



IN THE GENERAL ASSEMBLY STATE OF _____

An Act to Reduce Distracted Driving

1 Be it enacted by the People of the State of _____, represented in the General
2 Assembly:

3 **Section 1. Title.** This act shall be known as and may be cited as the “Distracted Driving
4 Reduction Act.”

5 **Section 2. Purpose.** The Legislature hereby finds and declares that:

- 6 1. According to estimates from the Centers for Disease Control and Prevention, distracted
7 driving is associated with eight deaths and 1,161 injuries each day.
- 8 2. In 2014, 3,179 people were killed and 431,000 were injured in motor vehicle crashes
9 involving distracted drivers.
- 10 3. Use of a handheld wireless communication device, such as talking on a mobile phone or
11 texting, is a leading source of distraction for drivers of all ages.
- 12 4. There are three main types of distraction: visual distractions, manual distractions and
13 cognitive distractions. Use of handheld wireless communication devices while driving is
14 particularly dangerous because it combines all three types of distraction.
- 15 5. It is the sense of the legislature that the Distracted Driving Reduction Act presents an
16 opportunity to:

- 1 a. improve roadway safety for all motor vehicle drivers, passengers, bicyclists,
2 pedestrians, and other road users;
- 3 b. Prevent motor vehicle crashes related to distracted driving; and
- 4 c. Reduce injuries, death, property damage, health care costs and insurance rates
5 related to motor vehicle crashes.

6 **Section 3. Definitions.**

- 7 1. "Handheld wireless communication device" means a handheld device used for the
8 transfer of information without the use of electrical conductors or wires. "Handheld
9 wireless communication device" includes a:
 - 10 a. wireless telephone;
 - 11 b. text messaging device;
 - 12 c. smartphone;
 - 13 d. laptop; or
 - 14 e. any substantially similar communication device that is readily removable from the
15 vehicle and is used to write, send, or read text or data through manual input.
- 16 2. "Hands-free use" means use through an attachment or built-in feature of a handheld
17 wireless communication device that allows a driver of a motor vehicle to use a handheld
18 wireless communication device without holding such device in his or her hands or
19 supporting such device with his or her head and shoulder after the application to engage
20 in a wireless communication has been selected or initiated.

21 **Section 4. Prohibited Actions.**

22 A person shall not operate a motor vehicle on the public roads or highways of this state while
23 using a handheld wireless communication device to

- 24 1. verbally communicate or listen;

- 1 2. write, send, or read a written communication, including:
 - 2 a. a text message;
 - 3 b. an instant message; or
 - 4 c. electronic mail;
- 5 3. dial a phone number;
- 6 4. access the Internet;
- 7 5. view or record video; or
- 8 6. enter data into a handheld wireless communication device
- 9 unless such handheld wireless communication device is specifically designed and configured
- 10 to allow hands-free use, and is used in that manner while driving.

11 **Section 5. Exceptions.**

12 Section 4 does not prohibit a person from using a handheld wireless communication device while

13 operating a moving motor vehicle:

- 14 1. that is lawfully parked;
- 15 2. to view a global positioning or navigation device or a global positioning or navigation
- 16 application;
- 17 3. to view safety-related information, including emergency, traffic or weather alerts;
- 18 4. during a medical emergency;
- 19 5. when reporting a safety hazard or requesting assistance relating to a safety hazard;
- 20 6. when reporting criminal activity or requesting assistance relating to a criminal activity;
- 21 7. when used by a law enforcement officer, emergency service personnel or physician or
- 22 other healthcare professional acting within the course and scope of employment; or
- 23 8. to operate:
 - 24 a. hands-free or voice operated technology; or

1 b. a system that is physically or electronically integrated into the motor vehicle
2 if the operation does not require manual entry of multiple letters, numbers or symbols
3 or reading text messages, except to activate, deactivate, or initiate a feature or function,
4 provided such operation is exercised with due care.

5 **Section 6. Penalties.**

6 Any conviction for a violation of Section 4 of this Act shall be a misdemeanor punishable by a
7 fine of fifty dollars (\$50.00) for a first offense and one hundred dollars (\$100.00) for each
8 subsequent offense.

9 **Section 7. Effective.** This Act shall become effective immediately upon being enacted into law.

10 **Section 8. Severability.** If any provision of this Act is held by a court to be invalid, such
11 invalidity shall not affect the remaining provisions of this Act, and to this end the provisions of
12 this Act are hereby declared severable.