

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

233 /

2005 SENATE TRANSPORTATION

SB 2331

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2331

Senate Transportation Committee

☐ Conference Committee

Hearing Date 2-04-05

Tape Number	Side A	Side B	Meter #
1	x		1860-3440
1		x	5120-5640
Committee Clerk Signature <i>Mary K Monson</i>			

Minutes:

Chairman Trenbeath opened the hearing on SB 2331 relating to portable devices in motor vehicles.

Senator Tallackson (District 16) See attached testimony in favor of SB 2331.

Senator Trenbeath asked if it was more of a divided attention problem rather than both hands on the wheel problem.

Senator Tallackson said that there are two problems when somebody is operating a cell phone. The biggest one is his mind is five miles away or with the person he is talking to. (Meter 2266)

Senator Trenbeath asked how that differs from eating or a number of other things some of us do in our vehicles that distract our attention.

Senator Tallackson (Meter 2320) replied with other examples of what people do in their vehicles that distract them.

Senator Trenbeath said there probably are statutes already that they can be prosecuted under with respect to careless or reckless driving.

Senator Tallackson said, yes, they can be charged with reckless driving.

Carol Two Eagle testified on her own behalf in support of SB 2331.

Tom Kelsch (representing Western Wireless) See attached testimony in opposition to SB 2331 and booklet used by the cellular industry to try to improve driver safety. He also presented written testimony for the record from **Todd Kranda** (representing Verizon Wireless) who was unable to appear in person due to conflicts.

Senator Lindaas (District 20) See attached testimony indicating concerns with the bill as written and a proposed amendment to deal with those concerns.

The hearing on SB 2331 was closed.

(Side B Meter 5120)

Senator Trenbeath opened SB 2331 for action.

Senator Warner motioned to adopt the Lindaas amendment. Seconded by **Senator Espegard**.
The motion passed on a voice vote.

There was a short discussion that indicated some concern with enforcement issues. There was also an exchange of cases where drivers are engaged in other activities that take their attention away from driving.

Senator Mutch motioned a **Do Not Pass** on SB 2331. Seconded by **Senator Espegard**.

Roll call vote 5-0-1. **Passed**. Floor carrier is **Senator Espegard**.

January 27, 2005

723
2-4-5

PROPOSED AMENDMENTS TO SENATE BILL NO. 2331

Page 1, line 2, after "portable" insert "telecommunications"

Page 1, line 11, remove "wireless" and after "device" insert "to access commercial mobile service"

Page 1, line 12, replace "if that device is portable for the device's intended use and" with "which"

Page 1, line 24, replace "that" with "to access commercial mobile service which"

Page 3, line 26, after "device" insert "to access commercial mobile service"

Page 4, line 3, after "a" insert "portable telecommunications" and replace "that is portable for the device's intended use and" with "to access commercial mobile service"

Page 4, line 4, remove "while in the vehicle"

Renumber accordingly

Date: 2-4-05
Roll Call Vote #: _____

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO SB 2331

Senate TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Not Pass

Motion Made By Sen. Mutch Seconded By Sen. Espegard

Senators	Yes	No	Senators	Yes	No
Senator Espegard	✓		Senator Bercier	✓	
Senator Mutch	✓		Senator Warner	✓	
Senator Nething					
Senator Trenbeath, Chairman	✓				

Total (Yes) 5 No 0

Absent 1

Floor Assignment Senator Espegard

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2331: Transportation Committee (Sen. Trenbeath, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2331 was placed on the Sixth order on the calendar.

Page 1, line 2, after "portable" insert "telecommunications"

Page 1, line 11, remove "wireless" and after "device" insert "to access commercial mobile service"

Page 1, line 12, replace "if that device is portable for the device's intended use and" with "which"

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Renumber accordingly

2005 TESTIMONY

SB 2331

Testimony, SB 2331
Senator Harvey Tallackson

~~Chairman~~ Chairman and Committee Members,

For the record, I am Senator Tallackson, District 16, from Grafton ND.

Thank you for hearing SB 2331 this morning. I would appreciate your sincere consideration of SB 2331. This bill limits the use of a cell phone in a moving vehicle.

I know this will be very controversial as a lot of people have a love affair with their cell phones. But I believe we should debate this issue, as it is a real danger in traffic and is the cause of many accidents. Many states have debated this subject and very few as yet have put anything into law. However, there are a number of counties and cities that limit the use of a cell phone in a moving vehicle. I have attached a copy of an article outlining state and local activities on this cell phone problem. I also have attached a number of messages I received encouraging some action on this bill.

I was listening to a talk show on the way to Bismarck when a man called in and said he spent the last three months in a hospital because of a cell phone. He was dialing a number and rear-ended a semi truck.

I have also attached information on a study done on cell phone usage.

I believe that in many cases the use of a cell phone in a vehicle is considered "macho" and the modern thing to do. What did we do before the cell phone?

I also believe there are thousands of cell phone conversations that are only to pass the time and are completely unnecessary. I suppose this isn't bad entertainment, but it does create a real menace on the highway.

In noting traffic and drivers in my area, I believe we should also limit the use of cell phones in a moving vehicle to the very new drivers, even to 18 years old. They are limited in their driving experience and in most cases are merely having visits that they really could do without, especially in a moving vehicle where they can do great damage to other drivers.

One more example follows. I have a good friend in Grafton who is retired and has a home one block from the main highway through Grafton. It is a street with yield signs at the intersection. He said he and his wife have had to dodge many vehicles where the driver is on a cell phone and goes right through the yield sign.

This is a current subject discussed in many coffee shops. I was asked to put this bill in.

Again, I ask you to very seriously consider SB 2331 and give it a "do pass".

Thank you

Drivers on cell phones kill thousands

Study explores mechanism behind deadly distraction



Mark Wilson / Getty Images file

A new study has found that cellphone use in traffic causes younger drivers to drive like older drivers, with slower reaction times and larger error rates in detecting changes.

By Robert Roy Britt

Senior writer

When young adults use cell phones while driving, they're as bad as a 70-year-old on the verge of a nap and signaling for that eventual left turn. And yes, you can blame the chatty 20-somethings for the stop-and-go traffic on the way to work.

A new study confirms that the reaction time of cellphone users slows dramatically, increasing the risk of accidents and tying up traffic in general.

"If you put a 20-year-old driver behind the wheel with a cell phone, their reaction times are the same as a 70-year-old driver who is not using a cell phone," said University of Utah psychology professor David Strayer. "It's like instantly aging a large number of drivers."

The study was announced Tuesday and is detailed in winter issue of the quarterly journal *Human Factors*.

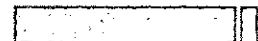
Traffic jams and death

Cellphone distraction causes 2,600 deaths and 330,000 injuries in the United States every year, according to the journal's publisher, the Human Factors and Ergonomics Society.

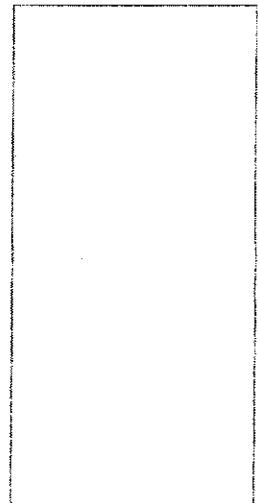
The reason is now obvious:

Drivers talking on cell phones were 18 percent slower to react to brake lights, the new study found. In a minor bright note, they kept a 12 percent greater following distance. But they also took 17 percent longer to regain the speed they lost when they braked. That frustrates everyone.

"Once drivers on cell phones hit the brakes, it takes them longer to get back into the normal flow of traffic," Strayer said. "The net result is they are impeding the overall flow of traffic."



Strayer and his colleagues have been down this road before. In 2001, they found that even hands-free cell phone use distracted drivers. In 2003 they revealed a reason: Drivers look but don't see, because they're distracted by the conversation. The scientists also found previously that chatty motorists are less adept than drunken drivers with blood alcohol levels exceeding 0.08.



Separate research last year at University of Illinois at Urbana-Champaign supported the conclusion that hands-free cellphone use causes driver distraction.

"With younger adults, everything got worse," said Arthur Kramer, who led the Illinois study. "Both young adults and older adults tended to show deficits in performance. They made more errors in detecting important changes, and they took longer to react to the changes."

The impaired reactions involved seconds, not just fractions of a second, so stopping distances increased by car lengths.

Tallackson, Harvey D.

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From: Riel LaFontaine [rlafontaine@gra.midco.net]
Sent: Sunday, January 23, 2005 1:02 PM
To: Tallackson, Harvey D.
Subject: SB2331

Dear Senator Tallackson,

I was quite excited to see in the January 23, 2005 edition of the Grand Forks Herald that you have introduced SB2331. It's nice to see that someone is finally attempting to do something about this growing problem. I recently purchased my first brand new vehicle. Approximately 3000 miles later, I was broadsided by a young woman who had run a red light. She had been talking on her cell phone at the time of the accident. I was hit again at mile 7500, again by a young woman talking on her cell phone who decided that performing a u-turn in the middle University Avenue was a good idea. Both accidents were in the middle of the day.

While cell phones are indeed a useful tool in today's world, I can't see any reason besides law enforcement, medical personnel, or emergency services in general, where a cell phone would be needed while driving. If you absolutely need your cell phone, you can purchase any number of aftermarket hands free devices for minimal expense. A lot less than the average deductible for an auto insurance claim.

Thank you again for addressing this issue.

Sincerely,
Riel LaFontaine

Tallackson, Harvey D.

From: Miller, David J. [dmiller@undeerc.org]
Sent: Monday, January 24, 2005 10:41 AM
To: Tallackson, Harvey D.
Subject: cell phone while driving bill

Senator Tallackson,

I applaud your efforts to attempt to do something about cell phone use by the driving public. Not a day goes by that I don't have some type of encounter with a driver more interested in his or hers phone conversation than driving in a safe and courteous manner. I wonder if you are aware of research that looks at cell phone use while driving and its relation to the ability of the driver to properly control their vehicle? Researchers at the University of Utah as well as other institutions have performed research using driving simulators to study the effects of cell phone use on the drivers ability of drive safely. One such study is entitled "Fatal Distraction? A Comparison of the Cell-Phone Driver and the Drunk Driver" by David L. Strayer, Frank A. Drews, and Dennis J. Crouch, Department of Psychology, University of Utah (David.Strayer@utah.edu). I hope that this and other articles available from the University of Utah and other institutions are of help in your efforts to control cell phone use by the driving public. Good luck. I would appreciate if you would refrain from using my name with relation to this matter. Thanks.

David Miller

Tallackson, Harvey D.

From: Mary Alice Connor [gramary@gondtc.com]
Sent: Monday, January 31, 2005 3:10 PM
To: Tallackson, Harvey D.
Subject: SB2331 Phones & Driving

I WISH YOU COULD GET THAT PASSED THAT PEOPLE ON THE PHONE MUST PULL OFF THE ROAD AND DO THEIR TALKING.

IT'S SCAREY COMING BY SOMEONE WHO IS TRYING TO TALK, HAVE A COKE AND GIVE THE GUY ON THE OTHER END

OF THE PHONE DIRECTIONS. IT GETS TO BE QUITE A GAME OF DODGE. EVEN THE HANDS FREE PHONES, THE MIND

IS NOT ON THE ROAD. THANK YOU, MARY ALICE CONNOR. 300 14TH Ave NE. #9 Devils Lake gramary@gondtc.com

Tallackson, Harvey D.

From: Rodman, Richard [Richard.Rodman@cetsc.af.mil]
Sent: Tuesday, February 01, 2005 2:46 PM
To: Rodman, Richard; Tallackson, Harvey D.
Subject: RE: Cell Phone Bill

Here is something new in the news today.

From: Rodman, Richard
Sent: Tuesday, January 25, 2005 11:45 AM
To: 'htallackson@state.nd.us'
Subject: Cell Phone Bill

Sir, I support you all the way on this. Driving and talking on cell phones is deadly.

Tallackson, Harvey D.

From: terry snyder [lillulu@itctel.com]
Sent: Monday, January 24, 2005 10:37 PM
To: Tallackson, Harvey D.
Subject: Cell phone article

Hello my name is Terry Snyder and I am from SD, I read in a paper online about a bill you are wanting to pass about cell phones. I agree totally, only I think it should be a law that you have to pull over to the side of the road within 3 min. of getting a call. Even with this hands free, you see those kids talking away and not watching the road. It is terrible here in SD, Eight of every Nine people you see are on the phone and not watching red lights, or other cars. I think cell phones have become just as bad as drunk drivers. There is no reason you need to talk on the phone and drive. We have done it for years without phones. Thank you for trying to get something done about it.

Terry Snyder
Vienna SD

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Fargo, North Dakota
January 29, 2005

Dear Harvey,

Your proposal to prohibit the use of cell phones while driving a car or truck is long overdue!

Personally, I have had serveral near-accidents with people who were driving a car while busy talking on a cell phone. And some of them were women drivers.

I hope that your proposed bill is passed by the North Dakota Legislature!

The record shows that there are too many car accidents involved by drivers using cell phones!

Sincerely yours, .

Phil

Philip Matthews
1110 Third Avenue North 304 E.
Fargo, North Dakota 58102

(6)

Jury Is Still Out on Driver-Cellphone Laws By COURTNEY C. RADSCH

Published: January 18, 2005 WSJ

WASHINGTON, Jan. 17 - Christina Arnold was pulled over by a Washington police officer last summer for driving while talking on her cellphone without a hands-free device. Hoping to avoid a \$100 ticket, Ms. Arnold explained to the officer that she had an important call from her daughter's school and even offered to show him her telephone record. He declined, she said, and she managed to get off with a warning.

But thousands of other drivers in Washington have not been as lucky.

Only the District of Columbia, New York State and New Jersey have passed legislation banning the use of hand-held cellphones while driving, and they have issued more than 400,000 tickets and warnings since New York enacted the first such law, in 2001.

In Washington and New York, the hands-free law is a primary violation, meaning the driver can be pulled over just for that violation, whereas in New Jersey it is a secondary offense, which means the driver must be stopped for another offense.

Several other states are considering bans on driving while holding a cellphone, including Maryland, which, after a spate of fatal accidents involving teenage drivers, may prohibit youthful drivers from using cellphones.

In Washington, law enforcement officials can issue either a warning ticket or a \$100 citation. If a cited driver takes a hands-free device to adjudication, the fine is waived, but that works only once.

Although Ms. Arnold, 29, did not get an official warning, she took the advice of the officer who stopped her and bought a hands-free device.

"It cost only about \$59 for the headset, which is good insurance against any \$100 tickets," said Ms. Arnold, who works for a nongovernmental organization. "That's a definite deterrent never to talk on my phone again."

The Washington police have been issuing about 600 tickets and 250 warnings each month since the ordinance

1/18/2005

was enacted last August. New York has issued more than 360,000 tickets since December 2001, and the annual total has increased each year. About 60 percent of the tickets were issued in New York City. (7)

But with cellphone-related incidents making up only a small percentage of motor vehicle accidents, even government officials wonder why this particular behavior was chosen for a law, since studies have shown that hands-free and hand-held cellphones are equally distracting.

"We've evaluated and come to the conclusion that hands-free use is just as risky or perhaps riskier than hand-held phones because it's the cognitive distraction that can compromise driving," said Rae Tyson, a spokesman for the National Highway Traffic Safety Administration.

Mr. Tyson said research from within his agency and outside it, along with driving simulations, found that it was the talking on a cellphone while driving that was distracting, and that therefore cellphones should be used only in emergencies.

Even AAA of America, the automobile organization that helped draft Washington's ordinance, believes the real issue is cellphones, in general, which cause distracted driving, said John B. Townsend II, manager of public and government relations for AAA Mid-Atlantic.

Mr. Townsend cited a AAA analysis of 50 traffic deaths over a fixed period in the Washington area that found only 2 that possibly involved cellphone use. "In the cosmic scheme of things, it's not just the cellphone," he said. "We would not come right out and support a ban on hand-held cell phones. That's not the issue. The real issue is distracted drivers."

But the laws could be in response to people's fears rather than hard evidence, Mr. Townsend said. A survey by AAA Mid-Atlantic showed that 63 percent of motorists favored a ban on driving with hand-held cellphones (76 percent in Washington), with those favoring bans directed at new teenage drivers rising to 79 percent. Results of the survey, culled from 1,300 interviews in the Mid-Atlantic area in December 2003, also showed that 71 percent of drivers felt distracted using a cellphone.

But John Walls, the vice president of public affairs of CTIA, the Wireless Association, a trade organization representing wireless interests, said it was unfair and unnecessary to create hands-free laws.

"We question the need for a law singling out behavior that apparently is pretty far down the pecking order of accidents in the first place," Mr.

Walls said. He cited statistics showing that before the New York law was enacted, fewer than one-hundredth of 1 percent of New York City accidents were related to cellphones.

But a spokesman for the New York Department of Motor Vehicles, Joseph Picchi, said that he thought the law was having an impact but that the department was still compiling statistics. A report is due by the end of 2005.

Mr. Picchi pointed out that the law requiring seat belts in automobiles had taken years to catch on but now had a compliance rate of 85 percent.

"Cellphones are one of the bigger distractions while driving," Mr. Picchi said.

Lt. Byron Hope, traffic safety coordinator for the Washington Metropolitan Police Department, said that it was too early to judge the effectiveness of the ordinance, but that it made people aware of their driving habits.

"There had to be some instances where people's driving was so bad that this law was sparked," Lieutenant Hope said. "We're not saying you can't talk on your cellphone. We just ask people to use some discretion."

**Testimony in Opposition to Senate Bill 2331
Senate Transportation Committee**

Thomas D. Kelsch – Western Wireless

Chairman Trenbeath, Members of the Senate Transportation Committee, my name is Tom D. Kelsch, and I am here to speak in opposition of SB 2331 on behalf of Western Wireless, doing business in North Dakota as Cellular One.

SB 2331 is an attempt to ban the use of cell phones by a driver. It accomplishes this by defining the use of a portable communications device as criminal reckless driving. Reckless driving is a Class B misdemeanor punishable by a maximum of 30 days in jail or a \$500 fine or both and with a minimum \$100 fine. In addition to the criminal record and penalties the driver would receive 8 points on their license. This would be reportable to his insurance company and his insurance rates would increase dramatically for the next three years. All of this would happen for just taking a finger off of the steering wheel to operate a cell phone. For this crime to occur the driver does not have to get in an accident, or even be driving erratically. If a patrolman saw the driver using a phone the driver could be pulled over and arrested, taken into the station and held until he posted bail.

Driver's engage in any number of distracting activities, including eating, drinking, smoking, applying makeup, tuning radios, changing cassettes, and compact discs, reading maps, looking at scenery and sights outside the car, engaging in conversations with other vehicle occupants, including occupants in the back seats. It is impossible to legislate against all such activities. Of all of those distracting activities, the cell phone is the only activity that can make the highways and roads safer. Cell phones have helped reduce emergency response times and assisted in the apprehension of drunk, impaired and aggressive drivers. In a survey of police officers, over 65% of the officers believed that the benefits of cell phone use far outweigh the risks. Also current legislation on careless or reckless driving, is adequate and applicable to unsafe uses of cell phones or any other new devices that may be used in a moving vehicle.

In states where they have been collecting data on causes of accidents, cell phone use has been a factor in the accident in only a very small percentage of the accidents. In Minnesota radio/hone use was cited in only 50 out of 96,813 crashes, 0.0005 percent or ^{of all crashes}

hundreds
five one thousandths of one percent. As a percent of the distractions a driver faces cell phone use was 1.5% and ranked behind the following distractions:

Outside object, person, event	29.4%
Other Distractions	25.6%
Adjusting radio	11.4%
Other occupant in vehicle	10.9%
Unknown Distractions	8.6%
Moving object in vehicle	4.3%
Other device/object brought into vehicle	2.9%
Adjusting Climate controls	2.8%
Eating or Drinking	1.7%

The rationale behind SB 2331 is that because some drivers are careless or reckless while driving and using their cell phone, and have caused some accidents the state should make it illegal for anyone to use a cell phone while driving. If that logic makes sense it won't be long before those same people will be in here saying that because some people use a gun to commit a crime that all guns should be outlawed.

Rather than criminalizing the use of cell phones while driving the cell phone industry emphasizes education and training in the safe use of cell phones.

There are other problems with the definitions contained in SB2331, but it is not worth attempting to fix all of them.

Please give SB 2331 a **"DO NOT PASS"** recommendation.



Wireless phones make
highways and roads safer
when people report emergencies
and unsafe situations.

Every day, more than 120,000 emergency calls are made from wireless phones - over 43 million calls annually. Wireless phones have helped reduce response times in emergency situations and have assisted in the apprehension of drunk, impaired and aggressive drivers.

**With a desire to help and a wireless phone,
Anthony Jackson saved an injured man's life.**

When Anthony Jackson saw an enraged driver brutally attack another man with a metal pipe, he could have stayed out of harm's way. Instead, he called 911 on his wireless phone, and ran to assist the victim, who was lying in the road. Even though the assailant was still nearby, Anthony stayed with the victim until police arrived. By using his wireless phone and reaching out to someone in need, Anthony helped save a man's life.



**Brenna Garnett's life was saved by
quick thinking and her wireless phone.**

Only a day past her 18th birthday, Brenna Garnett looked death in the eye. Swerving her car to dodge an animal, she collided with a tree and slid into a freezing creek. Trapped and numb by the rising water, she managed to grasp her wireless phone floating past her and called 911. The wireless phone was soaking wet, but it held the call for more than nine minutes until EMS

arrived. The wireless phone, according to emergency service personnel, saved her life.



"Most motorists are unaware that driving is a risky endeavor and that ordinary, even every day activities that they do while driving subject them, their families and fellow motorists to increased risk. NETS and representatives of the wireless industry are committed to promoting education and outreach programs to help drivers identify multiple distractions and to develop strategies to better manage them."

January 18, 2001

Kathryn Lusby-Treber

Executive Director

Network of Employers for Traffic Safety (NETS)

Three-pronged Approach in Addressing the Larger Issue of Inattentive Driving

Earn

Additional Data Collection is Necessary.

The wireless industry supports and encourages all law enforcement agencies to collect crash data on any in-vehicle distraction whether it's tuning the radio station or the irresponsible use of a wireless phone. When a police report is made of a crash, the report should indicate whether a distraction was involved in the crash, and if so, the nature of the distraction [e.g., a child in the back seat, adjusting radio or CD controls, turning to talk to a passenger, use of a wireless phone, etc.]. Detailed data collection will insure that statistics created are as accurate as possible. As an industry, we encourage all states to collect data relating to driving distractions, including wireless phone use.

Enforce

Existing laws Prohibit Unsafe Driving Due to a Driver's Inattention or Distraction.

The wireless industry supports the enforcement of existing reckless and careless driving statutes already in place in every state and municipality. These rules give law enforcement the broad authority to cite motorists for distractions that have the potential to contribute to hazardous driving - whether it's reading a map, drinking a beverage, eating, changing the radio station, making a phone call, and/or diverting attention to children, pets or other passengers.

Teach

Education is Key.

There is near unanimity in the belief that educating drivers about how to safely and responsibly drive amid a myriad of potential distractions can ultimately result in positively changing behaviors. The wireless industry encourages states and localities to join with the wireless industry in forming important alliances to help educate motorists about how to use their wireless phones responsibly.



Industry Efforts on Responsible Driver Program

The wireless telecommunications industry takes the issue of safe driving very seriously and actively promotes the responsible use of wireless phones - highlighting the vital role individuals play in the safe use of wireless phones. "Safety - Your Most Important Call," seeks to educate the public on the necessity to put safety first and to inform subscribers of ways to use wireless telephones responsibly.

Building on the industry's "safe use" programs, wireless carriers and manufacturers remind drivers to maintain their focus on the road, especially while using a wireless phone. "Safety - Your Most Important Call" incorporates numerous public outreach efforts. From January 1998 to year-end 2000 efforts have consisted of:

- Launching a national drive-time radio campaign to reach drivers when they are most receptive - behind the wheel;
- Producing a public service announcement;
- Mailing over 70 million bill stuffers to wireless customers;
- Distributing over 20 million educational brochures;
- Posting over 271,000 educational safety displays in retail stores across the country;
- Including safety information in 100% of CTIA certified wireless phone packages;
- Operating a national toll-free consumer information number, 1-888-901-SAFE, and a responsible driver website, www.driverresponsibly.org; and
- Requiring all CTIA certified wireless phones to be hands-free capable and have the ability to "wake up" with a safety message when activated.

"When used responsibly, cellular telephones play an important role in safety. We consistently hear of people using them to make an urgent call from their vehicle notifying authorities of an accident or other serious situation. NAGHSR is pleased to be a partner with CTIA to ensure that people do in fact make safety their first call."

January 3, 2001

Jonathan Adkins

Communications Director, National Association of Governors' Highway Safety Representatives (NAGHSR)

"The States' Voice on Highway Safety"

What the Researchers Have Said

"The impact of the cell phone on driving is not straightforward." "As a major proponent of road safety in British Columbia, ICBC will continue to research the potential risks associated with driver distraction. We will develop awareness programs to educate people about the safety-related problems associated with the use of all types of communication devices while driving. In the meantime, ICBC stresses that staying focused on the road should be the driver's priority. Any type of distraction - such as talking on a cell phone, drinking coffee, adjusting radio dials or turning to talk to people in the back seat - could increase a motorist's risk of being involved in a crash."

The Impact of Auditory Tasks (as in hands-free cell phone use) on Driving Performance

Insurance Corporation British Columbia (ICBC)

November 2000

"In order to make more informed decisions about the use of cellular phones while driving, motorists and policymakers need better knowledge of the risks and benefits, knowledge that will require a concerted scientific research program." "Scientific evidence should not be used as an excuse to refrain from investment in promising educational efforts to reduce the risks of using cellular phones while driving. NHTSA and the industry, with support from the U.S. Congress and state legislatures, should develop a comprehensive educational effort aimed at drivers to promote the responsible use of cellular phones while driving."

Cellular Phones and Driving: Weighing the Risks and Benefits

Harvard Center for Risk Analysis

July 2000

"The Cellular Telecommunications & Internet Association (CTIA) has put considerable effort into getting the 'safe use' message across, using its campaign 'Safety: Your Most Important Call.'" "The campaign's central message is that it is a driver's first responsibility to drive safely and includes 10 points to consider when using a mobile phone while driving." "Aside from legislation, a government-backed national campaign involving TV or other forms of mass media advertising to promote the safe use of mobile phones while driving, may prove extremely beneficial."

Investigation of the Use of Mobile Phones While Driving

The Center for Transportation Research (CTR)

University of South Florida

June 1999

"Our study indicates an association but not necessarily a causal relation between the use of cellular telephones while driving and a subsequent motor vehicle collision." "We caution against interpreting our data as showing that cellular telephones are harmful and that their use should be restricted. Even if a causal relation with motor vehicle collisions were to be established, drivers are vulnerable to other distractions that could offset the potential reductions in risk due to restricting the use of cellular telephones." "The role of regulation is controversial, but the role of the individual is clear.... Additional strategies to consider in minimizing the risk might include refraining from placing or receiving unnecessary calls, interrupting telephone conversations if necessary, and keeping calls brief - particularly in hazardous driving situations."

Association between Cellular-Telephone Calls and Motor Vehicle Collisions

University of Toronto, by Donald A. Redelmeier and Robert J.

Tibshirani In: New England Journal of Medicine

February 1997

"Drivers engage in any number of distracting activities, including eating/drinking, tuning radios, changing cassettes and compact discs, reading maps, and engaging in conversations with other vehicle occupants. It is impossible to legislate against all such activities, and despite the current absence of specific legislation, the CHP can cite inattentive drivers under more general vehicle code sections." "Enacting more laws may not discourage some drivers from using their cellular telephones while driving, just as laws do not deter some drivers from speeding or engaging in other unsafe driving practices. Education should be a key component in any efforts to reduce the risk of traffic collisions resulting from cellular telephone use, and could prove to be more effective than sanctions."

Effects of Cellular Telephone Use on Driver Behavior

Department of California Highway Patrol,

Office of Research and Planning

September 1997

"Not enough is known about driving distractions to enact legislation preventing their [wireless phones] use. We don't want to throw the baby out with the bath water. Listening to the radio - not talking on the phone - was the biggest distraction listed in an AAA member survey in 1994 and 1999. This year, talking to passengers ranked as the biggest distraction".

"It's not so much that we're opposed to legislation as we are trying to recognize the fact that the legislation already exists on the books. The last thing troopers want is another law, when they have what they need to enforce laws that prevent people from doing these kinds of things."

June 27, 2000

Mark Edwards

Managing Director
Traffic Safety Department, AAA

Statements made at a Network of Employers for
Traffic Safety Press Conference and from an interview
on CNN TalkBack Live

The Cellular Telecommunications & Internet Association's Ten Tips to Using Your Phone Responsibly and Safely While Driving



Safe driving is your first responsibility. Always buckle up and keep your hands on the wheel and your eyes on the road. The wireless industry encourages callers to use a hands-free device or speakerphone while driving. Users are also encouraged to keep their calls brief and to employ the memory dialing function on their phones to minimize the potential for distraction. Remember, state laws already prohibit distracted driving!

1. Get to know your wireless phone and its features such as speed dial and redial.
2. When available, use a hands free device.
3. Position your wireless phone within easy reach.
4. Let the person you are speaking with know you are driving; if necessary, suspend the call in heavy traffic or hazardous weather conditions.
5. Do not take notes or look up phone numbers while driving.
6. Dial sensibly and assess the traffic; if possible, place calls when you are not moving or before pulling into traffic.
7. Do not engage in stressful or emotional conversations that may divert your attention from the road.
8. Dial 9-1-1 or other local emergency numbers to report serious emergencies--it's free from your wireless phone!
9. Use your wireless phone to help others in emergencies.
10. Call roadside assistance or a special non-emergency wireless number when necessary.

"Immediately following a large number of medical emergencies, the severity of the injuries increase and the chances of survival diminish each second, minute and hour until treatment is administered. Medical professionals refer to this time as the 'Golden Hour.' Rapid treatment after an emergency within the Golden Hour is our best hope for complete recovery. A wireless call for help often means the difference between life and death - because it gets the response chain of survival moving."

May 2, 2000

Kellie Hubbell

Nurse Educator
University of California Los Angeles (UCLA) Emergency Medicine
Center

Testimony before the Santa Monica City Council

How Do Wireless Phones Rank as a Distraction to Safe Driving?

Of the 1,016 individuals surveyed, 62% of respondents listed tuning the radio station as the worst driving distraction, followed by eating with 57%, turning head around to speak 56%, reaching for something 44%, reading 32%, using the glove compartment 32%, and talking on a cell phone 29%.

Response Insurance National Driving Habits Survey

Opinion Research Corporation International
October 1999

Of the 948 police officers surveyed, "over 65% of the officers believed that the benefits of cellular phones (such as providing personal safety and security and reporting unsafe drivers or congested road conditions) far outweigh the risks." Also, "despite the risks of using cellular telephones, the police are not strongly in favor of new legislation to regulate the use of such devices in moving vehicles because they believe that the currently existing legislation on 'inattention to driving' is adequate and applicable to unsafe uses of the telephone and any new devices that may be used in a moving vehicle." Lastly, "in the realm of distractions to driving, cellular telephones - as well as other technological devices used in automobiles - are seen as less hazardous than the commonly experienced non-technological distractions such as noisy children, unrestrained pets, or smoking while driving."

Cellular Telephones in Hawaii:

Benefits, Risks and Future Prospects

University of Hawaii, Department of Communication
by Dineh M. Davis, Ph.D.
January 1993

Prepared for the Hawaii State Legislature



Testimony in Opposition to
SENATE BILL NO. 2331
Senate Transportation Committee

February 4, 2005

Chairman Trenbeath, Senate Transportation Committee members, my name is Todd D. Kranda. I am an attorney with the Kelsch Law Firm in Mandan and I appear before you today as a lobbyist on behalf of Verizon Wireless to express concern and opposition to SB 2331.

In general, SB 2331 appears to establish a ban on the use of a cellular phone by the driver of a vehicle when the driver needs to apply a finger to use the phone. SB 2331 also creates a penalty of a class B misdemeanor or possibly even a class A misdemeanor under certain circumstances.

Wireless phones and products have become a fabric of everyday life. These wireless phones provide a link to family and friends. They are a productivity tool for business, and a link to public safety in times of crisis.

As a provider of mobile phone service, Verizon Wireless supports programs to educate users of the service that wireless phones provide and that wireless phones should always be used responsibly while driving. Verizon Wireless continues to support education and an approach to balancing the need of reinforcing driver and public safety with a person's individual right or need to responsibly use a phone rather than an outright ban on the use of wireless products.

In 2004, 32 states considered 88 measures related to use of wireless devices and no state bans the use of cell phones. The existing data from state studies seem to indicate that cell phones are a factor in relatively few traffic accidents.

The AAA Foundation for Traffic Safety Report conducted by the University of North Carolina Highway Safety Research Center (UNC) in May 2001 concluded that the top causes of more than 32,000 traffic accidents analyzed were as follows:

Specific Distraction	Percent of Distracted Drivers
Outside object, person, event:	29.4%
Adjusting radio, cassette, CD	11.4%
Other occupant in vehicle	10.9%
Moving object in vehicle	4.3%
Other device/object brought into vehicle	2.9%
Adjusting vehicle/climate controls	2.8%
Eating or drinking	1.7%
Using/dialing cell phone	1.5%
Smoking related	0.9%
Other distractions	25.6%
Unknown distraction	8.6%
TOTAL	100.0 %

Given the various other activities shown above in the study by AAA that have a higher percentage of the causes attributed to distracted drivers, what type of regulation will be considered and implemented next to prohibit that specific conduct?

Wireless phones have helped reduce response times in emergency situations and have assisted in the apprehension of drunk, impaired and aggressive drivers.

Accordingly, I urge a DO NOT PASS recommendation for SB 2331.

SB 2331
February 4, 2005

Chairman Trenbeath and Senate transportation Committee members. For the record my name is Elroy Lindaas, State Senator from Mayville, District 20. District 20 comprises all of Traill County and parts of Steele, Cass and Barnes counties.

I appear before you on SB 2331 with some concerns as it is written. I understand the thrust of the bill and its' positive aspects, however I feel it is too broad and will hamper communications outside the usage of cell phones.

As the bill is written it prohibits communications with any portable device and that could include devices used by Law Enforcement, Emergency Services, Fire Departments and Amateur Radio operators. My main interest is with regard to the Ham Radio emergency communications. Over the years Ham Radio operators have participated in a variety of activities, one of such is the Sky Warn system. Hams act as trained weather spotters for the National Weather Service as they travel our rural areas reporting back the various conditions in severe storm cells.

It would be unfortunate if that valuable activity would be curtailed. It is with that in mind that I offer these amendments #50637.0100.

I would conclude my testimony with that and attempt to answer any questions you might have.

Thank you for your attention.