Introduction: Oklahoma

Subject: Distracted Driver Legislation

Referred to: Reference Committee D
(Diana Ramos, MD, Chair)

Whereas, National Highway Traffic Safety Administration, primarily uses distracted driving to mean “the inattention that occurs when drivers divert their attention away from the driving task to focus on another activity”\(^1\); and

Whereas, Oklahoma has laws that restrict cell phone use while driving in an effort to reduce distracted driving accidents. Oklahoma is like most states in that many drivers either don’t know the applicable distracted driving laws or choose to ignore them; and

Whereas, Nearly one-third of all U.S. drivers 18 to 64 years old read or send text or email messages while driving\(^2\); and

Whereas, Reading or sending text or email messages while driving and other distracted driving behaviors leads to more than 420,000 injuries and more than 3,100 deaths every year in the United States\(^3\); and

Whereas, Simply knowing the risks of distracted driving has not yet translated into reducing the behavior\(^4\); and

Whereas, In 2015, Oklahoma became the 46th state to ban texting while driving. The Oklahoma law, Trooper Nicholas Dees and Trooper Keith Burch Act of 2015, prohibits texting and some other forms of electronic communication—such as taking photos or video and posting to social media—while operating a motor vehicle; and

Whereas, Some states’ laws prohibit drivers from talking on hand-held devices all together; some laws apply only to vehicles in motion whereas others also apply to drivers stopped in a travel lane. Laws focused specifically on electronic communication, or “texting,” also vary in prohibited conduct. Some statutes prohibit particular behaviors, such as composing, viewing, or transmitting electronic communications, but do not outlaw other actions such as entering a phone number or entering GPS data; and

Whereas, All states put a legal responsibility on drivers to operate in a safe manner, distracted driving laws vary across the United States in what they prohibit and how they can be enforced; and

Whereas, Federal law bans cell phone use while operating commercial motor vehicles or transporting hazardous materials. Specifically, in 2010 and 2011, Federal law banned commercial truck drivers, bus drivers, and drivers transporting hazardous materials from using hand-held cell phones and messaging on electronic devices\(^5\); and
Whereas, Current AMA Policy, H-15.952, “The Dangers of Distraction While Operating Hand-Held Devices,” merely states “Our AMA will endorse legislation that would ban the use of hand-held devices while driving”; therefore be it

RESOLVED, That our American Medical Association actively lobby for federal legislation to decrease distracted driving injuries and fatalities by banning the use of electronic communication such as texting, taking photos or video and posting on social media while operating a motor vehicle; (Directive to Take Action) and be it further

RESOLVED, That our AMA actively lobby for federal legislation to require automobile manufacturers to integrate hands-free technology into new automobiles. (Directive to Take Action)

Fiscal Note: Not yet determined

Received: 04/15/19

RELEVANT AMA POLICY

The Dangers of Distraction While Operating Hand-Held Devices H-15.952
1. Our American Medical Association encourages physicians to educate their patients regarding the public health risks of text messaging while operating motor vehicles or machinery and will advocate for state legislation prohibiting the use of hand held communication devices to text message while operating motor vehicles or machinery.
2. Our AMA will endorse legislation that would ban the use of hand-held devices while driving.
3. Our AMA: (A) recognizes distracted walking as a preventable hazard and encourages awareness of the hazard by physicians and the public; and (B) encourages research into the severity of distracted walking as a public health hazard as well as ways in which to prevent it.
4. Our AMA supports public education efforts regarding the dangers of distracted driving, particularly activities that take drivers’ eyes off the road, and that the use of earbuds or headphones while driving is dangerous and illegal in some states.
5. Our AMA: (A) supports education on the use of earbuds or headphones in both ears during outdoor activities requiring auditory attention, including but not limited to biking, jogging, rollerblading, skateboarding and walking; and (B) supports the use of warning labels on the packaging of hand-held devices utilized with earbuds or headphones, indicating the dangers of using earbuds or headphones in both ears during outdoor activities requiring auditory attention, including but not limited to biking, jogging, rollerblading, skateboarding and walking.

Citation: (Res. 217, I-08; Appended: Res. 905, I-09; Appended: BOT Rep. 10, A-13; Appended: Res. 416, A-13; Modified in lieu of Res. 414, A-15

References
5 49 CFR § 392.80 and § 392.82. https://www.fmcsa.dot.gov/regulations