



ADVOCATES  
FOR HIGHWAY  
& AUTO SAFETY

March 23, 2022

The Honorable Clay Schexnayder, Speaker  
Louisiana House of Representatives  
900 North 3<sup>rd</sup> Street  
Baton Rouge, Louisiana 70804

Dear Speaker Schexnayder:

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, and reduce injuries costs, urges you to support House Bill (HB) 376 to curb distracted driving, a persistent killer on our roads. While Louisiana 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, more can and should be done to reduce the prevalence of visual, manual and cognitive driver distraction caused by device use.

The National Highway Traffic Safety Administration (NHTSA) reported that 692 people died on Louisiana roads in the first nine months of 2021, marking a 14 percent increase in traffic fatalities over the same period in 2020. Distracted driving is a major contributing factor to traffic crashes, and its incidence is known to be underreported. 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 addressing driver distraction must be updated to keep pace with the technology and ensuing distraction. Expanding current distracted driving laws to more broadly restrict 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 prevent 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).<sup>1</sup> Louisiana's law already includes this provision and HB 376 retains it. 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)."<sup>2</sup> Louisiana's law should be upgraded to include 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."<sup>3</sup> HB 376 revises the current distracted driving law to address these issues.

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. According to research on

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<sup>1</sup> Using Electronic Devices While Driving: legislations and Enforcement Implications (2021), TRB, available at <https://www.nap.edu/catalog/26082/using-electronic-devices-while-driving-legislation-and-enforcement-implications>.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

driver cognitive distraction compiled by IIHS, “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 376 will help prevent drivers from taking their eyes off the road and their mind off the task of driving.

The public has a keen understanding about the issue of distracted driving and supports improvements to stop its incidence. A national public opinion poll, [ENGINE INSIGHTS using the CARAVAN Survey, December 15-19, 2021](#), found that: 98% are concerned about distracted driving with 84% “extremely” or “very” concerned;” concern about distracted driving is widespread among respondents by age, generation, region, political party, and type of community; and, a strong majority agrees that not enough is being done to reduce dangerous behavior on our roadways. Notably, this response was fairly consistent across political party (66 percent of Republicans, 64 percent of Democrats, and 73 percent of Independents).

Distracted driving not only results in crashes, deaths and injuries, but it also unnecessarily expends taxpayer dollars. Crashes in which at least one driver was identified as being distracted imposed an economic cost of \$40 billion in 2010.<sup>4</sup> Adjusted for inflation only, that amounts to \$48 billion in 2021 dollars. In 2018 distracted driving crashes cost employers nearly \$19 billion.<sup>5</sup> The annual economic costs of all crashes in Louisiana are nearly \$7 billion (NHTSA) when adjusted for inflation.<sup>6</sup>

Each distracted driving death and serious injury irrevocably changes the lives of families and communities in Louisiana and across the nation. We urge you to support HB 376, a critical measure to curb dangerous and deadly distracted driving.

Sincerely,



Catherine Chase  
President

cc: The Honorable Tanner Magee, Speaker Pro Tempore  
The Honorable Blake Miguez, Majority Leader  
The Honorable Samuel Jenkins, Jr., Minority Leader

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<sup>4</sup> The Economic and Societal Impact of Motor Vehicle Crashes, 2010 (Revised), NHTSA, May 2015 (Revised), DOT HS 812 013, available at <http://www-nrd.nhtsa.dot.gov/Pubs/812013.pdf>.

<sup>5</sup> Bureau of Labor Statistics Inflation Calculator, available at [https://www.bls.gov/data/inflation\\_calculator.htm](https://www.bls.gov/data/inflation_calculator.htm).

<sup>6</sup> Cost of Motor Vehicle Crashes to Employers 2019, NETS, 2018 data expressed in 2019 \$, available at <https://trafficsafety.org/?download=26813>