

Pennsylvania State Police Testimony

Joint Committee Hearing – Senate and House Transportation Committees

Prohibiting Hand-Held Devices

July 14, 2015



Good morning Chairmen and members of the committee. I am Lieutenant Robert Krol of the Pennsylvania State Police (PSP) Legislative Affairs Office. Thank you for the opportunity to appear before you today to discuss the topic of reducing distracted driving by prohibiting hand-held devices.

The PSP remains committed to prioritizing highway safety as one of our highest goals. To this end, we recognize that driver distractions can have tragic consequences resulting in traffic crashes and the injuries and fatalities associated with them. As a Commonwealth, we must all strive to reduce the 121,317 reportable crashes that occurred on our highways in 2014.<sup>1</sup> To put the significance of driver distraction into perspective, consider that a vehicle traveling at 60 miles per hour is moving at 88 feet per second – a distance longer than the average full-size tractor trailer combination. Given the distance that can be traveled in just a couple of seconds, it is easy to see how a significant crash could occur from just a momentary glance away from the road. For this reason, drivers should focus their attention on the task of operating the vehicle and avoid any unnecessary distractions.

Unfortunately, there are many potential distractions for vehicle drivers that can come from multiple sources. These distractions include such common behaviors as adjusting the radio, manipulating the navigation system, talking with a passenger, tending to children in the rear seat, eating, drinking, and smoking. Then, there are

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<sup>1</sup> Based on information provided by PennDOT, during 2014, there were 121,317 reportable crashes in Pennsylvania.

some distractions that are inherently more dangerous such as texting while driving, reading a book or newspaper, or putting on make-up.

One distraction that has received a lot of attention in the media and through public service messages involves the use of mobile telephones while driving. There appears to be debate among safety advocates as to whether the concern is only with the use of hand-held mobile phones, or if it also includes the use of hands-free mobile devices. Currently, SB 153 seeks to prohibit the use of hand-held mobile telephones.

The PSP believes that all driver distraction is problematic and can result in a traffic crash; however, the decision to single out one particular activity – in this case using a hand-held mobile telephone – is a public policy matter for debate. With the exception of texting while driving, we are unaware of any proof that using a hand-held telephone while driving is inherently more dangerous than the other distractions that I mentioned earlier in my testimony.

However, should the legislature decide to move forward with the proposal to prohibit the use of hand-held mobile telephones, we believe there are some things that should be considered in order to make the law effective from an enforcement standpoint. First, enforcement of this type of law could be complicated if there are exceptions which allow drivers to use them at specified times. With the burden of proof

being on the Commonwealth, a driver could claim they were using it legitimately and it would be difficult for the police to refute that claim without the ability to seize and search the device absent a warrant – something that would not be obtained for general traffic enforcement of a summary offense.

Secondly, the law should include a presumption clause so that if a motorist is holding the mobile phone in close proximity to his/her ear, there is presumption in law that the person is engaged in a call. The presumption could be rebuttable by the person, upon showing evidence that they were not engaged in a call. Senate Bill 153 is currently constructed in this manner by including a presumption clause under § 3317(b).

Lastly, we note that SB 153 is designed as secondary enforcement law. We believe consideration should be given to the difficulties of enforcing the prohibition under the bill as a secondary offense such as the need to establish another violation that occurs at the same time, before law enforcement may take steps to ensure greater public safety.

We look forward to any future discussions on this topic as the legislature considers it. Once again, I would like to thank the committee for inviting the PSP here to speak on this matter. I will now be happy to take any questions you may have.