



National Conference of State Legislatures
**C E L L P H O N E S A N D
H I G H W A Y S A F E T Y**
2000 STATE LEGISLATIVE UPDATE

July 2000

by Matt Sundeen, *Policy Specialist*

Wireless telecommunication technologies are rapidly becoming a significant concern in regard to highway safety. Almost 90 million people subscribe to wireless telephone services, and 85 percent of those subscribers use their phones while driving to conduct business, report emergencies, stay in touch with loved ones, call for assistance, and report aggressive or drunk drivers.

It's not just phones on the road anymore. In 1999, two major auto manufacturers—General Motors and Ford—formed agreements with telecommunications companies that will enhance wireless features in even more vehicles. Future cars will provide drivers with concierge services, web-based information, online e-mail capabilities, CD-ROM access, on-screen and audio navigation technology, and a variety of other information and entertainment services.

Telecommunications companies say that new technology in cars not only will improve commerce but highway safety as well. Already, an estimated 98,000 emergency calls are placed by cell phone users each day, and billions of dollars of business may be transacted by drivers each year. Studies published in the *New England Journal of Medicine* and by the National Highway Traffic Safety Administration (NHTSA) have concluded that cellular phones often reduce emergency response times and actually save lives. New technology also may make it easier for people to drive more safely on the road.

State policymakers, however, must weigh the promises of wireless technology in cars against the growing evidence of the potential dangers. The 1997 study published in the *New England Journal of Medicine* concluded that the distraction caused by phone use in motor vehicles quadrupled the risk of a collision during the brief period of a call, a rate equivalent to the impairment caused by legal intoxication. Other studies—conducted in the United States as well as in Great Britain and Japan—have similarly concluded that speaking on mobile phones, even if they are hands-free, can make drivers a risk on the road. The basic conclusion of these studies is that the distraction of the call, not the actual act of dialing, impairs a driver's ability to safely operate the vehicle.

Cell phones have been suspect in numerous motor vehicle crashes across the country. In 1999, a driver who was also using a cell phone killed a 2-year-old girl in Pennsylvania. Another driver, distracted by a cell phone, hit and killed a state corrections officer in North Carolina. This year, a 5-year-old Pennsylvania girl suffered severe head injuries in a crash caused by a driver who was distracted by a mobile phone.

Contents

<i>State Action</i>	2
<i>Federal Action</i>	7
<i>Local Action</i>	8
<i>International</i>	
<i>Action</i>	8
<i>Conclusion</i>	8
<i>References</i>	9
<i>Internet Links</i>	9
<i>Contacts for More</i>	
<i>Information</i>	9

NATIONAL CONFERENCE OF STATE LEGISLATURES

1560 Broadway, Suite 700 Phone: (303) 830-2200
Denver, Colorado 80202 Fax: (303) 863-8003

Wireless technology proponents argue that phones are no more distracting than a radio, food or the vanity mirror. They say that the same reckless driving laws that apply to other drivers should cover people who drive carelessly while using a car phone. As the number of traffic incidents involving cell phones and other technologies continues to rise, however, legislators may feel growing pressure to specifically restrict these technologies in cars.

State Action

All states make reckless or careless driving illegal. Few states, however, specifically regulate cellular phone use in automobiles. California, Florida and Massachusetts impose minor restrictions on cellular telephones in automobiles. In California, rental cars with cellular telephone equipment must include written operating instructions for safe use. In Florida, cellular phone use is permitted in an automobile as long as it provides sound through one ear and allows surrounding sound to be heard with the other ear. In Massachusetts, car phones are permitted as long as they do not interfere with vehicle operation, and drivers keep one hand on the steering wheel at all times (see table 1).

State	Statute	Description	Penalties
California	Veh. Code 28090	Rental cars with cellular telephone equipment must include written operating instructions concerning its safe use.	\$100 maximum for first violation, \$200 maximum for second; \$250 for third and subsequent violations committed within one year.
Florida	FLS 316.304	Cellular phone use is permitted as long as it provides sound through one ear and allows surrounding sound to be heard with the other ear.	\$30 for each violation; non-moving violation.
Massachusetts	GLA 90-13	Cellular phone use is permitted as long as it does not interfere with the operation of the vehicle and one hand remains on the steering wheel at all times.	\$35 maximum for first violation; \$35 to \$75 for second violation; \$75 to \$150 for third and subsequent violations committed within one year.
<small>Note: All other states place no restrictions on cellular phone use in vehicles. Source: NCSL, 2000.</small>			

Minnesota, Oklahoma and Pennsylvania require police to include information about cellular telephones in accident reports. Tennessee requires some law enforcement agencies to collect data about cell phone involvement in crashes. Michigan state police will begin collecting data in 2001. No state bans wireless phones in automobiles.

At least 37 states since 1995 have proposed bills concerning cellular telephones in automobiles. In 2000, at least 27 states considered measures that targeted cellular telephones and other technology in motor vehicles (see table 2). Legislation varied in severity from proposals that would ban all use in vehicles, to requirements for hands-free devices, improved data collection, and bills that would make drivers more liable if they are involved in a crash while using a cell

phone. Although no legislation passed, bills still are pending in several states. Only 15 states proposed legislation in 1999.

Table 2. 2000 Legislation

State	Bill Description	Bill Status
Arizona	SB 1017—Prohibits the use of cell phones and other electronic devices while driving.	Session adjourned. No action on bill after January.
Colorado	HB 1156—Prohibits the use of hand-held cell phones while driving.	Died in committee.
Connecticut	HB 5843—Prohibits the use of cell phones while operating a motor vehicle in the left lane of a limited access highway. HB 5899—Prohibits the operation of a motor vehicle while using a hand-held cell phone or engaging in other inattentive behavior.	Session adjourned. No action on bill after March. Failed joint favorable deadline.
Delaware	SB 319—Requires the Department of Public Safety to collect and publish data related to the use of cellular, mobile and other portable phones and devices by the operators of motor vehicles at the time an accident occurs.	Defeated in Senate.
Georgia	SR 611—A resolution to encourage drivers in Georgia to observe good judgement when using cell phones while driving. SB 395—Concerns both habitually negligent drivers and the use of mobile phones while driving. SR 650—Asks wireless phone companies to educate customers about the safe way to use cell phones while driving. HB 310—Makes changes to certain provisions regarding driver use of radios and mobile telephones. SB 353—Establishes proper use of radio and mobile telephones while driving. Use of mobile phone constitutes reckless driving. SB 298—Concerning provisions relating to the use of mobile phones or radios while driving. SB 323—Concerning proper use of mobile phones and radios while driving. Using more than one hand for cell phone call improper.	Session adjourned. No action on bill after February. Session adjourned. No action on bill after February. Session adjourned. Bill failed. Session adjourned. No action on bill after June. Session adjourned. No action on bill after January. Session adjourned. No action on bill after January. Session adjourned. No action on bill after January.
Hawaii	HB 2079—Prohibits the use of a cellular phone while driving unless the driver has both hands on the wheel. SCR 44—Requires the Dept. of Transportation to conduct a study on traffic accidents involving the use of cell phones.	Died in House. Died in Senate.
Iowa	HB 2051—Prohibits the use of cell phones while driving. Prohibits all calls longer than one minute. Emergency exemption. HB 2103—Limits the use of cell phones while driving in congested parking lots unless the call is for an emergency.	Session adjourned. No action on bill after January. Session adjourned. No action on bill after February.

Table 2. 2000 Legislation (continued)

State	Bill Description	Bill Status
Illinois	<p>HB 4479—Provides that a driver may use a cell phone only with a hands-free apparatus.</p> <p>HB 1363—Amends the Vehicle Code by prohibiting drivers from using cell phones unless the driver uses a hands-free device.</p>	<p>Referred to House Committee on Rules.</p> <p>Referred to House Committee on Rules.</p>
Indiana	SB 386—Prohibits the use of mobile telephones while driving.	Adjourned. No action on bill since January.
Kansas	HB 2705—Prohibits the use of hand-held cell phones while driving.	Died in Committee.
Kentucky	<p>HB 172—Prohibits the use of cell phones by non-emergency personnel while driving.</p> <p>HB 173—Prohibits the use of cell phones by motor vehicle drivers.</p>	<p>Session adjourned. No action on bill after January.</p> <p>Session adjourned. No action on bill after January.</p>
Massachusetts	HB 4810—Prohibits the use of mobile telephones while driving a school bus, except in an emergency.	From Joint Committee on Public Safety, ought to pass.
Maryland	HB 43—Prohibits the use of hand-held mobile telephones by the driver of a motor vehicle.	Died in committee.
Michigan	<p>SB 1015—Includes in the definition of careless or negligent driving the use of cell phone while driving that prevents the driver from putting both hands on the wheel.</p> <p>HB 5567—Allows points to be added to a driver license record when it is determined that the use of cellular telephone contributed to the cause of the accident or violation.</p>	<p>Referred to Senate Committee on Transportation and Tourism.</p> <p>To House Health Committee.</p>
Minnesota	<p>HB 745—Clarifies where televisions may be placed in motor vehicles.</p> <p>SB 696—Relates to the placement of televisions in motor vehicles.</p>	<p>Bill carried over to 2000 session.</p> <p>Bill carried over to 2000 session.</p>
Missouri	HB 1184—Prohibits the use of cell phones while driving.	Died in committee.
Nebraska	LB 993—Creates a presumption of contributory negligence for drivers who use a cell phone and are involved in a crash.	Died in committee.
New Hampshire	<p>HB 1273—Prohibits the use of cellular telephones while driving.</p> <p>LSR 2031—Restricts the use of cellular telephones while driving.</p>	<p>Referred to House Committee on Transportation</p> <p>Filed request.</p>
New Jersey	<p>AB 1929—Prohibits the use of cell phones while driving. Requires that police reports track whether cell phones were in use before accidents.</p> <p>SB 849—Sets penalties for using a cell phone while driving.</p>	<p>Referred to Assembly Committee on Transportation.</p> <p>Referred to Senate Committee on Law and Public Safety.</p>

Table 2. 2000 Legislation (continued)

State	Bill Description	Bill Status
New Jersey (continued)	<p>AB 2051—Prohibits the tracking of speed monitoring of cars via cell phone signals.</p> <p>AB 2487—Requires cell phone use to be tracked in connection with motor vehicle crashes.</p> <p>AB 408—Prohibits the use of cell phones while driving.</p> <p>SB 480—Prohibits the use of cell phones while driving.</p>	<p>Referred to Assembly Committee on Law and Public Safety.</p> <p>Referred to Assembly Committee on Transportation.</p> <p>Introduced and referred to Assembly Committee on Transportation.</p> <p>Introduced and referred to Senate Committee on Law and Public Safety.</p>
New York	<p>SB 6339—Prohibits the use of hand-held cellular phones while driving.</p> <p>SB 6424—Requires police to indicate whether cell phones were in use prior to a motor vehicle crash.</p> <p>AB 11024—Requires police to record information relating to the use of cell phones in motor vehicle crash reports.</p> <p>SB 7840—Requires the Dept. of Motor Vehicles to include information on the use of cell phones in motor vehicle crashes in its annual summary of motor vehicle crashes.</p> <p>SB 6900—Requires the Governor's Traffic Safety Committee to study the effects of cell phones and other driver distractions on highway and traffic safety.</p> <p>SB 7460—Prohibits the use of hand-held cell phones while driving.</p> <p>AB 1435—The Governor's Traffic Safety Committee is required to study the effects of cell phone use and other distractions on highway and traffic safety and reducing motor vehicle crashes related to cell phone use.</p> <p>AB 2302—Prohibits the use of cell phones while driving on a public highway; allows for hands-free device in certain circumstances.</p> <p>AB 3016—Requires police officers to indicate on motor vehicle accident reports whether cell phone use played a part in the accident.</p> <p>AB 3684—Prohibits the use of cell phones while driving unless the driver is in fear of his or her life or fears that a criminal act may be perpetrated against them.</p> <p>AB 4361—States that it is against the law to drive while using a hand-held cell phone. Sets out penalties and fines. Hands-free devices are exempt.</p>	<p>Referred to Senate Committee on Transportation.</p> <p>Referred to Senate Committee on Transportation.</p> <p>Referred to Assembly Committee on Transportation.</p> <p>Referred to Senate Committee on Transportation.</p> <p>Amended in Senate Committee on Transportation.</p> <p>Referred to Senate Committee on Transportation.</p> <p>Passed Assembly and sent to Senate.</p> <p>Referred to Assembly Committee on Transportation.</p> <p>Referred to Assembly Committee on Transportation.</p> <p>Referred to Assembly Committee on Transportation.</p> <p>Amended in Assembly Committee on Transportation.</p>

Table 2. 2000 Legislation (continued)

State	Bill Description	Bill Status
New York (continued)	<p>AB 4947—Requires that cell phone manufacturers place warning labels on cell phones explaining the dangers of driving while using a cell phone.</p> <p>AB 5838—Requires DMV to include information on cell phone use relating to motor vehicle crashes in its annual summary of motor vehicle crashes.</p> <p>AB 6120—Prohibits the use of cell phones while driving unless the driver is calling 911 or is in fear of his or her life.</p> <p>SB 1435—Prohibits the use of cell phones while driving on a public highway. Allows the use of hands-free devices.</p> <p>SB 1767—Requires police to indicate whether cell phones were in use during motor vehicle crashes.</p> <p>SB 2134—Prohibits the use of cell phones while driving except when the driver is alone or in fear of his or her life.</p>	<p>Referred to Assembly Committee on Consumer Affairs.</p> <p>Referred to Senate Committee on Transportation</p> <p>Referred to Assembly Committee on Rules.</p> <p>Referred to Senate Committee on Transportation.</p> <p>Referred to Senate Committee on Transportation.</p> <p>Referred to Senate Committee on Transportation.</p>
Ohio	<p>HB 251—Prohibits the use of cell phones while driving unless the driver is reporting an emergency. Requires the state highway patrol to collect data regarding cell phone use.</p>	<p>In House Committee on Transportation and Public Safety.</p>
Pennsylvania	<p>SR 127—Directs the Joint State Government Commission to study issue of distracted drivers, including cell phone use.</p> <p>HB 2196—Prohibits school bus drivers from using cell phones while operating the bus.</p> <p>HB 2301—Prohibits the use of hand-held cell phones while driving.</p> <p>SB 1279—Prohibits the use of cell phones while driving.</p> <p>HB 395—Prohibits the use of cell phones while driving.</p> <p>HB 2112—Prohibits the use of cell phones while operating a moving vehicle.</p> <p>SB 1085—Prohibits the use of cell phones while driving.</p> <p>HB 2184—Limits the use of mobile phones while driving.</p>	<p>Died in Senate.</p> <p>Died in committee.</p> <p>Died in committee.</p> <p>Died in committee.</p> <p>Died in committee.</p> <p>Died in committee.</p> <p>Died in committee.</p> <p>Died in committee.</p>
Rhode Island	<p>HB 6907—Prohibits the use of earphones, headsets and mobile phones while driving.</p> <p>HB 7255—Requires police officers to report the use of cell phones in motor vehicle crashes.</p> <p>HB 7145—Limits televisions in driver compartment of motor vehicles.</p> <p>SB 2653—Prohibits the use of hand-held cell phones while operating a bicycle or motor vehicle.</p>	<p>Referred to Joint Committee on Highway Safety.</p> <p>Referred to Joint Committee on Highway Safety.</p> <p>Referred to Joint Committee on Highway Safety.</p> <p>Transferred to Joint Committee on Highway Safety.</p>

Table 2. 2000 Legislation (continued)

State	Bill Description	Bill Status
Rhode Island (continued)	HB 5573—Prohibits the use of cell phones while driving. SB 741—Allows televisions to be installed in motor vehicles if they are outside the field of vision of the operator.	Referred to Joint Committee on Highway Safety. Referred to Senate Committee on Corporations.
South Carolina	HB 4956—Prohibits the use of a cell phone while driving a motor vehicle unless the phone is hands-free.	Referred to Committee on Transportation.
Washington	HB 2876—Establishes penalties for car phone use that causes personal injury. SB 6265—Concerning tracking cell phone usage in accident reports.	Referred to House Committee on Criminal Justice and Corrections. No action on bill after January. Died in committee.
West Virginia	SB 405—Establishes penalties for causing injury while driving and using a cell phone.	Session adjourned. Bill died.
Wyoming	HB 176—Prohibits the use of cell phones while driving.	Failed introduction.
Source: National Conference of State Legislatures, 2000.		

Federal Action

To date, the federal government has not acted to limit cellular telephone use in automobiles. However, in July 2000 NHTSA will hold two public events that focus on the potential safety implications associated with driver distraction while using advanced in-vehicle technologies that receive, transmit or display various types of information, including those that allow drivers to phone, fax, obtain route guidance, view infrared images on a head-up display, and use the Internet and other such devices.

The first event, an international Internet forum in July and August, will provide an opportunity for technical experts and the general public to download technical papers, ask questions, and relate their experiences regarding the use of in-vehicle devices and their effect on safety and driving performance. The second event, a public meeting on July 18, 2000, will allow representatives of the public, industry, government and safety groups to share viewpoints, information and recommendations regarding strategies to minimize potential adverse effects of driver distraction on safety when using such telematic devices. NHTSA will use the information from the public meeting and Internet forum as a basis for discussions at a technical workshop of invited researchers and technology developers to be scheduled at a later date. The goal of the technical workshop is to generate recommendations for distraction-reducing strategies, data needs and research methodologies.

Local Action

Although no state has restricted cell phones in cars, local jurisdictions are moving quickly to address the issue. Five local jurisdictions now require drivers to use hands-free cell phone devices while operating a motor vehicle. These include:

- Brooklyn, Ohio;
- Conshohocken, Pennsylvania;
- Lebanon, Pennsylvania;
- Hilltown Township, Pennsylvania; and
- Marlboro, New Jersey.

An estimated 300 additional local jurisdictions including Aspen, Colorado; Boca Raton, Florida; Santa Monica, California; Philadelphia; Cleveland and Chicago may be considering or already have considered similar ordinances. New York City prohibits taxicab drivers from using cell phones while driving.

International Action

Fourteen countries now restrict or prohibit cell phones and other wireless technology in motor vehicles. These include Australia, Brazil, Chile, England, Germany, Israel, Italy, Japan, Portugal, the Philippines, Singapore, South Africa, Spain and Switzerland. Delhi, India, and Hong Kong also impose restrictions on car phones.

Conclusion

Wireless telephones and other telecommunications technologies will continue to proliferate in motor vehicles. As use increases, state legislatures will be increasingly challenged to balance safety concerns against the obvious benefits. Already, state legislatures are considering measures to improve data collection, make drivers liable for crashes caused by mobile phones and other distractions, and restrict use of mobile telephones in motor vehicles.

References

Hahn, Robert W., and Paul C. Tetlock. *The Economics of Regulating Cellular Phones in Vehicles*. Washington, D.C.: AEI-Brookings Joint Center for Regulatory Studies, October 1999.

National Highway Traffic Safety Administration. *An Investigation of the Safety Implications of Wireless Communications in Vehicles*. Washington, D.C.: November 1997.

Redelmeier, Donald A., and Robert J. Tibshirani. "Association Between Cellular-Telephone Calls and Motor Vehicle Collisions." *The New England Journal of Medicine* 336, no. 7 (Feb. 13, 1997): 453-458.

Internet Links

NCSL Legislative Tracking Service, <http://www.nhtsa.dot.gov/nctl/>.

The "Car Talk Guys," <http://cartalk.cars.com/>.

Cellular Telecommunications Industry Association, <http://www.wow-com.com/>.

Patricia Pena's Web Site, <http://www.geocities.com/morganleepena/>.

Contacts for More Information

Matt Sundeen
NCSL—Denver
(303) 830-2200 ext. 269
matt.sundeen@ncsl.org

Jim Reed
NCSL—Denver
(303) 830-2200 ext.197
jim.reed@ncsl.org

As part of a cooperative agreement with the National Highway Traffic Safety Administration (NHTSA), the National Conference of State Legislatures (NCSL) tracks state legislation related to highway safety. This report summarizes legislation in 2000 concerning cell phones and driving, as well as federal, local and international activities. This report updates a similar 1999 publication.