

Distracted Driving

Federal and State Laws

September 28, 2011

Heidi Anderson
SAIC

(703) 676-5951

andersonhei@saic.com



Federal Action – Distracted Driving



- There are no federal laws regarding distractions in cars.
- In 2009 and 2010, the U.S. Department of Transportation held Distracted Driving Summits in Washington, D.C. to examine the full spectrum of distracted driving across transportation modes including passenger vehicles, large trucks, trains and transit.

Federal Action



- President Obama issued an Executive Order on October 1, 2009. The Order prohibits Federal employees from texting while driving Government owned vehicles or privately owned vehicles while on official Government business or from texting-while-driving using wireless electronic devices supplied by the Government.
- Two transportation agencies – the Federal Railroad Administration (FRA) and the Pipeline and Hazardous Materials Safety Administration (PHMSA) have regulations limiting the use of electronic devices. These regulations were issued in September 2010.

Federal Action – Texting



- On September 27, 2010, a final rule was issued by the Federal Motor Carrier Safety Administration (FMCSA) that prohibits texting by commercial motor vehicle (CMV) drivers while operating in **interstate** commerce.
 - The rule is effective October 27, 2010.
 - Civil penalties may be imposed on drivers, in an amount up to \$2,750, and on employers, in an amount up to \$11,000.

Federal Action – Texting



– Texting does not include:

- (i) Reading, selecting, or entering a telephone number, an extension number, or voicemail retrieval codes and commands into an electronic device for the purpose of initiating or receiving a phone call or using voice commands to initiate or receive a telephone call;
- (ii) Inputting, selecting or reading information on a global positioning system or navigation system; or
- (iii) Using a device capable of performing multiple functions (e.g., fleet management systems, dispatching devices, smart phones, citizens band radios, music players, etc.) for a purpose that is not otherwise prohibited in part 392.

Federal Action – Cell Phones



- On September 13, 2011, the National Transportation Safety Board (NTSB) proposed a total ban on all cell phones for commercial drivers.
 - The ban was endorsed by NTSB after a ruling on a Kentucky wreck that killed a trucker and ten people.
 - The Board said the trucker was distracted by his hands-free cell phone.
 - NTSB has no authority to issue a regulation. The proposal has been forwarded to the FMCSA and all 50 states for action.

Federal Action



- On October 17, 2011, a National Summit On Teen Distracted Driving will be held in Washington, D.C. AT&T is funding the conference.



State Action



Two types of laws:

- **Primary law** prohibits ALL types of drivers from using handheld cell phones while driving. A primary law means that an officer can ticket the driver for the offense without any other traffic offense taking place.
- **Secondary law** bans text messaging for ALL types of drivers. A secondary law means an officer can only give you a ticket if you have been pulled over for another driving violation (i.e., handheld cell phone use).



State Action



- **Handheld Cell Phones:** 9 states, the District of Columbia, and the Virgin Islands prohibit all drivers from using handheld cell phones while driving. Except for Maryland, all laws are **primary enforcement**—an officer may cite a driver for using a handheld cell phone without any other traffic offense taking place.



State Action



- **All Cell Phone Use:** No state bans all cell phone use (handheld and hands-free) for all drivers, but many prohibit all cell phone use by certain drivers.
 - **Novice Drivers:** 30 states and D.C. ban all cell phone use by novice drivers.
 - **School Bus Drivers:** Bus drivers in 19 states and D.C. may not use a cell phone when passengers are present.



State Action



- **Text Messaging:** 34 states, D.C. and Guam ban text messaging for all drivers. 31 states, D.C., and Guam have primary enforcement; the others, secondary.
 - **Novice Drivers:** An additional 7 states prohibit text messaging by novice drivers.
 - **School Bus Drivers:** 3 states restrict school bus drivers from texting while driving.



State Action



- **Crash Data Collection:** Many states include a category for cell phone/electronic equipment distraction on police accident report forms. Recently proposed federal legislation would require states to collect this data in order to qualify for certain federal funding.
- **Preemption Laws:** Many localities have passed their own distracted driving bans. However, some states – such as Florida, Kentucky, Louisiana, Mississippi, Nevada and Oklahoma – prohibit localities from enacting such laws.

Other

- Temple University Study, released in June 2011, is the first comprehensive collection and coding of state laws attempting to address the public health risk posed by distracted driving.
- Researchers analyzed distracted driving laws passed between 1992 and 2010.
- Study found large variations in laws from state to state based on type of mobile device involved, such as cell phones, laptops and tablet computers, the categories of drivers by age or by driving permit type.

Other

“We know that distracted driving is dangerous, yet despite the diffusion of distracted driving laws, there is evidence that driver use of mobile devices is increasing,” said Jennifer Ibrahim, an assistant professor of public health in the College of Health Professions and Social Work. “Our study is the first step toward understanding which laws really do reduce distracted driving, and thus can reduce related crashes and associated injuries and fatalities.”

Source: http://www.upi.com/Science_News/2011/06/08/Study-compares-distracted-driving-laws/UPI-97211307590524/

Sources for Distracted Driving Information

- **AAA:**
<http://www.aaaexchange.com/main/Default.asp?CategoryID=3&SubCategoryID=35>
- **Distraction.gov:** <http://www.distraction.gov/index.html#>
- **Governors Highway Safety Association:**
http://www.ghsa.org/html/stateinfo/laws/cellphone_laws.html
- **Network of Employers for Traffic Safety (NETS)**
<http://trafficsafety.org/>
- **OSHA:**
<http://www.osha.gov/distracted-driving/index.html>



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www.PastExpiry.com