



April 15, 2021

The Honorable Graham Filler, Chair
The Honorable Mike Mueller, Majority Vice-Chair
House Judiciary Committee
Michigan Legislature
P.O. Box 30014
Lansing, Michigan 48909-7514

Dear Chairperson Filler and Vice-Chairperson Mueller:

Advocates for Highway and Auto Safety (Advocates), an alliance of consumer, safety, medical, public health and law enforcement groups, and insurance companies working together to pass highway and auto safety laws that prevent crashes, save lives, reduce injuries, and curb costs, urges you to remove a provision in House Bill (HB) 4277 to permit an exemption for device use in autonomous vehicles (AV), and following, to support HB 4277 and HB 4279. This legislation will improve safety on Michigan roads by broadening the current prohibition on texting while operating a motor vehicle to include social media engagement and distracting viewing or transmitting of video and manual use (HB 4277) and restricting hands free use for novice drivers (HB 4279). Considering the prevalence of distracted driving crashes, this legislation is critical, responsive and timely.

In 2019, there were 985 traffic fatalities on Michigan roads according to the National Highway Traffic Safety Administration (NHTSA). Wireless communication device distraction, which includes manual, visual and cognitive components, is a serious issue contributing to crashes and deaths. According to the NHTSA, the percentage of drivers visibly manipulating hand-held devices while driving increased by 250 percent between 2009 and 2016. The NHTSA survey, *National Telephone Survey on Distracted Driving Attitudes and Behaviors – 2015*, noted that twice as many respondents admitted to talking on a cell phone or texting when they were involved in a crash or a near crash in 2015 as compared to 2010. Additionally, a survey performed by Nationwide Insurance found four out of ten respondents claimed to have been hit or nearly hit due to a distracted driver. The Insurance Institute for Highway Safety (IIHS) released a roadside survey in 2019 that found manipulation of devices while driving is up 57 percent over the prior 2014 survey while handheld use decreased.ⁱ More can and should be done to eradicate driver distraction.

As wireless communication 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. A 2016 survey conducted by State Farm found that accessing the internet, reading and updating social media networks on a cell phone while driving more than doubled from 2009 to 2016, and about 10 percent of those surveyed in 2016 were also playing games on a cell phone while driving.ⁱⁱ

Provisions in HB 4277 to restrict use of the device for “accessing, reading, or posting to a social networking site,” and “while viewing, recording, or transmitting a video” whether the device is handheld or dash mounted will help to curb visual distraction, as restrictions on handheld use and entering information into a dash mounted device will curb manual distraction. These changes are supported by a recent report on distracted driving laws by the Transportation Research Board (TRB) which recommends that state laws should “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” and prohibit 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).”ⁱⁱⁱ

The AAA Foundation for Traffic Safety found that the use of devices while driving can result in mental distractions that can persist for up to 27 seconds after returning to the driving task.^{iv} According to research on driver cognitive distraction compiled by IIHS,^v “researchers have found that brain activity associated with visual processing and attention is suppressed when drivers are cognitively distracted ([Bowyer et al., 2009](#); [Strayer et al., 2006](#); [Just et al., 2008](#)).” As a result, “cognitive distractions can lead to so-called ‘inattention blindness’ in which drivers fail to comprehend or process information from objects in the roadway even when they are looking at them ([Strayer et al., 2003](#)).” Limitations on handheld and hands-free device use provided in HB 4277 will help prevent drivers from taking their eyes off the road and their mind off the task of driving, while HB 4279 will ensure that more extensive prohibitions on use are required for novice teen drivers.

Distracted driving not only results in crashes, deaths and injuries, but it also unnecessarily expends taxpayer dollars. Nationally, crashes in which at least one driver was identified as being distracted cost \$40 billion annually (NHTSA). Adjusted for inflation only, that amounts to \$48 billion in 2021 dollars. In 2018 distracted driving crashes cost employers nearly \$19 billion.^{vi} The annual economic costs of all crashes in Michigan are nearly \$9.6 billion (NHTSA).

However, a provision in HB 4277 to permit device use for drivers in vehicles with automated driving systems that perform with a level 4 or 5 capability is premature given the current stage of development and availability of AVs. By the account of many auto executives, deployment of fully self driving vehicles is not a near term reality. Luca Delgrossi, Global Vice President Head of Technology, Volvo, noted that, “Developing vehicles that can travel anywhere on their own is the jackpot that many manufacturers are chasing. It’s the moonshot or nothing – and that dream is blinding people to just how difficult achieving that aim is. In 2012 some companies were announcing that by 2017 there would be autonomous cars on the road. Here we are in 2021 and these cars are nowhere to be seen. And the hype is still dominating the reality: as an industry we are making good progress, but the expectations are still too high.”^{vii} Bill Ford Jr., Executive Chairman of Ford Motor Company said, “There’s been a lot of over-promising and I think a lot of misinformation that’s been out there. It’s really important that we get it right, rather than get it quickly.”^{viii} This provision should be removed to prevent confusion for consumers who may have vehicles with certain driver assistive or automated driving features yet they do not perform the entire dynamic driving task. These drivers are still required to maintain a focus on the road and the task of driving and should not be confused by the messaging of laws permitting device use.

Each distracted driving death and serious injury irrevocably changes the lives of families and communities in Michigan and across the nation. We urge you to improve HB 4277, and support HB 4277 and HB 4279 to curb dangerous and deadly distracted driving.

Sincerely,



Catherine Chase, President

cc: House Judiciary Committee Members

ⁱ IIHS, *Driver cellphone interactions increase 57 percent*, January 24, 2019.

ⁱⁱ Texting While Driving Includes Growing Mobile Web Use, <https://www.statefarm.com/simple-insights/auto-and-vehicles/distracted-driving-includes-growing-mobile-web-use>.

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

^{iv} AAA Newsroom, *New Hands-free Technologies Pose Hidden Dangers for Drivers*, October 22, 2015.

^v IIHS HLDI, Topics, Distracted Driving, available here: <https://www.iihs.org/topics/distracted-driving>.

^{vi} Cost of Motor Vehicle Crashes to Employers 2019, NETS, 2018 data expressed in 2019 \$, available at <https://trafficsafety.org/?ddownload=26813>.

^{vii} Industrial Vehicle Technology International 1/26/21 Available here: <https://www.iviinternational.com/features/autonomous-transport-hype-vs-reality.html>

^{viii} CBS News, 6/20/18