STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
MARGARET M. O'NEILL BUILDING
410 FEDERAL STREET, SUITE 1
DOVER, DE 19901

VOICE: (302) 739-3620
TTY/TDD: (302) 739-3699
FAX: (302) 739-6704

MEMORANDUM

DATE: May 29, 2014

TO: All Members of the Delaware State Senate and House of Representatives

FROM: Ms. Daniese McMullin-Powell, Chairperson
State Council for Persons with Disabilities

RE: H.B. 298 (Distracted Driving Civil Penalty)

The State Council for Persons with Disabilities (SCPD) has reviewed H.B. 298 which would raise the fine for a first offense for using a hand-held cell phone or other electronic device while driving from $50 to $75. As background, the Delaware Code currently authorizes civil penalties for drivers using handheld phones and devices. A first offense results in a $50 civil penalty. A subsequent offense results in a $100-$200 civil penalty. Consistent with the attached articles, police issued 19,610 citations for violations of the law in 2013. The State Office of Highway Safety reported there were 149 cellphone related crashes in Delaware in 2013. It is inferable that some of these crashes resulted in injuries resulting is disability. SCPD endorses the proposed legislation based on the following observations.

First, statistics on the dangers of use of handheld devices while driving are compelling. On April 10, 2014, the House passed H.R. 28 recognizing April as "Distracted Driving Awareness and Enforcement Month". The preamble to the legislation includes the following observations: 1) drivers using cell phones are 4 times more likely to be in a crash and miss seeing up to 50% of the roadway environment; 2) cell phone use is a factor in nearly 1 in 4 crashes; 3) sending or receiving a text takes a driver's eyes off the road for an average of 4.6 seconds, the equivalent of driving the length of a football field when traveling at 55 mph; and 4) the percentage of drivers visibly manipulating hand-held devices is increasing.

Second, according to the attached April 13 News Journal article, Delaware's penalties are lower than those in 34 of the 40 other states with laws banning texting or using handheld phones while driving.

Third, since the percentage of drivers using handheld devices continues to increase despite current laws, enhancing penalties may have a deterrent effect. A $50 civil penalty is so modest that many

drivers will not be concerned with the consequences of violating the law. A higher penalty could be supported given the risk of accidents and resulting injuries attributable to distracted driving. In addition, the legislature may want to consider raising the fine for subsequent offenses.

Thank you for your consideration and please contact SCPD if you have any questions regarding our position or observations on the proposed legislation.

cc: The Honorable Jack Markell
Mr. Brian Hartman, Esq.
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council

One trick improves your driving in seconds

EYES ON THE ROAD
JIM LARDEAR

Prepare to be shocked and amazed. Use this one trick to improve your driving in seconds: Turn off your cellphone and put it out of reach before starting to drive.

Seems simple. Still, during 2013, more than 19,600 drivers in Delaware were issued citations under Delaware's hand-held cellphone and text messaging ban. And that's on top of the 16,100 cited in 2012.

However, there are far worse risks than just a ticket.

The National Highway Traffic Safety Administration estimates that 3,328 people were killed and an estimated 421,000 were injured in distraction-related crashes in 2012.

These numbers are roughly 10 percent of all fatal and 17 percent of all injury crashes, and they likely are under-reported because of the difficulty in determining the role distraction plays in crashes.

Last year in Delaware, police reported 149 crashes related to distracted driving.

Distracted driving is a danger that motorists easily recognize on Delaware's roadways.

According to a AAA study, nearly 89 percent of respondents believed that a driver talking on a cellphone represents a somewhat or serious threat to their personal safety.

That proportion increases to 95 percent with regard to drivers text messaging or emailing behind the wheel, and drivers checking or updating social media.

Here's another weird fact: Motorists recognize that risk in other drivers – but not in themselves.

AAA found a distressing "do as I say, not as I do" attitude among drivers. While 31 percent of drivers believe they are not distracted while talking on their cellphone and driving, 82 percent believe that others are distracted while doing the exact same thing.

Although obvious to see, the concern and danger is not just with drivers holding a cellphone.

Hands-free and voice-activated technology that allows drivers to text and talk while driving is still dangerous because, cognitively, the brain is distracted.

A research study the AAA Foundation for Traffic Safety released last summer debunked that common myth by proving that hands-free cellphone use is not risk-free.

Mental distractions exist even when drivers keep their hands on the wheel.

The AAA Foundation study measured brainwaves, eye movement and more, showing hands-free technology increased mental workload and cognitive distractions that can lead to a type of tunnel vision or inattentive blindness where motorists don't see potential hazards right in front of them.

There is no time like the present to begin limiting potentially dangerous mental distractions behind the wheel, as April has been designated Distracted Driving Awareness Month in Delaware.

Delaware is one of 43 states with text messaging bans for drivers of all ages, one of 12 states prohibiting drivers of all ages from using hand-held cellphones while driving, and one of 37 states that ban cellphone use by novice drivers.

If a police officer observes a motorist using a hand-held device while driving, they can pull them over and give them a $106 fine for the first offense.

Multiple offenses could result in fines up to $300.

To prevent distracted driving, motorists are urged to:

» Turn off electronic devices and put them out of reach before starting to drive.

» Be good role models for young drivers, and talk with your teens about responsible driving.

» Speak up when you are a passenger and your driver uses an electronic device while driving. Offer to make the call for the driver, so his or her full attention stays on the driving task.

» Always wear your seatbelt. Seatbelts are the best defense against other unsafe drivers.

Jim Lardear is director of public and government affairs for AAA Mid-Atlantic.

Lawmakers seek to increase some car texting fines

By Jon Offredo
The News Journal

A group of state lawmakers want to boost the fine for texting and using cellphones while driving by $25.

The legislation, introduced Thursday, raises the fine for first-time violators caught texting or using their hand-held device from $50 to $75.

Rep. Joe Miro

"Talking while you are driving is not the issue, it is holding the phone while you're driving, or texting while you are driving. That is the issue," said Rep. Joe Miro, R-Pike Creek Valley.

"Cellphones have a place in our society. We're not trying to undermine that," he said on a phone interview Friday. Miro, the bill's sponsor, noted that he pulled over into a parking lot to speak since his hands-free device was not working.

State law bans texting while driving, and motorists are required to use hands-free technology when using cellphones in their vehicles. Officers who spot drivers using a hand-held device while driving will stop and cite them.

The bipartisan backed bill, which is pending action in the House Public Safety Committee, would not impact penalties for repeat offenders, who face fines between $100 and $200. But Delaware's current fines are lower than 34 of the 40 other states with laws banning texting, or using hand-held cellphones, while driving.

A bill introduced in the General Assembly on Thursday raises the fine for first-time violators caught texting or using their hand-held device from $50 to $75. AP

The state's texting and cell phone law first went into effect at the start of 2011. Police officers issued 19,610 citations for the offense last year, and about 35,000 since 2011.

"Talking while you are driving is not the issue, it is holding the phone while you're driving, or texting while you are driving."

REP. JOE MIRO

Last year, there were 149 cellphone-related crashes in Delaware, according to an official with the state Office of Highway Safety.

Nationally, the U.S. Department of Transportation launched its first campaign and law enforcement crackdown to combat distracted driving. The campaign, which started last week, runs through April 15.

Police across the state were out in full force Friday as part of that campaign to ticket motorists using their cellphones while driving.

Contact Jon Offredo at (302) 678-4271 or at joffredo@delawareonline.com or on Twitter @jonoffredo