



ADVOCATES
FOR HIGHWAY
& AUTO SAFETY



EndDD.ORG
END DISTRACTED DRIVING



SAFE
KIDS
WORLDWIDE



November 4, 2021

The Honorable Jimmy Higdon, Senate Co-Chair
The Honorable Ken Upchurch, House Co-Chair
Interim Joint Committee on Transportation
Kentucky General Assembly
702 Capital Avenue
Frankfort, Kentucky 40601

Dear Co-Chair Higdon and Co-Chair Upchurch:

Distracted driving is a known and persistent killer on our roads. Kentucky has taken steps to deter this deadly conduct by enacting a prohibition on texting behind the wheel and on the use of devices by novice, young drivers. Yet, more can and should be done to reduce the prevalence of visual, manual and cognitive driver distraction caused by device use. As representatives of leading safety organizations, we are united in urging the Committee and the Kentucky General Assembly to prioritize upgrading the state’s distracted driving law.

Wireless communication device technology has developed from cellphones to smart phones, and the range of electronic communication platforms has significantly broadened to include apps, cameras, social media, gaming, etc. Laws curbing driver distraction must be updated to keep pace with the technology and ensuing distraction. Expanding current distracted driving laws to more broadly curb manual use of devices, known as a hands free requirement or a hand held prohibition, and coupling this measure with provisions to also restrict distracting viewing of devices, such as accessing the internet, reading and updating social media networks, video chatting and streaming video, can help to deter deadly device use behind the wheel. It also simplifies enforcement as police can curb hand held device use and distracting viewing rather than limiting intervention to texting.

A 2021 report, *Using Electronic Devices While Driving: Legislations and Enforcement Implications*, by the Transportation Research Board (TRB) comprehensively reviewed the issue of distracted driving and state distracted driving laws. The report identifies key components in a model distracted driving law including language banning texting (whether the device is hand held or hands free) and providing “more stringent restrictions for drivers under 18 years of age.”ⁱ Kentucky’s law already includes and should retain these provisions. The report also identifies provisions that prohibit hand held use of devices and the use of “an electronic device to stream, record, or broadcast video. This includes when the device is used hands free (mounted, affixed, or resting somewhere in the vehicle).”ⁱⁱ Kentucky’s law should be upgraded to add these provisions. Additionally, the TRB report recommends that state laws “be in effect at all times when the vehicle is traveling on public roads, this includes at stop lights and when temporarily slowed or stopped in traffic.”ⁱⁱⁱ While Kentucky’s current law restricts the prohibition on

devise use to when the vehicle is in motion, it should be amended to explicitly ban use when stopped in traffic or at a light.

In 2020, 780 traffic fatalities were recorded on Kentucky roads according to the *2020 Kentucky Office of Highway Safety Daily Fatality Statistics Update*, marking a rise of 48 lives lost over the prior year.^{iv} To date, early data for 2021 finds the number of traffic fatalities to be consistent with last year's increase. Kentucky families and visitors should not have to suffer these preventable losses when solutions are known and available. Taking action to upgrade the state's distracted driving law is commonsense and timely.

Sincerely,

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cc: Interim Joint Committee on Transportation Members

ⁱ Ibid.

ⁱⁱ Using Electronic Devices While Driving: Legislations and Enforcement Implications (2021), TRB, https://www.nap.edu/cart/download.cgi?record_id=26082

ⁱⁱⁱ Ibid.

^{iv} See here: <https://transportation.ky.gov/HighwaySafety/Pages/DailyFatalitySummary.aspx>