DISTRACTED DRIVING: STATE LEGISLATIVE ACTION
ANNIE KITCH, POLICY ASSOCIATE
TRANSPORTATION PROGRAM

LOUISVILLE, KY
MARCH 31, 2019
WHAT IS NCSL?

- National Conference of State Legislatures

- Members = 50 state legislatures and territories
  - 7,383 legislators; 30,000 staff

NCSL...

- Provides bipartisan research and analysis
- Links legislators and staff with each other and experts
- Speaks on behalf of states in D.C.
NCSL’S TRANSPORTATION PROGRAM

- Issues covered include:
  - Traffic safety
    - Distracted driving; Impaired-driving; Senior and Teen driver issues; Seatbelts and child passenger protection; Pedestrian and bicycle safety; School bus safety; Motorcycle safety
  - Aviation + Unmanned aircraft systems
  - Autonomous and connected vehicles
  - Shared Mobility
  - Automated enforcement
  - Transportation Funding and Finance
  - Public private partnerships
  - Infrastructure
DANGERS OF DISTRACTED DRIVING

In 2017

3,116

people died in distracted-affected crashes or 8.5% of total fatalities in 2017.

Source: NHTSA
CURRENT CELL PHONE USE AND TEXTING WHILE DRIVING LAWS

16 states and D.C. ban hand-held phone use while driving

47 States, D.C., Puerto Rico, Guam and the U.S. Virgin Islands ban text messaging for all drivers

38 states ban all cell phone use by novice or teen drivers
Cell Phone Use and Texting While Driving Laws

- Primary enforcement of texting ban for all drivers
- Secondary enforcement for texting ban for all drivers
- Texting ban for novice/beginner drivers
- No texting ban in the state
- Hand-held phone use ban for all drivers

NATIONAL CONFERENCE OF STATE LEGISLATURES
STATE ACTIVITY IN 2019: LEGISLATIVE HIGHLIGHTS AS OF 3/15/19

- 164 bills considered in 41 states

- At least 22 states have introduced hands-free legislation

- Other 2019 legislative topics include:
  - Increasing penalties
  - Primary enforcement of texting or hand-held bans
  - Text message ban for teen and/or all drivers
  - In-vehicle technologies to reduce distraction
  - Phone use in a school or work zone
    - AR HB 1182 (enacted)—Makes use of a hand-held device in a school zone a primary offense
LEGISLATIVE TREND: MORE DESCRIPTIVE HAND-HELD BANS

NC HB 144, 2019 (pending): Wireless communication device. – Any of the following: a. A cell phone, personal digital assistant, electronic device with mobile data access, laptop computer, pager, smartwatch, broadband personal communication device, two-way messaging device, electronic game, and portable computing device.

Washington, RCW 46.61.672: (c) "Use" or "uses" means: (i) Holding a personal electronic device in either hand or both hands; (ii) Using your hand or finger to compose, send, read, view, access, browse, transmit, save, or retrieve email, text messages, instant messages, photographs, or other electronic data; however, this does not preclude the minimal use of a finger to activate, deactivate, or initiate a function of the device; (iii) Watching video on a personal electronic device.
LEGISLATIVE TREND: PENALTY INCREASES

Massachusetts, HD 215, 2019 (pending): Increases the fine for a first texting violation from $100 to $250 and $250 to $500 for a second offense. Fines for third and subsequent offenses are increased from $500 to $750.

Oregon, ORS 811.507 (eff. Oct 2017): First offense for violation of hand-held ban that doesn’t contribute to a crash is $1,000 (previously, $260); maximum of $2,000 for a second offense (previously $435); Maximum fine of $2,500, misdemeanor designation and up to six months in jail for a third offense (previously $2,000 and potential jail time).
CONTINUED STATE ACTION

- Increase our understanding of distracted driving behavior
- Develop approaches to collect/gather more data on citations and crashes
- Continue to enforce laws and raise awareness
Please evaluate this presentation using the Lifesavers Conference Mobile App.

1. Select Sessions Icon
2. Select Applicable Track
3. Select Applicable Workshop
4. Click Rate Session Button (or) Clipboard Icon