

SENATOR FOR A DAY MOCK LEGISLATION

Senate Bill 11 – Distracted Driving

‘Hands-free’ distracted driving law takes effect June 30 in Michigan

<https://www.bridgemi.com/michigan-government/hands-free-distracted-driving-law-takes-effect-june-30-michigan>

By: Lauren Gibbons June 7, 2023

PLYMOUTH — Starting this summer, Michigan drivers will have to put down their phones while behind the wheel or risk a ticket.

On Wednesday, Gov. Gretchen Whitmer signed legislation making Michigan the 26th state to enact a “hands-free” distracted driving law, which bars motorists from driving while holding cell phones to talk on the phone, text, watch or record videos or look at social media.

The legislation is poised to take effect June 30, just ahead of the Fourth of July weekend. Whitmer said drivers should expect a statewide awareness campaign in the coming weeks, followed by aggressive enforcement of the new policy once it takes effect.

“This will reduce distracted driving crashes that have taken too many lives and shattered so many families across Michigan,” Whitmer said during an event at Plymouth’s Mitchel Kiefer Memorial Rink in USA Hockey Arena, which was dedicated to Mitchel Kiefer after he was killed when his car was rear-ended by a vehicle driven by a distracted driver in 2016.

Michigan has had a texting-and-driving ban for more than a decade, but at the time it was passed, most cell phones still had keyboards and couldn’t do much more than take a pixelated picture or send a text message.

Safety advocates contend the current rules are not strong enough to deter distracted driving, which caused 3,522 traffic deaths in the United States in 2021, according to the National Highway Traffic Safety Administration.

A similar law recently enacted in Ohio has resulted in a 9 percent decrease in distracted driving crashes so far, said Brad Wieferich, director of the Michigan Department of Transportation. He’s hopeful Michigan will see similar results that improve traffic safety for drivers and road crews.

“This measure actually mirrors what we already have been doing for department employees when driving state vehicles,” he said.

“Not only will this legislation protect the drivers themselves, it’s also going to make our work zone safer — we have some very vulnerable people in those work zones,” he said, adding that drivers “need to have a much higher margin of attentiveness.”

Under the new law, drivers will be barred from using social media, watching or recording videos or holding their phones to make a call while driving in addition to texting.

Passenger vehicle drivers could be fined \$100 for a first offense, \$250 for subsequent violations and be required to complete a driver improvement course if they are cited three or more times within a three-year period.

Emergency calls, cell phone mounts and Bluetooth-connected dashboard screens for mapping trips and changing tunes are exempt, as are electronic medical devices like insulin pumps, two-way radios and CB radios.

The effort was years in the making. Steve Kiefer, Mitchel Kiefer's father and a retired General Motors executive who now chairs the Kiefer Foundation, said it's the third legislative cycle they've advocated for the policy, telling reporters Wednesday that "partisan politics" made getting legislation to the governor's desk more difficult.

This legislative session, the plan initially hit roadblocks in the House over penalties deemed too punitive by some Democrats, but ultimately cleared both chambers after modifications.

Kiefer, whose foundation is involved in similar efforts to crack down on distracted driving in 14 states, said he doesn't intend to stop advocating until all 50 states have hands-free driving laws. The foundation is laying plans for a "Hands-Free Florida" policy push later this month.

"This is probably the single biggest thing we've accomplished to get these laws passed in Michigan, our home state, Mitchel's home state, the state where he was killed," Steve Kiefer said. "We're saving lives — I know this summer, Michigan will be safer than it was last summer, which makes us all feel really good."

Why Two States Remain Holdouts on Distracted Driving Laws

<https://kffhealthnews.org/news/article/distracted-driving-state-laws-two-holdouts-missouri-montana/>

By: Eric Berger February 6, 2023

Max Herrick pulled over on the interstate near Harrisonville, Missouri, on a spring night in 2020 to offer antifreeze to a woman whose car had overheated.

He had lost a grandson to an overdose just hours before, but aiding stranded motorists was second nature to the 73-year-old retired school custodian, who remembered thousands of students' names and regularly brought food pantry donations to a retirement community. "He always was there to help people," said his son Bobby Herrick, who was in the car with him that night.

Just moments later, a truck driver trying to text his wife a picture of the hand sanitizer he had purchased swerved onto the shoulder and plowed into the vehicles, according to court and crash records. While the truck driver was not injured and the woman and Bobby Herrick recovered from their injuries, Max Herrick became one of at least 382 people who died in Missouri crashes involving a distracted driver from 2017 through 2021, according to the Missouri Coalition for Roadway Safety.

Despite such tragedies, Missouri is one of two states — the other is Montana — that do not prohibit all drivers from text messaging while operating vehicles. (Missouri has such a law for people 21 and under.)

Before this year, Missouri state lawmakers from both parties had proposed more than 80 bills since 2010 with varying levels of restrictions on cellphone use and driving. Similar legislation has been proposed in Montana, too. In both states, such bills have faltered, largely because Republican opponents say they don't think the laws work and are just another infringement on people's civil liberties.

Nevertheless, Missouri Republicans and Democrats introduced at least seven bills this session concerning hand-held phone use while driving — and road safety advocates think such legislation has a better chance of passing this year. Montana, meanwhile, has a bill seeking to block localities' distracted driving laws.

"I'm from the party that wants to minimize the amount of laws — and I agree — but you got to be smart about it," said Jeff Porter, a Republican and former Missouri state representative who proposed legislation three times to limit hand-held cellphone use. "There are actually laws that are needed to try to provide awareness and save unnecessary deaths."

Supporters of hands-free driving laws concede that distracted driving restrictions are not a panacea for all traffic fatalities. And even if Missouri passes additional restrictions on cellphone use, small nuances in wording could influence whether such a law is effective.

Nationwide, about 3,000 people typically die in distracted driving crashes each year, according to National Highway Traffic Safety Administration data, though researchers suggest that's an undercount. While hands-free options are now standard for new vehicles, the number of distracted driving deaths has stayed relatively steady. They represented at least 1 in 12 traffic fatalities in 2020.

Distracted driving laws reduce fatalities — if, like the ones established in 24 states, they ban all hand-held cellphone use rather than banning only a specific activity such as texting, according to the Governors Highway Safety Association and a study published in 2021 in the journal *Epidemiology*. Banning texting alone does not make a difference, those researchers found.

Oregon and Washington saw significant reductions in the rates of monthly rear-end crashes when they broadened their laws to prohibit “holding” a cellphone as compared with states that banned only texting, according to a study from the Insurance Institute for Highway Safety. Those two states also prohibited holding a phone when stopped temporarily — say, at a red light.

“If you tell a driver that they are breaking the law just by holding the phone in their hand, a police officer who is trying to enforce that law doesn’t have to decide whether or not the driver is texting,” said Ian Reagan, a senior research scientist at the Insurance Institute.

By contrast, California broadened its texting bans to prohibit “holding and using” a phone but did not specify whether that ban applied to a driver stopped temporarily. It did not see a significant reduction in rear-end crashes, which the researchers said are a more telling metric than the often-underreported crashes attributed to distracted driving.

Whatever the cause, traffic fatalities have soared since the pandemic began. Among the 10 states with the highest rates of deaths from fatal motor vehicle crashes in 2020, according to the Insurance Institute, only one, Tennessee, had a ban on hand-held phone use for all drivers at the time. Among the 10 states with the lowest rates of such fatalities, all but Utah had a hand-held ban for all drivers.

Montana ranked fifth-highest, and Missouri came in at No. 12.

Adrienne Siddens lost her husband, Randall, who was working at a Columbia, Missouri, triathlon in 2019, because a woman using her cellphone to video chat was driving 18 mph over the speed limit and not paying attention to cars stopped at a red light. The driver swerved and entered a lane that was closed for the race, according to court records.

The woman hit two pedestrians, including Randall, who flew more than 127 feet. He spent most of the next six months on life support before dying.

A photo shows Adrienne and Randall Siddens posing for a selfie together outside.

Adrienne Siddens lost her husband, Randall, in 2019 after a driver using a phone to video chat hit two pedestrians, including Randall, at a triathlon in Columbia, Missouri. She has since campaigned — so far unsuccessfully — for Missouri to add laws banning distracted driving. (RANDALL SIDDENS)

“I now have to raise our three beautiful babies alone,” Adrienne Siddens, who was pregnant with their third child when the crash occurred, testified in a March 2022 hearing on Porter’s bill. “With your help, passing this legislation and enforcing a hands-free policy, so many other families will not have to experience this grief.”

Republicans referred the legislation to the state House’s Downsizing State Government Committee. The bill died.

State Rep. Tony Lovasco, a Republican who served on the committee, told KHN he's concerned that either law enforcement could use a ban to stop people randomly or they would have difficulty enforcing it.

"I'm very hesitant to adopt a prohibition on a particular kind of distraction, as opposed to simply enforcing the traffic laws and making sure that people aren't weaving in and out of lanes," said Lovasco.

In Montana, Republicans such as state Sen. Jeremy Trebas not only don't support a statewide ban, but they also want to overrule Missoula and the 14 other Montana cities, towns, and tribal governments that have enacted bans on hand-held cellphone use while driving.

"These laws are going to make the roads more dangerous because people are just going to hide it and put the phone lower in their car instead of keeping their phone up and their eyes up," said Trebas, who drafted legislation this year that would prevent local governments from enacting such ordinances. Trebas described his evidence to support that assertion as "mostly anecdotal."

John MacDonald, a former lobbyist for Missoula, opposed a similar bill by Trebas that failed in 2017. MacDonald ascribed resistance to a statewide ban to the same forces that made Montana the last state to establish a numerical speed limit; its limit was "reasonable and prudent" until 1999.

"It's something ingrained in Montana that our vehicle is sort of an extension of our home, and the government should not be dictating to us how we can behave in that vehicle," said MacDonald.

A law like Trebas' proposal already exists in Missouri: Even if a Missouri municipality establishes a ban on texting and driving, as the St. Louis suburb Kirkwood did in 2014, it's not enforceable because the state says its law supersedes local ordinances.

Angela Nelson, AAA Missouri's vice president of public affairs and government relations, said her group's past education on the perils of distracted driving has helped position new statewide proposals to pass this year. The group, part of a coalition that aims to curb distracted driving accidents, endorsed legislation from two Republicans that restricts holding an electronic communication device, as well as using one, while driving. Other Republican legislators introduced a measure to just expand the texting ban to all drivers, regardless of age. AAA has not taken a position on that one.

Lovasco, though, said it was too early to predict whether any will pass.

Siddens, who has advocated for such bills since she lost her husband, remains optimistic that Missouri lawmakers will pass a tougher law after hearing about the tragedies for so many years. "At some point, they will do something about it," she said. "They will have to."