



ADVOCATES  
FOR HIGHWAY  
& AUTO SAFETY

September 21, 2023

The Honorable Ed Neilson  
Chair  
House Transportation Committee  
Pennsylvania General Assembly  
Harrisburg, Pennsylvania 17120

The Honorable Kerry A. Benninghoff  
Republican Chair  
House Transportation Committee  
Pennsylvania General Assembly  
Harrisburg, Pennsylvania 17120

Dear Chair Neilson and Republican Chair Benninghoff:

Advocates for Highway and Auto Safety (Advocates), an alliance of consumer, safety, law enforcement, medical and public health groups, and insurance companies and agents working to advance laws proven to prevent crashes, deaths and injuries on our roads and contain related costs, appreciates the opportunity to provide input on Senate Bill (SB) 37 which would make changes to Pennsylvania's distracted driving law. We share your goals to advance legislation to improve safety and offer recommendations based on research and experience for your consideration.

Smart phone capability, usage and the broadening range of distracting electronic communication platforms and options (including apps, social media, gaming, video chatting) have grown rapidly. Device use can now easily be accomplished without holding or consistently physically engaging with a device (voice-to-text and/or dash mounted options). As such, laws that seek to ban hand-held device use yet still broadly permit hands-free use, including distracting viewing and engagement activities, fail to address cognitive and visual distraction. In fact, such measures may inadvertently promote the belief that hands-free use is safe. To address the prevalence and dangers of distracted driving, visual, manual and cognitive distractions should be restricted for drivers, and additional restrictions should be imposed upon inexperienced novice drivers.

To more broadly address distracted driving, we encourage you to amend the bill to accomplish the following:

- Ensure the hands-free exception does not result in permissive use. As drafted, the current bill language identifies a list of distracting uses and activities that should not be permitted behind the wheel but then provides a broad exception for hands-free use. While the safest change would be to remove the exception for hands-free use, at minimum, the hands-free exception should be narrowly tailored to prohibit uses that promote visual distraction such as: video chatting; taking or broadcasting video; and, streaming, downloading and viewing video, social media, apps and games.
- Expand the texting ban to cover distracted viewing. The texting ban should be broadened to include the aforementioned activities that lead to visual and cognitive distraction. Explicitly expanding the texting ban to cover distracting viewing would help to clear up potential loopholes created by the exception for hands-free usage and clarify to drivers and law enforcement that these device uses are unacceptable.
- Ban cell phone usage for novice drivers. Inexperienced drivers who are learning the skills needed to drive must fully focus on the driving task to ensure their safety and the safety of other road

users. Accordingly, novice drivers operating under a learner's permit or junior license should be restricted from any cell phone usage while operating a motor vehicle, with allowable exceptions for emergencies and global positioning system (GPS) usage to provide driving directions.

This approach is supported by the 2021 [report](#), *Using Electronic Devices While Driving: Legislations and Enforcement Implications*<sup>i</sup>, by the Transportation Research Board (TRB) which comprehensively reviewed the issue of distracted driving and state distracted driving laws. The report identifies key components in a model distracted driving law including:

- 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). As discussed above, Pennsylvania's law should be upgraded to add these provisions.
- Restrictions to “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.” We are glad SB 37 makes this important update to Pennsylvania law and strongly recommend that it remain in the final bill.
- Language banning texting (whether the device is hand-held or hands-free) and providing “more stringent restrictions for drivers under 18 years of age.” As discussed earlier this is not in the current bill, but we strongly recommend adjusting the legislation to reflect this best practice.

Thank you for your interest in improving the safety impact of the bill and consideration of our views. If you have any questions or need further information, feel free to contact me at [cchase@saferoads.org](mailto:cchase@saferoads.org).

Sincerely,



Catherine Chase  
President

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<sup>i</sup> Using Electronic Devices While Driving: Legislations and Enforcement Implications (2021), available at <https://nap.nationalacademies.org/read/26082/chapter/1>.