

### Summary of NCSL Cell Phones and Highway Safety Update

The distinction between cell phone use (whether hands-free or hand-held), and other distractions in the automobile (such as eating) is the cognitive interaction between the user and the device. The exercise of cognitive functions can diminish the driver's ability to focus on driving. Consequently, many studies suggest that hands free cell phone use does not eliminate the problem of cognitive distractions. Other studies, however, have said that well designed hands free systems would help reduce driver distraction.

#### Studies

##### Virginia Tech Transportation Institute (VTI)

- Driver inattention was the primary contributing factor in most crashes and hand-held wireless devices were among the highest distraction-related factors in crashes and were the leading distraction related factor in near-crashes.

##### Harvard Center for Risk Analysis (HCRA)

- 2003 study estimated that cell phone use by drivers may cause approximately 2,600 deaths, 330,000 moderate to critical injuries, and 1.5 million instances of property damage in America per year. Report cautioned that because information on cell phone use was limited, the effects were difficult to gauge.

##### University of Utah

- Driving simulator found talking on cell phones reduced young drivers' response times to brake lights to that of 65 to 74-year-old drivers.

##### University of North Carolina Highway Safety Research Center (HSRC)

- First part of the study analyzed crash data and ranked cell phones eighth in a list of distractions that caused crashes. In the second part of the study researchers placed cameras in automobiles to record distractions. Researchers found it difficult to determine which driver distractions carried the greatest risk of crash involvement.

Problems with studies:

- Limited data and reliability issues,
- Making a connection between various distractions and the cause of an accident; difficulty in eliminating many variables, and
- Inconsistency in voluntary reporting.

State Action

12 states publish statistics regarding cell phone involvement in motor vehicle crashes:

- Statistics may not be reliable because mostly based on self-reporting and judgment of the officer; there is no evidence that can show cell phone use other than eye-witness testimony and self-reporting.

22 states and DC have laws 'concerning' wireless phone use in the car

- For example: laws vary from restricting all use, school bus driver use, novice use, requirements for instructions in rental cars equipped with hands free devices, etc.
- See Appendix A of NCSL Report for specific list of the states and their laws.

33 states considered driver distraction bills in general in 2004

- Of the 33, only CA, DE, NJ, and DC passed legislation involving driver distractions in 2004.

Four states prohibit all drivers from using hand-held phones:

- CT, NJ, NY, and DC
- All four jurisdictions allow hands-free use and emergency use.

Nine states prohibit novice drivers (learner's permit) from using any type of wireless device:

- ME, NJ, DC, CO, CY, DE, IL MD, TN

Other distractions: DC and CT have passed laws encompassing other distractions such as eating, personal grooming, etc.



### Local Action

Many localities (outside Virginia) have prohibited the use of cell phones while driving, but some states have passed laws preempting local jurisdictions from restricting cell phone use. In Virginia localities cannot pass ordinances restricting cell phone use in automobiles because Virginia operates under Dillon's Rule (rule of strict construction of the powers of local government).

### Enforcement Issues

Many localities with ordinances do not enforce the laws limiting cell phone use. Some states make cell phone use a primary offense, and others make it a secondary offense. Police officers can only stop vehicles for a primary offense.

### Other Issues

- Reporting: many states do not have a place on the police officer's report to indicate whether cell phone use was a contributing factor in an accident.
- Only twenty states formally warn drivers about cell phone use while driving and only 6 states include a section on distracted driving in their driver's license manuals.