



ADVOCATES
FOR HIGHWAY
& AUTO SAFETY

March 5, 2024

The Honorable Mike Petersen, Chair
The Honorable Rick Kloos, Vice Chair
The Honorable Ethan Corson, Ranking Minority Member
Senate Committee on Transportation
Kansas Senate
Kansas State Capitol
300 SW 10th Street
Topeka, Kansas 66612

Dear Chair Petersen, Vice Chair Kloos, and Ranking Minority Member Corson:

Advocates for Highway and Auto Safety (Advocates) is an alliance of consumer, safety, medical, public health and law enforcement groups and insurance companies working together to pass highway and auto safety laws that prevent crashes, save lives, reduce injuries, and contain costs. As we share your goals to improve safety, we offer the following recommendations based on research and experience for your consideration to improve the outcomes of House Bill (HB) 2499.

Distracted driving is a major contributor to traffic crashes, fatalities and injuries and its incidence should be curbed. The exceptions in the bill for hands-free usage for minors and for adults in work and school zones are problematic. Smart phone capability, usage and the broadening range of distracting electronic communication platforms and options (including apps, social media, gaming, video chatting) have grown rapidly. These devices can now easily accomplish myriad uses without holding or consistently physically engaging with a device (voice-to-text and/or dash mounted options). As such, laws that seek to ban hand-held device use yet still broadly permit hands-free use, including distracting viewing and engagement activities, do not address cognitive and visual distraction. In fact, such measures may inadvertently promote the belief that hands-free use is safe. To address the prevalence and dangers of distracted driving, visual, manual and cognitive distractions should be restricted for drivers, and additional restrictions should be imposed upon inexperienced novice drivers.

To more broadly address distracted driving, we encourage you to amend the bill to accomplish the following:

- Ensure the hands-free exception does not result in permissive use. As drafted, the current bill language provides a broad exception for hands-free use. While the safest change would be to remove the exception for hands-free use, at minimum, the hands-free exception should be narrowly tailored to prohibit uses that promote visual distraction including but not limited to: video chatting; taking or broadcasting video; and, streaming, downloading and viewing video, social media, apps and games. Additionally, the limitation of the hands-free provision's applicability to school and work zones for adult drivers should be removed.
- Expand the texting ban to cover distracted viewing. The texting ban should be broadened to include the aforementioned activities that lead to visual and cognitive distraction. Explicitly expanding the texting ban to cover distracting viewing would help to clear up potential loopholes

created by the exception for hands-free usage and clarify to drivers and law enforcement that these device uses are unacceptable whether the device is handheld or used hands free.

- Ban cell phone usage for novice drivers. Inexperienced drivers who are learning the skills needed to drive must fully focus on the driving task to ensure their safety and the safety of other road users. Accordingly, novice drivers operating under a learner's permit or intermediate license should be restricted from any cell phone usage while operating a motor vehicle, with allowable exceptions for emergencies and global positioning system (GPS) usage to provide driving directions. Kansas' current law banning graduated driver licensing (GDL) drivers from using mobile telephones, with very limited exceptions, should be expanded to accomplish such rather than replaced by a law permitting hands-free usage.

This approach is supported by the 2021 report, *Using Electronic Devices While Driving: Legislations and Enforcement Implications*ⁱ, by the Transportation Research Board (TRB) which comprehensively reviewed the issue of distracted driving and state distracted driving laws. The report identifies key components in a model distracted driving law including:

- Provisions that prohibit hand-held use of devices and the use of "an electronic device to stream, record, or broadcast video." This includes when the device is used hands-free (mounted, affixed, or resting somewhere in the vehicle).
- Language banning texting should include whether done in a hand-held or hands-free manner.
- Adding more stringent restrictions for minors. Young novice drivers are the most distracted and the most at risk. Per mile driven, teen drivers have crash rates nearly four times higher than drivers aged 20 and older.ⁱⁱ Young drivers, ages 15-20, also have the highest proportion of distraction-related fatal crashes.ⁱⁱⁱ

Thank you for your interest in improving the safety impact of the bill and consideration of our views. If you have any questions or need further information, feel free to contact me at pkurdock@saferoads.org.

Sincerely,



Peter Kurdock
General Counsel

cc: Senate Committee on Transportation Members

ⁱ Using Electronic Devices While Driving: Legislations and Enforcement Implications (2021), available at <https://nap.nationalacademies.org/read/26082/chapter/1>.

ⁱⁱ Insurance Institute for Highway Safety (IIHS), Teenagers, available at <https://www.iihs.org/topics/teenagers#by-the-numbers>.

ⁱⁱⁱ Traffic Safety Facts Research Note: Distracted Driving 2021, NHTSA, May 2023, DOT HS 813 443, available at <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813443>.