



## State and Federal Efforts to Reduce Distracted Driving

BY ANN KITCH

Distracted driving is a major public health and safety concern. Distraction was a factor in at least 3,157 fatal crashes on American roadways in 2016, which comprised 9 percent of all fatal crashes that year, according to the National Highway Safety Administration (NHTSA). This dangerous behavior occurs when drivers divert their attention from the driving task to focus on another activity.

NHTSA estimates that during daylight hours, approximately 481,000 people are distracted by using their cell phone while driving. Texting is particularly dangerous. NHTSA notes that when a driver reads or sends a text message, his or her eyes are off the road for five seconds, meaning that a person driving 55 mph would travel the length of a football field without looking at the road. Texting and other cell phone use also endangers nonoccupants (pedestrians, bicyclists and others). There were 562 nonoccupants

killed in distraction-related crashes in 2017, according to NHTSSA.

While existing crash data show that distracted driving plays a major role in the high number of road deaths, legislators rely on law enforcement officials to gather crash data to support further distracted driving analysis. However, law enforcement officials rarely witness a driver's pre-crash behavior, limiting their ability to identify and report the true cause of a collision. These groups are working to overcome data collection obstacles and testing out new enforcement techniques to better address the dangers of distracted driving.

### State Action

States are using the data that is available to develop and enhance legislation to reduce distracted driving. The most common legislative approaches are to ban texting and hand-held phone use and prohibit all cell phone use for certain populations, such as teen drivers and school bus operators.

### Did You Know?

- [The Virginia Tech Transportation Institute](#) estimates that drivers who text are 20 times more at risk of a crash or near crash than a driver not using a phone.
- Current data shows that 3,640 people died in motor vehicle crashes involving distracted drivers in 2016, [according to NHTSA](#).
- Cell phone use while driving is highest among 16- to 24-year-old drivers, according to [the AAA Foundation](#).

Currently, [16 states](#) prohibit drivers of all ages from using hand-held cell phones while driving. Forty-seven states, the District of Columbia, Guam, Puerto Rico and the U.S. Virgin Islands ban text messaging by all drivers. [Texas' 2017 legislation](#) created a statewide ban on texting while driving for all drivers, making it the 47th state with such a ban.

No state bans all cell phone use for all drivers, but [38 states](#) and Washington, D.C., ban cell phone use by novice or teen drivers, and [21 states](#) and D.C. prohibit cell phone use for school bus drivers.

Some states recently increased the fine for distracted driving offenses. Colorado increased the penalty for texting while driving in 2017 from \$50 to \$300. Arkansas refined the state's existing texting ban to include wireless interactive communication such as social media use. The penalty for this offense increased to a fine of up to \$250 for a first violation and up to \$500 for subsequent violations.

A number of states have expanded their distracted driving laws beyond the no-texting ban. Most recently, Georgia became the 16th state to ban hand-held wireless devices while driving. The California Legislature banned held-hand use while driving in 2016. It also clarified that a driver may only use a device if it is mounted on the windshield, dashboard or center console and is operated by a single swipe or tap, addressing, for example, GPS use. California's toughened law went into effect on Jan. 1, 2017.

The California State Office of Traffic Safety [released a report](#) after the hand-held ban went into effect. It showed that the rate of drivers using hand-held devices dropped from 7.6 percent in 2016 to 3.58 percent in 2017. In contrast, [Zendrive's distracted driving report](#) finds that in 2018, distracted driving increased in every state except Vermont. These variations in distracted driving data outline the blurred understanding of the extent of distracted driving and how it changes over time.

There are significant challenges to enforcing cell phone use and texting bans. Drivers can disguise their mobile use by holding their mobile device where it cannot be detected by law enforcement. Privacy laws make it difficult for law enforcement to access phone records to discern whether a crash involved mobile device use. These data and evidence gaps result in underreported instances of distracted driving and stymie the development of a data-driven roadmap to guide further policy and enforcement methods.

To address enforcement obstacles, states are using strategies that include high-visibility enforcement campaigns or enforcement from higher-profile vehicles, such as buses and commercial trucks, that look down into passing vehicles. A [study from NHTSA](#) released in March 2017 evaluated the



enforceability of texting laws, examining strategies tested in Connecticut and Massachusetts. Law enforcement agencies there used a variety of strategies, including spotter, stationary and roving patrols. The study concludes that strong distracted driving laws and those that give law enforcement wider latitude in enforcing distracted driving are most effective.

## Federal Action

The five-year, \$305 billion federal surface transportation bill, [Fixing America's Surface Transportation Act \(FAST Act\)](#), made modifications for federal grants related to distracted driving. One modification created a new [special Distracted Driving grant](#) for two fiscal years for states that do not qualify for a more stringent grant option. To qualify, states must enact and enforce a ban on texting and use of all electronic devices for all drivers ages 18 and younger, plus additional requirements. Four out of 30 state applicants qualified for the grant in FY 2018. The deficiencies that contributed to the low award rate include the lack of a texting ban, no prohibitions for novice or teen drivers, or no minimum fine associated with a texting violation.

Additionally, in November 2016, NHTSA issued [voluntary guidelines](#) for portable device manufacturers to address driver distraction. The guidelines encourage companies to implement technologies that will reduce the potential for driver distraction, such as pairing devices to a car's infotainment system and implementing "driver mode," which would limit the number of applications available to the user while driving.

## Additional Resources

- [NCSL Distracted Driving webpage](#)
- [NHTSA, AAA Foundation for Traffic Safety](#)

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