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HOUSE OF  
REPRESENTATIVES  
ASSISTANT DEMOCRATIC LEADER

COMMITTEE ASSIGNMENTS  
COMMERCE, LABOR & ECONOMIC DEVELOPMENT

February 1, 2017

Chairman Proehl:

Chairman Proehl and members of the Transportation Committee, I appear before you this afternoon asking that the committee consider HB 2010, concerning the operation of a motor vehicle, eliminating the use of a hand held wireless communication devise while the vehicle is in motion.

With the growing population of drivers, faster vehicles, increased speed limits the incidents of unsafe driving habits, accidents, including more fatalities are growing as well. Driving on the highways, expressways, turnpikes, and through the city has become more hazardous and the distracted driver is more obvious.

Research commissioned by FMCSA shows that the odds of being involved in a safety-critical event (e.g., crash, near-crash, unintentional lane deviation) are 6 times greater for CMV drivers who engage in dialing a mobile phone while driving than for those who do not. Dialing drivers took their eyes off the forward roadway for an average of 3.8 seconds. At 55 mph (or 80.7 feet per second), this equates to a driver traveling 306 feet, the approximate length of a football field, without looking at the roadway!

The propensity for younger and the everyday non- commercial drivers who use such devices is even greater than the statistic for the CMV drivers. Distracted driving has led to increased accidents and fatalities; is the call or text that important that it can't wait?

**What are the risks?** - Using a hand-held mobile phone is risky because it requires the driver to reach for and dial the phone to make a call. Reaching for a phone out of the driver's immediate area is risky as well as dialing or answering the phone because these actions take the driver's eyes off the roadway.

We as law/ policy makers bear the responsibility for the safe practices for all our citizens and those who pass through our state. Sadly, there are many innocent victims due to distracted driving including our children and elderly.

I ask that the committee pass out favorably HB2010 so the State of Kansas can feel confident we are promoting the most possible safest driving practices for our citizens, visitors and our children's future.

Respectfully,

A handwritten signature in black ink, appearing to read 'Louis E. Ruiz'. The signature is fluid and cursive, with the first name 'Louis' being the most prominent.

Louis E. Ruiz

Representative state of Kansas #31

## House Bill No. 2010

By Representative Ruiz

### Handheld Devices Texting/Talking vs. Driving Under the Influence

*American Journal of Criminal Justice:*

Recent studies by scholars, as well as the Department of Transportation, have continued to demonstrate the dangers of texting and driving.

- Studies have found that texting while driving reduces reaction and control times even more than drinking and driving (Quisenberry).
- At least one study found that drivers who text are 23 times more likely to crash relative to non-distracted drivers (Quisenberry).
- 96% respondents knew it was against the law but continued to text and drive anyway (Quisenberry).
- Studies have found that levels of self-control were significantly tied to other dangerous driving behaviors such as driving while drinking and driving without using a seatbelt (Gottfredson & Hirschi, 1990).
- Among college students, higher self-control significantly reduces the amount of texting while driving (Quisenberry).
- The Centers for Disease Control estimates that more than 9 people are killed every day in the United States and 1,060 more injured in crashes that are reported to involve a distracted driver (Wilson and Stimpson, 2010).
- A recent study by State Farm found that among drivers 18-29, distracted driving has actually increased over the past 2 years (Anderson, 2011).
- Accessing the Internet while driving went from 29% of drivers in 2009 to 43% in 2011. Updating social media went from 20% of drivers in 2009 to 33% in 2011. Texting alone, dropped from 71% of drivers engaged in texting while driving in 2009 to 64% in 2011. Although the number of drivers who are texting may have decreased, this study (State Farm) shows that many drivers are still engaging in risky distracted driving behaviors (Anderson, 2011).
- 93% of teens agree that at the very least "someday you will get into an accident while texting and driving." 76% of teens agree that "if you regularly text and drive, someday you will be killed while driving" (Quisenberry).
- So why, then, are drivers, particularly teens, continuing to engage in distracted driving behaviors knowing they are potentially fatal? (Gottfredson and Hirschi's, 1990) general theory of crime- self control. Self-control is one of the robust predictors of crime. Gottfredson and Hirschi argue that individuals low in self-control are likely to engage in criminal behavior such as texting and driving, which is illegal in many states.
- Study conducted for the Liberty Mutual Research Institute for Safety, and data on police-reported crashes found distracted driving was a factor in 20 to

50% of traffic crashes according to the National Highway Traffic Safety Administration (Horrey, Lesch and Melton, 2010).

*Journal of Health Economics:*

Motor vehicle accidents are the leading cause of deaths in the U.S. Alcohol contributes to a significant fraction of these deaths: 14% of driver fatalities occur due to driving under the influence.

*Comparing drivers whom consumed alcohol vs. drivers with handheld mobile devices:*

During this study, the volunteers who participated in one instance, some took the test having consumed alcohol, and in the other, while using their mobile.

- By comparing the blood alcohol concentration (BAC) with the effects of mobile usage, they saw that when the mobile conversation required high cognitive demand or when answering a text message, the BAC test was above legal limits.
- When the conversation using the hands free was simple, the effects were comparable to a BAC level of 0.04.
- When more attention was required, their alcohol level analogue shot up to 0.8.

The two different hands free conversation levels studied are the equivalent to: a natural conversation in which the subject and the scientist speak about an interesting subject but as a way of passing the time; and a dialogue with more specific, cognitively demanding questions.

The results suggest that the use of hand free devices could also put drivers at risk.

## Works Cited

"Quisenberry, P.N. Am J Crim Just (2015) 40: 303. doi:10.1007/s12103-014-9249-3"

"State farm(R) survey shows fewer teens believe they will have an accident or be killed texting while driving versus drinking while driving. (2010, Sep 20)." *PR Newswire* Retrieved from <https://search-proquest-com.www2.lib.ku.edu/docview/751496306?accountid=14556>

"Using Handsfree, Texting Behind the Wheel As Dangerous As Drinking and Driving." *Africa News Service*, 14 Mar. 2013. *General OneFile*"