

Hang Up And Drive? The Push to Ban Cell Phones

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Issue Background

By [Matthew Edgar](#)

Summary

Policy makers across Colorado are considering banning cell phone use while driving, because they feel that it leads to car accidents. Regulations controlling cell phone usage in cars will not reduce the real problems of driving safety, and in fact may decrease road safety.

Proposed Regulations

Believing that cell phones lead to a great number of accidents, some politicians have proposed laws to ban cell phone use while driving. The law would prohibit any and all cell phone use by the driver of any vehicle in the state. Other proposed laws would not fully ban cell phone use in vehicles, but would require drivers pull to the side of the road to use the cell phone. Still other proposals would allow cell phone use with a headset or other hands-free device.

Cell Phones Don't Lead to Accidents

Before analyzing the actual impacts of the law, it is worth considering whether the problem of cell phones while driving is serious enough to require such a law.

One of the leading arguments for banning cell phones is that the cell phones distract to drivers. The University of North Carolina Highway Safety Research Center released a study of distractions leading to traffic accidents.^[1]

The top four distractions that resulted in accidents, according to this study, are:

- Outside Objects, Persons or Events: 29.4% (of accidents surveyed)
- Adjusting the Radio, Cassette, or CD Player: 11.4%
- Distractions Caused by Other Occupants in the Vehicle: 10.9%

The least significant from this study include:

- Moving Objects in the vehicle: 4.3%
- Eating/Drinking in the Car: 1.7%

- Using/Dialing a Cell Phone: 1.5%
- Climate Control Adjustments: 1.2%
- Smoking-related distractions: 1.2%

This makes a very clear point: cell phones are not a major factor in accidents.

Ban it Anyway!

An average person uses his or her cell phone in the car for 60% of his or her cellular minutes. It follows that a ban on cell phone usage in the car would decrease cell phone usage by a rather substantial amount, if not a full 60%. By reducing the majority of use, people would have a good reason to no longer buy cell phones. In addition, restrictive laws would give people an incentive to not carry cell phones already purchased while in their car.

Discouraging people from carrying and using cell phones in the car ignores the overwhelming safety benefits of cell phones: people can more easily coordinate their schedules, plan driving routes, keep in touch with news events, and report traffic accidents and congested traffic.

Unintended Consequences

A cell phone ban would result in several unintended consequences. If automobile use of cell phones were banned, people would be forced to pull over to the side of the road so as to use their cell phones. This will increase traffic congestion because of the disruptive movement to and from the side of the road.

The more important unintended consequence is an increase in shoulder accidents. For example, in Suffolk County, New York, a man pulled over to the side of the road to answer his cell phone, which was required under a New York law; while in the shoulder of the road the man was struck by a wide truck, killing the man who obeyed the law.^[2] Nearly 2,000 people currently die each year by pulling over to the shoulder for breakdowns.^[3] At present, cars in trouble are the only vehicles required to pull into the highway shoulders. A law requiring pulling onto the shoulder to use cell phones would increase the amount of cars in the shoulder, thus increasing the amount of traffic accidents that occur because of being parked in the shoulder.

Implementation Problems

The major problem with enforcement would be to determine if a driver is actually using a cell phone. With the small size of cell phones, distinguishing between a driver holding his hand to his head and a driver holding a phone to his head could prove daunting. Unlike for speed, there is no radar to detect

the usage of cell phones.

What is more, if police started pulling drivers over for using a cell phone, of course many drivers would be forced to pull over to receive their punishment. Pullovers make traffic more congested increase the possibility of accidents. Police too distracted with cell phone usage violations may miss other traffic illegalities.

The proposed measures would be Secondary Offenses. This means that a driver could not be pulled over exclusively for talking on a cell phone, but if a driver were pulled over for speeding and happened to be talking on the cell phone as well, then the driver would be punished for both speeding and talking on a cell phone. That said it is likely that after a few years of cell phones being a secondary offense there would be a push to make it a Primary Offense, much in the same way some legislators are currently pushing to make adults not wearing a seat belt a Primary Offense.

Current Laws

A law specifically for cell phones duplicates current laws banning reckless driving. The reckless driving laws (42-4-1401(1))[4] and careless driving laws (42-4-1402(1))[5] strictly forbid unsafe driving of any nature for any reason.

If a driver is yelling at children in the backseat and as a result fails to notice that the car is drifting across four lanes of traffic, or if a driver talking on a cell phone stops paying attention to the road and drifts across four lanes of traffic, both the yelling driver and the cell-phone driver should be ticketed for careless driving.

It is better to aim enforcement at all careless drivers, rather than cracking down on careful drivers who use cell phones.

Conclusion

The data does not support a cell phone ban. Banning cell phone usage in cases ignores the many safety and convenience benefits. The best approach is to not to create new laws, but to enforce the current careless driving laws.n

Endnotes

[1] University of North Carolina Highway Safety Research Center, "The Role of Driver Distraction in Traffic Crashes," May 2001, available at: <http://>

www.aaafoundation.org/resources/index.cfm?button=distractio.

[2] Adam D. Thierer, "Here Come the Federal Cell Phone Cops", Cato Institute, June 25, 2001, <http://www.cato.org/dailys/06-25-01.html>.

[3] "Smart Drivers: Do Your Part to be Safe", U.S. Department of Transportation, Federal Motor Carrier Safety Administration, <http://www.nozone.org/supportingMaterials/FMCSAMotorist.asp>.

[4] 42-4-1401 (1), Reckless Driving Penalty, "Any person who drives any motor vehicle, bicycle, or motorized bicycle in such a manner as to indicate either a wanton or a willful disregard for safety of persons or property is guilty of reckless driving."

[5] 42-4-1402(1), Careless driving penalty, "Any person who drives any motor vehicle, bicycle, or motorized bicycle in a careless and imprudent manner, without due regard for the width, grade, curves, corners, traffic, and use of the streets and highways and all others attendant circumstances, is guilty of careless driving."

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JON CALDARA is President of the Institute.

MATTHEW R. EDGAR is a Research Associate at the Institute.

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