

## Distracted Driving Laws A National Landscape

Distracted Driving: Law and Order  
Sunday March 27, 2011 2-3:30pm

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## Hand Held Cell Phone Bans As of March 2011

As of March 2011

Prohibits hand-held cell phone use for all drivers: 8 states + D.C. (secondary enforcement in Maryland)

No law prohibiting hand-held cell phone use for all drivers: 42 states

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## Hand Held Cell Phone Bans

	Effective Dates
New York	June 28, 2001
D.C.	January 28, 2004
New Jersey	January 20, 2004
Connecticut	July 1, 2005
Washington	May 11, 2007
California	September 13, 2007
Oregon	July 30, 2009
Maryland	May 20, 2010
Delaware	July 6, 2010

▶ AAFTS, 2010: Nearly 69% of Americans support having a law against using a hand-held cell phone while driving

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### Text Messaging Bans

- ▶ Cover not only texting on phones, but often many different devices and functions
- ▶ Rapid adoption:
  - First two state laws were adopted in 2007 (Washington and New Jersey)
  - Five more in 2008
  - Twelve in 2009
  - Eleven in 2010
  - Steeper climb in 2011?
- ▶ AAAFTS, 2010: Nearly 80% of Americans support having a law against reading, typing, or sending a text message or email while driving

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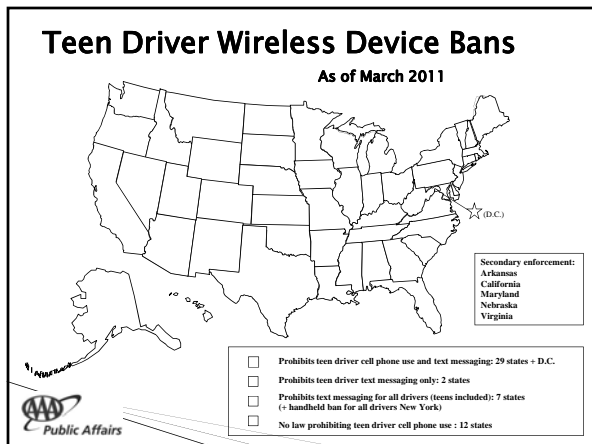
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### Teen Driver Wireless Device Bans

- ▶ Often adopted in context of state Graduated Driver's License (GDL) systems
- ▶ Public and legislative support
- ▶ Who the ban covers varies by age and licensing stage
- ▶ Some states do not have complete coverage

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### Complete Cell Phone Bans

- ▶ Banning both handheld and hands-free cell phone use
- ▶ No state has a complete cell phone ban
  - Only heard in committee last year
- ▶ AAAFTS, 2010: 46% of Americans support having a law banning all (handheld and hands-free) cell phone use while driving

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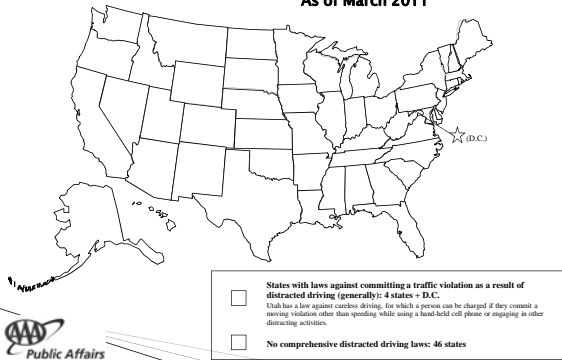
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### Comprehensive Distracted Driving Laws

As of March 2011




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### Comprehensive Distracted Driving Laws

- ▶ Creates an offense (typically called distracted, careless, or inattentive driving) that a driver can be charged with when the driver engages in any kind of distracting activity that interferes with the proper or safe operation of the vehicle and results in a traffic violation.
- ▶ Laws cannot enumerate all potential distractions.
- ▶ What about reckless driving laws?

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### Some Common Features In State Legislation

- ▶ Exemptions
  - Emergency situations
  - Emergency personnel
  - GPS, vehicle instruments, and other driving-related functions
- ▶ Applying to “Driving” vs. “Operating”
- ▶ Primary vs. Secondary Enforcement
- ▶ Penalties

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### Other Distracted Driving Laws

- ▶ School Bus Driver Bans
  - 18 states + D.C.
- ▶ Handheld bans in school and/or work zones
  - AR, IL, TX
- ▶ Local Laws (an incomplete list)
  - Handheld and Texting Ban: Phoenix, AZ; Evanston, IL; Honolulu and Kaua’i, HI; North Royalton and South Euclid, OH; El Paso, TX.
  - Texting Ban: Meridian and Twin Falls, ID; Missoula, MT; Bismarck and Grand Forks, ND; Akron, Bowling Green, Cincinnati, Cleveland, Columbus, Huron, Toledo and Zanesville, OH; Austin, Galveston, McAllen, Missouri City and Stephenville, TX.
  - Handheld Ban: Montgomery, AL; Hawaii County and O’ahu, HI; Chicago and Highland Park, IL; Dubuque, IA; Detroit and Troy, MI; Santa Fe and Las Cruces, NM; Allentown, Bensalem, Bethlehem, Conshohocken, Erie, Harrisburg, Lebanon, Philadelphia, West Conshohocken and Wilkes-Barre, PA; Brooklyn, North Olmstead and Walton Hills, OH., Marshfield, WI; and Cheyenne, WY.
- ▶ State Preemptions
  - 14 states

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### Distracted Driving Proposals in U.S. Congress

- ▶ Seven measures introduced in 111<sup>th</sup> Congress
- ▶ ALERT Drivers Act of 2009 (Sen. Schumer)
  - Requires states to adopt laws banning texting while driving or lose 25% of federal highway funding.
- ▶ Distracted Driving Prevention Act of 2009 (Sen. Rockefeller)
  - Incentive funds to states to adopt texting bans, handheld bans, and teen driver cell phone bans. Provides for additional federal funding for outreach, education, and research.
- ▶ Most likely to be considered in federal transportation reauthorization in 112<sup>th</sup> Congress

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### Administrative and Regulatory Initiatives

- ▶ NHTSA
  - Two National Distracted Driving Summits in 2009 and 2010
  - [www.Distracted.gov](http://www.Distracted.gov)
  - Long-term Distracted Driving Research Plan
  - Promulgated sample state texting while driving legislation (a model bill) in spring 2010; generated with input from safety and industry stakeholders
- ▶ FMCSA
  - Rule to ban text messaging by CMV operators issued in fall, 2010
  - NPRM to ban handheld cell phone use by CMV operators; comment deadline was Feb. 22, 2011



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### AAA's Role

- ▶ Has worked to educate the public on the risk of handheld cell phones since **1984**.
- ▶ The **AAA Foundation for Traffic Safety** has been researching the issue since 1991.
  
- ▶ AAA advocates for:
  - Texting Bans
    - 50-state texting ban campaign; launched in Sept. 2009
  - Teen Wireless Device Bans
  - Comprehensive Distracted Driving Laws

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### Do laws make a difference?

- ▶ Observational research conducted by the Auto Club of Southern California (ACSC) 2009 – present
  - Jan., 2009 – California’s texting ban implemented.
  - Sept., 2009 – texting dropped to 0.5% of all drivers, about 70%, in the first six months of California’s texting ban.
  - April, 2010 – texting increased to 1.1%, more than doubling, but still below the 1.4% usage rate observed prior to the law taking effect.
  - Sept., 2010 – texting rose to 2.7% in the 19 months since the state’s texting ban was implemented, about doubling.
  - Follow-up releases planned for later this year.

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### Do laws make a difference?

- ▶ California’s texting ban has:
  - Minimal penalties – a \$20 fine and no DMV points (national average ~ \$100)
  - Low volume of tickets (~200 tickets/month as of fall 2010)
- ▶ If motorists believe they are unlikely to be ticketed or that tickets have minimal consequences, they are less likely to obey the law.
- ▶ AAA is advocating for California’s existing texting ban to be strengthened.
- ▶ High visibility and targeted enforcement efforts can increase public perception of the risk of being ticketed. NHTSA’s ongoing high-visibility distracted driving enforcement pilot programs in Connecticut and New York aim to discover what approaches are the most effective.
- ▶ Passing a law alone will only go so far...

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### Laws are only one piece of the puzzle

- ▶ The five E’s of traffic safety
  - **Education:** improving traffic safety culture
  - **Enforcement:** effective, consistent, primary
  - **Engineering:** technology may play a role in the future
  - **Evaluation:** continued research on the phenomenon
  - **Encouragement:** you are part of the solution!

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Thank you,

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