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CELL PHONES AND HIGHWAY SAFETY

2005 STATE LEGISLATIVE UPDATE

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by Matt Sundeen, *Program Principal*

As long as there have been cars, drivers have been distracted in cars. Driver awareness—or lack thereof—is a major safety concern. Each year, more than 42,000 people are killed and more than 3 million are injured in more than 6 million motor vehicle crashes on the nation's roads. The National Highway Traffic Safety Administration (NHTSA) estimates that driver distraction is a contributing cause of 20 percent to 30 percent of all motor vehicle crashes—or 1.2 million accidents. One researcher has estimated that driver inattention may cause as many as 10,000 deaths each year and approximately \$40 billion in damages.¹

Although driver inattention has always been a traffic safety concern, state lawmaker interest in distracted driving has increased dramatically in recent years. Since 1999, every state has considered legislation related to driver distraction. In 2004, legislatures in 33 states considered bills, and legislators in at least 39 states had proposed driver distraction legislation as of June 2005.

A virtually limitless number of events, activities and objects, both inside and outside the motor vehicle, have the potential to divert a driver from his or her main task—the safe operation of the vehicle. Distraction can come from kids and pets in the back seat, the radio, a billboard or a cup of coffee. It could come from a newspaper, a lawn decoration, a person walking along the road or from a driver's own abstract thoughts. Although opinions differ over which distractions cause the most crashes, most experts agree that, during the last decade, the rapid growth of new wireless technologies in the driving environment—most notably cell phones—is most responsible for the resurgence in driver distraction legislation. According to the Cellular Telecommunications and Internet Association (CTIA), from 1995 to 2005, the overall number of wireless phone subscribers in the United States increased by more than 600 percent. More than 190 million people now use wireless services, compared to less than 30 million 10 years ago.

The vast majority of wireless phone subscribers use hand-held phones that are highly portable and can be taken in and out of a vehicle. Such phones often are used for an extended duration and are easy to spot in the hands of other motorists. Anyone who has been in a car lately knows that it is common to see another driver maneuvering through traffic with one hand pressed against his or her ear. Other potential distractions—such as eating and drinking, personal grooming, or using a radio or CD player—often are not as easy to spot and can occur over a much shorter time period, making them less likely to draw the ire of other motorists, including state legislators and their constituents.

Advances in cell phone complexity also have made them a target for potential regulation. Phones are much more sophisticated than they were a decade ago. Modern mobile phones can take,

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send and receive pictures. They allow users to surf the Web, check stock quotes and sports scores, play video games and perform a variety of additional functions beyond conversation.

Although cell phones clearly are at the forefront of the driver distraction debate, they are not the only in-vehicle technology or potentially distracting activity that is attracting interest from legislators. Other wireless communications and entertainment devices in vehicles—such as navigation systems, televisions, DVD players and computers—are becoming more common. Such devices—often referred to as telematics—form part of a multi-billion dollar industry that has made it possible for drivers and passengers to do almost anything in their car that they can do in their home or office. In 2004 and 2005, state legislators proposed bills related to driver distraction that included measures to restrict the use and placement of televisions and DVD players in vehicles; prohibitions on personal grooming, reading and writing, restrictions on interaction with unsecured pets and cargo; and prohibitions on the types of videos that can be displayed in the car.

Growing congestion and longer commutes give many drivers greater incentive to use their phones and other wireless technologies to make the extra time spent in their cars more productive. According to the Texas Transportation Institute, drivers in the United States spend approximately 3.7 billion hours in traffic delays each year.² Although estimates of the percentage of wireless subscribers who use their phones while driving vary from 50 percent to as high as 70 percent, the number of drivers who use their cell phones appears to be growing. In 2005, NHTSA's National Center for Statistics and Analysis, which provides the only probability-based observed data on driver cell phone use in the United States, published the results of an annual study on observed driver cell phone use. The study found that, during a typical daylight moment in 2004, approximately 8 percent of drivers were using wireless phones in some manner, double the number estimated in 2000.³ The survey also found that cell phone use increased from 2000 to 2004 among most categories, including both male and female drivers, and among almost every age and racial group. It grew for drivers in all weather conditions, among drivers of all different categories of vehicles, and in three out of four geographic regions. Driver use of cell phones also increased from 2000 to 2004 in urban, suburban and rural areas, during weekday rush hours; and on weekends. No estimates were made regarding the number of drivers who use navigation systems, TVs and other telematic devices.

Although it is clear that both the use and complexity of technology in the car have increased, the effects of this technology are in dispute. There is little consensus about whether cell phones and other wireless devices that are available in motor vehicles pose a significant enough threat to public safety to justify legislative restrictions. Proponents of restrictions, such as the Partnership for Safe Driving, have argued that the unique distraction caused by the use of phones and other in-vehicle communication devices takes a driver's attention away from the road more dangerously than do other activities. Unlike CD players or activities such as eating or drinking, communications technologies require a driver to cognitively interact with the device, often for long periods of time. According to those who support restrictions, this use of cognitive functions can diminish the ability to focus on the task of driving.

Conversely, restriction opponents such as CTIA often cite the value of wireless phones and other devices as a reason against singling them out for regulation. Unlike other traffic safety issues such as drunk driving or seat belts, where few compelling reasons exist to allow a driver to

operate a vehicle drunk or without a seatbelt, there are reasons to allow phones in the car. Wireless phones can be valuable tools. Phones help drivers make time spent in the car more productive, allow a driver to stay in touch with family, or help change dinner plans. Phones also can be used to promote on-the-road safety programs such as the Amber Alert system or provide assistance in an emergency. According to CTIA, more than 200,000 emergency calls are placed on wireless phones every day.

Opponents also argue that there is little evidence that wireless phones are more distracting than other activities in the car. Any event, item or activity inside or outside a vehicle has the potential to distract a driver. One study ranked mobile phones as low as eighth among distractions that cause crashes.

State Crash Data

State crash statistics do not provide a widely accepted picture of which specific distractions cause motor vehicle crashes. Although law enforcement officers in 20 states and the District of Columbia currently collect information at crash scenes regarding the role of mobile phones and other distractions, in most states, such data collection started recently (see table 1). As of June 2005, only 12 states—California, Florida, Michigan, Minnesota, Montana, Nebraska, New York, Oklahoma, Pennsylvania, Tennessee, Texas and Wisconsin—had published data on the number of crashes that cited phones or CB radios as a causal factor (see table 2). Many states have published statistics only for a single year. In other states, data were collected as part of a pilot study or by a single law enforcement agency. In Tennessee, for example, until recently only the Tennessee Highway Patrol collected data regarding cell phone involvement in crashes as part of a pilot study. Pennsylvania published data in December 2001 as part of a study by the Joint State Government Commission of the Pennsylvania General Assembly.

**Table 1. Jurisdictions that Collect Data
Regarding Cell Phone Involvement in Motor Vehicle Crashes**

- | | | |
|-----------------|------------------|------------------------|
| • California | • Montana | • Oregon |
| • Florida | • Nebraska | • Pennsylvania |
| • Iowa | • Nevada | • Tennessee |
| • Maryland | • New Jersey | • Texas |
| • Massachusetts | • New York | • Utah |
| • Michigan | • North Carolina | • Washington |
| • Minnesota | • Oklahoma | • District of Columbia |

Sources: Governor's Highway Safety Association, National Conference of State Legislatures, 2005.

Even where states track cell phone involvement in motor vehicle crashes, the statistics are controversial. Although the existing state data seem to indicate that mobile phones are a factor in less than 1 percent of motor vehicle crashes, critics have argued that the published statistics are not truly indicative of the problem. Compared with other factors in motor vehicle crashes such as alcohol or seatbelts, wireless phone use is difficult to detect. Phones leave no physical indicators at the crash scene, and investigators often must rely on witnesses or self-reporting to determine whether a phone was in use at the time of the crash, thus jeopardizing the reliability of the data.

Table 2. Published State Statistics Regarding Cell Phone Involvement in Motor Vehicle Crashes

	Calif.(1)	Fla.(2)	Mich.(3)	Minn.(4)	Mt.(5)	Neb.(6)	N.Y.(7)	Okla.(8)	Pa.(9)	Tenn.(10)	Texas(11)	Wis.(12)
Total Crashes	491,083	243,294	576,951	94,969	21,778	75,436	175,218	73,926	147,253	30,933	366,665	2,691
Inattention Factor in Crashes	5,677	1,796	3,841	28,413	7,105	4,602	32,867	8,868	2,358	n/a	n/a	669
Cell Phone Factor in Crashes	611	366	879	223	77	115	216	348	139	7	1,032	24

Notes

1. California statistics were reported in *Driver Distractions and Inattention Data Summary*, California Highway Patrol, Report to the Governor and Legislature, November 2002 (5).
2. Florida distracted driving crash statistics come from 2003 crash data. The statistics were reported in a December 2004 report published by the Department of Highway Safety and Motor Vehicles.
3. Michigan statistics are from 2003 *Michigan Traffic Crash Facts* at page 165.
4. Minnesota statistics are for 2002. The numbers for inattention crashes and cell phone crashes are the number of times inattention, a cell phone or a CB radio were reported as a contributing factor in a crash. Minnesota law enforcement officers can report up to two contributing factors for each crash. Overall, in 2002, Minnesota law enforcement officers reported 78,011 contributing factors for the 121,018 vehicles involved in motor vehicle crashes. No clear contributing factors were available for 45,879 vehicles involved in crashes. Crash statistics for 2003 are available only for fatal crashes.
5. Montana statistics were published in the *Montana Highway Patrol 2004 Annual Report*, prepared by the Montana Highway Patrol in April 2005 at page 34. Montana's crash report form allows five contributing circumstances per driver or vehicle combination; however, the investigating officer may use all or none of them. The 2004 annual report cites 40,407 driver-related contributing circumstances in the 21,778 crashes reported in the state in 2004.
6. Nebraska statistics are for 2003. According to its *2003 Traffic Crash Facts*, in Nebraska, 46,602 reportable motor vehicle traffic crashes were reported in 2003 that involved 75,436 drivers. Nebraska's investigator report form collects data on all drivers involved in a crash, not just the driver at fault. The statistics in this table indicate the total number of drivers for each category, rather than the total number of crashes.
7. New York inattention-related crash statistics come from 2002 crash data and were reported in a February 2005 publication, *New York State Traffic Safety Data*, by the Institute for Traffic Safety Management and Research, Albany, N.Y.
8. Oklahoma statistics were reported in *2003 Oklahoma Crash Facts*, Oklahoma Highway Safety Office, Oklahoma City, Okla., May 2005.
9. Pennsylvania statistics come from a study of 2000 crash data by the Joint State Government Commission of the Pennsylvania General Assembly. The commission published its report in December 2001.
10. Tennessee statistics come from preliminary 2003 data for crashes investigated by the Tennessee Highway Patrol (THP). The source is Polaris Crash System and TennCARS, June 14, 2005. Preliminary data for 2002 crashes investigated by THP indicate 30,821 total crashes and 55 crashes involving the use of cell phones and two way radios.
11. Texas statistics are based on 2001 crash data. The statistics were published in *Motor Vehicle Traffic Accidents 2001*, Texas Department of Public Safety at page 32.
12. Wisconsin statistics come from a limited study conducted by the Wisconsin State Patrol from May 2002 to October 2002. The study collected information from 4 percent of the motor vehicle crashes reported in Wisconsin in 2002. Cell phones were cited as a primary cause of crash in 24 crashes and were determined to be in use in 49 crashes.

Source: NCSL, 2005.

Several states have explicitly acknowledged difficulties tracking cell phone involvement in motor vehicle crashes. Oklahoma, for example, recognized in its crash statistics for 2003 that "cell phone use may be under reported."⁴ Similarly, in the section related to cell phone involvement in motor vehicle crashes, Michigan's 2003 Traffic Crash Facts state that, "...these are driver conditions that, in the opinion of the investigating officer, were involved in the crash. While some conditions may be evident, others (such as distraction) will only be known if the driver admits the condition, thus leading to possible under-reporting."⁵ New York's statistics acknowledge that, because some law enforcement officers are using older versions of crash report forms, driver distraction crashes in the state are underreported.⁶ Statistics published by the Florida Department of Highway Safety and Motor Vehicles noted that, although the total number of cell phone related crashes was relatively low, distractions were "... identified by staff from law enforcement crash reports, which are dependent in part upon driver and witness accounts of the respective crash, as well as the investigating officer's interpretation and documentation of the crash."⁷

In 2002, the California Highway Patrol (CHP) withdrew an initial draft of a report to the Legislature after a closer look at crash data indicated that some law enforcement agencies may have underreported the number of traffic crashes in their jurisdictions that involved cell phone use. The original report found that, during the final nine months of 2001, investigating officers determined that 913 accidents were directly linked to the driver's use of a mobile phone. Of those, 423 crashes resulted in injuries, and three involved a fatality. Before the final report was released, however, a study of the same crash data by the *Los Angeles Times* found that, during the same period, driver use of a mobile phone was linked to nearly 4,700 crashes. A subsequent report by the CHP showed that, from January 1 through June 30, 2002, inattentive driving was cited as a factor in 5,677 of the 491,083 crashes reported throughout the state. Cell phones were cited as a factor in 11 percent of inattention-related crashes, more than any other single factor.

Academic Studies of Risks

Academic studies have provided mixed results when attempting to determine the risk posed by a driver using a cell phone. A study released by the Virginia Tech Transportation Institute (VTTI) in June 2005 found that hand-held wireless devices were a significant safety concern. The study reported findings from a project to collect pre-crash naturalistic driving data from about 100 volunteers over a 12-month to 13-month period. Under the project, drivers used their own vehicles, equipped with an unobtrusive data collection instrument, in their normal daily routines. Virginia Tech researchers collected data for approximately 2 million vehicle miles of driving and 42,000 hours of drive time from 241 primary and secondary drivers. The study found that nearly 80 percent of all crashes and 65 percent of all near-crashes involved driver inattention just prior to the onset of the event. In addition, the researchers found that total crash involvement may be more than five times higher than police-reported crashes. The study concluded that driver inattention was the primary contributing factor in most crashes, and that hand-held wireless devices were among the highest distraction-related factors in crashes and were the leading distraction-related factor in near-crashes.⁸

A study published in July 2005 in the *British Medical Journal* concluded that drivers who use mobile phones are four times more likely to be involved in a crash serious enough to require

hospital attendance.⁹ The study, which was conducted in Australia, found that gender, age and the availability of hands-free devices did not change the risk of crash.

A 2003 article published by the Harvard Center for Risk Analysis (HCRA) 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. The report cautioned, however, that because information on cell phone use by motorists is limited, the effects are difficult to gauge. HCRA concluded that fatalities could range from 800 to 8,000 per year, with injury estimates ranging from 100,000 to 1 million per year. In 2000, an HCRA analysis of the risks posed by the use of cell phones while driving concluded that the risks posed by cellular phone use while driving alone appeared small in comparison with other dangers on the road.

A driving simulator study at the University of Utah found that talking on a cellular phone reduced young drivers' response times so significantly that they reacted to brake lights in front of them as slowly as 65- to 74-year-old drivers. The study also found that all drivers who used cell phones, regardless of age, were 18 percent slower hitting their brakes, had a 12 percent greater following distance to compensate for paying less attention to road conditions, and took 17 percent longer to regain the speed they lost when they braked than drivers who did not use cell phones. In addition, the study concluded there was a twofold increase in the number of simulated rear-end collisions when drivers were conversing on their cell phones.¹⁰

Researchers from the University of North Carolina Highway Safety Research Center (HSRC) conducted a two-phase study of driver distractions. During the first phase, researchers analyzed North Carolina crash data and determined that cell phones ranked eighth in a list of distractions that caused crashes, below activities such as adjusting the radio or eating and drinking. During the second phase, researchers installed equipment in the vehicles of 70 volunteer subjects to record the occurrence of various driver distractions. HSRC reported that the data from both phases demonstrated that many distractions are neither new nor technological in nature. According to the study, however, researchers found it difficult to provide a definitive answer as to which driver distractions carry the greatest risk of crash involvement.¹¹

A 2004 report published by the AEI-Brookings Joint Center for Regulatory Studies predicted that the effects of bans on cell phone use while driving would be minimal.¹² The study found that individuals who use hand-held phones are more likely to already be more careful drivers. It also estimated that the reduction in accidents from a ban on cell phone use while driving would be lower and less certain than indicated in previous studies.

Public Opinion Polls

Although data and academic studies are inconclusive on risks, polls indicate that many drivers support laws to curb cell phone use in the car. A March 2003 survey by the Gallup Organization found that 48 percent of drivers perceive that making outgoing calls can make driving dangerous. Forty-four percent of drivers perceive that receiving calls can be dangerous. Twice as many people—88 percent of drivers surveyed—indicated they support increased public awareness of the risk of wireless phone use while driving. Seventy-one percent of drivers support prohibitions of the use of hand-held phones while driving, and 67 percent support insur-

ance penalties for being in a crash while using a cell phone, according to the Gallup poll. Sixty-one percent support double or triple fines for traffic violations involving cell phone use, and 57 percent support a ban on all wireless phone use while a car is moving, except in emergency situations.

A 2005 survey conducted by Farmers Insurance Group confirmed many of the 2003 Gallup poll results. The Farmers survey found that 87 percent of adults believe that using a cell phone impairs a person's ability to drive.¹³ More than 80 percent of drivers admitted their competence behind the wheel suffers when they are subjected to distractions, and 83 percent of respondents acknowledged their ability to concentrate on driving is compromised by such activities as eating or drinking, talking on their cell phones, and adjusting their radios or CD players. In addition, more than 70 percent of survey respondents said motorists who use hand-held cell phones, read newspapers or operate in-dashboard computers while driving should be subject to a penalty or fine. More than 68 percent of the respondents felt that hands-free cell phones are safer than hand-held phones, and 63 percent of those polled favored stricter driving rules for teens. Although only 2 percent of drivers said they had been in a crash where one or more drivers were using a cell phone, more than 40 percent reported that they had close calls or near misses with a driver who was using a cell phone.

State Action

During the last decade, states have taken an active role in addressing a broad range of driver distraction concerns. Since 2000, legislatures in every state have considered legislation related to wireless phones and driving or driver distraction. Twenty-two states and the District of Columbia have laws concerning wireless phone use in the car (see appendix A). Thirty-eight states prohibit or restrict placement of televisions in motor vehicles (see appendix B). A handful of other states restrict other devices or behaviors in the car.

In 2004 and 2005, state legislative interest in driver distraction remained high. Legislatures in 33 states considered driver distraction bills in 2004. Lawmakers in California, Delaware, New Jersey and the District of Columbia passed legislation. Legislators in at least 39 states proposed 129 bills related to driver distraction in 2005 (see appendix C). As of June, lawmakers in eight states—Colorado, Connecticut, Delaware, Illinois, Maryland, Tennessee, Virginia and Washington—passed legislation, with measures still pending in more than a dozen other jurisdictions.

State legislative efforts to address driver distraction frequently are mislabeled as proposals to ban cell phone use while driving. In fact, no jurisdiction completely bans the use of all cell phones while driving, and only five states were considering such proposals as of June 2005. The vast majority of driver distraction bills considered by state legislatures since 2000 would not prohibit all wireless technologies for all drivers. Instead, legislation has covered a range of issues, including prohibition of specific wireless technologies, restriction of use of wireless technology by specific types of drivers, and data collection.

The most common driver distraction measure considered by state legislatures has been to forbid driver use of hand-held phones. Connecticut, New Jersey, New York and the District of Columbia are the only state level jurisdictions that prohibit the use of hand-held phones while

driving.¹⁴ All four jurisdictions allow drivers to use hand-held phones in emergency situations and hands-free phones in all circumstances. However, New Jersey's law is enforceable only as a secondary offense, requiring law enforcement officers to stop motorists for other offenses before they can issue a ticket for improper use of a hand-held phone. Connecticut, New York and the District of Columbia allow enforcement for hand-held phone use as a primary offense. As of June 30, legislatures in 23 other states were considering or had already considered similar hand-held ban proposals in the 2005 legislative session.

Another common driver distraction proposal is to restrict novice driver cell phone use. Before 2005, Maine, New Jersey and the District of Columbia were the only jurisdictions that prohibited drivers with a learner's permit from using any type of wireless device while operating a motor vehicle. In 2005, 19 states considered restrictions on novice driver phone use. By July 15, 2005, lawmakers passed legislation in six states—Colorado, Connecticut, Delaware, Illinois, Maryland, and Tennessee.

All the current novice driver laws prohibit young drivers—those under age 18 or 21—who only hold a learner's or instructional driving permit from using any type of wireless device while operating a motor vehicle, except in emergency situations. Most of the novice driver bills considered in 2005 would create similar restrictions. However, several bills proposed in 2005 would prohibit all teen drivers, regardless of license status, from using wireless devices.

Ten states—Arizona, Arkansas, California, Connecticut, Delaware, Illinois, Massachusetts, New Jersey, Rhode Island and Tennessee—prohibit school bus drivers from using phones while operating a school bus. Legislators in five states proposed school bus driver phone restrictions in 2004. Legislatures in seven states considered such measures in 2005.

State legislatures also are taking an active role in improving the collection of data and information about the involvement of cell phones and other wireless devices in crashes. At least 20 states and the District of Columbia now require some or all law enforcement officers to collect information about cell phone involvement in crashes, up from just two states in 1998 (see table 1). In many states, such data collection is required by statute. In addition, legislatures or individual legislators in at least nine states—California, Delaware, Louisiana, Minnesota, New Jersey, New York, Pennsylvania, Virginia and Wisconsin—approved or asked for studies about the effects of wireless phones on traffic safety in their jurisdictions. The Pennsylvania General Assembly's Joint State Government Commission published a report on driver distraction and public safety in December 2001, and a special legislative task force in Delaware published a report on driver distractions in 2003. As of June 30, legislators in four states had proposed data collection legislation in the 2005 session. Washington passed a bill in 2005 that requires state police to track in accident report forms information about the involvement of wireless communication devices in motor vehicle crashes.¹⁵ The measure also requires the state police to include this information in its annual report of traffic safety statistics.

States also are moving to assert authority over the distracted driving issue. Legislatures in eight states have moved to restrict local cell phone laws. Florida, Kentucky, Louisiana, Mississippi, Nevada, New York, Oklahoma and Oregon preempt local jurisdictions from restricting cell phone use while driving. This move was significant in Florida, where several local communities, including Miami-Dade County, had prohibited the use of hand-held phones while driving.

Four other states have enacted measures related to cell phone use while driving. Massachusetts generally allows cell phone use, provided the driver keeps at least one hand on the steering wheel at all times. Florida and Illinois require that drivers who use headsets with their phones can use only a headset that blocks sound to one ear. California requires that rental cars with embedded cell phone equipment provide written instructions on the safe use of the cell phone. Other states have considered legislation to increase driver negligence for being involved in a crash while using a cell phone; however, no state has passed such a proposal.

An emerging trend in legislation is to address multiple behaviors—not only cell phone use—on the road. The ordinance passed by the District of Columbia in 2004 prohibits several potential distracting driver behaviors, including reading, writing, personal grooming, interacting with pets or unsecured cargo, using personal communications technologies, or engaging in other activities that cause distractions. Connecticut's cell phone bill, which passed in June 2005, includes a broad distraction provision that prohibits drivers from engaging in any activity not related to the actual operation of a motor vehicle in a manner that interferes with the safe operation of such vehicle on any highway.

Other state legislatures have examined driver use of televisions and DVD players (see appendix B). At least 38 states restrict or prohibit televisions in motor vehicles. California and Louisiana enacted laws in 2003 to restrict the placement of DVD players and similar entertainment devices to locations out of the vision of the driver. Tennessee and Virginia prohibit the display of pornographic videos in cars.

Federal Action

As of June 30, 2005, the federal government has not acted on the distracted driving issue. In 2003, New Jersey Senator Jon Corzine (D) proposed legislation to prohibit driver use of hand-held phones. The bill, SB 179, would have required states to enact hand-held phone laws or risk losing 5 percent of federal transportation funding in the first year of violation, and 10 percent of funding for subsequent years in violation. After its introduction in January 2003, the bill was sent to the Senate Committee on Environment and Public Works and did not move. Two similar measures proposed by Senator Corzine and New York Representative Gary Ackerman (D) in 2001 failed to make it out of committee.

Several federal agencies have studied the effects of wireless phones on traffic safety. In June 2003, the National Transportation Safety Board (NTSB) issued a report about a 2002 crash in Maryland that involved a young driver who was using a cell phone. According to the NTSB analysis, the crash involved multiple risk factors, and the NTSB could not determine the exact extent of the role of distraction due to wireless phone use. However, NTSB concluded that, "... current State laws are inadequate to protect young, novice drivers from distractions that can lead to accidents." The NTSB recommended that the states that do not have restrictions for young drivers enact legislation to prohibit holders of learner's permits and intermediate licenses from using interactive wireless communication devices while driving.¹⁶

In the same report, NTSB recommended improvements in driver education. The NTSB concluded that the public may not be aware of the risks associated with using the wireless phone while driving. NTSB urged that, "... all drivers should be educated about the risks of dis-

tracted driving, including the cognitive demands associated with use of interactive communication devices.”¹⁷ NTSB also urged states to improve data collection by including codes for interactive wireless communications devices on their traffic accident investigation forms.

NHTSA has long studied driver distraction and traffic safety but has not issued any regulations to address the topic. In 1997, NHTSA published a report—*An Investigation of the Safety Implications of Wireless Communications in Vehicles*—that summarized driver distraction research. In 2000, NHTSA conducted a driver distraction online forum and accepted public comments on driver distraction issues. NHTSA also has published several observational surveys in an attempt to document driver cell phone use.

The current NHTSA administrator, Dr. Jeffrey Runge, commented upon his appointment in August 2001 that it would be too soon to regulate the use of cell phones in cars. He added that NHTSA would not be able to formally regulate cell phone use because the phones are not part of the car and, therefore, do not fall under NHTSA jurisdiction. New technology, such as on-board navigation devices that are part of the car, does fall under NHTSA jurisdiction. Runge said more research needs to be conducted in this area before NHTSA issues any regulations.

A policy statement regarding cellular phone use while driving which was posted on NHTSA’s Web site in June 2005, warned drivers of potential cell phone risks. According to the statement, “... the primary responsibility of the driver is to operate a motor vehicle safely. The task of driving requires full attention and focus. Cell phone use can distract drivers from this task, risking harm to themselves and others. Therefore, the safest course of action is to refrain from using a cell phone while driving.”¹⁸

Several federal agencies, national organizations, and state and local government agencies also have worked to improve data collection. In June 2003, the national Governors’ Highway Safety Association released a revised edition of the Model Minimum Uniform Crash Criteria (MMUCC), which included changes intended to help gauge the effects of driver distractions. The criteria, which were developed in collaboration with NHTSA, the Federal Highway Administration, the Federal Motor Carrier Safety Administration, and numerous state and local agencies, describe what kinds of information states need to collect at crash scenes. The changes to the MMUCC are intended to help policymakers paint a more accurate picture of the role of cell phones and other distractions in motor vehicle crashes.

Local Action

Many counties, cities, towns and municipalities across the United States have considered restrictions on cell phone use while driving. The largest and most recent local jurisdiction to restrict cell phone use—Chicago, Illinois—prohibits motorists from using hand-held phones while driving. More than two dozen local communities—in Florida, Illinois, Massachusetts, New Jersey, New Mexico, New York, Ohio, Pennsylvania and Utah—have enacted similar restrictions. Local jurisdictions that have passed ordinances include:

- Miami-Dade County, Fla.
- Pembroke Pines, Fla.
- Westin, Fla.
- Chicago, Ill.
- Brookline, Mass.
- Santa Fe, N.M.
- Bloomfield, N.J.
- Carteret, N.J.
- Hazlet, N.J.
- Irvington, N.J.
- Marlboro, N.J.
- Nutley, N.J.
- Paramus, N.J.
- Nassau County, N.Y.
- Suffolk County, N.Y.
- Westchester County, N.Y.
- Brooklyn, Ohio
- North Olmstead, Ohio
- Walton Hills, Ohio
- Conshohocken, Pa.
- Hilltown Township, Pa.
- Lebanon, Pa.
- Lower Chichester, Pa.
- West Conshocken, Pa.
- York, Pa.
- Sandy, Utah

Although these communities passed cell phone restrictions, it is important to note that many currently are not enforcing the laws. A Pennsylvania appellate court struck down the ordinance in Hilltown Township, and the state attorney general issued an opinion against the provision in Brookline, Mass. New York's statewide law now supersedes the measures passed in three New York counties. The Florida Legislature preempted the local regulations in that state.

Local debate over the use of cell phones and other interactive communication devices while driving has significantly affected debate at both the state and national levels. In states where local communities have passed restrictions, the legislature may feel pressure to address the issue to avoid a piecemeal approach where the boundaries of the law may not always be clear to motorists. In New York, for example, the Legislature passed its statewide ban of hand-held phone use while driving after three large counties enacted similar prohibitions. In Florida, the Legislature preempted local laws after several communities, including Miami-Dade County, banned hand-held phones.

International Action

It has been reported that as many as 40 countries may restrict or prohibit the use of cellular phones while driving.¹⁹ Countries reported to have laws related to cell phone use include Australia, Austria, Belgium, Brazil, Botswana, Chile, the Czech Republic, Denmark, Egypt, Finland, France, Germany, Greece, Hungary, India, Ireland, Israel, Italy, Japan, Jordan, Kenya, Malaysia, the Netherlands, Norway, the Philippines, Poland, Portugal, Romania, Russia, Singapore, the Slovak Republic, Slovenia, South Africa, South Korea, Spain, Sweden, Switzerland, Taiwan, Turkey, Turkmenistan, the United Kingdom and Zimbabwe. Most countries prohibit the use of hand-held phones while driving. Drivers in the Czech Republic, France, the Netherlands and the United Kingdom may use cell phones but can be fined if they are involved in crashes while using the phone. Drivers in the Germany and the United Kingdom also can lose insurance coverage if they are involved in a crash while talking on the phone.

Enforcement and Effectiveness

Opinions differ about the effectiveness of technological solutions to driver distraction problems. Only a few states prohibit the use of hand-held phones while driving, and there are few

crash statistics to indicate whether hand-held phone bans in those jurisdictions have improved safety. Since New York's law went into effect in December 2001, New York law enforcement officers have issued more than 360,000 tickets to drivers for using hand-held phones, and the annual total has increased every year.²⁰ Washington, D.C. police have issued an estimated 600 tickets and 250 warnings per month since their ordinance went into effect.

A study in New York found that, after an initial surge in compliance, New York drivers have returned to using their hand-held phones. A March 2003 report by the Insurance Institute for Highway Safety showed that 2.1 percent of the 12,000 New York drivers observed were using hand-held phones. In comparison, a similar study found that 2.3 percent of drivers used handsets prior to the ban, and only 1.1 percent of drivers used hand-held phones immediately following enactment. Researchers suggested that, as the initial publicity generated by the new law waned, compliance also fell.²¹

Many academic studies—including one published in the *New England Journal of Medicine* in 1997 and another published in Sweden in 2003—suggest that the cognitive distraction caused by cell phone use is a problem that cannot be eliminated by hands-free requirements. Most have concluded that there is no distinction in accident rates between drivers who use hands-free and hand-held devices.

According to some researchers, other in-vehicle devices—such as head-up displays and speech recognition technology—are intuitively appealing approaches that are designed for safety but that do not necessarily eliminate driver distraction.²² Head-up displays on the windshield of a vehicle can disrupt visual attention. Speech-based interfaces for an in-vehicle computer can be cognitively demanding because a person must perform a precise task, use complex menus, and interpret a synthetic voice that is more difficult to interpret than a human voice.

Some lawmakers and manufacturers, however, see headsets and other technological innovations as a potential safety benefit. For example, a hands-free device can eliminate the search for a ringing phone or allow a driver to voice dial a number instead of fumbling with a hand-set. Voice-mail and caller ID allow drivers to screen calls and respond when appropriate. Navigation systems can reduce the need for paper maps.

A researcher at Virginia Polytechnic Institute and State University, Dr. Thomas Dingus, has argued that a well-designed, hands-free interface is superior to a hand-held interface for complex manual tasks.²³ According to Dr. Dingus, a Japanese study of crashes related to cell phone use found that 43 percent occurred while the driver was finding or reaching for a ringing phone. Another 23 percent occurred while the driver was dialing. According to Dr. Dingus, a law that bans the use of hand-held devices would likely convince 60 percent to 75 percent of drivers to stop using such devices. Nationwide, according to Dr. Dingus, this high compliance rate could translate into more than 10,000 lives saved by 2010.

Although there is little consensus regarding the effectiveness of hand-held phone prohibitions in the car, there may be some agreement about the ability of younger drivers to handle potential cell phone distractions. Although the exact number of teenage drivers who use cell phones is unknown, an NHTSA observational survey found that the number of young drivers using cell phones at any given moment appeared to be more than all other age groups combined.²⁴

The survey also found that the number of drivers who appeared to be ages 16 to 24 and were observed holding cell phones more than doubled the findings made in a similar NHTSA survey conducted in 2000.

Although no studies indicate that novice driver cell phone prohibitions reduce crashes, a wide and accepted body of evidence suggests that immaturity and lack of driving experience make younger drivers less capable of handling additional distractions. Motor vehicle crashes are a leading cause of death among teenagers, killing more young people than the next three leading causes of death combined. According to NHTSA, in 2003, 7,884 people age 15 to 20 died in motor vehicle crashes. Cell phones in the car give novice drivers one more distraction that they may not be able to manage as easily as more experienced drivers. Lack of experience makes younger drivers less able to recognize and respond to hazards, so they can get in trouble trying to handle unusual circumstances or even small emergencies. Teenage drivers also are more likely to participate in risky behaviors, such as speeding and tailgating, allowing them a smaller margin for error.

Driver Education

Driver education often is touted as a potential solution to driver distraction concerns. A 1997 report from the California Highway Patrol noted that, "... education should be a key component to any effort to reduce the risk of traffic collisions resulting from cellular telephone use and could prove more effective than sanctions."²⁵ A July 2000 report by the Harvard Center for Risk Analysis concluded, "NHTSA and industry, with support from the U.S. Congress and state legislatures, should develop a comprehensive educational effort aimed at drivers to promote the responsible use of cellular telephones while driving."²⁶

Several wireless service providers and automobile manufacturers have launched campaigns to improve awareness of the risks of driver inattention. CTIA recently released, in conjunction with the National Safety Council, a public service announcement reminding drivers that using a phone in an automobile is always secondary to operating that vehicle safely. CTIA also has developed brochures and promoted safety through radio ads and other media.

Some researchers have expressed skepticism about the effectiveness of driver education efforts. Dr. Dingus, for example, has estimated that education alone will likely induce only 20 percent to 25 percent of drivers to stop using electronic devices.

A recent survey by the American Automobile Association found that many state driver education manuals do not address driver distraction concerns. According to the study, driver's license manuals in only six states include a section on distracted driving. Twenty states warn drivers about cell phone use while driving. Thirty-two states urge drivers to be cautious with emotions and concentration. Eight states warn drivers about risks with eating or drinking, while nine include information on reading, and 10 warn about radios and vehicle controls.

Legal Liability

As legislatures have debated the merits of restrictions on cell phone use while driving, a second battleground over driver cell phone use has emerged in the courts. With increasing frequency,

legal cases are testing whether drivers—or, in some instances, the driver's employer—should be held civilly or criminally responsible for crashes caused by the driver's use of a cell phone.

Under the legal doctrine of *respondent superior*, an employer may be held vicariously liable for acts of their employees that are committed during the course of employment. Several cases have tested this doctrine as it applies to cell phone use by employees who use their phones in the course of employment while driving their vehicles. In 2004, a Virginia jury found that a former attorney, who was accused of talking on her cell phone when she struck and killed a teenager was liable in the teen's death and should pay the victim's family \$2 million in damages. The attorney's employer at the time of the crash, Cooley Godward LLP, was named as a defendant in the lawsuit, but settled with the plaintiff prior to the final verdict.

In 1999, the investment firm Smith Barney paid a \$500,000 settlement to the family of a motorcyclist killed in Pennsylvania by one of its brokers. The employee had been making a sales call at the time of the crash. Although Smith Barney had not provided the cell phone, the plaintiffs argued that the company encouraged its brokers to make calls outside normal business hours to reach potential customers.

The state of Hawaii paid \$1.5 million to a New Jersey man in 2001 for injuries he suffered after being struck in 1996 by a Hawaii Department of Education special education teacher. The teacher had just finished using her cell phone on the way to work when she hit the man as he walked across the street. The court ordered the state to pay 20 percent of the \$7.5 million in damages, and the state agreed to pay \$1.5 million on appeal.

An Arkansas lumber company, Dykes Industries, lost a \$21 million lawsuit after a 78-year-old woman was struck and disabled by a Dykes salesman who was using his phone for a sales call at the exact time of the accident. The case was later settled for \$16.2 million.

The alleged involvement of cell phones and other wireless devices in motor vehicle crashes also has been the subject of several criminal cases. In 2000, a 19-year-old Maryland man was found innocent of vehicular manslaughter charges after he struck and killed two people who were stopped along the side of the road. The driver admitted that, at the time of the crash in 1999, he had been speaking on his phone. He was cleared of the vehicular manslaughter charges and, instead, was found guilty of negligent driving, which carries a \$500 fine.

In 2004, Alaska prosecutors charged a driver with second-degree murder for an accident they say was caused by a DVD player. Prosecutors accused the driver of watching a movie while operating his truck, causing him to swerve across the road and kill two occupants of another vehicle. The driver's truck had been wired with a DVD player, speakers and a Sony PlayStation 2, and prosecutors issued murder charges under the theory that the driver knew his conduct was substantially certain to cause death or that he knowingly engaged in conduct that showed extreme indifference to human life. The driver, who claimed he had been merely adjusting his CD player at the time of the crash, was acquitted at trial.

Conclusion

State legislatures continue to take the lead in response to driver distraction concerns. Although many things and activities can divert a driver's attention away from the road, the high visibility of cell phones, public opinion, local ordinances and judicial activity have made the cell phone the focus of much state legislative activity. As cell phones and other wireless devices in motor vehicles continue to increase in popularity, state legislatures will be increasingly challenged to examine and react to concerns about the relationship between phones and traffic safety. Driver distraction legislation, however, has expanded well beyond proposals to prohibit all cell phones in cars. More frequently, legislatures are considering proposals that target specific drivers or cover a wider range of potentially distracting activities. It is a trend that is likely to continue as state legislatures start their 2006 session.

Appendix A. Existing State Laws Regarding Mobile Phone Use while Driving

State/Jurisdiction	Provision	Statute or Rule	Penalties
Arizona	Administrative Code provision prohibits school bus drivers from using a mobile phone while operating the school bus.	A.A.C. Title 17 Chapter 9, Art. 1 R17-9-104	No penalty specified.
Arkansas	Prohibits the use of a cellular telephone while operating a school bus.	Ark. Stat. Ann. §6-19-120 (2004)	Unclassified misdemeanor; fine of \$100-\$250.
California	Requires that rental cars with embedded cell phone equipment contain written instructions on the safe use of the phone while driving. Prohibits any person from driving a motor vehicle if a video monitor, or a video screen or any other similar device that displays a video signal is operating and is located forward of the driver's seat or is visible to the driver. Provides exceptions for emergency equipment.	California Vehicle Code §2890 (West 2004) 2003 Cal. Stats., Chap. 303	\$100 maximum for first violation; \$200 maximum for second violation; \$250 for third and subsequent violations committed within one year. No penalty specified.
Colorado	Makes driving a motor vehicle by a person holding a temporary instruction permit or a minor's instruction permit while using a cellular telephone or other mobile communication device a secondary traffic offense.	Colo. Rev. Stat. §42- 4-239 (2005)	\$15 fine plus a \$2.60 surcharge.
Connecticut	Prohibits the use of hand-held phones while driving. Provides exceptions for emergency situations. Prohibits the use of cell phones while operating a school bus. Prohibits drivers with only a learner's permit from using a cell phone while driving. Prohibits drivers from engaging in activities unrelated to the operation of a motor vehicle.	2005 Conn. Acts, P.A. 159 (Reg. Sess.)	\$100 fine unless proof that hands-free accessory purchased prior to imposition of fine. Not more than \$100. Not more than \$100. Not more than \$100 plus fine for moving violation.
Delaware	Establishes a task force to study and make findings and recommendations regarding driver distractions, including mobile telephone use. Prohibits school bus drivers from using a cell phone while operating a school bus. Provides exceptions for emergency situations.	2002 HCR 30 Del. Code Ann. tit. 21, §4176B (2005)	Not applicable. For a first offense, fines range from \$50 to \$100. For subsequent offenses, fines range from \$100 to \$200 and loss of school bus endorse- ment from license.

Appendix A. Existing State Laws Regarding Mobile Phone Use while Driving (continued)			
State/Jurisdiction	Provision	Statute or Rule	Penalties
Delaware (continued)	Prohibits any minor with a level 1 learner's permit or a driver's education learner's permit from using a cell phone or similar device while operating a motor vehicle. Provides exceptions during emergency situations or where the permit holder has stopped the vehicle at a location off the lanes of travel.	Del. Code. Ann. tit. 21, §2710 (2005)	Young drivers are subject to the same penalties they would face if they were found to be a reckless or negligent driver of a motor vehicle or to have committed a serious moving traffic violation.
Florida	Requires that drivers who use a head-set with a mobile phone while driving must use a head-set that provides sound through one ear and allows surrounding sound to be heard with the other ear.	Fla. Stat. §316.304 (2005)	\$30 for each violation; non-moving violation.
	Requires distracted driver annual accident reports. Preempts local jurisdictions from enacting restrictive ordinances.	Fla. Stat. §316.0075 (2005)	Not applicable.
Illinois	Single-sided headset or earpiece is permitted with a mobile phone while driving.	2001 Ill. Laws, P.A. 92-0152, 2002	No penalty specified.
	School bus drivers prohibited from using a mobile phone while driving except in emergency situations.	Ill. Laws, P.A. 92-730.	Petty offense punishable by \$100 to \$250 fine.
Kentucky	Prohibits local governments from restricting driver mobile telephone use.	Ky. Rev. Stat. §65.873 (2005)	Not applicable.
Louisiana	Prohibits local jurisdictions from regulating cell phone use while driving.	La. Rev. Stat. Ann. §33:31 (West 2004)	Not applicable.
	Prohibits driving a motor vehicle with a television capable of receiving any prerecorded visual presentation unless the TV is behind the driver's seat or not visible to the driver while he or she is operating the vehicle.	La. Rev. Stat. Ann. §32:365 (West 2004)	No penalty specified.
	Creates a task force to study technological and non-technological driver distractions. The task force is to submit recommendations to the Legislature.	2003 SCR 63	Not applicable.
Maine	Requires those under age 21 to obtain an instruction permit and complete training prior to obtaining a driver's license. Prohibits a person with an instruction permit from using a mobile phone while driving.	Me. Rev. Stat. Ann. tit. 29-A, §1304(I)	No penalty specified.
Maryland	Prohibits holder of a learner's permit or provisional driver's license who is under age 18 from using a wireless communications device while operating a motor vehicle. Enforceable as a secondary offense.	Md. Transportation Code Ann. §21-1123 (2005)	May suspend a violator's license up to 90 days and issue a restricted license.

Appendix A. Existing State Laws Regarding Mobile Phone Use while Driving (continued)

State/Jurisdiction	Provision	Statute or Rule	Penalties
Massachusetts	Cellular phone use is permitted as long as it does not interfere with the driver's operation of the vehicle and the driver keeps one hand on the steering wheel at all times.	Mass. Gen. Laws Ann. ch. 90, §13 (West 2004) Mass.	\$35 maximum fine for first violation; \$35 to \$75 for second violation; \$75 to \$150 for third and subsequent violations committed within one year.
	No person shall operate a moving school bus while using a mobile telephone.	Gen. Laws Ann. ch. 90, §7B	No penalty specified.
Mississippi	Prohibits local jurisdictions from restricting driver mobile phone use.	2002 Miss. Laws, Chap. 491	Not applicable.
Nevada	Prohibits local jurisdictions from regulating driver mobile phone use.	2003 Nev. Stats., Chap. 237	Not applicable.
New York	Drivers prohibited from talking on hand-held mobile telephone while operating a motor vehicle.	N.Y. Veh. and Traffic Code §1225 (McKinney 2004)	Not more than \$100.
New Jersey	Prohibits drivers younger than age 21 who have only a learner's permit from using a mobile phone while driving.	N.J. Rev. Stat. §39:3-13 (2005)	\$100 fine or 90-day permit suspension.
	Prohibits the use of a cell phone while driving a school bus.	2002 N.J. Laws, Chap.1202001	\$100 to \$150 fine.
	Establishes the Driver Distraction and Highway Safety Task Force to study driver distractions and make recommendations.	N.J. JR-9	Not applicable.
	Prohibits use of hand-held phones while driving. Enforceable as a secondary offense.	N.J. Rev. Stat. §39:4-97.3 (2005)	\$100 to \$250 fine.
Oklahoma	Prohibits local jurisdictions from restricting driver use of cell phone while operating a motor vehicle.	2001 HB 1081	Not applicable.
Oregon	Prohibits local jurisdictions from restricting driver use of cell phone while operating a motor vehicle.	2001 HB 2987	Not applicable.
Rhode Island	Prohibits use of cell phones by school bus drivers while driving except in the case of emergency.	R.I. Gen. Laws §31-22-11.8 (2005)	No penalty specified.
Tennessee	Prohibits driver use of a cell phone while operating a school bus.	Tenn. Code Ann. §58-8-192 (2004)	Class C misdemeanor, \$50 fine.

Appendix A. Existing State Laws Regarding Mobile Phone Use while Driving (continued)			
State/Jurisdiction	Provision	Statute or Rule	Penalties
Washington	Requires state police to track information about the involvement of wireless communication devices in motor vehicle crashes in accident report forms. Requires the state police to include this information in its annual report of traffic safety statistics.	2005 Wash. Laws, Chap. 171	n/a
District of Columbia	Prohibits distracted driving, which is defined as inattention resulting in unsafe operation of a vehicle caused by activities unrelated to the operation of the vehicle, including reading, writing, personal grooming, interacting with pets or unsecured cargo, using personal communications technologies or engaging in any other activity that causes distraction. Prohibits driver use of a hand-held phone while driving. Prohibits school bus drivers or drivers with a learner's permit from using a cell phone while driving.	2004 D.C. Stat., Chap. A15-0311	\$100

Source: NCSL, 2005.

Appendix B. State Laws Regarding Televisions and Video Monitors*

State/Jurisdiction	Restriction
Alabama	No television can be visible to the driver.
Alaska	No television can be visible to the driver. Navigation equipment is allowed.
Arizona	No television screen or any other means of receiving a television broadcast can be forward of the driver's seat or visible to the driver.
Arkansas	None.
California	No television receiver, video monitor or a television video screen, or any other similar means of usually displaying a television broadcast can be located in the vehicle at any point forward of the back of the driver's seat.
Colorado	None.
Connecticut	No television screen or other device of a similar nature, except a video display unit used for instrumentation purposes, can be visible to driver or interfere with the safe operation of the vehicle.
Delaware	None.
Florida	No television-type receiving equipment can be visible to the driver.
Georgia	None.
Hawaii	None.
Idaho	None.
Illinois	Prohibits visual media technology other than navigational systems from being located at any point in a motor vehicle visible to the driver. No television broadcast receiver can be visible to driver.
Indiana	A person may not operate a motor vehicle that has a television set installed in a manner that allows the driver to see the television set while operating the vehicle.
Iowa	None.
Kansas	No television-type receiving equipment screen can be visible to the driver. Navigation systems are allowed.
Kentucky	None.
Louisiana	Drivers cannot operate a motor vehicle with a television capable of receiving any prerecorded visual presentation unless the TV is behind the driver's seat or not visible to the driver while he or she is operating the vehicle. Retailers may not install a television set at any point forward of the back of the driver's seat.
Maine	No television viewer or screen can be visible to the driver.
Maryland	No television-type receiving equipment can be installed in front of the back of the driver's seat and cannot otherwise be visible to driver. Navigation systems are allowed.
Massachusetts	No television viewer, screen or other means of visually receiving a television broadcast can be installed forward of the back of the driver's seat or otherwise visible to the driver.
Michigan	Televisions visible to drivers are prohibited in motor vehicles.

Appendix B. State Laws Regarding Televisions and Video Monitors (continued)*

State/Jurisdiction	Restriction
Minnesota	No television or television-type equipment can be visible to the driver. Navigation systems are allowed. Closed circuit video systems that help a driver's rear or side visibility are allowed.
Mississippi	None.
Missouri	None.
Montana	None.
Nebraska	No television can be visible to the driver.
Nevada	No television-type receiving equipment can be visible to the driver. Television-type receiving equipment can be visible to the driver if used for safety, law enforcement or navigation.
New Hampshire	No television viewer, screen, or other means of visually receiving a television broadcast can be located at any point forward of the back of the driver's seat or otherwise visible to the driver.
New Jersey	No television set can be visible to the driver.
New Mexico	No television screen can be visible to the driver unless used as an aid to the driver in operating the vehicle.
New York	No television receiving set visible to driver unless closed-circuit television receiving equipment used for safety and navigation purposes.
North Carolina	No television screen or other means of visually receiving a television broadcast can be located at any point forward of the driver's seat or otherwise visible to the driver.
North Dakota	None.
Ohio	None.
Oklahoma	It is unlawful to install a television set in any location where it is visible to the driver.
Oregon	No television viewer, screen or other means of visually receiving a television broadcast can be located at any point forward of the back of the driver's seat or otherwise visible to the driver.
Pennsylvania	No television or television-type equipment can be visible to the driver. Navigation systems are allowed.
Rhode Island	No television viewer, screen, or other means of visually receiving a television broadcast can be visible to the driver.
South Carolina	No television screen can be visible to the driver.
South Dakota	No television screen can be visible to the driver.
Tennessee	No television screen or device of a similar nature can be visible to the driver. Display of obscene videos is prohibited.
Texas	No video-receiving equipment, including a television or similar equipment, can be visible to the driver. Navigation systems are allowed. Digital systems used for commercial purposes are allowed.
Utah	No television-type receiving equipment can be visible to the driver. Does not apply to law enforcement or safety use as approved by the DMV. Navigation systems are allowed.
Vermont	No television receiver, screen, or other means of visually receiving a television broadcast can be visible to the driver.

Appendix B. State Laws Regarding Televisions and Video Monitors (continued)*	
State/Jurisdiction	Restriction
Virginia	No television receiver can be visible to driver. Video or motion pictures cannot be displayed in front of the driver's seat or within view of the driver. Display of obscene videos is prohibited.
Washington	No television viewer, screen, or other means of visually receiving a television broadcast can be forward of the back of the driver's seat or otherwise visible to the driver.
West Virginia	No television receiver can be visible to the driver.
Wisconsin	No device for visually receiving a television broadcast can be forward of the back of the driver's seat or visible to the driver.
Wyoming	No television-type receiving equipment can be visible to the driver unless used for safety, law enforcement or navigation.
American Samoa	None.
District of Columbia	No television equipment can be visible to the driver.
Guam	None.
Puerto Rico	No television may be located in a vehicle so that it is visible to the driver.
Virgin Islands	None.

* Laws as of July 2005.

Sources: AAA Digest of Motor Laws, 2005. NCSL, 2005.

Appendix C. 2005 Distracted Driving Legislation			
State/Jurisdiction	Bill Number	Bill Summary	Status as of July 2005
Alaska	HB 12	Prohibits the operation of a motor vehicle while watching a television receiver, a video monitor, a television or video screen, or other devices that produce entertainment or business applications. Prohibits the installation of such devices where it can be viewed by the driver while the vehicle is in motion. Provides exceptions for vehicle information displays, GPS displays, mapping displays, visual displays that enhance the driver's view, and interlock devices.	Active
Alabama	HB 620	Specifies that the existing prohibition of televisions forward of the drivers seat includes satellite video entertainment broadcasts, VCR or DVD transmissions or replays, or any other similar video entertainment presentations.	Active
	HB 574	Prohibits any person age 17 or younger from talking on a wireless phone while operating a motor vehicle.	Active
Arizona	SB 45	Prohibits the use of hand-held phones while driving. Provides exceptions if the motor vehicle is parked, the person is contacting law enforcement or emergency personnel, or the driver is performing official duties as a law enforcement officer, firefighter, ambulance driver or emergency medical technician.	Inactive
	HB 2159	Prohibits the use of hand-held phone while driving. Provides exceptions for emergency personnel, CDL holders operating commercial vehicles, public transit personnel, emergency situations, people reporting reckless or negligent behavior, and certain other people. Enforced as a secondary offense.	Active
California	AB 963	Prohibits drivers with provisional driver's license from using a cell phone or other similar equipment while operating a motor vehicle.	Active
	SB 681	Prohibits hand-held phone use while driving. Provides exceptions for emergency situations.	Active
Colorado	HB 1137	Prohibits the use of a mobile communications device while operating a motor vehicle by any person who holds a temporary instruction permit or minor's instruction permit.	Enacted
Connecticut	SB 567	Prohibits the use of hand-held phones while driving. Provides exceptions for emergency situations.	Inactive
	SB 334	Prohibits school bus drivers from using a mobile telephone while operating a school bus. Provides exceptions for emergency situations.	Inactive
	HB 6584	Prohibits the use of hand-held phones while driving. Provides exceptions for emergency situations. Also prohibits driver use of a mobile electronic device to perform any personal computer function, send or receive any electronic mail, play any video game or digital video disk, or take or transmit any digital photograph.	Inactive
	SB 725	Prohibits the use of cell phones while driving.	Inactive
	SB 326	Prohibits hand-held phone use while operating a motor vehicle.	Inactive

Appendix C. 2005 Distracted Driving Legislation (continued)

State/Jurisdiction	Bill Number	Bill Summary	Status as of July 2005
Connecticut (continued)	SB 821	Clarifies law regarding video monitors in motor vehicles. Allows closed video monitors to be used by drivers for backing up a vehicle if the screen goes blank within 15 seconds after the vehicle is shifted out of reverse.	Inactive
	SB 51	Prohibits the use of hand-held phones while driving. Provides exceptions for emergency situations.	Inactive
	HB 5085	Prohibits the use of a mobile telephone while operating a school bus. Provides exceptions for emergency situations.	Inactive
	HB 6722	Prohibits the use of hand-held phones while driving. Provides exceptions for emergency situations. Prohibits the use of phones while operating a school bus. Prohibits drivers with only a learner's permit from using a cell phone while driving. Prohibits drivers from engaging in activities unrelated to the operation of a motor vehicle.	Enacted
Delaware	HB 128	This bill prohibits driving a motor vehicle with a television capable of receiving any prerecorded visual presentation unless the television is behind the driver's seat or not visible to the driver while he or she is operating the motor vehicle.	Active
	HB 63	Prohibits minors with a learner's permit from using a cell phone or similar device while operating a motor vehicle. Provides exceptions for emergency situations.	Enacted
Georgia	HR 536	Proposes an amendment to the state constitution to give the Public Service Commission authority to make rules and regulations to determine under which circumstances the use of mobile telecommunications devices by a driver is lawful. Provides enforcement for such rules.	Active
Hawaii	SB 20	Prohibits the use of hand-held phones while driving. Provides exceptions for emergency situations.	Active
	SB 1034	Companion to HB 299. Prohibits the operation on a public highway of any vehicle that is equipped with an LCD panel or video monitor that is located at any point forward of the driver's seat. Provides exceptions for vehicle information, system control, rear or side observation or navigation. Also exceptions if the television or LCD panel can be used only if the gear is in park and the parking brake is engaged.	Active
	HB 299	Prohibits the operation on a public highway of any vehicle that is equipped with an LCD panel or video monitor that is located at any point forward of the driver's seat. Provides exceptions for vehicle information, system control, rear or side observation or navigation. Also exceptions if the television or LCD panel can be used only if the gear is in park and the parking brake is engaged.	Active
	HB 88	Prohibits the use of hand-held phones while driving. Imposes \$200 fine for offense.	Active
Illinois	SB 210	Prohibits drivers who hold an instruction permit or a graduated license from using a wireless phone while operating a motor vehicle. Provides exceptions for emergency situations.	Enacted

Appendix C. 2005 Distracted Driving Legislation (continued)

State/Jurisdiction	Bill Number	Bill Summary	Status as of July 2005
Illinois (continued)	HB 563	Prohibits anyone under age 19 from using a mobile telephone while driving. Provides exceptions for emergency situations.	Active
	HB 21	Prohibits drivers who hold an instruction permit from using a wireless phone while operating a motor vehicle on a roadway. Provides exceptions for emergency situations.	Active
	SB 1485	Provides that a person may not operate a motor vehicle if a television receiver, a video monitor, a television or video screen, or any other similar means of visually displaying a television broadcast or video signal that produces entertainment or business applications is operating and is located in the motor vehicle at any point forward of the back of the driver's seat, or is operating and visible to the driver while driving the motor vehicle. Creates exceptions. Provides that a person convicted of violating this section is guilty of a petty offense and shall be fined not more than \$100 for a first offense, not more than \$200 for a second offense within one year of a previous conviction, and not more than \$250 for a third or subsequent offense within one year of two previous convictions.	Active
	HB 960	Prohibits visual media technology other than navigational systems from being located at any point in a motor vehicle where it is visible to the driver.	Active
Indiana	SB 343	Prohibits the use of mobile telephones while driving. Violations are punishable by a \$1,000 fine. Provides exceptions for emergency situations. A person who observes a violation of this provision on an interstate highway or state highway may report the violation to the state police department or the sheriff's department in the county. Upon receipt of a report, the state police or sheriff's department shall issue a notice to the owner of the vehicle, stating the particulars of the violation, that the offense of operating a vehicle while using a mobile phone had been observed, and that the offense is punishable by a \$1,000 fine.	Active
	HB 1508	Prohibits the use of hand-held phones while driving. Provides exceptions for emergency personnel and situations.	Active
Kansas	HB 2216	Prohibits the use of hand-held phones while driving. Provides exceptions for emergency personnel.	Active
Maine	HP 401/ LD 525	Prohibits the use of hand-held phones while driving. Provides exceptions for emergency personnel.	Active
Maryland	HB 45	Creates the offense of distracted driving. A person is guilty of distracted driving if the person drives a motor vehicle in an inattentive manner resulting in the unsafe operation of the motor vehicle where the inattention is caused by the person's reading, writing, personal grooming, interacting with pet animals, adjusting cargo or engaging in other activity that distracts the person's attention. Prohibits the use of hand-held phones while driving. Prohibits school bus drivers from using an interactive wireless device while carrying passengers when the vehicle is in motion. Prohibits holders of a learner's instructional permit from using any interactive wireless device while driving.	Active

Appendix C. 2005 Distracted Driving Legislation (continued)			
State/Jurisdiction	Bill Number	Bill Summary	Status as of July 2005
Maryland (continued)	HB 591	Prohibits operation of television-type equipment in front of the driver's seat or in area that is visible to the driver while a vehicle is in use.	Active
	SB 50	Prohibits drivers with only an instructional permit or provisional permit from using an interactive wireless device while operating a vehicle.	Enacted
	HB 394	Prohibits drivers with learner's instructional permits and provisional driver's licenses from using a wireless communications device while operating a motor vehicle. Provides an exception for contacting a 9-1-1 system.	Enacted
Massachusetts	HB 2051	Prohibits the use of mobile telephones while operating a motor vehicle.	Active
	SB 1968	Provides that a person who holds a junior operator's license shall not use a mobile telephone while driving. Provides that a violation of this section shall be punishable by a suspension of a junior operator's license for not more than one year and a fine of not more than \$100.	Active
	SB 1868	Provides that a person who holds a junior operator's license shall not use a mobile telephone while driving. In addition, it provides that a violation of this section shall be punishable by a suspension of a junior operator's license for not more than one year and fine of not more than \$100.	Active
	HB 2177	Prohibits video devices in certain locations within a motor vehicle.	Active
	HB 2133	Proposes prohibiting the use of certain communication devices while operating a motor vehicle.	Active
	HB 2067	Prohibits the use of citizens' band radios and mobile telephones by operators of motor vehicles.	Active
	HB 2046	Prohibits the use of a cellular telephone by junior operators while driving.	Active
	HB 2035	Prohibits the use of hand-held cell phones by persons operating motor vehicles.	Active
Michigan	SB 131	Prohibits the public display of pornography in motor vehicles.	Active
Minnesota	SB 1191	Prohibits holders of provisional driver's licenses or instructional permits from using a cell phone while operating a motor vehicle. Provides exceptions for emergency situations.	Active
	HB 1402	Prohibits drivers with instruction permits or probationary licenses from using a mobile phone while driving. Provides exceptions for emergency situations.	Active
	HB 18	Prohibits the use of a hand-held phone while driving. Provides exceptions for emergency situations. Enforced as a secondary offense.	Active
	SB 152	Prohibits the use of hand-held phones while driving. Provides exceptions for emergency situations.	Active
Mississippi	SB 2294	Prohibits school bus drivers from using a cell phone while driving.	Inactive

Appendix C. 2005 Distracted Driving Legislation (continued)

State/Jurisdiction	Bill Number	Bill Summary	Status as of July 2005
Mississippi (continued)	HB 1145	Prohibits the installation or use of a television in a motor vehicle within the view of the driver.	Inactive
	SB 2089	Prohibits the display of obscene or patently offensive videos in motor vehicles.	Inactive
	HB 467	Creates a misdemeanor offense of causing a motor vehicle accident while using a cell phone or similar device. Convictions are punishable by fines of up to \$1,000.	Inactive
	HB 464	Preempts all local laws related to inattentive driving and cell phones and driving.	Inactive
	HB 465	Prohibits the use of hand-held phone while driving. Violations are punishable with a \$150 fine for first offense, a \$300 fine for a second offense, and a \$500 fine and jail time for a third and subsequent offense.	Inactive
	HB 466	Prohibits holders of learner's permits from using a cell phone or interactive wireless device while driving.	Inactive
	SB 2421	Prohibits the use of hand-held phones while driving. Imposes \$500 fine for convictions for violations.	Inactive
Montana	HB 432	Amends the state careless driving law by creating an offense if a driver is involved in an accident while using a cell phone. Offenses are punishable by fines that range up to \$1,000.	Inactive
	HB 504	Prohibits the use of hand-held phone while driving.	Active
North Carolina	SB 102	Prohibits drivers under age 18 from using a cell phone while driving. Provides exceptions for emergency situations.	Active
	HB 1104	Prohibits the use of mobile telephones while driving. Provides exceptions for emergency situations and personnel and for drivers who are using hands-free devices. Prohibits school bus drivers from using a cell phone while operating the school bus. Prohibits drivers under age 18 from using a cell phone while driving.	Active
Nebraska	LB 213	Prohibits the use of a hand-held phone while driving. Provides exceptions for emergency situations. Punishable by fines not to exceed \$100.	Active
	LB 621	Creates a rebuttable presumption of negligence if a driver is using a mobile phone and is involved in a crash.	Active
New Hampshire	HB 165	Prohibits a holder of a youth operator's license from using any type of cell phone while driving.	Active
New Jersey	SB 2306	Amends current New Jersey cell phone law to specify that fines for violations are \$150.	Active

Appendix C. 2005 Distracted Driving Legislation (continued)

State/Jurisdiction	Bill Number	Bill Summary	Status as of July 2005
New Mexico	SB 86	Modifies current prohibitions on televisions in the front seat area of motor vehicles to include prohibitions on a video receiver's viewers, screens, monitors or sources of television or video signal, broadcast or recorded entertainment or business applications that are visible to the person operating the motor vehicle. Prohibits installation of such devices. Provides exceptions for navigation systems, vehicle information displays, mapping systems, and safety systems.	Active
New York	AB 4399	Prohibits dialing a phone while operating a motor vehicle.	Active
	AB 23	Prohibits the use of all cellular or wireless telephones while operating a motor vehicle. Provides exceptions for emergency situations.	Active
	SB 656	Assigns a penalty of two points against the driving record of drivers who operate a motor vehicle while using a mobile telephone.	Active
	SB 3499	Prohibits the use of mobile telephones by operators of motor vehicles who hold learner's permits.	Active
	AB 6682	Provides that drivers who cause accidents that result in serious physical injury or death while talking on a cellular phone shall be subject to criminal penalties like those to which drivers who cause serious physical injury or death while driving under the influence are subject.	Active
	AB 6447	Prohibits the use of video monitors and related equipment in the front seat area of a motor vehicle, but provides exceptions for emergency vehicles and public utility vehicles.	Active
	AB 517	Requires police motor vehicle accident reports to include information about whether cellular or digital PCS telephones were present in vehicles and whether the use of such devices are known or suspected as a contributing factor in such an accident.	Active
	SB 675	Identical to AB 1577. Prohibits the operation of a motor vehicle if a video monitor, television or video screen, or any other similar device that produces entertainment or business applications is located in the motor vehicle within view of the driver. The provisions of this bill do not apply to a vehicle information display; a global positioning display; a mapping display; a visual display used to enhance or supplement the driver's view forward, behind, or to the sides of a motor vehicle for the purpose of maneuvering the vehicle; or to any motor vehicle providing emergency road service or roadside assistance. Also does not apply to a television receiver, video monitor, television or video screen, or any other similar means of visually displaying a television broadcast or video signal if such equipment has an interlock device that, when the motor vehicle is driven, disables the equipment for all uses except as a visual display as described above. It also does not apply to a self-contained motor home that is longer than 21 feet.	Active
	SB 287	Identical to AB 517. Requires motor vehicle accident reports to include information about whether cellular or digital PCS telephones were present in the vehicle and whether such phones were suspected as a contributing cause to the accident.	Active

Appendix C. 2005 Distracted Driving Legislation (continued)

State/Jurisdiction	Bill Number	Bill Summary	Status as of July 2005
New York (continued)	AB 1577	Identical to SB 625. Prohibits the operation of a motor vehicle if a video monitor, television or video screen, or any other similar device that produces entertainment or business applications is located in the motor vehicle within view of the driver. The provisions of this bill do not apply to a vehicle information display; a global positioning display; a mapping display; a visual display used to enhance or supplement the driver's view forward, behind, or to the sides of a motor vehicle for the purpose of maneuvering the vehicle; or to any motor vehicle providing emergency road service or roadside assistance. The legislation also does not apply to a television receiver, video monitor, television or video screen, or any other similar means of visually displaying a television broadcast or video signal if such equipment has an interlock device that, when the motor vehicle is driven, disables the equipment for all uses except as a visual display as described above. It also does not apply to a self-contained motor home that is longer than 21 feet.	Active
	AB 613	Prohibits the use of hands-free mobile telephone by operator of a motor vehicle who is age 21 or younger.	Active
	AB 594	Assigns one point to the driving record of anyone who operates a motor vehicle while using a mobile telephone.	Active
	AB 595	Amends existing cell phone law to allow hand-held cell phone use only by drivers age 18 and older.	Active
	SB 1310	Prohibits operation of a motor vehicle with a video monitor that is forward of the driver's seat that plays prerecorded programming or other similar means of visually displaying a television broadcast or video signal that produces entertainment or business applications.	Active
Ohio	HB 274	Prohibits drivers who hold a temporary instruction permit without exception from operating a motor vehicle while simultaneously operating a mobile telephone unless the motor vehicle is stationary. Prohibits all drivers from using hand-held phones, but allows exceptions for emergency situations. Creates the offense of inattentive driving, which includes the use of any device not necessary for the operation of the motor vehicle, including a computer or fax, attending to personal hygiene, eating or drinking, physically attending to a passenger, and watching a television or video display located in the vehicle. Requires the State Highway Patrol to compile monthly data and statistics on motor vehicle accidents in which mobile telephone use was a factor.	Active
	SB 157	Prohibits the use of hand-held phones while driving. Provides exceptions for emergency situations. Prohibits a driver who holds a temporary instruction permit from using any cell phone while driving. Creates the offense of inattentive driving, which includes a prohibition on activities unrelated to the operation of a motor vehicle, including using a computer or fax machine, attending to personal hygiene, eating or drinking, physically attending to a passenger, and watching a television or video display. Requires the highway patrol to compile monthly data on motor vehicle accidents in which a mobile telephone was a material factor.	Active

Appendix C. 2005 Distracted Driving Legislation (continued)

State/Jurisdiction	Bill Number	Bill Summary	Status as of July 2005
Oregon	HB 2811	Amends current restriction on televisions in motor vehicles to prohibit "image display devices" in locations forward of the driver's seat. Provides exceptions for navigation systems, systems related to the operation of the vehicle, and systems related to the sound system, radio or other systems in the vehicle.	Active
Pennsylvania	SB 675	Prohibits the use of hand-held phone while driving. Provides exceptions for emergency situations.	Active
	HB 539	Prohibits school bus drivers from using a cell phone. Provides exception for emergency situations.	Active
	HB 945	Provides that drivers may use cellular telephones only on highways that have a speed limit of no more than 25 miles per hour.	Active
	SB 662	Prohibits school bus drivers from using a cell phone while driving.	Active
	HB 1130	Amends Title 75 of the Pennsylvania Consolidated Statutes by defining the term "mobile phone," prohibiting the use of mobile phones in a school zone, and imposing a penalty for such offense.	Active
	HB 1776	Prohibits drivers with a learner's permit or junior driver's license from using a mobile phone while operating a vehicle. Provides exceptions for reporting an accident or emergency.	Active
Rhode Island	SB 165	Prohibits the display of videocassette players within the view of the operator of a motor vehicle.	Active
	HB 5049	Prohibits inattentive driving. Enforceable as a secondary offense.	Active
	HB 5048	Prohibits the use of hand-held phones and earphones that cover both ears while operating a motor vehicle or bicycle. Fines for violations range from \$35 for a first offense to \$140 for a third or subsequent. Provides exceptions for emergency situations.	Active
	SB 482	Prohibits driver and bicyclist use of earphones and headsets that cover both ears and hand-held mobile phones. Prohibits drivers age 18 and younger from using any mobile phone.	Active
	HB 5069	Prohibits the use of cell phones in motor vehicles by a person under age 18 if the person is either a driver or a passenger.	Active
Tennessee	SB 1875	Creates distracted driving offense, which is defined as the act of inattentive driving that results in the unsafe driving of a motor vehicle when the unsafe operation of the vehicle is caused by reading, writing, performing personal grooming, interacting with pets or unsecured cargo, using a computer, using personal communications technologies or engaging in any other activity that causes distraction. Creates offense of aggravated distracted driving if the driver distraction results in a crash that results in serious bodily injury. Prohibits the use of hand-held phone while driving. Provides exceptions for emergency situations. Prohibits school bus drivers from using any cell phone while driving. Prohibits drivers who hold a learner's permit or intermediate license from using any wireless phone while driving. Prohibits televisions and other video screens forward of the driver's seat, but provides some exceptions for navigation systems and similar displays.	Active

Appendix C. 2005 Distracted Driving Legislation (continued)

State/Jurisdiction	Bill Number	Bill Summary	Status as of July 2005
Tennessee (continued)	SB 1561	Prohibits DVDs from being shown in the driver's view while the vehicle is in motion. Companion to HB 1694.	Active
	SB 523	Companion to HB 572. Prohibits drivers of trucks and truck tractors with gross vehicle weight ratings of 16,000 pounds or more from using a hand-held phone while the vehicle is in motion. Violations are punishable by a fine of \$1,500.	Active
	HB 572	Prohibits operators of trucks and tractor trailers with a gross vehicle weight rating of over 16,000 pounds from using a hand-held cell phone while driving. Violations are punishable by a fine of \$1,500. Companion to SB 523.	Active
	SB 36	Prohibits drivers with only a learner's permit or intermediate license from using a cell phone while driving. Violations are punishable by a \$100 fine and delayed eligibility for the next license type.	Enacted
	HB 1655	Companion to SB 1674. Prohibits the use of hand-held cell phones by drivers who are transporting passengers for a fee.	Active
	SB 1674	Prohibits the use of hand-held phones by drivers who are transporting passengers for a fee. Companion to HB 1655.	Active
	HB 1694	Prohibits DVDs from being shown in the driver's view while the vehicle is in motion. Companion to SB 1561.	Active
	HB 2141	Creates distracted driving offense which is defined as the act of inattentive driving that results in the unsafe driving of a motor vehicle when the unsafe operation of the vehicle is caused by reading, writing, performing personal grooming, interacting with pets or unsecured cargo, using a computer, using personal communications technologies, or engaging in any other activity which causes distraction. Creates offense of aggravated distracted driving if the driver distraction results in a crash that results in serious bodily injury. Prohibits use of hand-held phone while driving. Provides exceptions for emergency situations. Prohibits school bus drivers from using any cell phone while driving. Prohibits drivers who hold a learner's permit or intermediate license from using any wireless phone while driving. Prohibits televisions and other video screens forward of the driver's seat, but provides some exceptions for navigation systems and similar displays.	Active
	HB 2054	Prohibits driver with a learner's permit or intermediate driver's license from using a cell phone while operating a motor vehicle. Violations are a Class B misdemeanor punishable by a \$100 fine and delayed eligibility for next license type. Companion to SB 36.	Inactive
Texas	HB 1251	Prohibits the use of cell phone while operating a school bus.	Active
	SB 1775	Creates the offense of using a telephone while operating a motor vehicle in a school crossing zone.	Active
	HB 1094	Prohibits minors from using any wireless communications device while operating a motor vehicle.	Active

Appendix C. 2005 Distracted Driving Legislation (continued)

State/Jurisdiction	Bill Number	Bill Summary	Status as of July 2005
Texas (continued)	HB 1810	Provides that a person who commits a traffic offense due to the inattentive operation of a motor vehicle is punishable by a fine that is at least twice the minimum fine applicable to the offense and not more than twice the maximum fine that is applicable to the offense. The bill includes the use of personal communication devices, including cellular phones and audio/video equipment within the scope of inattentive driving.	Active
	HB 1498	Prohibits a person who is operating a motor vehicle or is in the front seat of a motor vehicle from using a portable computer, a portable television, a portable digital video disc player or a portable videocassette player.	Active
	HB 2607	Prohibits a person under age 18 from operating a motor vehicle while using a telephone.	Active
Virginia	HB 1983	Prohibits the display of a video or motion picture in front of the driver's seat or within view of the driver.	Enacted
	HB 1962	Prohibits the use of hand-held phone while driving. Provides exceptions for emergency situations.	Active
	HB 1830	Prohibits the use of hand-held phone while driving. Provides exceptions for emergency personnel and emergency situations.	Active
	SB 1081	Prohibits the use of hand-held phone while driving. Offenses punishable by \$100 fines.	Inactive
	SB 966	Prohibits driver with a provisional license from using a cell phone or other wireless telecommunications device while operating a motor vehicle.	Active
	SB 925	Prohibits the display of obscene videos in the motor vehicle if the video can be seen outside the vehicle.	Enacted
	SB 784	Prohibits drivers with a provisional license from using a cell phone while driving.	Inactive
Vermont	HB 95	Amends law that prohibits video equipment in a motor vehicle that is visible to the driver by eliminating the word "television" and instead prohibiting devices that are "capable of transmitting an entertainment picture."	Active
	HB 151	Prohibits the use of hand-held phone while driving. Provides exceptions for emergency calls.	Active
Washington	SB 5161	Requires state police to track information about the involvement of wireless communication devices in motor vehicle crashes in accident report forms. Requires the state police to include this information in its annual report of traffic safety statistics.	Enacted
	SB 5160	Prohibits the use of hand-held phone while driving. Provides exceptions for emergency situations. Enforceable as a secondary offense.	Active
Wisconsin	AB 120	Prohibits drivers with instruction permit or probationary license from using a wireless telecommunications device while operating a motor vehicle or motorcycle.	Active

Appendix C. 2005 Distracted Driving Legislation (continued)			
State/Jurisdiction	Bill Number	Bill Summary	Status as of July 2005
Wisconsin (continued)	SB 120	Prohibits drivers with an instruction permit or probationary license from using a cell phone while operating a motor vehicle. Provides exceptions for emergency situations.	Active
	SB 84	Prohibits holders of an instruction permit or probationary license from operating a car or motorcycle while using a wireless telecommunications device. Provides exceptions for emergency situations.	Active
West Virginia	HB 3188	Prohibits the use of a hand-held cell phone while driving and also would provide a penalty for violations.	Active
Wyoming	SB 470	Prohibits the use of hand-held phone while driving. A conviction for a first offense is punishable by fines up to \$100. Conviction for a second offense can be punished by fines up to \$200. Convictions for a third and subsequent offenses are punishable by fines up to \$500. No points may be assessed.	Active
	HB 256	Prohibits the use of hand-held phones while driving. Provides exceptions for emergency situations.	Inactive

Source: NCSL, 2005.

Notes

1. Dr. John Lee, cited in National Conference of State Legislatures, *Along for the Ride: Reducing Driver Distractions* (Denver, Colo.: National Conference of State Legislatures, 2002), 11.
2. David Schrank and Tim Lomax, *The 2005 Urban Mobility Report* (College Station, Texas: Texas Transportation Institute, 2005), 3.
3. Donna Glassbrenner, Ph.D., "Driver Cell Phone Use in 2004—Overall Results," *Traffic Safety Facts Research Note* (NHTSA, Washington, D.C.: February 2005).
4. Oklahoma Highway Safety Office, *2003 Oklahoma Crash Facts* (Oklahoma City, Okla.: May 2005), 102.
5. Michigan Department of State Police, *2003 Michigan Traffic Crash Facts* (East Lansing, Michigan: 2005), 165.
6. Institute for Traffic Safety Management and Research, *New York State Traffic Safety Data* (Albany, N.Y.: February 2005), s-3.
7. Florida Department of Highway Safety and Motor Vehicles Office of Management Research and Development, *Distracted Driver Report* (Tallahassee, Florida: December, 2004), 2.
8. *100-Car Naturalistic Driving Study Tracks Drivers for a Year*, Virginia Tech Transportation Institute Press Release (Blacksburg, Virginia: June 10, 2005) online at <http://www.vtti.vt.edu/documents/100-Car%20Naturalistic%20Driving%20Study%20Press%20Release.pdf>.
9. Suzanne McEvoy, et al., "Role of Mobile Phones in Motor Vehicle Crashes Resulting in Hospital Attendance: A Case-Crossover Study," *British Medical Journal* (July 12, 2005), online at <http://bmj.bmjournals.com/cgi/rapidpdf/bmj.38537.397512.55v1?>
10. David L. Strayer and Frank A. Drews, "Profiles in Driver Distraction: Effects of Cell Phone Conversations on Younger and Older Drivers," *Human Factors* 46, no. 4 (Winter 2004), 640.
11. More information about both University of North Carolina Highway Safety Research Center studies can be found on their Web site at <http://www.hsrc.unc.edu/>.
12. Robert W. Hahn and James E. Prieger, *The Impact of Driver Cell Phone Use on Accidents*, AEI-Brookings Joint Center For Regulatory Studies, Working Paper 04-14, (Washington, D.C.: July, 2004).
13. *Motorists Claim Distractions Affect Their Driving*, Farmers Insurance Group Press Release (Los Angeles, California: May 25, 2005) online at http://www.farmers.com/FarmComm/WebSite/html/media_center/May_25_05.html.

14. Connecticut lawmakers passed the state prohibition on hand-held phones during the 2005 legislative session. The law, 2005 Conn. Acts, P.A. 159, will become effective Oct. 1, 2005.
15. 2005 Wash. Laws, Chap. 171.
16. National Transportation Safety Board, *Ford Explorer Sport Collision with Ford Windstar Minivan and Jeep Grand Cherokee on Interstate 95/495 Near Largo Maryland February 1, 2002* (Washington, D.C.: NTSB, 2003)52.
17. Ibid., 53.
18. <http://www.nhtsa.dot.gov/>.
19. Cellular News, http://www.cellular-news.com/car_bans/.
20. Courtney Radsch, "Jury is Still Out on Driver Cellphone Laws," *New York Times*, January 18, 2005, sec. A, p. 18.
21. Insurance Institute for Highway Safety. *Status Report*. 37 no. 7 (Aug. 17, 2002).
22. *Along for the Ride: Reducing Driver Distractions* at 12.
23. *Along for the Ride: Reducing Driver Distractions* at 20.
24. Glassbrenner.
25. Department of California Highway Patrol Office of Research and Planning. *Effects of Cellular Telephone Use on Driver Behavior*, (Sacramento, Calif.: September 1997), 10.
26. Karen S. Lissy et al., *Cellular Phone Use While Driving Risks and Benefits* (Boston, Mass.: Harvard Center for Risk Analysis, July 2000).

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Utter, Dennis. *Passenger Vehicle Driver Cell Phone Use Results from the Fall 2000 National Occupant Protection Use Survey*. Washington, D.C.: National Highway Traffic Safety Administration Research Note, July 2001.

Internet Links

Cellular Telecommunications and Internet Association, <http://www.wow-com.com>

NCSL's Driver Focus and Technology Legislative Tracking Database,
<http://www.ncsl.org/programs/esnr/DRFOCUS.htm>

National Highway Traffic Safety Administration, <http://www.nhtsa.dot.gov>

Minnesota Legislative Report 2002,
<http://www.house.leg.state.mn.us/hrd/pubs/cellphdrv.pdf>

Partnership for Safe Driving, <http://www.crashprevention.org/>

Wisconsin Legislative Reference Bureau,
<http://www.legis.state.wi.us/lrb/pubs/ttp/ttp-02-2004.html>

Contact for Additional Information

Matt Sundeen
Program Principal, Transportation
National Conference of State Legislatures
7700 East First Place
Denver, Colo. 80230
Phone: (303) 364-7700
Fax: (303) 364-7800
matt.sundeen@ncsl.org

As part of a cooperative agreement with the National Highway Traffic Safety Administration (NHTSA), the National Conference of State Legislatures (NCSL) tracks state legislation related to highway safety. This report summarizes legislation in 2005 concerning cell phones and driving, as well as federal, local and international activities.

VERSION RÉVISÉE

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Distracted Driving Legislation
by Matt Sundeen
National Conference of State Legislatures
March 2006

Why is Distracted Driving an Important Traffic Safety Issue?

- NHTSA estimates 20-30% of crashes have driver distraction as contributing cause
- 8,400 - 12,600 fatalities
- 600,000 - 900,000 injuries
- 1.2 - 1.8 million crashes
- As much as \$40 billion in damage

How Significant is Distracted Driving for Lawmakers?

- In last 5 years, all states have considered legislation
- Federal legislation 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
- Cell phone popularity and visibility
 - 204 million subscribers to wireless services in the U.S.
 - 15 - 20 million subscribers in Canada
 - 50-75% use in cars
- Complexity growth
 - Picture phones, navigation, on-board computers, televisions, DVDs
 - Anything done at home or office can be done in the car
- More driver time on the road
 - 300 hours/year per driver

Are cell phones dangerous to use while driving?



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

Studies that Indicate Phone Risky

■ University of Toronto - 1997 (*NEJM*)

- Drivers 4 times more likely to be involved in crash while using phone

■ University of Utah - 2001

- Phone creates higher distraction levels
- Phone ages 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

Studies that Indicate Limited Risk

- **UNC Highway Safety Research Center -2001 and 2003**

- **Harvard Center for Risk Analysis -2000**

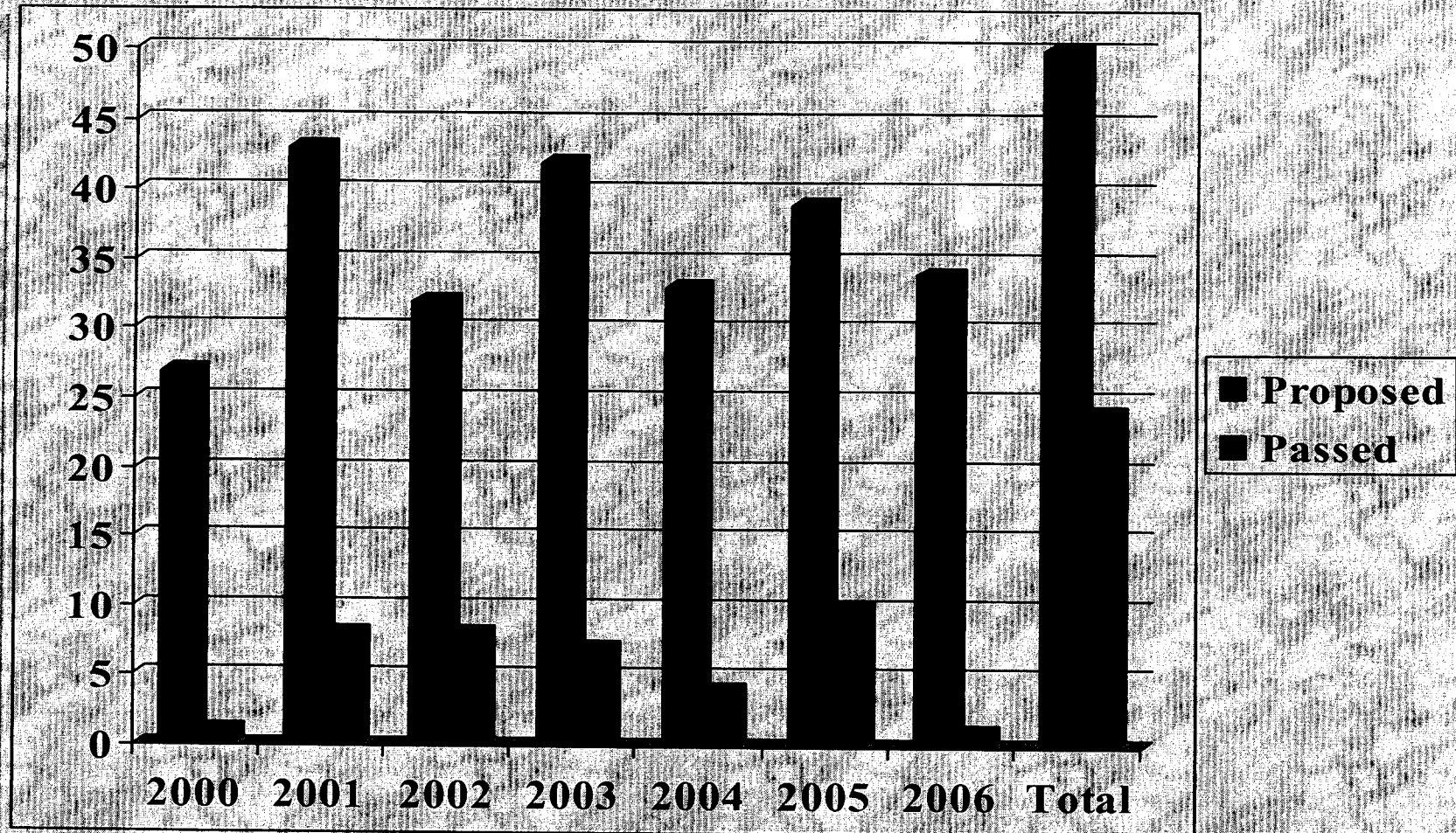
- Risks of cell phone small in comparison with other risks when driving

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

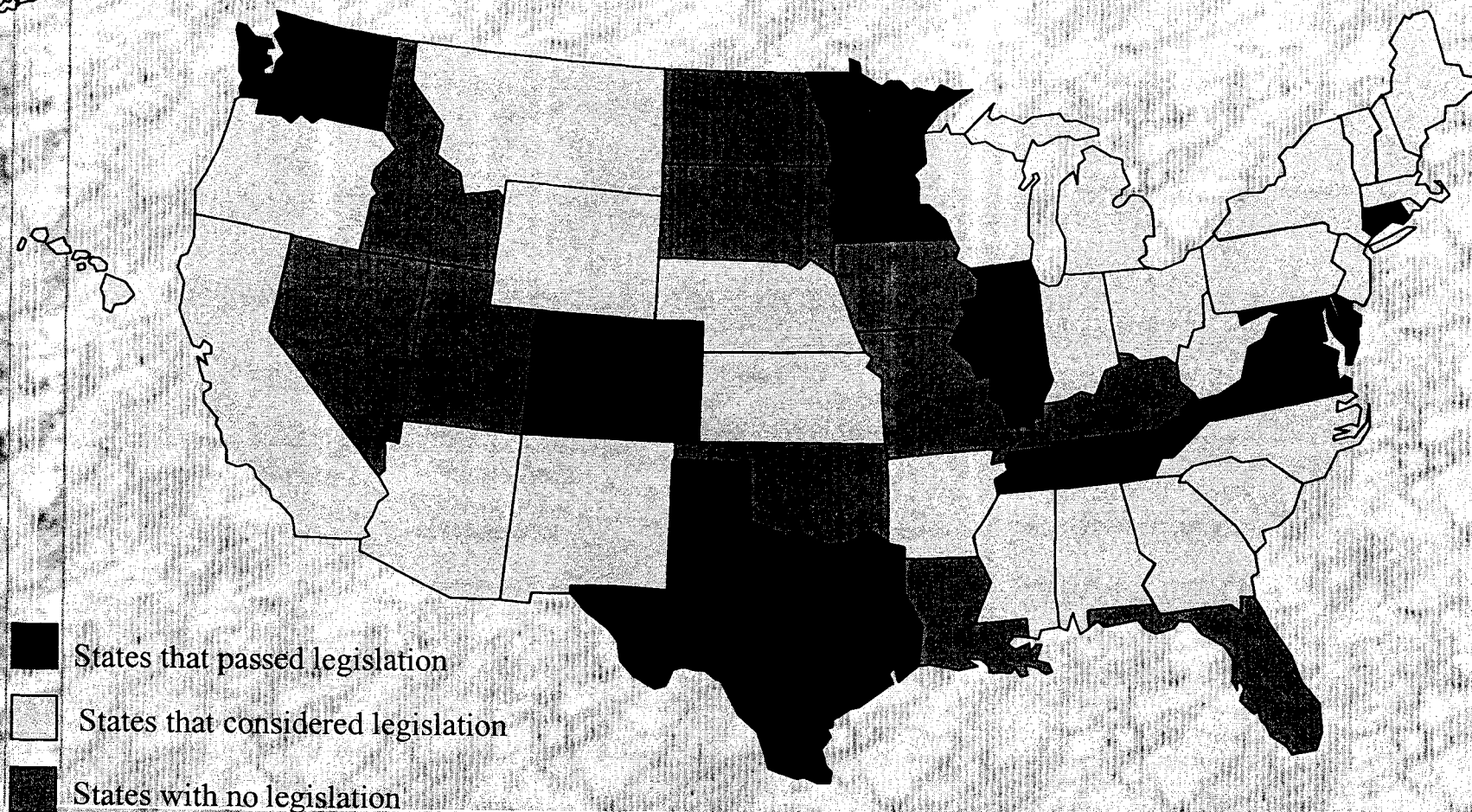
State Distracted Driving Legislation



Distracted Driving - Existing Laws (24 States and D.C.)

- CT, NY, NJ and D.C. prohibit hand-held phones
- CO, CT, DE, D.C., IL, ME, MD, MN, NJ, TN and TX prohibit use by drivers with learners permit
- AR, AZ, CA, CT, DE, D.C., IL, MA, NJ, RI, TN and TX school bus drivers
- California rental car posting requirement
- Florida and Illinois prohibit two-sided headsets
- Massachusetts requires one hand on wheel
- Florida, Kentucky, Louisiana, Mississippi, Nevada, New Jersey, New York, Oklahoma and Oregon prohibit local restrictions

2005 State Distracted Driving Legislation



2005 State Distracted Driving Legislation

- total prohibition (5)
- hands-free (25)
- negligence (6)
- data collection (4)
- young drivers (20)
- school bus drivers (7)
- broad distraction (7)
- local pre-emption
- Televisions/DVDs/porn-while driving

State Trends

- Cell phone legislation still leads
- Novice driver legislation
- Growing interest in other distractions
 - D.C., CT
 - TVs/DVDs/Porn-while-driving (CA, LA, TN, VA)
- Criminal cases, employer liability and insurance interest
- Greater emphasis on data collection
- Growing interest in increased negligence

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

Local Action - U.S.

- Piecemeal regulation concern
- As many as 300 local governments have considered laws
- 26 have passed hand-held restrictions in FL, IL, MA, NJ, NM, NY, OH, PA, UT
 - Santa Fe, Chicago, Miami Dade
- Preemption by state law
- Pennsylvania court decision

International Activity

- At least 40 Countries with restrictions or prohibitions
- Examples include Germany, Japan, Sweden, United Kingdom
- Most prohibit hand-held phones. Also insurance implications and increased negligence.

State Data Collection Regarding Cell Phone Involvement

Jurisdictions tracking crashes (23)

- CA, FL, IA, MD, MA, MI, MN, MT, NE, NV, NJ, NY, NC, OK, OR, PA, TN, TX, UT, WA and D.C.
- Little published data
- Some from pilot studies
- Depends on self-reporting

State studies (8)

- Delaware, Louisiana, Minnesota, New Jersey, New York, Pennsylvania, Virginia, Wisconsin

Model Minimum Uniform Crash Criteria Revision (MMUCC)

Are technological solutions
effective?

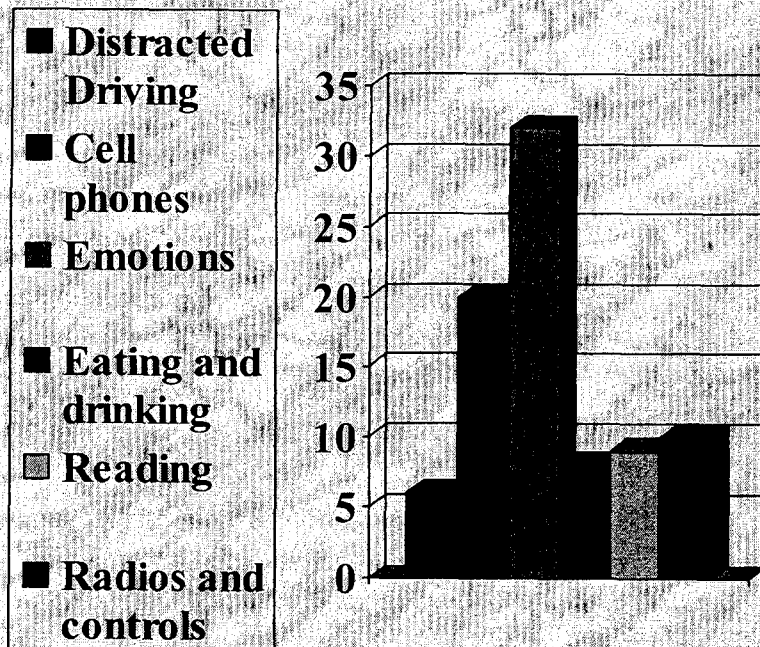


Technological Solutions

- Intuitive benefits to hand-held phone restrictions
- Cognitive distraction key issue
- Potential for additional distraction from interacting with hands-free devices
- Enforcement - Experience from NY, DC finds 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

NCSL Resources

- *Cell Phones and Highway Safety: 2005 State Legislative Update*
- *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

7700 E. First Place

Denver, CO 80230

Ph: (303) 364-7700

Fax: (303) 364-7800

matt.sundeen@ncsl.org