

Graduated Driver Licensing in Manitoba: An Analysis of the History and Process of Creating Bill 11

I V A N H O L L O W A Y

I. INTRODUCTION

“Only two more days until Christmas, dad!” nine year-old Haley Stewart informed her father as the whole family piled into the van for a short trip to grandma’s place. Haley never saw Christmas that year. Nor will Haley ever see another Christmas. The family van was struck from behind by an inattentive seventeen year-old driver. It careened into the opposite lane and was struck again by an oncoming car. Haley’s father was thrown from the van and pinned beneath it. Haley’s mother lapsed into a two-week coma and almost died. Haley died in hospital on Christmas Eve, 1997. The teenage driver was traveling at speeds in excess of 110 km/hr and had been ticketed for a stop sign violation only five days previously.

Stories like this one prompted attention from government.¹ And in 2001, the government did, indeed, respond. “Province puts brakes on new drivers” read the headlines in the 28 April 2001 edition of the *Winnipeg Free Press* announcing a new system of multi-stage licensing designed to reduce automobile accidents for novice drivers in Manitoba.²

This new system of licensing, known commonly as ‘graduated licensing’, was enacted on 5 July 2001 pursuant to the *Highway Traffic*

¹ This is a true story. Shortly after recovering enough to leave the hospital, Haley’s mother, Sharon Stewart, thoroughly researched issues pertaining to novice and teenage drivers. Ms. Stewart subsequently became a passionate advocate of graduated driver licensing systems. The facts of the event recounted at the beginning of this essay were compiled from letters Ms. Stewart had created in the process of lobbying government, and from a transcript entitled “Personal Story for Drivers Ed Class”.

² Leah Hendry “Province puts brakes on new drivers: Three stage program applies to all novices, regardless of age” *Winnipeg Free Press* (28 April 2001) A6.

Amendments and Consequential Amendments Act.³ Prior to this legislation, a sixteen year-old could obtain a full driver's license with as little as two weeks of driving practice. Now, a young driver must pass through three stages, totalling three years, before being able to obtain a full driver's license. The first stage requires the novice driver to be supervised while driving for a minimum of nine months. After the completion of this stage, a road test is taken and, assuming that the road test is successfully completed, the novice driver enters an intermediate stage. The intermediate stage lasts for 15 months and imposes upon novice drivers certain restrictions on passenger allowances and night driving. After this stage, novice drivers are fully licensed, but are on probation for one year. Zero blood alcohol concentration must be maintained throughout the entire three stages.

The purpose of this paper is to examine the history and derivation of graduated driver's licenses and the process that led to the enactment of Bill 11 in Manitoba.

II. BACKGROUND

Theory, empirical evidence and life experience tell us that youth mixed with driving does not always produce happy results. It is almost beyond argument that young novice drivers lack the judgment, knowledge and skill of older and generally more experienced drivers. Theoretically, lack of experience combined with attitudes of immortality should, all things being equal, produce higher accident rates for young novice drivers than for most other categories of drivers. Evidence to this effect is borne out not only anecdotally (probably most of us have either been in an accident, or know of such an accident, that was the fault of an inexperienced driver) but also empirically.

According to a submission to an international symposium on reducing risks for young motorists by David Preusser, three studies conducted in 1970–71 established much of what is currently known about young drivers.⁴ Taken together, these three studies found that young drivers are statistically more prone to crash involvement and that less socially desirable biographical characteristics (e.g. poor scholastic performance) are associated with higher accident frequencies—though this correlation is relatively weak. Furthermore, one of these studies found that there

³ Bill 11, *The Highway Traffic Amendment and Consequential Amendments Act*, 2d Sess., 37th Leg., Manitoba, 2001 (assented to 5 July 2001, S.M. 2001, c. 19) [Bill 11].

⁴ D.F. Preusser, "Licensing Practices and Crash Risk in the United States" in Herbert Simpson, ed., *New to the Road: Reducing the Risks for Young Motorists—Proceedings of the First Annual International Symposium of the Youth Enhancement Service*, June 8–11, 1995 (Los Angeles: Youth Enhancement Service, University of California, 1996) ["Licensing Practices"] at 87.

were few accidents and traffic convictions during practice driving compared with driving after full licensing was attained.

Subsequent research supports a number of propositions regarding youth driving, including assertions that night curfews⁵ and lower blood alcohol concentration (BAC) limits⁶ reduce crash rates, that driver education actually appears to have an inverse impact on crash rates,⁷ and that crash rates are higher during 'recreational' driving than during 'purposeful' driving.⁸

There appears to be at least two possible explanations why classroom driver education seems to contribute to an increase in the novice driver accident rate. One possible explanation is that completing drivers' education often enables young drivers to attain licenses earlier and thus increase their risk of accidents at an earlier age.⁹ Another possible explanation is that drivers' education provides novice drivers with more knowledge, which produces over-confidence relative to the level of actual driving skill.¹⁰

It also appears that young drivers can be much safer when the motivation for driving is transportation ('purposeful') as opposed to when the motivation for driving is driving itself ('recreational'). In fact, where curfews have been imposed, accidents have been reduced by as much as 69 per cent despite the fact that late night purposeful driving is still allowed.¹¹

As anecdotal and empirical evidence started creating an increasingly clearer picture of the problem, academics, lobby groups, and legislators began to formulate ideas and implement procedures to reduce the number of accidents caused by novice drivers. Expanding drivers' education programs, raising the age of licensure, limiting BAC levels to zero, imposing night curfews, implementing graduated licensing systems, or combinations thereof, are just some of the possible ideas.

⁵ D.F. Preusser *et al.*, "The Effect of Curfew Laws on Motor Vehicle Crashes" (1984) 6 *Law and Policy* 115.

⁶ C. Smith, "Effect of law prescribed blood alcohol levels (BACs) on traffic accidents among newly licensed drivers" (1986) 26:2 *Medicine Science and the Law* 144.

⁷ Interview with Shawn Feely, Program Director, Injuries Manitoba Prevention of Adolescent and Childhood Trauma (IMPACT) (15 November 2001) [Feely]. See also Preusser, "Licensing Practices...", *supra* note 4 at 89.

⁸ *Ibid.* at 90.

⁹ *Ibid.* at 89.

¹⁰ Feely, *supra* note 7.

¹¹ Preusser, "Licensing Practices...", *supra* note 4 at 90.

102 Underneath the Golden Boy

The idea of graduated driver licensing (GDL) appears to have been first formally described in the United States in the early 1970s.¹² In fact, some common elements of GDL systems have been around since long before the 1970s. For example, Illinois had imposed night curfews on sixteen year-old drivers as far back as 1963.¹³

In 1977, a model GDL system was developed by the U.S. National Highway Traffic Safety Administration.¹⁴ This model was incorporated into a work statement for a demonstration project awarded to the state of Maryland in the same year. In 1979, Maryland's State Motor Vehicle Administration implemented a new licensing system that had some elements of graduated licensing (such as night curfews) but was more of a provisional program than a truly graduated one.¹⁵

However, GDL did not catch on in the United States at this time. It is not entirely clear why this is so, although it has been hypothesized that a significant body of public opinion was inclined to the view that such a system would unduly punish many responsible youth and/or overly restrict young persons' mobility.¹⁶

Graduated licensing did, however, take root half way around the world in New Zealand on 1 August 1987.¹⁷ It seems to be generally accepted that New Zealand was the first jurisdiction to introduce a truly graduated system of licensing. The results were significant. After GDL was introduced, car crash injuries for the 15 to 19 year-old age group were reduced by 23 per cent.¹⁸ Shortly thereafter, in 1989, GDL was introduced in some Australian states.¹⁹

It is difficult to pin down exactly when the idea of GDL first started to be seriously considered in Canada. However, in 1990, the Canadian Council

¹² See for example P.F. Waller, *The Changing Task of Driver Licensing: Future Role of Driver Licensing in Highway Safety* (Washington: Transportation Research Board, 1974).

¹³ A.F. Williams & D.F. Preusser, "Night Driving Restrictions for Youthful Drivers: A Literature Review and Commentary" (1997) 18:3 *Journal of Public Health Policy* 334 at 339.

¹⁴ D. Mayhew, "Licensing Systems for controlling the Risks of Young Motorists" in Herbert Simpson, ed., *New to the Road ...*, *supra* note 4 ["Licensing Systems"] at 82.

¹⁵ *Ibid.*

¹⁶ A.F. Williams, "Graduated Licensing comes to the United States" (1999) 5:2 *Injury Prevention* 133 ["Graduated Licensing"] at 134.

¹⁷ J.D. Langley, A.C. Wagenaar & D.J. Begg, "An Evaluation of the New Zealand Graduated Driver Licensing System" (1996) 28:2 *Accident Analysis and Prevention* 139 at 139.

¹⁸ *Ibid.* at 142.

¹⁹ Mayhew, "Licensing Systems", *supra* note 14 at 83.

of Motor Transport Administrators accepted a committee recommendation that each jurisdiction should introduce a probationary/graduated licensing system tailored to the specific needs of the jurisdiction.²⁰

In April 1994, Ontario became the first Canadian jurisdiction to implement a graduated licensing system.²¹ Ontario was followed by Nova Scotia (October 1994), New Brunswick (January 1996), Quebec (July 1997), British Columbia (August 1998), Newfoundland (January 1999) and the Yukon (September 2000).²² It was not until 1996 that the process towards graduated licensing began in earnest in the United States.²³ Currently, a total of 25 U.S. states have enacted some form of graduated licensing.²⁴

The results from Ontario and Nova Scotia are very promising. Research in Ontario found a 31 per cent reduction in collision rates of novice drivers since the inception of GDL in 1994.²⁵ Nova Scotia experienced a 37 per cent reduction in collisions among sixteen year-old drivers during the first three years of the program.²⁶

The idea of graduated licensing likely began filtering into Manitoba in the early 1990s through the Department of Driver and Vehicle Licencing and through think tank/interest groups such as Injuries Manitoba Prevention of Adolescent and Childhood Trauma (IMPACT) and Mothers Against Drunk Driving (MADD). According to Daryl Reid, MLA for Transcona and head of Manitoba's Graduated Driver Licence Task Force, Driver and Vehicle Licencing had alerted the Filmon government in 1995-96 and 1999 to disproportionately high crash rates among novice drivers and provided a list of possible counter-measures, including GDL.²⁷ Apparently, the government declined to take any steps towards implementing GDL. It is certain, however, that at least some serious discussion of GDL was occurring in Manitoba as early as 1996. In June of that year, a report entitled *Preventing Adolescents Motor*

²⁰ *Ibid.*

²¹ D.R. Mayhew & H.M. Simpson, *Graduated Licensing for Motorcyclists* (Ottawa: Traffic Injury Research Foundation, 2001) at 8.

²² *Ibid.* at 9–11.

²³ Williams, "Graduated Licensing", *supra* note 16 at 133.

²⁴ Mayhew, "Licensing Systems", *supra* note 14.

²⁵ P.D. Boase & L. Tasca, *Graduated Licensing System Evaluation: Interim Report '98* (Downsview: Safety Policy Branch, Ontario Ministry of Transportation, 1998) at 3.

²⁶ D.R. Mayhew *et al.*, "Impact of the graduated driver licensing program in Nova Scotia" (2000) 2:3 *Journal of Crash Prevention and Injury Control* 179 at 186.

²⁷ Interview of Daryl Reid (22 November 2001) [Reid].

*Vehicle Injury in Manitoba*²⁸ discussed a number of possible accident prevention measures, including GDL.

At this point, there is a divergence of views as to exactly how the process towards the current GDL legislation began. One view, expressed by David FaurSchou, MLA for Portage la Prairie, is that it was his initiative that spurred the new Minister of Highways and Government Services, Steve Ashton, to seriously look at GDL.²⁹ The other view, expressed by Daryl Reid, is that Steve Ashton was moved in the direction of GDL by members of the Department of Driver and Vehicle Licencing.³⁰

Whichever story is more accurate, the following series of events are clear. Mr. FaurSchou was contacted sometime in 1998 by Sharon Stewart—the woman whose family was devastated by the horrific car accident recounted at the beginning of this discussion. Mr. FaurSchou, who is a former RCMP officer and class 1 vehicle operator and, as a result, had some prior interest in this area, was seemingly moved by Ms Stewart’s story and decided to take up the cause in the Legislature.

According to a speech in the Legislature by Steve Ashton on 27 April 2000, Mr. FaurSchou “raised this issue [graduated driver licensing] repeatedly within his own caucus” when the Conservatives were in power.³¹ Apparently, it was to no avail. No official government initiative on GDL came from the Conservatives when they were in power.

However, Mr. FaurSchou continued to press ahead in the form of a private member’s resolution after the NDP was elected in October 1999. The resolution was scheduled to be introduced in the Legislature in December 1999 but on the day Mr. FaurSchou was supposed to present, the government altered the agenda from private members’ business to government bills. In Mr. FaurSchou’s opinion, this was a deliberate attempt to side step the issue and buy time until the government introduced the task force on GDL in January 2000.³² According to Mr. FaurSchou, he met with Mr. Ashton a couple of weeks later at Ashton’s initiative. Mr. Ashton thereupon communicated to Mr. FaurSchou that the government was interested in seriously pursuing GDL and wanted to have a public task force investigate the matter further. Mr. FaurSchou

²⁸ Dr. Brian Postl *et al.*, *Preventing Adolescents Motor Vehicle Injury in Manitoba* (Project Proposal Submitted to the Critical Health Incidents Steering Committee of the Children and Youth Secretariat, June 1996).

²⁹ Interview of David FaurSchou (22 November 2001) [FaurSchou (22 November 2001)].

³⁰ Reid, *supra* note 27.

³¹ Manitoba, Legislative Assembly, *Debates and Proceedings*, Vol. L No. 17B (27 April 2000) [*Debates* (27 April 2000)] at 680.

³² Interview of David FaurSchou (3 December 2001) [FaurSchou (3 December 2001)].

maintains that it was the combined effort of himself and Ms Stewart that formed the impetus behind the government's task force initiative.

This is where a point of contention arises. Daryl Reid claims that immediately after the NDP's election victory in October 1999, Mr. Ashton was approached by the Department of Driver and Vehicle Licensing. At this meeting, it is alleged that the Department confronted Mr. Ashton with statistics that indicated that novice drivers are 300 per cent more likely to be involved in an accident than the wider driving population. Having outlined the problem, the Department provided a list of possible counter-measures, one of which was GDL. Apparently, after this meeting, Mr. Ashton took the idea of GDL to caucus and it was agreed that a task force would be set up to obtain public input and study the matter further.³³

Both versions of events likely occurred parallel to each other in a manner more or less as they were recounted. Time constraints lend credence to the government's position that they were thinking about GDL before Mr. Faurshou was about to present his resolution. Specifically, first reading of Bill 11 was on 15 December 1999 and the task force was announced only a month and a half later. Unless the government dove in completely unprepared, it must have been planning Bill 11 and the Task Force for some time. However, it is clear that Mr. Faurshou was advocating for some system of GDL starting some time in 1998, well before the NDP were elected to power. So, it is still possible that Mr. Faurshou was, indeed, the originating individual who raised the issue of GDL to the consciousness of Manitoba legislators.

III. THE TASK FORCE³⁴

On 27 January 2000, the Minister of Highways and Government Services, Steve Ashton, announced the commissioning of a Graduated Driver Licence Task Force. The Task Force was headed by Daryl Reid and comprised five MLAs. It conducted 14 meetings in 13 different Manitoba communities during February 2000, and consulted British Columbia, Nova Scotia, Prince Edward Island, New Brunswick and Ontario on their respective licensing programs. At each meeting, the Task Force outlined the problem, informed the public about current licensing practices, presented possible ideas for change and elicited the public's response. The main question posed was 'Should Manitoba introduce some form of Graduated Driver Licensing Program?'³⁵

³³ Reid, *supra* note 27.

³⁴ Manitoba, Graduated Driver Licence Task Force, *Graduated Driver Licence Task Force Report* (Winnipeg: The Task Force, 2000) [*Task Force Report*].

³⁵ *Ibid.* at 3.

The Task Force noted that learner-permit drivers of all ages represent three per cent of the 700 000 Manitoba driving population, yet they represent less than one per cent of drivers involved in crashes. However, licensed drivers (unsupervised) with less than two years of driving experience represent four per cent of all Manitoba licensed drivers, yet they account for thirteen per cent of all drivers involved in motor vehicle crashes.³⁶ Many of these crashes are fatal. The Task Force found that between 1995 and 1998, there were 57 fatal accidents in which novice drivers were at fault. These 57 accidents resulted in 69 fatalities.³⁷

As a result of the public consultations, the Task Force formulated a series of recommendations. The first recommendation was that the government should create a full three-stage graduated driver license program.³⁸ A poll of mail-back questionnaires found that 90 per cent of all Manitobans, and 92 per cent of rural Manitobans, who participated in the consultations supported GDL.³⁹

The second recommendation was that there be zero BAC tolerance for the entire duration of the licensing program.⁴⁰ The Task Force could not find any compelling reason why any BAC level should be allowed and they were supported in this position by 97 per cent of questionnaire respondents.⁴¹

In regards to passengers, the Task Force recommended that during the learner stage, the only passenger should be the supervising driver; during the intermediate stage, passengers should be limited to the number of functional seat belts except for night-time when only one passenger should be allowed unless there is the presence of a supervising driver; and during the probationary stage, passengers should be restricted to only one front seat passenger plus the number of functional seat belts.⁴² The rationale for limiting the number of allowable passengers is that less internal vehicle distractions contributes to a lower-risk training environment. However, public opinion seemed to be split on this issue and concerns from rural Manitobans were voiced,⁴³ so a blanket ban on passengers was not recommended.

³⁶ *Ibid.* at 6–7.

³⁷ *Ibid.* at 6.

³⁸ *Ibid.* at 10.

³⁹ *Ibid.*

⁴⁰ *Ibid.* at 11.

⁴¹ *Ibid.* at 10.

⁴² *Ibid.* at 12.

⁴³ Reid, *supra* note 27.

In regards to the appropriate length of time for the learner stage, the Task Force recommended 12 months.⁴⁴ Forty-nine per cent of respondents wanted the learner stage set at a minimum of 6 months; 33 per cent wanted 12 months; and 18 per cent were split on a variety of other options.⁴⁵ According to Mr. Reid, the reason why the 12 month option was chosen was because the “key to graduated licensing is training behind the wheel.”⁴⁶ The Task Force noted that research indicates that results of formal driver education training are ‘disappointing’ and ‘unfavourable’. Thus, more—rather than less—‘hands-on’ supervised driving was desirable.⁴⁷

Interestingly enough, the report recommended against the imposition of a night driving curfew.⁴⁸ There appears to be two reasons for this. One reason is that the Task Force did not interpret the available Manitoba data as saying that a disproportionate number of novice driver crashes occur at night. The second reason is that there was a significant body of public-will favouring certain exemptions to night curfews—most notably for farming duties. In the opinion of the Task Force, such exemptions would render the curfew largely unenforceable and therefore largely ineffective.⁴⁹

The Task Force also recommended, among other things that a graduated license program be tailored to motorcycles and that reciprocity agreements be entered into with other jurisdictions.⁵⁰ The Task Force, however, did not make a recommendation on whether there should be a second road test at the end of the intermediate stage (as there is in some jurisdictions). According to Daryl Reid, the Task Force experienced time constraints and this issue was simply not addressed.⁵¹ There also seems to be an issue that such a measure would be cost prohibitive. However, both Mr. Reid and Mr. Faurshou expressed the desire to see such an ‘exit exam’ implemented.⁵²

⁴⁴ Task Force Report, *supra* note 34 at 16.

⁴⁵ *Ibid.* at 13.

⁴⁶ Reid, *supra* note 27.

⁴⁷ Task Force Report, *supra* note 34 at 15.

⁴⁸ *Ibid.* at 19.

⁴⁹ *Ibid.*

⁵⁰ *Ibid.* at 24–26.

⁵¹ Reid, *supra* note 27.

⁵² See Reid, *Ibid.*, and Faurshou (22 November 2001), *supra* note 29.

IV. THE DEBATES

A. Private Member's Resolution

The first in-House debate on GDL occurred on 27 April 2000 when David Faurshou introduced a private member's resolution.⁵³ Mr. Faurshou noted during his presentation that: six provinces already have GDL; road crashes are the leading cause of death of young Manitobans; statistics in Nova Scotia and Ontario demonstrate that GDL can be successful in reducing accidents; and, according to an IMPACT study, 80 per cent of all Manitobans support GDL. He went on to talk about the Stewart family story—specifically noting that Haley was born within days of his own daughter and that his wife and Sharon Stewart shared the same maternity ward at the hospital. Steve Ashton responded by pointing out that he had been concerned about this issue for some time and that a Task Force report on graduated driver licensing was due shortly.⁵⁴ Scott Smith, MLA for Brandon West, also spoke favourably towards the idea of GDL.⁵⁵

Despite such favourable comments from the government, Mr. Faurshou's private member's resolution was not passed by the House. When a private member's resolution is introduced in the chamber, it must be called to a vote within one hour of introduction, otherwise it goes to the bottom of the order and usually dies. With respect to Mr. Faurshou's resolution, members of the NDP used up the remaining part of the hour speaking favourably about the resolution but failed to call the question to a vote. This was most certainly a tactic designed to avoid placing the government in the embarrassing position of voting down a resolution that they agreed to in principle and which they would be introducing as legislation later on.

V. BILL 11

Bill 11 was first introduced in the House on 15 December 2000 by the Minister of Highways and Government Services, Steve Ashton. However, the debate began in earnest during second reading on 3 May 2001. In his opening submission, Mr. Ashton cited statistics that "we have seen accident reductions of up to 37 per cent in other jurisdictions" and "90 per cent support in rural and urban areas alike for graduated driver licensing."⁵⁶ But there was also a significant human and personal

⁵³ *Debates* (27 April 2000), *supra* note 31 at 677.

⁵⁴ *Ibid.* at 679–80.

⁵⁵ *Ibid.* at 682.

⁵⁶ Manitoba, Legislative Assembly, *Debates and Proceedings*, Vol. LI No. 24A (3 May 2001) at 1176.

dimension to his argument. In approximately 20 minutes, Mr. Ashton referred to the Stewart family four times and to the Malley family five times. The Malley family lives in Mr. Ashton's constituency of Thompson. Their 14 year-old son was run down and killed by a teenage drunk driver. Mr. Ashton noted that the Malley's son was in the same grade as his son and, ironically, both sons were involved in Teens Against Drunk Driving in the same high school.

Mr. Ashton was also careful to point out that the government had responded to concerns of rural Manitobans that young people's mobility for important matters, such as work and school, would be unduly restricted.⁵⁷ In an effort to alleviate concerns of the Keystone Agricultural Producers, he also made it clear that novice drivers would be able to operate class three farm trucks as early as age 16 years and three months.⁵⁸

From the opposition, Jack Penner, MLA for Emerson, advocated for more driving education at earlier ages and voiced concerns that Manitoba communities do not have adequate access to driver training programs.⁵⁹ Other members of the opposition agreed and emphasized the importance of driver education programs.⁶⁰ Frank Pitura, MLA for Morris, pointed out that the substance of the GDL proposal is in the regulations and not in the statute itself. Mr. Pitura argued that such an arrangement granted Cabinet significant unilateral power and limited opportunity for public input.⁶¹

A. The Committee Stage

The Standing Committee on Law Amendments met to discuss Bill 11 on 3 July 2001. The first presenter was Sharon Stewart.⁶² Ms Stewart generally spoke favourably about the legislation. She argued that new drivers are over-represented in crash statistics and graduated licensing can bring those numbers down. In response to the farm and rural lobby, Ms Stewart quoted statistics demonstrating that fatal collisions occur two and a half times as often on rural roadways than on urban ones.

⁵⁷ *Ibid.* at 1178.

⁵⁸ *Ibid.* at 1178.

⁵⁹ Manitoba, Legislative Assembly, *Debates and Proceedings*, Vol. LI No. 38 (30 May 2001) [*Debates* (30 May 2001)] at 2508.

⁶⁰ See Manitoba, Legislative Assembly, *Debates and Proceedings*, Vol. LI No. 45 (12 June 2001) at 2840 and Manitoba, Legislative Assembly, *Debates and Proceedings*, Vol. LI No. 47B (14 June 2001) at 2968–2970.

⁶¹ *Debates* (30 May 2001), *supra* note 59 at 2514.

⁶² Manitoba, Legislative Assembly, *Standing Committee on Law Amendments*, Vol. LI No. 9 (3 July 2001) at 266–270.

But she also criticized certain aspects of the proposed legislation as being too weak. Specifically, she urged the committee not to reduce the learner stage period from the Task Force recommendation of 12 months and to begin the learner stage at a later, rather than earlier, age. Ms Stewart also advocated that novice driver sign plates be considered, as is the practice in B.C., and that there be an advanced level road test at the end of the second stage.

The next presenter was Don Dewar, representing Keystone Agricultural Producers (KAP).⁶³ Mr. Dewar stated that he was pleased that the government had listened to some of the concerns that KAP had expressed regarding the need for young licensed drivers for agricultural purposes. Specifically, Mr. Dewar expressed his appreciation that the government had dispensed with the requirement that there be a supervising driver accompanying a novice driver at all times during the intermediate stage.

Shawn Feely, representing IMPACT, presented next.⁶⁴ Mr. Feely propounded a position similar to Ms Stewart's. He urged the committee to extend the learner stage, impose more stringent passenger restrictions, and implement night curfews. Mr. Feely also commented on drivers' education programs. He stated that such programs are valuable in the sense that they reduce the amount of traffic infractions, but research seems to indicate that they have the effect of increasing the likelihood of someone being involved in a crash. What does reduce crashes, he argued, was driving experience while under supervision. And thus, drivers' education programs must be matched with a relatively lengthy learner stage component.

The last presenter was Terry Johns, president of the Coalition of Manitoba Motorcycle Groups.⁶⁵ Mr. Johns argued forcefully that having a supervising driver on another motorcycle or in an automobile made no sense at all. Such an arrangement could potentially increase the chance of an accident because both the supervising driver and the learner may be "cross communicating rather than devoting full attention to their own riding."⁶⁶ Mr. Johns also pointed out that, given the seasonal nature of motorcycling, the learner and intermediate stages will likely be drawn out a lot longer than the minimum specified lengths of time. He therefore recommended that the learner stage be reduced to five or six months and the intermediate stage be reduced to 12 months.

⁶³ *Ibid.* at 272–274.

⁶⁴ *Ibid.* at 279–280.

⁶⁵ *Ibid.* at 282–284.

⁶⁶ *Ibid.* at 283.

B. Third Reading

Third reading of Bill 11 occurred on 5 July 2001. Jon Gerrard, MLA for River Heights, spoke first to the bill.⁶⁷ He stated that he supported the general principle of graduated licenses and would support the bill 'reluctantly'. He stated that he was "sceptical in a number of areas that this bill really has been adapted sufficiently to be appropriate, as it should be, for rural people as it is for urban people."⁶⁸ Daryl Reid spoke next.⁶⁹ He talked mainly about the process of bringing Bill 11 to fruition and acknowledged the assistance and input of a wide variety of parties. Harold Gilleshammer, MLA for Minnedosa, presented last.⁷⁰ He started by complimenting the government on the methodology (Task Force, consultation with affected third parties, etc.) employed in creating Bill 11. But he also urged the government to earmark some money for a universal program of driver education.

Bill 11 was given Royal Assent on 5 July 2001.

VI. CONCLUSION

The implementation of a system of graduated driver licensing in Manitoba was inevitable. Eight years ago, not a single Canadian jurisdiction or U.S. state had a comprehensive GDL system. Currently, virtually every province and territory has either implemented, or is in the process of implementing, a GDL system. In the U.S., at least 25 states have enacted GDL legislation and many more appear to be in the process of doing the same.

There are at least five reasons why GDL has spread so quickly. First, political jurisdictions and academic institutions around the world follow each other's activities closely and share information. No first-world, democratic country wants to be seen as lagging behind good trends or be ranked high in terms of youth accident fatalities. Neither does a competent academic want to be ignorant of cutting edge research and knowledge in his field of expertise. Thus, there are motivations for jurisdictions to compete with one another to create the best social conditions and motivations for scholars to search for and access current information. GDL does not appear to be an exception to this rule. Statistics and current developments from various national and

⁶⁷ Manitoba, Legislative Assembly, *Debates and Proceedings*, Vol. LI No. 58B (5 July 2001) at 3581.

⁶⁸ *Ibid.*

⁶⁹ *Debates* (5 July 2001), *supra* note 67 at 3581–3589.

⁷⁰ *Ibid.* at 3589–3591.

international jurisdictions were discussed by proponents and critics of GDL alike.

Second, comprehensive systems of GDL have proven to be significantly effective in reducing crashes, injuries, and fatalities among the novice driving population. As previously noted, New Zealand experienced a 23 per cent decrease in injuries due to novice driver at-fault accidents after implementing GDL. Ontario and Nova Scotia experienced a 31 per cent and 37 per cent reduction, respectively, in novice driver accidents. Virtually all knowledgeable public advocates of GDL in Manitoba quoted such statistics.

Third, there is a very high level of public support for GDL in Manitoba. The Task Force found that 90 per cent of Manitobans generally, and 92 per cent of rural Manitobans, support the idea of GDL. These figures were quoted frequently by proponents of Bill 11 and likely served to dampen the force of critics of the legislation.

Fourth, implementing Bill 11 is relatively cost efficient. Expanding the learner period from a minimum of two weeks to a minimum of nine months – which is the real heart of the bill – is undoubtedly less expensive than other measures such as increased police patrols and expanded drivers' education programs.

Finally, the issue of injuries and fatalities resulting from car accidents is very emotive and tangible. Losing a close relative to sudden, violent, premature death or severe, long-term injury is one of the most traumatic experiences anyone could have during his or her life. This truth is only heightened and compounded when children and adolescents are involved. Those of us who have had the misfortune of experiencing such an event, like Sharon Stewart, may feel compelled by a new sense of purpose to rise and speak out. The rest of us, without such experiences, will never be able to fully appreciate such horror. But when listening to those who have suffered, one cannot help but be moved.