

Legislative Analysis



DRIVERS UNDER 18: PROHIBIT CELL PHONE USE WHILE DRIVING

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House Bill 5133 (Substitute H-2)

Sponsor: Rep. David Law

Committee: Judiciary

First Analysis (10-18-05)

BRIEF SUMMARY: The bill would prohibit a driver under 18 years of age from using a cell phone while driving.

FISCAL IMPACT: The bill could increase revenues deriving from state civil infractions. The revenue would go to local libraries, which receive revenues from fines imposed for state civil infractions, and to the state Justice System Fund, which receives the \$10 assessments levied on state civil infractions and supports a variety of justice system endeavors.

THE APPARENT PROBLEM:

The National Highway Traffic Safety Administration reported that in 2001, "drivers under age 20 constituted only 6.8 percent of the driving population but were involved in 14.3 percent of fatal accidents and 18 percent of the total societal accident costs." According to the National Transportation Safety Board, these young drivers are overrepresented in traffic crashes and deaths in part because young, inexperienced drivers are easily distracted. After investigating a 2002 accident involving three vehicles in which five people were killed, and finding that a contributing cause of the accident was a young driver talking on a cell phone, the Safety Board issued a safety recommendation urging states to enact legislation to prohibit holders of learner's permits and intermediate licenses from using interactive wireless communication devices while driving.

Despite media reports on the dangers of driving distracted, and especially the dangers posed while driving and engaging in phone conversations, cell phone use among drivers has continued to increase. According to an online article posted by CNN Money on September 21, 2005, entitled, "Cell phone ban urged for teen drivers", the author reported that a survey released by U.S. auto safety regulators earlier in the year revealed that hand-held cell phone use among drivers between 16 and 24 years of age had increased to eight percent in 2004 – up from five percent in 2002 and three percent in 2000.

In an attempt to follow the Safety Board's conclusion that young, novice drivers should be protected by state laws from distractions that can lead to accidents, legislation has been offered to prohibit the use of cell phones and other interactive wireless devices by drivers under the age of 18.

THE CONTENT OF THE BILL:

The bill would amend the Michigan Vehicle Code to prohibit an individual who was less than 18 years of age from operating a motor vehicle while using an interactive wireless communication device, except in an emergency. A violation would be a civil infraction with a fine of \$50.

Furthermore, a local authority could not enact or enforce a local law that provided a lesser penalty or that expanded the bill's prohibition.

MCL 257.907

ARGUMENTS:

For:

The bill would address the problem created when the state's most inexperienced drivers engage in an activity known to increase the risk of being involved in a traffic accident. Under the bill, persons under the age of 18 could not use a cell phone or other interactive wireless communication devices, such as a Blackberry (used for text messaging), while driving. An exception would be made in emergencies.

Introduction of the bill is timely considering traffic crash statistics that show that young drivers are disproportionately represented in vehicular accidents and that cell phone use among drivers between 16 and 24 is on the rise. Young people may have quicker reaction times that can be useful in averting accidents by responding quickly to changing traffic conditions, but research shows that a youth's reaction time is reduced to that of a senior citizen when talking on a cell phone. When a lack of driving experience is added to the equation, it is easy to see why the National Traffic Safety Board recommends that states protect young drivers by enacting laws prohibiting them from driving while using cell phones and other devices.

The bill is an important step in protecting young drivers and in encouraging good driving habits that can last a lifetime. A person who refrains from using cell phones or other wireless devices during the first couple of years behind the wheel should be less likely to engage in such conduct later.

Against:

The bill falls short on at least two counts. First, data reveals that inexperience in driving – not age alone – makes talking on a cell phone while driving more dangerous. Therefore, a 40-year-old talking on a cell phone while learning to drive or shortly after receiving a driver's license can be just as dangerous as a 16-year-old. In fact, the accident that spurred the National Traffic Safety Board to urge legislation banning the use of cell phones by young drivers was caused by a 20-year-old who had had little driving experience. However, the bill only targets inexperienced drivers younger than 18. Since many people wait until their late teens, twenties, thirties, or forties or more before learning to drive, the prohibition on cell phone use while driving should apply to all

people with temporary permits and for the first year or two after receiving a driver's license – regardless of age.

Secondly, research data also reveal that accident rates involving cell phone use are the same for drivers older and younger than 30. A person under 18 years of age has a four-fold increase in risk of an auto accident if he or she talks on a cell phone while driving. But so does a person over 18 years of age. The increased risk for an accident among drivers using cell phones is due to the distraction caused by the conversation. The bill therefore sends an erroneous message that only young people shouldn't talk on the phone while driving whereas research studies and traffic crash statistics are clear that cell phone usage while driving is bad for all ages. Drivers of all ages were twice as likely to drive through a red light or stop sign and to exhibit slowed reaction times when talking on a cell phone, whether using a handheld or hands-free device. Of course, anything that distracts a driver, such as putting on makeup, reaching for items in the glove box or in another seat, reading a paper or watching a movie, or swatting at the kids in the backseat can cause a driver to lose control of the vehicle. Drivers need to make focusing on the task of driving the priority. However, if a legislative solution is going to be sought to reduce accidents associated with cell phone use, then cell phone use while driving, unless there is an emergency, should be banned for all drivers.

POSITIONS:

The Oakland County Sheriff's Office supports the bill. (10-10-05)

A representative of the West Bloomfield Police Department testified in support of the bill. (10-12-05)

A representative of Cingular Wireless indicated support for the bill. (10-12-05)

A representative of the Deputy Sheriffs Association of Michigan indicated support for the bill. (10-12-05)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.