



# CELL PHONES AND HIGHWAY SAFETY



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## 2006 State Legislative Update

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In 2006, cell phones in motor vehicles continued to be a significant traffic safety concern for state legislatures. However, although phones in cars grabbed the most headlines, many state lawmakers now have broadened the topic to include a wider variety of driver distractions and potential regulations. This report provides information about cell phones and driving and the larger driver distraction debate. It examines the latest statistics and studies, details relevant laws and legislative activity, and analyzes the most critical issues.

### Driver Distraction and Cell Phones

Most experts agree that distracted driving is a substantial problem. According to the National Highway Traffic Safety Administration (NHTSA), in 2005, 43,443 people died and approximately 2.7 million people were injured in an estimated 6.16 million police-reported motor vehicle traffic crashes.<sup>1</sup> NHTSA estimates that each year, motor vehicle crashes cost Americans approximately \$230 billion in economic damages.<sup>2</sup> Driver inattention is a leading factor in these crashes. A 2006 study published by NHTSA and the Virginia Tech Transportation Institute (VTTI) estimated that nearly 80 percent of crashes and 65 percent of near crashes involve some form of driver inattention.<sup>3</sup> As a percentage of national statistics, the NHTSA and VTTI estimate would mean that driver inattention causes as many as 4.9 million crashes, 34,000 fatalities and 2.1 million injuries each year and as much as \$184 billion in economic damage.

Although many agree that driver awareness—or lack thereof—is a significant concern, there is little agreement over which distractions pose the most significant threat or what should be done about them. Driver distraction has been a potential problem since cars were invented. A virtually limitless number of events, activities and objects, both inside and outside the motor vehicle, can divert a driver from his or her primary task—the safe operation of the vehicle. A January 2007 survey by Nationwide Mutual Insurance found that 31 percent of respondents admitted they daydream while driving; 19 percent acknowledge that they fix their hair, text or instant message; 14 percent comfort or discipline children; and 8 percent drive with a pet in their lap. Surveyed drivers also confessed to changing seats with passengers, reading books, watching movies, writing grocery lists, nursing babies, putting in contact lenses, painting toenails, urinating out the car window, changing shoes and shaving while driving.

Recent interest in driver focus seems to stem almost exclusively from the introduction of cell phones into the driving environment. Two decades ago, cell phones were a novelty item in cars and a non-factor in traffic safety. Less than 900,000 people in the United States subscribed to wireless services, few people lugged around the pricey, shoebox-sized devices, and few traffic safety experts mentioned driver distraction as a safety concern.

Much has changed in 20 years. According to the wireless industry association, CTIA, the number of wireless subscribers in the United States has grown to more than 230 million.<sup>4</sup> Recent studies confirm something most of us already know—many people are using their phones in the driving environment, and their popularity in the car continues to grow. A December 2005 NHTSA observational survey estimated that, at any given daylight moment, approximately 10 percent of U.S. drivers are using some type of phone, whether hand-



held or hands-free.<sup>5</sup> Overall, the survey found that cell phone use in cars continues to grow among all drivers in all driving conditions. The 2007 survey from Nationwide Insurance estimated that 73 percent of drivers use phones.

Concurrent with the growth of cell phones has been the growth in interest in phones and other potential distractions in motor vehicles. In state legislatures, this increased interest has been reflected in an increase in the number of bills proposed and the number of bills passed. During the last five years, lawmakers in every state, Puerto Rico and the District of Columbia have considered legislation related to cell phone use in cars or distracted driving. Lawmakers in 38 states considered legislation on the topic in 2006 alone. As late as 2000, only three states had laws related to cell phones in cars. Now, 28 have such laws, with more laws likely to pass in 2007.

So, with all the other potential distractions, why have cell phones been singled out for regulation? Part of the answer could be cell phone visibility. The vast majority of wireless phone subscribers use hand-held phones that often are used for long conversations and are easy to spot in the hands of other motorists. Anyone who has been in a car lately knows that it is common to see another driver maneuvering through traffic with one hand pressing a phone against his or her ear. Other potential distractions often are not as easy to spot and can occur over a much shorter time period, making them less likely to draw the ire of other motorists, including state legislators and their constituents.

Beyond the numbers, the cell phone's complexity and potential for distracting the user's brain also has made it a target for potential regulation. Proponents of restrictions have argued that the unique cognitive distraction caused by a cell phone separates it from other potential distractions that might not require as much thought. Basic phones require a driver to interact with the voice of a person who cannot see whether the driver is in heavy traffic or dangerous driving conditions. Often, people using phones will gesture or become engrossed in the discussion. In addition, modern phones are much more sophisticated than they were a decade ago. Mobile phones can take, send and receive pictures. They allow users to send and receive text messages, surf the Web, check stock quotes and sports scores, play music and video games, and perform a variety of additional functions beyond simple conversation.

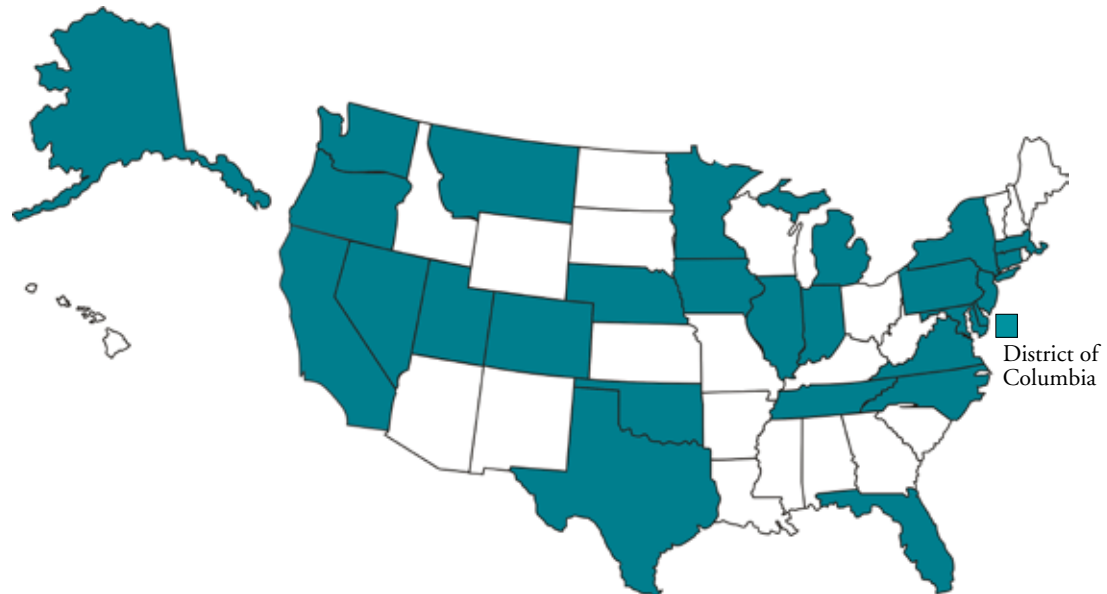
Cell phones have been joined in the car by a variety of other potentially distracting technologies. Other wireless communications and entertainment devices in vehicles—such as navigation systems, televisions, DVD players and computers—are becoming more common. Such devices—often referred to as telematics—form part of a multi-billion dollar industry that has made it possible for drivers and passengers to do almost anything in their car that they can do in their home or office.

Cell phones and telematic devices clearly can distract drivers. The question is whether such devices pose a significant enough distraction to warrant legislation. Restriction opponents such as CTIA cite the value of wireless phones and other devices as a reason not to single them out for regulation. Unlike other traffic safety issues—such as drunk driving or seat belts, where few compelling reasons exist to allow a driver to operate a vehicle drunk or without a seatbelt—there are reasons to allow phones in the car. Wireless phones can be valuable tools. Phones help drivers make time spent in the car more productive, allow a driver to stay in touch with family, or help change dinner plans. Phones also can be used to promote on-the-road safety programs such as the Amber Alert system or provide assistance in an emergency. According to CTIA, more than 200,000 emergency calls are placed on wireless phones every day.

Opponents also argue that there is little evidence that wireless phones are more distracting than other activities in the car. Any event, item or activity inside or outside a vehicle has the potential to distract a driver. One study ranked mobile phones as low as eighth among distractions that cause crashes.<sup>6</sup>

## Crash Statistics

State crash statistics do not provide a widely accepted picture of the specific distractions that cause motor vehicle crashes. Although law enforcement officers in at least 27 states and the District of Columbia currently collect information at crash scenes regarding the role of mobile phones and other distractions, in most states, such data collection began only recently (see figure 1).

**Figure 1. Jurisdictions That Collect Data Regarding Cell Phone Involvement in Motor Vehicle Crashes**

Sources: AAA, Governor's Highway Safety Association and NCSL, 2007.

As of February 2007, only 16 states—California, Florida, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, New York, Oklahoma, Pennsylvania, Tennessee, Texas, Utah and Wisconsin—had published data on the number of crashes that cited phones or CB radios as a causal factor (see table 1 on page 4). Many states have published statistics for only a single year. In other states, data were collected as part of a pilot study or by a single law enforcement agency. In Tennessee, for example, until recently only the Tennessee Highway Patrol collected data regarding cell phone involvement in crashes as part of a pilot study. Pennsylvania published data in December 2001 as part of a study by the Joint State Government Commission of the Pennsylvania General Assembly.

Even where states track cell phone involvement in motor vehicle crashes, the statistics are controversial. Although the existing state data seemingly indicate that mobile phones are a factor in fewer than 1 percent of motor vehicle crashes, critics have argued that the published statistics are not truly indicative of the problem. Compared with other factors in motor vehicle crashes such as alcohol or seatbelts, wireless phone use is difficult to detect. Phones leave no physical indicators at the crash scene, and investigators often must rely on witnesses or self-reporting to determine whether a phone was in use at the time of the crash, thus jeopardizing the reliability of the data.

Several states have explicitly acknowledged difficulties tracking cell phone involvement in motor vehicle crashes. Oklahoma, for example, recognized in its crash statistics for 2005 that “cell phone use may be under reported.”<sup>7</sup> Similarly, in the section related to cell phone involvement in motor vehicle crashes, Michigan’s *2005 Traffic Crash Facts* state that, “...these are driver conditions that, in the opinion of the investigating officer, were involved in the crash. While some conditions may be evident, others (such as distraction) will only be known if the driver admits the condition, thus leading to possible under-reporting.”<sup>8</sup> Statistics published by the Florida Department of Highway Safety and Motor Vehicles noted that, although the total number of cell phone related crashes was relatively low, distractions were “... identified by staff from law enforcement crash reports, which are dependent in part upon driver and witness accounts of the respective crash, as well as the investigating officer’s interpretation and documentation of the crash.”

A 2002 California Highway Patrol (CHP) report illustrated some of the data collection problems. The CHP withdrew an initial draft of a report to the Legislature after a closer look at crash data indicated that some law enforcement agencies may have underreported the number of traffic crashes in their jurisdictions that involved cell phone use. The original report found that, during the final nine months of 2001, investigating officers determined that 913 accidents were directly linked to the driver’s use of a mobile phone. Of those, 423 crashes resulted in injuries, and three involved a fatality. Before the final

**Table 1. Published State Statistics  
Regarding Cell Phone Involvement in Crashes**

State (see notes)	Total Crashes	Inattention Factor in Crash	Cell Phone Factor in Crash
California	491,083	5,677	611
Florida	243,294	1,796	366
Kansas	66,703	911	29
Kentucky	7,971	173	1
Michigan	350,838	3,615	1,022
Minnesota	87,813	23,320	213
Missouri	182,261	51,973	1,496
Montana	21,778	7,105	77
Nebraska	35,739	274	114
New York	138,004	24,239	251
Oklahoma	75,511	8,380	775
Pennsylvania	147,253	2,358	139
Tennessee	30,933	n/a	7
Texas	336,665	n/a	1,032
Utah	69,539	939	164
Wisconsin	2,691	669	24

#### Notes

1. California statistics were reported in *Driver Distractions and Inattention Data Summary*, California Highway Patrol, Report to the Governor and Legislature, November 2002 (5).

2. Florida distracted driving crash statistics come from 2003 crash data. The statistics were reported in a December 2004 report published by the Department of Highway Safety and Motor Vehicles.

3. Kansas statistics come from *2005 Kansas Traffic Accident Facts*.

4. Kentucky's crash statistics are for 2004.

5. Michigan statistics are from *2005 Michigan Traffic Crash Facts*.

6. Minnesota statistics are for 2005. The numbers for inattention crashes and cell phone crashes are the number of times inattention, a cell phone or a CB radio were reported as a contributing factor in a crash. Minnesota law enforcement officers can report up to two contributing factors for each crash. Overall, in 2005, Minnesota law enforcement

officers reported 109,964 contributing factors for the 161,683 vehicles involved in motor vehicle crashes. No clear contributing factors were available for 59,341 vehicles involved in crashes.

7. Missouri's crash statistics are for 2005.

8. Montana statistics were published in the *Montana Highway Patrol 2004 Annual Report*, prepared by the Montana Highway Patrol in April 2005 at page 34. Montana's crash report form allows five contributing circumstances per driver or vehicle combination; however, the investigating officer may use all or none of them. The 2004 annual report cites 40,407 driver-related contributing circumstances in the 21,778 crashes reported in the state in 2004.

9. Nebraska statistics are for 2005. According to its *2005 Traffic Crash Facts*, in Nebraska, 35,739 reportable motor vehicle traffic crashes were reported in 2005 that involved 58,573 drivers. Nebraska's investigator report form collects data on all drivers involved in a crash, not just the driver at fault. The statistics in this table indicate the total number of drivers for each category, rather than the total number of crashes. The crash data is available online at <http://www.dor.state.ne.us/highway-safety/docs/facts2005.pdf>.

10. New York statistics come from 2005 crash data available online at [http://www.nydmv.state.ny.us/Statistics/2005AccidentSummary\\_Final\\_%20revised%20VMT\\_Jan07.pdf](http://www.nydmv.state.ny.us/Statistics/2005AccidentSummary_Final_%20revised%20VMT_Jan07.pdf)

11. Oklahoma statistics were reported in *2005 Oklahoma Crash Facts*.

12. Pennsylvania statistics come from a study of 2000 crash data by the Joint State Government Commission of the Pennsylvania General Assembly. The commission published its report in December 2001.

13. Tennessee statistics come from preliminary 2003 data for crashes investigated by the Tennessee Highway Patrol (THP). The source is Polaris Crash System and TennCARS, June 14, 2005. Preliminary data for 2002 crashes investigated by THP indicate 30,821 total crashes and 55 crashes involving the use of cell phones and two way radios.

14. Texas statistics are based on 2001 crash data. The statistics were published in *Motor Vehicle Traffic Accidents 2001*, Texas Department of Public Safety at page 32.

15. Utah crash statistics are for 2004. Utah law enforcement officers may record up to two contributing factors for each crash.

16. Wisconsin statistics come from a limited study conducted by the Wisconsin State Patrol from May 2002 to October 2002. The study collected information from 4 percent of the motor vehicle crashes reported in Wisconsin in 2002. Cell phones were cited as a primary cause of crash in 24 crashes and were determined to be in use in 49 crashes.

Source: NCSL, 2007.

report was released, however, a study of the same crash data by the *Los Angeles Times* found that, during the same period, driver use of a mobile phone was linked to nearly 4,700 crashes. A subsequent report by the CHP showed that, from January 1 through June 30, 2002, inattentive driving was cited as a factor in 5,677 of the 491,083 crashes reported throughout the state. Cell phones were cited as a factor in 11 percent of inattention-related crashes, more than any other single factor.

## Academic Studies

Academic studies have provided mixed results in the attempt to determine the risk posed by a driver using a cell phone. A study released by the Virginia Tech Transportation Institute (VTTI) in June 2005 found that hand-held wireless devices were a significant safety concern.<sup>9</sup> The study reported findings from a project to collect pre-crash naturalistic driving data from about 100 volunteers over a 12-month to 13-month period. During the project, drivers used their own vehicles, equipped with an unobtrusive data collection instrument, in their normal daily routines. Virginia Tech researchers collected data for approximately 2 million vehicle miles of driving and 42,000 hours of drive time from 241 primary and secondary drivers. The study found that nearly 80 percent of all crashes and 65 percent of all near-crashes involved driver inattention just prior to the onset of the event. In addition, the researchers found that total crash involvement may be more than five times higher than police-reported crashes. The study concluded that driver inattention was the primary contributing factor in most crashes, and that hand-held wireless devices were among the highest distraction-related factors in crashes and were the leading distraction-related factor in near-crashes.

A study published in July 2005 in the *British Medical Journal* concluded that drivers who use mobile phones are four times more likely to be involved in a crash serious enough to require hospital care.<sup>10</sup> The study, conducted in Australia, found that gender, age and the availability of hands-free devices did not change the risk of crash.

A 2003 article published by the Harvard Center for Risk Analysis (HCRA) estimated that cell phone use by drivers may cause approximately 2,600 deaths, 330,000 moderate to critical injuries, and 1.5 million instances of property damage in America per year.<sup>11</sup> The report cautioned, however, that because information on cell phone use by motorists is limited, the effects are difficult to gauge. HCRA concluded that fatalities could range from 800 to 8,000 per year, with injury estimates ranging from 100,000 to 1 million per year. An earlier HCRA analysis of the risks posed by the use of cell phones while driving concluded that the risks posed by cellular phone use while driving alone appeared small in comparison with other dangers on the road.<sup>12</sup>

University of Utah researchers found that talking on a cellular phone reduced young drivers' response times so significantly that they reacted to brake lights in front of them as slowly as 65- to 74- year-old drivers.<sup>13</sup> Their study also found that all drivers who used cell phones, regardless of age, were 18 percent slower hitting their brakes, had a 12 percent greater following distance to compensate for paying less attention to road conditions, and took 17 percent longer to regain the speed they lost when they braked than drivers who did not use cell phones. In addition, the study concluded there was a twofold increase in the number of simulated rear-end collisions when drivers were conversing on their cell phones.

A 2006 University of Utah study showed that motorists who talk on handheld or hands-free cellular phones are as impaired as drunken drivers.<sup>14</sup> In a press release for the report, the authors<sup>14</sup> suggested that "if legislators really want to address driver distraction, then they should consider outlawing cell phone use while driving."<sup>15</sup>

Researchers from the University of North Carolina Highway Safety Research Center (HSRC) conducted a two-phase study of driver distractions. During the first phase, researchers analyzed North Carolina crash data and determined that cell phones ranked eighth in a list of distractions that caused crashes, below activities such as adjusting the radio or eating and drinking. During the second phase, researchers installed equipment in the vehicles of 70 volunteer subjects to record the occurrence of various driver distractions. HSRC reported that the data from both phases demonstrated that many distractions are neither new nor technological in nature. According to the study, however, researchers found it difficult to provide a definitive answer as to which driver distractions carry the greatest risk of crash involvement.<sup>16</sup>

A 2004 report published by the AEI-Brookings Joint Center for Regulatory Studies predicted that the effects of bans on cell phone use while driving would be minimal.<sup>17</sup> The study found that individuals who use hand-held phones are more likely to already be more careful drivers. It also estimated that the reduction in accidents from a ban on cell phone use while driving would be lower and less certain than indicated in previous studies.

## Public Opinion Polls

Although data and academic studies are inconclusive on risks, polls indicate that many drivers support laws to curb cell phone use in the car. A March 2003 survey by the Gallup Organization found that 48 percent of drivers perceive that making outgoing calls can make driving dangerous.<sup>18</sup> Forty-four percent of drivers perceive that receiving calls can be dangerous. Twice as many people—88 percent of drivers surveyed—indicated they support increased public awareness of the risk of wireless phone use while driving. Seventy-one percent of drivers support prohibitions of the use of hand-held phones while driving, and 67 percent support insurance penalties for being in a crash while using a cell phone, according to the Gallup poll. Sixty-one percent support double or triple fines for traffic violations involving cell phone use, and 57 percent support a ban on all wireless phone use while a car is moving, except in emergency situations.

A 2005 survey conducted by Farmers Insurance Group confirmed many of the 2003 Gallup poll results.<sup>19</sup> The Farmers survey found that 87 percent of adults believe that using a cell phone impairs a person's ability to drive. More than 80 percent of drivers admitted their competence behind the wheel suffers when they are subjected to distractions, and 83 percent of respondents acknowledged their ability to concentrate on driving is compromised by such activities as eating or drinking, talking on their cell phones, and adjusting their radios or CD players. In addition, more than 70 percent of survey respondents said motorists who use hand-held cell phones, read newspapers or operate in-dashboard computers while driving should be subject to a penalty or fine. More than 68 percent of the respondents felt that hands-free cell phones are safer than hand-held phones, and 63 percent of those polled favored stricter driving rules for teens. Although only 2 percent of drivers said they had been in a crash where one or more drivers were using a cell phone, more than 40 percent reported that they had close calls or near misses with a driver who was using a cell phone.

## State Action

State legislators have led efforts to address concerns about distracted drivers. Since 2001, lawmakers in every state have proposed legislation to address distracted driving issues. Laws in 28 states and the District of Columbia address cell phone use in motor vehicles (see appendix A). Thirty-eight states regulate the placement of televisions and similar devices in motor vehicles (see appendix B), and a handful of states restrict other potentially distracting behaviors.

In 2006, state legislative interest in distracted driving remained high. Legislators in 38 states proposed 133 measures related to cell phone use in motor vehicles or distracted driving. Lawmakers in eight states—California, Illinois, Louisiana, Minnesota, North Carolina, Rhode Island, Utah and West Virginia—enacted new laws.

State legislative efforts to address driver distraction are frequently mislabeled as proposals to ban cell phone use while driving. In fact, no state completely bans the use of all phones by all drivers, and only seven states considered total prohibition bills in 2006. Instead, state legislation typically has addressed a range of issues, including the prohibition of particular wireless technologies, the restriction of use of wireless technology by specific types of drivers, and data collection.

The most common driver distraction measure considered by state legislatures has been to prohibit driver use of hand-held phones. Four states—California, Connecticut, New Jersey and New York—and the District of Columbia currently prohibit the use of hand-held phones while operating a motor vehicle.<sup>20</sup> All five jurisdictions allow drivers to use hand-held phones in emergency situations and hands-free phones in all circumstances. However, New Jersey's law is enforceable only as a secondary offense, requiring law enforcement officers to stop motorists for other offenses before they can issue a ticket for improper use of a hand-held phone. California, Connecticut, New York and the District of Columbia allow enforcement for hand-held phone use as a primary offense. Twenty states considered hand-held restrictions in 2006, but California was the only state to enact a hand-held law.

Cell phone use by younger drivers also continues to be a popular target for state legislators. Lawmakers in 13 states—Colorado, Connecticut, Delaware, Illinois, Maine, Maryland, Minnesota, New Jersey, North Carolina, Rhode Island, Tennessee, Texas and West Virginia—and the District of Columbia currently prohibit or restrict novice driver cell phone use. All current novice driver laws prohibit young drivers—those under age 18 or 21—who only hold a learner's or instructional driving permit from using any type of wireless device while operating a motor vehicle, except in emergency situations. In 2006, legislators in 28 states considered similar proposals, with new laws passing in Minnesota, North Carolina, Rhode Island and West Virginia. Although most of the 2006 bills linked novice driver restrictions to a learner's permit or intermediate license, several bills would have prohibited all teen drivers, regardless of license status, from using wireless devices.

Eleven states—Arizona, Arkansas, California, Connecticut, Delaware, Illinois, Massachusetts, New Jersey, Rhode Island, Tennessee and Texas—and the District of Columbia prohibit school bus drivers from using phones while operating a school bus. Legislators in five states proposed school bus driver phone restrictions in 2004, while legislatures in seven states considered such measures in 2005.

State legislatures also are taking an active role in improving the collection of data and information about the involvement of cell phones and other wireless devices in crashes. At least 27 states and the District of Columbia now require some or all law enforcement officers to collect information about cell phone involvement in crashes, up from just two states in 1998 (see table 1). In many states, such data collection is required by statute. In addition, legislatures or individual legislators in at least nine states—California, Delaware, Louisiana, Minnesota, New Jersey, New York, Pennsylvania, Virginia and Wisconsin—approved or asked for studies about the effects of wireless phones on traffic safety in their jurisdictions. The Pennsylvania General Assembly's Joint State Government Commission published a report on driver distraction and public safety in December 2001,<sup>21</sup> and a special legislative task force in Delaware published a report on driver distractions in 2003.<sup>22</sup> Washington passed a bill in 2005 that requires state police to track in accident report forms information about the involvement of wireless communication devices in motor vehicle crashes. The measure also requires the state police to include this information in its annual report of traffic safety statistics.

States also are moving to assert authority over the distracted driving issue. Legislatures in 10 states have moved to restrict local cell phone laws. Florida, Kentucky, Louisiana, Mississippi, Nevada, New Jersey, New York, Oklahoma, Oregon and Utah preempt local jurisdictions from restricting cell phone use while driving. This move was significant in Florida, where several local communities, including Miami-Dade County, had prohibited the use of hand-held phones while driving. Utah's law, enacted in 2006, pre-empted a prohibition on hand-held phones in Sandy, Utah.

Four other states—California, Florida, Illinois and Massachusetts—have enacted measures related to cell phone use while driving. California requires that rental cars with embedded cell phone equipment provide written instructions on the safe use of the cell phone. Florida and Illinois require that drivers who use headsets with their phones can use only a headset that blocks sound to one ear. Massachusetts generally allows cell phone use, provided the driver keeps at least one hand on the steering wheel at all times. Other states have considered legislation to increase driver negligence for being involved in a crash while using a cell phone; however, no state has passed such a proposal.

An emerging trend in legislation is to address multiple behaviors—not only cell phone use—on the road. Washington, D.C., prohibits several potential distracted driver behaviors, including reading, writing, personal grooming, interacting with pets or unsecured cargo, using personal communications technologies, or engaging in other activities that cause distractions. Connecticut's cell phone law, enacted in June 2005, includes a broad distraction provision that prohibits drivers from engaging in any activity not related to the actual operation of a motor vehicle in a manner that interferes with the safe operation of such vehicle on any highway. Seven other states considered broad distraction bills in 2006.

Other state legislatures have examined driver use of televisions and DVD players (see appendix B). At least 38 states restrict or prohibit televisions in motor vehicles. California and Louisiana restrict the placement of DVD players and similar entertainment devices to locations out of the vision of the driver. Illinois prohibits any visual media technology, other than a navigational system, to be located at points forward of the driver's seat. Tennessee and Virginia forbid the display of

pornographic videos in cars. In addition, Virginia prohibits the display of a video or motion picture in front of the driver's seat or within view of the driver. Legislatures in 14 states in 2006 considered legislation related to the use of televisions, DVD players or videos in cars.

## Federal Action

As of February, 2007 the federal government had not acted on the distracted driving issue. Legislation considered by Congress in 2003 and 2001 failed to make it out of committee. Several federal agencies have studied the effects of wireless phones on traffic safety. In June 2003, the National Transportation Safety Board (NTSB) issued a report about a 2002 crash in Maryland that involved a young driver who was using a cell phone. According to the NTSB analysis, the crash involved multiple risk factors, and the NTSB could not determine the exact extent of the role of distraction due to wireless phone use. However, NTSB concluded that, "... current State laws are inadequate to protect young, novice drivers from distractions that can lead to accidents."<sup>23</sup> The NTSB recommended that the states that do not have restrictions for young drivers enact legislation to prohibit holders of learner's permits and intermediate licenses from using interactive wireless communication devices while driving.

In the same report, NTSB recommended improvements in driver education. The NTSB concluded that the public may not be aware of the risks associated with using the wireless phone while driving. NTSB urged that, "... all drivers should be educated about the risks of distracted driving, including the cognitive demands associated with use of interactive communication devices."<sup>24</sup> NTSB also urged states to improve data collection by including codes for interactive wireless communications devices on their traffic accident investigation forms.

NHTSA has long studied driver distraction and traffic safety but has not issued any regulations to address the topic. In 1997, NHTSA published a report—*An Investigation of the Safety Implications of Wireless Communications in Vehicles*—that summarized driver distraction research. In 2000, NHTSA conducted a driver distraction online forum and accepted public comments on driver distraction issues. NHTSA also has published several observational surveys in an attempt to document driver cell phone use.

A policy statement regarding cellular phone use while driving, posted on NHTSA's website, warned drivers of potential cell phone risks. According to the statement, "... the primary responsibility of the driver is to operate a motor vehicle safely. The task of driving requires full attention and focus. Cell phone use can distract drivers from this task, risking harm to themselves and others. Therefore, the safest course of action is to refrain from using a cell phone while driving."<sup>25</sup>

Several federal agencies, national organizations, and state and local government agencies also have worked to improve data collection. In June 2003, the national Governors' Highway Safety Association released a revised edition of the Model Minimum Uniform Crash Criteria (MMUCC), which included changes intended to help gauge the effects of driver distractions. The criteria, which were developed in collaboration with NHTSA, the Federal Highway Administration, the Federal Motor Carrier Safety Administration, and numerous state and local agencies, describe what kinds of information states need to collect at crash scenes. The changes to the MMUCC are intended to help policymakers paint a more accurate picture of the role of cell phones and other distractions in motor vehicle crashes.

## Local Action

Many counties, cities, towns and municipalities across the United States have considered restrictions on cell phone use while driving. The largest community—Chicago, Illinois—prohibits motorists from using hand-held phones while driving. More than two dozen local jurisdictions—in Florida, Illinois, Massachusetts, Michigan, New Jersey, New Mexico, New York, Ohio, Pennsylvania and Utah—have enacted similar restrictions. Local jurisdictions that have passed ordinances include: •

- Miami-Dade County, Fla.
- Pembroke Pines, Fla.
- Westin, Fla.
- Chicago, Ill.
- Brookline, Mass.
- Shelby Township, Mich.
- Bloomfield, N.J.
- Irvington, N.J.
- Marlboro, N.J.
- Nutley, N.J.
- Carteret, N.J.
- Hazlet, N.J.
- Paramus, N.J.
- Santa Fe, N.M.
- Nassau County, N.Y.
- Suffolk County, N.Y.
- Westchester County, N.Y.
- Brooklyn, Ohio
- North Olmstead, Ohio
- Walton Hills, Ohio
- Conshohocken, Pa.
- Hilltown Township, Pa.
- Lebanon, Pa.
- Lower Chichester, Pa.
- West Conshocken, Pa.
- York, Pa.
- Sandy, Utah

Although these communities passed cell phone restrictions, it is important to note that many currently are not enforcing the laws. A Pennsylvania appellate court struck down the ordinance in Hilltown Township, and the state attorney general issued an opinion against the provision in Brookline, Mass. New York's statewide law now supersedes the measures passed in three New York counties. The state legislatures preempted the local regulations in Florida and Utah.

Local debate over the use of cell phones and other interactive communication devices while driving has significantly affected debate at both the state and national levels. In states where local communities have passed restrictions, the legislature may feel pressure to address the issue to avoid a piecemeal approach where the boundaries of the law may not always be clear to motorists. In New York, for example, the Legislature passed its statewide ban of hand-held phone use while driving after three large counties enacted similar prohibitions. In Florida, the Legislature preempted local laws after several communities, including Miami-Dade County, banned hand-held phones.

## International Activity

It has been reported that as many as 40 countries may restrict or prohibit the use of cellular phones while driving. Countries reported to have laws related to cell phone use include Australia, Austria, Belgium, Brazil, Botswana, Chile, the Czech Republic, Denmark, Egypt, Finland, France, Germany, Greece, Hungary, India, Ireland, Israel, Italy, Japan, Jordan, Kenya, Malaysia, the Netherlands, Norway, the Philippines, Poland, Portugal, Romania, Russia, Singapore, the Slovak Republic, Slovenia, South Africa, South Korea, Spain, Sweden, Switzerland, Taiwan, Turkey, Turkmenistan, the United Kingdom and Zimbabwe. Most countries prohibit the use of hand-held phones while driving. Drivers in the Czech Republic, France, the Netherlands and the United Kingdom may use cell phones but can be fined if they are involved in crashes while using the phone. Drivers in the Germany and the United Kingdom also can lose insurance coverage if they are involved in a crash while talking on the phone.

## Enforcement and Effectiveness

Opinions differ about the effectiveness of technological solutions to driver distraction problems. Only a few states prohibit the use of hand-held phones while driving, and there are few crash statistics to indicate whether hand-held phone bans in those jurisdictions have improved safety. Initial studies of enforcement in New York and Washington, D.C. found that police officers experienced few problems ticketing drivers for hand-held phone violations. But restrictions frequently didn't deter drivers from cell phone use.

A study in New York found that, after an initial surge in compliance, New York drivers have returned to using their hand-held phones. The March 2003 report by the Insurance Institute for Highway Safety showed that 2.1 percent of the 12,000 New York drivers observed were using hand-held phones. In comparison, a similar study found that 2.3 percent of drivers used handsets prior to the ban, and only 1.1 percent of drivers used hand-held phones immediately following enactment. Researchers suggested that, as the initial publicity generated by the new law waned, compliance also fell.<sup>26</sup>

Many academic studies—including one published in the *New England Journal of Medicine* in 1997 and another published in Sweden in 2003—suggest that the cognitive distraction caused by cell phone use is a problem that cannot be eliminated by hands-free requirements. Most have concluded that there is no distinction in accident rates between drivers who use hands-free and hand-held devices.

According to some researchers, other in-vehicle devices—such as head-up displays and speech recognition technology—are intuitively appealing approaches that are designed for safety but that do not necessarily eliminate driver distraction. Head-up displays on the windshield of a vehicle can disrupt visual attention. Speech-based interfaces for an in-vehicle computer can be cognitively demanding because a person must perform a precise task, use complex menus, and interpret a synthetic voice that is more difficult to interpret than a human voice.

Some lawmakers and manufacturers, however, see headsets and other technological innovations as a potential safety benefit. For example, drivers who use a manual transmission might not be physically able to operate their vehicle while using a hand-held device. A hands-free device can eliminate the search for a ringing phone or allow a driver to voice dial a number instead of fumbling with a hand-set. Voice-mail and caller ID allow drivers to screen calls and respond when appropriate. Navigation systems can reduce the need for paper maps.

Dr. Thomas Dingus, a researcher at Virginia Polytechnic Institute and State University, has argued that a well-designed, hands-free interface is superior to a hand-held interface for complex manual tasks. According to Dr. Dingus, a Japanese study of crashes related to cell phone use found that 43 percent occurred while the driver was attempting to locate or reaching for a ringing phone. Another 23 percent occurred while the driver was dialing. According to Dr. Dingus, a law that bans the use of hand-held devices would likely convince 60 percent to 75 percent of drivers to stop using such devices. Nationwide, according to Dr. Dingus, this high compliance rate could translate into more than 10,000 lives saved by 2010.

Although there is little consensus regarding the effectiveness of hand-held phone prohibitions in the car, there may be some agreement about the ability of younger drivers to handle potential cell phone distractions. Although the exact number of teenage drivers who use cell phones is unknown, an NHTSA observational survey found that the number of young drivers using cell phones at any given moment appeared to be more than all other age groups combined. The survey also found that the number of drivers who appeared to be ages 16 to 24 and were observed holding cell phones more than doubled the findings made in a similar NHTSA survey conducted in 2000.

Although no studies indicate that novice driver cell phone prohibitions reduce crashes, a wide and accepted body of evidence suggests that immaturity and lack of driving experience make younger drivers less capable of handling additional distractions. Motor vehicle crashes are a leading cause of death among teenagers, killing more young people than the next three leading causes of death combined. According to NHTSA, in 2003, 7,884 people age 15 to 20 died in motor vehicle crashes. Cell phones in the car give novice drivers one more distraction that they may not be able to manage as easily as more experienced drivers. Lack of experience makes younger drivers less able to recognize and respond to hazards, so they can get in trouble trying to handle unusual circumstances or even small emergencies. Teenage drivers also are more likely to participate in risky behaviors, such as speeding and tailgating, allowing them a smaller margin for error.

## Driver Education

Driver education often is touted as a potential solution to driver distraction concerns. A 1997 report from the California Highway Patrol noted that, "... education should be a key component to any effort to reduce the risk of traffic collisions

resulting from cellular telephone use and could prove more effective than sanctions.” A July 2000 report by the Harvard Center for Risk Analysis concluded, “NHTSA and industry, with support from the U.S. Congress and state legislatures, should develop a comprehensive educational effort aimed at drivers to promote the responsible use of cellular telephones while driving.”

Several wireless service providers and automobile manufacturers have launched campaigns to improve awareness of the risks of driver inattention. In conjunction with the National Safety Council, CTIA released a public service announcement reminding drivers that using a phone in an automobile is always secondary to operating that vehicle safely. CTIA also has developed brochures and promoted safety through radio ads and other media.

Some researchers have expressed skepticism about the effectiveness of driver education efforts. Dr. Dingus, for example, has estimated that education alone will likely induce only 20 percent to 25 percent of drivers to stop using electronic devices.

A survey by the American Automobile Association found that many state driver education manuals do not address driver distraction concerns. According to the study, driver’s license manuals in only six states include a section on distracted driving. Twenty states warn drivers about cell phone use while driving. Thirty-two states urge drivers to be cautious with emotions and concentration. Eight states warn drivers about risks with eating or drinking, while nine include information on reading, and 10 warn about radios and vehicle controls.

## Legal Liability

As legislatures have debated the merits of restrictions on cell phone use while driving, a second battleground over driver cell phone use has emerged in the courts. With increasing frequency, legal cases are testing whether drivers—or, in some instances, the driver’s employer—should be held civilly or criminally responsible for crashes caused by the driver’s use of a cell phone.

Under the legal doctrine of *respondeat superior*, an employer may be held vicariously liable for acts of their employees that are committed during the course of employment. Several cases have tested this doctrine as it applies to cell phone use by employees who use their phones in the course of employment while driving their vehicles. In 2004, a Virginia jury found that a former attorney who was accused of talking on her cell phone when she struck and killed a teenager was liable in the teen’s death and should pay the victim’s family \$2 million in damages. The attorney’s employer at the time of the crash, Cooley Godward LLP, was named as a defendant in the lawsuit, but settled with the plaintiff prior to the final verdict.

In 1999, the investment firm Smith Barney paid a \$500,000 settlement to the family of a motorcyclist killed in Pennsylvania by one of its brokers. The employee had been making a sales call at the time of the crash. Although Smith Barney had not provided the cell phone, the plaintiffs argued that the company encouraged its brokers to make calls outside normal business hours to reach potential customers.

The state of Hawaii paid \$1.5 million to a New Jersey man in 2001 for injuries he suffered after being struck in 1996 by a Hawaii Department of Education special education teacher. The teacher had just finished using her cell phone on the way to work when she hit the man as he walked across the street. The court ordered the state to pay 20 percent of the \$7.5 million in damages, and the state agreed to pay \$1.5 million on appeal.

An Arkansas lumber company, Dykes Industries, lost a \$21 million lawsuit after a 78-year-old woman was struck and disabled by a Dykes salesman who was using his phone for a sales call at the exact time of the accident. The case was later settled for \$16.2 million.

The alleged involvement of cell phones and other wireless devices in motor vehicle crashes also has been the subject of several criminal cases. In 2000, a 19-year-old Maryland man was found innocent of vehicular manslaughter charges after he struck

and killed two people who were stopped along the side of the road. The driver admitted that, at the time of the crash in 1999, he had been speaking on his phone. He was cleared of the vehicular manslaughter charges and, instead, was found guilty of negligent driving, which carries a \$500 fine.

In 2004, Alaska prosecutors charged a driver with second-degree murder for an accident they say was caused by a DVD player. Prosecutors accused the driver of watching a movie while operating his truck, causing him to swerve across the road and kill two occupants of another vehicle. The driver's truck had been wired with a DVD player, speakers and a Sony PlayStation 2, and prosecutors issued murder charges under the theory that the driver knew his conduct was substantially certain to cause death or that he knowingly engaged in conduct that showed extreme indifference to human life. The driver, who claimed he had been merely adjusting his CD player at the time of the crash, was acquitted at trial.

## Conclusion

State legislative interest in cell phones and other potential distractions in motor vehicles is likely to continue. The trends in state legislation seem to indicate growing concern about both the quantity and sophistication of information and entertainment devices available to drivers. In addition, lawmakers now are turning their attention to a variety of other potentially distracting behaviors. At the time of publication, legislators in 30 states had proposed bills aimed at regulating cell phones or curbing driver distraction in 2007.

**Appendix A. Existing State Laws Regarding Mobile Phone Use While Driving**

<b>State/Jurisdiction</b>	<b>Provision</b>	<b>Statute or Rule</b>	<b>Penalties</b>
Arizona	Administrative Code provision prohibits school bus drivers from using a mobile phone while operating the school bus.	A.A.C. Title 17 Chapter 9, Art. 1 R17-9-104	No penalty specified.
Arkansas	Prohibits the use of a cellular telephone while operating a school bus.	Ark. Stat. Ann. §6-19-120 (2004)	Unclassified misdemeanor; fine of \$100-\$250.
California	Requires that rental cars with embedded cell phone equipment contain written instructions on the safe use of the phone while driving.  Prohibits any person from driving a motor vehicle if a video monitor, or a video screen or any other similar device that displays a video signal is operating and is located forward of the driver's seat or is visible to the driver. Provides exceptions for emergency equipment.  Effective July, 2008, prohibits the use of hand-held phones while driving. Allows exceptions for emergency situations. Violations are punishable by \$20 fines for a first offense and \$50 fines for subsequent offenses.	California Vehicle Code §2890 (West 2004)  2003 Cal. Stats., Chap. 303  Cal. Vehicle Code §12810.3 (2006) and Cal. Vehicle Code § 23123 (2006)	\$100 maximum for first violation; \$200 maximum for second violation; \$250 for third and subsequent violations committed within one year.  No penalty specified.  \$20 for the first offense and \$50 for each subsequent offense.
Colorado	Makes driving a motor vehicle by a person holding a temporary instruction permit or a minor's instruction permit while using a cellular telephone or other mobile communication device a secondary traffic offense.	Colo. Rev. Stat. §42-4-239 (2005)	\$15 fine plus a \$2.60 surcharge.
Connecticut	Prohibits the use of hand-held phones while driving. Provides exceptions for emergency situations.  Prohibits the use of cell phones while operating a school bus.  Prohibits drivers with only a learner's permit from using a cell phone while driving.  Prohibits drivers from engaging in activities unrelated to the operation of a motor vehicle.	2005 Conn. Acts, P.A. 159 (Reg. Sess.)	\$100 fine unless proof that hands-free accessory purchased prior to imposition of fine. Not more than \$100.  Not more than \$100.  Not more than \$100 plus fine for moving violation.

<b>Appendix A. Existing State Laws Regarding Mobile Phone Use While Driving</b> (continued)			
<b>State/Jurisdiction</b>	<b>Provision</b>	<b>Statute or Rule</b>	<b>Penalties</b>
Delaware	Establishes a task force to study and make findings and recommendations regarding driver distractions, including mobile telephone use.	2002 HCR 30	Not applicable.
	Prohibits school bus drivers from using a cell phone while operating a school bus. Provides exceptions for emergency situations.	Del. Code Ann. tit. 21, §4176B (2005)	For a first offense, fines range from \$50 to \$100. For subsequent offenses, fines range from \$100 to \$200 and loss of school bus endorsement from license.
	Prohibits any minor with a level 1 learner's permit or a driver's education learner's permit from using a cell phone or similar device while operating a motor vehicle. Provides exceptions during emergency situations or where the permit holder has stopped the vehicle at a location off the lanes of travel.	Del. Code Ann. tit. 21, §2710 (2005)	Young drivers are subject to the same penalties they would face if they were found to be a reckless or negligent driver of a motor vehicle or to have committed a serious moving traffic violation.
Florida	Requires that drivers who use a head-set with a mobile phone while driving must use a head-set that provides sound through one ear and allows surrounding sound to be heard with the other ear.	Fla. Stat. §316.304 (2005)	\$30 for each violation; non-moving violation.
	Requires distracted driver annual accident reports. Preempts local jurisdictions from enacting restrictive ordinances.	Fla. Stat. §316.0075 (2005)	Not applicable.
Illinois	Single-sided headset or earpiece is permitted with a mobile phone while driving.	2001 Ill. Laws, P.A. 92-0152.	No penalty specified.
	School bus drivers prohibited from using a mobile phone while driving except in emergency situations.	2002 Ill. Laws, P.A. 92-730.	Petty offense punishable by \$100 to \$250 fine.
	Requests that accident reports include information about cell phone involvement in motor vehicle crashes. Requires the Department of Transportation to compile statistics regarding cell phone involvement in motor vehicle crashes	2006 HJR 91	Not applicable
Kentucky	Prohibits local governments from restricting driver mobile telephone use.	Ky. Rev. Stat. §65.873 (2005)	Not applicable.

<b>Appendix A. Existing State Laws Regarding Mobile Phone Use While Driving</b> (continued)			
<b>State/Jurisdiction</b>	<b>Provision</b>	<b>Statute or Rule</b>	<b>Penalties</b>
Louisiana	Prohibits local jurisdictions from regulating cell phone use while driving.	La. Rev. Stat. Ann. §33:31 (West 2004)	Not applicable.
	Prohibits driving a motor vehicle with a television capable of receiving any prerecorded visual presentation unless the TV is behind the driver's seat or not visible to the driver while he or she is operating the vehicle.	La. Rev. Stat. Ann. §32:365 (West 2006)	No penalty specified.
	Creates a task force to study technological and non-technological driver distractions. The task force is to submit recommendations to the Legislature.	2003 SCR 63	Not applicable.
Maine	Requires those under age 21 to obtain an instruction permit and complete training prior to obtaining a driver's license. Prohibits a person with an instruction permit from using a mobile phone while driving.	Me. Rev. Stat. Ann. tit. 29-A, §1304(I)	No penalty specified.
Maryland	Prohibits holder of a learner's permit or provisional driver's license who is under age 18 from using a wireless communications device while operating a motor vehicle. Enforceable as a secondary offense.	Md. Transportation Code Ann. §21-1123 (2005)	May suspend a violator's license up to 90 days and issue a restricted license.
Massachusetts	Cellular phone use is permitted as long as it does not interfere with the driver's operation of the vehicle and the driver keeps one hand on the steering wheel at all times.	Mass. Gen. Laws Ann. ch. 90, §13 (West 2004)	\$35 maximum fine for first violation; \$35 to \$75 for second violation; \$75 to \$150 for third and subsequent violations committed within one year.
	No person shall operate a moving school bus while using a mobile telephone.	Mass. Gen. Laws Ann. ch. 90, §7B	No penalty specified.
Minnesota	Prohibits drivers under age 18 who have a provisional license or instruction permit from using a cell phone while operating a motor vehicle. Provides exceptions for emergency situations.	2005 Minn. Laws, Chap. 6	Ability to get full license restricted.
	Adds a misdemeanor penalty to an existing law that prohibits drivers with a learners permit from using a phone while operating a motor vehicle.	Minn. Stat. Ann. §171.05 (2006).	\$25 fine and a petty misdemeanor.
Mississippi	Prohibits local jurisdictions from restricting driver mobile phone use.	2002 Miss. Laws, Chap. 491	Not applicable.
Nevada	Prohibits local jurisdictions from regulating driver mobile phone use.	2003 Nev. Stats., Chap. 237	Not applicable.
New York	Drivers prohibited from talking on hand-held mobile telephone while operating a motor vehicle.	N.Y. Veh. and Traffic Code §1225 (McKinney 2004)	Not more than \$100.

<b>Appendix A. Existing State Laws Regarding Mobile Phone Use While Driving</b> (continued)			
<b>State/Jurisdiction</b>	<b>Provision</b>	<b>Statute or Rule</b>	<b>Penalties</b>
New Jersey	Prohibits drivers younger than age 21 who have only a learner's permit from using a mobile phone while driving.	N.J. Rev. Stat. §39:3-13 (2005)	\$100 fine or 90-day permit suspension.
	Prohibits the use of a cell phone while driving a school bus.	2002 N.J. Laws, Chap. 120	\$100 to \$150 fine.
	Establishes the Driver Distraction and Highway Safety Task Force to study driver distractions and make recommendations.	2001 N.J. JR-9	Not applicable.
	Prohibits use of hand-held phones while driving. Enforceable as a secondary offense.	N.J. Rev. Stat. §39:4-97.3 (2005)	\$100 to \$250 fine.
North Carolina	Prohibits all drivers under age 18 from using a mobile telephone or technology associated with a mobile telephone while a motor vehicle is in motion. Provides exceptions for emergency situations. Also prohibits permit holders and provisional license holders from using a mobile telephone while operating a motor vehicle.	N.C. Gen. Stat. §20-137.3 (2006).	\$25 fine
Oklahoma	Prohibits local jurisdictions from restricting driver use of cell phone while operating a motor vehicle.	2001 HB 1081	Not applicable.
Oregon	Prohibits local jurisdictions from restricting driver use of cell phone while operating a motor vehicle.	2001 HB 2987	Not applicable.
Rhode Island	Prohibits use of cell phones by school bus drivers while driving except in the case of emergency.	R.I. Gen. Laws §31-22-11.8 (2005)	No penalty specified.
	Prohibits the use of all cell phones in motor vehicles by people under age 18 that are operators or passengers in the vehicle.	R.I. Gen. Laws §31-22-11.9 (2006)	\$50 Fine
	Prohibits drivers under age 18 from using any mobile telephone (including hands-free devices) while operating a motor vehicle. Violations are punishable by a \$200 fine.	R.I. Gen. Laws §1-10-6.6 (2006).	\$250 fine and loss of license until offender's 18th birthday.
Tennessee	Prohibits driver use of a cell phone while operating a school bus.	Tenn. Code Ann. §58-8-192 (2004)	Class C misdemeanor, \$50 fine.
Texas	Prohibits driver under age 18 from using a wireless communication device while operating a motor vehicle during the six-month period following the original issuance of a class A, B or C license. Prohibits driver under age 17 from using a wireless communication device while operating a motorcycle during the six-month period following the initial license issuance.	2005 SB 1257	Not available.
Utah	Prohibits local jurisdictions from restricting driver mobile phone use.	Utah Code Ann. §41-6a-208 (2006).	Not applicable.
Washington	Requires state police to track information about the involvement of wireless communication devices in motor vehicle crashes in accident report forms. Requires the state police to include this information in its annual report of traffic safety statistics.	2005 Wash. Laws, Chap. 171	Not applicable.

<b>Appendix A. Existing State Laws Regarding Mobile Phone Use While Driving</b> (continued)			
<b>State/Jurisdiction</b>	<b>Provision</b>	<b>Statute or Rule</b>	<b>Penalties</b>
West Virginia	Prohibits drivers with an instruction permit or provisional license from using a cell phone while operating a motor vehicle. Provides exceptions for emergency situations.	W. Va. Code §B-2-3b (2006) and W. Va. Code §17B-3-6 (2006).	Suspension of driver's license.
District of Columbia	Prohibits distracted driving, which is defined as inattention resulting in unsafe operation of a vehicle caused by activities unrelated to the operation of the vehicle, including reading, writing, personal grooming, interacting with pets or unsecured cargo, using personal communications technologies or engaging in any other activity that causes distraction.  Prohibits driver use of a hand-held phone while driving.  Prohibits school bus drivers or drivers with a learner's permit from using a cell phone while driving.	2004 D.C. Stat., Chap. A15-0311	\$100

**Source:** NCSL, 2007.

**Appendix B. State Laws Regarding Televisions in Motor Vehicles**

<b>State/Jurisdiction</b>	<b>Restriction</b>
Alabama	No television screen shall be located in front of the driver's seat or in such a manner as to obscure the driver's vision.
Alaska	No television can be visible to the driver.  Navigation equipment is allowed.
Arizona	No television screen or any other means of receiving a television broadcast can be forward of the driver's seat or visible to the driver.
Arkansas	None.
California	No television receiver, video monitor or a television video screen, or any other similar means of usually displaying a television broadcast can be located in the vehicle at any point forward of the back of the driver's seat.
Colorado	None.
Connecticut	No television screen or other device of a similar nature, except a video display unit used for instrumentation purposes, can be visible to driver or interfere with the safe operation of the vehicle.
Delaware	None.
Florida	No television-type receiving equipment can be visible to the driver.
Georgia	None.
Hawaii	None.
Idaho	None.
Illinois	Prohibits visual media technology other than navigational systems from being located at any point in a motor vehicle visible to the driver. No television broadcast receiver can be visible to driver.
Indiana	A person may not operate a motor vehicle that has a television set installed in a manner that allows the driver to see the television set while operating the vehicle.
Iowa	None.
Kansas	No television-type receiving equipment screen can be visible to the driver. Navigation systems are allowed.
Kentucky	None.
Louisiana	Drivers cannot operate a motor vehicle with a television capable of receiving any prerecorded visual presentation unless the TV is behind the driver's seat or not visible to the driver while he or she is operating the vehicle. Retailers may not install a television set at any point forward of the back of the driver's seat.
Maine	No television viewer or screen can be visible to the driver.
Maryland	No television-type receiving equipment can be installed in front of the back of the driver's seat and cannot otherwise be visible to driver. Navigation systems are allowed.
Massachusetts	No television viewer, screen or other means of visually receiving a television broadcast can be installed forward of the back of the driver's seat or otherwise visible to the driver.
Michigan	Televisions visible to drivers are prohibited in motor vehicles.
Minnesota	No television or television-type equipment can be visible to the driver. Navigation systems are allowed. Closed circuit video systems that help a driver's rear or side visibility are allowed.
Mississippi	None.
Missouri	None.
Montana	None.
Nebraska	No television can be visible to the driver.
Nevada	No television-type receiving equipment can be visible to the driver. Television-type receiving equipment can be visible to the driver if used for safety, law enforcement or navigation.
New Hampshire	No television viewer, screen, or other means of visually receiving a television broadcast can be located at any point forward of the back of the driver's seat or otherwise visible to the driver.

<b>Appendix B. State Laws Regarding Televisions in Motor Vehicles</b> (continued)	
<b>State/Jurisdiction</b>	<b>Restriction</b>
New Jersey	No television set can be visible to the driver.
New Mexico	No television screen can be visible to the driver unless used as an aid to the driver in operating the vehicle.
New York	No television receiving set visible to driver unless closed-circuit television receiving equipment used for safety and navigation purposes.
North Carolina	No television screen or other means of visually receiving a television broadcast can be located at any point forward of the driver's seat or otherwise visible to the driver.
North Dakota	None.
Ohio	None.
Oklahoma	It is unlawful to install a television set in any location where it is visible to the driver.
Oregon	No television viewer, screen or other means of visually receiving a television broadcast can be located at any point forward of the back of the driver's seat or otherwise visible to the driver.
Pennsylvania	No television or television-type equipment can be visible to the driver. Navigation systems are allowed.
Rhode Island	No television viewer, screen, or other means of visually receiving a television broadcast can be visible to the driver.
South Carolina	No television screen can be visible to the driver.
South Dakota	No television screen can be visible to the driver.
Tennessee	No television screen or device of a similar nature can be visible to the driver. Display of obscene videos is prohibited.
Texas	No video-receiving equipment, including a television or similar equipment, can be visible to the driver. Navigation systems are allowed. Digital systems used for commercial purposes are allowed.
Utah	No television-type receiving equipment can be visible to the driver. Does not apply to law enforcement or safety use as approved by the DMV. Navigation systems are allowed.
Vermont	No television receiver, screen, or other means of visually receiving a television broadcast can be visible to the driver.
Virginia	No television receiver can be visible to driver. Video or motion pictures cannot be displayed in front of the driver's seat or within view of the driver. Display of obscene videos is prohibited.
Washington	No television viewer, screen, or other means of visually receiving a television broadcast can be forward of the back of the driver's seat or otherwise visible to the driver.
West Virginia	No television receiver can be visible to the driver.
Wisconsin	No device for visually receiving a television broadcast can be forward of the back of the driver's seat or visible to the driver.
Wyoming	No television-type receiving equipment can be visible to the driver unless used for safety, law enforcement or navigation.
American Samoa	None.
District of Columbia	No television equipment can be visible to the driver.
Guam	None.
Puerto Rico	No television may be located in a vehicle so that it is visible to the driver.
Virgin Islands	None.

\*Laws as of December 2006.

**Sources:** *AAA Digest of Motor Laws*, 2007; NCSL, 2007.

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## Links

- NCSL's Driver Focus and Technology database, <http://www.ncsl.org/programs/transportation/DRFOCUS.htm>
- NHTSA's Drowsy and Distracted Driving page, <http://www.nhtsa.dot.gov/portal/site/nhtsa/menuitem.54757ba83ef160af9a7ccf10dba046a0/>
- The National Advanced Driving Simulator at the University of Iowa, [http://www.nads-sc.uiowa.edu/research/hf\\_op/index.htm](http://www.nads-sc.uiowa.edu/research/hf_op/index.htm)
- University of North Carolina Highway Safety Research Center, <http://www.hsrc.unc.edu/index.cfm>
- University of Utah Applied Cognition Laboratory, <http://www.psych.utah.edu/AppliedCognitionLab/>
- Virginia Tech Transportation Institute, <http://www.vtti.vt.edu/>
- Virginia Tech's 100-Car Naturalistic Driving Study, <http://www-nrd.nhtsa.dot.gov/departments/nrd-13/810594/images/810594.pdf>

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