

Task Force on Driver Distraction

Interim Report to Gov. James E. McGreevy

December 2002

The Task Force on Driver Distraction and Highway Safety has welcomed the charge which you and the Legislature have presented to us.

We have met twice to date. We have identified a number of distracting situations that plagued motorists in our state. However, we have determined to give initial priority to advising you on the possibility of legislation to regulate the use of cellphones while motorists are driving.

At our most recent meeting (Tuesday, December 3, 2002) those in attendance unanimously agreed to forward the following report to the Governor:

Having reviewed a number of proposals for legislation to regulate cellphone usage by motor vehicle drivers, the Task Force recommends that New Jersey enact legislation that includes the following provisions:

- a. It should be unlawful to use a handheld wireless telephone when operating a motor vehicle.
- b. An exception can be made for hand-free wireless telephones.
- c. An exception can be made for emergency use of a hand-held wireless phone:
 - i. When there is fear for life or safety, as well as when a criminal act is observed.
 - ii. When there is need to report a fire, hazards, accidents, or recklessness by other drivers.
- d. An arresting officer should be able to access telephone records as evidence.
- e. Initially enforcement should take place as a secondary action.

[The Task Force and other State agencies should continue to collect data, analyze experience under this legislation, and within a reasonable period of time consider whether the law should be amended to provide for primary enforcement.]
- f. Fines should be established as follows:
 - First Offense: \$25 to \$50
 - Second Offense: \$40 to \$100

Third Offense: \$100 to \$250.

- g. Initially violation of the proposed statute should be a “no-point offense.”
- h. Police/emergency personnel should be exempt.
- i. Upon adoption, the State should conduct a vigorous public education campaign.
- j. Upon adoption, the State should conduct effective enforcement training for the State Police and local municipal law enforcement officers.
- k. To assure consistency throughout the State, the new law should preempt any ordinances enacted by County or municipal governments.
- l. In order to provide sufficient education of the public, the new law should take effect six months following its enactment.

In addition to monitoring the public education campaign, the law enforcement training, and other aspects of the implementation of such a law, the Task Force will continue its further study of other driver distractions and make additional recommendations accordingly.

Marvin R. Reed, Chair, Task Force on Driver Distraction and Highway Safety