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The spread of bans on driving and texting

By Michael B. Farrell

LOS ANGELES — The California legislator who championed the state's ban on using hand-held cellphones while driving has a new target: text messaging at the wheel.

When Sen. Joe Simitian (D) started work on the bill to mandate hands-free chatting for California's 23.6 million motorists in 2001, texting was barely in the lexicon of even the savviest techies. But that's all changed. Internet-ready smartphones are gobbling up the wireless phone market, letting users send text messages and check e-mail from just about anywhere.

In addition to California, legislatures in at least 13 other states are considering some kind of ban on drivers tapping out text messages. Four states have already made it illegal for motorists to send text messages. Another set of four states bans cellphones altogether for drivers under the age of 18.

While several studies link the use of hand-held phones to traffic accidents and fatalities, texting is too new to have received the same kind of scrutiny. But accidents around the country blamed on texting have drawn the public's attention. Most recently, texting appears to have played a role in a fatal hit-and-run on July 12 in Easton, Mass., according to the prosecutor in the case.

A May survey by Nationwide Insurance found that 18 percent of motorists who have cellphones text and drive simultaneously. The number rises among drivers 18 to 30 years old: In that age group, 39 percent of drivers say they attempt to balance texting and steering, according to the survey.

Senator Simitian says the issue of texting did come up before California adopted the hands-free law in 2006, but he didn't want to risk any further delays in putting into action what he calls a lifesaving measure. Since the law went into effect in July, he's been impressed not only with how well Californians have adapted to the regulations, but also with how the measure has raised awareness about an increasing number of distractions for motorists.

"It's been interesting to see how public opinion has evolved over the years. The public has been pretty supportive on the hands-free law," he says. With this acceptance has come a window of opportunity for new legislation restricting texting. If passed, a texting ban for California drivers could go into effect as early as Jan. 1.

Since laws prohibiting motorists from using hand-held phones went into effect in Washington and California this month, roughly a quarter of all American drivers aren't legally allowed to hold a cellphone while driving. Many experts say it's just a matter of time before the rest of the country's 196 million licensed drivers will have to use some kind of hands-free device if they want to make a call from the road.

So far, five states, plus the District of Columbia, require hands-free phones for motorists. But at least 22 other states are considering bills with similar restrictions.

"Fatalities in California should drop by about 300 a year, or 7 percent" as a result of the new law, says Jed Kolko, a research fellow at the nonprofit think tank Public Policy Institute of California (PPIC). He drew that conclusion from looking at the accident statistics in states that first passed hands-free laws.

"Laws requiring hands-free devices have reduced fatalities in adverse conditions by 30 to 60 percent, depending on how long the law has been in effect," according to the PPIC study by Mr. Kolko released in May.

But Carnegie Mellon University researchers concluded in March that the mere act of having a cellphone conversation impairs drivers' judgment. "Just listening to a cell phone while driving is a significant distraction, and it causes drivers to commit some of the same types of driving errors that can occur under the influence of alcohol," according to the study in the journal *Brain Research*.

Kolko, a proponent of California's hands-free law, agrees that it's not only the act of holding a cellphone that is distracting. Even dialing is dangerous, he says. "If all we cared about was making driving as safe as possible, the safest thing to do would be ban cellphone use altogether," he says. "But most people would like to see a balance."

While California drivers have overwhelmingly adapted to the new law, not everyone has been compliant. The California Highway Patrol issued at least 3,879 tickets statewide to drivers using hand-held phones between July 1 and 18.

Penalties in California start at \$20 for anyone caught violating the hands-free law. But after penalties and local assessments are added, the actual fine can top \$100.

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New Year brings texting ban

Starting Jan. 1, drivers can be fined for sending text messages.

By **ELYSSE JAMES**
THE ORANGE COUNTY REGISTER

On New Year's Day, drivers will need to keep their eyes on the road and their hands off their cell phones. On Jan. 1, a new law goes into effect prohibiting text messaging while driving.

"You see it every day when you're in your car," said Jaime Coffee, spokeswoman for the California Highway Patrol in Sacramento. "At some point, you'll see people text messaging."

Gov. Arnold Schwarzenegger signed SB28 in September. The bill is a follow-up to the hands-free cell phone law, which requires drivers to use a hands-free device while talking on the phone.

But drivers were still allowed to text message, "an action that requires hands off the wheel and eyes on the road," said Sen. Joe Simitian, the author of the bill and a representative for Santa Clara, San Mateo and Santa Cruz counties.

"Texting while driving is so obviously unsafe it's hard to believe anyone would attempt it," he said. "We have 5 to 6 million folks out there driving while texting."

Simitian said he introduced the bill because he thinks it'll save lives. More than half the people who text message, he said, do it while driving. The bill applies to any text-based communication including instant messaging and e-mail. Anyone caught sending a message faces a \$20 fine the first time and a \$50 fine each subsequent time, but no points are added to the driver's record.

"My goal is to save lives, not raise revenue, so the fines are modest," Simitian said. "But what people sometimes miss is that's just a base fine. By the time you pay the court cost and penalties, the out-of-pocket cost is more likely to be \$100 for the first offense and \$200 for the second offense."

Text messaging while driving is considered a primary violation, so officers can pull over any vehicle if they see the driver texting. Looking up a phone number or dialing is not considered a text message.

"A lot of people are in for a wake-up call," Coffee said. She suggests drivers pull over and stop somewhere off the freeway, such as a parking lot, before reading or responding to text messages.

It took Simitian six years to pass the law requiring hands-free

devices for phones, but it took just six months to pass the laws against text messaging while driving, which he attributes to public knowledge about text messaging and support for the bill.

The biggest challenge to the hands-free cell phone bill was dealing with communication and technology issues and keeping the bill's language neutral so as not to single out a particular type of technology. But the text message bill was much simpler.

"This was a hard one for anyone to oppose," Simitian said. "There were certainly votes against it. But it's hard for people to make the argument that folks would be safer if more were out their driving while texting."

No groups have registered opposition to the bill. Supporters include the AAA California State Automobile Association and Automobile Club, the Association of California Insurance Companies, AT&T, the California Bicycle Coalition, the Center for Auto Safety, Consumers for Auto Reliability and Safety, Liberty Mutual, Motorola, the National Traffic Safety Institute, Nationwide Insurance, the Personal Insurance Federation of California, State Farm, T-Mobile and Verizon Wireless.

CONTRA COSTA TIMES

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Editorial

Win for driving safety

AMID THE 900 BILLS before Gov. Arnold Schwarzenegger is one that is sure to save lives. It's a ban on text messaging and e-mailing while driving, which he enthusiastically signed.

As of July 1, it became illegal to use hand-held cell phones while driving, thanks to the passage of a bill by state Sen. Joe Simitian. D-Palo Alto.

He also is the author of the ban on text messaging while driving, but did not want to push the legislation earlier because he feared it would jeopardize his cell phone measure.

Fortunately, both bills are now law, with the text-messaging curb going into effect on Jan. 1, 2009.

These measures are all but certain to save lives and injuries. Using cell phones, especially to e-mail or text-message, is a distraction that can cause a driver to lose concentration and end up in an accident.

It may well be that text messaging distracted the engineer of the Metrolink train that was involved in a head-on collision with a freight train near Chatsworth, killing 25 people and injuring many more.

A preliminary investigation found that "it was a Metrolink engineer that failed to stop at a red signal and that was the probable cause" of the collision, Metrolink spokeswoman Denise Tyrrell said.

It is also known that the engineer had been text messaging shortly before the accident.

Whatever the final result of the investigation concerning the Metrolink train crash, it is obvious that driving does not mix well with text messaging, e-mailing or talking on a hand-held cell phone.

Yet the majority of people who text-message in the United States also did so while driving, according to a study cited by Simitian.

We agree with Simitian, who said, "Texting while driving seems so obviously unsafe, it's hard to believe anyone would attempt it, yet everyday observation tells us it's all too common."

Proponents of driver safety are pleased the governor signed the bill banning text-messaging while driving, but felt the fines are too small.

They are right. There is a fine of only \$20 for the first offense and \$50 for subsequent offenses. The bill would be more effective if those penalties were far higher.

Still, the curbs on cell-phone use while driving are important steps in the right direction. Texting and e-mailing are particularly dangerous on crowded commute routes.

It is unfortunate that laws banning an obvious driving hazard are necessary, but they are. All motorists should be grateful that the texting ban measure did not get lost amid the tall stack of bills on the governor's desk.