

State Distracted Driving Laws Note

According to the Consumer Electronics Association, over the past year, state policymakers have focused on the activities and behaviors motorists engage in while operating a motor vehicle, especially with respect to distracted driving. State policy approaches to driver distraction must be driven by well-grounded science. Recent “real-world” data is now allowing people to understand the true impact of all distractions, including in-vehicle electronics, on driver performance, and the Consumer Electronics Association maintains that “Naturalistic” studies conducted under actual driving conditions should be given greater consideration than studies used with simulators.

One of those studies the Association cites is the “[The 100-Car Naturalistic Driving Study](#)” conducted by Virginia Tech Transportation Institute and released a few years ago. The 100-Car Naturalistic Driving Study is the first instrumented-vehicle study undertaken with the primary purpose of collecting large-scale, naturalistic driving data.

This study makes several important findings including the chances of an accident significantly increases when a driver engages in an activity that requires them to take their eyes off the road for more than two seconds. Additionally, the recent naturalistic driving studies have confirmed that manual texting while driving significantly increases the risk of a crash. Therefore, any state policymaking in this area should focus on those activities that require drivers to take their eyes off the road.

According to the Consumer Electronics Association, research has also shown that younger drivers typically do not have the skill set to perform secondary tasks while driving safely. Accordingly, it is important for initiatives that restrict mobile phone use for novice drivers or drivers operating under a graduated drivers’ license.

State policy considerations must take into account both the current state of technology and the likelihood of future innovations. Policies should be carefully calibrated so as not to inadvertently prohibit new technologies that could benefit drivers. For example, regulations should not prohibit voice-operated texting where the real concern is manual entry and operation of hand-held devices.

As such, state policy approaches should focus on driver behavior and activities rather than specific technologies or products. Scientific research has demonstrated driver distraction can arise from a wide variety of sources – conversations with passengers, eating, consuming beverages, smoking, tending to children, and other such activities. Many products developed today for consumers use while driving are intended to increase safety while on the roadways. In fact, consumer electronics manufactures have developed products to reduce the amount of time a driver must spend to take their eyes away from the road and products that are aimed at increasing safety, like global positioning systems, are a much safer alternative than reading large maps and confusion when lost.

At the state level, many bills have been proposed to restrict distracted driving. The behaviors these bills target range from restricting drivers under the age of 18 from engaging in certain activities to restricting certain behaviors such as texting while operating a motor vehicle and prohibit the use of products that require the driver to excessively remove their hands from the steering wheel. To date, three states have enacted laws that target the most egregious acts of distracted driving and focus on modifying driver’s behaviors rather than singling out certain products.

The most comprehensive bill has been enacted by Maine, which addresses the overall behavior of distracted driving while acknowledging that distractions may come from multiple sources. The state legislature in Maine passed LD 6 ([Chapter Law 446](#)) in 2009 as an Act to

establish a driver distraction law and focuses on the operation of a motor vehicle while distracted. The bill is very general and sends the signal that driving while distracted is problematic. This bill could be used to educate drivers about driver distractions and demonstrates a state commitment to ensuring motorists in their state drive safely and responsibly. Distracted driving infractions are considered secondary infractions.

Other states have addressed the specific issue of handheld texting while driving and use of in-vehicle technology by young or novice drivers:

In 2009, the Maryland legislature enacted Senate Bill 98 ([Chapter Law 194](#)), an Act concerning Motor Vehicles – Use of Text Messaging Device While Driving – Prohibition, which was a broad sweeping bill to ban the behavior of texting while driving. Specifically, this law prohibits a person from using a text messaging device to write or send a text message while operating a motor vehicle in motion or in the travel portion of the roadway; specifying exceptions for use of a global positioning system, or text messaging to contact a 911 system; etc. This law makes texting while driving a misdemeanor subject to a fine of not more than \$500.

In 2009, the Colorado legislature enacted House Bill 1094 ([Chapter Law 375](#)) which prohibited drivers under the age of 18 from using a wireless telephone to text or make phone calls while driving. Violations constitute a Class A traffic infraction, with a penalty of \$50. Fines increase for subsequent violations.

These three bills combined target the areas of largest concern for distracted driving and can serve as templates for other states to model. The bills target certain behaviors while driving such as texting and youth access as well as establishing a general fact that driving while distracted is dangerous. As the driver distraction issue is multifaceted, the three different pieces of legislation noted above provide reasonable, fact-based approaches to increasing roadway safety.

Interested readers can also access “[A Sample Law to Prohibit Texting While Driving](#)” and related information from [Distraction.gov](#), and a [100-Car Naturalistic Study Fact Sheet](#) by the [Virginia Tech Transportation Institute](#).