

# CAPITOL FACTS & FIGURES

## ● ● ● TRANSPORTATION SAFETY

### Cellphones and Distracted Driving

Evan Lieberman was a passenger in a friend's car on his way to work in Orange County, N.Y., at about 7 a.m. June 16, 2011. He never made it to work. A car driven by Michael Fiddle crashed into the car. After a month in the hospital, Lieberman died from his injuries. Both men were 19-years-old.

Fiddle told the police he had fallen asleep at the wheel. Because New York has no drowsy driving laws, Fiddle wasn't cited or charged for breaking any laws. Two years later, *USA Today* reports,<sup>1</sup> when Lieberman's parents filed a civil suit, they gained access to Fiddle's phone records. Fiddle's records were enough for an administrative judge to charge Fiddle with violating several traffic laws during the time of the accident, including using his cellphone. Fiddle's license was suspended for a year on April 5, 2013. In addition, Lieberman's parents formed an organization, Distracted Operators Risk Casualties, which advocates for police and lawmakers to treat distracted driving as severely as drunken or impaired driving.

This highway death related to cellphone use is just one of thousands across the United States. According to the National Highway Transportation Safety Administration, distracted driving killed 3,331 people in 2011, accounting for 10 percent of all traffic deaths. The high death toll has sparked an increase in laws that crack down on elements related to distracted driving, such as texting or using a handheld device.

#### State Action

Since 2007, when Washington state passed the first texting-while-driving ban:

- 41 states, the District of Columbia, Puerto Rico, Guam and the U.S. Virgin Islands have banned texting for all drivers (as of June 2013);
- Six states have banned texting for novice drivers;
- 11 states, the District of Columbia, Puerto Rico, Guam and the U.S. Virgin Islands have banned all drivers from using handheld cellphones while driving;
- 37 states and the District of Columbia banned all cellphone use for novice drivers;
- 19 states and the District of Columbia banned all cellphone use for school bus drivers; and
- As of May 2013, only two states—Montana and South Carolina—have no laws regarding the use of cellphones.<sup>2</sup>



#### Enforcement

- While many states are passing legislation regarding distracted driving, enforcement can be difficult. Despite strict laws, people continue to text and use their handheld device while driving. In fact, 31 percent of U.S. drivers ages 18 to 64 reported reading or sending a text message or email while driving at least once within 30 days of responding to the survey, according to the Centers for Disease Control and Prevention.<sup>3</sup> In addition, the president of the Safe Roads Alliance in Boston told the *Los Angeles Times* that police officers are finding it difficult to enforce distracted driving laws.<sup>4</sup>
- Some states have found ways to better enforce the ban on cellphone use. According to CBS Albany in New York, which was the first state to pass a ban on handheld devices for all drivers, patrolmen are using unmarked police cars that are higher off the ground than regular cars to give them a better view of drivers texting or talking on a cellphone.<sup>5</sup> Because the handheld ban in New York is a primary offense, an officer can immediately pull over a driver seen talking or texting without having another reason.
- New Jersey has proposed a new bill that would allow police officers to check a driver's cellphone at a crash site. Senate Bill 2783, introduced by state Sen. James Holzapfel, allows officers to search the text and call history of a phone without a warrant when deciding if a phone was used during the crash.<sup>6</sup> The officer would be required to return the phone onsite when finished. A similar bill failed in Hawaii in 2009.

## Strategies to Reduce Distracted Driving

- Other states are focusing on campaigns that specifically target drivers who use their phones while driving. Delaware is in the third phase of its distracted driving campaign, “Phone in One Hand, Ticket in the Other,” sponsored by the U.S. Department of Transportation.<sup>7</sup> Delaware, which has a primary ban on handheld devices for all drivers and a ban on all cellphone use for school bus and novice drivers, already has handed out more than 4,000 citations for distracted driving since November 2012; 2,000 were issued between April 9 and April 22, 2013 alone. The goal of the campaign is to lower the rate of cellphone use while driving through increased enforcement and public service announcements.
- Syracuse, N.Y., and Hartford, Conn., found that after the “Phone in One Hand, Ticket in the Other” campaigns, cellphone use while driving decreased significantly. California is also a part of the campaign.
- Connecticut is attempting to deter distracted drivers through new legislation that will give insurance agencies access to information about distracted driving violations. Connecticut House Bill 6033,<sup>8</sup> introduced by the Transportation Committee, requires the commissioner of the Department of Motor Vehicles to record a distracted driving violation as a moving violation and create a point system on the vehicle operator’s license. These points would be available for inspection by the driver’s insurer. The bill was signed into law on July 11, 2013.

## Targeting a Younger Audience

- States also are targeting younger people who are still in school and learning how to drive in their efforts to stamp out distracted driving. For example, on May 30, 2013, Louisiana Gov. Bobby Jindal signed into law Senate Bill 147,<sup>9</sup> which bans the use of social media while driving. This

law is geared toward younger drivers who are more likely to use applications such as Facebook, Twitter and Instagram on their smartphone while driving.

- Many schools have begun to implement programs to help teens learn about the dangers of distracted driving. One example is Project Yellow Light,<sup>10</sup> a scholarship competition created by the family of Hunter Garner, a high school student from Spotsylvania County, Va., who died in a distracted driving accident in June 2007. The competition encourages current high school and college students to create public service announcements to educate others on the dangers of distracted driving. The three winners receive up to \$5,000 in scholarship money.

## REFERENCES

- <sup>1</sup>Corcoran, Terrence. “N.Y. family who lost son fights distracted driving.” USA Today. May, 29, 2013. <http://www.usatoday.com/story/news/nation/2013/05/29/ny-father-fights-distracted-driving/2370837/>
- <sup>2</sup>Governors Highway Safety Association. “Distracted Driving Laws.” June 2013. [http://www.ghsa.org/html/stateinfo/laws/cellphone\\_laws.html](http://www.ghsa.org/html/stateinfo/laws/cellphone_laws.html)
- <sup>3</sup>Centers for Disease Control and Prevention. “Distracted Driving.” [http://www.cdc.gov/Motorvehiclesafety/Distracted\\_Driving/](http://www.cdc.gov/Motorvehiclesafety/Distracted_Driving/)
- <sup>4</sup>White, Ronald D. “Laws against driving and cellphone use aren’t working, study finds.” <http://articles.latimes.com/2013/apr/05/business/la-fi-0406-distracted-drivers-20130406>
- <sup>5</sup>CBS Albany. “Cracking down on distracted driving.” May 15, 2013. <http://www.cbs6albany.com/news/features/top-story/stories/cracking-down-distracted-driving-8301.shtml>
- <sup>6</sup>Jarrett, Tracy. “Law would allow cops to search phone after crashes.” [http://usnews.nbcnews.com/\\_news/2013/06/12/18921600-law-would-allow-cops-to-search-phones-after-crashes?lite](http://usnews.nbcnews.com/_news/2013/06/12/18921600-law-would-allow-cops-to-search-phones-after-crashes?lite)
- <sup>7</sup>National Highway Transportation Safety Administration. “Phone in One Hand, Ticket in the Other.” <http://www.distraction.gov/content/dot-action/enforcement.html>
- <sup>8</sup>Connecticut House of Representatives. “An Act Concerning Motor Vehicle Insurance Providers And Distracted Driving (House Bill 6033).” <http://www.cga.ct.gov/2013/TOB/H/2013HB-06033-R01-HB.htm>
- <sup>9</sup>Louisiana State Senate. “Senate Bill 147.” <http://www.legis.la.gov/legis/ViewDocument.aspx?d=849914&n=SB147%20Enrolled>
- <sup>10</sup>Project Yellow Light. <http://www.projectyellowlight.com/>



Margaret Leer, CSG Research Assistant | [mleer@csgr.org](mailto:mleer@csgr.org)



## Texting Bans

State or other jurisdiction	Text Messaging Ban
Alabama	Yes
Alaska	Yes
Arizona	No
Arkansas	Yes
California	Yes
Colorado	Yes
Connecticut	Yes
Delaware	Yes
District of Columbia	Yes
Florida	Yes* <sup>1</sup>
Georgia	Yes
Guam	Yes
Hawaii	Yes
Idaho	Yes
Illinois	Yes
Indiana	Yes
Iowa	Yes*
Kansas	Yes
Kentucky	Yes
Louisiana	Yes
Maine	Yes
Maryland	Yes
Massachusetts	Yes
Michigan	Yes
Minnesota	Yes
Mississippi	No
Missouri	No
Montana	No
Nebraska	Yes*
Nevada	Yes
New Hampshire	Yes
New Jersey	Yes
New Mexico	No
New York	Yes
North Carolina	Yes
North Dakota	Yes
Ohio	Yes*
Oklahoma	No
Oregon	Yes
Pennsylvania	Yes
Puerto Rico	Yes
Rhode Island	Yes
South Carolina	No
South Dakota	No
Tennessee	Yes
Texas	Yes <sup>2</sup>
Utah	Yes
Vermont	Yes
Virgin Islands	Yes
Virginia	Yes
Washington	Yes
West Virginia	Yes
Wisconsin	Yes
Wyoming	Yes

\*Secondary Ban:

Officers cannot cite drivers unless they commit another offense.

<sup>1</sup>Effective 10/1/13

<sup>2</sup>Texas has banned texting in school zones.

## Hand-Held Cellphone Bans

State or other jurisdiction	Hand-Held Ban
Alabama	No
Alaska	No
Arizona	No
Arkansas	Yes <sup>1</sup>
California	Yes
Colorado	No
Connecticut	Yes
Delaware	Yes
District of Columbia	Yes
Florida	No
Georgia	No
Guam	Yes
Hawaii	Yes
Idaho	No
Illinois	Yes <sup>2</sup>
Indiana	No
Iowa	No
Kansas	No
Kentucky	No
Louisiana	Yes <sup>3</sup>
Maine	No
Maryland	Yes <sup>4</sup>
Massachusetts	No
Michigan	No
Minnesota	No
Mississippi	No
Missouri	No
Montana	No
Nebraska	No
Nevada	Yes
New Hampshire	No
New Jersey	Yes
New Mexico	Yes <sup>5</sup>
New York	Yes
North Carolina	No
North Dakota	No
Ohio	No
Oklahoma	Yes <sup>3</sup>
Oregon	Yes
Pennsylvania	No
Puerto Rico	Yes
Rhode Island	No
South Carolina	No
South Dakota	No
Tennessee	No
Texas	Yes <sup>6</sup>
Utah	No
Vermont	No
Virgin Islands	Yes
Virginia	Yes
Washington	Yes
West Virginia	Yes
Wisconsin	No
Wyoming	No

<sup>1</sup>18-20 years old

<sup>2</sup>Illinois bans use of hand-held cell phones while driving in a school zone or in a highway construction zone.

<sup>3</sup>Learner or Intermediate License

<sup>4</sup>Effective 10/1/13

<sup>5</sup>In State vehicles

<sup>6</sup>Texas has banned the use of hand-held cell phones in school zones.