

# POLICY NOTES

## Cellular Phone Use While Driving: Should It Be Banned or Restricted in Georgia?

*By William Gillespie and Seok-Eun Kim*

*While relatively few states have enacted measures concerning use of cellular phones by drivers, Georgia is 1 of 22 states currently considering such legislation.*

*A study published in the New England Journal of Medicine in 1997 concluded that talking on a cellular phone in a vehicle quadrupled the risk of collision.*

*As of May 2001, at least 23 foreign countries either prohibit use of cellular phones entirely when driving or limit driver use to hands-free devices only.*

In March 1999, a 16 year old lost control of her van while dialing a cellular phone and killed a 2-year-old boy in Lawrenceville, Georgia. More recently, a top fashion model was critically injured in Atlanta when the driver, attempting to answer a call on a cellular phone, collided with a telephone pole. Recognizing the explosive growth in cellular phone use (from 91,600 in 1985 to 110 million users in 2001) and the risk of increased automobile accidents related to their use, many states and municipalities have proposed various regulatory solutions. Recently, New York became the first state to ban the use of hand-held cellular phones, requiring drivers to use either a headset or a speakerphone. Georgia's legislature is 1 of 22 state legislatures currently considering new restrictions on cellular phone use while driving.

Countering the threat of restrictions, the cellular phone industry argues that no concrete relationship exists between cellular phone use and automobile accidents. The cellular phone trade association cites research showing that driver activities such as eating, talking to other passengers, and changing radio stations distract drivers as much or more than does cellular phone use. For example, a recent AAA Traffic Foundation Study estimates that no more than 1.5 percent of all serious accidents involve cellular phones (Stutts et al. 2001). An early experimental study indicates that cellular phone conversations are no more distracting to drivers than conversations with passengers (McKnight and McKnight 1991). Another study determined that reading a map and adjusting a radio were more distracting than talking on a cell phone (Green, Hoekstra, and Williams 1993).

On the other hand, numerous studies have concluded that cellular phone use decreases driver attentiveness. In the most widely cited study concerning cellular phone use in vehicles, published in the *New England Journal of Medicine*, Redelmeier and Tibshirani (1997), controlling for other driver distractions, found that talking on a cellular phone in a vehicle quadrupled the risk of collision. The risk of collision was considered comparable to the risk of driving at the legal limit for intoxication. Hands-free phones were found to be no safer than hand-held phones. Another study estimated that 300 fatalities and 38,000 accidents annually can be linked to cellular phone use by drivers (Hahn and Tetlock 1999).

While all states have reckless-driving laws, relatively few states have enacted specific measures concerning use of cellular phones by drivers. In contrast to New York, Florida bans the use of headset devices connected with cellular phones but not hand-held phones. A Massachusetts law requires drivers to keep at least one hand on the steering wheel while talking on a cellular phone, and California requires rental car dealers to provide customers with instructions for the safe use of cellular phones. This year, 22 states have proposed cellular phone legislation. While some of the proposed bills would ban all use of cellular phones, most include exceptions such as placing emergency calls, using phones in rural areas, making calls from parked vehicles, and allowing a certain grace period for incoming calls. Legislators in Minnesota and New Jersey have proposed laws that ban virtually all types of cellular phone use by drivers, while 20 other states, including Georgia, would ban only hand-held cellular phones.

In developing a policy response to this issue, state and local legislators will no doubt want to consider the costs and benefits of cellular phone use in motor vehicles. In 1999, the

AEI-Brookings Joint Center for Regulatory Studies estimated that the economic loss to consumers from a comprehensive ban is likely to outweigh benefits by more than \$20 billion annually (Hahn and Tetlock). However, such analyses have been constrained by lack of data and information. Citing user privacy, the cellular service providers have refused access to calling records that might allow for better estimates of the costs and benefits. And, until recently, most states did not collect data about whether use of cellular phones in automobiles contributed to accidents. Consequently, while 12 states presently collect such information, only Oklahoma, Minnesota, Pennsylvania, and Tennessee have collected sufficient data to issue reports. Even in these states, however, concerns have been raised about the possible underreporting of cellular phone use as a cause of accidents since accident reports that cite their use represent only those cases for which the police can definitively attribute the accident to a driver's use of a cellular phone.

Public attitudes and sentiments are important considerations as well, especially on a policy issue of such salience. While polling data on opinions in Georgia are unavailable, a May 2001 national poll conducted by ABC News reported that 69 percent of the public supports a ban on hand-held cellular use by drivers, and a July 2001 Gallup poll indicates that 70 percent favor such a ban. However, the ABC News poll also found that 72 percent of the public believe hands-free cellular phone use by drivers should be legal.

In its 2001 session, the Georgia General Assembly considered four bills (SB 115, SB 167, SB 382, and HB 335) and a resolution (SR 146) concerning cellular phone use in vehicles but failed to adopt legislation. It will very likely consider the issue again in its next session. Based on experiences elsewhere, it appears that a law allowing hands-free devices is more likely to pass than an outright ban on the use of cellular phones while driving. Clearly, the evidence about the effect of cellular phone use in automobiles is mixed. Further, there is some real concern regarding the quality and availability of data that would be used in research exploring the link between cellular phone use and automobile accidents. Nonetheless, this is an issue, like many others that confront state government, in which the pressure to act could outweigh what is known about the problem or about the likely consequences of a specific policy action.

*An estimated 300 local jurisdictions nationally are considering restrictions, including the Unified Government of Athens–Clarke County, which recently narrowly defeated an ordinance that would have banned hand-held cellular phones.*

*Based on experiences elsewhere, it appears that a law allowing hands-free devices is more likely to pass than is an outright ban on the use of cellular phones while driving.*

## Selected Resources

Green, Paul, Eileen Hoekstra, and Marie Williams. 1993. *On-the-Road Tests of Driver Interfaces: Examination of a Route Guidance System and a Car Phone*. Ann Arbor: University of Michigan Transportation Research Institute.

Hahn, Robert W., and Paul C. Tetlock. 1999. *The Economics of Regulating Cellular Phones in Vehicles*. Washington, D.C.: AEI-Brookings Joint Center for Regulatory Studies.

McKnight, James, and A. Scott McKnight. 1991. *The Effect of Cellular Phone Use upon Driver Attention*. Prepared for the AAA Foundation for Traffic Safety. Landover, Md.: National Public Services Research Institute.

Redelmeier, Donald A., and Robert J. Tibshirani. 1997. "Association between Cellular-Telephone Calls and Motor Vehicle Collisions." *The New England Journal of Medicine* (336): 453–58.

Stutts, Jane C., Donald W. Reinfurt, Loren Staplin, and Eric A. Rodgman. 2001. *The Role of Driver Distraction in Traffic Crashes*. Prepared for the AAA Foundation for Traffic Safety. Chapel Hill: Highway Safety Research Center, University of North Carolina.

### World Wide Web Sites:

National Highway Transportation Safety Administration: [www.nhtsa.dot.gov/](http://www.nhtsa.dot.gov/)

National Conference of State Legislatures: [www.ncsl.org/](http://www.ncsl.org/)

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