

Distracted Driving Legislation

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Why is Distracted Driving an Important Traffic Safety Issue?

- NHTSA estimates 20-30% of crashes have driver distraction as contributing cause
- 8,400 - 12,600 fatalities
- 600,000 - 900,000 injuries
- 1.2 - 1.8 million crashes
- As much as \$40 billion in damage

How Significant is Distracted Driving for Lawmakers?

- In last 5 years, all states have considered legislation
- Federal legislation in 2003
- Local legislation in as many as 300 communities
- 25 percent of hits on NCSL's Transportation page on documents that relate to distracted driving
- 15 percent of information requests in NCSL's Transportation Program (#1 issue)

Why has Driver Distraction Gained Significance Recently?

- Technology growth
- Cell phone popularity and visibility
 - 195 million subscribers to wireless services
 - 50-75% use in cars
- Complexity growth
 - Picture phones, navigation, on-board computers, televisions, DVDs
 - Anything done at home or office can be done in the car
- More driver time on the road
 - 300 hours/year per driver

Are cell phones dangerous to use while driving?



Are Phones More Dangerous than Other Activities in the Car?

Crash data don't answer question

- 12 states have published statistics (CA, FL, MI, MN, MT, NE, NY, OK, PA, TN, TX, WI)
- Much of the published statistics come from pilot studies
- Published statistics show phones are a causal factor in less than 1 percent of crashes
- Questions about data reliability
- 2002 report from California Highway Patrol

Studies that Indicate Phone Risky

- **University of Toronto - 1997 (*NEJM*)**
 - Drivers 4 times more likely to be involved in crash while using phone
- **University of Utah - 2001**
 - Phone creates higher distraction levels
- **Harvard Center for Risk Analysis - 2003**
 - 2,600 deaths, 330,000 moderate to critical injuries
1.5 million instances of property damage
- **Virginia Tech - 2005**

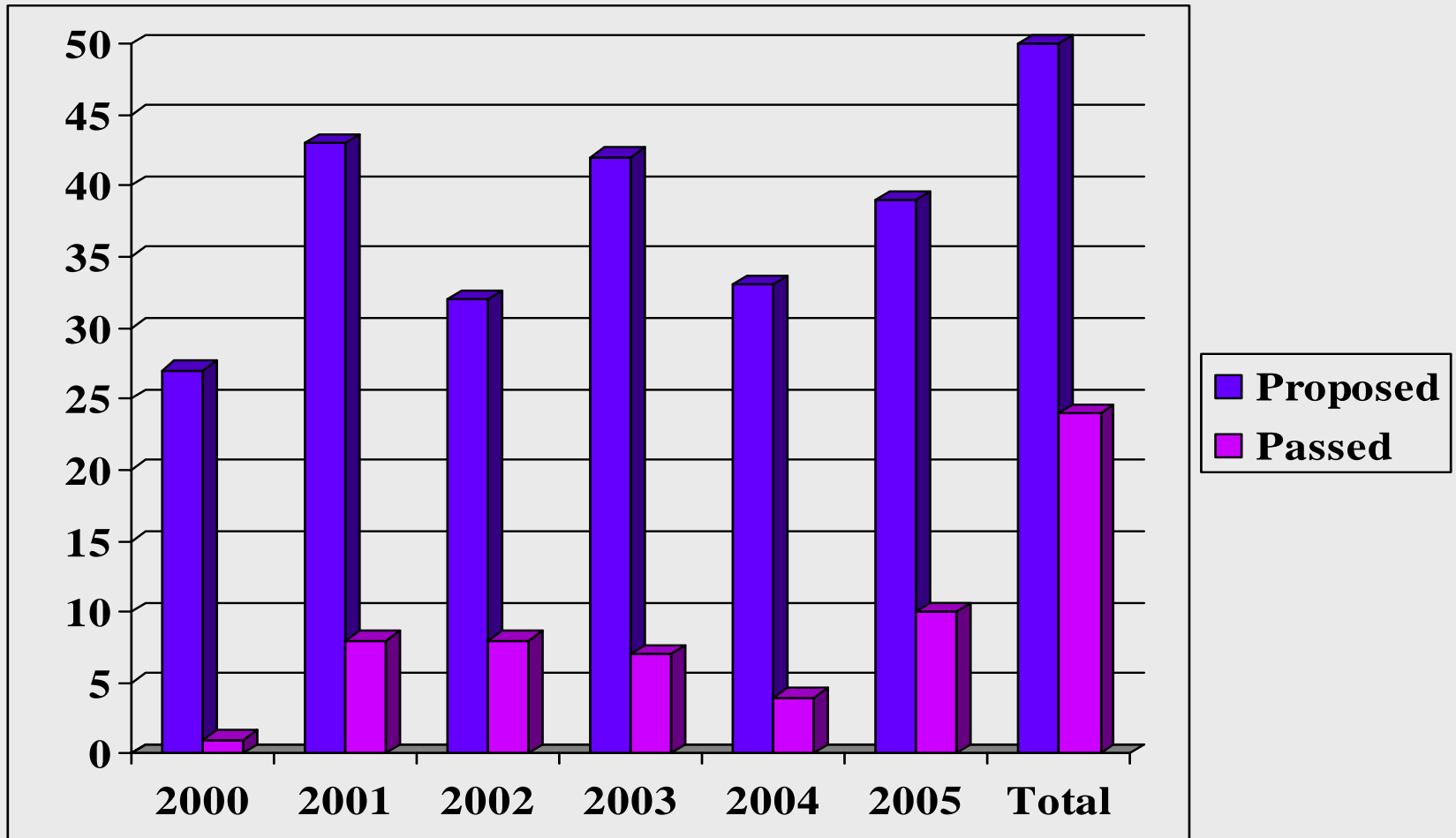
Studies that Indicate Limited Risk

- **UNC Highway Safety Research Center -2001 and 2003**
- **Harvard Center for Risk Analysis -2000**
 - Risks of cell phone small in comparison with other risks when driving

Public Opinion on Cell Phones and Driving

- 48% perceive making outgoing calls dangerous
- 44% perceive receiving calls dangerous
- 88% support increased public awareness
- 71% support prohibitions on hand-held phone
- 67% support insurance penalties
- 61% support double or triple fines for traffic violations while using phone
- 57% support complete ban

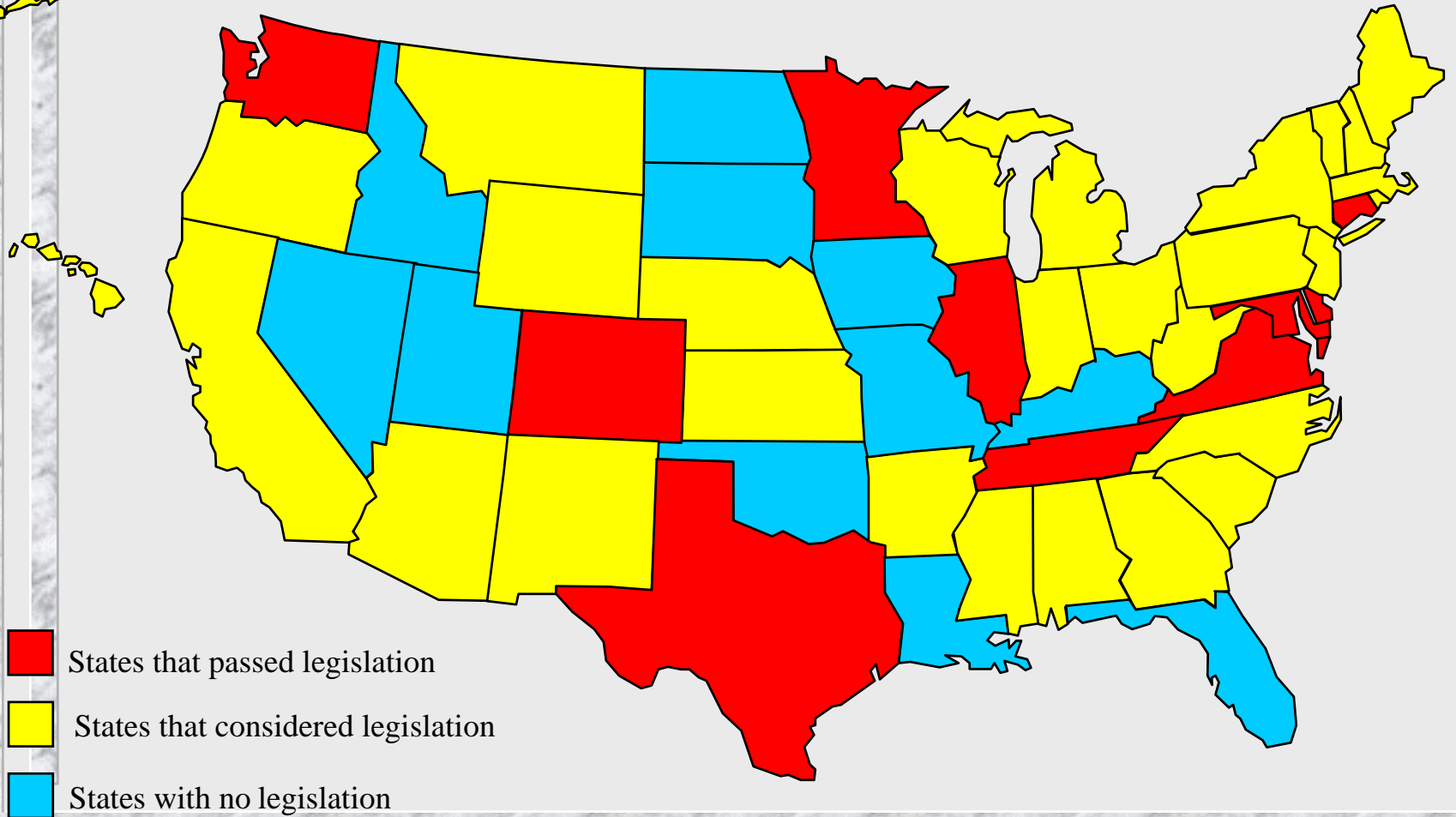
State Distracted Driving Legislation



Distracted Driving - Existing Laws (24 States and D.C.)

- CT, NY, NJ and D.C. prohibit hand-held phones
- CO, CT, DE, D.C., IL, ME, MD, MN, NJ, TN and TX prohibit use by drivers with learners permit
- AR, AZ, CA, CT, DE, D.C., IL, MA, NJ, RI, TN and TX school bus drivers
- California rental car posting requirement
- Florida and Illinois prohibit two-sided headsets
- Massachusetts requires one hand on wheel
- Florida, Kentucky, Louisiana, Mississippi, Nevada, New Jersey, New York, Oklahoma and Oregon prohibit local restrictions

2005 State Distracted Driving Legislation



2005 State Distracted Driving Legislation

- total prohibition (5)
- hands-free (25)
- negligence (6)
- data collection (4)
- young drivers (20)
- school bus drivers (7)
- broad distraction (7)
- local pre-emption
- Televisions/DVDs/porn-while driving

State Trends

- Cell phone legislation still leads
- Novice driver legislation
- Growing interest in other distractions
 - D.C., CT
 - TVs/DVDs/Porn-while-driving (CA, LA, TN, VA)
- Criminal cases, employer liability and insurance interest
- Greater emphasis on data collection

Federal Action

- No federal law
- 2003 SB 179 (Sen. Corzine D-NJ)
- 2003 Report from NTSB
 - Recommended prohibitions for novice drivers
 - Driver education improvement needed
- NHTSA limited authority
 - Embedded equipment
 - 1997 report
 - Studies regarding cell phone use

Local Action

- Piecemeal regulation concern
- As many as 300 local governments have considered laws
- 26 have passed hand-held restrictions in FL, IL, MA, NJ, NM, NY, OH, PA, UT
 - Santa Fe, Chicago, Miami Dade
- Preemption by state law
- Pennsylvania court decision

International Activity

- At least 40 Countries with restrictions or prohibitions
- Examples include Germany, Japan, Sweden, United Kingdom
- Most prohibit hand-held phones. Also insurance implications and increased negligence.

State Data Collection Regarding Cell Phone Involvement

Jurisdictions tracking crashes (23)

- CA, FL, IA, MD, MA, MI, MN, MT, NE, NV, NJ, NY, NC, OK, OR, PA, TN, TX, UT, WA and D.C.
- Little published data
- Some from pilot studies
- Depends on self-reporting

State studies (8)

- Delaware, Louisiana, Minnesota, New Jersey, New York, Pennsylvania, Virginia, Wisconsin

Model Minimum Uniform Crash Criteria Revision (MMUCC)

Are technological solutions effective?

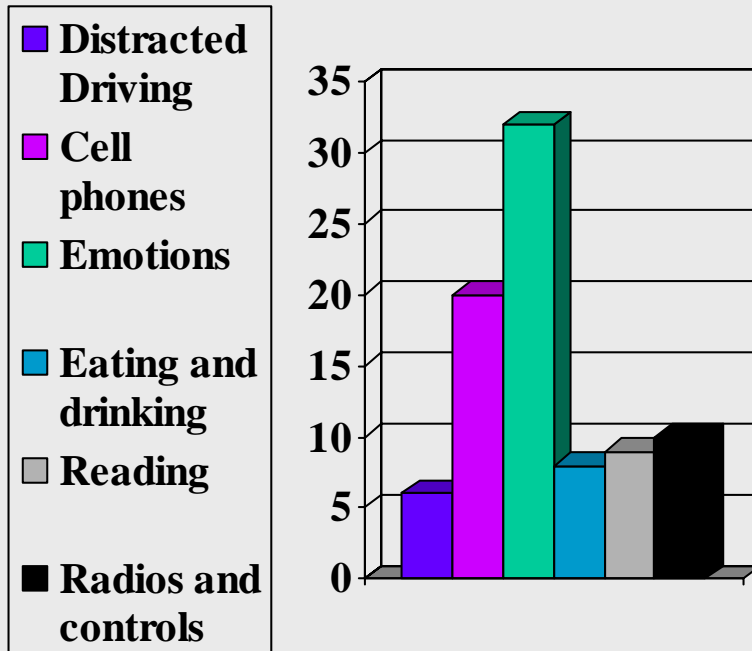


Technological Solutions

- Intuitive benefits to hand-held phone restrictions
- Cognitive distraction key issue
- Potential for additional distraction from interacting with hands-free devices
- Enforcement - Experience from NY, DC finds limited effectiveness in deterring behavior

Driver Education

State Driver Education Manuals



Source: AAA 2003

- Recommended in studies by CHP and HCRA
- Industry campaigns
- Estimates on effectiveness vary

NCSL Resources

- *Cell Phones and Highway Safety: 2005 State Legislative Update*
- *Along for the Ride: Reducing Driver Distractions (2002)*
- **Driver Focus and Technology Database**
<http://www.ncsl.org/programs/esnr/DRFOCUS.htm>

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