KLRD

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Transportation

M-1 Distracted Driving: State Laws

In 2017, at least 3,166 people were killed in motor vehicle crashes involving distracted drivers in the United States. Of those killed, 599 were pedestrians, bicyclists, and others who were not occupants of the vehicles. Of the nearly 6.5 million police-reported motor vehicle traffic crashes in 2017, 34,247 were fatal crashes, and 9 percent of fatal crashes were reported as distraction-affected.[1]

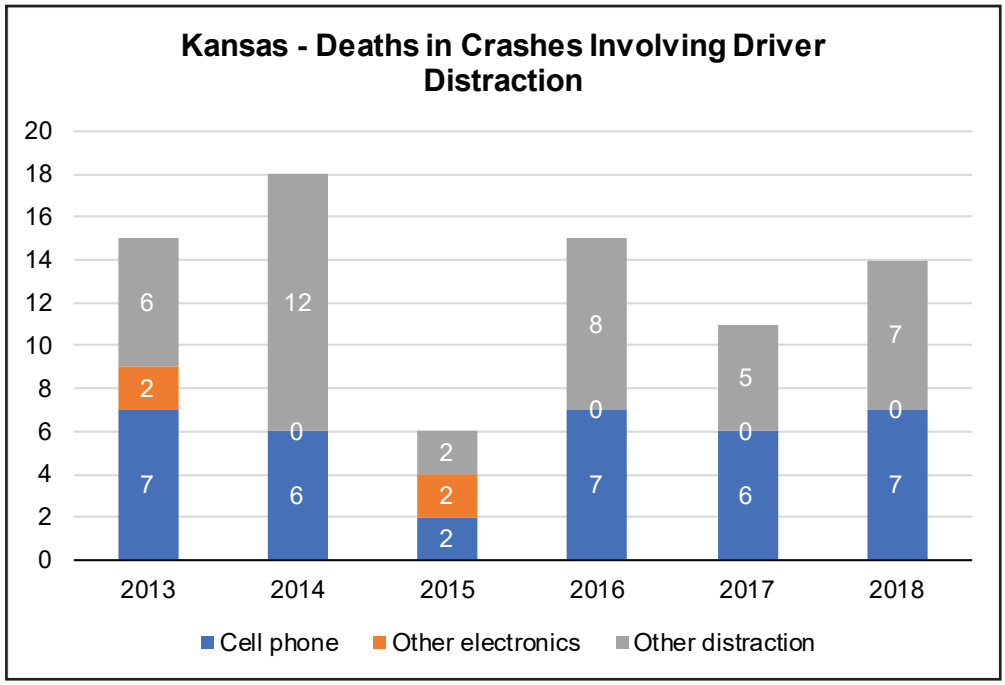
Kansas data for 2018 show distracted driving was recorded as a factor in 2,228 crashes that led to injuries or property damage exceeding $1,000, and 14 people died and 909 were injured in those crashes. In 2017, a total of 15,627 crashes involved distracted drivers, with total costs of those crashes estimated at $774.5 million.[2]

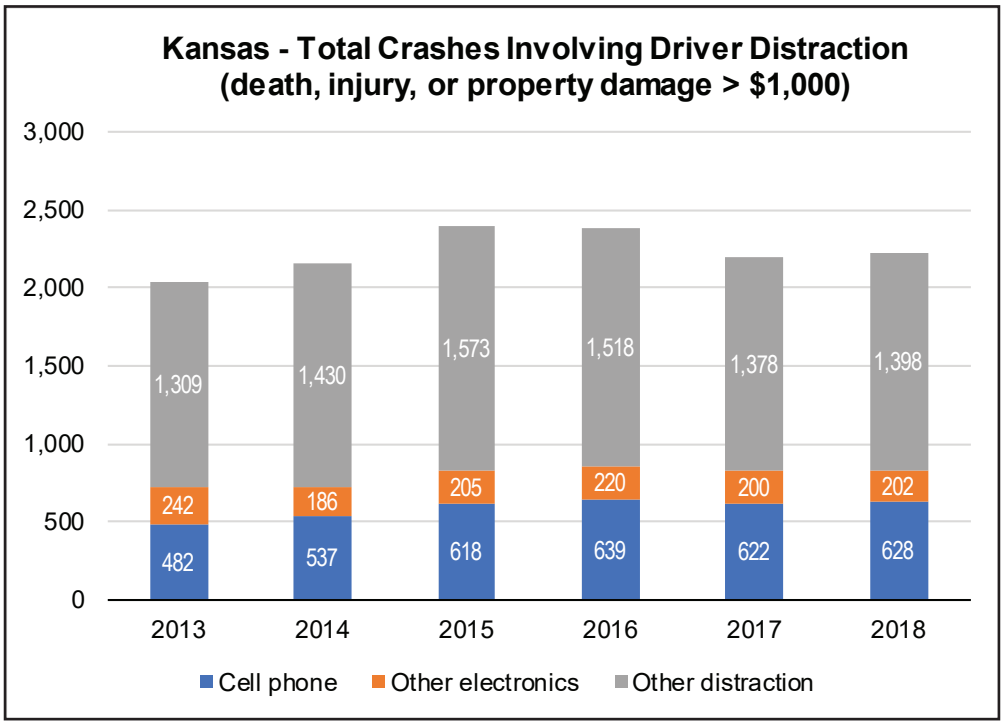
While the full prevalence of distracted driving is unknown, a roadside observation of more than 3,000 drivers at 11 intersections in Alabama found 32.7 percent of them to be engaged in at least 1 distracting activity, such as talking on the phone (31.4 percent) or manipulating a phone (16.6 percent).[3] A national, representative, anonymous panel of 1,211 U.S. drivers found nearly 60.0 percent reported cell phone reading and writing activity within the previous 30 days; of the drivers in the panel, the highest rate of device usage was among drivers ages 18 through 24.[4]

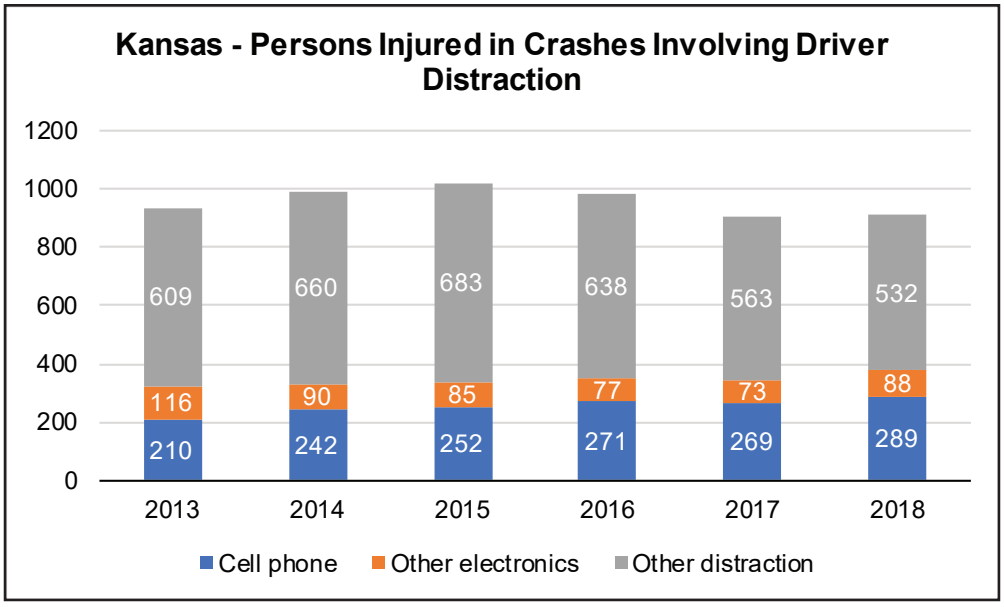
Distractions caused by cell phones and other electronic devices account for large percentages of deaths, injuries, and crashes in which distraction is recorded as a factor. Researchers say that is because such devices often cause all of the three types of distraction described by the National Highway Traffic Safety Administration:

- Visual: taking your eyes off the road;
- Manual: taking your hands off the wheel; and
- Cognitive: taking your mind off driving.[5]

The following three charts illustrate driver distraction statistics in Kansas.


Kansas - Deaths in Crashes Involving Driver Distraction
20
18
16
14
12
10
8
6
4
2
0
6
2
7
12
0
6
2
2
2
8
0
7
5
0
6
7
0
7
2013
2014
2015
2016
2017
2018
Cell phone
Other electronics
Other distraction


Kansas - Total Crashes Involving Driver Distraction (death, injury, or property damage > $1,000)
3,000
2,500
2,000
1,500
1,000
500
0
1,309
242
482
1,430
186
537
1,573
205
618
1,518
220
639
1,378
200
622
1,398
202
628
2013
2014
2015
2016
2017
2018
Cell phone
Other electronics
Other distraction



State Responses to Distracted Driving

According to the Insurance Institute for Highway Safety (IIHS):

- Text messaging is banned for all drivers in 48 states (including Kansas; KSA 2018 Supp. 8-15,111) and the District of Columbia. In addition, novice drivers are banned from texting in Missouri; only Montana has no ban;
- The use of all cellphones by novice drivers is restricted in 38 states (including Kansas; KSA 2019 Supp. 8-296 and 8-2,101) and the District of Columbia; and
- Talking on a hand-held cellphone while driving is banned in 20 states and the District of Columbia and partially banned, *e.g.*, in highway work zones, in 7 more.[6]

The states' full or partial bans on hand-held device use vary in many ways, including the exceptions to the bans. All of these states allow use for emergency purposes, and most allow use of two-way or federally licensed amateur radios. Most require a vehicle to be off a roadway, *i.e.*, not just stopped in traffic, for use of hand-held devices to be permitted.

At least six states and the District of Columbia also have laws generally prohibiting distracted driving, defined as engaging in any activity that interferes with the safe operation of the vehicle.

Effectiveness of Bans on Device Usage

The IIHS estimates more than 800 people died in 2017 in crashes related to device manipulation.[7] Reviews of peer-reviewed studies suggest state laws intended to reduce distracted driving, particularly distraction caused by use of electronic devices, do affect driver behavior. For example, a 2014 review of studies published since 2009 found "all-driver bans on hand-held phone conversations have resulted in long-term reductions in hand-held phone use, and drivers in ban states reported higher rates of hands-free

phone use and lower overall phone use compared with drivers in non-ban states."[8]

Studies also find driver distractions impair driver performance. A review of 350 analyses reported in 206 articles published between 1968 and 2012 found 80.0 percent of the analyses identified "detrimental relationships between secondary tasks and driving performance."[9] Studies directly observing driver behavior found novice drivers made more driving errors than experienced drivers when distractions were involved, but the rates of errors were similar when the distraction took the driver's eyes away from the road.[10] Another study found "cell-phone participants' assessments of the safeness of their driving and confidence in their driving abilities were uncorrelated with their actual errors. Thus, talking on a cell phone not only diminished the safeness of participants' driving, it diminished their awareness of the safeness of their driving."[11]

Additional information. Specific information about state laws regarding use of hand-held devices and more information about effectiveness of bans on device usage can be found in the memorandum "Hands-free and Distracted Driving Laws in Other States," available at *http://www.kslegresearch.org/KLRD-web/Transportation.html*.

1 National Center for Statistics and Analysis, National Highway Traffic Safety Administration. "Distracted Driving: 2016" in *Traffic Safety Research Notes,* DOT HS 812 700, April 2019, and *2017 Quick Facts*, DOT HS 812 747, July 2019, accessed September 2019. Data from 2017 was the most recently available at the time of this publication.

2 Data used for the graphics were downloaded from "Driver-Related Data" at *http://www.ksdot.org/bureaus/burTransPlan/prodinfo/accista.asp*, specifically "2017 Kansas Traffic Crash Facts" and "Driver Distraction," accessed September 2019. Data for 2018 were provided *via* e-mail.

3 Carrie Huisingh, M.P.H., Russell Griffin, Ph.D., and Gerald McGwin, Jr., Ph.D., "The Prevalence of Distraction Among Passenger Vehicle Drivers: A Roadside Observational Approach," *Traffic Injury Prevention* 2015: 16(2): 140-146.

4 Emily Gliklich, Rong Guo, M.S., and Regan W. Bergmark, M.D., "Texting While Driving: A Study of 1,211 U.S. Adults with the Distracted Driving Survey," *Preventive Medicine Reports* 4: 486-489, December 2016.

5 National Highway Traffic Safety Administration. "Policy Statement and Compiled FAQs on Distracted Driving." *http://www.nhtsa.gov.edgesuite-staging.net/Driving+Safety/Distracted+Driving/Policy+Statement+and+Compiled+FAQs+on+Distracted+Driving*, accessed September 2019.

6 Insurance Institute for Highway Safety, Distracted Driving, State Laws, *https://m.iihs.org/topics/distracted-driving#cellphone-laws*, accessed September 2019.

7 IIHS, "Driver cellphone interactions increase 57 percent," January 24, 2019, accessed September 2019.

8 Anne T. McCartt, Ph.D., David G. Kidd, Ph.D., and Eric R. Teoh, M.S., "Driver Cellphone and Texting Bans in the United States: Evidence of Effectiveness," Insurance Institute for Highway Safety, Association for the Advancement of Automotive Medicine, March 2014, 5899-114. *https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4001674/*.

9 Ferdinand, Alva O., Dr.P.H., J.D., and Nir Menachemi, Ph.D. M.P.H. (2014). "Associations Between Driving Performance and Engaging in Secondary Tasks: A Systematic Review." *American Journal of Public Health*, 104(3), E39-E48. *https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3953770/*.

10 Klauer, Sheila G., Ph.D., Feng Guo, Ph.D., Bruce G. Simons-Morton, Ed.D., M.P.H., Marie Claude Ouimet, Ph.D., Suzanne E. Lee, Ph.D., and Thomas A. Dingus, Ph.D. (2014). "Distracted Driving and Risk of Road Crashes Among Novice and Experienced Drivers." *The New England Journal of Medicine*, 370(1), 54-9. *http://www.nejm.org/doi/full/10.1056/NEJMsa1204142#t=article*.

11 Sanbonmatsu, David M., David L. Strayer, Francenso Biondi, Arwen A. Behrends, and Shannon M. Moore (2016). "Cell-phone Use Diminishes Self-awareness of Impaired Driving." *Psychonomic Bulletin & Review*, 23(2), 617-623. *https://www.researchgate.net/publication/281114569_Cell-phone_use_diminishes_self-awareness_of_impaired_driving*.

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