

**CONFIDENTIAL**  
**LEGISLATIVE BILL REVIEW FORM: 2013**

Bill Number:  H.17  Name of Bill:  Motor vehicles; texting while driving; penalties

Agency/ Dept:  Vermont State Police  Author of Bill Review:  SGT. Garry Scott

Date of Bill Review:  03-04-2013  Status of Bill: (check one):

Upon Introduction       As passed by 1<sup>st</sup> body       As passed by both bodies       Fiscal

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**Recommended Position:**

Support       Oppose       Remain Neutral       Support with modifications identified in #8 below

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**Analysis of Bill**

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**1. Summary of bill and issue it addresses.** This Bill proposes to raise the penalties for texting while operating a moving motor vehicle from a \$100.00 fine and assessment of two points to a fine of not less than \$250.00 and an assessment of three points for the first offense, and from a fine of \$250.00 to a fine of not less than \$500.00 for the second or subsequent offense.

**2. Is there a need for this bill?** Distracted driving is a dangerous epidemic on America's roadways. In 2010 alone, over 3,000 people were killed in distracted driving crashes (NHTSA). Eighteen percent of injury crashes in 2010 were reported as distraction-affected crashes (NHTSA). Eleven percent of all drivers under the age of 20 involved in fatal crashes were reported as distracted at the time of the crash (NHTSA).

According to a study by Liberty Mutual in conjunction with SADD in Sept. 2012, Teens mirror parents' distracted driving habits. 66% of teens believe their parents follow different rules behind the wheel than are set for their younger drivers; 90% of teens report their parents speed and talk on a cellphone while driving. Teens repeat their parents' poor driving habits in nearly equal amounts.

A study by Penn Schoen Berland, commissioned by Ford in May 2012, advised 99% of drivers think they are good drivers even though 76% eat or drink behind the wheel, 55% speed, 53% talk on a handheld cellphone. Talking on a hand-held cellphone while driving is banned in ten states (California, Connecticut, Delaware, Maryland, Nevada, New Jersey, New York Oregon, Washington and West Virginia and the District of Columbia) (Insurance Institute for Highway Safety)  
<http://www.vtnews.vt.edu/articles/2009/07/2009-571.html>

A report issued by the Governors Highway Safety Association on February 26, 2013 about teenage driver fatalities indicates amongst other factors, that distracted driving is a contributing factor in the increase of teenage fatalities in 2012.

Two months after Washington State cell phone law went in force, a PEMCO poll shows that 83% of drivers

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support the \$124 fine for texting while driving, or even think it should be higher.

According to a USA TODAY article from August 2012 indicates that teenage drivers say the being in a crash while texting and driving is the single most effective way to reduce the deadly practice, followed closely by knowing someone who was involved in such a crash. More than 80% of teens believe that **tougher** penalties for those caught texting while driving and heavier police enforcement also are deterrents. State Farm commissioned Harris Interactive to conduct the survey in July 2012.

**3. What are likely to be the fiscal and programmatic implications of this bill for this Department?**

There are no known implications for DPS.

**4. What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?** There would be implementation and educational cost for DMV to inform the public of the change in the law.

**5. What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it?** There are roughly 200 texting tickets issued in Vermont each year. So there would be minimal financial gain for the state. But the public impact and perception could help reduce crashes. When an operator is involved in a motor vehicle crash, **TAXPAYERS** often absorb the costs associated with it. In fact, 85% of all medical costs for crash victims fall on society, not individuals involved.

**6. Other Stakeholders:**

**6.1 Who else is likely to support the proposal and why?** Advocates: NHTSA, Governor's Highway Safety Association, National Safety Council, the insurance industry, Transportation industry, law enforcement and the American Medical Association. All these groups support cellphone bans because of the implied reduction of motor vehicle crashes and potential loss of life and property.

**6.2 Who else is likely to oppose the proposal and why?** There no known organized opponents of stricter cellphone/texting laws.

**7. Rationale for recommendation:** An operator engaging in the use of an electronic device is 23 times more likely to be involved in a motor vehicle crash. <http://www.vtnews.vt.edu/articles/2009/07/2009-571.html>

University of Utah psychologists have published a study showing that motorists who talk on handheld/text or hands-free cellular phones are as impaired as drunken drivers. <http://www.distraction.gov/research/PDF-Files/Driver-Distraction-Commercial-Vehicle-Operations.pdf> While hands-free devices decrease the manual distraction of a cellphone use, it should be noted that there are no differences regarding the cognitive distraction between handheld and hands-free devices. Driving while using a cellphone/texting reduces the amount of brain activity associated with driving by 37% (Carnegie Mellon). Research indicates that the cognitive distraction of having a hands-free phone conversation causes drivers to miss the important visual and audio cues that would ordinarily help you avoid a crash. Sending or receiving a text takes a driver's eyes from the road for an average of 4.6 seconds, the equivalent-at 55 mph-of driving the length of an entire football field, blind.

**8. Specific modifications that would be needed to recommend support of this bill:** No recommendations.