

The Insurance Federation of Pennsylvania, Inc.

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April 2, 2018

To: The Honorable Members of the House Transportation Committee

From: Samuel R. Marshall

Re: Distracted driving legislation

This is the beginning of Distracted Driving Awareness Month, an appropriate time to emphasize what we hope you've been hearing year-round:

- Distracted driving, especially with brand-new drivers, is a real problem, and it is getting worse; our state's driving laws, and the enforcement and publication of them, need to become stronger.

As insurers, we embrace the technological revolution that is improving the safety in how cars operate and how we drive them. Someday, the fulfillment of that may be self-driving cars and no more human error – but as recent events have shown, that “someday” is further away than the hype suggests, and we all have a responsibility to do more to address the safety needs of today.

- Our concern is that federal and state policies and laws have become so enamored of promoting and attracting self-driving cars that government has overlooked the need to address the road safety concerns of today. We've seen that in Pennsylvania: Our files on self-driving legislation and task forces are much thicker than those on distracted driving.

So let's focus on the present and acknowledge a few basic truths:

- We're addicted to our phones, and that addiction extends to our driving. That cuts across every demographic – age, income, region, you name it. In study after study, people admit they use their phones while driving, whether for talking, texting, looking things up or taking pictures – largely out of habit, or for convenience or efficiency. And we do so in all conditions.

- Our phones make this easy. So do our cars. Yes, they have more safety features – but they also have more ability for the driver to be perpetually “plugged in.”
- That makes for an increase in distracted driving, and that makes for more accidents, injuries and deaths. All this technology has the promise of future safety - but also the reality of increased present danger.
- Yes, insurers have a financial stake in this: The safer our driving laws, the fewer accidents we have to pay. Saying insurers will see savings from a safety measure sometimes becomes an argument against the measure. We’ve never understood that. We think these types of savings show the virtue of the measure.

So today, we join with others to ask for stronger laws to penalize distracted driving. The studies are there. So are the bills – here, in the Senate and in other states, both for driving and for pedestrians. As to what measure to pass – the stronger the better. We offer a few recommendations:

- Make violations primary, not secondary. This isn’t like seat belts or motor cycle helmets, where the risk of unsafe behavior falls on the person in violation of the law. Here, the risk is as much or more on other motorists, passengers and pedestrians.
- Let these violations become part of a person’s driving record, and let them be considered by insurers. These aren’t “no harm, no foul” violations. They shouldn’t be treated as such.
- Let insurers use technology to determine whether an insured is using a phone while driving, and let us rate accordingly.
- Focus on phones, not other distractions. Our phones may be not be the only culprits, but they are the big one. Don’t dilute your efforts.
- Whatever you do, publicize it. Our surveys show that consumers aren’t clear about what is and isn’t allowed. They also show consumers’ habits are influenced by what they perceive their laws allow. We often say laws

are only as effective as they are enforced. That's true here, too – but these laws will also be only as effective as they are publicized and understood.

- Granted, the technology behind these phones makes a clear law – and a clearly understood law - hard: Is the problem texting, is it holding the phone, is it reading a text or email, is it dialing or actually talking – you know the variations. Having one clear law will help. Effectively communicating that law will help more.
- Publicize the penalty, not just the danger. Maybe someday we'll see public awareness of the danger lead to a cultural shift toward public rejection, as with smoking in public places. In the interim, let people know that using a phone while driving isn't just dumb and dangerous – it is illegal, and it will be costly.

We've participated in many hearings and press conferences to curb the use of phones while driving. Unfortunately, we haven't participated in many bill signings, or in events releasing studies showing real progress. We hope that changes, and we welcome the chance to work with you others on that.