

## 2021 Hands-Free Driving Legislation – KEY POINTS

**No one disagrees that distracted driving is a serious problem on North Carolina roads.** Crash statistics show it (2019 NCDOT crash report – 55,000 distracted driving accidents [*1-in-5 of ALL accidents on our roads*], 24,000 injuries, 154 deaths), and anyone who drives on North Carolina roads and highways has seen other motorists swerving and drift out of their lane.

**North Carolinians want something done.** A Meredith College Polling program statewide survey conducted in February 2019, *79.3% agreed with the statement ‘it’s time for the state legislature to do something about distracted driving’ and 83.1% supported enactment of a hands-free law.* Support is consistent within partisan affiliation (85% Dems, 85.9% Rep, 81.8% Unaffiliated); even among the self-identified conservative respondents in the survey, support for a hands-free law is 77.6%. Public support for a hands-free law is high because evidence of distracted driving is so prevalent – 88.4% responded having recently witness unsafe driving behavior specifically by those motorists holding a phone while driving.

Law enforcement supports a hands-free driving law (NC Sheriffs’ Association and NC Chiefs of Police supported HB 144 last year), Insurance Commissioner Mike Causey has warned that unless we do something the growing number of distracted driving accidents and injuries could force auto insurance rates up for everyone.

**A hands-free driving law is an enforceable, common sense approach.** Not all forms of motorist distractions can be addressed with a law – think daydreaming and unruly children in the car – but a prohibition on holding a device while driving is enforceable because it’s observable by law enforcement, and it does address one of the most common forms of distracted driving. North Carolina already prohibits texting or e-mailing while driving – given smart phones can do so much more, keeping the device out of the driver’s hands altogether is just a logical driving safety enhancement.

The National Conference of Insurance Legislators (NCOIL, NC is a member) agrees hands-free driving laws are needed and is working to create a model hands-free driving to promote adoption in all 50 states (SB 20 contains the elements of NCOIL draft proposal).

**SB 20 Hands Free Act:** Modeled on a Georgia hands-free law enacted in 2018 (as was HB 144 last year), which resulted in an 11% decrease in car crashes in that state in just the first six months following implementation.

This allows use of phone while driving using speaker or Bluetooth equipment, but not holding the device in your hand or supporting it with a part of your body; navigational features and listening to music is allowed (one touch features), but no using social media, playing games, watching videos or surfing the internet.

Exemptions are provided for use of non-handheld equipment built into the vehicle, or for emergency responders, public utilities, and amateur radio operators. Effective date is July 1, 2021, with only warning tickets written the first six months (to provide time to educate the public about the new law); then, first offense is \$100 and no insurance points; repeat offense within 36 months is \$150 and 1 insurance point. The law is intended to create a disincentive to engage in distracted driving behaviors – not to write thousands of tickets, but to save thousands of lives.

There is a hands-free driving law in 36 states already, and of those 28 states and jurisdictions (including DC, Puerto Rico, Guam, US Virgin Islands) prohibiting all drivers from holding a device while operating a motor vehicle.

# Hands-free Driving Laws in the United States

<u>State</u>	<u>Hands-free driving law</u>
<b>AZ</b>	all drivers
<b>CA</b>	all drivers
<b>CT</b>	all drivers
<b>DC</b>	all drivers
<b>DE</b>	all drivers
<b>GA</b>	all drivers
<b>HI</b>	all drivers
<b>ID</b>	all drivers
<b>IL</b>	all drivers
<b>IN</b>	all drivers
<b>MA</b>	all drivers
<b>MD</b>	all drivers
<b>ME</b>	all drivers
<b>MN</b>	all drivers
<b>NH</b>	all drivers
<b>NJ</b>	all drivers
<b>NV</b>	all drivers
<b>NY</b>	all drivers
<b>OR</b>	all drivers
<b>RI</b>	all drivers
<b>TN</b>	all drivers
<b>VA</b>	all drivers
<b>VT</b>	all drivers
<b>WA</b>	all drivers
<b>WV</b>	all drivers
<b>Guam</b>	all drivers
<b>Puerto Rico</b>	all drivers
<b>US</b>	
<b>Virgin Islands</b>	all drivers

<u>State</u>	<u>Hands-free driving law</u>
<b>AR</b>	Drivers 18 or older but younger than 21; school and highway work zones
<b>FL</b>	Drivers in school and work zones
<b>LA</b>	Drivers in signed school zones; with respect to novice drivers
<b>OH</b>	Fine imposed if contributing factor to another violation
<b>OK</b>	Learner's permit and intermediate license holders
<b>TX</b>	Drivers in school crossing zones and on public school property during the time the reduced speed limit applies
<b>UT</b>	Dialing a phone prohibited
<b>WI</b>	Drivers in highway construction areas
AK	no
AL	no
CO	no
IA	no
KS	no
KY	no
MI	no
MO	no
MS	no
MT	no
ND	no
NE	no
NM	no
PA	no
SC	no
SD	no
WY	no