2023: Hands Free bills
(S.157 & H.3394)

What is the Hands-Free bill?

- **Drivers generally can't hold and use their phone while their car is in motion.**
- **Drivers generally can use mobile electronic devices in hands-free mode and are permitted to touch devices to activate and terminate hands-free mode.**
- Drivers are not permitted to 1) hold or support, with any part of the body, a mobile electronic device, and 2) read, compose, or submit any text, or 3) watch motion content on a device.
- Enables the violation to be a primary enforcement tool, unlike South Carolina's current $25 fine for texting while driving.

Penalties for Violating the Hands-Free law:

- 1st offense: $100
- 2nd offense $200 and 2 points on license

*25% go to SCDPS to do PR campaigns to educate citizens on the new law
*Violation is not a criminal offense

Law Enforcement:

- **Pre-emption**: pre-empts local ordinances
- **Requires law enforcement** to
  - only stop a person with reasonable suspension exists.
  - Only issue warnings in the first 90 days of the enactment.
- **Law Enforcement CANNOT use this law to:**
  - Seize, search, view, or require the forfeiture of a wireless electronic communication device because of a violation of this section.
  - Search or request to search a motor vehicle, driver, or passenger in a motor vehicle, solely because of a violation of this section.
  - Make a custodial arrest for a violation of this section, except upon a warrant issued for failure to appear in court when summoned or for failure to pay an imposed fine.

Exceptions:

- when a driver is lawfully parked or stopped;
- voice-to-text function,
- equipment/ services installed by vehicle manufacturer
- reporting accident, emergency, or safety hazard
- sending/ receiving data as part of digital dispatch system, and use by first responders
- working the navigation system, provided no typing occurs, and
- while unlocking a phone.

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PALMETTO CYCLING COALITION

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Why Hands-Free Legislation is Needed in South Carolina:

- Texting and driving is **6X more dangerous** than driving drunk. (NHTSA)
- Distracted driving kills more than **eight** people and injures another **1,095** people daily in the U.S. (NHTSA)
- South Carolina ranks in the top 10 for having the **worst drivers** and ranks 5th for careless driving and 11th in speeding
- South Carolina is **#1 in the nation** for Fatality Rate per 100 Million Vehicle Miles Traveled in 2019, and on average over 1,000 people were killed annually in the last decade.. (IIHS)
- South Carolina averages **two crashes every hour** involving a distracted driver. (SCDPS)
- A **teen** driver is involved in a collision that **kills or injures someone every 1.4 hours** in South Carolina. In 2019, South Carolina reported **18,936 total collisions** where distracted driving contributed to the accident. (SCDPS)
- **To reduce the number of traffic crashes:** Ten percent of fatal crashes, 15 % of injury crashes, and 14 % of all police-reported motor vehicle traffic crashes in 2015 were reported as distraction-affected crashes. (NHTSA)
    - After Georgia adopted its hands-free bill, road fatalities dropped 7% in the first 6 months (Atlanta Journal Constitution)
    - Bans on all handheld device use and texting bans for all drivers are associated with the greatest decrease in fatal motor vehicle crashes.
- At least 30 states have comprehensive, primary, hands-free laws. (GHSA)
- In South Carolina, 5 years of crash data (2017 – 2021) showed that on average, Distracted/Inattention, On Cell Phone, or Texting, was involved in 27% of collisions. (SCDPS, 2022, on request from Senate)
- In Georgia in 2019, 56% of all motor vehicle traffic crashes had at least one confirmed or suspected distracted driver. 4% of all drivers involved in motor vehicle traffic crashes were a confirmed distracted driver, and 52% were a suspected distracted driver in 2019. (GA Governor's Office of Highway Safety, 2021; https://www.shepherd.org/docs/Injury%20Prevention/2019-distracted-driving-georgia-traffic-safety-facts.pdf)
- Amongst 190,544 drivers from 2000 - 2014, comparing crashes before and after bans, universal hand-held calling bans were associated with 10% lower non–alcohol-related driver fatalities overall and up to 13% lower fatalities across all age groups and sexes. When comparing state-quarter-years with bans to those without, universal texting bans were not associated with lower fatalities overall or for any demographic group. (Rudisill, 2018; https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6486885/).
- In an on-road study, drivers who reported frequent cellphone use drove faster, changed lanes more often and made more hard braking maneuvers than drivers who said they rarely used cellphones while driving (Zhao et al., 2013).
- The evidence is clear when it comes to texting or manipulating a cellphone. Three analyses of data from a naturalistic study of over 3,000 drivers indicated that crash risk was 2-6 times greater when drivers were manipulating a cellphone compared with when they were not distracted (Dingus et al., 2016; Kidd & McCartt, 2015; Owens, 2018, via IIHS; https://www.pnas.org/doi/10.1073/pnas.151327111; https://www.iihs.org/topics/bibliography/ref/2099; https://aaafoundation.org/crash-risk-cell-phone-use-driving-case-crossover-analysis-naturalistic-driving-data/)
- Statistics based on police-reported crash data almost certainly underestimate the role of distraction in fatal crashes. Police crash reports aren't a reliable way to count cellphone-related collisions because drivers often don't volunteer that they were on the phone and there is usually a lack of other evidence to determine drivers' phone use (IIHS, 2022; https://www.iihs.org/topics/distracted-driving).
- A study showed that states that enacted primary cell phone bans experienced a significant reduction in the number of fatalities. Primary texting bans also affected fatalities, but that effect was significantly smaller than that estimated for handheld cell phone bans. This was an important and contradicting result, given most of the legislative activity in 2012 focused on text messaging behind the wheel. The study observed that all states benefited from the ban in terms of fatality reduction; however, some were highly affected (such as CA and DC) and some affected in small scale (such as UT and WA). (Rocco & Sampaio, 2016; https://link.springer.com/article/10.1007/s00181-015-1018-8).
- Distracted Driving disproportionately impacts people of color in South Carolina, given 1) Black South Carolinians are disproportionately over-represented in injury and fatality statistics in SC, and 2) Black South Carolinians are less likely to cause those injuries and fatalities on SC streets and roads (SCDPS).

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- The Police Betterment bill of 2022 enacted state standards and certification for local police officer behavior, in order to improve public trust in law enforcement. The PCC is committed to passing a Hands Free bill that does not incur undue harm to the same communities most impacted by distracted driving.
- The average, real ***economic*** cost of each traffic fatality is $1.75 Million, which is in wage and productivity losses, medical expenses, administrative expenses, motor-vehicle damage, and employers' uninsured costs. (***National Safety Council***) https://injuryfacts.nsc.org/all-injuries/costs/guide-to-calculating-costs/data-details/
- Every year in SC, 1000 die in SC from traffic fatalities, and 10% of those on average are from people using cell phones in their hands. (SCDPS)
- Therefore, because on average 100 people die annually in SC from distracted driving, the average annual, real ***economic*** cost of distracted driving is $175,000,000. (***National Safety Council***)
- The comprehensive cost per traffic fatality is $11,449,000. In addition to the economic cost components, the ***comprehensive costs*** also include a measure of the value of lost quality of life, obtained through empirical studies of what people actually pay to reduce their safety and health risks. Given that, because on average 100 people die annually in SC from distracted driving, the average annual, comprehensive cost of distracted driving is $1,114,490,000. (***National Safety Council***) https://injuryfacts.nsc.org/all-injuries/costs/guide-to-calculating-costs/data-details/

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