 interviews were completed. Therefore, the total sample consisted of 56 general sessions judges.

The answers were coded and converted into computer format. The Statistical Package for the Social Sciences was employed to analyze the data.

It was suspected at the outset that the interviewed group and the corresponding group would differ in their answers, especially in some face-saving responses. Therefore, independent analyses were run for the two data sets. It was then discovered that the two sets resembled one another very closely. The two sets were then combined for further analysis.

IV. CASE STUDY DESCRIPTION

Summary of Judicial Perspectives

The findings for the combined set are described briefly below. Where there is a significant difference between the two individual sets, the difference will be noted.

The responses of the judges are set out in Appendices C-E. Appendix C is a combination of responses of the 56 judges, Appendix D summarizes the judges who responded via mail and Appendix E gives the responses of the judges who were personally interviewed.

Of the 56 judges, 94.5 percent were males. The average age of the judges was 50; the youngest judge was 31 and the oldest was 72. More than half of the judges (57.4 percent) were between 40 and 59. The number of years the judges had served on the bench varied from 1 year to 26 years, with the mean at 9 years. Most of the judges (75 percent) had children or grandchildren of their own and/or frequently associated with young children (90 percent).

More than 80 percent of the judges had seen a CRD and knew how it should be used. Strangely enough, about one-third of them did not know the cost of a CRD. (Possibly this is because most of the judges did not buy the consumer goods in their family.) Few of them personally knew of an automobile accident involving young children. Only one-third of the judges use a seat belt themselves in moving vehicles. Half of them were familiar with the statistics of child injury and CRD usage.

While 11 judges had had no cases involving child passenger protection law violations on their docket, the average case load of child passenger protection law violators was 5.4 cases (see Table 5).

During the personal interviews the judges would often respond that they dismissed the cases; when questioned further they said that they dismissed the cases because the defendants had complied by purchasing the seat. Of a total of 288 reported cases, 88.6 percent of the cases were dismissed on "proof of purchase" (see Table 6).

When asked about their convictions in all cases and their dispositions of first-time offenders, most judges misinterpreted that as child passenger protection law-related, which was incorrect. Therefore, the answers to these questions were unreliable and dropped from the study.

In response to the question, "What is your general feeling about the purpose behind the law?," the respondents clearly indicated that it was a good law. Forty-seven of the judges answered this question. Twenty-six (55.3 percent) thought it was a good law. Ten judges (21.3 percent) said it was good because it protected life. Seven (14.9 percent) thought it was a good law, but were concerned that it discriminated against those with less money and/or several children. Two (4.37 percent) said it was good and it

TABLE 5
NUMBER OF CHILD PASSENGER PROTECTION LAW CASES

Number of Cases	Number of Judges	Percentage
0	11	20.8
1	5	9.4
2	7	13.2
3	5	9.4
4	2	3.8
5	3	5.7
6	4	7.5
7	1	1.9
8	0	0
9	1	1.9
10-14	7	13.2
15-19	5	9.4
20-23	2	3.8

Mean = 5.4 cases

Note: Three judges did not supply this information.

TABLE 6
DISPOSITION OF CHILD PASSENGER PROTECTION LAW CASES

Disposition	Number of Judges	Percentage
Proof of Purchase	39	88.6
Suspended Fine	1	2.3
Dismissal	3	6.8
Warning	1	2.3

Note: Twelve judges did not supply this information.

protected life. Only one judge was against the law because it infringed on individual privacy, and only one judge was indifferent.

At the outset it was believed that the responses to questions would indicate the judges' overall opinion of the law (Appendix C). However, no matter what answer the judges gave to those particular questions, the overwhelming majority were in favor of the law and thought it was a good law.

Responses indicating the judges' attitudes towards the child passenger protection law are given in Appendix C. While the responses of the judges ranged from one extreme to the other, their view of the child passenger protection law was positive, no matter what their view of other safety legislation. One reason given for this apparent discrepancy in reasoning was that children under the age of four are unable to protect themselves and it is desirable for the government to intervene in the children's behalf. As a group, the judges were indifferent on the issue of a 55 mph speed limit, but were opposed to permitting higher speed limits. They were indifferent to mandatory seat belt laws, but did believe helmets were a must for motorcyclists. The main reason cited was because there is no cushion between the motorcyclists and the object of impact in the event of an accident. Most of the judges wanted more aggressive action and uniformity in dealing with driving under the influence (DUI) cases. When questioned about raising the minimum driving age from 16 to 18 and/or mandatory seat belt usage for the first two years of driving, the judges were indifferent.

Differences Between Groups

The two groups (interviewees and correspondents) did differ on the following issues. More than 90 percent of the interviewees believed that the people in their community knew about the law, but only 45 percent of the correspondents gave a positive response to that question. The main reason for this difference was that the interviewees resided in the areas where the major PI&E campaigns occurred. Only 18 percent of the interviewees said that the peoples' lack of knowledge would have any affect on the disposition of the case, whereas the percentage from the correspondents was 62 percent. All of the interviewees believed that the law did not reach the right people (feeling it should apply to all drivers) while 75 percent of the correspondents said that the law did reach the right people.

Most of the judges replied that the law was good and the most effective method to dispose of the CRD violation cases was "proof of purchase," and the least effective would be "non-enforcement." Both the corresponding group and the interviewees believed that the law should be amended to include all drivers, while the interviewees also wanted the "babes in arms" clause and vehicle exemptions clause removed from the law. Both groups believed that the law should be enforced but should be rewritten to better express its purpose.

Impact of Demographic Data

To determine if the judges disposed of their cases differently because of their various backgrounds, the differences in sociodemographic data were

noted and cross tabulations were made. The differences proved to be insignificant because the majority of the judges reached the same result. After all, more than 88 percent of the judges disposed of the cases on "proof of purchase" regardless of their sociodemographic backgrounds.

Individual Interviews

Twelve general sessions judges were contacted by letter and asked to participate in a personal interview conducted by a Child Passenger Safety Program staff person to answer some questions involving the child passenger protection Law. Two judges were selected from each of the following metropolitan areas: Memphis, Nashville, Knoxville, Chattanooga and the Tri-Cities. One judge was interviewed in Morristown and one judge in Dandridge; together they represented the rural areas. One of the judges was unable to be interviewed, but the other 11 judges did participate. The interviews ranged from 30 minutes to an hour and a half. Each judge was asked the same questions that were included on the questionnaire mailed to the other judges. A brief synopsis of each interview follows.

Judge A was emphatic in his belief that the child passenger protection law was necessary and very important. He was the father of two young children and was very familiar with all aspects of the CRDs including cost. All the defendants in his jurisdiction had purchased the car seats, but he said that he would issue a warrant for their arrest if the need ever arose (i.e., a defendant failed to comply). He was very opposed to raising the speed limit over 55 mph on any road. His major concern in protecting citizens of Tennessee is with the problem of drunk drivers. He felt that if stiffer penalties were enforced across the board, Tennesseans might see a reduction in the number of drunken driver related accidents. He did not believe that Tennesseans should be required to wear seat belts, but strongly favored the child passenger protection law. Since young children are unable to protect themselves, he felt that it was important that there be regulations to protect children. As far as changing the child passenger protection law, he felt that the "babes in arms" clause and the vehicle exemptions clause should be removed, and the law should include all drivers.

Judge B was very much in favor of the child passenger protection law, primarily because his own daughter, now age 24, was slightly injured in a car accident when she was two years old. Her mother caught her and kept her from going through the windshield. The judge noted that a CRD would certainly have saved his daughter and was more trustworthy than an adult's arms. In regards to his docket, the judge said that all of the defendants who have been cited in his jurisdiction have complied with the law by purchasing a CRD. The judge stated that the arresting officer travels to the defendant's home to inspect the CRD to make certain it is safe. Then the officer appears in court and moves that the charges be dismissed. The judge said that if a citizen did not comply by purchasing a car seat, he would send the arresting officer out to investigate the situation before he would issue a warrant for arrest. Judge B believed that the speed limits should remain at 55 mph, that drunk driving cases should be more aggressive and more uniform, that motorists should be required by legislation to wear seat belts and that motorcyclists should be required to wear helmets.

He was familiar with the cost and operation of a CRD and believed that the "babes in arms" clause, vehicle exemptions clause and the clause restricting application to parents and guardians only should all be removed.

Judge C knew very little about the child passenger protection law itself or CRDs. The judge said the main reason she knew so little about it was that she was never around young children or people with young children. She felt the purpose behind the law was very good because it protected the children and said the few cases on her docket had been dismissed because the defendants had purchased the CRDs. She was indifferent on most of the safety-related questions and was also indifferent when questioned about possible amendments to the law.

Judge D was the only judge who expressed reservations about the law. He was concerned because he felt that there were certain times when a child might be safer if thrown clear of the car (i.e., in case of fire). However, he felt that the law was a good one and that it was being enforced via compliance in his courts. He has seen a CRD and knew how it worked, but he had never seen one in operation. He was strongly opposed to raising the speed limit over 55 mph. He felt that the "babes in arms" clause and vehicle exemptions clause should be removed, but felt that it was alright for the law to apply just to parents and guardians.

Judge E felt the child passenger protection law was a good law and that the troopers should issue more citations. Every case on his docket had been dismissed when the parent purchased a CRD. He knew a great deal about the CRDs although he had no young children or grandchildren. He did not favor raising the speed limit, did not believe motorists should be required to wear seat belts, but did believe motorcyclists should wear helmets. He was indifferent when questioned about DUI cases and did not believe the driving age should be raised to 18. He felt it would be good to remove the "babes in arms" clause and vehicle exemptions clause from the law, but the important change he wanted was to amend the law so that it affected all drivers, not just parents and guardians.

Judge F was the father of five children, ages 17 through 27. He knew a great deal about CRDs and said that each of his five children had ridden in a car seat when they were young. He was very much in favor of the child passenger protection law and felt more citations should be issued. He noted that there seemed to be many more arrests when the law was first passed, but that the level of enforcement seems to have decreased. He believed that the speed limits on the interstate should be increased to about 70 mph. He was against mandatory seat belts but strongly in favor of mandatory helmets for motorcyclists. He was in favor of more uniformity in sentencing in DUI cases and thought it might be a good idea if the driving age were raised from 16 to 18. In discussing the possible revisions to the child passenger protection law he thought that the inclusion of all drivers was most important, removing "babes in arms" clause was second in importance and removing vehicle exemptions was the third major change. Every defendant in his court had complied with the child passenger protection law by purchasing a CRD.

Judge G was the grandfather of a three-year-old and said he used a CRD when transporting her in his car. He thought the child passenger protection law and purpose behind it were important but felt that the officers were just turning their heads and not citing enough people. The only change he thought the law needed was to include all drivers. Every case he had dealt with had been dismissed when the defendant bought a CRD. Judge G was the only judge interviewed who felt that the people in his community did not know about the law. He felt that it was not the fault of the media; he said it was because the people in his community did not read much. He was in favor of raising the speed limits and requiring motorcyclists to wear helmets but did not voice an opinion on any of the other issues.

Judge H was in favor of the law because "anything which promotes safety is good." He has three grandchildren and knew about CRDs and how they worked. He had not had many cases, but all of the defendants had complied with the child passenger protection law by purchasing a CRD. He was very safety-oriented and was the only judge interviewed who wore a seat belt himself. He would like to see mandatory seat belt legislation for adults and wholeheartedly agreed that motorcyclists should wear helmets. He agreed that the "babes in arms" clause and vehicle exemptions should be removed but felt it was more important that the law apply to all drivers. He cited an instance where a child was riding unrestrained in a van. The van rounded a curve and the door of the van slid open. The child fell out and was killed. The judge said that if the child had been in a CRD he would have been unharmed.

Judge I was a grandfather and said that the main reason he used a CRD with his grandchildren was that the child passenger protection law had increased his awareness. He felt there had been a good campaign in his area to inform the people about the law. All cases in his court have been dismissed on compliance. Judge I felt the speed limit should be reduced rather than raised. He did not believe that the government should require seat belts or helmets. While he noted that they were designed to protect, he did not believe that the government should tell people what to do. However, he felt that the child passenger protection law was good because young children are not in a position to protect themselves or know what is good for them. He said the law should certainly be amended to include all drivers and a second priority would be to remove the vehicle exemptions.

Judge J was a bachelor who did a lot of babysitting. He knew about CRDs and used them when transporting children in his car. He said that most of the people in his court have apologized for not having a CRD and that no one argued about having to buy a CRD. The only case in his court where someone did not comply was a case where the child in question turned four before the court hearing. The judge said it really irritated him that the mother would not buy the CRD and that he told her that a four year old was really no safer than a three year old, but there was really nothing he could do. He believed that speed limits greater than 55 mph should be allowed on all four lane roads. He was in favor of motorcycle helmets, but opposed to mandatory seat belts. He said the child passenger protection law should be changed to include all drivers and that

the vehicle exemptions should be removed. Judge J felt the law was extremely important because it protected young children. He said that he thought parents who refused to buy the CRDs should be sentenced to jail for 10 hours. He said that this gives them a taste of what being jailed is like and might prompt them to buy CRDs.

Judge K is the father of a four year old child. Since he and his wife use a CRD with their child, he knew the pertinent data. All cases on his docket had resulted in the defendants purchasing a car seat. He said it was a very good law and that children need to be protected. He believed the interstate speed limit should be increased but was indifferent on all other safety-related questions. He believed the "babes in arms" clause and vehicle exemptions should be removed.

V. CONCLUSIONS AND RECOMMENDATIONS

In summary, most of the judges replied that the child passenger protection law was good. They felt that the most effective method to dispose of child passenger protection law cases was "proof of purchase" and the least effective method was "non-enforcement." Both the corresponding group and the interviewees believed the law should be amended to include all drivers rather than just parents and guardians. The interviewees also wanted the "babes in arms" clause and vehicle exemptions clause removed from the law. Both groups believed that the law should be enforced but should be rewritten to better express its purpose. During the personal interviews, several judges remarked that officers needed to issue more citations for violations of the child passenger protection law.

An analysis of the sociodemographic data indicated that it had no effect on the judges' disposition of child passenger protection law cases.

Presently, judges are enforcing the law when cases arise in their courts. To further achieve the desired purpose of protecting young children in automobiles, law enforcement officers should increase the number of citations issued for violations of the child passenger protection law.

VI. REFERENCES

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- Williams, A. F. Observed child restraint use in automobiles. American Journal of Diseases of Children, 1976, 130, 1311-1317.

APPENDIX A

TENNESSEE CODE

59-930. Safety belts and child passenger restraint systems required—Violations—Penalties.—(a) It shall be unlawful for any person to buy, sell, lease, trade or transfer from or to Tennessee residents, at retail, an automobile which is manufactured or assembled commencing with the 1964 models, unless such automobile is equipped with safety belts installed for use in the left front and right front seats thereof. All such safety belts shall be of such type and be installed in a manner approved by the department of safety of the state of Tennessee. The department shall establish specifications and requirements of approved types of safety belts and attachments. The department will accept, as approved, all seat belt installations and the belt and anchor meeting the specifications of the Society of Automotive Engineers. Provided that in no event shall failure to wear seat belts be considered as contributory negligence, nor shall such failure to wear said seat belt be considered in mitigation of damages on the trial of any civil action.

(b) Effective January 1, 1978, every parent or legal guardian of a child under the age of four (4) years residing in this state shall be responsible, when transporting his child in a motor vehicle owned by that parent or guardian operated on the roadways, streets or highways of this state, for providing for the protection of his child and properly using a child passenger restraint system meeting federal motor vehicle safety standards, or assuring that such child is held in the arms of an older person riding as a passenger in the motor vehicle. Provided that the term "motor vehicle" as used in this paragraph shall not apply to recreational vehicles of the truck or van type. Provided further that the term "motor vehicle" as used in this paragraph shall not apply to trucks having a tonnage rating of one (1) ton or more. Provided that in no event shall failure to wear a child passenger restraint system be considered as contributory negligence, nor shall such failure to wear said child passenger restraint system be admissible as evidence in the trial of any civil action.

(c) Violation of any provision of this section is hereby declared a misdemeanor and anyone convicted of any such violation shall be fined not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) for each violation of subsection (a) of this section and not less than two dollars (\$2.00) nor more than ten dollars (\$10.00) for each violation of subsection (b) of this section. [Acts 1963, ch. 102, §§ 1, 2; 1977, ch. 114, §§ 1, 2.]

Amendments. The 1977 amendment designated the former first paragraph as subsection (a), the former second paragraph as subsection (c), added subsection (b) and added the material at the end of subsection (c) following "fifty dollars for each violation."

Effective Dates. Acts 1977, ch. 114, § 3. January 1, 1978.

Law Reviews. Ellithorpe—Adoption of Crashworthiness Via Strict Products Liability (Gail O. Mathes), 4 Memphis State U. L. Rev. 497.

Cited: Ellithorpe v. Ford Motor Company (1973), — Tenn. —, 503 S. W. (2d) 516.

NOTES TO DECISIONS

1. Contributory Negligence.

Failure to wear seat belts does not constitute contributory negligence in Tennessee. Mann v. United States (1968), 294 Fed. Supp. 691.

In wrongful death action where defendant's automobile, after failing to yield right-of-way, struck the decedent's vehicle, an instruction as to possible

remote contributory negligence of decedent because of his failure to wear a seat belt was precluded by the proviso in this section that states that a failure to wear seat belt shall not be considered contributory negligence. Stallcup v. Taylor (1970), 62 Tenn. App. 407, 463 S. W. (2d) 416.

APPENDIX B
JUDGES SURVEY

1. Age _____ Sex _____
2. Number of years on bench _____
3. Do you have young children or grandchildren? ___Yes ___No
If yes, ages: _____
4. Are you around young children on frequent basis? ___Yes ___No
5. Have you ever seen a child restraint device (CRD)? ___Yes ___No
6. Have you seen a CRD in operation? ___Yes ___No
7. Do you know how they work? ___Yes ___No
8. Do you know the cost of a CRD? ___Yes ___No
9. Do you personally know of a situation where a child under 4 was involved in a car accident while wearing a CRD or injured in an accident while not wearing CRD? ___Yes ___No If yes, briefly explain.
10. Do you wear a seat belt in your own car? ___Yes ___No
11. When riding with someone else? ___Yes ___No
12. Are you familiar with statistics concerning injuries and deaths with and without CRDs? ___Yes ___No
13. Number of cases involving violation of CRD law on your docket _____
Disposition of each and why.
14. If you have had no such cases, your prediction of your finding and why.
15. Your percentage of convictions in all cases. _____
16. Your usual disposition of first-time offenders.
17. Do you think people in community know about law? ___Yes ___No
18. Would their lack of knowledge have any effect on outcome? ___Yes ___No

APPENDIX B (continued)

19. Do you find the law reaches the right people in that it is restricted to parents and guardians? Yes No
20. What is your general feeling about purpose behind law?

APPENDIX B (continued)

1. Rank in order these six items as to their effectiveness in disposition of a CRD case with (1) most effective and (6) least effective, using each number once and only once.

_____ Non-enforcement

_____ Warning

_____ Suspended Fine

_____ Fine

_____ Suspended Sentence

_____ Proof of Purchase of CRD

APPENDIX B (continued)

Please indicate your views on the following statements concerning the CRD law with (1) Strongly Disagree, (4) Neutral, and (7) Strongly Agree:

2. LAW IS EFFECTIVE AND NEEDS NO CHANGES.

Strongly Disagree 1 2 3 4 5 6 7 Strongly Agree

3. LAW IS EFFECTIVE, BUT SHOULD HAVE "BABES IN ARMS" CLAUSE REMOVED.

Strongly Disagree 1 2 3 4 5 6 7 Strongly Agree

4. LAW SHOULD HAVE VEHICLE EXEMPTIONS REMOVED.

Strongly Disagree 1 2 3 4 5 6 7 Strongly Agree

5. LAW SHOULD BE CHANGED TO INCLUDE ALL DRIVERS, NOT JUST PARENTS AND GUARDIANS.

Strongly Disagree 1 2 3 4 5 6 7 Strongly Agree

6. LAW AS WRITTEN SHOULD NOT BE ENFORCED.

Strongly Disagree 1 2 3 4 5 6 7 Strongly Agree

7. PURPOSE BEHIND LAW IS IMPORTANT TO PUBLIC SAFETY AND LAW SHOULD BE REWRITTEN TO BETTER EXPRESS ITS PURPOSE.

Strongly Disagree 1 2 3 4 5 6 7 Strongly Agree

8. LAW, PURPOSE AND ALL, SHOULD NOT BE ENFORCED.

Strongly Disagree 1 2 3 4 5 6 7 Strongly Agree

APPENDIX B (continued)

Please indicate your views on the following statements with (1) Strongly Disagree, (4) Neutral and (7) Strongly Agree:

9. TENNESSEE SHOULD IMPOSE A MAXIMUM SPEED OF 55 M.P.H. ON ALL HIGHWAYS, INCLUDING INTERSTATES.

Strongly Disagree 1 2 3 4 5 6 7 Strongly Agree

10. TENNESSEE SHOULD IMPOSE A MAXIMUM SPEED OF 55 M.P.H. ON ALL HIGHWAYS, EXCLUDING INTERSTATES.

Strongly Disagree 1 2 3 4 5 6 7 Strongly Agree

11. TENNESSEE SHOULD PERMIT SPEED LIMITS ABOVE 55 M.P.H. ON THE INTERSTATES.

Strongly Disagree 1 2 3 4 5 6 7 Strongly Agree

12. TENNESSEE SHOULD PERMIT SPEED LIMITS ABOVE 55 M.P.H. ON ALL ROADS.

Strongly Disagree 1 2 3 4 5 6 7 Strongly Agree

13. TENNESSEE SHOULD REQUIRE MOTORISTS TO USE SEAT BELTS WHILE TRAVELING IN AUTOMOBILES.

Strongly Disagree 1 2 3 4 5 6 7 Strongly Agree

14. TENNESSEE SHOULD REQUIRE MOTORCYCLISTS TO WEAR HELMETS.

Strongly Disagree 1 2 3 4 5 6 7 Strongly Agree

15. TENNESSEE COURTS SHOULD BE MORE AGGRESSIVE IN DEALING WITH DUI CASES.

Strongly Disagree 1 2 3 4 5 6 7 Strongly Agree

16. THERE SHOULD BE MORE UNIFORMITY IN SENTENCING OF DUI CASES.

Strongly Disagree 1 2 3 4 5 6 7 Strongly Agree

17. THE MINIMUM DRIVING AGE IN TENNESSEE SHOULD BE INCREASED TO 18.

Strongly Disagree 1 2 3 4 5 6 7 Strongly Agree

APPENDIX B (continued)

18. TENNESSEE SHOULD ADOPT A LAW REQUIRING BEGINNING DRIVERS TO WEAR SEAT BELTS FOR THEIR FIRST TWO YEARS OF DRIVING.

Strongly Disagree 1 2 3 4 5 6 7 Strongly Agree

APPENDIX C

JUDGES SURVEY--COMBINED

N=56

Male = 52

Sex Female = 3

1. Age 31 through 72 (mean = 50.0)
2. Number of years on bench 1 through 26 (mean = 8.8)
3. Do you have young children or grandchildren? 42 Yes 14 No
 If yes, ages: 0 through 26 (mean = 7.3)
0 through 31 (mean = 10.8)
4. Are you around young children on frequent basis? 50 Yes 6 No
5. Have you ever seen a child restraint device (CRD)? 54 Yes 2 No
6. Have you seen a CRD in operation? 49 Yes 7 No
7. Do you know how they work? 52 Yes 4 No
8. Do you know the cost of a CRD? 38 Yes 17 No
9. Do you personally know of a situation where a child under 4 was involved in a car accident while wearing a CRD or injured in an accident while not wearing CRD? 7 Yes 47 No If yes, briefly explain.
10. Do you wear a seat belt in your own car? 18 Yes 37 No
11. When riding with someone else? 18 Yes 37 No
12. Are you familiar with statistics concerning injuries and deaths with and without CRDs? 30 Yes 26 No
13. Number of cases involving violation of CRD law on your docket 0 through 23
 (mean = 5.4)
 Disposition of each and why.
 Proof of purchase = 39
 Suspended fine = 1
 Dismissal = 3
 Warning = 1
14. If you have had no such cases, your prediction of your finding and why.
 Proof of purchase = 2
 Suspended fine = 1
 Fine = 1

APPENDIX C (continued)

15. Your percentage of convictions in all cases. 0 through 100 (mean = 39.4)
16. Your usual disposition of first-time offenders. Proof of purchase = 24
Suspended fine = 4 Dismissal = 3 Fine = 2 lenient = 1 Warning = 1
Probation = 1 Strict enforcement = 3 Appropriate to crime = 4
17. Do you think people in community know about the law? 29 Yes 25 No
18. Would their lack of knowledge have any effect on outcome? 30 Yes 26 No
19. Do you find the law reaches the right people in that it is restricted to parents and guardians? 33 Yes 21 No.
20. What is your general feeling about purpose behind law? Good law = 26
Protect Life = 10 Good but discriminatory = 7 Good and Protect life = 2
Infringe privacy = 1 Indifferent = 1

APPENDIX C (continued)

1. Rank in order these six items as to their effectiveness in disposition of a CRD case with (1) most effective and (6) least effective, using each number once and only once.

- _____ Non-enforcement
- _____ Warning
- _____ Suspended Fine
- _____ Fine
- _____ Suspended Sentence
- _____ Proof of Purchase of CRD

	Absolute Count on the Scale						
	Mean	1	2	3	4	5	6
Non-enforcement	6.0	0	0	0	0	1	43
Warning	3.3	8	10	7	6	15	1
Suspended fine	3.2	2	6	21	16	2	0
Fine	3.4	5	13	6	11	10	3
Suspended sentence	3.7	2	7	11	11	14	1
Proof of purchase of CRD	1.4	39	9	1	1	1	0

APPENDIX C (continued)

Please indicate your views on the following statements concerning the CRD law with (1) Strongly Disagree, (4) Neutral, and (7) Strongly Agree:

2. LAW IS EFFECTIVE AND NEEDS NO CHANGES.

Strongly Disagree	1	2	3	4	x	5	6	7	Strongly Agree
<hr style="width: 60%; margin: auto;"/>									
4.5									

3. LAW IS EFFECTIVE, BUT SHOULD HAVE "BABES IN ARMS" CLAUSE REMOVED.

Strongly Disagree	1	2	3	4	x	5	6	7	Strongly Agree
<hr style="width: 60%; margin: auto;"/>									
3.6									

4. LAW SHOULD HAVE VEHICLE EXEMPTIONS REMOVED.

Strongly Disagree	1	2	3	4	x	5	6	7	Strongly Agree
<hr style="width: 60%; margin: auto;"/>									
3.9									

5. LAW SHOULD BE CHANGED TO INCLUDE ALL DRIVERS, NOT JUST PARENTS AND GUARDIANS.

Strongly Disagree	1	2	3	4	5	x	6	7	Strongly Agree
<hr style="width: 60%; margin: auto;"/>									
5.0									

6. LAW AS WRITTEN SHOULD NOT BE ENFORCED.

Strongly Disagree	1	2	3	4	5	6	7	Strongly Agree	
<hr style="width: 60%; margin: auto;"/>									
1.8									

7. PURPOSE BEHIND LAW IS IMPORTANT TO PUBLIC SAFETY AND LAW SHOULD BE REWRITTEN TO BETTER EXPRESS ITS PURPOSE.

Strongly Disagree	1	2	3	4	5	x	6	7	Strongly Agree
<hr style="width: 60%; margin: auto;"/>									
4.8									

8. LAW, PURPOSE AND ALL, SHOULD NOT BE ENFORCED.

Strongly Disagree	1	2	3	4	5	6	7	Strongly Agree	
<hr style="width: 60%; margin: auto;"/>									
1.9									

APPENDIX C (continued)

Please indicate your views on the following statements with (1) Strongly Disagree, (4) Neutral and (7) Strongly Agree:

9. TENNESSEE SHOULD IMPOSE A MAXIMUM SPEED OF 55 M.P.H. ON ALL HIGHWAYS, INCLUDING INTERSTATES.

Strongly Disagree	1	2	3	4	5	6	7	Strongly Agree
				x				

				4.3				

10. TENNESSEE SHOULD IMPOSE A MAXIMUM SPEED OF 55 M.P.H. ON ALL HIGHWAYS, EXCLUDING INTERSTATES.

Strongly Disagree	1	2	3	4	5	6	7	Strongly Agree
				x				

				3.9				

11. TENNESSEE SHOULD PERMIT SPEED LIMITS ABOVE 55 M.P.H. ON THE INTERSTATES.

Strongly Disagree	1	2	3	4	5	6	7	Strongly Agree
				x				

				4.2				

12. TENNESSEE SHOULD PERMIT SPEED LIMITS ABOVE 55 M.P.H. ON ALL ROADS.

Strongly Disagree	1	2	3	4	5	6	7	Strongly Agree
				x				

				3.6				

13. TENNESSEE SHOULD REQUIRE MOTORISTS TO USE SEAT BELTS WHILE TRAVELING IN AUTOMOBILES.

Strongly Disagree	1	2	3	4	5	6	7	Strongly Agree
				x				

				3.6				

14. TENNESSEE SHOULD REQUIRE MOTORCYCLISTS TO WEAR HELMETS.

Strongly Disagree	1	2	3	4	5	6	7	Strongly Agree
						x		

						6.2		

15. TENNESSEE COURTS SHOULD BE MORE AGGRESSIVE IN DEALING WITH DUI CASES.

Strongly Disagree	1	2	3	4	5	6	7	Strongly Agree
						x		

						5.5		

APPENDIX D

JUSDGES SURVEY--CORRESPONDING GROUP

N=45

- Male = 42
Sex Female = 2
1. Age 31 through 72 (mean =49.3)
 2. Number of years on bench 1 through 26 (mean = 7.6)
 3. Do you have young children or grandchildren? 35 Yes 10 No
If yes, ages: 0 through 26 (mean = 7.3)
0 through 31 (mean = 9.7)
 4. Are you around young children on frequent basis? 42 Yes 3 No
 5. Have you ever seen a child restraint device (CRD)? 44 Yes 1 No
 6. Have you seen a CRD in operation? 40 Yes 5 No
 7. Do you know how they work? 41 Yes 4 No
 8. Do you know the cost of a CRD? 30 Yes 14 No
 9. Do you personally know of a situation where a child under 4 was involved in a car accident while wearing a CRD or injured in an accident while not wearing CRD? 5 Yes 39 No If yes, briefly explain.
 10. Do you wear a seat belt in your own car? 16 Yes 28 No
 11. When riding with someone else? 16 Yes 28 No
 12. Are you familiar with statistics concerning injuries and deaths with and without CRDs? 25 Yes 20 No
 13. Number of cases involving violation of CRD law on your docket 0 through 23
Disposition of each and why. (mean = 5.4)
Proof of purchase = 29
Suspended fine = 1
Dismissal = 3
Warning = 1
 14. If you have had no such cases, your prediction of your finding and why.
Proof of purchase = 1
Suspended fine = 1
Fine = 1
 15. Your percentage of convictions in all cases. 0 through 100 (mean = 29.8)
 16. Your usual disposition of first-time offenders. proof of purchase = 22
Suspended Fine = 2 Dismissal = 3 Fine = 2 Lenient = 1 Warning = 1

APPENDIX D (continued)

17. Do you think people in community know about law? 20 Yes 24 No
18. Would their lack of knowledge have any effect on outcome? 28 Yes 17 No
19. Do you find the law reaches the right people in that it is restricted to parents and guardians? 33 Yes 11 No
20. What is your general feeling about purpose behind law? Good Law = 16
Protect life = 10 Good but discriminatory = 7 Good but protect life = 2
Infringe privacy = 1 Indifferent = 1

APPENDIX D (continued)

1. Rank in order these six items as to their effectiveness in disposition of a CRD case with (1) most effective and (6) least effective, using each number once and only once.

- _____ Non-enforcement
- _____ Warning
- _____ Suspended Fine
- _____ Fine
- _____ Suspended Sentence
- _____ Proof of Purchase of CRD

	Mean	Absolute Count in the Scale					
		1	2	3	4	5	6
Non-enforcement	6.0	0	0	0	0	1	32
Warning	3.1	7	9	4	5	10	1
Suspended fine	3.1	2	6	15	11	2	0
Fine	3.5	5	7	4	9	9	3
Suspended Sentence	3.6	2	4	11	8	9	1
Proof of Purchase of CRD	1.4	29	8	1	1	1	0

APPENDIX D (continued)

Please indicate your views on the following statements concerning the CRD law with (1) Strongly Disagree, (4) Neutral, and (7) Strongly Agree:

2. LAW IS EFFECTIVE AND NEEDS NO CHANGES.

Strongly Disagree	1	2	3	4	5	6	7	Strongly Agree
	<hr style="width: 100%; border: 0; border-top: 1px solid black;"/>							
	<div style="text-align: center;">x</div>							
	4.8							

3. LAW IS EFFECTIVE, BUT SHOULD HAVE "BABES IN ARMS" CLAUSE REMOVED.

Strongly Disagree	1	2	3	4	5	6	7	Strongly Agree
	<hr style="width: 100%; border: 0; border-top: 1px solid black;"/>							
	<div style="text-align: center;">x</div>							
	3.1							

4. LAW SHOULD HAVE VEHICLE EXEMPTIONS REMOVED.

Strongly Disagree	1	2	3	4	5	6	7	Strongly Agree
	<hr style="width: 100%; border: 0; border-top: 1px solid black;"/>							
	<div style="text-align: center;">x</div>							
	3.5							

5. LAW SHOULD BE CHANGED TO INCLUDE ALL DRIVERS, NOT JUST PARENTS AND GUARDIANS.

Strongly Disagree	1	2	3	4	5	6	7	Strongly Agree
	<hr style="width: 100%; border: 0; border-top: 1px solid black;"/>							
	<div style="text-align: center;">x</div>							
	4.7							

6. LAW AS WRITTEN SHOULD NOT BE ENFORCED.

Strongly Disagree	1	2	3	4	5	6	7	Strongly Agree
	<hr style="width: 100%; border: 0; border-top: 1px solid black;"/>							
	<div style="text-align: center;">x</div>							
	2.0							

7. PURPOSE BEHIND LAW IS IMPORTANT TO PUBLIC SAFETY AND LAW SHOULD BE REWRITTEN TO BETTER EXPRESS ITS PURPOSE.

Strongly Disagree	1	2	3	4	5	6	7	Strongly Agree
	<hr style="width: 100%; border: 0; border-top: 1px solid black;"/>							
	<div style="text-align: center;">x</div>							
	4.6							

8. LAW, PURPOSE AND ALL, SHOULD NOT BE ENFORCED.

Strongly Disagree	1	2	3	4	5	6	7	Strongly Agree
	<hr style="width: 100%; border: 0; border-top: 1px solid black;"/>							
	<div style="text-align: center;">x</div>							
	2.0							

APPENDIX D (continued)

Please indicate your views on the following statements with (1) Strongly Disagree, (4) Neutral and (7) Strongly Agree:

9. TENNESSEE SHOULD IMPOSE A MAXIMUM SPEED OF 55 M.P.H. ON ALL HIGHWAYS, INCLUDING INTERSTATES.

Strongly Disagree	1	2	3	4	5	6	7	Strongly Agree
					x			
					4.4			

10. TENNESSEE SHOULD IMPOSE A MAXIMUM SPEED OF 55 M.P.H. ON ALL HIGHWAYS, EXCLUDING INTERSTATES.

Strongly Disagree	1	2	3	4	5	6	7	Strongly Agree
					x			
					3.8			

11. TENNESSEE SHOULD PERMIT SPEED LIMITS ABOVE 55 M.P.H. ON THE INTERSTATES.

Strongly Disagree	1	2	3	4	5	6	7	Strongly Agree
					x			
					4.2			

12. TENNESSEE SHOULD PERMIT SPEED LIMITS ABOVE 55 M.P.H. ON ALL ROADS.

Strongly Disagree	1	2	3	4	5	6	7	Strongly Agree
					x			
					2.3			

13. TENNESSEE SHOULD REQUIRE MOTORISTS TO USE SEAT BELTS WHILE TRAVELING IN AUTOMOBILES.

Strongly Disagree	1	2	3	4	5	6	7	Strongly Agree
					x			
					3.9			

14. TENNESSEE SHOULD REQUIRE MOTORCYCLISTS TO WEAR HELMETS.

Strongly Disagree	1	2	3	4	5	6	7	Strongly Agree
						x		
						6.2		

15. TENNESSEE COURTS SHOULD BE MORE AGGRESSIVE IN DEALING WITH DUI CASES.

Strongly Disagree	1	2	3	4	5	6	7	Strongly Agree
						x		
						5.7		

APPENDIX D (continued)

16. THERE SHOULD BE MORE UNIFORMITY IN SENTENCING OF DUI CASES.

Strongly Disagree	1	2	3	4	5	6	7	Strongly Agree
<hr/>								
x								
5.8								

17. THE MINIMUM DRIVING AGE IN TENNESSEE SHOULD BE INCREASED TO 18.

Strongly Disagree	1	2	3	4	5	6	7	Strongly Agree
<hr/>								
x								
3.6								

18. TENNESSEE SHOULD ADOPT A LAW REQUIRING BEGINNING DRIVERS TO WEAR SEAT BELTS FOR THEIR FIRST TWO YEARS OF DRIVING.

Strongly Disagree	1	2	3	4	5	6	7	Strongly Agree
<hr/>								
x								
4.4								

APPENDIX E

JUDGES SURVEY--INTERVIEW GROUP

N=11

- Male = 10
Sex Female = 1
1. Age 37 through 66 (mean = 52.6)
 2. Number of years on bench 1 through 22 (mean = 13.6)
 3. Do you have young children or grandchildren? 7 Yes 4 No
If yes, ages: 3 through 17 (mean = 7.6)
1 through 27 (mean = 19)
 4. Are you around young children on frequent basis? 8 Yes 3 No
 5. Have you ever seen a child restraint device (CRD)? 10 Yes 1 No
 6. Have you seen a CRD in operation? 9 Yes 2 No
 7. Do you know how they work? 11 Yes 0 No
 8. Do you know the cost of a CRD? 8 Yes 3 No
 9. Do you personally know of a situation where a child under 4 was involved in a car accident while wearing a CRD or injured in an accident while not wearing CRD? 2 Yes 8 No If yes, briefly explain.
 10. Do you wear a seat belt in your own car? 2 Yes 9 No
 11. When riding with someone else? 2 Yes 9 No
 12. Are you familiar with statistics concerning injuries and deaths with and without CRDs? 5 Yes 6 No
 13. Number of cases involving violation of CRD law on your docket 0 through 15
(mean = 5.6)
Proof of Purchase = 10
 14. If you have had no such cases, your prediction of your finding and why.
Proof of Purchase = 1
 15. Your percentage of convictions in all cases. 75 through 100 (mean = 82.5)

APPENDIX E (continued)

16. Your usual disposition of first-time offenders.

Suspended fine = 2 Probation = 1 Strict enforcement = 3
Appropriate to crime = 4

17. Do you think people in community know about law? 9 Yes 1 No

18. Would their lack of knowledge have any effect on outcome? 2 Yes 9 No

19. Do you find the law reaches the right people in that it is restricted to parents and guardians? Yes 10 No

20. What is your general feeling about purpose behind law? Good Law = 10

APPENDIX E (continued)

1. Rank in order these six items as to their effectiveness in disposition of a CRD case with (1) most effective and (6) least effective, using each number once and only once.

<u>6.0</u>	Non-enforcement
<u>3.7</u>	Warning
<u>3.5</u>	Suspended Fine
<u>2.8</u>	Fine
<u>3.9</u>	Suspended sentence
<u>1.1</u>	Proof of Purchase of CRD

	Absolute Count on the Scale						
	Mean	1	2	3	4	5	6
Non-enforcement	6.0	0	0	0	0	0	0
Warning	3.7	1	1	3	1	5	0
Suspended fine	3.5	0	0	6	5	0	0
Fine	2.8	0	6	2	2	1	0
Suspended Sentence	3.9	0	3	0	3	5	0
Proof of Purchase of CRD	1.1	10	1	0	0	0	0

APPENDIX E (continued)

Please indicate your views on the following statements concerning the CRD law with (1) Strongly Disagree, (4) Neutral, and (7) Strongly Agree:

2. LAW IS EFFECTIVE AND NEEDS NO CHANGES.

Strongly Disagree	1	2	3	4	5	6	7	Strongly Agree
	<hr style="width: 100%; border: 0.5px solid black;"/>							
	<div style="text-align: center;">x</div>							
	3.0							

3. LAW IS EFFECTIVE, BUT SHOULD HAVE "BABES IN ARMS" CLAUSE REMOVED.

Strongly Disagree	1	2	3	4	5	6	7	Strongly Agree
	<hr style="width: 100%; border: 0.5px solid black;"/>							
	<div style="text-align: center;">x</div>							
	5.5							

4. LAW SHOULD HAVE VEHICLE EXEMPTIONS REMOVED.

Strongly Disagree	1	2	3	4	5	6	7	Strongly Agree
	<hr style="width: 100%; border: 0.5px solid black;"/>							
	<div style="text-align: center;">x</div>							
	5.6							

5. LAW SHOULD BE CHANGED TO INCLUDE ALL DRIVERS, NOT JUST PARENTS AND GUARDIANS,

Strongly Disagree	1	2	3	4	5	6	7	Strongly Agree
	<hr style="width: 100%; border: 0.5px solid black;"/>							
	<div style="text-align: center;">x</div>							
	6.3							

6. LAW AS WRITTEN SHOULD NOT BE ENFORCED.

Strongly Disagree	1	2	3	4	5	6	7	Strongly Agree
	<hr style="width: 100%; border: 0.5px solid black;"/>							
	<div style="text-align: center;">x</div>							
	1.4							

7. PURPOSE BEHIND LAW IS IMPORTANT TO PUBLIC SAFETY AND LAW SHOULD BE REWRITTEN TO BETTER EXPRESS ITS PURPOSE.

Strongly Disagree	1	2	3	4	5	6	7	Strongly Agree
	<hr style="width: 100%; border: 0.5px solid black;"/>							
	<div style="text-align: center;">x</div>							
	5.6							

8. LAW, PURPOSE AND ALL, SHOULD NOT BE ENFORCED.

Strongly Disagree	1	2	3	4	5	6	7	Strongly Agree
	<hr style="width: 100%; border: 0.5px solid black;"/>							
	<div style="text-align: center;">x</div>							
	1.7							

APPENDIX E (continued)

Please indicate your views on the following statements with (1) Strongly Disagree, (4) Neutral and (7) Strongly Agree:

9. TENNESSEE SHOULD IMPOSE A MAXIMUM SPEED OF 55 M.P.H. ON ALL HIGHWAYS, INCLUDING INTERSTATES.

Strongly Disagree	1	2	3	4	5	6	7	Strongly Agree
				x				

				4.1				

10. TENNESSEE SHOULD IMPOSE A MAXIMUM SPEED OF 55 M.P.H. ON ALL HIGHWAYS, EXCLUDING INTERSTATES.

Strongly Disagree	1	2	3	4	5	6	7	Strongly Agree
				x				

				4.1				

11. TENNESSEE SHOULD PERMIT SPEED LIMITS ABOVE 55 M.P.H. ON THE INTERSTATES.

Strongly Disagree	1	2	3	4	5	6	7	Strongly Agree
				x				

				4.3				

12. TENNESSEE SHOULD PERMIT SPEED LIMITS ABOVE 55 M.P.H. ON ALL ROADS.

Strongly Disagree	1	2	3	4	5	6	7	Strongly Agree
			x					

		2.5						

13. TENNESSEE SHOULD REQUIRE MOTORISTS TO USE SEAT BELTS WHILE TRAVELING IN AUTOMOBILES.

Strongly Disagree	1	2	3	4	5	6	7	Strongly Agree
			x					

		2.6						

14. TENNESSEE SHOULD REQUIRE MOTORCYCLISTS TO WEAR HELMETS.

Strongly Disagree	1	2	3	4	5	6	7	Strongly Agree
						x		

						6.3		

15. TENNESSEE COURTS SHOULD BE MORE AGGRESSIVE IN DEALING WITH DUI CASES.

Strongly Disagree	1	2	3	4	5	6	7	Strongly Agree
					x			

				4.9				

APPENDIX E (continued)

16. THERE SHOULD BE MORE UNIFORMITY IN SENTENCING OF DUI CASES.

Strongly Disagree	1	2	3	4	5	6	7	Strongly Agree
<hr/>								
x								
5.9								

17. THE MINIMUM DRIVING AGE IN TENNESSEE SHOULD BE INCREASED TO 18.

Strongly Disagree	1	2	3	4	5	6	7	Strongly Agree
<hr/>								
x								
3.1								

18. TENNESSEE SHOULD ADOPT A LAW REQUIRING BEGINNING DRIVERS TO WEAR SEAT BELTS FOR THEIR FIRST TWO YEARS OF DRIVING.

Strongly Disagree	1	2	3	4	5	6	7	Strongly Agree
<hr/>								
x								
3.1								