

HB

88

ALASKA STATE LEGISLATURE

Representative Bruce Weyhrauch

HOUSE DISTRICT 4



ALASKA
STATE CAPITOL
JUNEAU, ALASKA
99801-1182

September 26, 2003

(907) 465-3744
FAX (907) 465-2273

Mr. William Tandeske
Commissioner
Alaska Department of Public Safety
PO Box 111200
Juneau Alaska 99811-1200

Dear Bill:

Passage of HB 88 would prohibit the use of cell phones while driving. My committee currently has this bill under consideration. Please let me know if Alaska tracks whether cell phones are related to crashes. Is the state currently studying the relationship between cell phone use and crashes? Are law enforcement officers in any jurisdiction in the state, including troopers, collecting information on the use of cell phones in a crash? If your troopers simply gathered that information during a crash investigation, what would be the cost, if any, and could you do it on your own (for example, by use of a simple check off box on an investigation report)? Or, would you need the legislature to pass a law to require to you to collect the information? If my committee amended HB 88 to require law enforcement officers to collect the information, would you support it?

Thanks for getting back to me on these questions before session begins. I ask that you limit distribution of your responses only to me at this time.

Sincerely,

A handwritten signature in cursive script that reads "Bruce Weyhrauch".

Representative Bruce B. Weyhrauch
Chairman, House State Affairs

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State of Alaska
Department of
Public Safety

Frank H. Murkowski, Governor
William Tandeske, Commissioner

October 29, 2003

The Honorable Bruce Weyhrauch
State Capital, Room 102
Juneau, AK 99801-1182

Dear Representative Weyhrauch:

In researching your request for statistical data related to motor vehicle collisions where cellular phone usage may have been a contributing factor, it has been confirmed that such information is not reliably available.

The Motor Vehicle Collision Report form is designed to collect a large amount of data for a variety of purposes. Often the officer completing the report has to make a decision determining the most aggravating factor that led to the collision. It is frequently impossible to determine whether cell phone usage contributed to the incident without a statement to that effect from the driver or a credible witness providing such information.

Cell phone usage is an item listed on the current collision report form as a contributing factor in motor vehicle collisions. It is listed on the form in the area titled "Human Circumstances" which, by definition, are the things the driver(s) may have done that contributed to the collision.

This area on the computerized report form only allows the selection of two choices as "Human Circumstances," so it is therefore not surprising that cell phone usage is often not identified as one of the primary circumstances.

I have discussed this issue with the Alaska Highway Safety Office, who in turn asked for input from the Division of Motor Vehicles. Both entities report that they do not have statistical data in any significant numbers that allow for any conclusion to be drawn concerning cell phone usage and collisions. They both cited the same reasons; lack of evidence that a cell phone was in use at the time of the collision, and the fact that it might be underreported using the current report format.

The Department of Public Safety is currently working with the Alaska Highway Safety Office and the Alaska Department of Transportation to review and consider updating the collision reporting process. If this new process is implemented, it is expected that more data concerning collisions will be gathered and analyzed. There is a meeting scheduled for the involved parties this month.

Office of the Commissioner
450 Whittier Street - Juneau, AK 99811 - Voice (907) 465-4322 - Fax (907) 465-4362

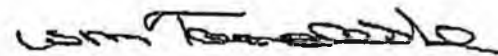
Representative Bruce Weyhrauch
October 29, 2003
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I reviewed the materials from the first session of this legislature, and I noticed the Department of Public Safety had recommended a couple of additions to your proposed bill. The proposed language reads:

- (a) A driver of a motor vehicle may not use a cellular telephone when operating a motor vehicle on a highway or vehicular way or area unless:
1. the cellular telephone is operated as a hands-free telephone, or
 2. the cellular telephone is being used during an emergency, including reporting a crime; or in the performance of a duty by emergency services personnel

The Department of Public Safety appreciates your interest in making the highways of Alaska safer. If there is any additional information that we can provide to you, please do not hesitate to ask.

Sincerely,



William Tandeske
Commissioner

cc: Colonel Julia Grimes
Director, AST



Alaska Department Of

Public Safety

Frank H. Murkowski, Governor
William Tandeske, Commissioner

November 10, 2003

The Honorable Bruce Weyrauch
Alaska State Legislature
State Capital, Room 102
Juneau, AK 99801-1182

Dear Representative Weyrauch:

I received your request for additional information related to data collection reference a correlation between cell phone use and vehicle collisions and apologize that I was not clearer in my earlier letter and for implying that HB 88 is a bill that you proposed as opposed to a bill in your committee.

As clarification, the Alaska Motor Vehicle Crash Report Form (12-200) is the report form used by all police agencies in the State to report motor vehicle accidents. "Cell phone usage" is one of the options listed on the current collision report form as a contributing factor in motor vehicle collisions. However, at this time, our ability to collect this data is somewhat limited. As the form is currently designed, this area of the computerized form – Human Circumstances – only allows for the selection of two choices. Cell phone use is checked only when it is one of the identified primary contributors.

The Department of Public Safety is the state entity responsible for the Alaska Motor Vehicle Crash Report Form. A State Traffic Records Committee provides guidance to the department concerning the information that should be gathered from the form. This committee is made up of representatives from the Department of Transportation (engineering), Highway Safety Planning Agency, Division of Motor Vehicles, Division of Alaska State Troopers, local law enforcement, plus several other interested parties. This committee decides which types of data are needed to serve the various needs of the many "consumers" of the information. The State Traffic Records Committee met on October 29 and 30.

The committee discussed the collection of data and the need to update the 12-200 form and formed a sub-committee to perform this task. One of things that will be considered is the collection of data related to the use of cell phone and other new technology devices (such as GPS) in contributing to collisions. The data that has been collected to date, as I stated in my original response to your inquiry, is not particularly useful.

Office of the Commissioner
P.O. Box 111200 - Juneau, AK 99811 - (907) 465-4322
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Copied to Rep Weyrauch 12/2/03

The Honorable Bruce Weyrauch
November 10, 2003
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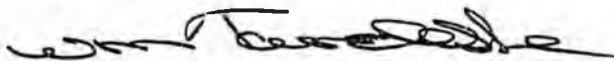
I expect the sub-committee to meet in the very near future. Once the new version of the form has been drafted, all committee members will review the draft to insure that it meets the needs that they represent. The form will then be printed and also made available via electronic means to all police departments. The Committee's goal is to have this process completed by spring 2004. I will ensure that the committee receives a copy of HB 88 and our recent correspondence.

You asked if the Trooper could simply gather information about cell phone usage and what the cost would be. Although it would be possible for the department to gather information about cell phone use via a separate and independent means, I do not think that it would be practical to do so. My preference would be to modify the current method of gathering information related to motor vehicle collisions – Motor Vehicle Collision Report form. I believe that the information generated from the revised statewide form would be more accurate and uniform.

Because the process is already underway to enhance the collection of data related to collisions, the Department of Public Safety does not believe there is a need to amend HB 88 to statutorily require that DPS and police departments collect data specific to cell phone usage as a contributing factor to motor vehicle collisions.

We appreciate your interest in this issue.

Sincerely,



William Tandeske
Commissioner

Alaska State Legislature

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Representative Kelly Wolf *House District 33*

SPONSOR STATEMENT

“An act relating to prohibiting the use of cellular telephones when operating a motor vehicle; and providing for an effective date”

Alaska's weather conditions make driving difficult. When combined with the possibility of a 1200-pound moose stepping into the roadway the importance put on a driver's concentration is multiplied. If distracted even momentarily, the situation can become fatal to drivers and passengers. Studies have shown that cell phone use while driving disrupts brain activity of individuals that continue to drive while they talk on their cell phones.

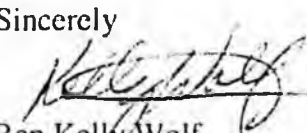
Currently, Alaska restricts some CDL drivers from using cell phones while driving. Alaska, Texas, Idaho, Colorado, Pennsylvania, West Virginia, and Alabama are the only states that have not passed legislation or have legislation pending to restrict cell phone use to hands free units while driving. At present, there are eighteen states that have legislation currently stalled in the committee process.

Alaskans are responsible, independent people. We help one another when in need. Weather can change rapidly making driving conditions hazardous. By requiring drivers to use hands free cell phone units or pull over when they receive, or make a phone call, we not only can save lives, we can also better protect our insurance rates from continuing to rise.

If you use a cellular phone in your car, please stay safe and set a good example by pulling over and stopping before making or taking a call. Tell your friends and family to do the same for their safety and everyone else's. Awareness is the first step!

As sponsor of this bill, I recommend that we send a message to the nation, that Alaskans take responsibility for their actions and are willing to do so through law.

Sincerely


Rep Kelly Wolf

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 88
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
 Title "An Act relating to prohibiting the use of BRU Criminal Division
cellular telephones when operating a motor vehicle; . . ." Component All
 Sponsor Representative Wolf
 Requester House State Affairs Committee Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2003) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 This bill prohibits the use of cell phones while driving unless the cell phone is operated as a hands-free telephone. Violating this prohibition would be an infraction.

 Traffic tickets are handled by the court with law enforcement assistance. The Department of Law's prosecutors do not appear in these cases. This bill will have no fiscal impact on the Department of Law.

Prepared by: Joan M. Kasson Phone (907) 465-5370
 Division Attorney General's Office Date/Time 2/28/03 2:57 PM
 Approved by: Kathryn Daughhete for Gregg D. Renkes, Attorney General Date 2/28/2003
 Agency Department of Law



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An Education on Common Objections to Cell Phone Legislation:

"Banning the use of hand held cell phones while driving is an infringement of my personal freedom."

"Talking on a cell phone is no more dangerous than putting on makeup, eating fast food, tuning your radio or reading a map while driving. People need to use common sense, and we can't write laws that make that happen."

"There are already laws that punish careless and reckless drivers appropriately for reckless driving. We don't need another one specifically for cell phones."

"A law like this would not be enforceable."

"This law will be bad for business."

"There isn't enough evidence to prove that using a cell phone while driving causes accidents."

"Cellular telephones are important devices for reporting emergencies."

"Banning the use of hand held cell phones while driving is an infringement of my personal freedom"

Some people have asserted that they believe they have the **right** to use their cell phones while driving. They **dc** that right. The state of Pennsylvania does not guarantee its citizens driving privileges, let alone the ability to drive on a cellular phone. Since when does requiring someone to make a call while the car is in park constitute an attack on a very concept of democratic freedom?

Our state and national constitutions guarantee us all the freedom to live our lives. We have the right as parents thoughtfully and responsibly care for, nurture, and raise our children. These are the kinds of freedoms that built the foundation of a democracy. These are the kinds of freedoms worth fighting for. Cell phone users face no such loss of freedom. They're faced with a minor inconvenience, a change in habit, and nothing more. Any small discomfort someone may experience as a result of this legislation is far outweighed by the overall benefit to public safety.

"Talking on a cell phone is no more dangerous than putting on makeup, eating fast food, tuning your radio or reading a map while driving. People need to use common sense, and we can't write laws that make that happen."

There is no question that there are many distractions occurring in the car. Of course responsible drivers should make every effort to minimize those distractions. But none of those behaviors rise to the same level of driver inattention as driving and then conducting a conversation or closing a business deal on a cellular phone. Human Factors experts tell us there are basically three kinds of driving distractions. The first is *visual*. Looking away from the roadway would be an example of this. The second is *mechanical*. This would include manipulation of a control -- such as dialing a cellular phone or a radio, and can often be associated with a visual distraction. The third is *cognitive*. By example, we have all had the experience of traveling from point A to point B and then realizing that we aren't sure how we got there or what the route was between. Being "lost in thought" or being in focused conversation with someone causes us to withdraw from situational awareness. Researchers are beginning to obtain evidence that shifting from hand held to hands-free phone use does not result in eliminating all cell phone distractions. It addresses the visual and mechanical distractions, but does not address the cognitive issues. This raises the question, "How is conversing on a phone different from talking with

in the vehicle?" There are two important differences. The first is that a passenger in a vehicle is aware of the driving situation and can even serve as an additional look-out for hazards. If there is a needed pause in conversation, they are evident to all parties. The second is that phone use seems to carry a certain obligation of immediacy. When a phone rings, we feel compelled to answer it -- whether it is convenient, safe, or appropriate to do so or not. We become preoccupied on the phone call and lose the situational awareness so necessary for safe driving. (Fran Bents) Of all the distractions mentioned, only the use of a cell phone incorporates all three of those demands. The sheer magnitude of cell phone use also differentiates these behaviors. There are currently 88 million cell phone users in this country alone. There are 10 million new subscribers every day. *That rate of subscribership exceeds the birth rate.* A *Prevention Magazine* survey in 1995 reported that 85% of cell phone owners use their phones while driving at least some of the time. If such statistics are correct, there are now about 75 million drivers talking on their phones while driving. In addition to this, there are currently 100 million cell phones available that allow us to check e-mail and stocks, send faxes, and surf the web, all from our cell phones. Industries are broadly expanding the availability of a multitude of in-vehicle communications devices for e-mail, Internet communications, electronic navigation...are gaining momentum. We know that as a society we **can** provide the means to keep in touch with family and friends, conduct business deals, entertain ourselves, or order a carry out dinner while driving our cars. The important question that has not been adequately addressed is **should** we?*

The Fatal Analysis Reporting System (FARS) is a census of police reported fatal accidents which occur in the U.S. Data about cell phone use are derived from the narrative portions of police accident reports, dependent upon the information provided by the police officer who responded to the crash. Cell phone related cases in 1994 and 1995 contain some interesting similarities. The citations issued to cell phone-using drivers involved in these fatal crashes were disproportionately "inattention" when compared to all drivers included in FARS. In virtually all crashes, the cell phone-using driver was in the striking vehicle. When the type of crash is examined, they fall into two categories -- drivers striking something in their lane, or leaving their lane of traffic -- this pattern is repeated every day on our highways. Data contained in the Automotive Sampling System (NASS) containing nationally representative data on all types of crashes followed a similar pattern. In eight examined crashes, 5 of the drivers struck something stopped in front of them, the remaining 3 struck a vehicle in their lane of travel and struck a vehicle or object. In these crashes, 6 of the drivers were engaged in conversation, on dialing his phone, and one was hanging up. Of the 6 engaged in conversation, two of the drivers were using mobile phones in hands-free mode. What is common among all these drivers is inattention. These drivers were not prepared for changing situations which required emergency maneuvers, they simply failed to control their vehicles during routine driving conditions.*

Some people have a problem with the concept of legislating personal responsibility, but legislating personal responsibility is nothing new. The state of Pennsylvania has enacted laws enforcing the use of seatbelts and child safety seats. A century ago, personal responsibilities? Once it was realized that people were not wearing seat belts or strapping their children into car seats, it took an act of legislation to force the public to change their habits. In 1988, the year following the enactment of the seatbelt law, we saw a 100% increase in the public's use of safety belts. This change in social acceptance can be seen as a direct result of the legislation. In today's society we **MUST** legislate because there are people out there who do not take personal responsibility for their own safety and that of others. We do not pass laws to punish responsible people, we pass laws to protect ourselves from irresponsible ones.

"There are already laws that punish careless and reckless drivers appropriately for reckless driving. We do not need another one specifically for cell phones."

Careless and reckless driving laws *do* cover a wide variety of driving infractions. Yet we don't choose to simply legislate reckless driving behaviors under reckless or careless driving. We make special laws making it illegal to drive through a red light, to follow the speed limit, or to stop when a school bus lets off children. We also made a law specifically addressing the behavior of driving while intoxicated. Why? A person violating any of these laws could *surely* be accused of reckless or careless driving. When we recognize a *specific* behavior as being particularly hazardous we address it independently. Laws clearly define particular behaviors as unacceptable leaving no ambiguity for drivers or law enforcement officers. Legislation is needed because it underscores to the public exactly how dangerous and destructive the behavior can be. A law makes people think about that specific behavior and its consequences. Currently, in the state of Pennsylvania, one can run a red light, stop sign while being distracted using a cellular phone, cause someone's death, and receive only two traffic tickets and a \$50 fine.

"A law like this would not be enforceable."

Some lawmakers have raised the question of whether a law such as this would be enforceable. Is it because the be difficult to see people driving and using their cell phones? How do police officers detect whether someone is wearing a seatbelt? How do they spot an invalid inspection sticker? All of these things would be difficult to detect and then enforce. Yet we've made them laws anyway. When we are faced with overwhelming safety concerns, we legislate even passed laws making it illegal to carry a concealed weapon. The very nature of that offense would make it unlikely that an officer would be able to enforce it. Yet we've still passed the law anyway. Why? The hope is always lawmakers will be able to spot and remove potential hazards from the public before harm occurs, but if that fails the ability after the fact, to assess additional penalties on those who have chosen to act recklessly or irresponsibly.

"This law will be bad for business."

The fact is that as we speak there are business all over this country who are rewriting their employee handbook the use of cell phones while driving. Companies such as Johnson & Johnson, the third largest pharmaceutical company in the world, and Praxair, a bottled gas transportation company, just to name a few, have prohibited their employees from using cell phones in moving vehicles while on company time. They see how vulnerable they are, in terms of liability if an accident were to occur. The companies can distinguish the difference between the small advantage their employees gain by conducting business on their phones while driving, and the enormous disadvantage of being held financially responsible for the injury or life of the employee and any person they strike while exhibiting this behavior.

For instance, in February of last year Smith Barney, the brokerage firm, paid THREE MILLION DOLLARS to the family of a man, whom one of their employees struck and killed because he ran a red light while on his phone. The precedent is set. What could be worse for business?

"There isn't enough evidence to prove that using a cell phone while driving causes accidents."

A lack of statistical data about a problem is not the same thing as a lack of evidence!*

The fact is, we **have** evidence that a problem exists. We don't have *statistics* not because they don't exist, but because we don't currently *collect* them.

The Harvard Center for Risk Analysis published a study (funded by AT&T) in the summer of 1999 in a journal called *Decision Making*. In the study, they assigned a crash risk factor to using cell phones. Mike Goodman took the factor and applied it to the number of cell phones in use last summer (95 million). We're up to 107 million as of December 2000, it comes out to 450 - 1000 fatalities each year.*

NHTSA says that for every fatality, there are 666 property damage and injury producing crashes. So, we are having somewhere between 300,000 and 650,000 "other" crashes due to cell phones.*

NHTSA also says that an average crash costs society \$37,000. This means we have a multi-billion dollar problem that is trying to fix.*

We killed 120 kids and small statured women with airbags and there was a huge government, industry and social response. We killed 150 people with Firestone tires, and the response was the same. Both airbags and tires are parts of the driving environment. Cell phones are not, so why do we tolerate this problem?*

Pennsylvania police are not required to note whether a driver involved in an accident had been on the phone, so linking crashes to phones are hard to come by. Only Oklahoma and Minnesota record that information, but experts say their data-collection methods are dated and unreliable.

"The information you need most is not available, because we are not collecting it," said Mark Burris of the University of South Florida's Center for Urban Transportation Research. In November, Japan became one of 14 countries that ban handheld phone use while driving. "Accidents caused by the use of mobile phones dropped by 75 percent the next year," Burris noted.


"Cellular telephones are important devices for reporting emergencies."

This is absolutely true, and the law enforcement community supports such use. But emergency calls can and should be made from stopped vehicles. Indeed, most calls relate to witnessing a crash. Under such circumstances, traffic is stopped, and witnesses attempt to render aid.*

The cellular telephone industry often demonstrates their commitment to promoting safety for their customers through the use of information packets included with product purchases or customer billing, and through the occasional television advertisements. Many industries include caveats for product use in the literature that accompanies products. Most of us don't read any because we know it is provided to protect companies during litigation.*

*Information marked with an asterisk provided by Fran Bents, co-author of the Department of Transportation's report entitled "An Investigation of Wireless Communications in Vehicles," in her March 7, 2000 testimony before the Senate Transportation Committee in Pennsylvania.

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215 799.0903 Telford, PA

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Thank you for visiting our site. You are one of **154,333** people concerned about safety on our roads.

Member of the **Partnership for Safe Driving**[Help our Cause](#)[News & Laws](#)[Objections?](#)[Safety Tips](#)[In Your State](#)[Over](#)**Morgan's Tips for Cell Phone Driving Safety**

Please don't wait for a set of laws governing cell phones on the road -- please use common sense!

Why common sense isn't always enough -- click here!

- Use your cell phone only when parked, or have a passenger use it.
- Never dial the phone or take notes while driving.
- If your phone rings while driving, let the cellular voice mail service take the call and list message later when you are parked.
- AND, for those who would argue that talking on your cell phone is no more dangerous putting on makeup, eating fast food, or reading a map while driving....[Please click here](#)

These tips are meant to protect you, your family, and everyone else on the road. Cell phones are wonderful tools, when used safely.

The cellular phone industry posts the following tips, which we believe are insufficient for driving safety. Still, if you follow only these safety tips, you can make a big difference in the safety of our roads:

Get to know your phone

Get to know your phone and its features such as speed dial and redial. Carefully read your instruction manual and learn to take advantage of valuable features most phones offer including, auto redial and memory dial-most phones can store up to 99 numbers in memory dial. Also, work to memorize the phone keypad so you can use the speed dial function without taking your attention off the road.

Use hands free devices

When available, use a hands free device. A number of hands free wireless phone accessories are readily available today. Whether you choose an installed mounted device for your phone or a portable phone accessory, take advantage of these devices if available to you. (***)Note, studies have shown that the distraction of a driver's attention from the road contributes to accidents involving cell phones and that handsfree devices do not reduce the incidence of accidents(***)

Position your phone within easy reach

Position your phone within easy reach. Make sure you place your wireless phone within easy reach and where you can grab it without removing your eyes from the road. If you get an incoming

an inconvenient time, let your voice mail answer it for you.

Suspend conversation during hazardous conditions

Suspend conversations during hazardous driving conditions or situations. Let the person you speaking to know you are driving; if necessary, suspend the call in heavy traffic or hazardous weather conditions. Rain, sleet, snow and ice can be hazardous, but so is heavy traffic. As a your first responsibility is to pay attention to the road.

Pay attention to the road

Do not take notes or look up phone numbers while driving. If you are reading an address on a business card while driving a car, or writing a "to do" list, then you are not watching where you are going. It's common sense. Don't get caught in a dangerous situation because you are reading and writing and not paying attention to the road or nearby vehicles.

Dial sensibly and assess the traffic

Dial sensibly and assess the traffic; if possible, place calls when you are not moving or before you enter into traffic. Try to plan your calls before you begin your trip, or attempt to coincide your calls with times you may be stopped at a stop sign, red light or otherwise stationary. But if you need to dial while driving, follow this simple tip-dial only a few numbers, check the road and your mirrors, and then continue.

Do not engage in distracting conversations

Do not engage in stressful or emotional conversations that may be distracting. Stressful or emotional conversations and driving do not mix-they are distracting and even dangerous when you are behind the wheel. Make people you are talking with aware you are driving and if necessary, suspend conversations which have the potential to divert your attention from the road.

Use your phone to call for help

Use your phone to call for help. Your wireless phone is one of the greatest tools you can own to protect yourself and your family in dangerous situations-with your phone at your side, help is just three numbers away. Dial 9-1-1 in the case of fire, traffic accident, road hazard, or medical emergencies. Remember, it is a free call on your wireless phone!

Use your phone to help others

Use your phone to help others in emergencies. Your wireless phone provides you a perfect opportunity to be a "good Samaritan" in your community. If you see an auto accident, crime in progress or other serious emergency where lives are in danger, call 9-1-1, as you would want to do for you.

Call roadside assistance when necessary

Call roadside assistance or a special wireless non-emergency assistance number when necessary. Certain situations you encounter while driving may require attention, but are not urgent enough to merit a call to 9-1-1. But you can still use your wireless phone to lend a hand. If you see a broken down vehicle posing no serious hazard, a broken traffic signal, a minor traffic accident where a vehicle appears injured, or a vehicle you know to be stolen, call roadside assistance or other special

emergency wireless number.

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Environment, Energy and Transportation Program

Cell Phones and Highway Safety: 2000 State Legislative Update

PDF version

Updated May 2001

by Matt Sundeen, *Senior Policy Specialist*

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Wireless telecommunication technologies are rapidly becoming a significant concern in regard to highway safety. Almost 90 million people subscribe to wireless telephone services, and 85 percent of those subscribers use their phones while driving to conduct business, report emergencies, stay in touch with loved ones, call for assistance, and report aggressive or drunk drivers.

It's not just phones on the road anymore. In 1999, two major auto manufacturers - General Motors and Ford - formed agreements with telecommunications companies that will enhance wireless features in even more vehicles. Future cars will provide drivers with concierge services, web-based information, online e-mail capabilities, CD-ROM access, on-screen and audio navigation technology, and a variety of other information and entertainment services.

Telecommunications companies say that new technology in cars not only will improve communication but highway safety as well. Already, an estimated 98,000 emergency calls are placed by cell phone users each day, and billions of dollars of business may be transacted by drivers each year. Still,

published in the *New England Journal of Medicine* and by the National Highway Traffic Safety Administration (NHTSA) have concluded that cellular phones often reduce emergency response times and actually save lives. New technology also may make it easier for people to drive more safely on the road.

State policymakers, however, must weigh the promises of wireless technology in cars against growing evidence of the potential dangers. The 1997 study published in the *New England Journal of Medicine* concluded that the distraction caused by phone use in motor vehicles quadrupled the risk of a collision during the brief period of a call, a rate equivalent to the impairment caused by legal alcohol intoxication. Other studies - conducted in the United States as well as in Great Britain and Japan - have similarly concluded that speaking on mobile phones, even if they are hands-free, can make drivers a risk on the road. The basic conclusion of these studies is that the distraction of the car driver, even the actual act of dialing, impairs a driver's ability to safely operate the vehicle.

Cell phones have been suspect in numerous motor vehicle crashes across the country. In 1997, a driver who was also using a cell phone killed a 2-year-old girl in Pennsylvania. Another driver, distracted by a cell phone, hit and killed a state corrections officer in North Carolina. This year, a 10-year-old Pennsylvania girl suffered severe head injuries in a crash caused by a driver who was distracted by a mobile phone.

Wireless technology proponents argue that phones are no more distracting than a radio, food, or a vanity mirror. They say that the same reckless driving laws that apply to other drivers should also apply to people who drive carelessly while using a car phone. As the number of traffic incidents involving cell phones and other technologies continues to rise, however, legislators may feel growing pressure to specifically restrict these technologies in cars.

State Action

All states make reckless or careless driving illegal. Few states, however, specifically regulate cellular phone use in automobiles. California, Florida and Massachusetts impose minor restrictions on cellular telephones in automobiles. In California, rental cars with cellular telephone equipment must include written operating instructions for safe use. In Florida, cellular phone use is permitted in an automobile as long as it provides sound through one ear and allows surrounding sound to be heard with the other ear. In Massachusetts, car phones are permitted as long as they do not interfere with vehicle operation, and drivers keep one hand on the steering wheel at all times (see table 1).

Table 1. State Restrictions on the Use of Cellular Telephones

California	Veh. Code 28090	Rental cars with cellular telephone equipment must include written operating instructions concerning its safe use.	\$100 maximum for first violation, \$200 maximum for second; \$250 for third and subsequent violations committed within one year.
Florida	FLS 316.304	Cellular phone use is permitted as long as it provides sound through one ear and allows surrounding sound to be heard with the other ear.	\$30 for each violation; non-moving violation.

		sound to be heard with the other ear.	
Massachusetts	GLA 90-13	Cellular phone use is permitted as long as it does not interfere with the operation of the vehicle and one hand remains on the steering wheel at all times.	\$35 maximum for first violation; \$35 to \$75 for second violation; \$75 to for third and subsequent violations committed with one year.
<p>Note: All other states place no restrictions on cellular phone use in vehicles.</p> <p>Source: NCSL, July 2000</p>			

California, Florida, Iowa, Maryland, Minnesota, Montana, Oklahoma, Pennsylvania and Texas require police to include information about cellular telephones in accident reports. Tennessee requires some law enforcement agencies to collect data about cell phone involvement in crash Michigan state police began collecting data in 2001. No state bans wireless phones in automo

At least 45 states since 1995 have proposed bills concerning cellular telephones in automobile 2000, at least 27 states considered measures that targeted cellular telephones and other technology in motor vehicles (see table 2). Legislation varied in severity from proposals that w ban all use in vehicles, to requirements for hands-free devices, improved data collec'.on, and l that would make drivers more liable if they are involved in a crash while using a cell phone. Although no legislation passed, bills are still pending in several states. Only 15 states propose legislation in 1999.

Table 2. 2000 Legislation

State	Bill Description	Bill Status
Arizona	SB 1017 - Prohibits the use of cell phones and other electronic devices while driving.	Session adjourned. No action c bill after January.
Colorado	HB 1156 - Prohibits the use of hand-held cell phones while driving.	Died in committee.
Connecticut	<p>HB 5843 -Prohibits the use of cell phones while operating a motor vehicle in the left lane of a limited access highway.</p> <p>HB 5899 - Prohibits the operation of a motor vehicle while using a hand-held cell phone or engaging in other inattentive behavior.</p>	<p>Session adjourned. No action c bill after March.</p> <p>Failed joint favorable deadline.</p>

Delaware	SB 319 - Requires the Department of Public Safety to collect and publish data related to the use of cellular, mobile and other portable phones and devices by the operators of motor vehicles at the time an accident occurs.	Defeated in Senate.
Georgia	<p>SR 611 - A resolution to encourage drivers in Georgia to observe good judgement when using cell phones while driving.</p> <p>SB 395 - Concerns both habitually negligent drivers and the use of mobile phones while driving.</p> <p>SR 650 - Asks wireless phone companies to educate customers about the safe way to use cell phones while driving.</p> <p>HB 310 - Makes changes to certain provisions regarding driver use of radios and mobile telephones.</p> <p>SB 353 - Establishes proper use of radio and mobile telephones while driving. Use of mobile phone constitutes reckless driving.</p> <p>SB 298 - Concerning provisions relating to the use of mobile phones or radios while driving.</p> <p>SB 323 - Concerning proper use of mobile phones and radios while driving. Using more than one hand for cell phone call improper.</p>	<p>Session adjourned. No action c bill after February.</p> <p>Session adjourned. No action c bill after February.</p> <p>Session adjourned. Bill failed.</p> <p>Session adjourned. No action c bill after June.</p> <p>Session adjourned. No action c bill after January.</p> <p>Session adjourned. No action c bill after January.</p> <p>Session adjourned. No action c bill after January.</p>
Hawaii	<p>HB 2079 - Prohibits the use of a cellular phone while driving unless the driver has both hands on the wheel.</p> <p>SCR 44 - Requires the Dept. of Transportation to conduct a study on traffic accidents involving the use of cell phones.</p>	<p>Died in House.</p> <p>Died in Senate.</p>

Iowa	<p>HB 2051 - Prohibits the use of cell phones while driving. Prohibits all call longer than one minute. Emergency exemption.</p> <p>HB 2103 - Limits the use of cell phones while driving in congested parking lots unless the call is for an emergency.</p>	<p>Session adjourned. No action on bill after January.</p> <p>Session adjourned. No action on bill after February.</p>
Illinois	<p>HB 4479 - Provides that a driver may use a cell phone only with a hands-free apparatus.</p> <p>HB 1363 - Amends the Vehicle Code by prohibiting drivers from using cell phones unless the driver uses a hands-free device.</p>	<p>Referred to House Committee on Rules.</p> <p>Referred to House Committee on Rules.</p>
Indiana	SB 386 - Prohibits the use of mobile telephones while driving.	Adjourned. No action on bill since January.
Kansas	HB 2705 - Prohibits the use of hand-held cell phones while driving.	Died in Committee.
Kentucky	<p>HB 172 - Prohibits the use of cell phones by non-emergency personnel while driving.</p> <p>HB 173 - Prohibits the use of cell phones by motor vehicle drivers.</p>	<p>Session adjourned. No action on bill after January.</p> <p>Session adjourned. No action on bill after January.</p>
Massachusetts	HB 4810 - Prohibits the use of mobile telephones while driving a school bus, except in an emergency.	From Joint Committee on Public Safety, ought to pass.
Maryland	HB 43 - Prohibits the use of hand-held mobile telephones by the driver of a motor vehicle.	Died in committee.
Michigan	<p>SB 1015 - Includes in the definition of careless or negligent driving the use of cell phone while driving that prevents the driver from putting both hands on the wheel.</p> <p>HB 5567 - Allows points to be added to a driver license record when it is determined that the use of cellular</p>	<p>Referred to Senate Committee on Transportation and Tourism.</p> <p>To House Health Committee.</p>

	telephone contributed to the cause of the accident or violation.	
Minnesota	HB 745 - Clarifies where televisions may be placed in motor vehicles. SB 696 - Relates to the placement of televisions in motor vehicles.	Bill carried over to 2000 sessio Bill carried over to 2000 sessio
Missouri	HB 1184 - Prohibits the use of cell phones while driving.	Died in committee.
Nebraska	LB 993 - Creates a presumption of contributory negligence for drivers who use a cell phone and are involved in a crash.	Died in committee.
New Hampshire	HB 1273 - Prohibits the use of cellular telephones while driving. LSR 2031 - Restricts the use of cellular telephones while driving.	Referred to House Committee Transportation Filed request.
New Jersey	AB 1929 - Prohibits the use of cell phones while driving. Requires that police reports track whether cell phones were in use before accidents. SB 849 - Sets penalties for using a cell phone while driving. AB 2051 - Prohibits the tracking of speed monitoring of cars via cell phone signals. AB 2487 - Requires cell phone use to be tracked in connection with motor vehicle crashes. AB 408 - Prohibits the use of cell phones while driving. SB 480 - Prohibits the use of cell phones while driving.	Referred to Assembly Committ on Transportation. Referred to Senate Committee Law and Public Safety. Referred to Assembly Committ on Law and Public Safety. Referred to Assembly Committ on Transportation. Introduced and referred to Assembly Committee on Transportation. Introduced and referred to Sen Committee on Law and Public Safety.
New York	SB 6339 - Prohibits the use of hand-held cellular phones while driving.	Referred to Senate Committee Transportation.

SB 6424 - Requires police to indicate whether cell phones were in use prior to a motor vehicle crash.

Referred to Senate Committee Transportation.

AB 11024 - Requires police to record information relating to the use of cell phones in motor vehicle crash reports.

Referred to Assembly Committ on Transportation.

SB 7840 - Requires the Dept. of Motor Vehicles to include information on the use of cell phones in motor vehicle crashes in its annual summary of motor vehicle crashes.

Referred to Senate Committee Transportation.

SB 6900 - Requires the Governor's Traffic Safety Committee to study the effects of cell phones and other driver distractions on highway and traffic safety.

Amended in Senate Committee Transportation.

SB 7460 - Prohibits the use of hand-held cell phones while driving.

Referred to Senate Committee Transportation.

AB 1435 - The Governor's Traffic Safety Committee is required to study the effects of cell phone use and other distractions on highway and traffic safety and reducing motor vehicle crashes related to cell phone use.

Passed Assembly and sent to Senate.

AB 2302 - Prohibits the use of cell phones while driving on a public highway; allows for hands-free device in certain circumstances.

Referred to Assembly Committ on Transportation.

AB 3016 - Requires police officers to indicate on motor vehicle accident reports whether cell phone use played a part in the accident.

Referred to Assembly Committ on Transportation.

AB 3684 - Prohibits the use of cell phones while driving unless the driver is in fear of his or her life or fears that a criminal act may be perpetrated against them.

Referred to Assembly Committ on Transportation.

AB 4361 - States that it is against the law to drive while using a hand-held cell

Amended in Assembly Committ on Transportation.

Referred to Assembly Committ on Consumer Affairs.

	<p>phone. Sets out penalties and fines. Hands-free devices are exempt.</p> <p>AB 4947 - Requires that cell phone manufacturers place warning labels on cell phones explaining the dangers of driving while using a cell phone.</p> <p>AB 5838 - Requires DMV to include information on cell phone use relating to motor vehicle crashes in its annual summary of motor vehicle crashes.</p> <p>AB 6120 - Prohibits the use of cell phones while driving unless the driver is calling 911 or is in fear of his or her life.</p> <p>SB 1435 - Prohibits the use of cell phones while driving on a public highway. Allows the use of hands-free devices.</p> <p>SB 1767 - Requires police to indicate whether cell phones were in use during motor vehicle crashes.</p> <p>SB 2134 - Prohibits the use of cell phones while driving except when the driver is alone or in fear of his or her life.</p>	<p>Referred to Senate Committee Transportation</p> <p>Referred to Assembly Committee on Rules.</p> <p>Referred to Senate Committee Transportation.</p> <p>Referred to Senate Committee Transportation.</p> <p>Referred to Senate Committee Transportation.</p>
<p>Ohio</p>	<p>HB 251 - Prohibits the use of cell phones while driving unless the driver is reporting an emergency. Requires the state highway patrol to collect data regarding cell phone use.</p>	<p>In House Committee on Transportation and Public Safe</p>
<p>Pennsylvania</p>	<p>SR 127 - Directs the Joint State Government Commission to study issue of distracted drivers, including cell phone use.</p> <p>HB 2196 - Prohibits school bus drivers from using cell phones while operating the bus.</p> <p>HB 2301 - Prohibits the use of hand-held cell phones while driving.</p>	<p>Died in Senate.</p> <p>Died in committee.</p> <p>Died in committee.</p> <p>Died in committee.</p> <p>Died in committee.</p>

	<p>SB 1279 - Prohibits the use of cell phones while driving.</p> <p>HB 395 - Prohibits the use of cell phones while driving.</p> <p>HB 2112 - Prohibits the use of cell phones while operating a moving vehicle.</p> <p>SB 1085 - Prohibits the use of cell phones while driving.</p> <p>HB 2184 - Limits the use of mobile phones while driving.</p>	<p>Died in committee.</p> <p>Died in committee.</p> <p>Died in committee.</p>
Rhode Island	<p>HB 6907 - Prohibits the use of earphones, headsets and mobile phones while driving.</p> <p>HB 7255 - Requires police officers to report the use of cell phones in motor vehicle crashes.</p> <p>HB 7145 - Limits televisions in driver compartment of motor vehicles.</p> <p>SB 2653 - Prohibits the use of hand-held cell phones while operating a bicycle or motor vehicle.</p> <p>HB 5573 - Prohibits the use of cell phones while driving.</p> <p>SB 741 - Allows televisions to be installed in motor vehicles if they are outside the field of vision of the operator.</p>	<p>Referred to Joint Committee or Highway Safety.</p> <p>Referred to Joint Committee or Highway Safety.</p> <p>Referred to Joint Committee or Highway Safety.</p> <p>Transferred to Joint Committee Highway Safety.</p> <p>Referred to Joint Committee or Highway Safety.</p> <p>Referred to Senate Committee Corporations.</p>
South Carolina	<p>HB 4956 - Prohibits the use of a cell phone while driving a motor vehicle unless the phone is hands-free.</p>	<p>Referred to Committee on Transportation.</p>
Washington	<p>HB 2876 - Establishes penalties for car phone use that causes personal injury.</p> <p>SB 6265 - Concerning tracking cell</p>	<p>Referred to House Committee Criminal Justice and Correction No action on bill after January.</p>

	phone usage in accident reports.	Died in committee.
West Virginia	SB 405 - Establishes penalties for causing injury while driving and using a cell phone.	Session adjourned. Bill died.
Wyoming	HB 176 - Prohibits the use of cell phones while driving.	Failed introduction.

Source: National Conference of State Legislatures, July 2000

Federal Action

To date, the federal government has not acted to limit cellular telephone use in automobiles. However, in 2000 NHTSA held several public events that focus on the potential safety implications associated with driver distraction while using advanced in-vehicle technologies that receive, transmit or display various types of information, including those that allow drivers to phone, fax, obtain route guidance, view infrared images on a head-up display, and use the Internet and other such devices.

The first event, an international Internet forum in July and August, provided an opportunity for technical experts and the general public to download technical papers, ask questions, and relate their experiences regarding the use of in-vehicle devices and their effect on safety and driving performance. A second event allowed representatives of the public, industry, government and safety groups to share viewpoints, information and recommendations regarding strategies to minimize potential adverse effects of driver distraction on safety when using such telematic devices. As a result of these meetings, NHTSA's Deputy Administrator Rosalyn Millman indicated that "NHTSA's consumer information will now include advise that growing evidence suggests using wireless phone or other electronic device while driving can be distracting and drivers should not be on the phone or use other devices while their vehicles are in motion."

Local Action

Although no state has restricted cell phones in cars, local jurisdictions are moving quickly to address the issue. Ten local jurisdictions now require drivers to use hands-free cell phone devices while operating a motor vehicle. These include:

- Brooklyn, Ohio;
- Conshohocken, Pennsylvania;
- Lebanon, Pennsylvania;
- Marlboro, New Jersey.
- West Conshohocken, Pennsylvania;
- Suffolk County, New York;
- Carteret, New Jersey; and
- Brookline, Massachusetts.
- Westchester County, New York.
- Nassau County, New York

An estimated 300 additional local jurisdictions including Aspen, Colorado; Boca Raton, Florida; Santa Monica, California; Philadelphia; Cleveland and Chicago may be considering or already considered similar ordinances. New York City prohibits taxicab drivers from using cell phones driving. An ordinance in Hilltown Township, Pennsylvania was struck down by an appellate court.

International Action

Twenty countries now restrict or prohibit cell phones and other wireless technology in motor vehicles. These include Australia, Brazil, Chile, Denmark, England, Germany, Greece, Israel, Japan, Poland, Portugal, the Philippines, Romania, Singapore, Slovenia, South Africa, Spain, Switzerland and Turkey. Delhi, India, and Hong Kong also impose restrictions on car phones.

Conclusion

Wireless telephones and other telecommunications technologies will continue to proliferate in vehicles. As use increases, state legislatures will be increasingly challenged to balance safety concerns against the obvious benefits. Already, state legislatures are considering measures to improve data collection, make drivers liable for crashes caused by mobile phones and other distractions, and restrict use of mobile telephones in motor vehicles.

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Internet Links

NCSL Legislative Tracking Service

The "Car Talk Guys"

Patricia Pena's Web Site

Cellular Telecommunications Industry Association

Contacts for More Information

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(303) 830-2200 ext.269

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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 2000 concerning cell phones and driving, as well as federal, local and international activities. This report updates a similar 1999 publication.



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FEATURE REPORT

February 2002

The distraction factor

Studies show that cell phones and driving don't mix. But will cell-phone legislation solve the problem?

Common sense suggests that talking on a phone can distract a driver from the all-important task of driving safely. And research seems to support this. A growing number of studies at universities, government labs, and corporations in the U.S. and around the world show that drivers' reaction times slow down and that judgment is impaired when people use a phone while driving.



Photo by Tracey Kroll

The big question has been *how* impaired.

To what degree are drivers' reaction times slowed? And is this an acceptable risk? Is phone use any worse than, say, chatting with a passenger, tuning a radio, or reading a billboard? If so, what needs to be done to solve the problem?

Growing concern over this issue is causing many states and municipalities to adopt or consider legislation restricting the use of cell phones while driving.

On December 1, 2001, New York became the first state to ban handheld cell phones while driving; 35 other states are considering similar legislation (see [Cell-phone use legislation by state](#)). In addition, several towns in Florida, Massachusetts, New Jersey, New Mexico, Ohio, Pennsylvania, and Utah have enacted bans, as have about 20 countries.

All the bans in the U.S. and the vast majority of the legislation target only handheld cell phones, allowing people to use hands-free phones while driving. Accumulating evidence, though, suggests that simply talking on a telephone--not just dialing or holding a receiver--can seriously impair a driver and should be restricted to people who are not actually driving.

Late last year, we conducted a limited evaluation of our own regarding the use of handheld cell phones vs. hands-free versions while driving. For some drivers, we found degraded performance using any phone, which suggests that most legislative efforts are not addressing the right problem.

WHAT THE STUDIES SAY

The suspicion about cell phones and cars caught fire exactly five years ago, with a study published in February 1997 in "The New England Journal of Medicine." That study, conducted in Toronto, Ontario, looked at 699

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Consumer Reports

Expert Forum, [C phones -- service handsets](#), January February 1, 2002

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drivers who owned cell phones and had been in collisions. It concluded that when a phone was used while driving, the risk of a collision was between 3 and 6.5 times higher than when a phone was not used. It also concluded that the relative risk was similar to that of driving with a blood-alcohol level at the legal limit, and that cell phones that allowed hands-free operation offered no safety advantage.

Those findings sparked many more studies, which varied in their results. Many critics thought the Toronto study was flawed: that the sample was too small; it was limited to urban drivers in one city; and it was limited to cell-phone users who had had a collision--hardly a representative sample.

More recently, a study on driver distraction by the University of North Carolina Highway Safety Research Center seemed to vindicate

"When you're talking,
you're impaired."

--Dr. David Strayer, *University of Utah*

cell-phone use. That study, funded by the American Automobile Association Foundation for Traffic Safety, listed driver-distraction factors associated with serious crashes. The major culprits in some 300,000 distracted-driver accidents were listed as "something outside the vehicle" (about 30 percent); adjusting the audio system; and talking with other occupants (about 11 percent each). Cell-phone use was a distant eighth on the list, a factor in 1.5 percent of the collisions.

That study, too, had its critics. The biggest problem was that the on-site accident investigators often didn't have a space to fill in "cell phone" on their reports of causes. So cell-phone use was almost certainly underreported. This, in fact, is a common problem with studies that rely on accident reports, since most states haven't required the use of a cell phone during an accident to be reported.

The truth may lie somewhere in between. As long ago as 1969, a study by England's Medical Research Council noted that during familiar, routine driving, phone use didn't do any notable harm. But when a driver had to make a quick decision--determining, for example, whether the lane ahead was wide enough to get the car through--drivers talking on a phone exhibited much poorer judgment than those who were not.

Other distraction studies have tried to separate the factors leading to impairment:

- ▶ Last year, a Cambridge Basic Research study found degraded steering performance among subjects dialing a phone manually, but no such effect when the subjects used voice dialing.
- ▶ At about the same time, researchers at Miami University, in Ohio, concluded that the intensity of a conversation wasn't a special issue, although merely using a phone created longer braking-reaction times.

Other studies have outlined the characteristics of the phone-and-drive population:

- ▶ Some individuals are clearly better at multitasking than others.
- ▶ Some get better with practice, though signs of impairment may only diminish rather than disappear.
- ▶ On the whole, drivers under the age of 50 are less impaired by multitasking challenges than are drivers age 50 or over.

One of the leading researchers on this subject is a psychologist, David Strayer, Ph.D., of the University of Utah. Using a state-of-the-art driving simulator, which mimics the cabin of a Ford Crown Victoria sedan with wrap-around viewing screens, Strayer has studied the effect of handheld vs. hands-free phones.

"People talking on any phone tend to act like sluggish drivers," Strayer told us. "They're slow to react, particularly to unexpected events. It takes them longer to hit the brakes. They're more likely to miss signals and more likely to have accidents."

Strayer is clear on the subject of the type of phone used. "We've noted no safety advantage for using a hands-free vs. a handheld phone. It's conversation that drives this effect. When you're talking, you're impaired." He adds that merely listening isn't an issue. "We haven't noted any attention interference at all for someone listening to the radio or a book on tape."

CONSUMER REPORTS' TEST

Late last fall we conducted a limited evaluation of driver distraction at our Auto Test facility in Connecticut. It focused on the use of handheld and hands-free cell phones while driving and whether there was any clear advantage to using one over the other.

The 10 subjects were all staffers of our Auto Test Division or their relatives, ages 24 to 45. They drove four laps of a marked 2 1/2-mile course consisting of straight open stretches, wooded hills, and curves of varying difficulty. They were asked to maintain a consistent speed from lap to lap of between 30 and 40 mph, and the laps were timed. An instructor/observer sat in the passenger seat.

In the first two laps, participants drove the course without a phone. On the first there was light conversation with the observer and on the second the driver was asked a series of distracting questions: math problems and Trivial Pursuit-type questions. On the other two laps, the participant was asked to dial and speak on a handheld phone and then on a hands-free phone. During each call they were also asked questions similar to those on the second lap.

After each lap, we gave the drivers a surprise quiz: They were asked to describe the number of, or the shape, color, or content of four common road signs they had passed on the course.

WHAT WE FOUND

Our evaluations demonstrate that talking or dialing a cell phone does affect driving behavior to varying degrees. Overall, the drivers hewed to the course and maintained consistent speeds lap-to-lap, rarely varying more than one or two miles per hour. Some, however, wandered in the lane or slowed down while using a phone. Others had more trouble recalling the details of the signs or were slower when answering questions during laps in which they were talking on a phone.

Most drivers slowed down to dial phone numbers but then speeded up again. One notable finding was that most drivers felt that dialing a hands-free phone that was plugged into the car's lighter socket required more attention and was more distracting than dialing a handheld, which they could at least bring closer to their line of sight. A hands-free phone with voice-activated dialing would likely be a better option than either of the types we used, but we did not test one.

One of the consistencies from driver to driver was that there was no discernible difference between talking while holding a cell phone and using a hands-free phone. Although using a hands-free phone allows a driver to keep both hands on the steering wheel, which helps maintain better control of the car, the simple act of carrying on a conversation was equally distracting regardless of the phone being used. Another source of distraction occurred when the phone lost the cellular signal and forced the driver to redial, which can be common in some areas.

This correlates with the findings of more in-depth studies and suggests that legislation intended to improve highway safety by eliminating cell-phone distraction needs to target use of all phones while driving, not just handheld units.

How dangerous is the distraction we observed? That's something we can't measure and likely varies depending on the driver and the situation. It's also likely that even moderate distraction can become more serious if the driver suddenly needs to deal with a surprise--such as a child running into the road or a car unexpectedly pulling into his or her lane.

Having a cell phone in the car is convenient for everyday tasks and can be critical in emergencies. But if you need to talk on the phone while in a vehicle, we encourage you to pull off the road and stop. This is not only a courtesy to other drivers; it could keep you out of an accident.



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Get Involved! Here's How You Can Make a Difference...

Why get involved? Your life depends on it! Why common sense isn't enough -- click

#1: Set an Example and Stay Safe!

#2: Write To Your Politicians!

#3: Tell Cell Phone Companies to Take Action!

#4: Let Others Know

#1: Set an Example and Stay Safe!

If you use a cellular phone in your car, please stay safe and set a good example by pulling over stopping before making or taking a call. Tell your friends and family to do the same for their safety and everyone else's. Awareness is the first step! If your phone allows you to change the greeting that comes up when you first turn it on (and many do), change the greeting to "Morgan Lee" -- a constant reminder that your phone call is not that important!



[Click here to find out how you can get your free bumper sticker.](#)

#2: Write To Your Politicians!

Write to your politicians, and let them know you support cellular phone legislation -- be specific that you want drivers restricted from the use of cellular phones while driving and that you support punishment for those who do not comply. Include pictures of your children, if you have them. Write to those listed below, please write to your state's Governor, State Senator, and Representative even use the same letter as long as the headings are changed. See below for information on how to find the right addresses or visit the Car Talk website. [It features a map of the United States -- just click on your state to find out where to write!](#)

If you live in Pennsylvania, please, mention Morgan's name and ask that the legislation be named in her memory.

In **Pennsylvania**, to find your local senator and representative, check the Blue Pages of your phone book, or visit the following websites: [Senate of Pennsylvania Senator Listing](#) and [Pennsylvania Representatives](#)

In **New Jersey**, to find your local senator and representative, check the Blue Pages of your phone book, or visit the following websites: [New Jersey State Legislature](#) and to e-mail the governor at

[link E-mail NJ Governor](#)

To find your local senator and representative in other states, check the Blue Pages of your local book. Or, visit the Car Talk website. [It features a map of the United States -- just click on your find out where to write!](#)

#3: Tell Cell Phone Companies to Take Action!

Next, we urge everyone to write to their own cellular provider and let them know that you support legislation to restrict cellular phone use while driving. Implore them to build and expand their product development in this area which will help alleviate this risk.

#4: Let Others Know

NEXT, [click here to print this flyer with legislative contacts and a picture of Morgan Lee](#) [here to print this flyer with cellular phone company contacts and a picture of Morgan Lee](#) them in public location and send them to everyone you know, or direct them to this website so that they can get involved too! It will take a great deal of support to push through this kind of legislation.

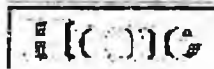


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Search for more information about cell phone safety here (you can also click on the search terms to search for your local government representatives using the search engine)



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Distracted drivers pose safety hazard, according to new UNC Highway Safety Research Center study

Press Release - for immediate use

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CHAPEL HILL - Each year, an estimated 284,000 distracted drivers are involved in serious crashes, according to a new study by the University of North Carolina Highway Safety Research Center.

"We found that 15 percent of drivers in the study were not paying attention and just over half of these (8.3 percent) were distracted by something inside or outside the vehicle," said Dr. Jane Stutts, manager of epidemiological studies at the UNC center and author of the study.

When drivers with unknown attention status were removed from the data, the percentage of distracted drivers rose to 12.9 percent.

Stutts will testify about the study, funded by the AAA Foundation for Traffic Safety, at a congressional hearing in Washington, D.C., on Wednesday (May 9). She will testify before the House Transportation and Infrastructure Committee's Subcommittee on Highways and Transit at 10 a.m.

The study found that drivers were most often distracted by:

- Something outside their vehicle (29.4 percent)
- Adjusting a radio or CD player (11.4 percent)
- Talking with other occupants (10.9 percent)
- Adjusting vehicle or climate controls (2.8 percent)
- Eating or drinking (1.7 percent)
- Cell-phone use (1.5 percent)
- Smoking (0.9 percent).

"Different age groups appear to be distracted by different things," Stutts said.

Drivers under age 20 were especially likely to be distracted by tuning the radio or changing CDs, while young adults (ages 20-29) seemed to be more distracted by other passengers. Drivers over age 65 were more distracted by objects or events happening outside the vehicle.

Most of the distracted drivers were male (63 percent), in part because as a group, males drive more than females and are more likely to be involved in serious crashes.

Researchers used the National Highway Traffic Safety Administration's Crashworthiness Data System for the study. The CDS examines a sample of approximately 5,000 crashes a year in which at least one vehicle was damaged enough to require towing. Federal investigators collect detailed information about each crash, including examination of the vehicle and crash scene and interviews with drivers and witnesses. The UNC center's study used data from 1995 through 1999 and included 32,303 vehicles.

The UNC Highway Safety Research Center conducts interdisciplinary research aimed at reducing deaths, injuries and related societal costs of roadway crashes in North Carolina and the nation. The center's research addresses crashes involving motor vehicles, bicyclists and pedestrians and takes into account the various human, vehicular, roadway and environmental components of these risks.

The AAA Foundation for Traffic Safety is an independent, publicly funded charitable research and educational organization founded by the American Automobile Association in 1947. The AAA Foundation's mission is to prevent traffic deaths and injuries by conducting research into their causes and by educating the public about strategies to prevent crashes.