

Combating Distracted & Drowsy Driving New Jersey's Statutory Approach

2008 GHSA Conference

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Scottsdale, Arizona

Jersey girls and guys crash

- 350,000 reported crashes annually
- 740 deaths on average past ten years
- Distraction & drowsy driving known causation factors



Crashes involving cell phones

Year	Crashes	Injury Crashes	Total Injured	Fatal Crashes	Total Fatalities
2002	454	144	185	0	0
2003	576	214	308	2	2
2004	527	161	222	1	1
2005	170	46	67	0	0
2006*	1854(hh)	548	757	6	6
	1726(hf)	458	873	5	5
2007*	1866(hh)	585	785	2	2
	1421(hf)	322	477	1	1

*Crash report changed – cell phone use became own field as opposed to previous years when it was “contributing circumstance.”

Legislation started with teens

- Jan. 2001 – GDL law bans teens from using any electronic device while behind the wheel (including hands-free phones)
- \$100 fine
- No points



School bus drivers added



- Dec. 2002 – school bus drivers prohibited from using a hand-held or hands-free phone while operating the vehicle
- \$250-\$500 fine'
- No points

Hand-held ban enacted

- July 2004 – statewide ban on hand-held cell phones, secondary offense
- \$100-250 fine requiring a court appearance
- No points



Primary plus texting



- March 2008 – hand-held ban amended to including texting, primary offense
- \$100 fine, \$250 if used to plead from another offense
- No points

Crashes Before & After Secondary Ban

Date	Total Crashes	Injury Crashes	Total Injured	Fatal Crashes	Total Fatalities
7/1/02-6/30/03	555	178	263	1	1
7/1/03-6/30/04	594	200	282	1	1
7/1/04-6/30/05	461	138	191	1	1
7/1/05-6/30/06	201	73	100	0	0
7/1/06-6/30/07	1887(hh)	546	785	4	4
	1456(hf)	376	560	2	2

Secondary ban effective July 1, 2004

Cell Phone Violations

July 1, 2004 – February 29, 2008

50,981 tickets in 44 months (secondary offense)

March 1, 2008 – July 31, 2008

57,892 tickets in 5 months (primary offense)

Impact on safety

- 91% know new law
- 88% support it
- 59% “never” use cell phone BTW



True Confessions



- 51% under age 30 text message BTW (10% of drivers over 30)
- 79% see others holding their phone/talking “very often”

Hands-free's safer?



- 34% all drivers & 55% who commute 20 miles @ way, “sometimes” or “often” talk hands-free
- 67% say driving hands-free safer than hand-held

Our message



If you must make or take a call do it quickly and in compliance with the law. Hand-held or hands-free, you're still distracted. The only thing you should be doing when behind the wheel ...driving.

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Drowsy Driving Crashes

	Fatigued Crashes	Injury Crashes	Injuries	Fatal Crashes	Fatalities
2007	1,030	404	541	2	2
	Asleep Crashes	Injury Crashes	Injuries	Fatal Crashes	Fatalities
2007	2,072	932	1,186	7	11

NJ crash report has data box to capture “apparent physical status of the driver.”

Jersey girls and guys drive drowsy

- 28% of NJ drivers have driven drowsy in the past 3 years
- 32% men, 24% women
- 37% of drivers < 30, 27% of drivers >30
- College grads more likely to drive drowsy (35% vs 22%)



Maggie's Law

- NJ first state to enact drowsy driving law, Aug. 2003
- Maggie McDonnell killed by driver who fell asleep after being awake for 30 hours, suspended jail sentence, \$200 fine



Maggie's Law

Establishes fatigued driving as recklessness under NJ's vehicular homicide statute.

Prosecutor must prove that defendant fell asleep while driving or was driving after having been without sleep for a period in excess of 24 hours.

Maggie's Law

- Crime of the second degree
- 10 year sentence
- \$100,000 fine

Maggie's Law

- Spurred HR 968 – National Drowsy Driving Act (Feb. 2003)
- Provides incentives to states for the development of traffic safety programs to reduce crashes related to driver fatigue and sleep deprivation

Enforcement

Maggie's Law is...

“hard if not impossible... to enforce. Evidence must be presented to support the charge... the person (hasn't) slept... for a full 24 hours. I can't think of any way to prove this w/o... testimony from someone (who) was with the defendant for the full 24 hours and observed them staying awake... There aren't any tests, medical or otherwise, that can be used to prove this in court.”

A 35-year law enforcement official

Enforcement

Court data not available – statute did not create an offense. Added a permissible inference to the vehicular homicide law (NJSA 2C:11-5).

Teens driving drowsy



Drivers younger than 25 responsible for the majority of drowsy driving crashes. NJ's TDSC recommends altering early high school start times to accommodate the sleep patterns of teens. Schools with later start times have experienced an 18% reduction in teen driver crashes.

Summing it up – distraction

- Cell phones are causing motorists to crash in NJ.
- Motorists know and support the cell phone law, but many still talk and drive illegally.
- Drivers under 30 of particular concern.
- Hands-free isn't safer – should the law be amended to include all cell phones, other devices?

Distraction continued

- Need expanded reporting on crash form – bill to capture all forms of distraction pending.
- Strong enforcement essential, but difficult to catch texters (they do it in their lap!).
- Is a cell phone mobilization needed? *Hang up or pay up! Just drive.*

Summing it up – drowsy driving

- Drowsy, sleepy drivers are crashing in NJ.
- Crash reports capture fatigued and asleep drivers.
- Maggie's Law extremely difficult to enforce.
- Should statute be amended to create an offense?
- Teens are driving drowsy, but schools unlikely to switch start times. Parents must be engaged!
- More public outreach needed – driving drowsy just as dangerous as driving drunk.

Thanks for your attention!

Questions

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