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AVP – STATE AFFAIRS

Erin Collins

NCOIL

**Arrive Alive: Legislative and Industry Trends to
Stop Distracted Driving**



DISTRACTED DRIVING

Roadways have become more dangerous because of in-vehicle technologies and portable electronic devices.



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The National Highway Transportation Safety Administration in 2015 blamed 3,477 deaths and 391,000 injuries on forms of distracted driving that included talking or texting on a phone, adjusting an entertainment console or operating a navigation system.

Insurance Industry Engagement

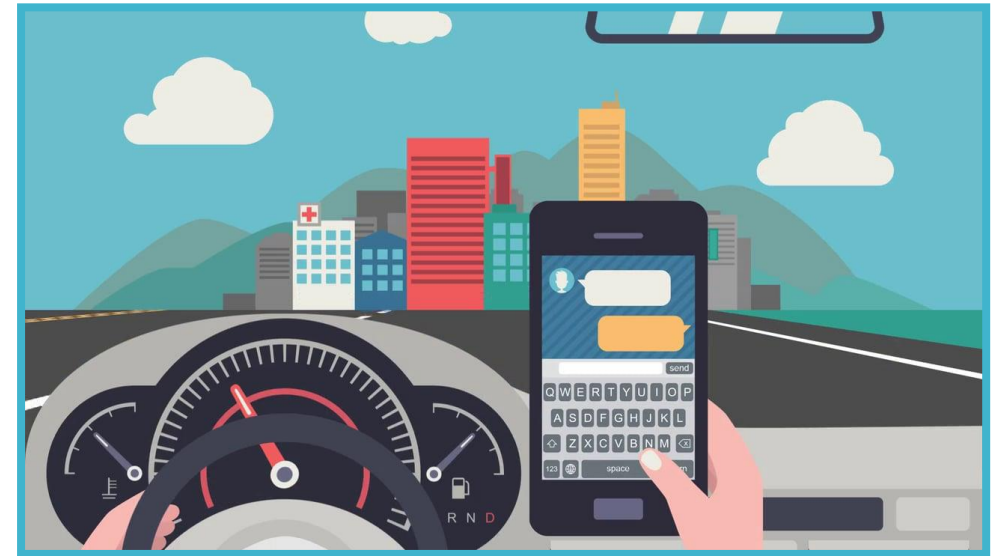
- The industry supports distracted driving legislation because such automobile accidents cause injuries to drivers and passengers that result in significant medical costs, rehabilitative care expenses, and lost wages, which are insurance rate cost-drivers that ultimately impact the cost of auto insurance for consumers.
- According to the NHTSA, distracted driving accidents impose a societal economic cost of \$40 billion per year.





DISTRACTED DRIVING – CURRENT LAWS

- **Hand-held Cell Phone Use Ban:** 16 states, D.C., Puerto Rico, Guam and the U.S. Virgin Islands prohibit all drivers from using hand-held cell phones while driving
- **All Cell Phone Ban:** No state bans all cell phone use for all drivers, but 38 states and D.C. ban all cell phone use by novice or teen drivers, and 21 states and D.C. prohibit any cell phone use for school bus drivers.
- **Text Messaging Ban:** 47 states, D.C., Puerto Rico, Guam and the U.S. Virgin Islands ban text messaging for all drivers. (Missouri prohibits text messaging by novice or teen drivers.)



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Source: National Conference of State Legislatures



FEDERAL GOVERNMENT

The Federal Government has issued a number of clear prohibitions against texting and driving:

FAST Act

- The federal surface transportation reauthorization contains incentive grant provisions for states if they pass distracted driving laws that meet certain criteria.

2009 Executive Order

- Prohibits federal employees from texting while driving on government business or with government equipment.

2010 Federal Railroad Administration Ban

- FRA bans cell phone and electronic device use of employees on the job.

2010 Federal Motor Carrier Safety Administration Ban

- Prohibits commercial vehicle drivers from texting while driving.

2011 Federal Motor Carrier Safety Administration and the Pipeline and Hazardous Materials Safety Administration

- Bans all hand-held cell phone use by commercial drivers and drivers carrying hazardous materials.





HAWAII: SB2119

Required the driver of any motor vehicle that is involved in an accident and in possession of a mobile electronic device at or near the time of the accident to, at the request of a police officer, submit the mobile electronic device to the police officer for the sole purpose of field testing of the device.

Would have established procedures to allow police officers responding to a motor vehicle accident to field test a mobile electronic device.

Would have imposed penalties if a driver of the motor vehicle involved in an accident fails to submit the driver's mobile electronic device for the field testing.

- Industry supported
- Legislation deferred



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COLORADO: SB49

Bill would have expanded the current prohibition on the use of wireless telephones while driving to include use of all non-hands-free mobile electronic devices.

- Industry supported
- Postponed indefinitely



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COLORADO: HB1272

Required a provider of commercial mobile communications service in CO to make network-level distraction control technology available to the provider's customers so that, at the customer's request, the provider can limit distracting content on an authorized user's mobile electronic device from the network level while the authorized user is driving. The technology would have allowed for emergency mobile communications use and non-distracted driving functions.

- Industry supported
- Postponed Indefinitely



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CALIFORNIA: AB1698

Bill expressly makes an electronic device distracted driving infraction a violation point against the driver's record for license suspension and revocation purposes.

- Industry supported
- Passed Assembly and scheduled for Third Reading in Senate



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2018 HANDS-FREE GEORGIA ACT

SIGNED INTO LAW JULY 2018!

Prohibits drivers from physically holding or supporting, with any part of his or her body, a wireless telecommunications device, provided that such exclusion shall not prohibit the use of an earpiece, headphone device, or device worn on a wrist to conduct a voice-based communication or a stand-alone electronic device.



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NEED FOR NCOIL MODEL LAW

Cooperation at the state level is critical:

- In 2016, state legislators debated more than 1,900 traffic safety bills and;
- 38 states considered nearly 175 distracted driving bills.
- States are debating hands-free laws, modified penalties and texting bans.



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Questions?

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