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February 28, 2023

Testimony in SUPPORT of LD 145

An Act to Increase the Penalties for Operation of a Motor Vehicle While Using a Handheld Electronic Device or Mobile Telephone

Greeting distinguished members of the Committee on Transportation:

My name is James Tassé, and I submit this testimony on behalf of the Bicycle Coalition of Maine (BCM) in support of LD 145, which would increase the penalties for the use of handheld devices and distracting electronic devices while driving. BCM urges the committee to issue an Ought to Pass, or an Ought to Pass with Amendments, report on this bill.

The Bicycle Coalition of Maine is the statewide organization that advocates for bicyclists and pedestrians. We work to make Maine better for bicycling and walking, and to protect the safety and rights of vulnerable users of the public ways. For this reason, we support legislation that would deter the use of handheld or portable electronic devices while driving.

Across the US, the National Safety Council reports that drivers using handheld devices is steadily increasing, noting that the “percent of drivers manipulating hand-held electronic devices has increased 127%, from 1.5% in 2012 to 3.4% in 2021.” The National Highway Traffic Safety Administration attributed 3142 deaths on roadways in 2020 to distracted driving. The US CDC reports that 9 people are killed every day by distracted driving.

In Maine, 3154 crashes had distracted driving as a contributing factor, resulting in 11 deaths and over 1100 injuries in 2022.

Distracted driving is a danger for all road users, and is even more lethal for those walking and bicycling who are not enclosed in the protective metal boxes of motor vehicles.

Despite law restricting the use of handheld phones and other electronic devices while driving, distraction by these devices persists as an issue—and one reason may be that the fines levied for violations are not sufficient to function as a deterrent.

LD 145 would significantly increase the penalties for operating a motor vehicle with an electronic device or phone, and create meaningful deterrents from engaging in this risky



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behavior. Passing this bill would send a clear message that Maine believes driving while distracted by an electronic device is unacceptable.

BCM is sensitive to the fact that these significant increases in fines may be more of a burden to low income and minority drivers. But we are also sensitive to the fact that 20% of distracted driving crashes involve people walking or bicycling, and that poor and minority populations are killed and injured at higher rates--up to four times higher!--than other groups. And the cost of being injured by a distracted driver is much, much greater than the fines this bill would levy. So if raising the fines results in reductions in violations, the costs society incurs treating and litigating these crashes are considerably reduced. So on the whole, BCM believes that raising the fines associated will ultimately benefit everyone in the state, including poor and minority groups.

That said, the fines proposed in LD 145 are somewhat higher than distracted driving fines in most other states. BCM would support amending the bill to reduce the proposed fine schedule to \$250 for a first offense, \$500 for a second offense, \$1000 for a third offense, and suspension of license for additional violations.

While the size of even these reduced proposed fines may be still seen as burdensome to violators, it is easy enough to avoid getting the fine: don't text and drive, don't drive distracted, and don't have gadgets in your hands while operating a motor vehicle. Raising the fines so they are large enough to discourage the behavior, and encouraging law enforcement officers to issue citations for violations, is the only way this dangerous roadway activity will stop.

BCM urges you to vote to pass this legislation, with or without adjustments to the proposed fine structure.

Thank you for your time and service to the people of Maine.

Sincerely,

A handwritten signature in black ink, appearing to read "James Tassé".

James Tassé
Assistant Director
Bicycle Coalition of Maine