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Kansas Legislator Briefing Book 2018

Transportation

K-1 Distracted Driving: State Laws

In 2015, 3,477 people were killed and an estimated 391,000 injured in motor vehicle crashes involving distracted drivers in the United States. Of the police-reported motor vehicle traffic crashes in 2015, 10 percent of fatal crashes, 15 percent of injury crashes, and 14 percent of all crashes were reported as distraction-affected crashes.¹

Kansas data for 2016 show distracted driving was recorded as a factor in 2,351 crashes that led to injuries or property damage; 15 people died and 974 were injured in those crashes. The total costs of crashes in 2016 involving distracted drivers were estimated at \$820.9 million.²

Distractions caused by cell phones and other electronic devices account for large percentages of deaths, injuries, and crashes in which distraction is recorded as a factor. Researchers say that is because such devices often cause all of the three types of distraction described by the National Highway Traffic Safety Administration:

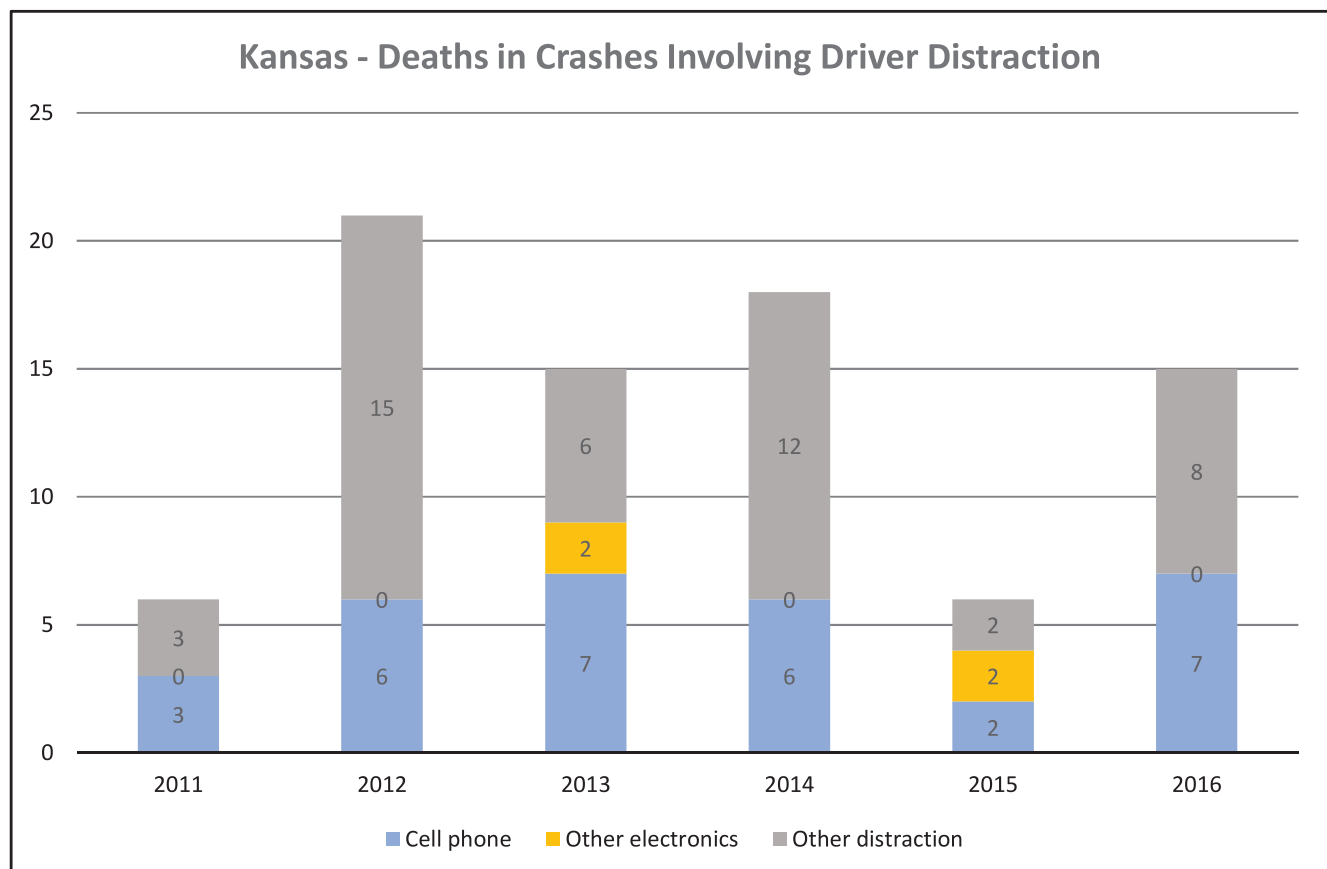
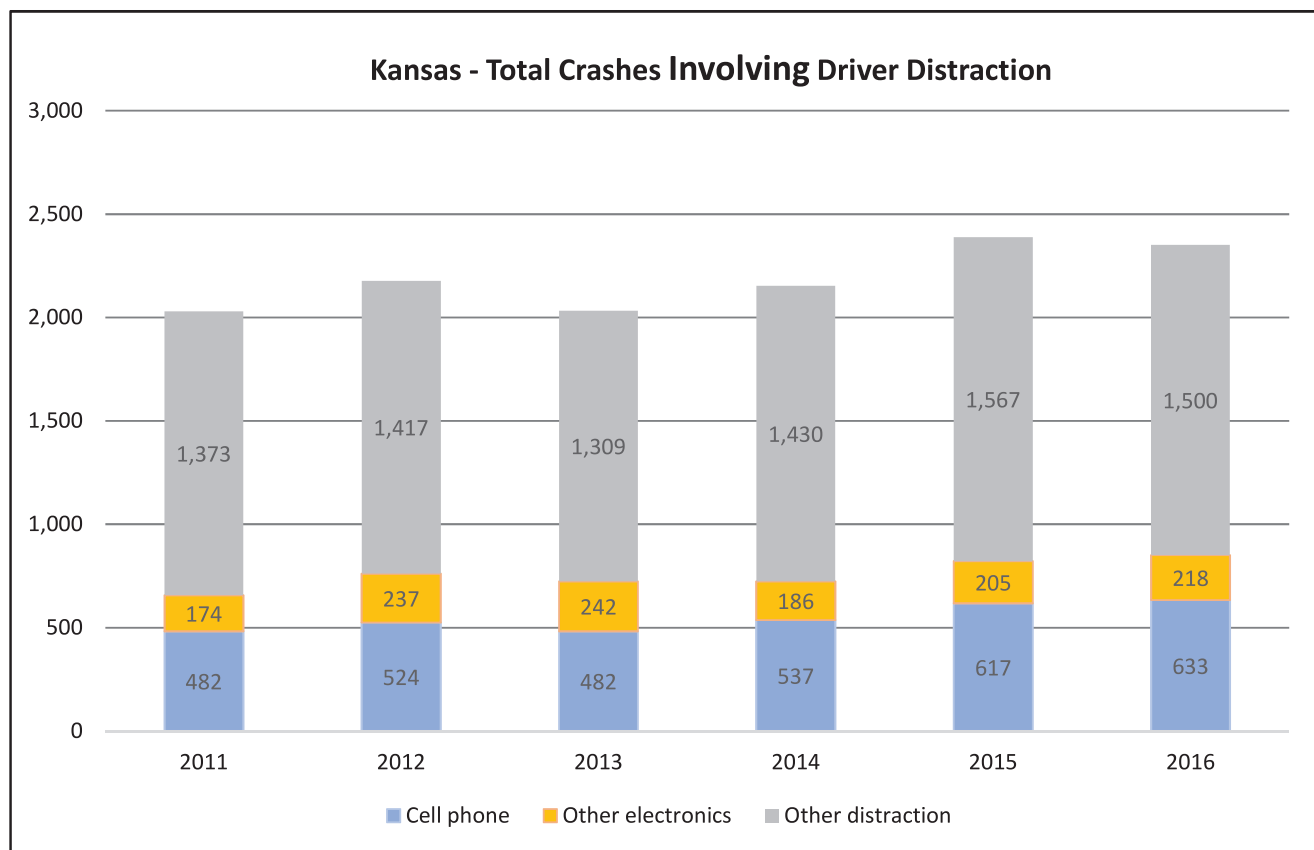
- Visual: taking your eyes off the road;
- Manual: taking your hands off the wheel; and
- Cognitive: taking your mind off of driving.³

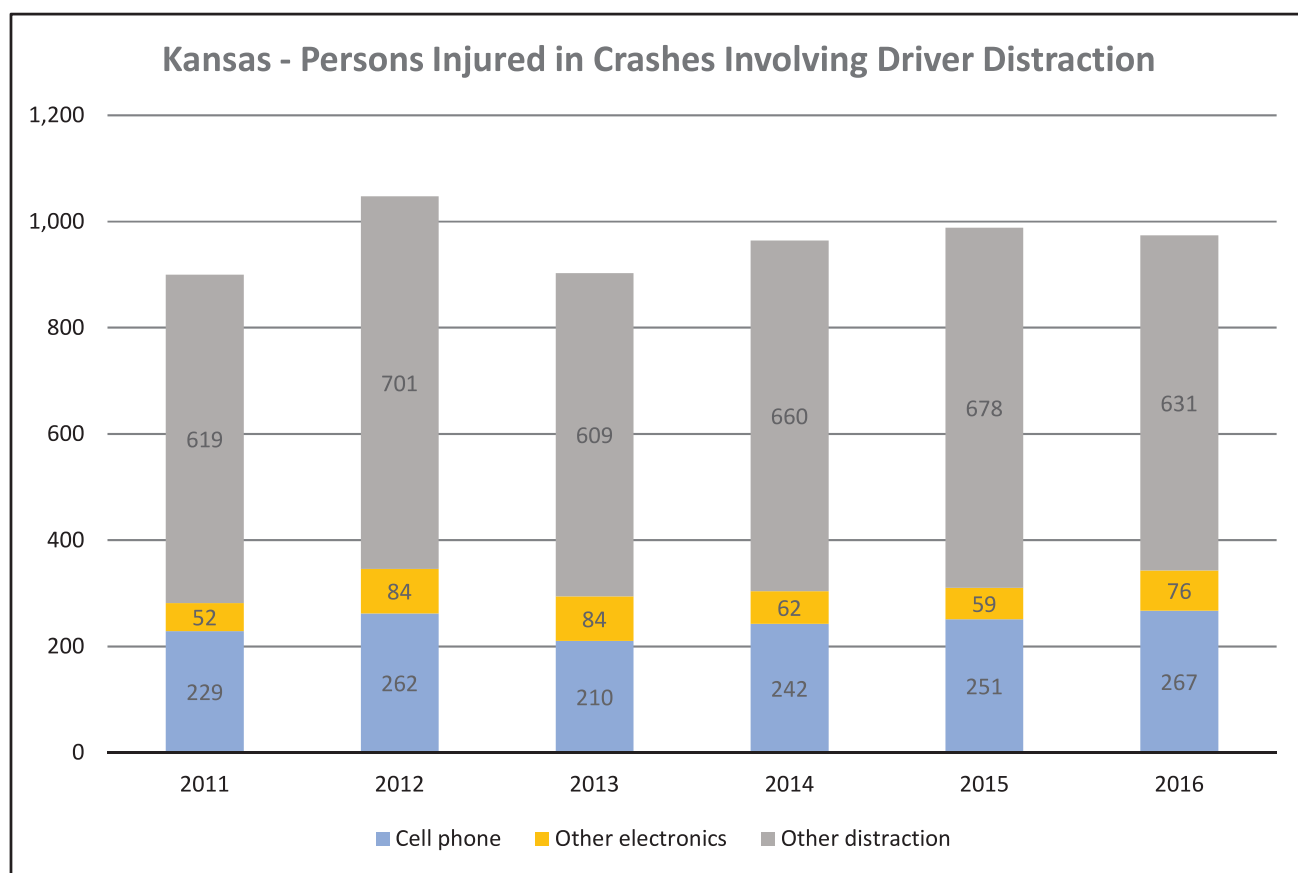
State Responses to Distracted Driving

According to the Insurance Institute for Highway Safety:

- Text messaging is banned for all drivers in 47 states (including Kansas; KSA 2016 Supp. 8-15,111) and the District of Columbia. In addition, novice drivers are banned from texting in Missouri;
- The use of all cellphones by novice drivers is restricted in 38 states (including Kansas; KSA 2016 Supp. 8-296 and 8-2,101) and the District of Columbia; and
- Talking on a hand-held cellphone while driving is banned in 15 states and the District of Columbia.⁴

The states' full or partial bans on hand-held device use vary in many ways, including the exceptions to the bans. All of these states allow use for emergency purposes, and most allow use of two-way or federally-licensed amateur radios. Most require a vehicle to be off a roadway, *i.e.*, not just stopped in traffic, for use of hand-held devices to be permitted.





have laws generally prohibiting distracted driving, defined as engaging in any activity that interferes with the safe operation of the vehicle.

Effectiveness of Bans on Device Usage

Reviews of peer-reviewed studies suggest state laws intended to reduce distracted driving, particularly distraction caused by use of electronic devices, do affect driver behavior. For example, a 2014 review of studies published since 2009 found “all-driver bans on hand-held phone conversations have resulted in long-term reductions in hand-held phone use, and drivers in ban states reported higher rates of hands-free phone use and lower overall phone use compared with drivers in non-ban states.”⁵ A study of rear-end crashes in California found such crashes were less frequent after a ban on hand-held device use was implemented.⁶

Studies also find driver distractions impair driver performance. A review of 350 analyses reported in 206 articles published between 1968 and 2012 found 80 percent of the analyses identified

tasks and driving performance.”⁷ Studies directly observing driver behavior found novice drivers made more driving errors than experienced drivers when distractions were involved, but the rates of errors were similar when the distraction took the driver’s eyes away from the road,⁸ and even law enforcement officer driving performance was impaired when the officers were using a device while simulating driving.⁹ Another study found “cell-phone participants’ assessments of the safeness of their driving and confidence in their driving abilities were uncorrelated with their actual errors. Thus, talking on a cell phone not only diminished the safeness of participants’ driving, it diminished their awareness of the safeness of their driving.”¹⁰

Additional information. Specific information about state laws regarding use of hand-held devices and more information about effectiveness of bans on device usage can be found in the memorandum “Hands-free and Distracted Driving Laws in Other States,” available at <http://www.kslegresearch.org/KLRD-web/Transportation.html>.

- 1 National Center for Statistics and Analysis. *Distracted Driving: 2015*, in *Traffic Safety Research Notes*. DOT HS 812 381. March 2017, National Highway Traffic Safety Administration, accessed October 2017. 2015 was the most recent year for which these data were available at the time of this publication.
- 2 Data used for the graphics were downloaded from “Driver-Related Data” at <http://www.ksdot.org/bureaus/burTransPlan/prodinfo/accista.asp>, specifically “2016 Kansas Traffic Crash Facts” and “Driver Distraction,” accessed September 2017.
- 3 National Highway Traffic Safety Administration. “Policy Statement and Compiled FAQs on Distracted Driving.” <http://www.nhtsa.gov/edgesuite-staging.net/Driving+Safety/Distracted+Driving/Policy+Statement+and+Compiled+FAQs+on+Distracted+Driving>, accessed October 2017.
- 4 Insurance Institute for Highway Safety, Distracted Driving, State Laws, <http://www.iihs.org/iihs/topics/laws/cellphonelaws?topicName=distracted-driving> accessed October 2017.
- 5 Anne T. McCartt, Ph.D., David G. Kidd, Ph.D., and Eric R. Teoh, M.S., “Driver Cellphone and Texting Bans in the United States: Evidence of Effectiveness,” Insurance Institute for Highway Safety, Association for the Advancement of Automotive Medicine, March 2014, 5899-114. Downloaded from <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4001674/> in February 2017.
- 6 Puelz, Robert, and Hanna E. Robertson (2016). “Cellphone Laws and Rear-end Accidents.” *Journal of Insurance Regulation*, 35, 1-24.
- 7 Ferdinand, Alva O., Dr.P.H., J.D., and Nir Menachemi, Ph.D. M.P.H. (2014). “Associations Between Driving Performance and Engaging in Secondary Tasks: A Systematic Review.” *American Journal of Public Health*, 104(3), E39-E48. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3953770/>
- 8 Klauer, Sheila G., Ph.D., Feng Guo, Ph.D., Bruce G. Simons-Morton, Ed.D., M.P.H., Marie Claude Ouimet, Ph.D., Suzanne E. Lee, Ph.D., and Thomas A. Dingus, Ph.D. (2014). “Distracted Driving and Risk of Road Crashes Among Novice and Experienced Drivers.” *The New England Journal of Medicine*, 370(1), 54-9. <http://www.nejm.org/doi/full/10.1056/NEJMsa1204142#t=article>
- 9 James, Stephen M. (2015). “Distracted Driving Impairs Police Patrol Officer Driving Performance.” *Policing*, 38(3), 505-516. <http://www.emeraldinsight.com/doi/abs/10.1108/PIJPSM-03-2015-0030>
- 10 Sanbonmatsu, David M., David L. Strayer, Francenso Biondi, Arwen A. Behrends, and Shannon M. Moore (2016). “Cell-phone Use Diminishes Self-awareness of Impaired Driving.” *Psychonomic Bulletin & Review*, 23(2), 617-623. https://www.researchgate.net/publication/281114569_Cell-phone_use_diminishes_self-awareness_of_impaired_driving

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