

Cell Phones and Other Driver Distractions: Legislation, Regulation, and Enforcement

International Conference on Distracted Driving

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FOR HIGHWAY SAFETY**



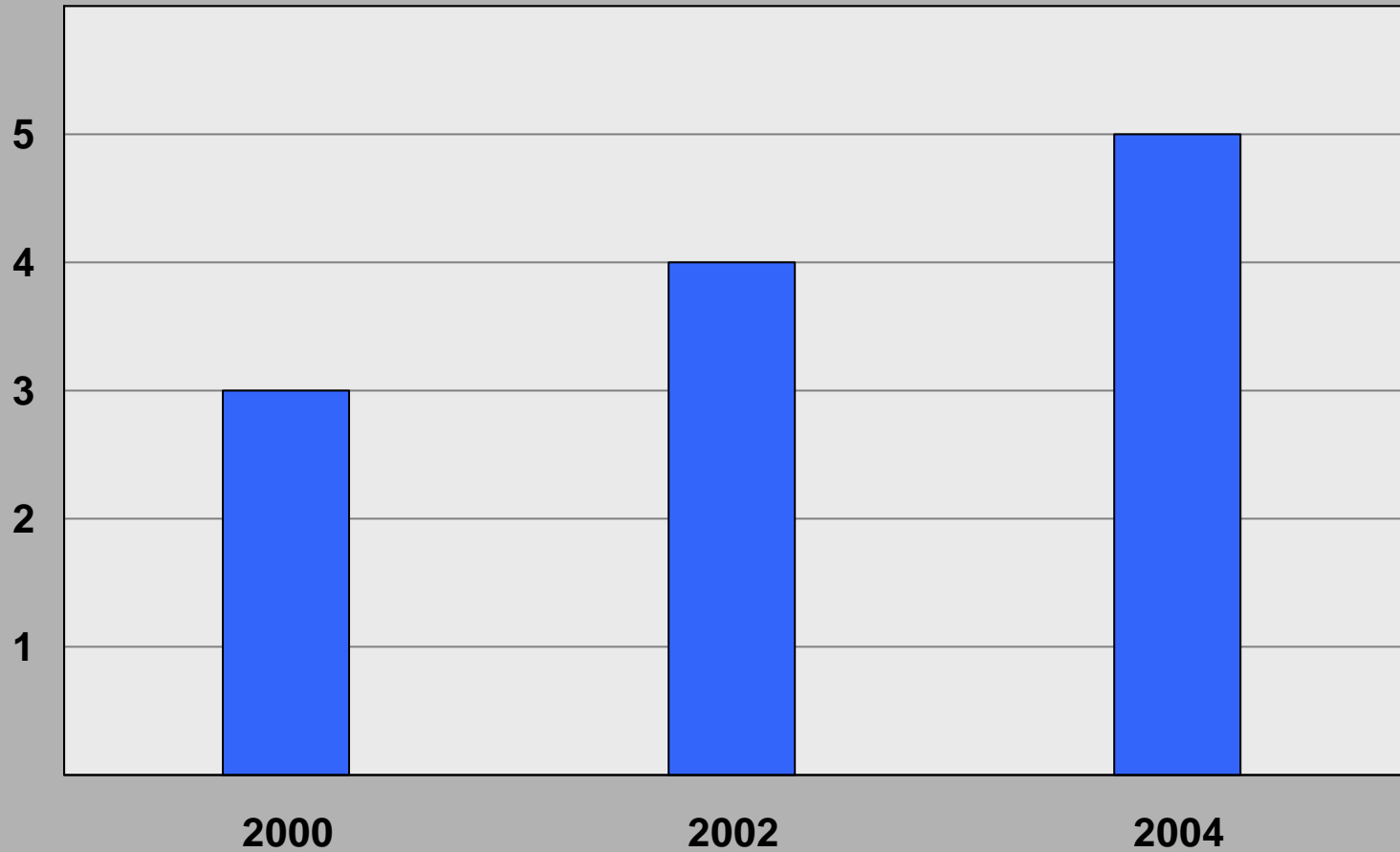
Does drivers' cell phone use merit regulation?

Of drivers who report using cell phones, most use hand-held phones. Observational surveys show at least 5% of U.S. drivers are using them at any given time.



Percent of drivers observed using hand-held phones

U.S. Department of Transportation



Cell phones and crash risk

- ◆ Police crash reports do not reliably document drivers' phone use
- ◆ Best studies verify crash-involved driver phone use from billing records
 - Canadian study found 4-fold increased risk of property-damage crashes with phone use

Is injury crash risk associated with phone use?

IIHS study in Western Australia, 2005

- ◆ Driver's hand-held phone use banned since July 2001
- ◆ Observed hand-held phone use by drivers about 2%
- ◆ Subjects
 - about 500 drivers ages 17 and older involved in crashes between April 2002-July 2004
 - owned or used cell phones
 - treated in emergency departments for injuries

Method

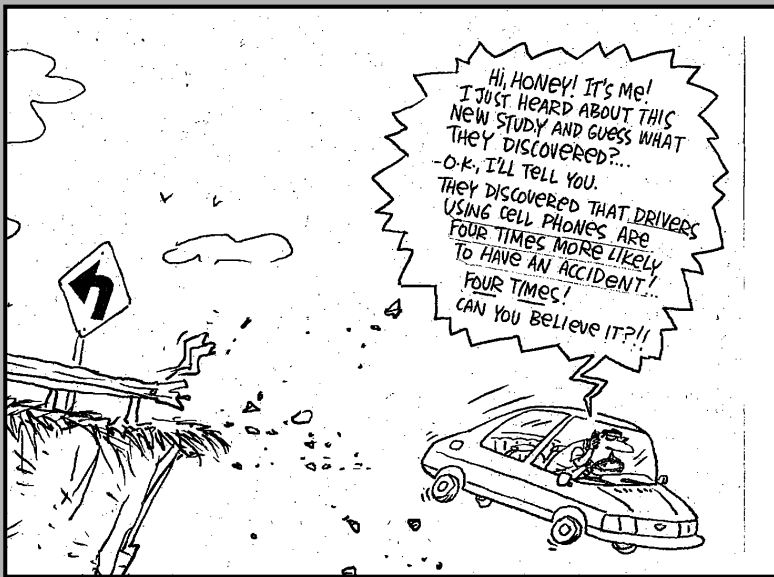
- ◆ Data sources: interviews with drivers at hospital, emergency and medical records, phone company records of use, cell phone call registers
- ◆ Compared each driver's phone use at estimated time of crash to phone use on trips occurring at same time of day during prior week
- ◆ Phone use based on company billing records

Sample characteristics

	n=456
Male	42%
Age	
17-29	48%
30-49	37%
50 or older	15%
Phone type	
hand-held	48%
hands-free kit	10%
ear piece, headset, other hands-free	42%
Time of crash 5 a.m. to 8 p.m.	96%

Results

- ◆ Phone use associated with fourfold increase in risk of injury crash
- ◆ Increased risk similar for males and females, for drivers 30+ and younger than 30
- ◆ Increased risk for hands-free and hand-held phones
- ◆ Risk could not be estimated for different types of hands-free phones; only a few voice-activated phones
- ◆ Ban on hand-held phone use didn't eliminate use or prevent crashes; one-third of calls reportedly placed with hand-held phones



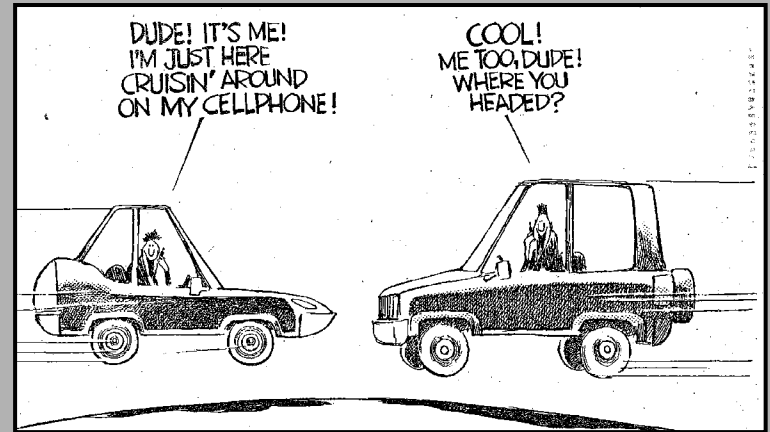
Morning News, July 14, 2005



Washington Post, July 14, 2005



Time Magazine, July 25, 2005



Kingsport Times-News, July 16, 2005



Washington Times, April 9, 2005



What is the status of laws limiting drivers' phone use?

International laws on driving and cell phone use

European Union

- ◆ Hand-held phone use banned in most E.U. countries

Australia

- ◆ Hand-held phone use banned in all states

Canada

- ◆ Hand-held phone use banned in Newfoundland and Labrador

Japan

- ◆ All cell phone use banned
- ◆ Enforcement is secondary and only if driver poses danger to others

Cell phone laws applying to teens are more restrictive than those applying to all drivers

Teens

- ◆ Graduated licensing laws (GDL) in 10 states and D.C. prohibit teens from using either hand-held or hands-free phones; most prohibit using any electronic device

All drivers

- ◆ 3 states and D.C. have cell phone laws that apply to all drivers but allow the use of hands-free phones
- ◆ D.C. law applies to other electronic devices; only devices with hands-free accessories may be used

Miscellaneous laws on distracted driving

- ◆ D.C. and Connecticut laws prohibit driving while engaged in any distracting activity that results in unsafe driving
- ◆ Where there are no specific distracted driving or cell phone laws, states have general laws under which distracted drivers can be cited (e.g., negligent, careless, or inattentive driving)
- ◆ Laws do not always make it clear whether phone functions other than talking and listening are prohibited
- ◆ Most laws were not drafted to accommodate emerging communication technologies



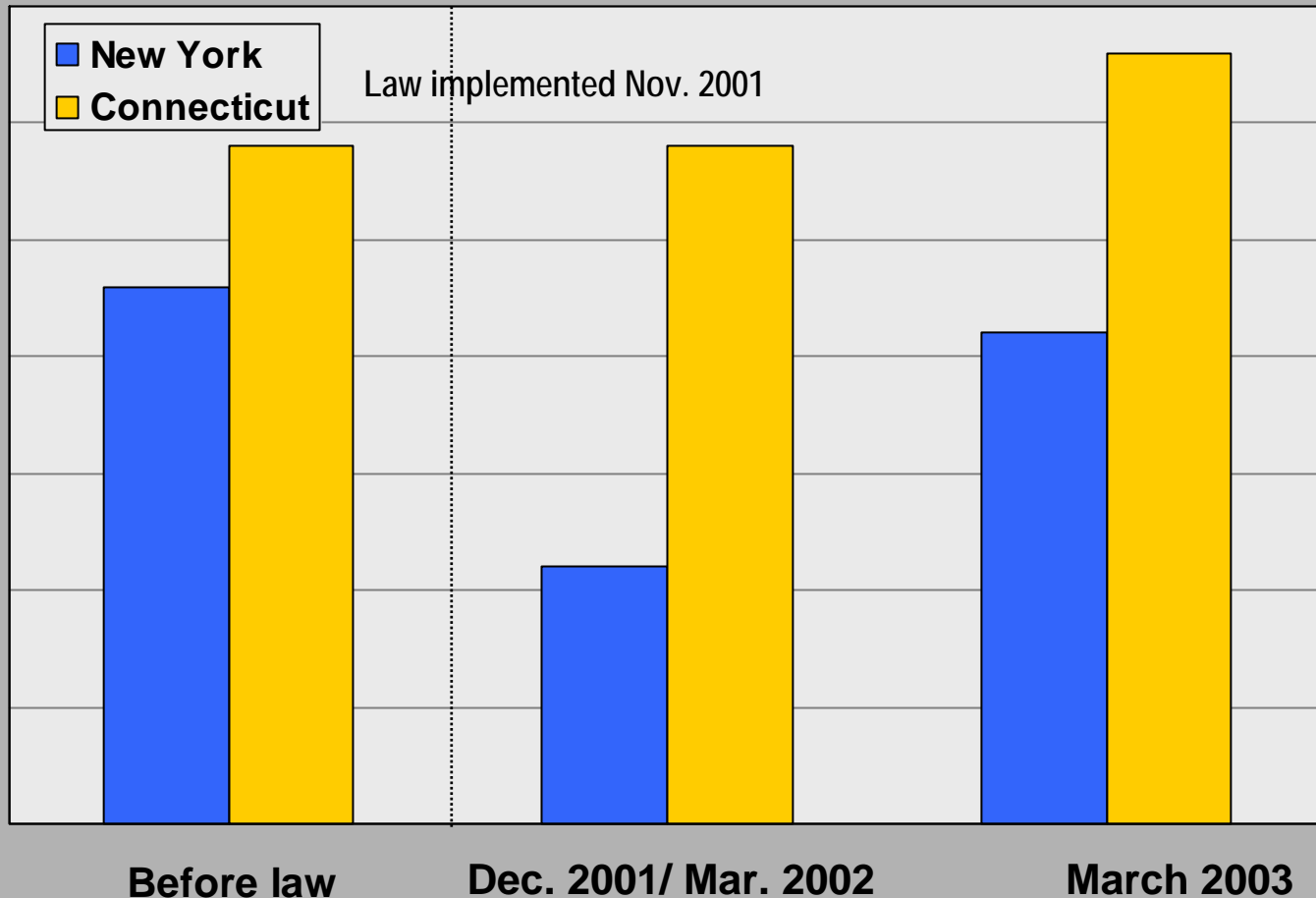
What are the effects of laws limiting drivers' hand-held phone use?

New York's ban on hand-held cell phones while driving

- ◆ Effective dates
 - November 1, 2001: warnings
 - December 1, 2001: fines waived if hands-free device obtained
 - March 1, 2002: fines no longer waived
- ◆ Fine \leq \$100
- ◆ Bans holding phone at or near ear in moving vehicle
- ◆ Does not prohibit dialing, using hand-held phone when stopped, or using hands-free device

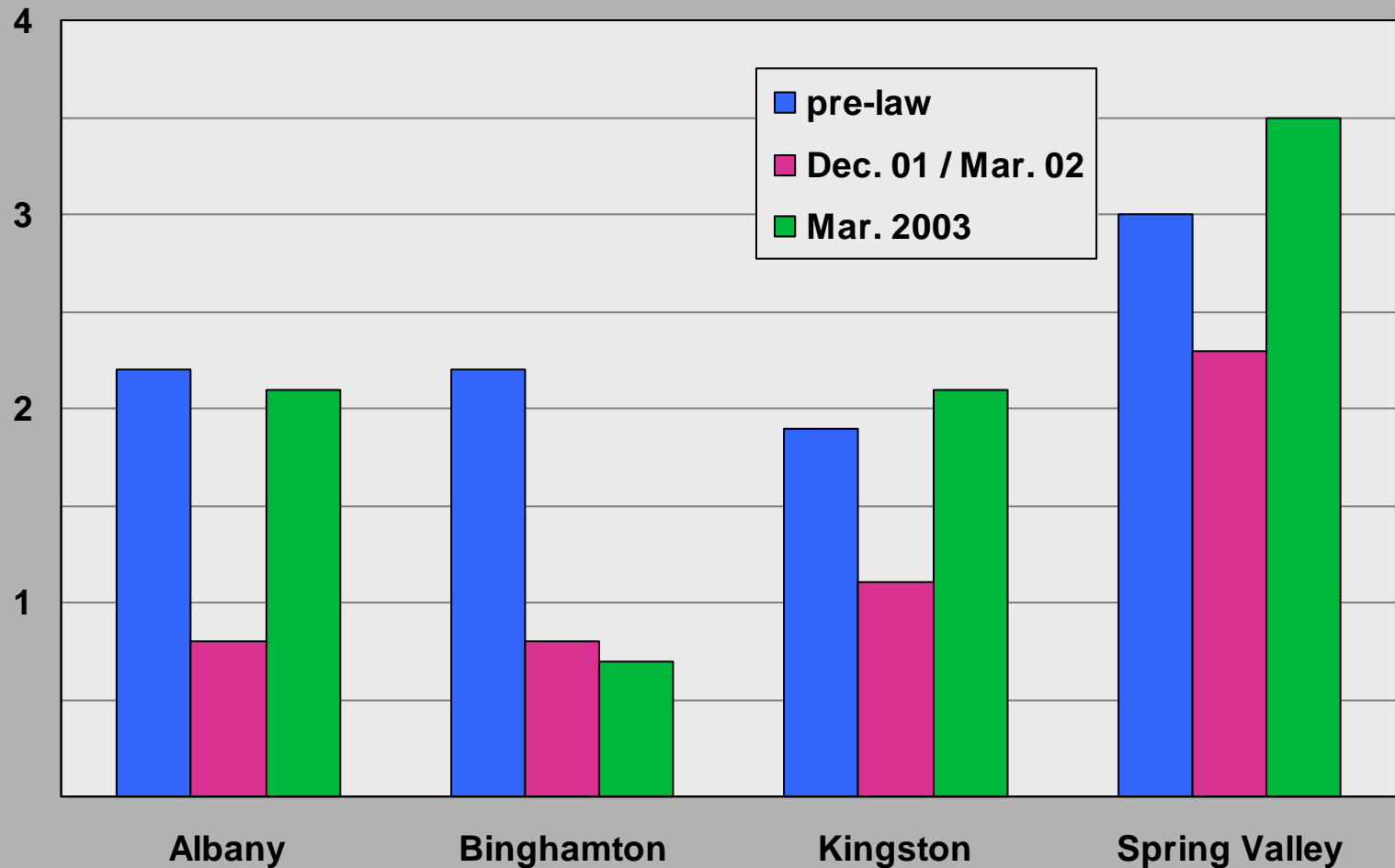
Percentage of drivers using hand-held cell phones before and after New York law

Connecticut and New York



Percentage of drivers using hand-held cell phones before and after New York ban

New York Communities

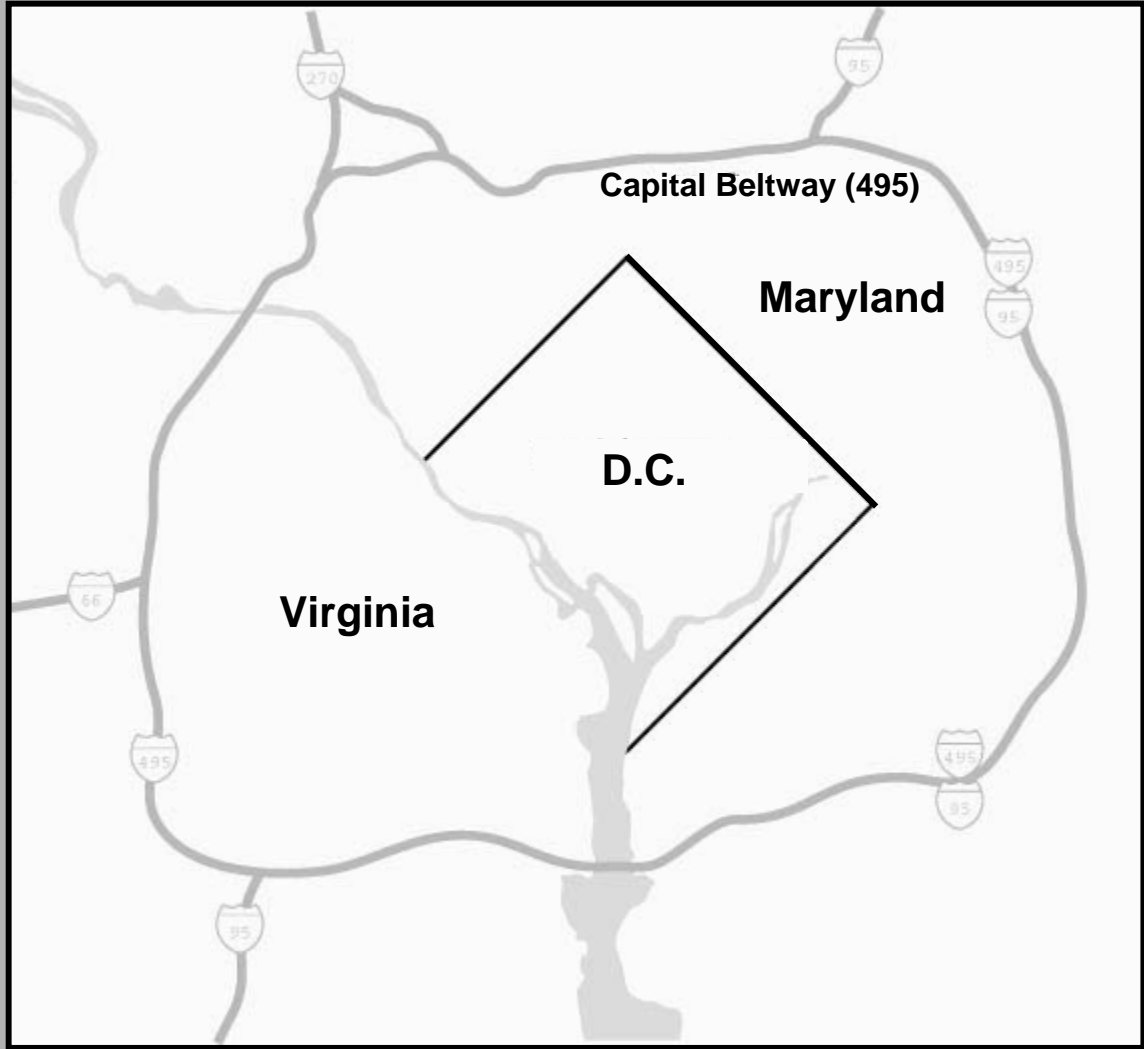


Why phone use went back up in New York

- ◆ Initial publicity but virtually none later
- ◆ From December 2001 thru February 2003, cell phone citations were 2% of all traffic citations and 4% of moving and seat belt violations
- ◆ No statewide intensive, publicized enforcement program targeting phone use
- ◆ Publicized enforcement is needed to achieve long-term compliance

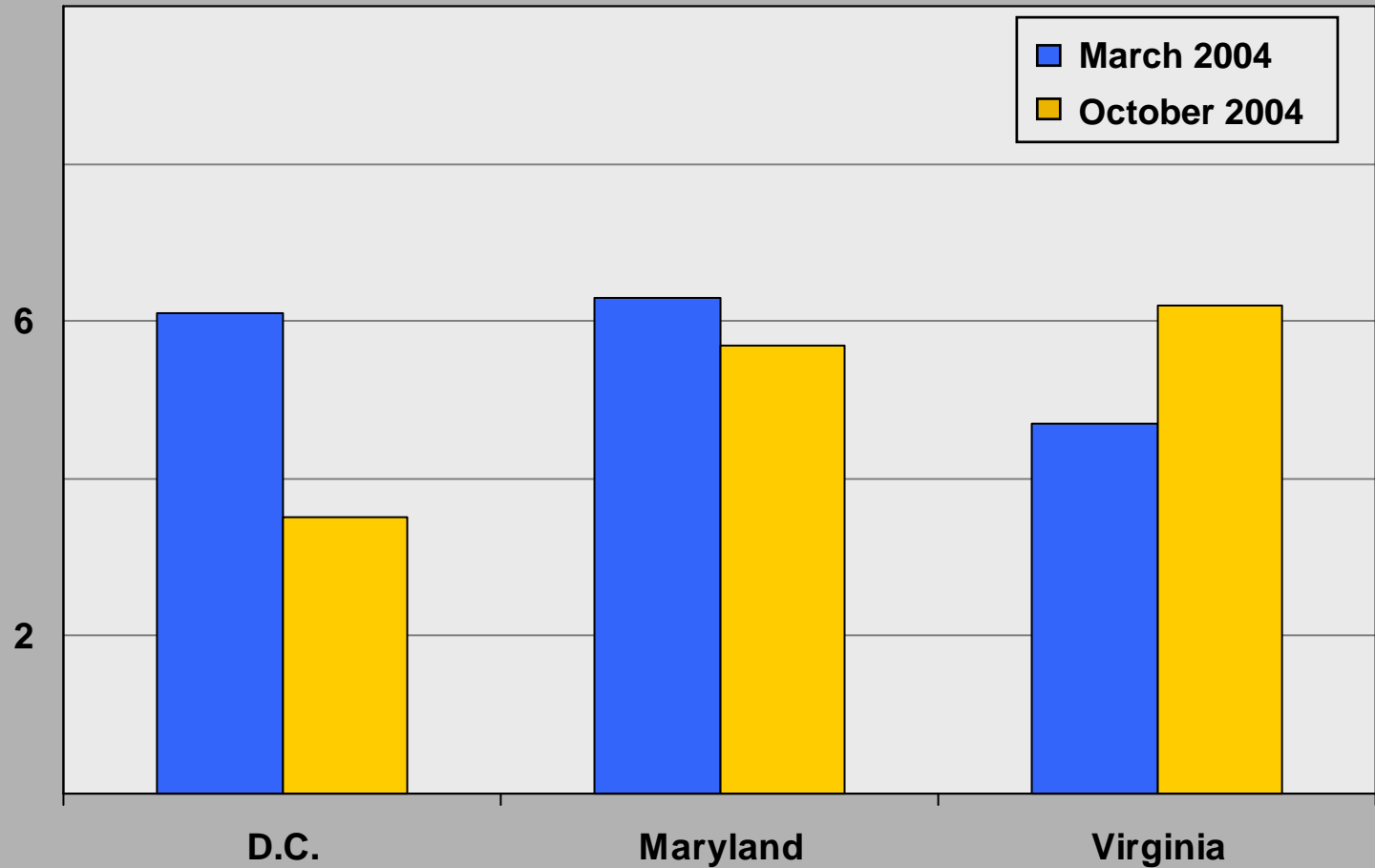
Distracted Driving Safety Act, Washington, D.C.

- ◆ Prohibits inattentive driving that results in “unsafe operation”
- ◆ Bans talking on hand-held phone in moving vehicle and all phone use by school bus drivers and drivers with learner’s permits
- ◆ Does not prohibit dialing or using hands-free device
- ◆ Effective dates
 - July 1, 2004 warnings
 - August 1, 2004 citations
- ◆ \$100 fine waived for first offense if hands-free device obtained



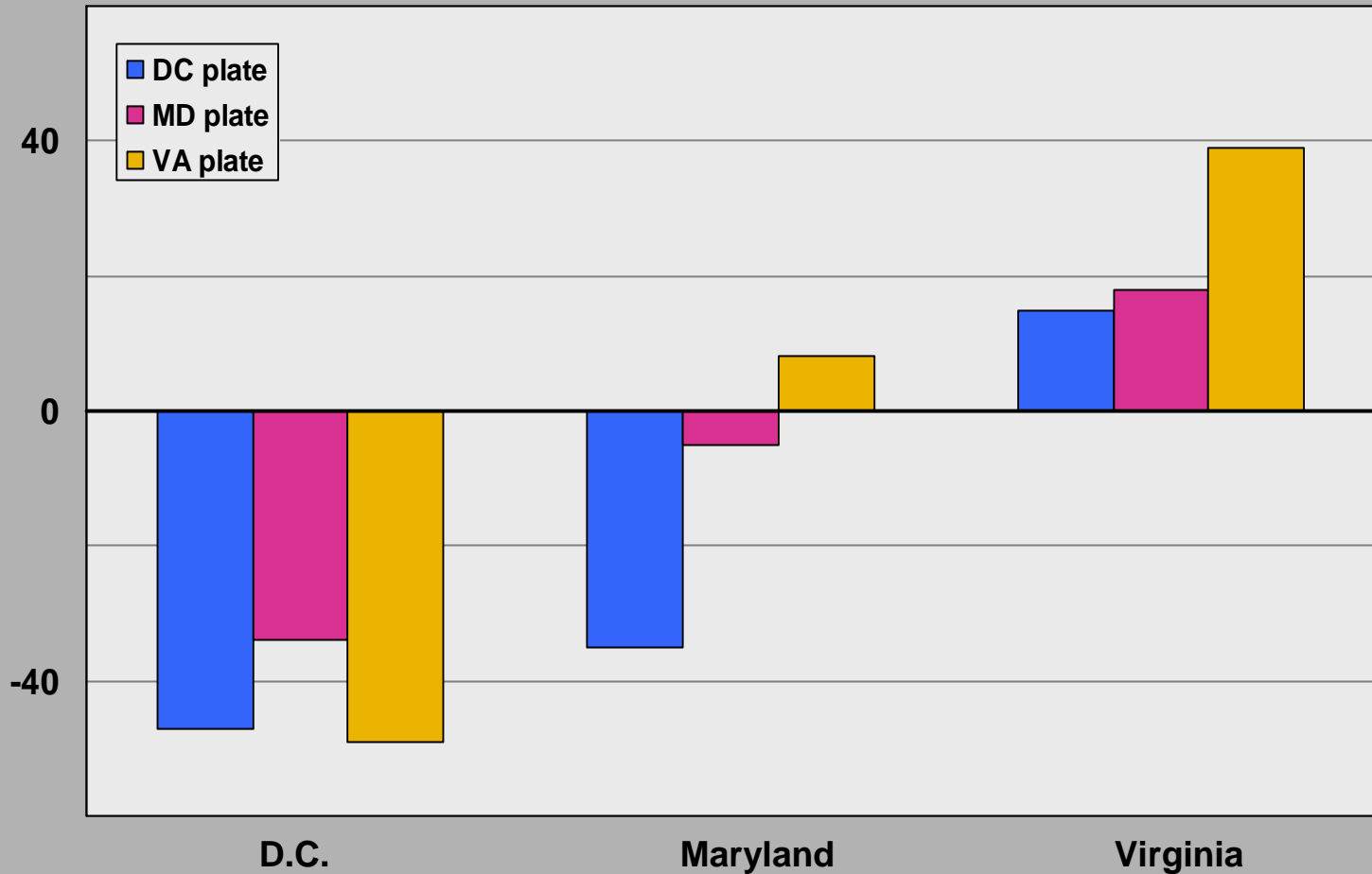
Percent of drivers using hand-held phones

Washington, D.C., metro area



Percent change in hand-held phone use by jurisdiction of license plate

Washington, D.C., metro area



Conclusions

- ◆ Relative to Virginia and Maryland, hand-held phone use in D.C. declined by 50 percent, consistent with short-term effect of New York's phone ban
- ◆ D.C. police issued 288 warnings in July and 2,668 citations during August-October
- ◆ Some media coverage when the law took effect but little since

Even if hand-held phone use is eliminated, risks from hands-free phones will remain

- ◆ Most hands-free devices still are hand-dialed and have cords that can tangle
- ◆ All phone conversations are distracting to some degree
- ◆ Studies of crash risk found no safety benefits from commonly used hands-free devices
- ◆ Unclear how laws prohibiting drivers' hands-free phone use can be enforced.

Some vehicles have built-in hands-free technology, like OnStar, with voice activation. Other technologies, such as Bluetooth, eliminate wired connections between cell phones and other electronic devices. Any potential safety benefit of fully hands-free phones is unknown.



OnStar



Bluetooth

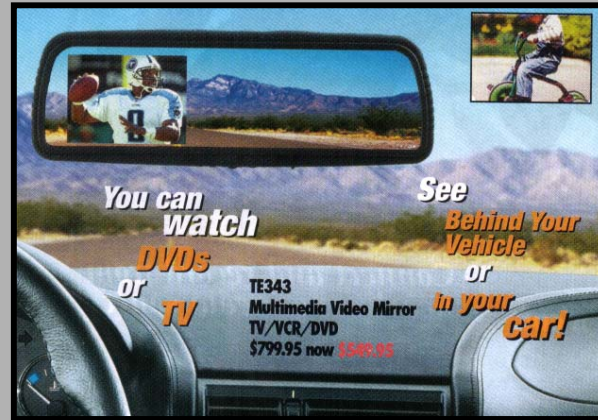


What about other types of technologies?

Other potentially
distracting in-vehicle
technologies and gadgets
are increasingly available.



A worrisome trend is the increased availability of after-market systems permitting drivers to view DVDs, TV broadcasts, etc., on video screens.



DVD unit plays role in Kenai crash case

■ **MURDER TRIAL:**
Prosecutors say driver was watching a movie.

By **TATABOLINE BRANT**
Anchorage Daily News

KENAI — Was Erwin Jamie Petterson Jr. watching a movie while driving his truck two years ago when he slammed head-on into a Jeep on the Seward Highway in a fiery wreck that killed two people?

And even if the state can prove the 29-year-old Kenai man was watching the movie "Road Trip" on his in-dash DVD player while driving at highway speeds — an allegation Petterson denies — does such behavior constitute "an extreme indifference to the value of human life," deserving of a minimum 10-year prison sentence?

Those are a few of the questions surrounding a murder trial that began this week in Kenai and is said by industry experts and lawyers to be the first case in the country in which a DVD player is implicated in a fatal wreck resulting in the driver being charged with murder. The questions and trial assume even

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