

Distracted Driving Legislation

by Matt Sundeen

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Why is Distracted Driving an Important Traffic Safety Issue?

- As many as 80% of crashes and 65% of near crashes have driver inattention as contributing cause
- 34,400 fatalities
- 2.1 million injuries
- 4.9 million crashes
- As much as \$184 billion in damage

How Significant is Distracted Driving for Lawmakers?

- In last 5 years, all states have considered legislation
 - 44 states considered 145 bills in 2007
 - 28 states considering 95 bills in 2008
- Federal legislation considered 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 in last decade
- Cell phone popularity and visibility
 - 254 million subscribers to wireless services in the U.S.
 - 50-75% use in cars
- Complexity growth
 - Picture phones, navigation, on-board computers, televisions, DVDs, texting
- Other distractions (Nationwide Insurance Survey)
 - 31% daydream, 19% fix hair, text, instant message, 14% comfort children, 8% put pets in lap.
 - Also drivers admit to switching seats with passengers, reading, writing, nursing, painting toenails, shaving, changing shoes

Which Distractions are Most Dangerous



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

Some Studies Indicate Phone Risky

- **University of Toronto - 1997 (*NEJM*)**
 - Phones user accident rates equivalent to drunk drivers
- **University of Utah - 2001, 2006, 2008**
 - Phone creates higher distraction levels
 - Phone ages drivers
 - Phones slow drivers
- **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**
- **IIHS study in Australia - 2005**
 - Phones quadruple chances of crash involvement

Some Studies Show Limited Risk

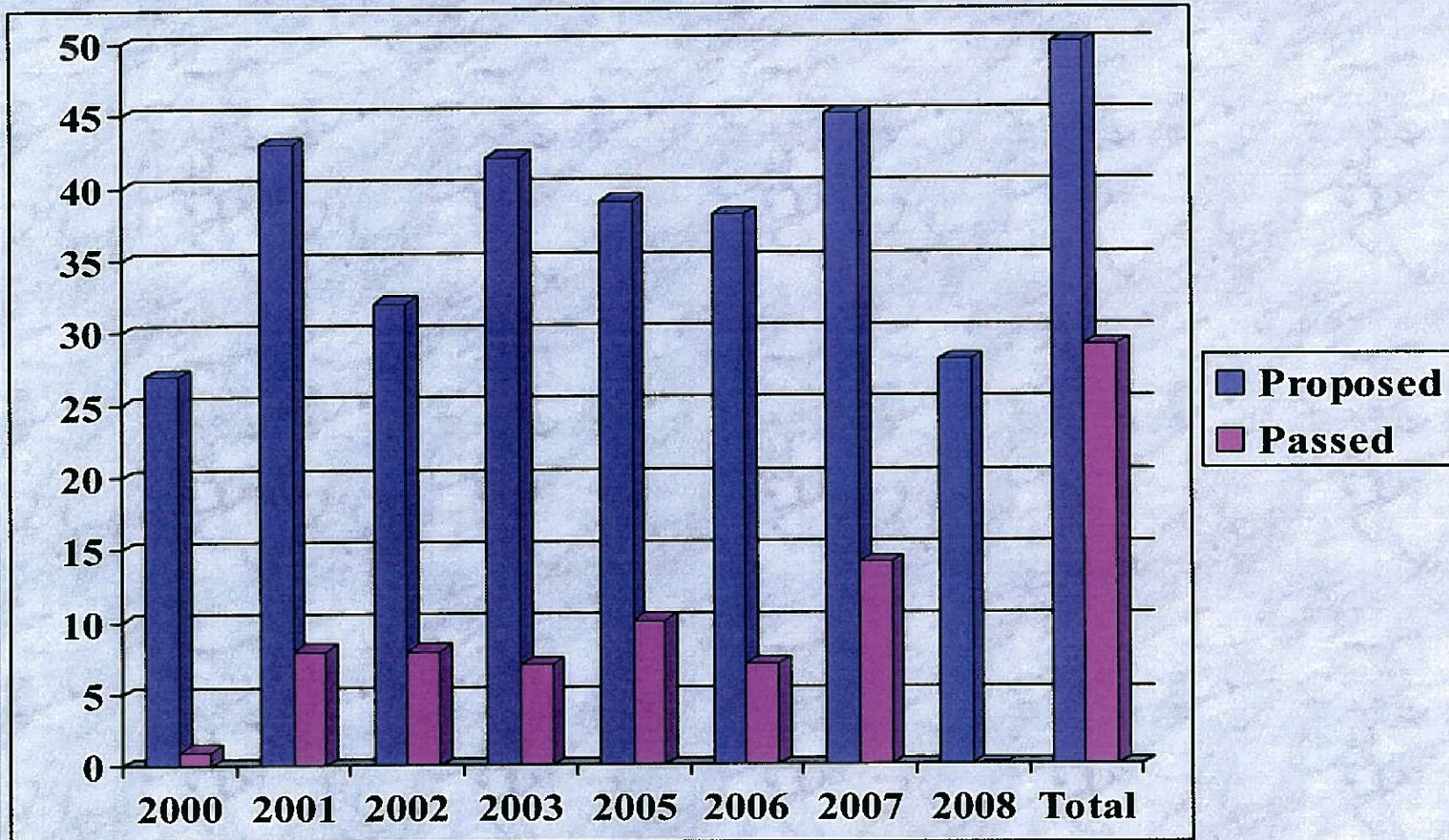
- **UNC Highway Safety Research Center -2001 and 2003**
 - Phones ranked 8th on a list of distractions
- **Harvard Center for Risk Analysis -2000**
 - Risks of cell phone small in comparison with other risks when driving

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

Source: Gallup Organization, March 2003

State Distracted Driving Legislation



Distracted Driving Laws and Issues

- 29 states and D.C. have passed laws
- No total prohibition laws
- Hand-held phones primary focus
- Young and novice drivers
- Texting while driving
- Other cell phone issues
- Other distractions

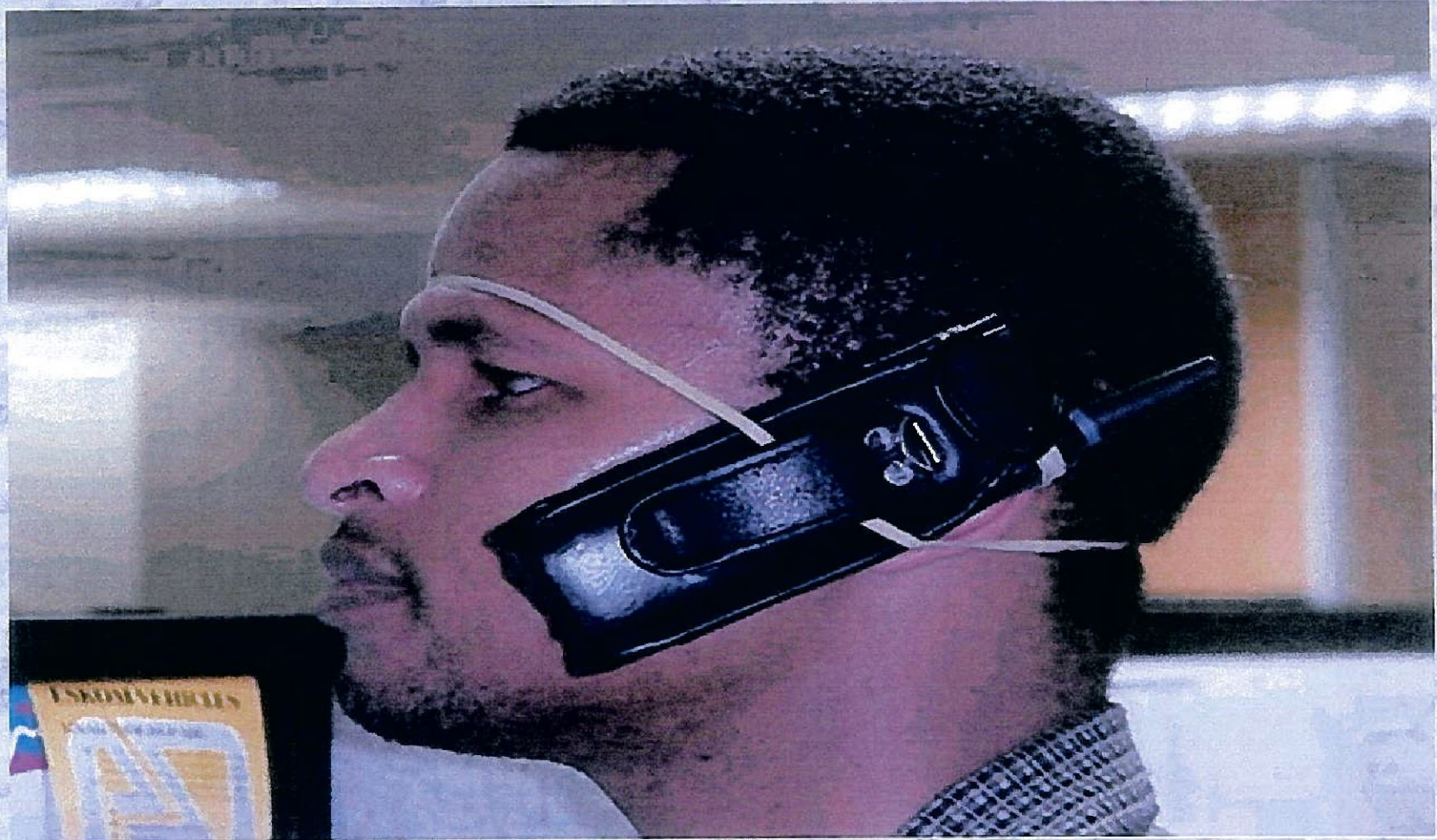
State Hand-Held Prohibitions

- 6 states prohibit the use of hand-held phones while driving
 - CA, CT, NY, NJ, UT, WA and D.C.
- 2007 Legislation
 - 24 states considered 45 bills (NJ, UT, WA)
- 2008 Legislation
 - 18 states, 30 bills

Local Hand-Held Prohibitions

- As many as 300 local governments have considered laws
- At least 26 have passed hand-held restrictions in FL, IL, MA, NJ, NM, NY, OH, PA, UT
 - Santa Fe, Chicago, Miami Dade
 - PA jurisdictions
 - Conshocken, West Conshocken, Hilltown Township, Lebanon, Lower Chichester, York
- Preemption by state law
- Pennsylvania court decision pre-empted a local law

Are Hands-Free Devices Effective?



Technological Solutions

- Many types of hands-free devices
- Intuitive benefits to hand-held phone restrictions
 - Control of the vehicle
 - Eliminates some physical distractions
- Hands-free more politically palatable than total prohibition
- Cognitive distraction key issue
 - Most studies find little distinction between hands-free and hand-held
- Potential for additional distraction from interacting with hands-free devices

Young Drivers on Phones

- Teens higher crash risk
 - Less experience
 - More distractions
 - Risk taking more likely
 - Motor vehicle crashes leading cause of death for teens
 - Teens 10% of the population but account for 12% of drivers involved in fatal crashes
- Teens use phones
 - Drivers age 16-24 twice as likely to use phone

Young or Novice Driver Cell Phone Restrictions

- Limited opposition
 - Agreement about teen risk
 - Teens don't lobby as much
- NTSB recommendation
- 17 states and D.C. restrict young driver cell phone use
 - CA, ME prohibit use of all phones by all teen drivers
 - CO, CT, DE, IL, MD, MN, NJ, NC, NE, OR, RI, TN, TX, VA, WV and D.C. attach restrictions to learner's permit or instructional license
- State Legislation
 - 23 states considered 35 bills in 2007
 - 16 states are considering 25 bills in 2008

Texting While Driving

- 158 billion text messages sent each year
- 20% of drivers send or receive text messages
- 66% of drivers age 18-24 text while driving
- State laws
 - NJ, WA specifically prohibit
 - 21 states considering texting bills in 2008

Other Cell Phone laws

- **School bus drivers**
 - 13 states and D.C. prohibit cell phone use
 - AZ, AR, CA, CT, DE, IL, MA, NJ, RI, TN, TX, VA, WV
- **Local pre-emption**
 - 10 states preempt local jurisdictions
 - FL, KY, LA, MS, NV, NJ, NY, OK, OR, UT
- **Other**
 - CA rental car notification requirement
 - FL, IL headset restrictions
 - MA requires one hand on the wheel at all times

Other Distractions

- Broad distraction laws
 - CT, UT, WA and D.C.
- Televisions, videos, DVDs and navigation systems
 - 37 states regulate TVs in vehicles
 - CA and LA passed DVD laws
 - TN restricts types of videos that can be played

State Data Collection Regarding Cell Phone Involvement

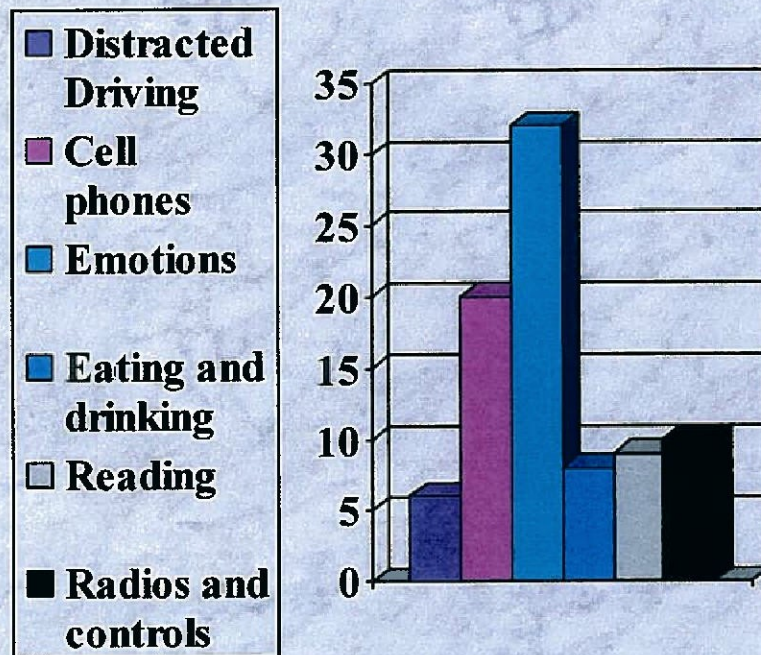
- Jurisdictions tracking crashes (29)
 - AK, CA, CO, CT, DE, FL, IL, IN, IA, MD, MA, ME, MI, MN, MT, NE, NV, NJ, NY, NC, OK, OR, PA, TN, TX, UT, VA, WA and D.C. and V.I.
 - Little published data
 - Some from pilot studies
 - Depends on self-reporting
- State studies (9)
 - Delaware, Illinois, Louisiana, Minnesota, New Jersey, New York, Pennsylvania, Virginia, Wisconsin
- Model Minimum Uniform Crash Criteria Revision (MMUCC)

Enforcement

- Citations not difficult
 - Many tickets issued.
 - NY issued approximately 1 million citations from 2001 - 2006.
- Behavior change difficult
 - NY and D.C. found 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
- Illinois passed driver education requirement in 2007

State Trends

- Cell phone legislation still leads
- Novice driver legislation
- Growing interest in other distractions
- Criminal cases, employer liability and insurance interest
- Greater emphasis on data collection
- Growing interest in increased negligence
- Texting

U.S. 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

International Activity

- At least 50 Countries with restrictions or prohibitions
- Examples include Germany, Japan, United Kingdom
- Most prohibit hand-held phones. Also insurance implications and increased negligence.

NCSL Resources

- *Cell Phones and Highway Safety: 2006 State Legislative Update*
- *Driving While Texting: States Address a New Trend*, NCSL Legisbrief (January 2008)
- *Along for the Ride: Reducing Driver Distractions (2002)*
- **Driver Focus and Technology Database**
<http://www.ncsl.org/programs/esnr/DRFOCUS.htm>

Contact Information

Matt Sundeen

National Conference of State Legislatures

Ph: (303) 856-1539

matt.sundeen@ncsl.org