VIRGINIA STATE CRIME COMMISSION

Motor Vehicle, Pedestrian, and Bicyclist Fatalities

2023 ANNUAL REPORT

MOTOR VEHICLE, PEDESTRIAN, AND BICYCLIST FATALITIES

EXECUTIVE SUMMARY

During 2023, the Crime Commission examined motor vehicle traffic crash fatalities involving drivers, passengers, pedestrians, and bicyclists. Analysis of Virginia motor vehicle traffic crash fatality data between 2017 and 2022 revealed:

- 5,309 individuals were killed in motor vehicle traffic crashes during this time period, which included 4,464 (84%) drivers or passengers, 771 (15%) pedestrians, and 74 (1%) bicyclists.
- The number of driver, passenger, and pedestrian fatalities increased significantly between 2020 and 2022 (725 driver/passenger fatalities in 2020 to 823 fatalities in 2022; 114 pedestrian fatalities in 2020 to 171 fatalities in 2022); whereas, bicyclist fatalities remained consistently low across the entire time period.
- The number of *crashes* between 2020 and 2022 remained below pre-2020 levels, while the number of *fatalities* increased by 19% during that same time period.
- The causal factors accounting for the rise in fatalities varied, with a 22% increase in unrestrained fatalities, 39% in speed-related fatalities, and 10% increase in alcohol-related fatalities in 2022 as compared to 2017.

This increase in fatalities has been observed across the United States and cannot be attributed to one particular factor, but may be affected by a combination of factors, including the impacts of COVID-19 pandemic and an escalation in risky driving behaviors, such as speeding, impaired driving, and not wearing a seat belt. Additionally, certain systematic factors, such as larger and heavier vehicles, road-design standards focused on maximizing vehicular traffic, more drivers and pedestrians on the roadways, and the 85th percentile rule used when establishing speed limits, may be contributing to the increase.

While Virginia has a number of laws meant to promote roadway safety, the enforcement of many of these laws (measured by charges and convictions) has been significantly decreasing in recent years due to factors such as COVID-19 pandemic impacts, law enforcement staffing shortages, less proactive enforcement, and recent changes to Virginia laws. For example, the number of charges and convictions for not wearing a seat belt, speeding, wearing earphones while driving, reckless driving, pedestrians crossing or entering the roadway, vehicles yielding/stopping for pedestrians, and bicycle violations on the roadway declined significantly between 2017 and 2022.

A variety of criminal justice measures could be adopted in Virginia to promote roadway safety, including enacting a primary seat belt law, expanding the use of photo speed monitoring devices, using technology to aid in the detection of drugged driving, creating a penalty for criminally negligent maiming, and completely prohibiting the use of earphones while driving. Finally, data collection could be improved so as to better understand crashes and fatalities on Virginia's roadways and identify any disparate impacts.

BACKGROUND AND METHODOLOGY

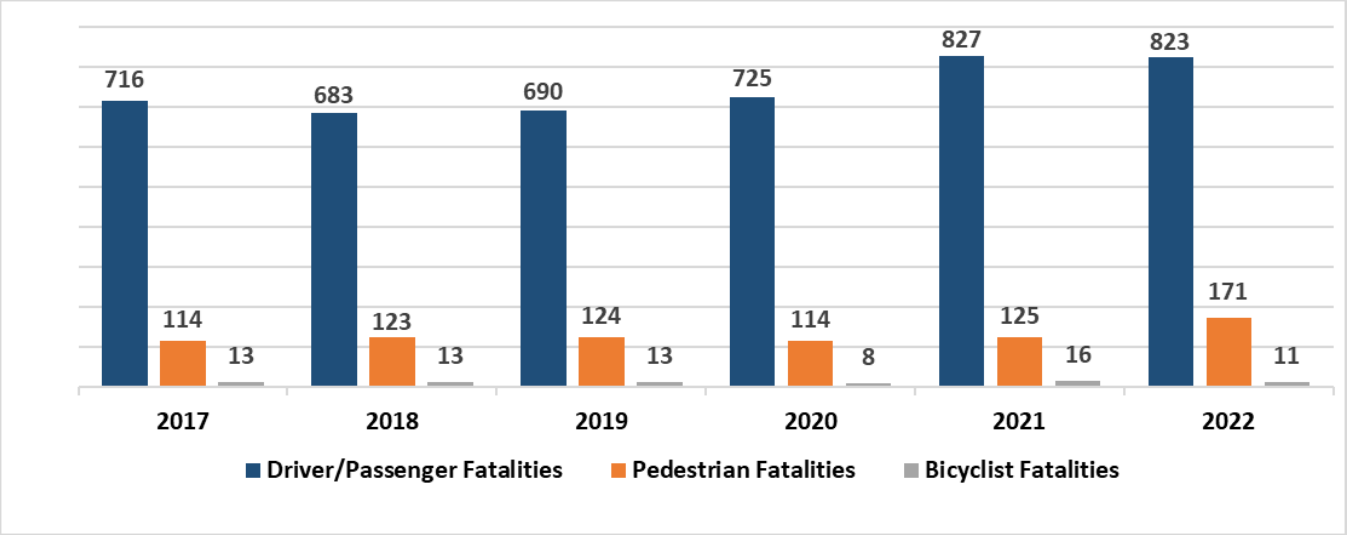
The Executive Committee of the Crime Commission directed staff to examine the nature and scope of motor vehicle traffic crash fatalities involving drivers, passengers, pedestrians, and bicyclists in Virginia. While addressing motor vehicle traffic crash fatalities encompasses a number of disciplines, this study focused on such fatalities through a criminal justice lens. Staff performed the following activities as part of this study:

- Reviewed relevant literature and reports;
- Collected and analyzed Virginia-specific motor vehicle traffic crash fatality data involving drivers, passengers, pedestrians, and bicyclists from 2017 to 2022;
- Examined roadway safety laws in Virginia and other states;
- Consulted with a wide variety of practitioners, stakeholders, and advocates;
- Attended various roadway safety conferences and trainings; and,
- Identified measures to promote roadway safety.

VIRGINIA MOTOR VEHICLE TRAFFIC CRASH FATALITY DATA TRENDS

As seen in Table 1, the total number of motor vehicle traffic crash fatalities involving drivers, passengers, and pedestrians increased significantly in Virginia since 2020; whereas, those involving bicyclists remained consistently low.[1]

Table 1: Statewide Motor Vehicle Traffic Crash Fatalities by Type, 2017-2022



Source: Virginia DMV, *Virginia Traffic Crash Facts (TREDS)*, 2017-2022.

While overall statewide figures are depicted in Table 1, the number and types of motor vehicle traffic crash fatalities varied widely across Virginia's individual localities between 2017 and 2022.[2]

Motor Vehicle Traffic Crash and Fatality Trends

As seen in Table 2, the number of overall *crashes* in Virginia between 2020 and 2022 remained below pre-2020 levels, while the number of overall *fatalities* increased by 19% during that same time period. This trend was not unique to Virginia, as many parts of the United States observed a similar decrease in *overall* motor vehicle traffic crashes but an increase in overall *fatalities* during this time period.[3] Various explanations have been cited for this phenomena, including the impacts of COVID-19 pandemic and increases in risky driving behaviors, such as speeding, impaired driving, and not wearing a seat belt.[4] In addition, certain systematic factors are contributing to the increase in these fatalities, such as larger and heavier vehicles,[5] road-design standards focused on maximizing vehicular traffic,[6] an increase in the amount of driving and number of pedestrians on roadways,[7] and the 85th percentile rule used when establishing speed limits.[8]

Table 2: Statewide Motor Vehicle Traffic Crashes and Fatalities, 2017-2022

	2017	2018	2019	2020	2021	2022	Total
Crashes	127,375	131,848	128,172	105,600	118,498	122,434	**733,927**
Fatalities	843	819	827	847	968	1,005	**5,309**

Source: Virginia DMV, *Virginia Traffic Crash Facts (TREDS)*, 2017-2022.

As also shown in Table 2, a total of 5,309 individuals were killed in motor vehicle traffic crashes from 2017 to 2022.[9] Of those fatalities, 71% (3,787 of 5,309) were male, 33% (1,760 of 5,309) were between the ages of 18 and 35, 85% (4,496 of 5,309) occurred on non-interstates, and 54% (2,884 of 5,309) were single vehicle crashes.[10] According to the Office of the Chief Medical Examiner (OCME), White individuals comprised an average of 64% of traffic crash fatalities each year, whereas Black individuals comprised an average of 26% of such fatalities each year.[11] Furthermore, Black males had the highest rate of fatal motor vehicle collisions in 2021 (25.7 per 100,000) when compared to other demographic groups, such as White males (17.8 per 100,000), Black females (10.4 per 100,000), and White females (8.1 per 100,000).[12]

Causal Factors Contributing to Motor Vehicle Traffic Crash Fatalities

Highway safety data attempts to capture the various causal factors that contribute to motor vehicle traffic crashes and fatalities.[13] As seen in Table 3, this data shows a general upward trend in the number of overall, unrestrained (no seat belt or other safety restraint), speed-related, and alcohol-related motor vehicle traffic crash fatalities in Virginia between 2017 and 2022.[14] Specifically, when comparing total motor vehicle traffic crash fatalities in 2017 to those in 2022, there was a:

- 19% increase in overall fatalities;[15]
- 22% increase in unrestrained fatalities;[16]
- 39% increase in speed-related fatalities;[17] and,
- 10% increase in alcohol-related fatalities.[18]

It is important to note that one or more of these causal factors may contribute to the same motor vehicle traffic crash fatality.

Table 3: Statewide Motor Vehicle Traffic Crash Fatalities, Overall and by Causal Factor, 2017-2022

Type of Fatality	2017	2018	2019	2020	2021	2022	Total
Overall[19]	843	819	827	847	968	1,005	**5,309**
Unrestrained[20]	308	298	304	343	334	375	**1,962**
Speed-Related[21]	318	339	349	406	445	441	**2,298**
Alcohol-Related[22]	248	278	264	272	247	274	**1,583**

Source: Virginia DMV, *Traffic Crash Facts (TREDS)*, 2017-2022. Note: A motor vehicle crash fatality can be classified as having more than one causal factor. As such, the sum of unrestrained, speed-related, and alcohol-related fatalities in the table is larger than the total number of overall motor vehicle crash fatalities.

When further examining unrestrained, speed-related, and alcohol-related causal factors for motor vehicle traffic crash fatalities in Virginia between 2017 and 2022, the data revealed:

- 71% (3,745 of 5,309) of individuals killed in a motor vehicle traffic crash were driving or riding in a vehicle equipped with safety restraints.[23]
    - Of those individuals, 52% (1,962 of 3,745) were not wearing a seat belt or other safety restraint.
        - 81% (1,596 of 1,962) of these individuals were male and 42% (816 of 1,962) were between the ages of 18 and 35.[24]
        - 85% (1,667 of 1,962) of these crashes occurred on non-interstates and 63% (1,229 of 1,962) were single vehicle crashes.
- There were 2,298 individuals killed in speed-related crashes.[25]
    - Of those speed-related fatalities, 73% (1,674 of 2,298) were male and 43% (985 of 2,298) were between the ages of 18 and 35.[26]
    - 82% (1,887 of 2,298) of such crashes occurred on non-interstates and 55% (1,270 of 2,298) were single vehicle crashes.[27]
- There were 1,583 individuals killed in alcohol-related crashes.[28]
    - Of those alcohol-related fatalities, 77% (1,219 of 1,583) were male and 44% (702 of 1,583) were between the ages of 18 and 35.[29]
    - 88% (1,392 of 1,583) of such crashes occurred on non-interstates and 67% (1,056 of 1,583) were single-vehicle crashes.[30]

Pedestrian-Involved Motor Vehicle Traffic Crash Fatality Trends

As seen in Table 4, 15% (771 of 5,309) of individuals killed in motor vehicle traffic crashes between 2017 and 2022 in Virginia were pedestrians.[31] In addition, a 50% increase in the number of pedestrian fatalities was observed when comparing 2020 (114 fatalities) to 2022 (171 fatalities).

Table 4: Statewide Motor Vehicle Traffic Crash Pedestrian Fatalities, 2017-2022

	2017	2018	2019	2020	2021	2022	Total
Pedestrian Fatalities	114	123	124	114	125	171	**771**

Source: Virginia DMV, *Virginia Traffic Crash Facts (TREDS)*, 2017-2022.

Of the 771 pedestrian fatalities between 2017 and 2022, 74% (567 of 771) were male, 54% (417 of 771) were age 51 or older, and 76% (587 of 771) occurred in urban areas.[32] Furthermore, data from the Office of the Chief Medical Examiner (OCME) revealed that an average of 85% of

pedestrians killed each year between 2017 and 2021 underwent ethanol testing, and of these approximately one-third had a blood alcohol content of .08% or higher.[33]

At the November 2023 Crime Commission meeting, the Virginia Department of Transportation (VDOT) provided an overview of their efforts to analyze and provide solutions to pedestrian deaths and serious injuries on Virginia's roadways.[34] VDOT's analysis of Virginia DMV *TREDS* data from 2018 to 2022 revealed a number of findings:

- Approximately 1 in 3 pedestrians hit by motorists were killed or seriously injured.[35]
- Most pedestrian fatalities occurred at night either at or between an intersection.[36]
- 82% of pedestrian fatalities occurred on urban roadways.[37]
- 36%-39% of pedestrian fatalities were drunk (BAC of .08% or higher) or drugged in urban areas.[38]
- 26% of pedestrian fatalities occurred within 150 feet of a bus stop and 50% within 500 feet of a bus stop.[39]
- Individuals in the age groups of 50 to 59 and 60 to 69 were overrepresented in the total number of pedestrian fatalities as compared to other age groups and as compared to their specific age group representation across the general Virginia population.[40]
- Motor vehicle traffic crashes involving pedestrians were 17% higher in areas with a larger poverty population compared to the statewide average.[41]
- Motor vehicle crashes involving pedestrians were two times more frequent in areas where the relative percentage of people with a disability was above the statewide average.[42]

VIRGINIA ROADWAY SAFETY ENFORCEMENT TRENDS

Virginia has a number of laws to promote roadway safety. While Virginia's population[43] and number of registered vehicles[44] have been increasing, the enforcement of many of its roadway safety laws has been significantly decreasing (measured by charges and convictions for commonly occurring offenses). Though a number of factors can affect levels of enforcement, the primary reasons for the decreases in Virginia are COVID-19 pandemic impacts,[45] law enforcement staffing shortages,[46] less proactive enforcement,[47] and recent changes to Virginia laws.[48]

Seat Belt Usage

Virginia law requires adult, front seat occupants to wear a seat belt.[49] However, this adult seat belt statute is a secondary offense. In 2020, the statute was amended to explicitly prohibit law enforcement from stopping a vehicle for a seat belt violation and to exclude any evidence discovered or obtained from such a stop from use in any trial, hearing, or other proceeding.[50] As seen in Table 5, there was a significant decrease in both charges and convictions beginning in 2020. Specifically, there was a 46% decrease in both the number of charges and convictions when comparing 2017 to 2022.

Table 5: Virginia Code § 46.2-1094 (Seat Belt), Charges and Convictions, 2017-2022

	2017	2018	2019	2020	2021	2022
Charges	38,930	35,758	36,442	21,692	22,421	21,141
Convictions	36,051	33,914	33,480	20,053	21,761	19,302

Source: Virginia Supreme Court, OES, general district court case management system, 2017-2022, as analyzed by Virginia Criminal Sentencing Commission staff. Table prepared by Crime Commission staff.

Speeding

Virginia punishes speeding (1 to 19 miles per hour over the speed limit) as a traffic infraction.[51] As seen in Table 6, there was a 37% decrease in charges and a 39% decrease in convictions when comparing 2017 to 2022.

Table 6: Virginia Code § 46.2-870 (Speeding 1-19 mph over), Charges and Convictions, 2017-2022

	2017	2018	2019	2020	2021	2022
Charges	274,105	246,227	247,371	163,668	177,606	171,504
Convictions	260,662	239,387	231,333	151,883	171,721	157,850

Source: Virginia Supreme Court, OES, general district court case management system, 2017-2022, as analyzed by Virginia Criminal Sentencing Commission staff. Table prepared by Crime Commission staff.

In addition, Virginia punishes reckless driving by speed as a Class 1 misdemeanor.[52] There are two categories of reckless driving by speed. The first category of reckless driving by speed involves driving 20 miles per hour or more over the speed limit[53]. As seen in Table 7, there was a 47% decrease in charges and a 50% decrease in convictions for driving 20 miles per hour or more over the speed limit when comparing 2017 to 2022.

Table 7: Virginia Code § 46.2-862 (20 miles per hour or more over the speed limit), Charges and Convictions, 2017-2022

	2017	2018	2019	2020	2021	2022
Charges	99,361	85,579	79,499	55,864	54,206	52,269
Convictions	45,763	40,285	35,247	24,502	26,041	22,706

Source: Virginia Supreme Court, OES, general district court case management system, 2017-2022, as analyzed by Virginia Criminal Sentencing Commission staff. Table prepared by Crime Commission staff.

Finally, the second category of reckless driving by speed prohibits driving over 85 miles per hour regardless of the speed limit.[54] In 2020, Virginia increased the reckless driving by speed statute from 80 to 85 miles per hour, which took effect on July 1, 2020.[55] While current data does not readily capture the driver's cited speed, a number of stakeholders advised staff they have seen an increase in 100+ miles per hour speeding violations in recent years. As seen in Table 8, there was a decrease in the number of charges and convictions each year since this statute was amended in 2020.

Table 8: Virginia Code § 46.2-862 (Over 85 miles per hour), Charges and Convictions, 2017-2022

	2017	2018	2019	2020	2021	2022
Charges	14,683	18,848	27,299	23,901	17,112	16,831
Convictions	7,327	8,076	10,109	10,899	8,382	7,738

Source: Virginia Supreme Court, OES, general district court case management system, 2017-2022, as analyzed by Virginia Criminal Sentencing Commission staff. Table prepared by Crime Commission staff.

Handheld Personal Communication Device Usage

In 2020, Virginia enacted legislation that prohibits holding a cell phone while driving.[56] This legislation repealed the previous statute which prohibited texting or reading on a cell phone while driving.[57] As seen in Table 9, the number of charges and convictions has significantly increased since this new law took effect on January 1, 2021.

Table 9: Virginia Code § 46.2-1078.1 (repealed 1/1/2021) and § 46.2-818.2 (effective 1/1/2021) (Handheld Devices), Charges and Convictions, 2017-2022

	2017	2018	2019	2020	2021	2022
Charges	2,064	1,954	2,181	1,274	15,606	16,482
Convictions	1,633	1,515	1,618	941	10,229	12,544

Source: Virginia Supreme Court, OES, general district court case management system, 2017-2022, as analyzed by Virginia Criminal Sentencing Commission staff. Table prepared by Crime Commission staff.

Wearing Earphones While Driving

Virginia law prohibits using earphones on or in *both* ears while operating a motor vehicle, bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped on the roadway; however, the law allows an earphone to be used on or in *one* ear.[58] An earphone is defined as "any device worn on or in both ears that converts electrical energy to sound waves or which impairs or hinders the person's ability to hear."[59] As seen in Table 10, Virginia saw an 83% decrease in charges and an 84% decrease in convictions when comparing 2017 to 2022.

Table 10: Virginia Code § 46.2-1078 (Earphones), Charges and Convictions, 2017-2022

	2017	2018	2019	2020	2021	2022
Charges	1,311	1,201	1,135	412	326	235
Convictions	1,216	1,085	1,011	387	279	200

Source: Virginia Supreme Court, OES, general district court case management system, 2017-2022, as analyzed by Virginia Criminal Sentencing Commission staff. Table prepared by Crime Commission staff.

Vulnerable Road Users

In 2020, Virginia enacted legislation meant to protect vulnerable road users.[60] A "vulnerable road user" is defined as "a pedestrian; the operator of or passenger on a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, wheel chair or wheel chair conveyance, skateboard, roller skates, motorized skateboard or scooter, or animal-drawn vehicle or any attached device; or any person riding an animal."[61] The statute requires proof of all of the following elements: (i) careless or distracted driving, (ii) serious bodily injury or death, (iii) proximate causation, and (iv) that the vulnerable road user was lawfully present on the roadway.[62] As seen in Table 11, the vulnerable road user statute has rarely been charged since its enactment.

Table 11: Virginia Code § 46.2-816.1 (Vulnerable Road Users), Charges and Convictions, 2020-2022

	2020	2021	2022
Charges	1	10	6
Convictions	0	0	5

Source: Virginia Supreme Court, OES, general district court case management system, 2017-2022, as analyzed by Virginia Criminal Sentencing Commission staff. Table prepared by Crime Commission staff.

A variety of reasons were identified as to why the vulnerable road user statute has rarely been charged, such as the statute being narrowly tailored to fit very specific factual circumstances,[63] a violation of the statute having the same punishment as reckless driving (Class 1 misdemeanor),[64] and a lack of established case law as compared to reckless driving.[65]

Reckless Driving

Under Virginia law, driving "recklessly or at a speed or in a manner so as to endanger life, limb, or property" is reckless driving.[66] As seen in Table 12, there was a 32% decrease in charges and a 13% decrease in convictions when comparing 2017 to 2022.

Table 12: Virginia Code § 46.2-852 (Reckless Driving), Charges and Convictions, 2017-2022

	2017	2018	2019	2020	2021	2022
Charges	15,881	15,120	14,071	11,274	10,796	10,762
Convictions	6,493	6,189	6,332	5,255	6,028	5,649

Source: Virginia Supreme Court, OES, general district court case management system, 2017-2022, as analyzed by Virginia Criminal Sentencing Commission staff. Table prepared by Crime Commission staff.

Pedestrians

In 2020, Virginia amended its law on where pedestrians can cross roadways to prohibit law enforcement from stopping a person for such a violation and to exclude any evidence discovered or obtained from such a stop from any trial, hearing, or other proceeding.[67] As seen in Table 13, there was a 77% decrease in charges and an 81% decrease in convictions when comparing 2017 to 2022.

Table 13: Virginia Code § 46.2-923 (Pedestrian Crossing Roadway), Charges and Convictions, 2017-2022

	2017	2018	2019	2020	2021	2022
Charges	183	196	268	174	59	43
Convictions	158	140	195	163	57	30

Source: Virginia Supreme Court, OES, general district court case management system, 2017-2022, as analyzed by Virginia Criminal Sentencing Commission staff. Table prepared by Crime Commission staff.

In 2020, Virginia amended its law that bars pedestrians from entering a roadway from an obstructed location to prohibit law enforcement from stopping a person for such a violation and to exclude any evidence discovered or obtained from such a stop from any trial, hearing, or other proceeding.[68] As seen in Table 14, there was a 67% decrease in charges and a 75% decrease in convictions when comparing 2019 to 2022.

Table 14: Virginia Code § 46.2-926 (Pedestrian Entering Roadway), Charges and Convictions, 2017-2022

	2017	2018	2019	2020	2021	2022
Charges	59	120	67	32	22	22
Convictions	40	90	60	26	15	15

Source: Virginia Supreme Court, OES, general district court case management system, 2017-2022, as analyzed by Virginia Criminal Sentencing Commission staff. Table prepared by Crime Commission staff.

Motor Vehicles Stopping for Pedestrians

In 2020, Virginia amended its law to require drivers to stop for, rather than merely yield to, pedestrians crossing the roadway.[69] This change in the law took effect on July 1, 2020, and as seen in Table 15, there was a 60% decrease in charges and a 57% decrease in convictions when comparing 2019 to 2022.

Table 15: Virginia Code § 46.2-924 (Yielding/Stopping for Pedestrians), Charges and Convictions, 2017-2022

	2017	2018	2019	2020	2021	2022
Charges	740	813	890	538	492	360
Convictions	604	668	676	452	369	288

Source: Virginia Supreme Court, OES, general district court case management system, 2017-2022, as analyzed by Virginia Criminal Sentencing Commission staff. Table prepared by Crime Commission staff.

Bicyclists

Virginia law requires bicyclists to ride as close as possible to the right curb or edge of the roadway unless otherwise allowed by law,[70] prohibits riding more than two abreast, and directs those riding two abreast to move into single-file formation when a vehicle is approaching from behind.[71] The statute was briefly amended in 2021 to allow bicyclists to remain riding two abreast, but was returned to the single-file formation requirement in 2022.[72] As seen in Table 16, there was a 69% decrease in charges and a 75% decrease in convictions when comparing 2019 to 2022.

Table 16: Virginia Code § 46.2-905 (Bicycles on Roadways), Charges and Convictions, 2017-2022

	2017	2018	2019	2020	2021	2022
Charges	50	58	42	21	12	13
Convictions	51	47	40	14	8	10

Source: Virginia Supreme Court, OES, general district court case management system, 2017-2022, as analyzed by Virginia Criminal Sentencing Commission staff. Table prepared by Crime Commission staff.

ROADWAY SAFETY MEASURES - CRIMINAL JUSTICE PERSPECTIVE

A variety of criminal justice measures were identified that could be adopted in Virginia to enhance roadway safety, such as:

- Primary seat belt law;
- Expansion of the use of photo speed monitoring devices (speed safety cameras);
- Technology for drugged driving detection;
- Penalty for criminally negligent maiming;
- Prohibition on use of earphones while driving; and,
- Improvements in data collection.

Many of these measures are rooted in deterrence theory, which suggests that an individual's engagement in risky driving behavior is linked with their beliefs and perceptions on the likelihood of being caught and punished, as well as the risk of injury or death to themselves or others.[73] Such risk perceptions are influenced by a variety of factors and vary greatly from individual-to-individual, which emphasizes the need for a wide array of prevention and intervention measures to be tailored accordingly for effectiveness.[74]

Primary Seat Belt Law

According to the National Highway Traffic Safety Administration (NHTSA), seat belts are the single most effective life-saving safety equipment in a motor vehicle.[75] Seat belt usage in the front seat of a car reduces the risk of fatal injury by nearly 50%.[76] NHTSA estimated that the use of seat belts in passenger vehicles saved 14,955 lives in 2017, including 323 lives in Virginia.[77]

Research has examined the perceived risks of not wearing a seat belt on the behavior of drivers.[78] One study found that the perceived risk of being ticketed was not a predictor of seat belt use among either urban or rural drivers.[79] However, another study found that young drivers who perceived the likelihood of being fined for not wearing a seatbelt as low wore their seatbelts less frequently.[80] Further, drivers who perceived the likelihood of having a crash as low also wore their seatbelts less frequently.[81]

Staff conducted a 50 state review of adult seat belt laws and found that these laws vary greatly.[82] There are 34 states with some form of a primary adult seat belt law and 15 states, including Virginia, with a secondary adult seat belt law.[83] New Hampshire is the only state that does not have an adult seat belt law.[84]

As seen in Table 17, states with primary adult seat belt laws had higher seat belt usage rates and lower unrestrained motor vehicle traffic crash fatalities as compared to secondary or no law states.

Table 17: State Seat Belt Laws, Seat Belt Usage, and Unrestrained Motor Vehicle Traffic Crash Fatalities, 2017-2021

	Number of States	Average % Seat Belt Usage, 2017-2021	Average % Unrestrained Fatalities, 2017-2021
Primary Law	34	91%	42%
Secondary Law	15	85%	53%
No Law	1	73%	66%

Source: National Conference of State Legislatures (2022) for classification of state laws; NHTSA National Occupant Protection Use Survey for seat belt usage, and NHTSA FARS for unrestrained motor vehicle traffic crash fatality data.

In addition, as illustrated in Table 18, Virginia consistently had a higher percentage of unrestrained motor vehicle traffic crash fatalities as compared to the national percentage between 2017 and 2021.

Table 18: National and Virginia Unrestrained Motor Vehicle Traffic Crash Fatalities, 2017-2021

Year	% National Unrestrained Fatalities	% Virginia Unrestrained Fatalities	% Difference between National and Virginia
2017	42.8	53.5	**+ 10.7**
2018	43.1	53.0	**+ 9.9**
2019	42.6	53.8	**+ 11.2**
2020	45.7	58.4	**+ 12.7**
2021	44.9	49.3	**+ 4.4**

Source: NHTSA, FARS, *Passenger car and light-truck unrestrained occupants killed,* 2017-2021.

Expansion of the Use of Photo Speed Monitoring Devices (Speed Safety Cameras)

A photo speed monitoring device, commonly referred to as a speed safety camera (SSC), is a tool that uses a speed measurement device to detect speeding vehicles, record their speed, and capture a photographic or video image of the vehicles.[85] Data captured by the device is automatically transmitted to the agency that reviews the speed violation and issues a citation.[86] Studies have shown that SSCs are an effective technology for reducing crashes.[87] SSCs may be used to supplement traditional speed management operations and assist with roadway safety

enforcement.[88] In addition, such devices do not require law enforcement and citizen interaction as compared to traditional traffic stops for speeding. However, concerns do exist with the use of SSCs, such as due process and disparate racial impacts.[89]

In 2020, Virginia enacted legislation that allows for photo speed monitoring devices in school and work zones.[90] As of January 2023, five localities were using school zone photo speed monitoring devices.[91] The Virginia Department of Transportation, in coordination with the Virginia State Police, will be piloting work zone photo monitoring devices beginning in 2024.[92] If these devices prove to be successful in reducing crashes and fatalities, Virginia could expand their use to additional areas of the roadway.

Technology for Drugged Driving Detection

Drug-impaired driving continues to be a growing problem across the United States.[93] There are developing technologies for drugged driving detection. For instance, roadside oral fluid drug screening is an emerging practice to test a person's oral fluid for the presence of either specific drugs, like cocaine, or certain drug categories, like opiates. When a law enforcement officer is conducting an impaired driving investigation, the results of a roadside oral fluid drug screening can assist the officer in the determination of probable cause for arrest.[94] While oral fluid screening for certain drugs or drug classes is being used in some states, Virginia law does not authorize such screening.[95] In addition, researchers are currently developing a roadside breathalyzer for THC detection.[96]

Penalty for Criminally Negligent Maiming

Staff conducted a cursory 50 state review and found that at least 13 states, along with Washington, D.C., have an enhanced charge or penalty for causing serious bodily injury to another person as a result of reckless or criminally negligent driving.[97] Virginia has not enacted an enhanced punishment for criminally negligent driving that results in the serious bodily injury of another person.[98] Virginia does, however, have a statute that punishes an individual who, as a result of driving while intoxicated, drives "in a manner so gross, wanton, and culpable as to show a reckless disregard for human life, unintentionally causes the serious bodily injury of another person."[99] Virginia could draw from the elements of this criminally negligent DUI statute to fashion a new criminally negligent driving statute for reckless driving that results in the serious bodily injury of another person.

Prohibition on Use of Earphones While Driving

Hands-free devices, including earphones, are viewed as a tool to reduce risks associated with driver distraction because they allow drivers to keep their eyes on the road and their hands on the steering wheel.[100] However, using a hands-free device while driving does not eliminate cognitive distraction.[101] This topic has sparked interest in the automobile manufacturing industry, specifically Ford Motor Company.[102] Ford commissioned a sound experiment which included the development of an '8D' spatial audio application that played street noise sounds to participants while they wore headphones.[103] The study found that participants who listened to music through headphones were, on average, four seconds slower in identifying potential hazards compared to those not listening to music.[104]

At least 16 states, including Virginia, have implemented statutes explicitly prohibiting the use of one or both earphones while driving.[105] While Virginia law allows an earphone to be used on or in *one* ear,[106] the Commonwealth could consider completely prohibiting the use of earphones as a means of limiting distractions while driving.

Improved Data Collection Measures

There is always the need for improved data collection, and roadway safety data is no exception.[107] For example, neither race nor ethnicity are consistently captured across highway safety and public health data sources in Virginia. The Virginia Police Crash Report (FR300) does not capture the race or ethnicity of individuals involved in fatal or non-fatal crashes.[108] The Virginia Department of Health, Office of Emergency Medical Services (OEMS) does report on the race and ethnicity of individuals in motor vehicle traffic crashes as reported to emergency medical services in Virginia; however, this includes only a fraction of the total motor vehicle traffic crashes that occur each year.[109] Although the Office of the Chief Medical Examiner (OCME) collects race and ethnicity data, it only does so for motor vehicle traffic crash fatalities.[110] Further, that OCME data cannot be readily analyzed to determine whether disparate impacts exist across various types of crashes (e.g. unrestrained, speed-related, alcohol-related, etc.) as it does not capture all of the causal factors potentially contributing to a motor vehicle traffic crash like highway safety data sources.

CONCLUSION

The Executive Committee of the Crime Commission directed staff to examine the nature and scope of motor vehicle traffic crash fatalities involving drivers, passengers, pedestrians, and bicyclists in Virginia. This study focused on such fatalities through the criminal justice lens.

An examination of Virginia-specific motor vehicle traffic crash fatality data between 2017 and 2022 found that while the number of *crashes* between 2020 and 2022 remained below pre-2020 levels, the number of *fatalities* increased by 19% during that same time period. This data further showed increases in unrestrained, speed-related, alcohol-related, and pedestrian fatalities from 2017 as compared to 2022.

While Virginia has a number of laws meant to promote roadway safety, the enforcement of many of these laws has been significantly decreasing in recent years due to factors such as COVID-19 pandemic impacts, law enforcement staffing shortages, less proactive enforcement, and recent changes to Virginia laws.

A variety of criminal justice measures were identified that could be adopted in Virginia to promote roadway safety, including a primary seat belt law, expansion of the use of photo speed monitoring devices, technology to aid in the detection of drugged driving, a penalty for criminally negligent maiming, and a complete prohibition on the use of headphones while driving. Finally, improving data collection relating to motor vehicle traffic crashes is vital to understanding roadway safety challenges in Virginia.

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ENDNOTES

[1] Virginia DMV, *Virginia Traffic Crash Facts (TREDS)*, 2017-2022. While motor vehicle traffic crash fatality data combines drivers, passengers, pedestrians, and bicyclists, such data can be separated by driver/passenger, pedestrian, and bicyclist fatalities. A fatal crash is a motor vehicle traffic crash that results in one or more fatalities. A fatality includes any person involved in a motor vehicle traffic crash who dies within 30 days as a result of such crash. A pedestrian crash involves at least one pedestrian and one or more motor vehicles. A pedestrian fatality includes a pedestrian who dies within 30 days as a result of a motor vehicle traffic crash. A bicycle crash involves at least one bicycle and one or more motor vehicles. A bicycle fatality includes a bicyclist who dies within 30 days as a result of a motor vehicle traffic crash. A single motor vehicle traffic crash can include multiple fatalities. For example, a single motor vehicle traffic crash may result in the death of both a driver and a pedestrian. As such, the total number of crashes will be less than the total number of fatalities.

[2] *See* Appendix A: Number of Driver/Passenger, Pedestrian, and Bicycle Motor Vehicle Traffic Crash Fatalities by Locality, 2017-2022.

[3] *See, e.g.,* U.S. Government Accountability Office. (2022, January 25). *During COVID-19, road fatalities increased and transit ridership dipped*, https://www.gao.gov/blog/during-covid-19-road-fatalities-increased-and-transit-ridership-dipped; Henderson, T. (2023, November 10). Less driving but more deaths: Spike in traffic fatalities puzzles lawmakers, at https://stateline.org/2023/11/10/less-driving-but-more-deaths-spike-in-traffic-fatalities-puzzles-lawmakers/; Governors Highway Safety Association. (2023, April 20). *Small decrease in 2022 traffic deaths sustains pandemic-fueled surge in roadway fatalities as NHTSA still lacks a confirmed administrator* [Press release], https://www.ghsa.org/resources/news-releases/NHTSA-2022-Traffic-Deaths23#:~:text=Traffic%20deaths%20rose%20from%2036%2C355,other%20road%20users%2C%20particularly%20pedestrians.

[4] *Id.*

[5] Dubner, S.J. (Host). (2023, July 5). Why is the U.S. so good at killing pedestrians? (No. 548) [Audio podcast episode]. In *Freakonomics Radio*. https://freakonomics.com/podcast/why-is-the-u-s-so-good-at-killing-pedestrians/.

[6] Bronin, S.C., & Shill, G.H. (2020-2021). *Rewriting our nation's deadly traffic manual*. Harvard Law Review, *134*, 9. https://harvardlawreview.org/archives/vol-134-no-9/.

[7] Dubner, S.J. (Host). (2023, July 5). Why is the U.S. so good at killing pedestrians? (No. 548) [Audio podcast episode]. In *Freakonomics Radio*. https://freakonomics.com/podcast/why-is-the-u-s-so-good-at-killing-pedestrians/.

[8] U.S. Department of Transportation Federal Highway Administration. (2023, December). *Manual on uniform traffic control devices for streets and highways: 11th edition*. https://mutcd.fhwa.dot.gov/pdfs/11th_Edition/mutcd11thedition.pdf. The 85th percentile speed is defined as the speed at or below which 85 percent of the motor vehicles are observed to travel under free-flowing conditions past a specific point on the roadway. This speed is the traffic engineering standard for setting the regulatory speed limit for a particular roadway.

[9] Virginia DMV, *Virginia Traffic Crash Facts (TREDS)*, 2017-2022, https://www.dmv.virginia.gov/safety/crash-data/traffic-crash-facts.

[10] *Id.*

[11] Virginia Department of Health, Office of the Chief Medical Examiner (OCME), *Annual reports,* 2017-2021. Race and ethnicity are collected by the Virginia OCME, but only for motor vehicle crash decedents. At the time of study, OCME data was only available thru 2021, as such public health data lags behind the published highway safety data. OCME and other public health data includes a broader definition of motor vehicle traffic crash fatalities as compared to highway safety data. For example, the OCME data counts deaths from a motor vehicle accident occurring *after* 30 days and counts motor vehicle accidents occurring on non-public roadways. *See also* Appendix B for a copy of the Virginia Police Crash Report (FR300). In contrast to OCME data, the FR300 does not capture the race or ethnicity of individuals involved in fatal or non-fatal crashes. As such, data stemming from the Virginia DMV's TREDS does not report on the race or ethnicity of individuals involved in motor vehicle traffic crashes.

[12] Virginia Department of Health, Office of the Chief Medical Examiner (OCME), *Annual report,* 2021

[13] *See* Virginia DMV, *Virginia Traffic Crash Facts (TREDS)*, 2017-2022, https://www.dmv.virginia.gov/safety/crash-data/traffic-crash-facts. *See also* Appendix B for a copy of the Virginia Police Crash Report (FR300). The FR300 includes sections where law enforcement officers can designate whether various causal factors played a role in the motor vehicle traffic crash. Such information is then interfaced with the Virginia DMV TREDS. *See also* NHTSA's FARS data trends, https://www-fars.nhtsa.dot.gov/Trends/TrendsGeneral.aspx and NHTSA Traffic Safety Facts Annual Reports, https://cdan.dot.gov/tsftables/tsfar.htm# for national data and trends.
[14] Virginia DMV, *Virginia Traffic Crash Facts (TREDS)*, 2017-2022, https://www.dmv.virginia.gov/safety/crash-data/traffic-crash-facts.
[15] Virginia DMV, *Virginia Traffic Crash Facts (TREDS)*, 2017-2022. A fatal crash is a motor vehicle traffic crash that results in one or more fatalities. A fatality includes any person involved in a motor vehicle traffic crash who dies within 30 days as a result of such crash.
[16] Virginia DMV, *Virginia Traffic Crash Facts (TREDS)*, 2017-2022 and Virginia DMV, *TREDS, FR 300M Crash Report Manual,* https://www.treds.virginia.gov/UI/Training/Docs/FR300%20Manual.pdf. An unrestrained crash is one that involves at least one unrestrained person killed or injured in a vehicle equipped with safety restraints. An unrestrained fatality involves an unrestrained person who dies within 30 days as a result of a traffic crash in vehicle equipped with safety restraint. For *Traffic Crash Facts* reports, any of the following vehicles are considered vehicles with safety restraints: Passenger car; truck –pickup/passenger truck; van; truck – single until truck (2 axle); motor home/recreational vehicle; emergency vehicle (regardless of vehicle type); truck – sport utility vehicle (SUV); truck – single unit truck (3 axles or more); truck – truck tractor (bobtail – no trailer). According to the *FR300 Crash Report Manual*, a safety restraint includes seat belts (lap belt only, shoulder belt only, or lap and shoulder belt), child restraints, and booster seats. A child restraint is an approved child safety seat, to be attached to the vehicle, and has internal webbing to secure the child in the seat. A booster seat is a child safety seat with no internal webbing, used to boost the child up so they can be secured with the vehicle's lap/shoulder harness. A booster seat can have a low back or a high back.
[17] Virginia DMV, *Virginia Traffic Crash Facts (TREDS)*, 2017-2022. A speed-related crash is one that involves a driver exceeding the posted speed limit or driving too fast for conditions. A speed-related fatality involves a person who dies within 30 days as a result of traffic crash involving excessive speed.
[18] Virginia DMV, *Virginia Traffic Crash Facts (TREDS)*, 2017-2022. An alcohol-related crash is where a driver or pedestrian is listed on the police report as drinking before the crash. BAC data (0.01 or greater) is used in addition to police reports to determine alcohol-related status. An alcohol-related fatality involves a person who dies within 30 days as a result of a traffic crash involving alcohol.
[19] Virginia DMV, *Virginia Traffic Crash Facts (TREDS)*, 2017-2022. A fatal crash is a motor vehicle traffic crash that results in one or more fatalities. A fatality includes any person involved in a motor vehicle traffic crash who dies within 30 days as a result of such crash.
[20] Virginia DMV, *Virginia Traffic Crash Facts (TREDS)*, 2017-2022 and Virginia DMV, *TREDS, FR 300M Crash Report Manual,* https://www.treds.virginia.gov/UI/Training/Docs/FR300%20Manual.pdf. An unrestrained crash is one that involves at least one unrestrained person killed or injured in a vehicle equipped with safety restraints. An unrestrained fatality involves an unrestrained person who dies within 30 days as a result of a traffic crash in vehicle equipped with safety restraint. For *Traffic Crash Facts* reports, any of the following vehicles are considered vehicles with safety restraints: Passenger car; truck –pickup/passenger truck; van; truck – single until truck (2 axle); motor home/recreational vehicle; emergency vehicle (regardless of vehicle type); truck – sport utility vehicle (SUV); truck – single unit truck (3 axles or more); truck – truck tractor (bobtail – no trailer). According to the *FR300 Crash Report Manual*, a safety restraint includes seat belts (lap belt only, shoulder belt only, or lap and shoulder belt), child restraints, and booster seats. A child restraint is an approved child safety seat, to be attached to the vehicle, and has internal webbing to secure the child in the seat. A booster seat is a child safety seat with no internal webbing, used to boost the child up so they can be secured with the vehicle's lap/shoulder harness. A booster seat can have a low back or a high back.
[21] Virginia DMV, *Virginia Traffic Crash Facts (TREDS)*, 2017-2022. A speed-related crash is one that involves a driver exceeding the posted speed limit or driving too fast for conditions. A speed-related fatality involves a person who dies within 30 days as a result of traffic crash involving excessive speed.
[22] Virginia DMV, *Virginia Traffic Crash Facts (TREDS)*, 2017-2022. An alcohol-related crash is where a driver or pedestrian is listed on the police report as drinking before the crash. BAC data (0.01 or greater) is used in addition

to police reports to determine alcohol-related status. An alcohol-related fatality involves a person who dies within 30 days as a result of a traffic crash involving alcohol. *See also* Virginia State Crime Commission (2023). *2022 annual report: Driving Under the Influence (DUI) laws and enforcement*, https://vscc.virginia.gov/Annual%20Reports/2022%20VSCC%20Annual%20Report%20-%20DUI%20Laws%20and%20Enforcement.pdf.

[23] *See* Virginia DMV, *Virginia Traffic Crash Facts (TREDS)*, 2017-2022, https://www.dmv.virginia.gov/safety/crash-data/traffic-crash-facts and Virginia DMV, *TREDS, FR 300M Crash Report Manual,* https://www.treds.virginia.gov/UI/Training/Docs/FR300%20Manual.pdf. An unrestrained crash is one that involves at least one unrestrained person killed or injured in a vehicle equipped with safety restraints. An unrestrained fatality involves an unrestrained person who dies within 30 days as a result of a traffic crash in vehicle equipped with safety restraint. For *Traffic Crash Facts* reports, any of the following vehicles are considered vehicles with safety restraints: Passenger car; truck –pickup/passenger truck; van; truck – single until truck (2 axle); motor home/recreational vehicle; emergency vehicle (regardless of vehicle type); truck – sport utility vehicle (SUV); truck – single unit truck (3 axles or more); truck – truck tractor (bobtail – no trailer). According to the *FR300 Crash Report Manual*, a safety restraint includes seat belts (lap belt only, shoulder belt only, or lap and shoulder belt), child restraints, and booster seats. A child restraint is an approved child safety seat, to be attached to the vehicle, and has internal webbing to secure the child in the seat. A booster seat is a child safety seat with no internal webbing, used to boost the child up so they can be secured with the vehicle's lap/shoulder harness. A booster seat can have a low back or a high back.

[24] *Id.*

[25] *See* Virginia DMV, *Virginia Traffic Crash Facts (TREDS)*, 2017-2022, https://www.dmv.virginia.gov/safety/crash-data/traffic-crash-facts. A speed-related crash is one that involves a driver exceeding the posted speed limit or driving too fast for conditions. A speed-related fatality involves a person who dies within 30 days as a result of traffic crash involving excessive speed.

[26] *Id.*

[27] *Id.*

[28] *See* Virginia DMV, *Virginia Traffic Crash Facts (TREDS)*, 2017-2022, https://www.dmv.virginia.gov/safety/crash-data/traffic-crash-facts. An alcohol-related crash is where a driver or pedestrian is listed on the police report as drinking before the crash. BAC data (0.01 or greater) is used in addition to police reports to determine alcohol-related status. An alcohol-related fatality involves a person who dies within 30 days as a result of a traffic crash involving alcohol.

[29] *Id*.

[30] *Id.*

[31] *See* Virginia DMV, *Virginia Traffic Crash Facts (TREDS)*, 2017-2022, https://www.dmv.virginia.gov/safety/crash-data/traffic-crash-facts.

[32] *See* Virginia DMV, *Virginia Traffic Crash Facts (TREDS)*, 2017-2022, https://www.dmv.virginia.gov/safety/crash-data/traffic-crash-facts.

[33] Virginia Department of Health, Office of the Chief Medical Examiner (OCME), *Annual reports,* 2017-2021. Blood alcohol content (BAC) is a variable collected by the Virginia OCME, however, not all individuals killed in a motor vehicle traffic crash are tested for ethanol. At the time of study, OCME data was only available thru 2021 as such public health data lags behind the published highway safety data. OCME and other public health data include a broader definition of motor vehicle traffic crash fatalities as compared to highway safety data. For example, highway safety data includes only fatalities that occur within 30 days of a crash, whereas OCME data counts fatalities that occur beyond 30 days.

[34] Virginia Department of Transportation. (November 21, 2023). *Pedestrian safety factors & actions*, https://vscc.virginia.gov/2023/Nov21Meeting/VDOT%20%20Pedestrian%20Safety%20Factors%20and%20Actions.pdf. *See also* Virginia Department of Transportation. *VDOT Pedestrian and Bicycle Safety Action Plan (PBSAP)*, https://vdot.maps.arcgis.com/apps/MapSeries/index.html?appid=c22a33abca1544e3b65b50dbe96c035e. This website includes a map viewer, as well as links to memos, reports, and assessments.

[35] *Id.*

[36]*Id. See also* Virginia Department of Motor Vehicles. (September 28, 2023). *DMV urges pedestrians to stay alert, cross with caution*, https://www.dmv.virginia.gov/news/dmv-urges-pedestrians-stay-alert-cross-caution.

[37] *Id*.
[38] *Id*.
[39] *Id*.
[40] *Id*. *See also* United States Census Bureau, Population Division, Evaluation Estimates, *2021 Population Estimates: Age and Sex (Virginia).* [Data formatted and posted at http://demographics.coopercenter.org by the UVA Weldon Cooper Center, Demographics Research Group.] Although approximately 36% (3,091,565 of 8,642,274) of Virginia's estimated population in 2021 was over the age of 50, 54% of pedestrians killed in a motor vehicle traffic crash were age 51 or older according to the VDOT presentation.
[41] Virginia Department of Transportation. (November 21, 2023). *Pedestrian safety factors & actions*, https://vscc.virginia.gov/2023/Nov21Meeting/VDOT%20%20Pedestrian%20Safety%20Factors%20and%20Actions.pdf. According to VDOT presentation, population in poverty is defined as the percentage of persons in an area (Census tract) living at or below 150% of the federal poverty line threshold established for several federal health coverage policies. Crashes in each Census tract are assessed by whether the Census tract is above or below the statewide average of population in poverty
[42] *Id*. According to VDOT presentation, population with disability is defined as the percentage of persons in an area (Census tract) with a disability. Crashes in each Census tract are assessed by whether the Census tract is above or below the statewide percentage of population with disability.
[43] *See* Weldon Cooper Center for Public Service, Demographics Research Group, https://www.coopercenter.org/demographics. Virginia's population in 2017 was 8,506,433 as compared to 8,696,955 in 2022 based on intercensal estimates for July 1, 2017 and July 1, 2022.
[44] Virginia Department of Motor Vehicles, https://www.dmv.virginia.gov/sites/default/files/documents/tss03.pdf. There were 8,234,406 vehicles registered in Virginia in 2017 as compared to 8,402,827 in 2021.
[45] *See* Virginia Department of Criminal Justice Services. (2021). *Impacts of the COVID-19 pandemic on Virginia's criminal justice system seen through NIBRS and other criminal justice indicators*. https://www.dcjs.virginia.gov/sites/dcjs.virginia.gov/files/publications/research/impacts-covid-19-pandemic-virginias-criminal-justice-system-seen-through-nibrs-and-other-criminal.pdf. *See also* Lum, C., Koper, C.S., Wu, H.X., Goodier, M., Johnson, W., Shadur, J., & Krause, J. (2022). *The impact of COVID-19 on policing: A case study of the Fairfax County Police Department.* Fairfax, VA: Center for Evidence-Based Crime Policy, George Mason University. https://www.fairfaxcounty.gov/police/sites/police/files/assets/images/chief/reports/the%20impact%20of%20covid-19%20on%20policing.pdf.
[46] *See* Virginia State Crime Commission. (2023). *2022 annual report: Driving under the influence (DUI) laws and enforcement*, https://vscc.virginia.gov/Annual%20Reports/2022%20VSCC%20Annual%20Report%20-%20DUI%20Laws%20and%20Enforcement.pdf at p.49-50. During its 2022 DUI study, the Crime Commission identified law enforcement staffing shortages and a lack of proactive enforcement as barriers to DUI enforcement. These same barriers exist for the enforcement of roadway safety laws.
[47] *Id*.
[48] *See* Virginia State Crime Commission. (2023). *2022 Annual report: Driving under the influence (DUI) laws and enforcement*, https://vscc.virginia.gov/Annual%20Reports/2022%20VSCC%20Annual%20Report%20-%20DUI%20Laws%20and%20Enforcement.pdf at p.51. Law enforcement, Commonwealth's Attorneys, and other advocates raised concerns about how various changes to laws during the 2020 Special Session I have impacted roadway safety enforcement in Virginia.
[49] VA. CODE ANN. § 46.2-1094 (2023). Failure to wear a seat belt is a civil infraction with a $25 penalty.
[50] 2020 Va. Acts, Sp. Sess. I, chs. 45 and 51. House Bill 5058 (2020 Sp. Sess. I), https://lis.virginia.gov/cgi-bin/legp604.exe?202+sum+HB5058. Senate Bill 5029 (2020 Sp. Sess. I), https://lis.virginia.gov/cgi-bin/legp604.exe?202+sum+SB5029.
[51] VA. CODE ANN. § 46.2-870 (2023).
[52] VA. CODE ANN. § 46.2-868 (2023). *See also* VA. CODE ANN. § 18.2-11(a) (2023). A Class 1 misdemeanor is punishable by up to 12 months in jail and a $2,500 fine.
[53] VA. CODE ANN. § 46.2-862(i) (2023).
[54] VA. CODE ANN. § 46.2-862(ii) (2023).

[55] 2020 Va. Acts, chs. 444 and 445. House Bill 885 (2020 Sess.), https://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB885. Senate Bill 63 (2020 Sess.), https://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+SB63.
[56] 2020 Va. Acts, chs. 250 and 543. House Bill 874 (2020 Sess.), https://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB874. Senate Bill 160 (2020 Sess.), https://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+SB160.
[57] VA. CODE ANN. § 46.2-1078.1 (2020).
[58] VA. CODE ANN. § 46.2-1078 (2023).
[59] *Id.*
[60] 2020 Va. Acts, ch. 1259. Senate Bill 437 (2020 Sess.), https://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+SB437.
[61] *Id.*
[62] VA. CODE ANN. § 46.2-816.1 (2023).
[63] VA. CODE ANN. § 46.2-816.1 (2023).
[64] VA. CODE ANN. § 46.2-868 (2023). *See also* VA. CODE ANN. § 18.2-11(a) (2023). A Class 1 misdemeanor is punishable by up to 12 months in jail and a $2,500 fine.
[65] *See* Powers v. Commonwealth, 211 Va. 386, 177 S.E.2d 628 (1970); Kennedy v. Commonwealth, 1 Va. App. 469, 339 S.E.2d 905 (1986).
[66] VA. CODE ANN. § 46.2-852 (2023).
[67] 2020 Va. Acts, Sp. Sess. I, chs. 45 and 51. House Bill 5058 (2020 Sp. Sess. I), https://lis.virginia.gov/cgi-bin/legp604.exe?202+sum+HB5058. Senate Bill 5029 (2020 Sp. Sess. I), https://lis.virginia.gov/cgi-bin/legp604.exe?202+sum+SB5029.
[68] 2020 Va. Acts, Sp. Sess. I, chs. 45 and 51. House Bill 5058 (2020 Sp. Sess. I), https://lis.virginia.gov/cgi-bin/legp604.exe?202+sum+HB5058. Senate Bill 5029 (2020 Sp. Sess. I), https://lis.virginia.gov/cgi-bin/legp604.exe?202+sum+SB5029.
[69] 2020 Va. Acts, ch. 1031. House Bill 1705 (2020 Sess.), https://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB1705. The statute was further amended during the 2023 General Assembly Session to clarify when a vehicle is to stop and remain stopped while a pedestrian is crossing a highway. 2023 Va. Acts, ch. 117. Senate Bill 1069 (2023 Sess.), https://lis.virginia.gov/cgi-bin/legp604.exe?231+sum+SB1069.
[70] VA. CODE ANN. § 46.2-905 (2023). Bicyclists do not have to ride as close as possible to the right curb or edge of the roadway when overtaking and passing another vehicle proceeding in the same direction; preparing for a left turn at an intersection or into a private road or driveway; when reasonably necessary to avoid conditions such as a fixed or moving object, a parked or moving vehicle, pedestrians, animals, surface hazards, or substandard width lanes; when avoiding riding in a lane that must turn or diverge to the right; or when riding upon a one-way road or highway.
[71] VA. CODE ANN. § 46.2-905 (2023).
[72] For the 2021 amendment removing the requirement for bicyclists to move into single-file formation *see* 2021 Va. Acts, Sp. Sess. I, ch. 462. House Bill 2262 (2021 Sp. Sess. I), https://lis.virginia.gov/cgi-bin/legp604.exe?212+sum+HB2262. For the 2022 amendment reinserting the requirement for bicyclists to move into single-file formation *see* 2022 Va. Acts, ch. 341. Senate Bill 362 (2022 Sess.), https://lis.virginia.gov/cgi-bin/legp604.exe?221+sum+SB362.
[73] A large amount of academic literature has been dedicated to deterrence theory both generally and in the context of risky driving behaviors. Risk perceptions are composed of an individual's estimate of their likelihood of arrest, conviction, or incarceration (perceived sanction certainty) and considerations of length of sentence or conditions imposed (perceived sanction severity). However, individuals do not accurately perceive sanction certainty or sanction severity. Research has suggested that risk perceptions can be influenced by one's direct experience with and the vicarious experiences of friends and family members with crime and punishment. Further, there are several factors that have been shown to impact a person's ability to consider all aspects of legal sanctions such as intoxication, impulsivity, and distress. *See*, *e.g.*, Apel, R. (2013). Sanctions, perceptions, and crime: Implications for criminal deterrence. *Journal of Quantitative Criminology*, *29*, 67-101; Loughran T.A., Paternoster R., Piquero A. R., & Pogarsky, G. (2011). On ambiguity in perceptions of risk: Implications for criminal decision-making and deterrence. *Criminology, 49*, 1029-1061; Stringer, R. J. (2021). Deterring the drunk driver: An

examination of conditional deterrence and self-reported drunk driving. *Crime & Delinquency,* https://doi.org/10.1177/00111287211054721; Stafford, M. C., & Warr, M. (1993). A reconceptualization of general and specific deterrence. *Journal of Research in Crime and Delinquency, 30*(2), 123-135; Jacobs, B. A. (2010). Deterrence and deterrability. *Criminology, 48*(2), 417-441; Nagin, D. S., & Pogarsky, G. (2001). Integrating celerity, impulsivity, and extralegal sanction threats into a model of general deterrence: Theory and evidence. *Criminology, 39*(4), 865-892; Shover, N. (2018). *Great pretenders: Pursuits and careers of persistent thieves*. Routledge.

[74] Research suggests that an important predictor of engaging in risky driving behaviors is an individual's beliefs, specifically beliefs concerning perceptions of risk of punishment and risk of injury or death. However, the intention, motivation, and influence to engage in risky driving behaviors differs across individuals. In addition, research demonstrates that risky driving behaviors such as not wearing a seat belt, speeding, driving while impaired, and distracted driving often co-occur. For example, a study examining seat belt use among occupants in single occupant vehicles found that drug consumption was associated with a decreased likelihood of seat belt use, while alcohol use was associated with an increased likelihood of seat belt use. Similarly, individuals who report using alcohol and marijuana, alone or in combination, were more likely to report not wearing a seat belt in addition to speeding, texting while driving, and driving while impaired. *See, e.g.,* Hayashi, Y., Foreman, A. M., Friedel, J., E., & Wirth, O. (2018). Executive function and dangerous driving behaviors in young drivers. *Transportation Research Part F*, *52*, 51-61; Fernandes, R., Hatfield, J., Job, S.R.F., 2010. A systematic investigation of the differential predictors for speeding, drink-driving, driving while fatigued, and not wearing a seatbelt, among young drivers. *Transportation Research Part F*, *13*, 179–196; Harbeck, E. L., & Glendon, A. I. (2018). Driver prototypes and behavioral willingness: Young driver risk perception and reported engagement in risky driving. *Journal of Safety Research*, *66*, 195-204; Harbeck, E. L., Glendon, A. I., & Hine, T. J. (2017). Reward versus punishment: Reinforcement sensitivity theory, young novice drivers' perceived risk, and risky driving. *Transportation Research Part F*, *47*, 13–22; Reagan, I. J., McClafferty, J. A., Berlin, S. P., & Hankey, J. M. (2013). Using naturalistic driving data to identify variables associated with infrequent, occasional, and consistent seat belt use. *Accident Analysis and Prevention*, *50*, 600-607; Afghari, A. P., Hezaveh, A. M., & Haque, M. M. (2020). A home-based approach to understanding seatbelt use in single-occupant vehicles in Tennessee: Application of a latent class binary logit model. *Accident Analysis and Prevention*, *146*, 105743; Harbeck, E. L., & Glendon, A. I. (2013). How reinforcement sensitivity and perceived risk influence young drivers' reported engagement in risky driving behaviors. *Accident Analysis and Prevention*, *54*, 73-80; Kelley-Baker, T., Villavicencio, L., Arnold, L. S., Benson, A. J., Anorve, V., & Tefft, B. C. (2021). Risky driving behaviors of drivers who use alcohol and cannabis. *Transportation Research Record*, *2675*(5), 339-344; McCartt, A. T., & Northrup, V. S. (2004). Factors related to seat belt use among fatally injured teenage drivers. *Journal of Safety Research*, *35*, 29-38; Olsen, E. O., Shults, R. A., & Eaton, D. K. (2013). Texting while driving and other risky motor vehicle behaviors among US high school students. *Pediatrics*, *131*, e1708-e1715.

[75] National Highway Traffic Safety Administration. *Seat Belts Save Lives*, https://www.nhtsa.gov/seat-belts/seat-belts-save-lives.

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[78] *See, e.g.,* Chaudhary, N. K., Solomon, M. G., & Cosgrove, L. A. (2004). The relationship between perceived risk of being ticketed and self-reported seat belt use. *Journal of Safety Research*, *35*(4), 383-390; Fernandes, R., Hatfield, J., & Job, R. F. S. (2010). A systematic investigation of the differential predictors for speeding, drink-driving, driving while fatigued, and not wearing a seat belt, among young drivers. *Transportation Research Part F*, *13*, 179-196; Hatfield, J., Fernandes, R., & Job, R. F. S. (2014). Thrill and adventure seeking as a modifier of the relationship of perceived risk with risky driving among young drivers. *Accident Analysis and Prevention*, *62*, 223-229; Jans, M., Aremia, M., Killmer, B., Alaittar, L., Molnar, L. J., & Eby, D. W. (2015). Potential mechanisms underlying the decision to use a seat belt: A literature review. Transportation Research Institute, https://deepblue.lib.umich.edu/handle/2027.42/110521; Zabihi, F., Davoodi, S. R., Nordfjaern, T. (2019). The role of perceived risk, reasons for non-seat belt use and demographic characteristics for seat belt use on urban and rural roads. *International Journal of Injury Control and Safety Promotion*, *26*(4), 431-441.

[79] Zabihi, F., Davoodi, S. R., Nordfjaern, T. (2019). The role of perceived risk, reasons for non-seat belt use and demographic characteristics for seat belt use on urban and rural roads. *International Journal of Injury Control and Safety Promotion*, *26*(4), 431-441.
[80] Fernandes, R., Hatfield, J., & Job, R. F. S. (2010). A systematic investigation of the differential predictors for speeding, drink-driving, driving while fatigued, and not wearing a seat belt, among young drivers. *Transportation Research Part F*, *13*, 179-196.
[81] *Id.*
[82] *See* Appendix C: Adult Seat Belt Laws (50 State). *See also* Appendix D: Adult Seat Belt Laws by Primary/Secondary and Seat.
[83] *Id*.
[84] *Id*.
[85] National Highway Traffic Safety Administration and Federal Highway Administration. (2023). *Speed safety camera program planning and operations guide*. U.S. Department of Transportation, https://highways.dot.gov/sites/fhwa.dot.gov/files/Speed%20Safety%20Camera%20Program%20Planning%20and%20Operations%20Guide%202023.pdf.
[86] *Id.*
[87] *Id.*
[88] National Highway Traffic Safety Administration (2023). *Countermeasures that work: A highway safety countermeasure guide for state highway safety offices*. U.S. Department of Transportation, https://www.nhtsa.gov/sites/nhtsa.gov/files/2023-12/countermeasures-that-work-11th-2023-tag_0.pdf.
[89] National Highway Traffic Safety Administration and Federal Highway Administration. (2023). *Speed safety camera program planning and operations guide*. U.S. Department of Transportation, https://highways.dot.gov/sites/fhwa.dot.gov/files/Speed%20Safety%20Camera%20Program%20Planning%20and%20Operations%20Guide%202023.pdf.
[90] 2020 Va. Acts, ch. 1232. House Bill 1442 (2020 Sess.), https://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB1442.
[91] Va. State Police. Report on Photo Speed Monitoring Device Usage by Local and State Law Enforcement, 2022, https://rga.lis.virginia.gov/Published/2022/RD69/PDF.
[92] Virginia Department of Transportation (personal communication, August 24, 2023).
[93] Governors Highway Safety Association. *Drug-impaired driving*, https://www.ghsa.org/issues/drug-impaired-driving.
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[95] Virginia State Crime Commission. (2022). *Driving under the influence (DUI) laws and enforcement*. https://vscc.virginia.gov/Annual%20Reports/2022%20VSCC%20Annual%20Report%20-%20DUI%20Laws%20and%20Enforcement.pdf.
[96] *See, e.g.,* Brogan, M.K. (2023, August 25). VCU forensic science professor hopes a better THC breathalyzer will increase road safety. *VCU News*, https://news.vcu.edu/article/2023/08/vcu-forensic-science-professor-hopes-a-better-thc-breathalyzer-will-increase-road-safety.
[97] *See* Appendix E: Reckless Driving with Enhanced Penalty for Bodily Injury and/or Death.
[98] VA. CODE ANN. § 18.2-852 (2023). Under Virginia law, reckless driving, even if it results in the serious bodily injury of another, is punishable as a Class 1 misdemeanor. VA. CODE ANN. § 46.2-868 (2023).
[99] VA. CODE ANN. § 18.2-51.4 (2023).
[100] *See, e.g.,* National Safety Council (2012, April). *Understanding the distracted brain: Why driving while using hands-free cell phones is risky behavior* [White paper], https://www.nsc.org/getmedia/2ea8fe8b-d7b7-4194-8ea5-306d30a73972/cognitive-distraction-white-paper.pdf.
[101] *Id.*
[102] Ford Motor Company. (2021, May 12). *Are your headphones putting others in danger? Ford's hard hitting sound experiment shows risks* [Press release], https://media.ford.com/content/fordmedia/feu/en/news/2021/05/12/are-your-headphones-putting-others-in-danger--fords-hard-hitting.html.
[103] *Id.*

[104] *Id.*
[105] *See* Appendix F: Use of Earphones while Driving.
[106] VA. CODE ANN. § 46.2-1078 (2023).
[107] *See, e.g.,* NHTSA. (2024, February 5). NHTSA announces $350 million for states to upgrade data collection systems, at https://www.nhtsa.gov/press-releases/nhtsa-announces-350-million-states-upgrade-data-collection-systems.
[108] *See* Appendix B: Virginia Police Crash Report (FR300).
[109] *See, e.g.*, Virginia Department of Health, Office of Emergency Medical Services, (OEMS), *Report: Motor vehicle crashes in Virginia from July 1, 2021 – June 30, 2022,* https://www.vdh.virginia.gov/content/uploads/sites/23/2024/03/MVC-Report-July-2021-June-2022.pdf at pp.7-8. Similar to Virginia Department of Health, OCME data, OEMS data is not directly comparable to highway safety data due to definitional and jurisdictional differences in the incidents counted.
[110] *See, e.g.,* Virginia Department of Health, Office of the Chief Medical Examiner, *Annual report 2021,* https://www.vdh.virginia.gov/content/uploads/sites/18/2023/07/Annual-Report-2021-1.pdf at p.146 and p.148.

APPENDIX A: NUMBER OF DRIVER/PASSENGER, PEDESTRIAN, AND BICYCLE MOTOR VEHICLE TRAFFIC CRASH FATALITIES BY LOCALITY, 2017-2022

Locality	2017	2018	2019	2020	2021	2022	Total
Accomack County	3	6	5	5	7	8	**34**
Albemarle County	12	10	16	17	16	18	**89**
Alexandria City	4	5	5	7	7	5	**33**
Alleghany County	2	3	0	1	5	3	**14**
Amelia County	7	2	2	6	3	2	**22**
Amherst County	4	6	4	3	6	3	**26**
Appomattox County	2	1	7	1	5	4	**20**
Arlington County	5	2	6	4	4	4	**25**
Augusta County	18	12	14	14	18	24	**100**
Bath County	1	1	1	1	0	1	**5**
Bedford County	17	12	16	10	19	11	**85**
Bland County	2	1	2	2	0	1	**8**
Botetourt County	4	9	5	4	10	9	**41**
Bristol City	0	1	2	1	1	2	**7**
Brunswick County	5	5	6	4	13	6	**39**
Buchanan County	6	5	4	2	4	5	**26**
Buckingham County	7	4	5	6	6	3	**31**
Buena Vista City	0	0	0	0	0	0	**0**
Campbell County	8	8	12	8	8	13	**57**
Caroline County	7	13	5	8	11	7	**51**
Carroll County	8	4	5	6	7	7	**37**
Charles City County	0	1	2	5	2	3	**13**
Charlotte County	0	2	3	4	5	6	**20**
Charlottesville City	0	1	2	6	3	1	**13**
Chesapeake City	19	20	17	12	24	13	**105**
Chesterfield County	34	28	22	34	27	34	**179**
Clarke County	3	5	6	3	2	6	**25**
Colonial Heights City	1	0	1	0	3	3	**8**
Covington City	0	0	0	1	0	0	**1**
Craig County	0	2	0	0	0	1	**3**
Culpeper County	5	9	10	9	7	5	**45**
Cumberland County	4	1	1	3	5	1	**15**
Danville City	4	3	4	8	8	7	**34**
Dickenson County	1	2	1	4	0	1	**9**

Locality	2017	2018	2019	2020	2021	2022	Total
Dinwiddie County	9	6	14	6	10	4	**49**
Emporia City	0	0	2	0	0	0	**2**
Essex County	3	2	1	1	5	2	**14**
Fairfax City	0	2	2	1	1	2	**8**
Fairfax County	35	47	45	37	50	66	**280**
Falls Church City	0	0	0	0	0	0	**0**
Fauquier County	9	19	11	11	13	21	**84**
Floyd County	1	2	1	2	1	4	**11**
Fluvanna County	6	4	1	4	4	0	**19**
Franklin City	0	0	0	0	0	2	**2**
Franklin County	12	9	16	8	12	16	**73**
Frederick County	22	13	11	14	9	14	**83**
Fredericksburg City	2	1	2	2	3	5	**15**
Galax City	0	0	1	0	0	0	**1**
Giles County	5	2	1	5	5	5	**23**
Gloucester County	7	5	1	6	5	7	**31**
Goochland County	5	9	7	1	3	7	**32**
Grayson County	0	3	2	1	3	8	**17**
Greene County	3	2	3	2	1	2	**13**
Greensville County	2	3	4	4	12	2	**27**
Halifax County	9	8	9	3	5	12	**46**
Hampton City	8	11	13	20	11	15	**78**
Hanover County	13	18	15	18	22	19	**105**
Harrisonburg City	1	4	0	3	3	6	**17**
Henrico County	24	28	26	29	37	32	**176**
Henry County	13	9	10	13	9	13	**67**
Highland County	0	1	1	0	1	2	**5**
Hopewell City	0	0	0	0	6	1	**7**
Isle of Wight County	4	3	11	6	11	11	**46**
James City County	15	2	1	8	11	8	**45**
King and Queen County	4	1	3	3	6	2	**19**
King George County	9	5	2	3	6	7	**32**
King William County	3	3	2	5	3	7	**23**
Lancaster County	3	1	2	1	5	0	**12**
Lee County	3	5	1	4	1	3	**17**
Lexington City	0	0	0	0	0	0	**0**
Loudoun County	22	11	13	12	8	16	**82**
Louisa County	7	9	12	6	10	12	**56**

Locality	2017	2018	2019	2020	2021	2022	Total
Lunenburg County	5	1	4	2	3	2	**17**
Lynchburg City	2	11	4	6	8	2	**33**
Madison County	3	4	2	4	1	0	**14**
Manassas City	2	4	1	1	1	2	**11**
Manassas Park City	0	0	0	0	1	0	**1**
Martinsville City	0	0	1	3	0	0	**4**
Mathews County	2	0	1	2	2	4	**11**
Mecklenburg County	10	10	8	4	16	14	**62**
Middlesex County	2	2	3	5	4	2	**18**
Montgomery County	13	14	8	9	5	8	**57**
Nelson County	4	8	4	5	10	5	**36**
New Kent County	3	3	4	6	15	5	**36**
Newport News City	16	17	17	22	16	16	**104**
Norfolk City	20	16	24	25	28	23	**136**
Northampton County	3	6	1	5	4	5	**24**
Northumberland County	1	1	4	4	2	1	**13**
Nottoway County	3	3	10	5	3	9	**33**
Orange County	8	6	11	8	6	6	**45**
Page County	3	6	7	3	3	8	**30**
Patrick County	6	3	2	4	1	6	**22**
Petersburg City	2	1	5	7	7	7	**29**
Pittsylvania County	14	20	15	17	15	16	**97**
Poquoson City	0	0	1	1	0	0	**2**
Portsmouth City	13	11	6	2	12	14	**58**
Powhatan County	4	5	2	5	8	9	**33**
Prince Edward County	7	3	7	4	7	8	**36**
Prince George County	6	5	11	3	9	11	**45**
Prince William County	22	24	14	18	32	30	**140**
Pulaski County	9	4	7	7	4	8	**39**
Radford City	2	0	2	0	0	0	**4**
Rappahannock County	3	0	1	2	0	1	**7**
Richmond City	21	15	16	26	17	34	**129**
Richmond County	1	2	5	2	3	0	**13**
Roanoke City	12	6	5	13	10	11	**57**
Roanoke County	8	5	11	11	7	11	**53**
Rockbridge County	8	9	7	2	7	8	**41**
Rockingham County	12	8	15	16	12	15	**78**
Russell County	8	2	8	12	8	3	**41**

Locality	2017	2018	2019	2020	2021	2022	Total
Salem City	2	0	3	0	0	0	**5**
Scott County	4	5	7	5	4	5	**30**
Shenandoah County	4	6	4	11	7	9	**41**
Smyth County	3	8	3	5	9	1	**29**
Southampton County	4	6	11	2	7	6	**36**
Spotsylvania County	12	16	22	13	15	23	**101**
Stafford County	9	14	7	7	11	15	**63**
Staunton City	0	0	0	1	0	0	**1**
Suffolk City	18	5	10	8	13	7	**61**
Surry County	1	0	3	4	0	0	**8**
Sussex County	13	7	7	11	6	6	**50**
Tazewell County	5	9	5	8	8	7	**42**
Virginia Beach City	25	37	22	26	34	29	**173**
Warren County	6	3	7	1	4	3	**24**
Washington County	8	11	5	8	8	12	**52**
Waynesboro City	1	1	1	0	4	2	**9**
Westmoreland County	2	3	1	7	5	3	**21**
Williamsburg City	0	0	1	1	0	2	**4**
Winchester City	0	1	0	0	0	0	**1**
Wise County	1	10	6	5	1	4	**27**
Wythe County	10	4	2	8	9	8	**41**
York County	5	6	9	7	7	9	**43**
Total	**843**	**819**	**827**	**847**	**967**	**1,005**	**5,308**

Source: Virginia Department of Motor Vehicles, TREDS Interactive Public Report, as of February 23, 2024.

Revised Report

APPENDIX B

Commonwealth of Virginia • Department of Motor Vehicles

Police Crash Report

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FR300P (Rev 1/12)

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CRASH

GPS Lat. | GPS Long.

Crash Date MM DD YYYY | Day of Week | MILITARY Time (24 hr clock) | County of Crash | Official DMV Use

City of / Town of | City or Town Name | Landmarks at Scene

Location of Crash (route/street) | Railroad Crossing ID no. (if within 150 ft.) | Local Case Number

At Intersection With or ______ Miles Feet N S E W of | Location of Crash (route/street) | Mile Marker Number | Number of Vehicles

VEHICLE

DRIVER

Driver Fled Scene

Driver's Name (Last, First, Middle) | Gender M F

Address (Street and Number)

City | State | ZIP

Birth Date MM DD YYYY | Drivers License Number | State | DL Y N | CDL Y N

Safety Equip. Used | Air Bag | Ejected | Date of Death MM DD YYYY | Injury Type | EMS Transport Y N

Summons Issued As Result of Crash | Offenses Charged to Driver

VEHICLE

Vehicle Owner's Name (Last, First, Middle) | Same as Driver

Address (Street and Number)

City | State | ZIP

Vehicle Year | Vehicle Make | Vehicle Model | Disabled | CMV | Towed

Vehicle Plate Number | State | Approximate Repair Cost

VIN | Oversize | Cargo Spill

Name of Insurance Company (not agent) | Override | Underride

Speed Before Crash | Speed Limit | Maximum Safe Speed | ALL Passengers Age Count: Under 8 | 8-17 | 18-21 | Over 21

PASSENGER (only if injured or killed)

Name of Injured (Last, First, Middle) | EMS Transport Y N | Date of Death MM DD YY

Position In/On Vehicle | Safety Equip Used | Airbag | Ejected | Injury Type | Birthdate MM DD YYYY | Gender M F

Name of Injured (Last, First, Middle) | EMS Transport Y N | Date of Death MM DD YY

Position In/On Vehicle | Safety Equip Used | Airbag | Ejected | Injury Type | Birthdate MM DD YYYY | Gender M F

Name of Injured (Last, First, Middle) | EMS Transport Y N | Date of Death MM DD YY

Position In/On Vehicle | Safety Equip Used | Airbag | Ejected | Injury Type | Birthdate MM DD YYYY | Gender M F

VEHICLE

DRIVER

Driver Fled Scene

Driver's Name (Last, First, Middle) | Gender M F

Address (Street and Number)

City | State | ZIP

Birth Date MM DD YYYY | Drivers License Number | State | DL Y N | CDL Y N

Safety Equip. Used | Air Bag | Ejected | Date of Death MM DD YYYY | Injury Type | EMS Transport Y N

Summons Issued As Result of Crash | Offenses Charged to Driver

VEHICLE

Vehicle Owner's Name (Last, First, Middle) | Same as Driver

Address (Street and Number)

City | State | ZIP

Vehicle Year | Vehicle Make | Vehicle Model | Disabled | CMV | Towed

Vehicle Plate Number | State | Approximate Repair Cost

VIN | Oversize | Cargo Spill

Name of Insurance Company (not agent) | Override | Underride

Speed Before Crash | Speed Limit | Maximum Safe Speed | ALL Passengers Age Count: Under 8 | 8-17 | 18-21 | Over 21

PASSENGER (only if injured or killed)

Name of Injured (Last, First, Middle) | EMS Transport Y N | Date of Death MM DD YY

Position In/On Vehicle | Safety Equip Used | Airbag | Ejected | Injury Type | Birthdate MM DD YYYY | Gender M F

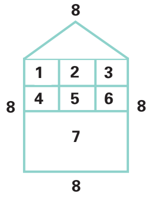
Name of Injured (Last, First, Middle) | EMS Transport Y N | Date of Death MM DD YY

Position In/On Vehicle | Safety Equip Used | Airbag | Ejected | Injury Type | Birthdate MM DD YYYY | Gender M F

Name of Injured (Last, First, Middle) | EMS Transport Y N | Date of Death MM DD YY

Position In/On Vehicle | Safety Equip Used | Airbag | Ejected | Injury Type | Birthdate MM DD YYYY | Gender M F

Codes



POSITION IN/ON VEHICLE
1. Driver
2-6. Passengers
7. Cargo Area
8. Riding/Hanging On Outside
9-98. All Other Passengers

SAFETY EQUIPMENT USED
1. Lap Belt Only
2. Shoulder Belt Only
3. Lap and Shoulder Belt
4. Child Restraint
5. Helmet
6. Other
7. Booster Seat
8. No Restraint Used
9. Not Applica ble

AIRBAG
1. Deployed – Front
2. Not Deployed
3. Unavailable/Not Applicable
4. Keyed Off
5. Unknown
6. Deployed – Side
7. Deployed – Other (Knee, Air Belt, etc.)
8. Deployed – Combination

EJECTED FROM VEHICLE
1. Not Ejected
2. Partially Ejected
3. Totally Ejected

SUMMONS ISSUED AS A RESULT OF CRASH
1. Yes
2. No
3. Pending

INJURY TYPE
1. Dead
2. Serious Injury
3. Minor/Possible Injury
4. No Apparent Injury
6. No Injury (driver only)

Investigating Officer | Badge/Code Number | Agency/Department Name and Code | Reviewing Officer | Report File Date

Officer Initials_____ Badge # _____

Commonwealth of Virginia • Department of Motor Vehicles

Police Crash Report

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Revised Report ◯

CRASH

Crash Date MM DD YYYY	MILITARY Time (24 hr clock)	County of Crash	◯ City of ◯ Town of	Local Case Number

DRIVER INFORMATION

Veh | Veh

Driver's Action P1

N/A | N/A

1. No Improper Action
2. Exceeded Speed Limit
3. Exceeded Safe Speed But Not Speed Limit
4. Overtaking On Hill
5. Overtaking On Curve
6. Overtaking at Intersection
7. Improper Passing of School Bus
8. Cutting In
9. Other Improper Passing
10. Wrong Side of Road – Not Overtaking
11. Did Not Have Right-of-Way
12. Following Too Close
13. Fail to Signal or Improper Signal
14. Improper Turn – Wide Right Turn
15. Improper Turn – Cut Corner on Left Turn
16. Improper Turn From Wrong Lane
17. Other Improper Turn
18. Improper Backing
19. Improper Start From Parked Position
20. Disregarded Officer or Flagger
21. Disregarded Traffic Signal
22. Disregarded Stop or Yield Sign
23. Driver Distraction
24. Fail to Stop at Through Highway – No Sign
25. Drive Through Work Zone
26. Fail to Set Out Flares or Flags
27. Fail to Dim Headlights
28. Driving Without Lights
29. Improper Parking Location
30. Avoiding Pedestrian
31. Avoiding Other Vehicle
32. Avoiding Animal
33. Crowded Off Highway
34. Hit and Run
35. Car Ran Away – No Driver
36. Blinded by Headlights
37. Other
38. Avoiding Object in Roadway
39. Eluding Police
40. Fail to Maintain Proper Control
41. Improper Passing
42. Improper or Unsafe Lane Change
43. Over Correction

Condition of Driver Contributing to the Crash P2

N/A | N/A

1. No Defects
2. Eyesight Defective
3. Hearing Defective
4. Other Body Defects
5. Illness
6. Fatigued
7. Apparently Asleep
8. Other
9. Unknown

Veh | Veh

Driver Vision Obscured P3

N/A | N/A

1. Not Obscured
2. Rain, Snow, etc. on Windshield
3. Windshield Otherwise Ob scured
4. Vision Obscured by Load on Vehicle
5. Trees, Crops, etc.
6. Building
7. Embankment
8. Sign or Signboard
9. Hillcrest
10. Parked Vehicle(s)
11. Moving Vehicle(s)
12. Sun or Headlight Glare
13. Other
14. Blind Spot
15. Smoke/Dust
16. Stopped Vehicle(s)

Type of Driver Distractions P4

N/A | N/A

1. Looking at Roadside Incident
2. Driver Fatigue
3. Looking at Scenery
4. Passenger(s)
5. Radio/CD, etc.
6. Cell Phone
7. Eyes Not on Road
8. Daydreaming
9. Eating/Drinking
10. Adjusting Vehicle Controls
11. Other
12. Navigation Device
13. Texting
14. No Driver Distraction

Drinking P5

N/A | N/A

1. Had Not Been Drinking
2. Drinking – Obviously Drunk
3. Drinking – Ability Im paired
4. Drinking – Ability Not Impaired
5. Drinking – Not Known Whether Impaired
6. Unknown

Method of Alcohol Determination (by police) P6

N/A | N/A

1. Blood
2. Breath
3. Refused
4. No Test

Drug Use P7

N/A | N/A

1. Yes
2. No
3. Unknown

VEHICLE INFORMATION

Veh | Veh

Vehicle Maneuver V1

N/A | N/A

1. Going Straight Ahead
2. Making Right Turn
3. Making Left Turn
4. Making U-Turn
5. Slowing or Stopping
6. Merging Into Traffic Lane
7. Starting From Parked Position
8. Stopped in Traffic Lane
9. Ran Off Road – Right
10. Ran Off Road – Left
11. Parked
12. Backing
13. Passing
14. Changing Lanes
15. Other
16. Entering Street From Parking Lot

Skidding Tire/Mark V2

N/A | N/A

1. Before Application of Brakes
2. After Application of Brakes
3. Before and After Application of Brakes
4. No Visible Skid Mark/Tire Mark

Vehicle Body Type V3

N/A | N/A

1. Passenger car
2. Truck – Pick-up/Passenger Truck
3. Van
4. Truck – Single Unit Truck (2-Axles)
7. Motor Home, Recreational Vehicle
8. Special Vehicle – Oversized Vehicle/Earthmover/Road Equipment
9. Bicycle
10. Moped
11. Motorcycle
12. Emergency Vehicle (Regardless of Vehicle Type)
13. Bus – School Bus
14. Bus – City Transit Bus/ Privately Owned Church Bus
15. Bus – Commercial Bus
16. Other (Scooter, Go-cart, Hearse, Bookmobile, Golf Cart, etc.
18. Special Vehicle – Farm Machinery
19. Special Vehicle – ATV
21. Special Vehicle – Low-Speed Vehicle
22. Truck – Sport Utility Vehicle (SUV)
23. Truck – Single Unit Truck (3 Axles or More)
25. Truck – Truck Tractor (Bobtail-No Trailer)

Veh | Veh

Vehicle Damage V4

N/A | N/A

1. Unknown
2. No damage
3. Overturned
4. Motor
5. Undercarriage
6. Totaled
7. Fire
8. Other

Vehicle Condition V5

N/A | N/A

1. No Defects
2. Lights Defective
3. Brakes Defective
4. Steering Defective
5. Puncture/Blowout
6. Worn or Slick Tires
7. Motor Trouble
8. Chains In Use
9. Other
10. Vehicle Altered
11. Mirrors Defective
12. Power Train Defective
13. Suspension Defective
14. Windows/Windshield Defective
15. Wipers Defective
16. Wheels Defective
17. Exhaust System

Special Function Motor Vehicle V6

N/A | N/A

1. No Special Function
2. Taxi
3. School Bus (Public or Private)
4. Transit Bus
5. Intercity Bus
6. Charter Bus
7. Other Bus
8. Military
9. Police
10. Ambulance
11. Fire Truck
12. Tow Truck
13. Maintenance
14. Unknown

EMV in service V7

N/A | N/A

1. Yes
2. No

Truck Cover V8

N/A | N/A

1. Yes
2. No

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CRASH

Crash Date MM DD YYYY	MILITARY Time (24 hr clock)	County of Crash	○ City of ○ Town of	Local Case Number

CRASH INFORMATION

Location of First Harmful Event in Relation to Roadway C1

○ 1. On Roadway
○ 2. Shoulder
○ 3. Median
○ 4. Roadside
○ 5. Gore
○ 6. Separator
○ 7. In Parking Lane or Zone
○ 8. Off Roadway, Location Unknown
○ 9. Outside Right-of-Way

Weather Condition C2

○ 1. No Adverse Condition (Clear/Cloudy)
○ 3. Fog
○ 4. Mist
○ 5. Rain
○ 6. Snow
○ 7. Sleet/Hail
○ 8. Smoke/Dust
○ 9. Other
○ 10. Blowing Sand, Soil, Dirt, or Snow
○ 11. Severe Crosswinds

Light Conditions C3

○ 1. Dawn
○ 2. Daylight
○ 3. Dusk
○ 4. Darkness –Road Lighted
○ 5. Darkness –Road Not Lighted
○ 6. Darkness –Unknown Road Lighting
○ 7. Unknown

Traffic Control Device C4

○ 1. Yes – Working
○ 2. Yes – Working and Obscured
○ 3. Yes – Not Working
○ 4. Yes – Not Working and Obscured
○ 5. Yes – Missing
○ 6. No Traffic Control Device Present

Traffic Control Type C5

○ 1. No Traffic Control
○ 2. Officer or Flagger
○ 3. Traffic Signal
○ 4. Stop Sign
○ 5. Slow or Warning Sign
○ 6. Traffic Lanes Marked
○ 7. No Passing Lines
○ 8. Yield Sign
○ 9. One Way Road or Street
○ 10. Railroad Crossing With Markings and Signs
○ 11. Railroad Crossing With Signals
○ 12. Railroad Crossing With Gate and Signals
○ 13. Other
○ 14. Pedestrian Crosswalk
○ 15. Reduced Speed – School Zone
○ 16. Reduced Speed – Work Zone
○ 17. Highway Safety Corridor

Roadway Alignment C6

○ 1. Straight – Level
○ 2. Curve – Level
○ 3. Grade – Straight
○ 4. Grade – Curve
○ 5. Hillcrest – Straight
○ 6. Hillcrest – Curve
○ 7. Dip – Straight
○ 8. Dip – Curve
○ 9. Other
○ 10. On/Off Ramp

Roadway Surface Condition C7

○ 1. Dry
○ 2. Wet
○ 3. Snowy
○ 4. Icy
○ 5. Muddy
○ 6. Oil/Other Fluids
○ 7. Other
○ 8. Natural Debris
○ 9. Water (Standing, Moving)
○ 10. Slush
○ 11. Sand, Dirt, Gravel

Roadway Surface Type C8

○ 1. Concrete
○ 2. Blacktop, Asphalt, Bituminous
○ 3. Brick or Block
○ 4. Slag, Gravel, Stone
○ 5. Dirt
○ 6. Other

Roadway Description C9

○ 1. Two-Way, Not Divided
○ 2. Two-Way, Divided, Unprotected Median
○ 3. Two-Way, Divided, Positive Median Barrier
○ 4. One-Way, Not Divided
○ 5. Unknown

Roadway Defects C10

○ 1. No Defects
○ 2. Holes, Ruts, Bumps
○ 3. Soft or Low Shoulder
○ 4. Under Repair
○ 5. Loose Material
○ 6. Restricted Width
○ 7. Slick Pavement
○ 8. Roadway Obstructed
○ 9. Other
○ 10. Edge Pavement Drop Off

Relation to Roadway C11

Interchange Area:

○ 1. Main-Line Roadway
○ 2. Acceleration/Deceleration Lanes
○ 3. Gore Area (Between Ramp and Highway Edgelines)
○ 4. Collector/Distributor Road
○ 5. On Entrance/Exit Ramp
○ 6. Intersection at end of Ramp
○ 7. Other location not listed above within an interchange area (median, shoulder and roadside)

Intersection Area:

○ 8. Non-Intersection
○ 9. Within Intersection
○ 10. Intersection-Related - Within 150'
○ 11. Intersection-Related - Outside 150'

Other Location:

○ 12. Crossover Related
○ 13. Driveway, Alley-Access - Related
○ 14. Railway Grade Crossing
○ 15. Other Crossing (Crossings for Bikes, School, etc.)

Intersection Type C12

○ 1. Not at Intersection
○ 2. Two Approaches
○ 3. Three Approaches
○ 4. Four Approaches
○ 5. Five-Point, or more
○ 6. Roundabout

Work Zone C13

○ 1. Yes
○ 2. No

Work Zone Workers Present C14

○ 1. With Law Enforcement
○ 2. With No Law Enforcement
○ 3. No Workers Present

Work Zone Location C15

○ 1. Advance Warning Area
○ 2. Transition Area
○ 3. Activity Area
○ 4. Termination Area

Work Zone Type C16

○ 1. Lane Closure
○ 2. Lane Shift/Crossover
○ 3. Work on Shoulder or Median
○ 4. Intermittent or Moving Work
○ 5. Other

School Zone C17

○ 1. Yes
○ 2. Yes - With School Activity
○ 3. No

Type of Collision C18

○ 1. Rear End
○ 2. Angle
○ 3. Head On
○ 4. Sideswipe – Same Direction
○ 5. Sideswipe – Opposite Direction
○ 6. Fixed Object in Road
○ 7. Train
○ 8. Non-Collision
○ 9. Fixed Object – Off Road
○ 10. Deer
○ 11. Other Animal
○ 12. Pedestrian
○ 13. Bicyclist
○ 14. Motorcyclist
○ 15. Backed Into
○ 16. Other

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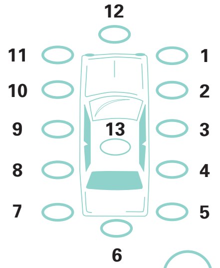
CRASH

Crash Date (MM DD YYYY)	MILITARY Time (24 hr clock)	County of Crash	○ City of ○ Town of	Local Case Number

CRASH DIAGRAM

VEHICLE # ____

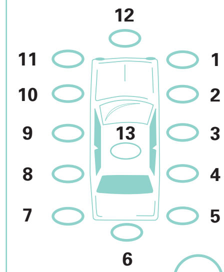
Fill In Impact Area(s).
Initial Impact. ☐



Veh Dir of Travel–N/S/E/W

VEHICLE # ____

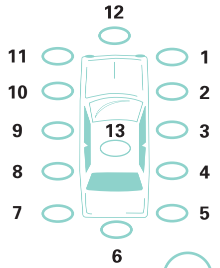
Fill In Impact Area(s).
Initial Impact. ☐



Veh Dir of Travel–N/S/E/W

VEHICLE # ____

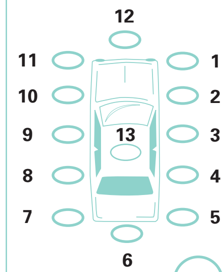
Fill In Impact Area(s).
Initial Impact. ☐



Veh Dir of Travel–N/S/E/W

VEHICLE # ____

Fill In Impact Area(s).
Initial Impact. ☐



Veh Dir of Travel–N/S/E/W

Indicate North by Arrow

DAMAGE TO PROPERTY OTHER THAN VEHICLES

Approx. Repair Cost	Object Struck (Tree, Fence, etc.)	Property Owners Name (Last, First, Middle)	Address (Street and Number)	VDOT Property ○ Yes ○ No

CRASH DESCRIPTION

CRASH EVENTS

Vehicle #	First Event	Second Event	Third Event	Fourth Event	Most Harmful Event

Vehicle #	First Event	Second Event	Third Event	Fourth Event	Most Harmful Event

Vehicle #	First Event	Second Event	Third Event	Fourth Event	Most Harmful Event

Vehicle #	First Event	Second Event	Third Event	Fourth Event	Most Harmful Event

First Harmful Event of Entire Crash that Results in First Injury or Damage.

COLLISION WITH FIXED OBJECT

1. Bank Or Ledge
2. Trees
3. Utility Pole
4. Fence Or Post
5. Guard Rail
6. Parked Vehicle
7. Tunnel, Bridge, Underpass, Culvert, etc.
8. Sign, Traffic Signal
9. Impact Cushioning Device
10. Other
11. Jersey Wall
12. Building/Structure
13. Curb
14. Ditch
15. Other Fixed Object
16. Other Traffic Barrier
17. Traffic Sign Support
18. Mailbox

COLLISION WITH PERSON, MOTOR VEHICLE OR NON-FIXED OBJECT

19. Pedestrian
20. Motor Vehicle In Transport
21. Train
22. Bicycle
23. Animal
24. Work Zone Maintenance Equipment
25. Other Movable Object
26. Unknown Movable Object
27. Other

NON-COLLISION

28. Ran Off Road
29. Jack Knife
30. Overturn (Rollover)
31. Downhill Runaway
32. Cargo Loss or Shift
33. Explosion or Fire
34. Separation of Units
35. Cross Median
36. Cross Centerline
37. Equipment Failure (Tire, etc)
38. Immersion
39. Fell/Jumped From Vehicle
40. Thrown or Falling Object
41. Non-Collision Unknown
42. Other Non-Collision

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CRASH

Crash Date MM DD YYYY	MILITARY Time (24 hr clock)	County of Crash	◯ City of ◯ Town of	Local Case Number

COMMERCIAL MOTOR VEHICLE SECTION

This form is being completed because the vehicle is:

◯ A Truck or Truck Combination Rating Greater Than 10,000 lbs. (GVWR/GCWR)	◯ Any Motor Vehicle That Seats 9 or More People, Including the Driver	◯ A Vehicle of Any Type with a Hazardous Materials Placard Regardless of Weight

AND The crash resulted in:

A fatality: any person(s) killed in or outside of any vehicle (truck, bus, car, etc.) involved in the crash or who dies within 30 days of the crash as a result of an injury sustained in the crash	**OR**	An injury: any person(s) injured as a result of the crash who immediately receives medical treatment away from the crash scene	**OR**	A tow-away: any motor vehicle (truck, bus, car, etc.) disabled as a result of the crash and transported away from the scene by a tow truck or other vehicle

VEHICLE

Vehicle Configuration V10

- ◯ 1. Passenger Car (Only if Vehicle Has Hazardous Materials Placard)
- ◯ 2. Light Truck (Only if Vehicle Has Hazardous Materials Placard)
- ◯ 3. Bus (Seats 9-15 People, Including Driver)
- ◯ 4. Bus (Seats for 16 People or More, Including Driver)
- ◯ 5. Single Unit Truck (2 Axles, 6 Tires)
- ◯ 6. Single Unit Truck (3 or More Axles)
- ◯ 7. Truck Trailer(s) [Single-Unit Truck Pulling Trailer(s)]
- ◯ 8. Truck Tractor (Bobtail)
- ◯ 9. Tractor/Semi-trailer (One Trailer)
- ◯ 10. Tractor/Doubles (Two Trailers)
- ◯ 11. Other Truck Greater Than 10,000 lbs. (Not Listed Above)

Cargo Body Type V11

- ◯ 1. Bus (Seats 9-15 People, Including Driver)
- ◯ 2. Bus (Seats For 16 People or More, Including Driver)
- ◯ 3. Van/Enclosed Box
- ◯ 4. Cargo Tank
- ◯ 5. Flatbed
- ◯ 6. Dump
- ◯ 7. Concrete Mixer
- ◯ 8. Auto Transporter
- ◯ 9. Garbage/Refuse
- ◯ 10. Grain/Chips/Gravel
- ◯ 11. Pole-Trailer
- ◯ 12. Vehicle Towing Another Motor Vehicle
- ◯ 13. Intermodel Container Chassis
- ◯ 14. Logging
- ◯ 15. Other Cargo Body (Not Listed Above)
- ◯ 16. Not Applicable/ No Cargo Body

License Class P8

- ◯ Class A
- ◯ Class B
- ◯ Class C
- ◯ Class DRL (regular drivers license)
- ◯ Class M

Commercial Endorsement P9

- ◯ T–Double Trailer
- ◯ P–Passenger Vehicle
- ◯ N–Tank Vehicle
- ◯ H–Required To Be Placarded for Hazardous Materials
- ◯ X–Combined Tank/HAZMAT
- ◯ 0–Other

GVWR/ GCWR V12

- ◯ 1. 10,000 lbs. or Less
- ◯ 2. 10,001–26,000 lbs.
- ◯ 3. Greater Than 26,000 lbs.

Hazardous Material

Hazardous Material Placard: (Y) (N)

HM 4–Digit	HM Placard Name	HM Class	HM Cargo Present (Y) (N)	HM Cargo Released (Y) (N)

Carrier Identification

Commercial Motor Carrier Name	Address (P.O. Box if No Street Address)		
Carrier's ID Number US DOT# / State (Intrastate Only)	City	State	Zip

Commercial/Non-Commercial V13

- ◯ 1. Interstate Carrier
- ◯ 2. Intrastate Carrier
- ◯ 3. Not in Commerce-Government (Trucks and Buses)
- ◯ 4. Not in Commerce-Other Truck (Over 10,000 lbs.)

VEHICLE

Vehicle Configuration V10

- ◯ 1. Passenger Car (Only if Vehicle Has Hazardous Materials Placard)
- ◯ 2. Light Truck (Only if Vehicle Has Hazardous Materials Placard)
- ◯ 3. Bus (Seats 9-15 People, Including Driver)
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- ◯ 6. Single Unit Truck (3 or More Axles)
- ◯ 7. Truck Trailer(s) [Single-Unit Truck Pulling Trailer(s)]
- ◯ 8. Truck Tractor (Bobtail)
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- ◯ 11. Pole-Trailer
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- ◯ 14. Logging
- ◯ 15. Other Cargo Body (Not Listed Above)
- ◯ 16. Not Applicable/ No Cargo Body

License Class P8

- ◯ Class A
- ◯ Class B
- ◯ Class C
- ◯ Class DRL (regular drivers license)
- ◯ Class M

Commercial Endorsement P9

- ◯ T–Double Trailer
- ◯ P–Passenger Vehicle
- ◯ N–Tank Vehicle
- ◯ H–Required To Be Placarded for Hazardous Materials
- ◯ X–Combined Tank/HAZMAT
- ◯ 0–Other

GVWR/ GCWR V12

- ◯ 1. 10,000 lbs. or Less
- ◯ 2. 10,001–26,000 lbs.
- ◯ 3. Greater Than 26,000 lbs.

Hazardous Material

Hazardous Material Placard: (Y) (N)

HM 4–Digit	HM Placard Name	HM Class	HM Cargo Present (Y) (N)	HM Cargo Released (Y) (N)

Carrier Identification

Commercial Motor Carrier Name	Address (P.O. Box if No Street Address)		
Carrier's ID Number US DOT# / State (Intrastate Only)	City	State	Zip

Commercial/Non-Commercial V13

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- ◯ 2. Intrastate Carrier
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- ◯ 4. Not in Commerce-Other Truck (Over 10,000 lbs.)

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CRASH

Crash Date MM DD YYYY	MILITARY Time (24 hr clock)	County of Crash	◯ City of ◯ Town of	Local Case Number

PEDESTRIAN

Injured Name of Injured (Last, First, Middle)				
Address (Street and Number)				
City		State	ZIP	
Driver's License #			State	
Gender (M) (F)	EMS Transport (Y) (N)	Injury Type	Birthdate MM DD YYYY	Date of Death MM DD YYYY

PEDESTRIAN

Injured Name of Injured (Last, First, Middle)				
Address (Street and Number)				
City		State	ZIP	
Driver's License #			State	
Gender (M) (F)	EMS Transport (Y) (N)	Injury Type	Birthdate MM DD YYYY	Date of Death MM DD YYYY

Ped # Ped # Ped # Ped # Ped # Ped # Ped # Ped #

N/A N/A Pedestrian Actions P10

1. Crossing At Intersection With Signal
2. Crossing At Intersection Against Signal
3. Crossing At Intersection No Signal
4. Crossing At Intersection Diagonally
5. Crossing Not At Intersection – Rural
6. Crossing Not At Intersection – Urban
7. Coming From Behind Parked Cars
8. Getting Off Or On School Bus
9. Playing In Roadway
10. Getting Off Or On Another Vehicle
11. Hitching On Vehicle
12. Walking In Roadway With Traffic – Sidewalks Available
13. Walking In Roadway With Traffic – Sidewalks Not Available
14. Walking In Roadway Against Traffic – Sidewalks Available
15. Walking In Roadway Against Traffic – Side Walks Not Available
16. Working In Roadway
17. Standing In Roadway
18. Lying In Roadway
19. Not In Roadway
20. Other

N/A N/A Pedestrian Drinking P11

1. Had Not Been Drinking
2. Drinking-Obviously Drunk
3. Drinking -Ability Impaired
4. Drinking -Ability Not Impaired
5. Drinking -Not Known Whether Impaired

N/A N/A Condition of Pedestrian Contributing to the Crash P12

1. No Defects
2. Eyesight Defective
3. Hearing Defective
4. Other Body Defects
5. Illness
6. Fatigued
7. Apparently Asleep
8. Other

N/A N/A Method of Alcohol Determination by Police P13

1. Blood
2. Breath
3. Refused
4. No Test

N/A N/A Pedestrian Drug Use P14

1. Yes
2. No
3. Unknown

N/A N/A Pedestrian Wear Reflective Clothing P15

1. Yes
2. No

Use sections below for additional passengers.

VEHICLE

PASSENGER (only if injured or killed)

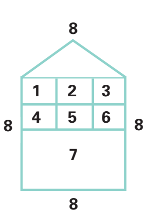
Name of Injured (Last, First, Middle)					EMS Transport (Y) (N)	Date of Death MM DD YY
Position In/On Vehicle	Safety Equip Used	Airbag	Ejected	Injury Type	Birthdate MM DD YYYY	Gender (M) (F)
Name of Injured (Last, First, Middle)					EMS Transport (Y) (N)	Date of Death MM DD YY
Position In/On Vehicle	Safety Equip Used	Airbag	Ejected	Injury Type	Birthdate MM DD YYYY	Gender (M) (F)
Name of Injured (Last, First, Middle)					EMS Transport (Y) (N)	Date of Death MM DD YY
Position In/On Vehicle	Safety Equip Used	Airbag	Ejected	Injury Type	Birthdate MM DD YYYY	Gender (M) (F)

VEHICLE

PASSENGER (only if injured or killed)

Name of Injured (Last, First, Middle)					EMS Transport (Y) (N)	Date of Death MM DD YY
Position In/On Vehicle	Safety Equip Used	Airbag	Ejected	Injury Type	Birthdate MM DD YYYY	Gender (M) (F)
Name of Injured (Last, First, Middle)					EMS Transport (Y) (N)	Date of Death MM DD YY
Position In/On Vehicle	Safety Equip Used	Airbag	Ejected	Injury Type	Birthdate MM DD YYYY	Gender (M) (F)
Name of Injured (Last, First, Middle)					EMS Transport (Y) (N)	Date of Death MM DD YY
Position In/On Vehicle	Safety Equip Used	Airbag	Ejected	Injury Type	Birthdate MM DD YYYY	Gender (M) (F)

Codes



POSITION IN/ON VEHICLE
1. Driver
2-6. Passengers
7. Cargo Area
8. Riding/Hanging On Outside
9-98. All Other Passengers

SAFETY EQUIPMENT USED
1. Lap Belt Only
2. Shoulder Belt Only
3. Lap and Shoulder Belt
4. Child Restraint
5. Helmet
6. Other
7. Booster Seat
8. No Restraint Used
9. Not Applicable

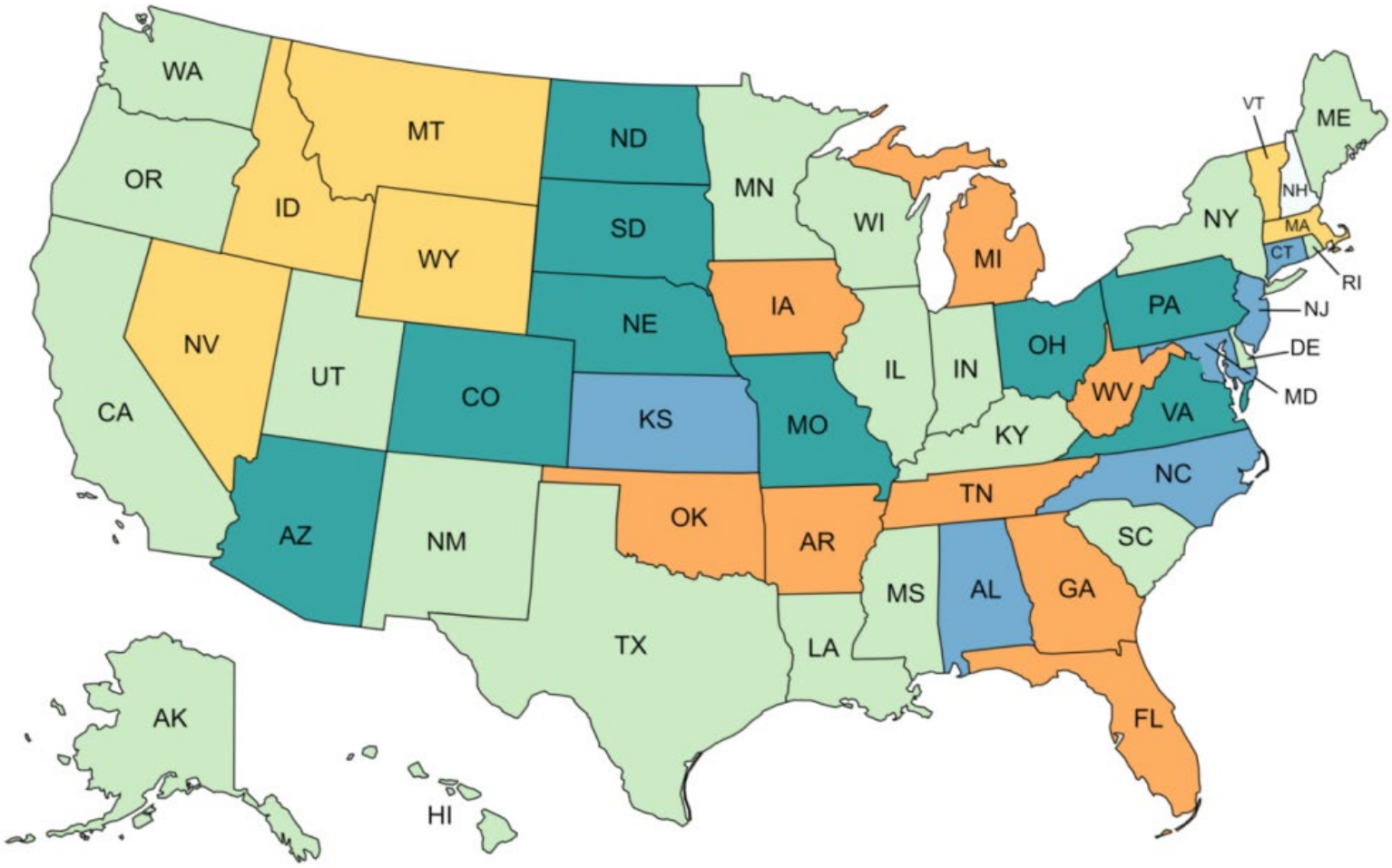
AIRBAG
1. Deployed – Front
2. Not Deployed
3. Unavailable/Not Applicable
4. Keyed Off
5. Unknown
6. Deployed – Side
7. Deployed – Other (Knee, Air Belt, etc.)
8. Deployed – Combination

EJECTED FROM VEHICLE
1. Not Ejected
2. Partially Ejected
3. Totally Ejected

SUMMONS ISSUED AS A RESULT OF CRASH
1. Yes
2. No
3. Pending

INJURY TYPE
1. Dead
2. Serious Injury
3. Minor/Possible Injury
4. No Apparent Injury

APPENDIX C: ADULT SEAT BELT LAWS (50 STATE)



- **Primary** enforcement for <u>all</u> seats (20)
- **Primary** enforcement for <u>front</u> seat AND **Secondary** enforcement for <u>rear</u> seat (6)
- **Primary** enforcement for <u>front</u> seat only (8)
- **Secondary** enforcement for <u>all</u> seats (6)
- **Secondary** enforcement for front seat only (9)
- No law (1)

Map prepared by Crime Commission staff.

APPENDIX C – Continued –

State	Statute
Alabama	Ala. Code § 32-5B-4
Alaska	Alaska Stat. § 28.05.095
Arizona	Ariz. Rev. Stat. § 28-909
Arkansas	Ark. Code Ann. § 27-37-702
California	Cal. Veh. Code § 27315
Colorado	Colo. Rev. Stat. § 42-4-237
Connecticut	Conn. Gen. Stat. § 14-100a
Delaware	Del. Code Ann. tit. 21, § 4802
Washington, D.C.	D.C. Code § 50-1802
Florida	Fla. Stat. Ann. § 316.614
Georgia	Ga. Code Ann. § 40-8-76.1
Hawaii	Haw. Rev. Stat. § 291-11.6
Idaho	Idaho Code § 49-673
Illinois	625 Ill. Comp. Stat. Ann. 5/12-603.1
Indiana	Ind. Code Ann. § 9-19-10-2
Iowa	Iowa Code § 46.2-1094
Kansas	Kan. Stat. Ann. § 8-2503
Kentucky	Ky. Rev. Stat. Ann. § 189.125
Louisiana	La. Stat. Ann. § 32:295.1
Maine	Me. Stat. tit. 29-A, § 2081
Maryland	Md. Code Ann., Transp. § 22-412
Massachusetts	Mass. Ann. Laws ch. 90, § 13A
Michigan	Mich. Comp. Laws § 257.710e
Minnesota	Minn. Stat. § 169.686
Mississippi	Miss. Code Ann. § 63-2-1
Missouri	Mo. Rev. Stat. § 307.178
Montana	Mont. Code Ann. § 61-13-103
Nebraska	Neb. Rev. Stat. Ann. § 60-6,270
Nevada	Nev. Rev. Stat. Ann. § 484D.495
New Hampshire	No Adult Seat Belt Law
New Jersey	N.J. Rev. Stat. § 39:3-76.2f
New Mexico	N.M. Stat. Ann. § 66-7-372
New York	N.Y. Veh. & Traf. § 1229-c
North Carolina	N.C. Gen. Stat. § 20-135.2A
North Dakota	N.D. Cent. Code § 39-21-41.4
Ohio	Ohio Rev. Code Ann. § 4513.263

State	Statute
Oklahoma	Okla. Stat. tit. 47, § 12-417
Oregon	Or. Rev. Stat. § 811.210
Pennsylvania	75 Pa. Cons. Stat. § 4581
Rhode Island	31 R.I. Gen. Laws § 31-22-22
South Carolina	S.C. Code Ann. § 56-5-6520
South Dakota	S.D. Codified Laws § 32-38-1
Tennessee	Tenn. Code Ann. § 55-9-603
Texas	Tex. Transp. Code Ann. § 545.413
Utah	Utah Code Ann. § 41-6a-1803
Vermont	Vt. Stat. Ann. tit. 23, § 1259
Virginia	Va. Code Ann. § 46.2-1094
Washington	Wash. Rev. Code Ann. § 46.61.688
West Virginia	W. Va. Code Ann. § 17C-15-49
Wisconsin	Wis. Stat. § 347.48
Wyoming	Wyo. Stat. Ann. § 31-5-1402

Table based on Crime Commission staff legal analysis as of May 2023.

APPENDIX D: ADULT SEAT BELT LAWS BY PRIMARY/SECONDARY AND SEAT

State	Primary (All Seats)	Primary (Front Seat) Secondary (Rear Seat)	Secondary (All Seats)	Primary (Front Seat Only)	Secondary (Front Seat Only)
Alabama		Y			
Alaska	Y				
Arizona					Y
Arkansas				Y	
California	Y				
Colorado					Y
Connecticut		Y			
Delaware	Y				
Washington, D.C.	Y				
Florida				Y	
Georgia				Y	
Hawaii	Y				
Idaho			Y		
Illinois	Y				
Indiana	Y				
Iowa				Y	
Kansas		Y			
Kentucky	Y				
Louisiana	Y				
Maine	Y				
Maryland		Y			
Massachusetts			Y		
Michigan				Y	
Minnesota	Y				
Mississippi	Y				
Missouri					Y
Montana			Y		
Nebraska					Y
Nevada			Y		
New Hampshire*					
New Jersey		Y			
New Mexico	Y				
New York	Y				
North Carolina		Y			
North Dakota					Y

State	Primary (All Seats)	Primary (Front Seat) Secondary (Rear Seat)	Secondary (All Seats)	Primary (Front Seat Only)	Secondary (Front Seat Only)
Ohio					Y
Oklahoma				Y	
Oregon	Y				
Pennsylvania					Y
Rhode Island	Y				
South Carolina	Y				
South Dakota					Y
Tennessee				Y	
Texas	Y				
Utah	Y				
Vermont			Y		
Virginia					Y
Washington	Y				
West Virginia				Y	
Wisconsin	Y				
Wyoming			Y		

*New Hampshire does not have an adult seat belt law. Table based on Crime Commission staff legal analysis as of May 2023.

APPENDIX E: RECKLESS DRIVING WITH ENHANCED PENALTY FOR BODILY INJURY AND/OR DEATH

State	Statute
Arkansas	Ark. Code Ann. § 27-50-308
California	Cal. Veh. Code § 23104
District of Columbia	D.C. Code § 50-2201.04
Florida	Fla. Stat. § 316.192
Illinois	625 Ill. Comp. Stat. 5/11-503
Indiana	Ind. Code § 9-21-8-52
Michigan	Mich. Comp. Laws § 257.626
Minnesota	Minn. Stat. § 169.13
Missouri	Mo. Rev. Stat. § 304.012
Montana	Mont. Code Ann. § 61-8-715
North Dakota	N.D. Cent. Code Ann. § 38-08-03
Vermont	Vt. Stat. Ann. tit. 23, § 1091
West Virginia	W. Va. Code § 17C-5-3
Wisconsin	Wis. Stat. Ann. § 346.65

Table based on Crime Commission staff legal analysis as of October 2023.

APPENDIX F: USE OF EARPHONES WHILE DRIVING

State	Statute	Single ear (any purpose)	Single ear (phone calls)	Single ear (hearing or GPS)	Single ear (GPS only)
Alaska	Alaska Admin. Code tit. 13, § 04.260			X	
California	Cal. Veh. Code § 27400	X			
Colorado	Colo. Rev. Stat. § 42-4-1411		X		
Florida	Fla. Stat. § 316-304		X		
Georgia	Ga. Code Ann. § 40-6-250		X		
Illinois	625 Ill. Comp. Stat. 5/12-610		X		
Louisiana	La. Stat. Ann. § 32:295.2	X			
Maryland	Md. Code Ann., Transp. § 21-1120	X			
Massachusetts	Mass. Gen. Laws ch. 90, § 13.				X
Minnesota	Minn. Stat. § 169.471	X			
New York	N.Y. Veh. & Traf. Law § 375 (24-a)	X			
Ohio	Ohio Rev. Code Ann. § 4511.84	X			
Pennsylvania	75 Pa. Cons. Stat. § 3314		X		
Rhode Island	31 R.I. Gen. Laws § 31-23-51		X		
Virginia	Va. Code Ann. § 46.2-1078	X			
Washington	Wash. Rev. Code Ann. § 46.37.480		X		

Table based on Crime Commission staff legal analysis as of June 2023.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