



ADVOCATES
FOR HIGHWAY
& AUTO SAFETY

February 24, 2025

The Honorable Mike Moser, Chairperson
The Honorable Beau Ballard, Vice Chairperson
Transportation and Telecommunications Committee
Nebraska Legislature
Post Office Box 94604
Lincoln, Nebraska 68509

Dear Chairperson Moser and Vice Chairperson Ballard:

Advocates for Highway and Auto Safety (Advocates), which is 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 contain costs, supports Legislative Bill (LB) 594 while recommending improvements to enhance safety based on research and experience.

In 2023, an estimated 231 people were killed in motor vehicle crashes in Nebraska.ⁱ In the U.S. in 2022, 3,308 people were killed in crashes involving a distracted driver, accounting for 8 percent of all crash fatalities.ⁱⁱ Nonoccupants (pedestrians, bicyclists, and others) accounted for 19 percent (621) of distraction-affected fatalities in 2022.ⁱⁱⁱ An estimated 289,310 people were injured in distraction-affected crashes in 2022.^{iv} It is important to note that distracted driving crashes are known to be underreported due to differences in police crash report coding, database limitations and other challenges.

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 imposed an economic cost of \$98.2 billion in 2019.^v In 2018 alone, distracted driving crashes cost employers nearly \$19 billion.^{vi} Nebraska incurs approximately \$1.7 billion in economic harm annually due to motor vehicle crashes, which is equivalent to \$892 per resident each year according to a 2019 analysis.^{vii} When updated for inflation alone, in 2025, costs would equate to \$2.18 billion to the state and \$1,126 per resident respectively.^{viii}

Distracted driving's impact and incidence must be addressed. 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. These devices can now easily accomplish myriad uses without holding or consistently physically engaging with a device (voice-to-text and/or dash mounted options), yet these uses may continue to foster driver distraction. As such, laws that seek to ban hand-held device use must also address cognitive and visual distractions. To meaningfully 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 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 including but not limited to: video chatting; taking or broadcasting video; streaming, downloading and viewing video, social media, apps and games; and, reading, writing, or sending an electronic message or notification from the hands-free/voice-activated exemption. In addition, the legislation should be broadened to include all applications to minimize activities that lead to visual and cognitive distraction. This will ensure the law has an “evergreen” component as new distracting communication and entertainment options emerge.

- Upgrading the electronic device usage ban for novice drivers to primary enforcement. 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. Nebraska bans graduated driver licensing (GDL) drivers from using electronic devices while driving a motor vehicle. However, the effectiveness of the GDL ban is undercut by secondary enforcement which requires a law enforcement officer to first observe another violation in order to enforce a distracted driving violation. LB 594 upgrades to primary enforcement for adult drivers. The same enforcement upgrade, while retaining existing restrictions on device use, should be made for GDL drivers.

This approach is supported by the 2021 [report](#), *Using Electronic Devices While Driving: Legislations and Enforcement Implications*,^{ix} 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).
- Language banning texting should include whether done in a hand-held or hands-free manner.
- Adding more stringent restrictions for minors. Young novice drivers are the most distracted and the most at risk. Per mile driven, teen drivers have crash rates nearly four times higher than drivers aged 20 and older.^x Young drivers, ages 15-20, also have the highest proportion of distraction-related fatal crashes.^{xi}

We urge you to advance LB 594 and to incorporate the identified upgrades. Thank you for your consideration of our views.

Sincerely,



Catherine Chase, President

cc: Transportation and Telecommunications Committee members

ⁱ Traffic Safety Facts: Crash Stats, Early Estimate of Motor Vehicle Traffic Fatalities in 2023, NHTSA, April 2024, DOT HS 813 561, available at <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813561>.

ⁱⁱ Traffic Safety Facts Research Note: Distracted Driving 2022, April 2024, NHTSA, DOT HS 813 559, available at <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813559>.

ⁱⁱⁱ Ibid.

^{iv} Ibid.

^v The Economic and Societal Impact of Motor Vehicle Crashes, 2019, NHTSA, Feb. 2023, DOT HS 813 403, available at <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813403>.

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

^{vii} The Economic and Societal Impact of Motor Vehicle Crashes, 2019, NHTSA, Feb. 2023, DOT HS 813 403, available at <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813403>.

^{viii} CPI Inflation Calculator, BLS, January 2019 to January 2025 dollars, available [here](#).

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

^x Insurance Institute for Highway Safety (IIHS), Teenagers, available at <https://www.iihs.org/topics/teenagers#by-the-numbers>.

^{xi} Traffic Safety Facts Research Note: Distracted Driving 2021, NHTSA, May 2023, DOT HS 813 443, available at <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813443>.