In the fight against distracted driving, lawmakers are enacting bans on handheld devices and waging public awareness campaigns.

BY ANN KITCH

We drive past signs on our roadways that warn, “Talk, Text, Crash” or “Phone in One Hand, Ticket in the Other.” The warnings are reminders that distracted driving has become a traffic safety epidemic, creating challenges and dangers on U.S. roadways.

Distracted driving includes any activity that diverts a driver’s attention from the road. Using a cellphone is a distraction, of course, but so is eating or manipulating a GPS system in hopes of finding the fastest route to work. National Highway Traffic Safety Administration data show that, in 2017, crashes involving a distraction led to 3,166 deaths. However, the number of lives lost because of distracted driving each year is likely much higher. Because of challenges identifying and citing distracted drivers, available data often undercount crashes that involve distraction.

The growing awareness of the dangers of distracted driving has not yet translated into reducing the behavior, however. AAA’s 2017 traffic safety culture index indicates that 45% of drivers surveyed reported having read a text or email while driving within the past 30 days.

Legislating to Save Lives

Each state has enacted some form of distracted driving law. Currently, 48 states, the District of Columbia, Puerto Rico, Guam and the U.S. Virgin Islands ban text messaging for all drivers. Twenty states and the District of Columbia ban the use of handheld wireless devices behind the wheel.

At least 22 states debated handheld mobile device bans this year. As of July 1, however, only Arizona, Maine, Minnesota and Tennessee had enacted such legislation.

Arizona’s recent handheld ban garnered attention because the state’s previous distracted driving law banned only drivers under the age of 18 from texting. The state enacted two bills that apply to all drivers: One bans texting while driving, the other prohibits handheld phone use. Law enforcement officers are permitted to issue warnings for distracted driving offenses and will issue citations starting in 2021.

“A huge part of this law is about changing behavior—to stop driving distracted,” says Representative Noel Campbell (R), who sponsored the state’s legislation. He notes that cities and counties had already passed their own ordinances banning handheld phone use. The state’s new leg-
islation alerts drivers that when they enter Arizona, handheld phone use is prohibited statewide.

The Massachusetts House voted in May to ban the use of mobile devices while driving. “With widespread cellphone use, a traffic hazard has exploded on the roads of the commonwealth and frankly around the country over the last 10 to 15 years,” says Representative William Straus (D), co-chairman of the Joint Committee on Transportation. “This legislation makes clear that drivers must keep their hands and eyes on the road and not on cellphones.”

Massachusetts’ legislation also had lawmakers debating the relationship between handheld mobile device bans and racial profiling. “That’s a legitimate concern—profiling,” says Massachusetts Governor Charlie Baker (R). “And there are a number of approaches people can take to deal with that issue.”

The proposed bill’s approach is to require police to record a driver’s age and ethnicity, among other data, during traffic stops to identify any disparate enforcement.

The Known Unknown

Despite the recent enactment of handheld bans, lawmakers and law enforcement officers often wonder about the laws’ effectiveness. Unfortunately, there is no conclusive answer. Crash data show distracted driving plays a major role in the high number of road deaths, but more data are needed to better understand its prevalence in vehicle crashes.

One recent legislative trend is using more prescriptive language to clarify the definition of handheld phone use. Lawmakers hope to make the laws more enforceable to save lives and better collect crash and citation data.

Early handheld phone bans often prohibited drivers from holding a phone to their face or in their hands. But some of the laws did not account for drivers’ ability to rest a phone on their lap or stream or record video while driving. Georgia’s 2018 hands-free legislation explicitly states that drivers are prohibited from holding or supporting a wireless communications device with any part of the body. In addition, Georgia drivers engaged in distracting behavior, such as writing or sending text messages or streaming video while driving, are in violation of the state’s law.

Since enacting or enhancing their bans, California and other states have reported a roughly 4% decrease in distracted driving within a year of enactment. The data analytics company Zendrive, however, reports that distracted driving has increased in every state except Vermont. These variations in data highlight the blurred understanding of the extent of distracted driving and how it changes over time.

Drop the Distraction

There are significant challenges to enforcing handheld phone and texting bans. Often there is no witness to describe precollision behavior. This leaves law enforcement officers struggling to gather evidence of distracted driving. State privacy laws make it difficult for officers to access phone records to discern whether a crash involved use of a mobile device. Thus, a post-crash citation may be issued for following too closely or careless driving, simply because it’s impossible to prove the driver was distracted.

Some drivers also try to place their devices in lower positions to avoid detection by law enforcement. The transportation safety administration notes that, in these cases, law enforcement officers can sometimes identify distracted driving behavior by looking for clues such as failure to maintain lane control or speed. Despite efforts to enhance detection tools, the continued lack of evidence and underreporting inhibit the use of data collection to guide policy and enforcement methods.

To tackle enforcement obstacles, some states are using high-visibility public awareness campaigns or enlisting drivers of higher-profile vehicles, such as buses or commercial trucks, with a good view down of passing vehicles, to report violations. Delaware, for example, has used unconventional vehicles or unmarked state police vehicles to spot and pull over distracted drivers.

“This is all about making the highways safer and making sure your most dangerous drivers, those who are texting and are not even looking at the road, are ticketed,” says Delaware State Police Sergeant Tony Mendez. “It helps to make sure the police are doing something positive in terms of reducing fatalities.”

Despite the challenges of legislating and enforcing distracted driving laws, 2019 has been an active year for state legislation and enforcement campaigns. Moving forward, lawmakers are working to better understand the prevalence of distracted driving and find the most effective ways to eliminate it.

In the meantime, the National Highway Traffic Safety Administration has this advice: “U text, U drive, U pay.”

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