

2017 HOUSE TRANSPORTATION

HB 1404

2017 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Fort Totten Room, State Capitol

HB 1404
2/9/2017
#28125

- Subcommittee
 Conference Committee

Committee Clerk Signature

Jeannette Cook

Explanation or reason for introduction of bill/resolution:

Relating to demerit points and the use of a wireless communications device and fees for a moving violation; and to provide a penalty.

Minutes:

Attachment # 1-9

Chairman Ruby: Opened the hearing on HB 1404.

Representative Mary Schneider, District 21, spoke to introduce HB 1404 and spoke to support it. Written testimony was provided and also a number of handouts. See Attachments # 1-6.

Chairman Ruby: In your testimony you said that texting while driving is about six times more likely to cause an accident than driving while intoxicated. Why is the recommendation for the penalty so much lower than for a DUI?

Representative Mary Schneider: I would be happy if the committee amended it to be higher. One of the issues is that in the state traffic report for 2016, it indicated that distracted driving is a problem, but that perhaps it is under-reported. So, then it doesn't appear to have the consequential effects that it really does. Anything that we can do to combat the usage of texting is a good thing to do.

Chairman Ruby: On Line 3 under "I", it is basically the same penalty. Why didn't they just put a violation of Subsection 39.0820 or 39.0823 because it is the same penalty? Maybe it is just a drafting question, and they have their reasons. I see that 39.0820 is a liability section.

Representative Mary Schneider: That is correct. I looked to that section to find a comparable fine.

Vice Chairman Rick C. Becker: If a person is going to contest this in court, how does the officer or court prove that there was distracted driving?

Representative Mary Schneider: I think that this is a challenge. You can always ask, and admissions are possible. An officer would do that when issuing a citation. Observations are possible. When 75% of adults say they have seen people texting and driving, I feel that is an observation that law enforcement could make as well. It is more challenging, that is why we struggle nationally with the proper way to address it.

Chairman Ruby: We have another bill that deals with the broader issue of distracted driving. I have supported bills like that in the past. If I am driving and can legally read a paper, why can't I read my phone? What is the difference between the two distractions?

Representative Mary Schneider: I have seen your proposed bill, and I think it was a good one. We have seen in research that secondary enforcement is not as effective as primary enforcement. I would support a more detailed bill if it will pass. I do think the bill that follows me is more comprehensive. Introducing HB 1404 is presenting a practical choice for you if you are not ready yet to take the steps required to expand the distracted driving. It may be the alternative that allows us to address stiffer penalties. I would support whatever the body decides to do make it more likely that we are able to avoid injury and death.

10:42

Representative Paur: The handout shows that Alaska has a \$10,000 fine and a year in prison for texting. Do you have any idea what the circumstances are there, or what their thinking is?

Representative Mary Schneider: I do not know.

Justin Kristan, Executive Director, North Dakota Active Transportation Alliance, spoke to support HB 1404 and provided written testimony. See attachment #7. He also read testimony from Lee Karaim, the brother of Lisa Knudson. See attachment #8. 21:53

Chairman Ruby: In your list of total cases, it would be interesting to know how many were repeat violations. It would be useful to make the case that the \$100 penalty is not adequate to make the driver think about their decision.

Justin Kristan: I agree. I can get that for you. I don't have it right now, but the clerk of courts has done that for me.

Aaron Birst, North Dakota Association of Counties, spoke to support HB 1404.

Jason Olson, Chief of Police of Minot, North Dakota, spoke to support HB 1404 and provided written testimony. See attachment #9.

Representative Paur: I asked earlier about the \$10,000 fine and a year in prison in Alaska. I looked it up. Apparently last year they dropped it back to an infraction, because police officers were hesitant to charge someone with those extreme penalties. Do you think that there is a balance somewhere? Would you be reluctant to charge a sixteen-year-old with

texting? Most would be with a \$10,000 fine. There must be an area where the penalty gets to be enough to discourage texting, but doesn't discourage the police.

Jason Olson: I think that is correct. If a penalty gets too high, officers will get reluctant to enforce a law. In the current law and under 1404 the first offense will be \$100. I don't think officers will have issues enforcing that law. For a second offense it goes to \$300. Again, if someone has already been found guilty of this offense once, I don't think that \$300 is out of line in most officer's perspectives.

Vice Chairman Rick C. Becker: I agree with you. If we are going to legislate this issue, the logical way would be to ban hand held devices. As you increase the penalties, you will have more people contesting by going to court. This is incredibly difficult to prove. When I text and drive, I use Siri to send my message. If an officer was given permission to look at my phone, they would see that I sent a text message. Yet, I wasn't distracted. What I am considering, as we increase the penalties, the 468 people that didn't contest, will contest. At least half of them will be dismissed or found not guilty. That will clog up the courts. I have a real issue with this bill. I think we are trying to enforce something that is unenforceable. Increasing the fine will not help as much as education and awareness will. Where is your position on the aspect that by increasing the penalties, you are going to be challenged in court more frequently to prove guilt?

Jason Olson: In seeing that the first offense penalty doesn't change, it just adds two points, there may be a few more challenges. I don't think that this raises the penalty to the point where it is drastically going to increase the number of people challenging this law. However, I do agree, that hands free is the way to go. If motorists understand that they cannot use a cell phone in their hand while driving; it is very straight forward.

Chairman Ruby: When we assess a penalty to a driver that has a license from out-of-state, can we affect their license by our points?

Jason Olson: I believe that depends on whether their state has reciprocity with our state as far as points. Maybe the Department of Transportation could better answer that question.

Chairman Ruby: If it would be that we couldn't, it would put a stiffer penalty on drivers from North Dakota than from out-of-state.

Pat Ward, Association of North Dakota Insurers, spoke to say that the insurers that he represents are unanimous in supporting stronger enforcement of any type of anti-texting legislation. We do think the \$100 fine might not be enough. We agree with the idea of an increased fine for a second offense. The points are also a good idea because it stiffens the penalty and makes people more concerned about getting caught. The only way we are going to disincentivize people to overcome this compulsion to look at their phone, is to make them concerned about the consequences. Right now, I don't think there is enough teeth in the law.

Chairman Ruby: Do you have any idea of the increased percentage in premiums that might come from the insurance company seeing the points on a license?

Pat Ward: I do not. I could try to find that out from other states. I don't think that two points is enough to make a difference.

Chairman Ruby: Currently, will two points on a license raise the premiums.

Pat Ward: I don't think so.

There was no further support for HB 1404.

There was no opposition to HB 1404.

The hearing was closed on HB 1404.

2017 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Fort Totten Room, State Capitol

HB 1404
2/16/2017
#28464

- Subcommittee
 Conference Committee

Committee Clerk Signature

Janette Cook

Explanation or reason for introduction of bill/resolution:

A bill relating to demerit points and the use of a wireless communications device and fees for a moving violation; and to provide a penalty.

Minutes:

Chairman Ruby brought HB 1404 back before the committee and reviewed the intent.

Chairman Ruby: I didn't like the points. I checked with some insurance companies. One said that it is not the points that up the insurance, but it is the violations on the license that add to the premium.

Vice Chairman Rick C. Becker moved a **DO NOT PASS** on HB 1404.
Representative Grueneich seconded the motion.

There was no further discussion.

A roll call vote was taken on HB 1404: Aye 11 Nay 2 Absent 1
The motion carried.

Vice Chairman Rick C. Becker will carry HB 1404.

Date: 2/16/17
 Roll Call Vote #: 1

**2017 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. #B1404**

House Transportation Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Becker Seconded By Grueneich

Representatives	Yes	No	Representatives	Yes	No
Chairman Dan Ruby	✓		Rep. Gretchen Dobervich		✓
Vice Chair. Rick C. Becker	✓		Rep. Marvin Nelson		✓
Rep. Bert Anderson	✓				
Rep. Jim Grueneich	✓				
Rep. Terry Jones	✓				
Rep. Emily O'Brien	✓				
Rep. Mark Owens	✓				
Rep. Gary Paur	✓				
Rep. Randy Schobinger	✓				
Rep. Gary Sukut	✓				
Rep. Robin Weisz	A				
Rep. Greg Westlind	✓				

Total (Yes) 11 No 2

Absent 1

Floor Assignment Becker

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1404: Transportation Committee (Rep. D. Ruby, Chairman) recommends **DO NOT PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1404 was placed on the Eleventh order on the calendar.

2017 TESTIMONY

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#1

Page 1

Presentation of House Bill 1404 to the House Transportation Committee

February 9, 2017

Rep. Mary Schneider, District 21

Good morning, Chairman Ruby and Members of the Transportation Committee. I am Representative Mary Schneider from District 21. I am here today to present and endorse HB 1404.

It's a short, sweet and simple bill that would treat distracted driving as the killer it is, by increasing the \$100 fine to \$150 for a first offense and adding \$300 for a subsequent offense, especially to curb habitual use patterns. It would also provide for a two-point penalty on a driver's license upon conviction.

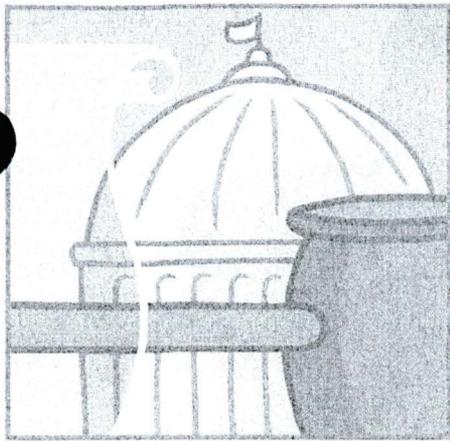
Texting while driving is actually considered a public health hazard, leading to injury and death. It interrupts cognitive attention and compromises manual control of the vehicle. Like cell phone use, it's associated with impaired following distance, improper lane usage, longer reaction time, and crashes. It's even worse in that it includes consistently taking eyes off the road.

Every time a person texts while driving it takes a minimum of 5 seconds of attention from the road. At 55 mph that's like driving the length of a football field blindfolded. Text messaging makes a crash 23 times more likely.

Thirty-four percent of teens nationally admit to texting or emailing while driving. In North Dakota, make that 58%. Maybe that's because 48% of teens have seen their parents among the 27% of adults who will admit to it. (Seventy-five percent of adults, of course, say they've seen others do it.) And 77% of the young drivers think they are safe doing it. Fifty-five percent claim it's easy to text while they drive.

Texting while driving is about six times more likely to cause an accident than driving while intoxicated. And at any time 660,000 to 800,000 people across the country are doing it. Increasing penalties and stiffening laws may have the impact we need to save lives.

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2-9-17
#2
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Laws and Other Tools for Protecting Public Health

Impact of Texting Laws on Motor Vehicular Fatalities in the United States

Alva O. Ferdinand, DrPH, JD, Nir Menachemi, PhD, MPH, Bisakha Sen, PhD, Justin L. Blackburn, PhD, Michael Morrissey, PhD, and Leonard Nelson, JD, LLM

Using a panel study design, we examined the effects of different types of texting bans on motor vehicular fatalities.

We used the Fatality Analysis Reporting System and a difference-in-differences approach to examine the incidence of fatal crashes in 2000 through 2010 in 48 US states with and without texting bans. Age cohorts were constructed to examine the impact of these bans on age-specific traffic fatalities.

Primarily enforced laws banning all drivers from texting were significantly associated with a 3% reduction in traffic fatalities in all age groups, and those banning only young drivers from texting had the greatest impact on reducing deaths among those aged 15 to 21 years. Secondary enforced restrictions were not associated with traffic fatality reductions in any of our analyses. (*Am J Public Health*. 2014; 104:1370–1377. doi:10.2105/AJPH.2014.301894)

MOTOR VEHICLE SAFETY HAS been described as one of the 10 great public health achievements in the United States in the past decade,¹ with car manufacturers and highway engineers making

significant improvements to car and roadway safety features.² Despite these improvements, traffic fatalities remain one of the leading causes of death in the United States,³ with an estimated 32 788 such deaths in 2010.⁴ Thus, road traffic fatalities continue to be a significant public health concern,^{5,6} garnering much attention from state lawmakers.

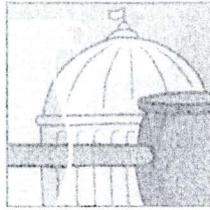
In an effort to reduce motor vehicle fatalities, states have enacted restrictions on drunk driving, implemented graduated driver's license programs, and mandated seatbelt use and special licensing procedures for older adults. Most recently, states have focused on restricting texting while driving.^{7–9} Generally, states define texting as reading, manual composition, or sending of electronic communications—text messages, instant messages, or e-mails—via a portable electronic device. Portable electronic devices include mobile (i.e., cellular) phones, personal digital assistants, and laptop computers. Texting while driving is a serious threat to road safety,^{10–13} given that research has shown that mobile phone use is associated with impaired following distance,¹⁴ improper lane position,^{11,15} longer reaction times,^{11,14,16} and crashes,^{11,17} which

can all lead to significant adverse public health outcomes, including death.¹⁸ Unlike talking on a mobile phone while driving, texting poses a unique threat in that it requires drivers to take their eyes off the road for several seconds at a time.¹⁴

Our current understanding of the impact of texting laws on driving outcomes is limited. To our knowledge, 2 studies have empirically examined the impact of texting laws on adverse motor vehicle outcomes. The first was published by the Highway Loss Data Institute.¹⁹ It examined the relationship of collision claim frequency and texting bans in just 4 states (CA, LA, MN, and WA). The authors found that texting bans were associated with increased collision claims. They speculated that this increase might be due to drivers hiding their phones from view to avoid fines and, in so doing, taking their eyes off the road more than they did before the bans. More recently, Abouk and Adams²⁰ published the first national-level study of texting bans' impacts on traffic fatalities. They examined the impact of texting-while-driving bans on the occurrence of only single-vehicle, single-occupant accidents between 2007 and 2010. Their findings

indicated that stronger bans that are applied to all drivers were associated with decreases in single-vehicle, single-occupant accidents.

The purpose of this study is to add to the knowledge base concerning the effectiveness of texting laws, particularly by considering the varying stringency levels of these laws. Texting bans can be secondarily enforced (i.e., an officer must have another reason to stop a vehicle before citing a driver for texting while driving) or primarily enforced (i.e., an officer does not have to have another reason for stopping a vehicle). Furthermore, some states ban texting among learner's permit holders, and some ban texting among all those aged 18 years, 21 years, or younger, and still other states ban all drivers from texting. Some states have no texting laws at all. We consider the impact of each of these policy nuances on traffic fatalities in 48 states over an 11-year period. Moreover, given that younger individuals are more likely to text while driving,²¹ we examine the impact of texting laws on age-specific traffic fatalities. Overall, this study will be of interest to policymakers, law enforcement personnel, and other stakeholders interested in



improving roadway safety and, by extension, public health.

METHODS

Our study is a longitudinal panel analysis (2000–2010) examining within-state changes in motor vehicle fatalities after the enactment of state texting bans. Fatality data were captured from the Fatality Analysis Reporting System as collected annually by the National Highway Traffic Safety Administration.²² Inclusion criteria for this data set are that a death of a vehicle occupant (driver or passenger) must have resulted within 30 days from a crash that occurred on a roadway typically accessible to the public. Information on the total number of motor vehicle fatalities among young drivers (aged 15–21 years), adult drivers (aged 22–64 years), and older drivers (aged 65 years or older) was compiled from the Fatality Analysis Reporting System data set by state, year, and month. We differentiate these age cohorts because the various regulations are expected to have differing effects by age group. Because of missing data, and to be consistent with studies examining motor vehicle fatalities,^{23–28} we excluded data from Alaska, District of Columbia, and Hawaii from this study. The final data set contained 132 months (11 years) of data from 48 states ($n = 6336$ state–month observations). We note that previous research has shown that longer time periods are suitable for examinations of roadway outcomes to counteract periods with zero fatality or crash counts as a result

of nonconstant probabilities of these outcomes.²⁹

Texting Laws

We first accessed a list of all state laws (including statute numbers) that ban mobile devices as compiled by the Public Health Law Research Program.³⁰ This list includes information on activities regulated, the targeted populations, the associated enforcement level, and levels of potential fines levied for infractions. Given that this list does not distinguish between bans on use of handheld mobile phones and explicit bans on texting, we accessed each state law by statute number via the LexisNexis legal database to identify states with specific legislative language banning texting while driving.

We characterized texting prohibitions by using binary indicators for whether, in a given month and year, a state had a texting regulation in effect. We also made distinctions on the basis of which drivers are prohibited from texting (e.g., only young drivers) and whether the laws are primarily or secondarily enforced.

Recognizing that other factors play a role in crash risk exposure and, by extension, roadway safety, our models additionally controlled for variables that have previously been used in motor vehicle fatality research. We describe these factors as generally falling under 3 primary headings—economic, legal, and population specific—and provide justification for their use in our models.

Economic factors include gasoline prices (obtained from the Energy Information Administration and inflation adjusted to 2010 cents), state unemployment rates,

and state per capita income (obtained from the US Bureau of Labor Statistics and the US Census Bureau, respectively) because these factors influence the number of miles driven, and consequently, crash risk.^{25,31–33} For example, the state unemployment rate is routinely adjusted for in motor vehicle fatality studies.^{20,23–25} Controlling for the state of the economy has been demonstrated to be important because the unemployment rate may reduce roadway fatalities if fewer drivers are on the road as a result of decreased economic activity.³¹

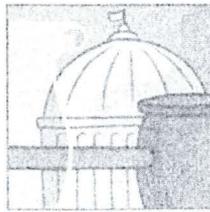
Legal factors include the presence of seatbelt laws, handheld bans, blood alcohol concentration (BAC) limits and speed limits, and graduated driver licensing (GDL) programs. Drunk driving laws have been shown to be significant predictors of traffic fatalities.³⁴ Several states decreased their BAC limits from 0.1 to 0.08 during the study period. Thus, we included a binary variable that indicated whether it was illegal to drive with a BAC of 0.08 or more in a given month and year. Additionally, we included a binary variable that indicated whether a state's licensing authority could suspend driving privileges before court action related to drunk driving (per se administrative license revocation) in a given month and year.

Moreover, seatbelt laws and lower interstate speed limits reduce motor vehicle fatality rates.^{25,35,36} Thus, we included a binary variable that indicated whether, in a given state and month, a primary seatbelt law was in place or whether the state had interstate speed limits of 70 miles

per hour or more. Additionally, given some states' passing of handheld bans, that is, laws making it illegal to use handheld cell phones while driving, and given that some states banned all drivers from handheld use and some banned only young drivers, we included 2 binary indicators for whether, in a given state and month, a handheld ban was in effect regulating all drivers or only young drivers. Because handheld bans were generally in effect before texting bans, we treated these binary variables in the same way as we treated other previously enacted laws in our models.

States have used GDL programs to improve roadway safety by limiting young drivers from driving at night and by limiting the number of passengers transported by them.³⁷ Supervision of these drivers is also a key component of GDL programs.³⁸ Given the effectiveness of these programs in reducing traffic fatalities,^{23,25} we included a binary control variable indicating whether a GDL program was in effect in a given month for each state. We obtained information on implementation dates of per se administrative license revocation, seatbelt laws, interstate speed limits, handheld bans, and GDL programs from the Insurance Institute for Highway Safety. We obtained information on BAC effective dates from the Alcohol Policy Information System.

Finally, consistent with previous traffic fatality research,^{23,25} we accounted for each state's exposure to crash risk in a given year by including state population estimates (obtained from the US Census Bureau) by year in our models.



Models

We used a difference-in-differences methodology with state, month, and year dummy variables to assess the relationship between the presence of texting laws and motor vehicular fatalities across the 48 contiguous states. Because some states in our study passed texting bans (treatment states) and some did not (control states), our empirical strategy compared the changes in fatality counts within treatment states with the contemporaneous changes in fatality counts in the control states. We estimated all equations as count data models in which our dependent variable was a fatality count in a given state, month, and year. Justification for this approach lies in the fact that many state-month-year cells contained very small numbers of fatalities. For example, nearly 10% of our state-month-year observations had 10 or fewer fatalities and more than 26% had 25 or fewer fatalities. Thus, because fatality incidents were not normally distributed in our data, always took integer values, and the state-month-year conditional variances were larger than the conditional means, we used conditional negative binomial regressions. The state-level dummy variables controlled for all state-specific factors that were potentially correlated with motor vehicle crash-related fatalities and were largely time invariant, such as a state's weather patterns and degree of law enforcement. The month-level dummy variables controlled for factors that vary from month to month that may be correlated with fatality counts, such as periods of widespread

travel. The year dummy variables controlled for unobserved factors that vary from year to year in all states that could have some bearing on fatality counts, such as improved lifesaving medical protocols, automotive technologies, and car safety standards.

Our model specifications took the following basic functional form:

$$(1) Y_{imt} = f(\text{Text}_{imt}, \mathbf{L}_{imt}, \mathbf{Z}_{imt}, \mathbf{S}_i, \mathbf{M}_m, \mathbf{T}_t)$$

where Y_{imt} is the vehicle fatality count for state i at month m and year t and Text_{imt} is the presence of a texting ban for state i at month m and year t . \mathbf{L}_{imt} is a vector of legal factors affecting crash risk exposure (handheld bans, seatbelt laws, BAC laws, GDL programs, speed limit), \mathbf{Z}_{imt} is a vector of other time-varying covariates (gasoline prices, state unemployment rate, per capita income, state population estimates), and \mathbf{S}_i is a vector of state dummy variables. \mathbf{M}_m is a vector of month dummy variables, and \mathbf{T}_t is a vector of year dummy variables. Recognizing that observations within states are correlated in some way, we handled autocorrelation by clustering on the 48 states in our study.

In addition to examining the effects of texting laws on the overall population, we conducted a series of sensitivity analyses by constructing age cohorts to determine whether various texting laws affect different age groups differently. We used older individuals (aged 65 years or older) as counterfactuals with the idea that, regardless of the presence of a law, older individuals are generally less inclined to text³⁹ and arguably less likely to be affected by texting laws.

TABLE 1—Descriptive Statistics for State Panel Data: United States, 2000–2010

Variable	States with Texting Ban, Mean (SD)	States without Texting Ban, Mean (SD)
Texting while driving law	0.09 (0.28)	...
Primary enforcement or bans		
All drivers	0.05 (0.21)	...
Young drivers only	0.02 (0.16)	...
Secondary enforcement or bans		
All drivers	0.01 (0.09)	...
Young drivers only	0.01 (0.09)	...
Traffic fatalities		
Per state-month-year	50.36 (49.65)	71.05 (69.89)
Total young deaths, 15–21 y	11.02 (11.22)	17.57 (17.76)
Total deaths, 22–64 y	33.05 (32.68)	44.40 (44.45)
Total deaths, ≥ 65 y	7.97 (8.68)	10.88 (10.92)
Total young driver deaths, 15–21 y	6.55 (6.39)	10.76 (10.64)
Total deaths, 22–64 y	22.61 (20.86)	30.87 (29.54)
Total deaths, ≥ 65 y	4.81 (4.63)	6.66 (6.28)
Gasoline prices, 2010 cents	256.09 (41.59)	203.33 (62.19)
State per capita income, 2010 dollars	40 145.66 (5110.49)	37 841.40 (5668.88)
State unemployment rate, %	7.84 (2.44)	5.26 (1.83)
Handheld bans		
All drivers	0.13 (0.34)	0.03 (0.16)
Young drivers only	0.05 (0.23)	...
Speed limit ≥ 70 mph	0.19 (0.39)	0.26 (0.44)
Seat belt law, primary enforcement	0.78 (0.41)	0.39 (0.49)
Administrative license revocation	0.92 (0.27)	0.80 (0.40)
Illegal per se at 0.08 BAC	0.99 (0.10)	0.79 (0.41)
Graduated driver licensing law	0.98 (0.13)	0.74 (0.44)

Note. BAC = blood alcohol concentration. The sample size was $n = 6336$ state-month-years. The mean values for legal factors are interpreted as the proportion of the 6336 state-month-years in which the law was in effect.

Moreover, given that some motor vehicle fatalities result from single-vehicle accidents, we examined the extent to which the laws directly affect fatality counts of drivers of different ages. We subsequently collapsed these deaths by young drivers (aged 15–21 years), adult drivers (aged 22–64 years), and older adult drivers (aged 65 years or older). We conducted all

analyses in STATA version 12 (StataCorp, College Station, TX), and statistical significance is reported at the .01 and .05 levels.

RESULTS

Of the 31 states that had passed a texting-while-driving law during our study period, 24 banned all drivers, and 7 banned only young

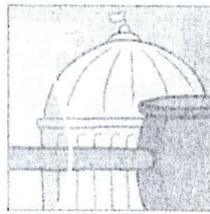


TABLE 2—Conditional Negative Binomial Regression Results for the Effects of Texting Laws on Traffic Fatalities: United States, 2000–2010

Variable	Model 1, IRR (95% CI)	Model 2, IRR (95% CI)	Model 3, IRR (95% CI)	Model 4, IRR (95% CI)
Texting law	0.98* (0.96, 0.99)	0.98 (0.96, 1.01)	0.98 (0.96, 1.01)	
Texting law, primary				
Bans all drivers				0.97 (0.95, 1.00)
Bans young drivers only				0.95 (0.91, 1.00)
Texting law, secondary				
Bans all drivers				1.01 (0.95, 1.07)
Bans young drivers only				1.05 (0.98, 1.12)
Handheld ban				
All drivers		0.96** (0.93, 0.99)	0.98 (0.95, 1.01)	0.98 (0.95, 1.01)
Young drivers only		1.06 (0.99, 1.14)	1.00 (0.93, 1.07)	0.98 (0.90, 1.07)
Speed limit ≥ 70 mph		1.51** (1.25, 1.82)	1.58** (1.30, 1.92)	1.57** (1.29, 1.92)
Administrative license revocation		0.66** (0.52, 0.82)	0.63** (0.50, 0.80)	0.63** (0.50, 0.80)
Seatbelt law, primary enforcement		0.99 (0.97, 1.00)	1.00 (0.98, 1.02)	1.00 (0.98, 1.02)
Illegal per se at 0.08 BAC		1.01 (0.99, 1.03)	1.01 (1.00, 1.03)	1.01 (0.99, 1.03)
Graduated driver licensing law		0.97** (0.96, 0.99)	0.96** (0.95, 0.98)	0.97** (0.95, 0.98)
Gasoline prices, 2010 cents			0.99** (0.99, 0.99)	0.99** (0.99, 0.99)
Per capita income, 2010 dollars			1.00** (1.00, 1.00)	1.00** (1.00, 1.00)
State unemployment rate			0.99** (0.98, 0.99)	0.99** (0.98, 0.99)

Note. BAC = blood alcohol concentration; CI = confidence interval; IRR = incidence rate ratios. Each model includes state, month, and year dummy variables as controls and accounts for state population estimates. The sample size was n = 6336 state-month-years. *P < .05; **P < .01.

(IRR = 0.66; 95% CI = 0.52, 0.82), and presence of a graduated driver licensing law (IRR = 0.97; 95% CI = 0.96, 0.99) were associated with reductions in traffic fatality counts.

In model 3, we introduced the economic control variables. As with model 2, this model showed no statistical association between the presence of a texting law and reductions in crash-related fatalities (IRR = 0.98; 95% CI = 0.96, 1.01). Administrative license revocation (IRR = 0.63; 95% CI = 0.50, 0.80) and the presence of graduated driver licensing laws (IRR = 0.96; 95% CI = 0.95, 0.98) remained significantly associated with traffic fatality reductions in this model. Moreover, gasoline prices (IRR = 0.99; 95% CI = 0.99, 0.99) and state unemployment rates (IRR = 0.98; 95% CI = 0.98, 0.99) were also associated with fatality reductions.

Handheld bans on all drivers were not significantly associated with traffic fatality reductions in this third model (IRR = 0.98; 95% CI = 0.95, 1.01).

The final column in Table 2 presents estimation results from the model that examined the effects of the extent to which texting laws are enforced and applicable to different groups of individuals. In model 4, we replaced the single texting law dummy with a set of 4 dummy variables representing whether the texting law banned all drivers with primary enforcement, banned only young drivers with primary enforcement, banned all drivers with secondary enforcement, or banned only young drivers with secondary enforcement. Texting laws that ban all

drivers (i.e., drivers younger than 21 years, intermediate license and permit holders, or both). Delaware was the first state to enact any such law, with its law taking effect on April 14, 2005. The last state to enact such a law during the study period was Wisconsin (effective date December 1, 2010).

Table 1 presents the descriptive statistics for our panel data representing 6336 state-month-years. An average 69.2 traffic fatalities occurred in a given state-month. The average gasoline price was approximately \$0.208 (in 2010 cents), and the average state per capita income was \$38 043.60 (in 2010 dollars). Alcohol-related laws used in the model were in

effect for the longest proportion of time (80%). Texting-while-driving laws were in effect for 9% of the study period duration.

The evaluation results from the difference-in-differences models for all traffic fatalities over the 11-year study period are presented in Table 2. The model 1 column presents the most parsimonious empirical specification, which includes traffic fatality counts as the dependent variable, a single dummy variable representing the presence of a texting law, and state, month, and year fixed effects. This model showed that on average, the presence of a texting law was associated with a coefficient of -0.023 , thus

suggesting a 2.3% reduction in traffic fatalities among all drivers (incidence rate ratio [IRR] = 0.98; 95% confidence interval [CI] = 0.96, 0.99). This implies that the average state that passed a law explicitly banning texting while driving experienced 1.6 fewer deaths per month.

Model 2 in Table 2 introduces control variables for earlier laws aimed at reducing traffic fatalities. This model showed no statistical association between the presence of a texting law and crash-related fatalities (IRR = 0.98; 95% CI = 0.96, 1.01). However, handheld bans on all drivers (IRR = 0.96; 95% CI = 0.93, 0.99), per se administrative license revocation

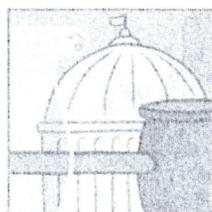


TABLE 3—Regression Results for Total Traffic Fatalities for Different Age Cohorts: United States, 2000–2010

Variable	Aged 15–21 Years, IRR (95% CI)	Aged 22–64 Years, IRR (95% CI)	Aged ≥ 65 Years, IRR (95% CI)
Texting law, primary			
Bans all drivers	0.95* (0.91, 0.99)	0.99 (0.98, 1.02)	0.96 (0.90, 1.01)
Bans young drivers only	0.89* (0.81, 0.98)	0.98 (0.92, 1.04)	0.97 (0.87, 1.07)
Texting law, secondary			
Bans all drivers	0.95 (0.85, 1.06)	1.02 (0.95, 1.09)	1.06 (0.93, 1.22)
Bans young drivers only	1.10 (0.98, 1.23)	1.06 (0.99, 1.14)	0.94 (0.81, 1.09)
Handheld ban			
All drivers	1.01 (0.96, 1.07)	0.96* (0.93, 0.99)	1.03 (0.97, 1.09)
Young drivers only	1.08 (0.93, 1.24)	0.96 (0.87, 1.05)	0.84 (0.69, 1.03)
Speed limit ≥ 70 mph	1.77** (1.23, 2.53)	1.53** (1.18, 1.99)	1.40 (0.89, 2.22)
Administrative license revocation	0.66* (0.43, 0.99)	0.62** (0.45, 0.85)	0.54 (0.29, 1.02)
Seatbelt law, primary enforcement	1.01 (0.97, 1.04)	0.99 (0.97, 1.02)	1.00 (0.96, 1.04)
Illegal per se at 0.08 BAC	0.99 (0.96, 1.01)	1.01 (0.99, 1.03)	1.06** (1.02, 1.09)
Graduated driver licensing law	0.94** (0.91, 0.98)	0.98* (0.95, 0.99)	0.98 (0.95, 1.02)
Gasoline prices, 2010 cents	0.99** (0.99, 0.99)	0.99 (0.99, 1.00)	0.99 (0.99, 1.00)
Per capita income, 2010 dollars	1.00 (0.99, 1.00)	1.00** (1.00, 1.00)	1.00 (0.99, 1.00)
State unemployment rate	0.98** (0.97, 0.99)	0.98** (0.98, 0.99)	1.00 (0.99, 1.01)

Note. BAC = blood alcohol concentration; CI = confidence interval; IRR = incidence rate ratio. Each model includes state, month, and year dummy variables as controls and accounts for state population estimates.

P* < .05; *P* < .01.

This level of enforcement was not associated with reductions in traffic fatalities among the other 2 age cohorts. However, texting bans on all drivers with primary enforcement were associated with traffic fatalities among drivers aged 65 years or older at the 95% confidence level (IRR = 0.93; 95% CI = 0.87, 0.99). Although texting bans were not associated with traffic fatality reductions among those aged 22 to 64 years, handheld bans on all drivers with primary enforcement were (IRR = 0.95; 95% CI = 0.91, 0.99). Furthermore, secondarily enforced laws, whether banning all drivers or only young drivers, had no effect on driver fatality reductions.

DISCUSSION

Three main findings emerged from our analyses. First, our results suggest that there are substantive differences in the effectiveness of laws that are primarily enforced versus secondarily enforced. Consistent with Abouk and Adams's²⁰ findings, we note that secondary laws, whether banning all drivers or only young drivers, do not appear to be effective in reducing traffic fatalities. In fact, though not statistically significant, states with secondarily enforced laws saw increases in total fatality counts. It may be that drivers in states with secondary laws perceive that their chances of being cited for texting are slim and consequently have not substantially curtailed their texting-while-driving behaviors. Moreover, although states with a texting law saw significant decreases in total traffic fatalities compared with

drivers and are primarily enforced showed a 3% reduction in total traffic fatalities among all age groups, but this association did not reach statistical significance (IRR = 0.97; 95% CI = 0.95, 1.00). Texting bans on only young drivers that were primarily enforced also showed a marginal reduction in total traffic fatalities but did not reach statistical significance (IRR = 0.95; 95% CI = 0.91, 1.00). Secondarily enforced laws were not associated with decreases in traffic fatality counts.

Table 3 presents sensitivity analyses on total traffic fatality counts by different age cohorts. Primary laws banning only young drivers from texting had the biggest impact on fatality reductions

among those aged 15 to 21 years (IRR = 0.89; 95% CI = 0.81, 0.98). Primary laws banning all drivers were also associated with traffic fatality reductions for this age group (IRR = 0.95; 95% CI = 0.91, 0.99). Neither primary laws banning all drivers from texting (IRR = 0.99; 95% CI = 0.98, 1.02) nor primary laws banning only young drivers from texting (IRR = 0.98; 95% CI = 0.92, 1.04) were associated with fatality reductions among those aged 22 to 64 years (IRR = 0.97; 95% CI = 0.95, 0.99). However, primarily enforced handheld bans on all drivers (IRR = 0.96; 95% CI = 0.93, 0.99) were significantly associated with traffic fatality reductions among this age group.

Among individuals aged 65 years or older, primarily enforced texting laws showed a marginal reduction in traffic fatalities (IRR = 0.96; 95% CI = 0.90, 1.01), but this association did not reach statistical significance. Secondarily enforced laws were not associated with decreases in fatality counts among any age group.

Table 4 presents results for our examination of driver deaths only. These estimates provide insight into the extent to which the laws have a direct impact on drivers. Texting restrictions that banned only young drivers from texting and entailed primary enforcement had the greatest impact among drivers aged 15 to 21 years (IRR = 0.88; 95% CI = 0.79, 0.98).

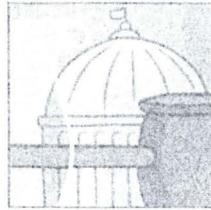


TABLE 4—Regression Results for Driver Fatalities for Different Driver Age Cohorts: United States, 2000–2010

Variable	Aged 15-21 Years, IRR (95% CI)	Aged 22-64 Years, IRR (95% CI)	Aged ≥ 65 Years, IRR (95% CI)
Texting law, primary			
Bans all drivers	0.95 (0.90, 1.01)	0.97 (0.94, 1.01)	0.93* (0.87, 0.99)
Bans young drivers only	0.88* (0.79, 0.98)	0.99 (0.93, 1.05)	0.98 (0.87, 1.10)
Texting law, secondary			
Bans all drivers	0.91 (0.79, 1.05)	1.02 (0.94, 1.10)	1.10 (0.94, 1.28)
Bans young drivers only	1.07 (0.94, 1.23)	1.05 (0.97, 1.15)	0.97 (0.81, 1.15)
Handheld ban			
All drivers	1.03 (0.96, 1.10)	0.95** (0.91, 0.99)	1.05 (0.97, 1.14)
Young drivers only	1.04 (0.87, 1.24)	0.92 (0.83, 1.02)	0.92 (0.74, 1.15)
Speed limit ≥ 70 mph	1.34 (0.65, 2.79)	1.61** (1.11, 2.35)	2.70 (0.66, 11.15)
Administrative license revocation	0.48 (0.15, 1.59)	0.58* (0.36, 0.92)	0.50 (0.12, 2.01)
Seatbelt law, primary enforcement	1.00 (0.96, 1.04)	0.99 (0.97, 1.02)	1.01 (0.96, 1.06)
Illegal per se at 0.08 BAC	0.98 (0.95, 1.01)	1.01 (0.99, 1.03)	1.06** (1.01, 1.10)
Graduated driver licensing law	0.96* (0.92, 0.99)	0.97* (0.95, 0.99)	0.98 (0.94, 1.03)
Gasoline prices, 2010 cents	0.99** (0.99, 0.99)	0.99 (0.99, 1.00)	0.99 (0.99, 1.00)
Per capita income, 2010 dollars	1.00* (1.00, 1.00)	1.00* (1.00, 1.00)	1.00 (0.99, 1.00)
State unemployment rate	0.97** (0.96, 0.98)	0.98** (0.97, 0.99)	0.99 (0.98, 1.01)

Note. BAC = blood alcohol concentration; CI = confidence interval; IRR = incidence rate ratio. Each model includes state, month, and year dummy variables as controls and accounts for state population estimates.

* $P < .05$; ** $P < .01$.

states without such a law, our results suggest that the states with primarily enforced laws are seeing the most improvements in terms of mortality reduction. Thus, our findings suggest that states with secondarily enforced texting laws should consider adjusting their bans to entail primary enforcement. Furthermore, states that have not enacted any legislation on texting while driving should consider doing so at the primary enforcement level.

We constructed age cohorts to investigate whether texting laws, which are arguably aimed at younger individuals given their greater proclivity to text,³⁹ even while driving,^{39,40} yield significant reductions in traffic fatalities

among younger people. Our analyses indicate that primarily enforced texting laws are associated with fatality reductions among younger individuals, both drivers and nondrivers. Thus, our second main finding is that our results provide strong evidence that the primarily enforced texting laws seem to be reaching the intended subpopulations who are most at risk for texting while driving.⁴⁰

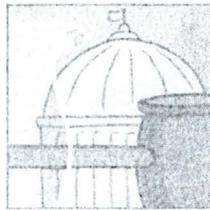
Although not the primary focus of this study, our analyses also indicated that states with handheld bans for all drivers saw reductions in traffic fatalities during the study period, particularly among those aged 22 to 64 years. This was true for both drivers and nondrivers in this age group.

Thus, the third main finding was that, although texting laws are most effective for reducing traffic-related fatalities among young individuals, handheld bans appear to be most effective for adults. Consequently, to the extent that states are also interested in reducing traffic fatalities among adults, they should consider enacting legislation that bans handheld use of mobile devices.

We mention that some of the other state laws included in our models were not statistically significant even though previous research has found alcohol and seatbelt policies to be significantly associated with reductions in traffic fatalities.^{41,42} Given that our study period is shorter and more recent

than those of previous studies, we primarily captured within-state variations in texting policies and not within-state variations in the other, less recently established policies. We therefore had weak power for measuring the effect of these other laws on traffic fatalities.

We note some limitations. Given the relative novelty of many texting laws, we were unable to examine the long-term impact on fatalities—rather, just what happened in the study period. Moreover, our study did not determine whether states who were first to ban texting had differential impacts on fatalities than states who adopted these bans later. Future research should examine this issue. Furthermore, our study did not distinguish between fatalities resulting from single-occupant versus multiple-occupant collisions. Given some evidence that drivers engage in safer driving behavior in the presence of passengers,^{43–45} future research should examine whether the prevalence of fatalities resulting from multiple-occupant collisions is affected differently by texting bans than those resulting from single-occupant collisions. Additionally, this study ultimately provided evidence for the impact of texting laws on just 1 traffic outcome—death. Texting laws may have an influence on less serious traffic outcomes including hospitalization, emergency visits, and acute injuries. Moreover, our study did not examine other non-clinical outcomes such as property damage. Future research should investigate these relationships to further expand our understanding of the impact of texting laws.



Furthermore, because of the lack of national data on traffic fatalities that were a result of a driver texting, we are unable to explicitly say that reductions in traffic fatalities reflect reductions in texting-related traffic fatalities. Last, we note that our study examined the presence of texting laws in states, not the extent to which the laws are actually enforced. This is an important distinction given the noted difficulties faced by law enforcement personnel in enforcing these bans.^{46,47} Despite these limitations, we believe that this study adds to the limited knowledge concerning the impact of texting-while-driving laws and should potentially inform efforts to enhance enforcement. ■

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Contributors

A. O. Ferdinand conceptualized the study design, participated in the analysis and interpretation of data, and drafted and revised the article. N. Menachemi and B. Sen conceptualized the study design, participated in the analysis and interpretation of data, and revised the article. J. L. Blackburn participated in the analysis and interpretation of data, and revised the article. M. Morrissey conceptualized the study design, participated in the in-

terpretation of data, and revised the article. L. Nelson participated in the interpretation of regulations and revised the article. All authors approved the final version of the article.

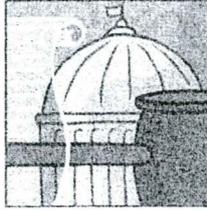
Human Participant Protection

This study was approved by the University of Alabama at Birmingham's institutional review board.

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Facts and Statistics

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What is distracted driving?

Distracted driving is any activity that could divert a person's attention away from the primary task of driving. All distractions endanger driver, passenger, and bystander safety. These types of distractions include:

- Texting
- Using a cell phone or smartphone
- Eating and drinking
- Talking to passengers
- Propping
- Reading, including maps
- Using a navigation system
- Watching a video
- Adjusting a radio, CD player, or MP3 player

But, because text messaging requires visual, manual, and cognitive attention from the driver, it is by far the most alarming distraction.

The best way to end distracted driving is to educate all Americans about the danger it poses. On this page, you'll find facts and statistics that are powerfully persuasive. If you don't already think distracted driving is a safety problem, please take a moment to learn more. And, as with everything on Distraction.gov, please share these facts with others. Together, we can help save lives.

Got questions? Visit our FAQ ([faq.html](#))! Want even more information? Look at sample research reports ([/stats-research-laws/research.html](#)).

Key Facts and Statistics

In 2014, 3,179 people were killed, and 431,000 were injured in motor vehicle crashes involving distracted drivers.

As of December 2014, 169.3 billion text messages were sent in the US (includes PR, the Territories, and Guam) every month. (CTIA) (<http://www.ctia.org/your-wireless-life/how-wireless-works/annual-wireless-industry-survey>)

Ten percent of all drivers 15 to 19 years old involved in fatal crashes were reported as distracted at the time of the crashes. This age group has the largest proportion of drivers who were distracted at the time of the crashes. (NHTSA) (<http://www-nrd.nhtsa.dot.gov/Pubs/812132.pdf>)

Drivers in their 20s are 23 percent of drivers in all fatal crashes, but are 27 percent of the distracted drivers and 38 percent of the distracted drivers who were using cell phones in fatal crashes. (NHTSA) (<http://www-nrd.nhtsa.dot.gov/Pubs/812132.pdf>)

The percentage of drivers text-messaging or visibly manipulating handheld devices increased from 1.7 percent in 2013 to 2.2 percent in 2014. Since 2007, young drivers (age 16 to 24) have been observed manipulating electronic devices at higher rates than older drivers. (NHTSA) (<http://www-nrd.nhtsa.dot.gov/Pubs/812197.pdf>)

At any given daylight moment across America, approximately 660,000 drivers are using cell phones or manipulating electronic devices

Take Action

- Pledge [📌 \(/take-action/take-the-pledge.html\)](#)
- Campaign [🗨 \(/take-action/texting-campaign.html\)](#)
- Downloads [⬇ \(/take-action/downloads.html\)](#)

Stats, Research & Laws

- Facts & Statistics ([/stats-research-laws/facts-and-statistics.html](#))
- Research ([/stats-research-laws/research.html](#))
- State Laws ([/stats-research-laws/state-laws.html](#))
- FAQ ([/stats-research-laws/faq.html](#))

DOT Activities

- Experience the Stories ([/experience-the-stories/index.html](#))

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while driving, a number that has held steady since 2010. **(NOPUS)** (<http://www-nrd.nhtsa.dot.gov/Pubs/811719.pdf>)

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A 2015 Erie Insurance distracted driving survey reported that drivers do all sorts of dangerous things behind the wheel including brushing teeth and changing clothes. The survey also found that one-third of drivers admitted to texting while driving, and three-quarters saying they've seen others do it. **(ERIE INSURANCE)** (<https://www.erieinsurance.com/about-us/newsroom/press-releases/2015/distracted-driving>)

Five seconds is the average time your eyes are off the road while texting. When traveling at 55mph, that's enough time to cover the length of a football field blindfolded. **(2009, VTTI)** (<http://mcsac.fmcsa.dot.gov/documents/DriverDistractionStudy.pdf>)

Smartphone ownership is growing. In 2011, 52 percent of drivers reported owning a smartphone, and by 2014 that number had grown to 80 percent. The greatest increases in smartphone ownership are among adults age 40 and older. **(STATE FARM)** (<http://www.multivu.com/players/English/7292854-state-farm-distracted-driving-survey-cellphone-use/>)

More than half (53%) of all adult cellphone owners have been on the giving or receiving end of a distracted walking encounter. **(PEW RESEARCH)** (<http://www.pewresearch.org/fact-tank/2014/01/02/more-than-half-of-cell-owners-affected-by-distracted-walking/>)

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Demerit
Points

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State	Penalty	Ban
Alabama	\$25 fine	All drivers
Alaska	\$10,000 fine and one year in prison	All drivers
Arizona		No ban
Arkansas	\$100 fine and 10 days in prison	All drivers
California	\$20 fine	All drivers
Colorado	\$50 fine	All drivers
Connecticut	\$100 fine	All drivers
Delaware	\$50 fine	All drivers
D.C.	\$100 fine	All drivers
Florida		No ban
Georgia	\$150 fine	All drivers
Guam	\$100 fine	All drivers

1

1

State

Penalty

Ban

Demerit
Points

Hawaii

No ban

Idaho

\$81.50

All drivers

Illinois

\$75 fine

All drivers

Indiana

\$35.50 fine

All drivers

Iowa

\$30 fine

All drivers

Kansas

\$60 fine

All drivers

Kentucky

\$25 fine plus
surcharge fees

All drivers

Louisiana

\$175 fine

All drivers

Maine

\$250-500 fine

All drivers

Maryland

\$500 fine

All drivers

Massachusetts

\$100 fine

All drivers

Michigan

\$100 fine

All drivers

Minnesota

\$135 fine

All drivers

Demerit
Points

State	Penalty	Ban	Demerit Points
Mississippi	\$500 fine	School bus drivers, learner's permit and provisional license holders	
Missouri	\$20.50 fine	Drivers younger than 21	
Montana		No ban	
Nebraska	\$200 fine	All drivers	3
Nevada	\$50 fine	All drivers	
New Hampshire	\$100 fine	All drivers	
New Jersey	\$100 fine	All drivers	
New Mexico		Drivers younger than 18 or with learner/provisional license	
New York	\$235 fine	All drivers	3
North Carolina	\$100 fine plus surcharge fees	All drivers	
North Dakota	\$100 fine	All drivers	

State	Penalty	Ban	Demerit Points
Ohio	\$150 fine	All drivers	
Oklahoma	\$100 fine	Learner's permit or intermediate license holders	
Oregon	\$250 fine	All drivers	
Pennsylvania	\$50 fine	All drivers	
Puerto Rico	\$50 fine	All drivers	
Rhode Island	\$85 fine	All drivers	
South Carolina		No ban	
South Dakota		Learner's permit or intermediate license holders	
Tennessee	\$50 fine	All drivers	
Texas		Drivers younger than 18	
Utah	\$750 fine plus 90 days in prison	All drivers	
Vermont	\$156 fine	All drivers	2

State	Penalty	Ban	Demerit Points
Virgin Islands		All drivers	
Virginia	\$20 fine	All drivers	
Washington	\$124 fine	All drivers	
West Virginia	\$100 fine	All drivers	
Wisconsin	\$20-\$400 fine	All drivers	4
Wyoming	\$75 fine	All drivers	

DWI: DRIVING WHILE INTXTICATED

Teens and adults texting behind the wheel

DRIVING WHILE TEXTING: LOL TO TTYL

23%

In 2011, at least 23% of auto collisions involved cell phones

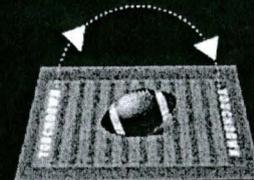


...that's 1.3 million crashes

5 SECONDS



The minimal amount of time your attention is taken away from the road when you're texting and driving



If you're traveling at 55mph, this equals driving the length of a football field without looking at the road

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N.D.D.C. 39-08-23. **Use of a wireless communications device prohibited.** 1. The operator of a motor vehicle that is part of traffic may not use a wireless communications device to compose, read, or send an electronic message. 2. Under this section: a. "Electronic message" means a self-contained piece of digital communication that is designed or intended to be transmitted between physical devices. The term includes electronic mail, a text message, an instant message, a command or request to access a worldwide web page, or other data that uses a commonly recognized electronic communications protocol. The term does not include: (1) Reading, selecting, or entering a telephone number, an extension number, or voice mail retrieval codes and commands into an electronic device for the purpose of initiating or receiving a telephone or cellular phone call or using voice commands to initiate or receive a telephone or cellular phone call; (2) Inputting, selecting, or reading information on a global positioning system device or other navigation system device; (3) Using a device capable of performing multiple functions, such as fleet management systems, dispatching devices, smartphones, citizen band radios, music players, or similar devices, for a purpose that is not otherwise prohibited; (4) Voice or other data transmitted as a result of making a telephone or cellular phone call; or (5) Data transmitted automatically by a wireless communication device without direct initiation by an individual. b. "Traffic" means operation of a motor vehicle while in motion or for the purposes of travel on any street or highway and includes a temporary stop or halt of motion, Page No. 12 such as at an official traffic-control signal or sign. The term does not include a motor vehicle that is lawfully parked. 3. This section does not apply if a wireless communications device is used for obtaining emergency assistance to report a traffic accident, medical emergency, or serious traffic hazard or to prevent a crime about to be committed, in the reasonable belief that an individual's life or safety is in immediate danger, or in an authorized emergency vehicle while in the performance of official duties. 39-08-24. Use of an electronic communication device by minor prohibited. An individual at least sixteen and under eighteen years of age who has been issued a class D license may not operate an electronic communication device to talk, compose, read, or send an electronic message while operating a motor vehicle that is in motion unless the sole purpose of operating the device is to obtain emergency assistance, to prevent a crime about to be committed, or in the reasonable belief that an individual's life or safety is in danger.

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Testimony before the Transportation Committee in support of House Bill 1404

Speaker: Justin Kristan, Executive Director, North Dakota Active Transportation Alliance, Registered lobbyist with State of North Dakota

Date: Thursday, February 9, 2017

I Justin Kristan am speaking in support of House Bill 1404. I am the Executive Director of the North Dakota Active Transportation Alliance; a grassroots, statewide advocacy organization supporting safer roadways for bicyclists and pedestrians through cooperative efforts with the State of North Dakota, North Dakota municipalities, and tribal nations. I am a registered lobbyist with the State of North Dakota (registration number 485).

I received my Graduate degree in Urban and Regional Planning with a concentration in bicyclist and pedestrian planning from the University of Florida in December of 2006 and worked for the Fargo-Moorhead Metropolitan Council of Governments from June of 2006 to May of 2011. I am a League Cycling Instructor, certified by the League of American Bicyclists. I am sometimes a motorist, bicyclist, pedestrian and transit user.

Texting and the general use of electronic devices while operating a motor vehicle is dangerous at best and has had deadly cosequences for some motorists and non-motorists in recent years. The driving force behind the development of House Bill 1404 comes from discussions with North Dakota legislators, family members of victims who were killed by distracted drivers while bicycling as well as conversations with residents of North Dakota and police officers around the State of North Dakota over the past few years.

Messaging from the National Highway Transportation Safety Administration, the North Dakota Department of Transportation, North Dakota municipalities as well as educational institutions has been consistent and continues to this day. Yet, motorists still continue to text and drive. According to police officers around the state of North Dakota it is apparent that motorists are getting savvier about keeping their phones out of sight while texting and some motorists are even fighting the citations in court because they realize how difficult it is for police officers to prove that they were texting and driving. Fortunately, police departments are receiving the resources they need to get into the best physical locàtion (above motorists) to view motorists who are texting and driving. Use of video recording is playing a very important role in convicting motorists who are texting and driving.

North Dakota has had a texting while driving law in effect since August 1st, 2011. The fine for texting while driving a motor vehicle is \$100.00 per violation with no points applied to a driver's

driving record. The application of points to a driver's record is not permanent but may offer a stronger disincentive than a fine-only structure. According to North Dakota Century Code, a point is removed for each three-month period during which points are not recorded against the licensee's driving record for a moving violation..... Insurance premiums generally rise upon the discovery of the application of points to a driver's record.

Insurance companies pull drivers records once a year and sometimes more often. There is no set standard within the insurance industry. The increase in premiums is also variable within the insurance industry though the Class Plan tables for the Insurance Services Office (ISO) shows an increase in premiums of twenty percent for one minor conviction up to forty-five percent for three or more minor convictions. The ISO Class Plan tables were obtained from the North Dakota Insurance Department.

A review of texting while driving cases in Fargo, North Dakota between August 3, 2015 and January 2, 2017 shows the following outcomes:

483 total cases

Not Guilty: 3

Dismissed: 3

Found Guilty: 8

Pled Guilty: 1

Paid Fine with No Contest: 468

It appears fair to say that fines are only a part of the solution to reducing texting and driving. Changes in cultural attitude are necessary but sitting by the wayside and hoping for the best is not acceptable. It's time to move forward with stronger penalties for texting and driving. Let's not wait until somebody becomes another statistic in the growing death toll caused by texting and driving.

Thank you for the opportunity to speak in support of House Bill 1404.

There's no way I can put it into words how devastating this has been for my family. It's been two and a half years since my sister, Lisa Knudson, was hit and violently killed while she rode her bike and it's still painful to think about. I know I speak for all my siblings, my mother, and my brother in law, when I say that was the single worst day of our lives.

I flew back to ND the day after she was killed. I was at the funeral home when the mortician told us that her body was so badly disfigured that we couldn't have an open casket. In fact, he recommended that we never view her body or read the autopsy; he said it would be too disturbing, so we never did. She was cremated and we never got the chance to say goodbye, or even look at her beautiful face one last time.

The people most affected by my sister's death, are her husband, Ordean, and my mom. Lisa and Ordean were married for over 30 years. The day my sister died, Ordean was driving to town when he came upon the scene. Lisa's body was still on the road, that's how he found out. He was so distraught he had to be assisted by paramedics. For the rest of his life, whenever he goes to his house, he'll have to drive by the spot where she was killed.

My mom and Lisa were very close. They spoke daily and saw each other every week. There's nothing worse for a parent than a losing a child. Lisa always said she would be there for my mom as she got older, and now she won't be. My sister was a caring, wonderful person. As a testament to how many people she touched in her life, over 500 people showed up at her funeral.

Right up until her death, Lisa competed in iron man competitions in which she swam 2 1/2 miles, rode a bike 112 miles, ending with a 26 mile marathon – all in one day. To train for these races she rode her bike on the stretch of highway where she was killed. She had been doing this safely and legally for over 20 years. During that time, tens of thousands of vehicles passed her without incident...until the day she was killed. She was 54 when she died, but I can safely say she was in better physical shape than anyone I know. She would've easily lived another 30 or 40 years. Those years were stolen from her and from us.

The ND Highway Patrol determined that the driver of the truck that hit her had taken two selfies and sent them in a text message at the time of the collision. He did this while he drove down a highway at 60 miles an hour with his children in the back seat, endangering their lives and everyone around him, taking his eyes off the road for at least 23 seconds – that's how long investigators determined she was in his line of sight before he swerved onto the shoulder and hit her. If he had just stayed in his lane, she'd still be alive. Afterwards, while he stood next to my sister's dead body waiting for the police to arrive, he spent that time deleting over 30 pictures on his phone. What they were, we will never know.

In my opinion, it was a clear case of Negligent Homicide, but the prosecutor accepted a plea bargain down, Aggravated Reckless Driving, a misdemeanor. The driver served three months in jail, followed by three months of home detention. To me, this is a slap on the wrist, when you consider that someone was violently killed by his negligence. If he had been drinking and driving instead of staring at his phone when he ran over my sister, he would've spent years behind bars.

Thank you for your time.

Sincerely,
Lee Karaim
Brother of Lisa Knudson

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February 9th, 2017

House Transportation
HB 1404

Chairman Ruby and members of the committee, for the record I am Jason Olson, Chief of Police of Minot, North Dakota. I also serve as the current President of the North Dakota Chiefs of Police Association.

I appear before you today to express support of HB 1404. The use of handheld cell phone devices continues to proliferate. Handheld devices, especially smart phones which have thousands of apps available play a larger and larger role in all of our lives. The amount of uses for these devices from accessing social media, watching videos, taking and looking at photos, playing games, texting, talking, shopping, banking and the list goes on and on.

These devices can be used for many wonderful purposes but there is one thing that almost all of these uses have in common, they are distracting to a driver of a vehicle. I will not bore you with statistics that speak to the dangerous effects that distracted driving can have on people whose primary responsibility when driving a vehicle is the safety of themselves, their passengers and other motorists, bicyclists, and pedestrians.

I think we could all agree that distracted driving is a hazard to our roadways. We have all witnessed drivers with their heads down and eyes off of the road as they cruise along. The question is what we are going to do about it. The current law is very weak on this subject with a \$100 fine and zero points against a driver's license for a violation. HB 1404 will strengthen the current law by adding two points and increasing the monetary penalty for second or subsequent offenses to \$300. I think that this is a step in the right direction.

However, as a police officer, I can say that even though this law is strengthened by the passage of this bill it does not go far enough to show both law enforcement officers charged with enforcing the law and the public that our Legislature is really serious about taking meaningful action to curb distracted driving. The current law on this subject still allows many exceptions for drivers to legally have their smart phones in their hands for all kinds of purposes. Somehow a law enforcement officer is supposed to discern what purpose the driver is using the device for to have cause to stop a vehicle and issue a citation. The fact is that most police officers do not even bother trying to enforce a law which has so many exceptions built in.

In my opinion, the distracted driving law should ban the use of handheld devices all together while the driver is in traffic. The device should only be allowed to be legally in the drivers hand while the vehicle is stopped and out of traffic. If this were the case the law could easily be enforced and we would see real change in driver's behaviors, until then I'm afraid that we will continue to see a large percentage of drivers with their eyes on their phones instead of the road.

This is a step in strengthen this law and I urge the committee to vote DO PASS on HB 1404.

Thank you for your time and consideration.