

# Comment Report

HF 75

A bill for an act relating to the use of an electronic communication device in a voice-activated or hands-free mode while driving, providing penalties, and making penalties applicable.(See HF 392, HF 2129.)

Subcommittee Members: Meyer, A.-CH, Forbes, Thorup

Date: 01/26/2021

Time: 12:00 PM

Location: Law Library

**Name:** Craig Patterson

**Comment:** The Iowa Public Transit Association (IPTA) is registered in support of HF 75 and companion SF 46. We appreciate the work done on this issue over the past couple of years by legislators, the Department of Public Safety, and the Department of Transportation, to work with us on a solution for public transportation to ensure that buses aren't unintentionally forced off the road due to their normal operating procedures. That solution is reflected with the addition of the first three lines of page 4 of the bill. We believe this bill would make all Iowans safer and we look forward to the bill's advancement. Thank you for the opportunity to submit comments. Craig Patterson, IPTA Lobbyist

**Name:** Jennifer Smith

**Comment:** Stopdistractions.org supports HF75, A bill for an act relating to the use of an electronic communication device in a voiceactivated or handsfree mode while driving, providing penalties, and making penalties applicable. StopDistractions.org is a grassroots nonprofit organization dedicated to eliminating the lifelong devastation that results when a loved one is killed or injured in a distracted driving crash. We bring together distracted driving victims, victim survivors, foundations and the general public to build awareness and recognition to this reckless behavior. We are the faces of distracted driving. Please see attached file for full comments/data on support.

# STOPDISTRACTIONS.ORG

CHANGING MINDS AND SAVING LIVES

Stopdistractions.org supports HF75, A bill for an act relating to the use of an electronic communication device in a voice-activated or hands-free mode while driving, providing penalties, and making penalties applicable.

[StopDistractions.org](http://StopDistractions.org) is a grassroots non-profit organization dedicated to eliminating the lifelong devastation that results when a loved one is killed or injured in a distracted driving crash. We bring together distracted driving victims, victim survivors, foundations and the general public to build awareness and recognition to this reckless behavior. We are the faces of distracted driving.

The proposed law will ban the use of hand-held cell phones while driving. You can still use gps and make & take calls hands-free. Hands-free laws give law enforcement and the public a clear interpretation of the law, if the phone is in your hand then you are in violation. No more grey areas or loopholes this law makes enforcement easy and possible.

**Nationwide:** 24 states + DC, Puerto Rico, Guam and the U.S. Virgin Islands currently have hands-free laws.

9 of these states have passed hands-free laws since 2018 pushed by growing and overwhelming public support driven by the families of victims building grassroots support throughout their communities. These crashes are a threat to public health now. They endanger lives and are costly to the entire family, community, and the state.

## **Results of Laws:**

GA, MN, AZ, TN, ME, MA, VA, IN, and ID joined the list of the 24 states with hands-free laws since 2018. We already have seen decreases in some of the states that recently enacted their hands-free laws.

**Georgia:** enacted their law in July of 2018. After a 34% increase in fatal crashes from 2014-16 and a 12.6% insurance rate increase the Georgia legislature formed a study committee which issued a report concluding the need to pass hands-free legislation. The law passed with a vote of 144-18 in the House and 52-1 in the Senate and went into effect on July 1, 2018. The day the law went into effect telematics data showed phone use by drivers (typing & swiping) went down 22% in the first month. There was also a 90 day grace period across most of the state where drivers mostly received warnings. After this law went into effect, Traffic fatalities were down 3.4% from 2017-2018 which was the largest decrease in 10 years. There was a 15% reduction in commercial motor vehicle fatalities.

Telematics data shows that on July 1 there was a 22% reduction in drivers typing and swiping behind the wheel, which was the day the law went into effect. Another drop was seen in December when the education and enforcement efforts really stepped up throughout the state for the holidays.



### **Rural Populations:**

To observe the effects of a hands-free law on a smaller/rural population we can look at Cherokee County, GA.

In 2017 they investigated 34 fatalities.

In 2018 they investigated 18 fatalities (the law went into effect July 1)

In 2019 they investigated 9 fatalities. (as of 12/19/2019)

Georgia Results statewide since enactment, July 1, 2018:

Fatalities down 7% in 18 months of law in effect with an estimated 150 lives saved since 2017.

### **2019 reduction in fatalities by type:**

30% reduction - bicyclists

11% reduction – pedestrians

10% reduction – ages 15-24

11% reduction – ages 25 – 65

11% reduction – intersections

12% reduction – lane departures

**Minnesota:** recently enacted their hands-free law that went into effect on August 1, 2019.

Comparing 2018 -2019 distracted driving fatalities were down 2% and all fatalities were down 4.67%. The demographics of their citations also show it is all ages violating the law, this is not just a teen problem. It is all of us.

**Tennessee:** who enacted their hands-free law on July 1, 2019. Looking at the periods of July – Dec. 2018 compared to July – Dec. of 2019 – distracted driving crashes are down 3.84%. And as of Feb. 21, 2020 (before COVID) overall fatalities in the state were down 9.6% and crashes were down 4.1%.

Each state passing these laws is seeing reductions in crashes. This is why there is so much public support, we know the laws will work.

The Georgia Study Committee conducted an analysis of fatality data of the hands-free states and included it in their report with recommendations for a hands-free law and additional other measures. With hands-free laws: 12/15 states saw an average 16% reduction in fatal crashes within 2 years after their hands-free law passed. Six of the states and the District of Columbia saw a greater than 20% decrease in fatality rates. This comes from an analysis of NHTSA FARS data reported in the Georgia Study Committee Report.

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## **The Stats/Why Support:**

Our phones simply do so much more, at any time, from any location and we as drivers have a hard time ignoring them. The evolution of this technology has increased use by drivers. How drivers are using their phones is changing, people don't just talk and text, they facetime, watch Netflix, stream live, play games, etc. IIHS (Insurance Institute for Highway Safety) data shows 57% increase in drivers' manipulation of their phones – +15% shopping. The addictive nature of the tech is purposeful. App developers and social media create these experiences to addict us to make us continue to come back for more. Which often occurs behind the wheel.

Nowadays with the ways we use our phone changing so much texting laws are unenforceable and obsolete. It is too difficult to see what the driver is doing on their phone (texting, dialing, holding, etc) The laws are outdated and obsolete due to drivers taking the word texting literally. They claim they are not texting, instead they are snapchatting or on social media. We also have drivers live streaming and doing countless other dangerous activities on their phones that do not fit in the definition of texting anymore. This is why we need a simple with clear law + phone in hand you are in violation.

Telematics data now shows what drivers are actually doing while behind the wheel. BY analyzing this data they have seen increases in cell phone use by drivers year over. The COVID pandemic has escalated the problem on our roadways. Telematics data analyzed is now showing use of cell phones by drivers has gone up at least 38 - 50% as compared to before lockdowns.

Another consequence of distracted driving crashes and fatalities that we are all paying the price for is in our insurance costs. Our insurance rates going up. As one example, Georgia saw a 12.6% increase in insurance rates in the years before passing their hands-free law. It has been common nationwide for these rates to go up and since 2011, the average insurance premium has jumped 16%. Insurers are citing a "striking" correlation between the rise in smartphone use and crashes which is causing the sharp spike in rates. To counter that, in states we have recently passed hands-free laws we are seeing insurance rates stabilizing or declining in some cases up to 2.5%.

**Public polling** is showing widespread support across all constituencies nationwide. We all overwhelmingly support hands-free laws while driving. Public polling for Dems and Reps is at 88-93% support. Public sentiment has changed rapidly – the public overwhelmingly supports hands-free laws all across the nation. AS the headline says, "The public is finally at the point where they're fed up. They know this is a massive problem." At this point, everyone knows someone who has been impacted by a distracted driving tragedy, if not someone in our own family. Due to this epidemic touching so many families, broad coalitions are working together to spearhead the grassroots change needed to save lives and change behavior.



**Cost:**

The biggest objection we hear is that it will cost drivers money to comply with the law if they do not have Bluetooth in their car. This is not true. There is NO additional cost to comply. There are countless apps available for voice activation which are free (Apple – Siri, Google Voice, etc.) If you require a mount those can be found for very low costs of \$1-\$5.

**Enforcement:**

Key point on enforcement – enforcement tries to educate and changing culture, it's not about writing tickets, warnings are given in many instances. Most surprisingly is the public reaction when stopped is supportive. We as drivers know we need to get off our phones, we know we should focus on the road. Drivers are not upset when stopped either.

Many ask can law enforcement even enforce this law since they have not enforced the texting law? The answer is YES. Getting the phone out of the drivers hand clears up any loopholes. Plus this is not a new behavior. Police have had over a decade to perfect their training and enforcement of distracted driving laws and behaviors. Law enforcement has training developed already on how to enforce these laws. This is offered as a free course through NHTSA/DOT Traffic Safety Services. IACP (Intl. Assoc. of the Chiefs of Police) also has a toolkit for enforcement. And a specialized law enforcement training has been in development and should be available immediately.

**Name:** Nina Todd

**Comment:** Hello I am hoping that you all have taken the time to look at all the facts and the support for this bill. I personally have been impacted and have traveled throughout the United States telling my story so that others do not have to be impacted like myself. I know that many people in our state support having this bill in place because I have traveled in the state and have seen the support for this bill. I uploaded my story for you to understand the damage that I have been through.

I am about to give you a glimpse into the world of someone that was devastated by something so simple could have been avoided, distracted driving. In the beginning I was so happy to announce that, at two different times, I was going to have sons. I never knew what life was going to be like being a single mother at those times, but I knew I had the strength to give them the best life possible. They became my world and I didn't know anything different from being a mother and taking care of my children. They were now my family and my whole heart. Everything changed the day of November 28, 2010 at 5:15 pm right South of Red Oak, Iowa.

You see on November 28, 2010, I was injured severely by a distracted driver that chose to be on their phone texting and trying to pass a couple vehicles on a hill. Not only was I injured but the worst thing happened to me that no amount injuries would ever damage me. I lost my world and my heart that day, I also lost me. That day I lost my two boys Maliki and Alex. Maliki had just turned 5 in September; he was a lady's man and very into sports. Alex had just turned 4 in September; he was very rambunctious and looked up to his brother a lot in life. You see that day I lost everything about me. I lost my world, I lost being a mother, and my thought of being. You would think that those feelings would go away after almost 9 years, but they don't in my world and many others I met along this journey of fighting distracted driving. My every day life is something no one should live with in this world.

My everyday life starts with a struggle to even get out of bed because I always think that I have no purpose in life anymore. May I add that I am lucky to get maybe 3 hours of sleep a night because of nightmares of my children being covered up with sheets right in front of me that night of the crash. Depending on the day, when I finally



pull myself out of bed, I try to find something to focus on for that day. I mainly spend days in my chair and watching television or playing certain games on my phone to keep my anxiety down or my mind occupied that way. If I don't do this, I have very bad days where all I think about is death and how easy it would be for me to end everything right then and there. I spend my life in fear of being rejected because all my family and friends have children. My life is in a depression watching so many people have the families I wanted for so long and then it was ripped from me in one minute. It doesn't help that I can't have any more children because of having my tubes tied so that makes things not any easier while watching so many people around me having children. It makes things harder to want to even breathe anymore but I think about my sons and remember that I must warn people about what this can do to people. So many emotions run through me in my day that sometimes I can't keep up. I try to live a normal life, but I just can't, and people don't realize it because I try my best to hide my emotions. If people saw what was inside my head, they would be scared and so upset. There are days that I do get myself up and around to be productive, but those days are still a struggle because I still second guess myself and I get anxious. I try to go and do things with friends and family but again I get anxious and depressed about things. I talk myself into believing that I don't belong because I don't have children. My friends try their best to include me but many times I end up just feeling like a burden. These are what have become of my life after a crash that could have easily been prevented.

This is just a glimpse of my every day life due to a distracted driver. No one should have to deal with the pain and anguish that I must live with for the rest of my life. I have lived every day trying to live with heartache that I couldn't protect the two boys

that were given to me on this Earth to protect. My biggest question in this is, "Would you want your parents or anyone else to live this life?". Don't drive distracted in any way and focus on the road!!