

**American Property Casualty Insurance Association –
Testimony Before the Interim Joint Committee on Transportation
Monday, September 30, 2019
2020 Regular Session BR 166 – An Act Relating to Operating a Motor Vehicle**

Thank you, Mr. Chairman and members of the committee for the opportunity to discuss BR 166 with you. My name is Carl Breeding and I am here today on behalf of the American Property Casualty Insurance Association (APCIA). APCIA is the primary national trade association for home, auto, and business insurers in the nation with a legacy dating back 150 years. First, we would like to thank Representative Tipton and Representative Sheldon for bringing this much-needed legislation before the General Assembly.

- Over the course of several decades, auto accident rates had been slowly but steadily declining, offsetting slightly increased accident severity, and that has helped to keep car insurance rates relatively stable.
 - But starting in 2013, there was a sharp increase in accidents, with the roads becoming increasingly dangerous – we believe in large part because of distracted driving.
 - Auto accident deaths have increased nearly 14% from 2013 to 2017 – the biggest increase in over ½ a century.
 - In 2017 1.8 million people were significantly injured on the roads, an 11% increase since 2013.
 - Meanwhile, automobile Insurance loss costs – the cost of repairing damaged cars, and injured people – have continued to increase.
- It's not just drivers getting injured, either.
 - According to the National Highway Traffic Safety Administration (NHTSA), 5,977 pedestrians were killed in motor vehicle crashes in the

United States in 2017, pedestrian deaths accounted for 16% of all traffic fatalities in 2017.

- Although bicyclists' deaths have decreased 23% since 1975, they have increased 25% since reaching their lowest point in 2010, suggesting our at-risk population is not just distracted drivers but also the pedestrians and bicyclists they share the road with.
- Three out of four drivers admit to distracted driving; and half admit to sending or reading texts or emails. But the reality is much worse.
 - One of the Insurtech companies that has shared their data and analysis with APCIA, True Motion, found that 92% of drivers interact with their devices in some way while driving; 71% for text messages; their list of the top 10 apps used while driving includes Google Chrome, YouTube and Netflix.
 - True motion also found that drivers were being distracted by their smartphones roughly 20% of their driving time, with their corresponding accident risk increased by 2-20 times.
 - Another Insurtech company, Zen Driver, found that 88% of drivers use a phone or smartphone, with 20% of collisions occurring during or right after a phone call.
- Distracted driving is not the only problem. More miles driven on bad roads, higher speed limits, and marijuana impaired driving are also increasing threats. A major factor is urban congestion – which our members believe is directly connected to distracted driving.
- The scenario is a familiar one. You get stuck in traffic and start multi-tasking, which means doing multiple things poorly, including driving.
 - Smartphone ownership has more than doubled over the past 8 years, and it is not surprising that the % of accidents involving phone

distractions has increased, but we believe the real increase is far more than the official statistics.

- Americans know that distracted driving is dangerous. In fact, in a survey of more than 2,000 U.S. adults, conducted online by Harris Poll on behalf of APCIA, distracted driving topped the list as the number one perceived contributor (92%) to the increase in auto accidents across the country.
- So, what can be done about distracted driving?
 - According to a NHTSA study released this summer, having a strong set of distracted driving laws is a key. So, examining the laws we have on the books today is a great place to start.
 - APCIA has been working with our members to review current cell phone/texting laws and identified several areas that should be addressed.
 - Many state laws only cover cell phone voice call usage, not modern smartphone use as we know it today. States have been starting to update their laws, for example this year Washington changed its laws to prohibit use of streaming video and social media while driving.
 - APCIA is encouraging states to make distracted driving a primary offense, meaning you can be pulled over if observed using your device while driving.
 - Penalties for distracted driving need to be sufficient to change behaviors (even though people realize distracted driving can be as dangerous as drunk driving, drunk driving results in a misdemeanor or felony charge while distracted driving is only a traffic citation).
 - Having the right laws is important, but enforcing those laws is essential and enforcement of distracted driving laws is a challenge, since it can be difficult to prove without a major crash where a smartphone has been

impounded.

- That same NHTSA study I referenced earlier found that these kinds of laws are enforceable, and identified viable strategies that police can use to enforce texting laws such as targeted enforcement areas, using unmarked Stationary Vehicles and incorporating enforcement into routines, etc.
- Something harder to do than changing our laws is changing a culture of acceptance, but there are other auto safety examples of how a combination of enforcing our laws and promoting awareness has precipitated this kind of change.
 - Auto seat belt usage has increased enormously and drunk driving has declined significantly in recent decades.
 - But those efforts took not only changes in state law but continual education in our schools.
 - These efforts need to be reinforced by ad campaigns, social media and even stricter workplace policies and enforcement designed to help people internalize the need to avoid distracted driving in their personal lives.
- Tackling distracted driving is no easy task, but APCIA believes it's a task that we must take on, and we must take on together.

Once again, our thanks to Representatives Tipton and Sheldon for addressing Kentucky's distracted driving laws. We urge you to support these changes in the 2020 Regular Session.