

Dr.KennethBeckUMD_FAV_SB819

Uploaded by: BECK, DR. KENNETH

Position: FAV



UNIVERSITY OF
MARYLAND

SCHOOL OF PUBLIC HEALTH

Department of Behavioral and Community Health

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College Park, Maryland 20742-2611
301.405.2527 TEL 301.314.9167 FAX

February 13, 2020

The Honorable William C. Smith, Jr.
Chair, Judicial Proceedings Committee
Miller Senate Office Building, 2 East
Annapolis, MD 21401

Re: **Senate Bill 819** – Distracted Driving Monitoring Systems – Authorization - **Support**

Dear Chairperson Smith and Members of the Committee:

I would like to express my support for this bill. It represents a significant step toward reducing a serious highway safety problem. Young drivers in particular are overrepresented in distracted driving automobile crashes. This is largely, but not exclusively, due to texting on a cell phone while driving.

Research that we have conducted at the University of Maryland has revealed that emerging adults have grown up with cell phones and related technology. As such, they feel very comfortable using them while multitasking such as operating a motor vehicle. They tend to feel (inappropriately) that they can drive and text safely and not cause a crash or near incident while driving and texting. Further, our research has shown that many young people who report texting while driving do not feel it is very likely that they will be caught or sanctioned by the police. They see this as largely an unenforceable behavior. This bill, if passed, would address this feeling of low perceived risk.

Research on a related issue, alcohol-impaired driving, has shown that when drivers perceive an increased risk of DUI detection, coupled with appropriate publicity campaigns to educate them about this enforcement, the rates of drinking and driving decrease. I see the measures proposed in this bill as similar to what has worked with DUI reduction.

Please contact me if you need any additional information.

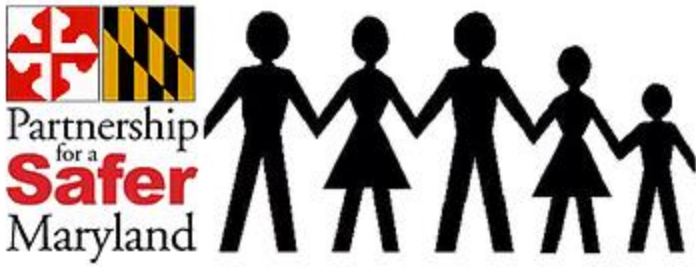
Sincerely,

Kenneth H. Beck, Ph.D.
Professor
Department of Public and Community Health
University of Maryland School of Public Health
Tel: 301-405-2527
Email: kbeck1@umd.edu

Marianne.Gibson_FAV_SB819

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Position: FAV



I am writing on behalf of the Partnership for a Safer Maryland to support SB819: Distracted Driving Systems.

There has been tremendous progress in making the roads safer for drivers in the United States. However, operating a motor vehicle remains one of the most dangerous activities that the average American engages in on a regular basis. Our intense need to be connected at all times has contributed to the development of risky behaviors, including texting while driving.

The National Safety Council reports that cellphone use while driving leads to 1.6 million crashes annually. Nearly 25% of crashes in the United States can be attributed to texting while driving, resulting in 390,000 injuries occur each year.

Technology, including speed and red light cameras have been shown to be effective in reducing risky driving behavior, and similar technology should be optimized to address cell phone use while driving.

Changing behavior around texting while driving will reduce motor vehicle accidents, reduce injuries and save lives. This will make the roads safer for all Marylanders, which is why the Partnership for a Safer Maryland supports the goals of SB819.

Sincerely,

Marianne Gibson

President

Bill.Burley_FAV_SB819

Uploaded by: BURLEY, BILL

Position: FAV

William M. Burley, IV

HIDTA Federal Appointment – Baltimore, MD

Group Supervisor,

Baltimore City Police Department – Baltimore, MD

Police Detective & Commander,

February 27, 2020

The Honorable William C. Smith, Jr.
Chair, Senate Judicial Proceedings Committee
2 East, Miller Office Building
Annapolis, MD 21401

Senate Bill 819- Distracted Driving Monitoring Systems – Authorization - Support

Although my technical background has always been in an effort to catch criminals, I am here today to offer a different technology that can be used to save lives.

The distracted driving bill here today has had study after study on how it has over taken drunk driving and the causes of texting or talking while driving

I have been to numerous county councils, mayors, executives and police agencies all of which have nothing but praises for the distractive driving program, all of which who would welcome the program if we had a state law.

The Belair Police Chief Charles Moore supports this type of enforcement and in fact requested that we do some testing in his town.

Here are the results of the test:

This is the URL for the review : <http://drivesafeenforcement.com/test/#/main/logon>

9/7/19	Sat	1.5 hours from 1:25 - 3:05	11 Violations
9/8/19	Sun	2 Hours from 11:52 - 1:56	16 violations
9/9/19	Mon	1 hour from 5 - 5:51	18 violations
9/11/19	Wed	1 hour from 5:16 - 6:03	5 violations
9/18/19	Wed	1 hour from 5:22 - 6:20	10 violation

Laura.Buchanan_FAV_SB819

Uploaded by: CARLSON, TARA

Position: FAV



**Support Testimony of
Laura Buchanan, MD
Assistant Professor of Surgery
University of Maryland School of Medicine
Trauma Critical Care Surgeon
R Adams Cowley Shock Trauma Center, University of Maryland
SB 819 Distracted Driving Monitoring Systems Authorization
Sponsor: Senator Klausmeier
February 27, 2020
Senate Judicial Proceedings Committee
William C. Smith, Jr.-Chair**

Good afternoon Senator Smith and Respected Committee Members,

I am Dr. Laura Buchanan, Assistant Professor of Surgery, University of Maryland School of Medicine and a Trauma/Critical Care Surgeon at the R Adams Cowley Shock Trauma Center. I am before you today in support of SB 819 Distracted Driving Monitoring Systems Authorization, which would allow Maryland State Police and counties to establish a program to enforce distracted driving violations. It is not mandatory, it simply enables a county the option of implementing technology that would reduce distracted driving and motor vehicle crashes in Maryland.

As established by State law, the R Adams Cowley Shock Trauma Center is the core element of the State's Emergency Medical Services System and serves as the State's Primary Adult Resource Center (PARC) for the treatment of trauma. Specifically, the law mandates Shock Trauma to serve as (a) the State's primary adult trauma center, (b) the statewide referral center for the treatment of head, spinal and multiple trauma injuries, (c) the regional trauma center for Region III and the southwest quadrant of Baltimore City, and (d) the statewide referral center for patients in need of hyperbaric medical treatment.

The R Adams Cowley Shock Trauma Center is the State's only trauma hospital. It serves as a vital statewide clinical resource and uniquely maintains an around-the-clock state of readiness in its dedicated trauma resuscitation unit (TRU), operating rooms and recovery rooms. Our facility and staff are organized for on-demand access and treatment of the State's most critically ill and injured patients to a degree unparalleled anywhere in the system. The MIEMSS PARC designation represents the State's highest level of capability and readiness.

Every day, at Shock Trauma, I care for patients who were in a motor vehicle related crash due to a distracted driving. I see severely injured teens and adults of all ages. These crashes often lead to devastating and life altering injuries or fatalities.

I have dedicated my career to saving Maryland's most severely injured individuals but I am also passionate about preventing these injuries.

Further statistics



R ADAMS COWLEY SHOCK TRAUMA CENTER

UNIVERSITY OF MARYLAND

- In 2018 Maryland had 512 Fatalities from crashes, 34,658, crashes resulting in injury, and 117,955 total crashes. (Maryland Department of Transportation, Motor Vehicle Administration, Highway Safety Office)
- In 2019, R Adams Cowley Shock Trauma Center admitted 7,060 patients into their bays and 36% of those patients were from motor vehicle crashes which translates to roughly 2,500 people. (Shock Trauma Fact Sheet, 2019)
- Distracted driving contributes to 58% of all crashes in Maryland (NHTSA, 2018)
- Texting while driving is categorized under three forms of distractions: visual, manual, and cognitive. (NHTSA, 2018)
- Visual distractions require the driver to remove focus from the road momentarily. Manual distractions require the driver to eliminate physical contact from the steering wheel. Cognitive distraction occurs when the driver has diverted their attention away from driving. (NHTSA, 2018)

For these reasons I urge your support for SB 819. While we at Shock Trauma love what we do, we would get more joy, from being unneeded. We support this reduction in preventable injuries and fatalities. I am happy to answer any questions.

Laura Buchanan, MD,

R Adams Cowley Shock Trauma Center

University of Maryland Medical Center

22 S. Greene Street

Baltimore, MD 21201

lbuchanan@som.umaryland.edu

Phone: 410.328.9781

References

<https://www.umms.org/ummc/health-services/shock-trauma>

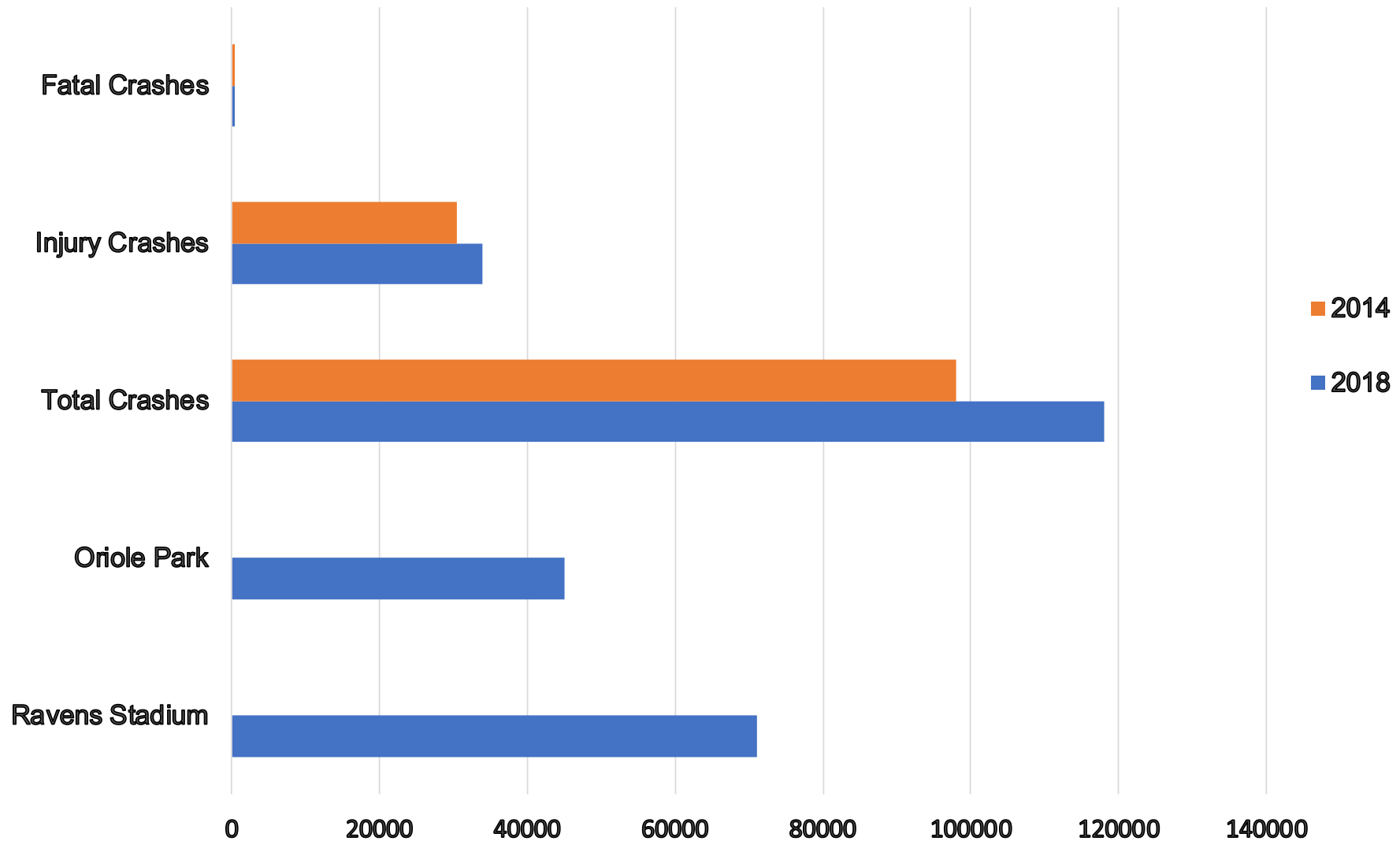
<https://www.umms.org/ummc/health-services/shock-trauma>

https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/maryland_fy2018_hsp.pdf

<https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/811299.pdf>

<https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/811299.pdf>

Maryland Crash Summary 2014 vs 2018



Our Values

Respect and Integrity | Teamwork and Collaboration | Excellence and Innovation | Diversity and Inclusion

Source:
Maryland Department of Transportation,
Highway Safety Office

Our Numbers

2,500

58%



Our Values

Respect and Integrity | Teamwork and Collaboration | Excellence and Innovation | Diversity and Inclusion

Tara Carlson.Shock Trauma_FAV_SB819

Uploaded by: CARLSON, TARA

Position: FAV

**Support Testimony of
Tara Reed Carlson, MS, RN
Center for Injury Prevention and Policy
R Adams Cowley Shock Trauma Center, University of Maryland
SB 819 Distracted Driving Monitoring Systems Authorization
Sponsor: Senator Klausmeier
February 27, 2020
Senate Judicial Proceedings Committee
William C. Smith, Jr.-Chair**

Good afternoon Senator Smith and Respected Committee Members. I am Tara Reed Carlson, Director of Community Outreach and External Affairs and Director of the Center for Injury Prevention and Policy at the R Adams Cowley Shock Trauma Center. I am before you today in support of SB 819 Distracted Driving Monitoring Systems Authorization. This bill would allow Maryland State Police and counties to establish a program to enforce distracted driving violations. The bill is not mandatory, it simply enables a county the option of implementing technology that would reduce distracted driving and motor vehicle crashes in Maryland.

As established by State law, the R Adams Cowley Shock Trauma Center is the core element of the State's Emergency Medical Services System and serves as the State's Primary Adult Resource Center (PARC) for the treatment of trauma. Specifically, the law mandates Shock Trauma to serve as (a) the State's primary adult trauma center, (b) the statewide referral center for the treatment of head, spinal and multiple trauma injuries, (c) the regional trauma center for Region III and the southwest quadrant of Baltimore City, and (d) the statewide referral center for patients in need of hyperbaric medical treatment.

In Fiscal Year 2019 we saw over 7000 patients and 36% (or over 2500) of those patients were due to motor vehicle or traffic related crashes. We no longer call them accidents because so many of them are preventable. One major cause of motor vehicle crashes is due to a distracted driver. And these crashes are preventable if only the driver had their attention on the task of driving instead of other distractions.

There are three main types of distraction: **visual**-taking your eyes off the road, **manual**-taking your hands off the wheel and **cognitive**-taking your mind off of what you are doing. Types of distracted driving include texting and using a hand held cell phone. Nearly one in three drivers report talking on their cell phones while driving fairly often or regularly. The National Safety Council estimates cell phone use while driving leads to 1.6 million crashes a year. Nearly 390,000 injuries occur each year from crashes caused by texting and driving. The NSC further reports that 1 out of every 4 car crashes in the US is caused by texting and driving. **And all of these are preventable.**

Additional statistics for you

- Texting takes a driver's eyes off the road for at least four to five seconds; long enough to travel the length of a football field at the speed of 55 mph. (CDC, 2018)
- In FY19, 43% of R Adams Cowley Shock Trauma Center admission were individuals between the ages of 15 and 35 (Shock Trauma Fact Sheet, 2019)



CENTER FOR INJURY PREVENTION & POLICY

- In FY19, R Adams Cowley Shock Trauma Center admitted 7,060 patients and 36% of those patients were from motor vehicle or traffic related crashes which translates to roughly 2,500 people. (Shock Trauma Fact Sheet, 2019)
- Distracted driving contributes to 58% of all crashes in Maryland(NHTSA, 2018)
- Texting while driving is categorized under three forms of distractions: visual, manual, and cognitive. (NHTSA, 2018)
- Visual distractions require the driver to remove focus from the road momentarily. Manual distractions require the driver to eliminate physical contact from the steering wheel. Cognitive distraction occurs when the driver has diverted their attention away from driving. (NHTSA, 2018)

For all of these reasons I urge your support for SB 819 and reduce the risk of distracted driving for your constituents and all Marylanders on the roads.

References

1. https://www.cdc.gov/motorvehiclesafety/distracted_driving/index.html
2. <https://www.umms.org/ummc/health-services/shock-trauma>
3. <https://www.umms.org/ummc/health-services/shock-trauma>
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5. https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/maryland_fy2018_hsp.pdf
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7. <https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/811299.pdf>
8. National Highway Traffic Safety Administration. Facts and Statistics. U.S. Department of Transportation, Washington, DC. Available at: <http://www.distraction.gov/stats-research-laws/facts-and-statistics.html>

Tara Carlson, MS, RN
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JacyGood_FAV_SB819pdf

Uploaded by: GOOD, JACY

Position: FAV



Jacy Good and Steve Johnson
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(914) 512 - 5194

jacyandsteve@hangupanddrive.com

The Honorable William C. Smith, Jr.
Chair, Senate Judicial Proceedings Committee
Miller Senate Office Building, 2 East
Annapolis, Maryland 21401
Systems- SUPPORT

Re: SB 819- Distracted Driving Monitoring

Dear Chairman Smith and Committee Members

My name is Jacy Good and every day of my life for nearly twelve years has been shaped by distracted driving. I grew up in farm country Pennsylvania; the daughter of a teacher and a mechanic, college was only an option if I managed to get the scholarships to pay for it. Hard work and unceasing support from my parents, Jean and Jay, made that happen. I fell in love with my now husband early in our freshman year, finished with an AmeriCorps position lined up with Habitat For Humanity and in May 2008 we graduated with plans for marriage, children and a happily ever after. Yet just hours after the ceremony along that 90-minute drive to our home we were struck by a fully loaded tractor-trailer as he swerved to avoid a driver who, after stopping at a red light, was so distracted by his phone call that he then attempted to turn left into the intersection as my family and that truck approached our green lights.

My parents, at 58 years old, were killed on impact. I'm only still here because a series of small miracles and impeccable medical care aligned in those ensuing minutes exactly as perfectly as the imperfect confluence of events that had preceded them. And though a traumatic brain injury has left me permanently unable to use the left side of my body, my I've spent the years since then standing in front of audiences trying to use my story to actually impact the choices people make behind the wheel.

There is only so much an advocate like myself can accomplish - even with over 1,000 speaking engagements, a viral video and innumerable media appearances under my belt. But those in your position have a power to impact millions of people in one fell swoop, and I urge you to pass this bill and allow communities to take their next step, if they choose to do so.

For a long time I was tortured by "what ifs". If it had taken my dad another 30 seconds to get one box into our car before leaving school that day then maybe today they'd be enjoying retirement, enjoying grandchildren...I sure would have had a father to walk me down the aisle a few years later.

A technology like this, had it been available and employed in 2008, may very well have altered that driver's decisions and eliminated the far-reaching negative ripple that his phone use caused. Mine was one crash on one day. But every day there so, so many more that kill and hurt the people around us. It's hard to find a person nowadays who doesn't know that phone use while driving is dangerous, yet surveys all show that acknowledging the danger doesn't stop people from doing it anyway. We must take further steps. Can you look someone like me in the eyes and tell me your perceived privacy outweighs the lives of my parents? Nobody has the right to put the people we love in harm's way, and every devastating, family-destroying crash that happens while there are clear measures to prevent them is on the shoulders of the people who failed to act when the power to enact change was presented. Please act.

Respectfully,

Jacy Good, Founder, Hang Up And Drive

Jacy Good 2/24/20

Hang Up And Drive, Inc.
www.hangupanddrive.com

Russell.Hurd_FAV_SB819

Uploaded by: HURD, RUSSELL

Position: FAV

TESTIMONY OF RUSSELL HURD

SENATE BILL 819- DISTRACTED DRIVING MONITORING SYSTEMS- SUPPORT

MR CHAIRMAN AND MEMBERS OF THE JUDICIAL PROCEEDINGS COMMITTEE

LADIES AND GENTLEMEN,

MY NAME IS RUSSELL HURD AND I RESIDE IN HARFORD COUNTY , MARYLAND.

BEFORE I BEGIN MY REMARKS I WOULD LIKE TO ASK EACH OF YOU TO CLOSE YOUR EYES FOR JUST A FEW SECONDS AND PICTURE SOMEONE YOU LOVE WITH EVERY FIBER OF YOUR BEING, SOMEONE THAT YOU ADORE, SOMEONE THAT YOU COULDN'T BEAR TO LOSE. KEEP THAT PERSON IN YOUR THOUGHTS AS I SPEAK WITH YOU THIS MORNING.

ON MARCH 10 1981 I BECAME A FATHER FOR THE VERY FIRST TIME WHEN MY DAUGHTER HEATHER WAS BORN. SHE WAS BEAUTIFUL IN EVERY WAY AND A TRUE GIFT TO HER VERY YOUNG PARENTS.

SHE WALKED AND TALKED BEFORE HER TIME, SHE BECAME A STRAIGHT A STUDENT IN SCHOOL , SHE LEARNED TO PLAY THE FLUTE AND GUITAR. THERE SEEMED THAT THERE WAS NOTHING THAT OUR LITTLE GIRL COULD NOT DO.

FROM A VERY EARLY AGE OUR HEATHER FELL IN LOVE WITH THE MAGIC OF DISNEY. SHE LOVED THE MOVIES, THE MUSIC AND THE CHARACTERS, ESPECIALLY THE ORNERY ONES OR FOR SOME REASON THE VILLAINS. HER FAVORITE CHARACTER WAS STITCH FROM LILO AND STITCH AND THERE WAS NEVER A TIME WHEN SHE SAW HIM THAT SHE DIDN'T GIGGLE HER VERY SPECIAL GIGGLE THAT MEANT THE WORLD TO HER MOM AND I.

AT A VERY YOUNG AGE , AS ONE OF OUR FAMILY VACATIONS AT WDW WAS ENDING WE LOOKED DOWN TO NOTICE HEATHER WAS CRYING. WE ASKED WHY SHE WAS SAD AND SHE REPLIED THAT SHE HATED TO LEAVE BUT THAT ONE DAY SHE WOULD NEVER HAVE TO LEAVE BECAUSE SHE WOULD LIVE IN FLORIDA AND WORK AT THE MOST MAGICAL PLACE ON EARTH.

FAST FORWARD NOW A FEW YEARS. OUR HEATHER IS NOW A YOUNG WOMAN, AND HER DREAM WAS COMING TRUE. SHE WAS CHOSEN OUT OF HUNDREDS OF CANDIDATES FOR A INTERNSHIP AT WDW. SHE WAS MOVING TO FLORIDA. ALTHOUGH WE WERE SAD THAT SHE WAS MOVING AWAY WE WERE THRILLED THAT SHE WAS MAKING HER DREAMS COME TRUE.

LIKE EVERY LITTLE GIRL, HEATHER DREAMED OF HER WEDDING DAY. SHE DREAMED OF THE WHITE DRESS. SHE DREAMED OF BEING CINDERELLA. IN THE FALL OF 2007 HEATHER BECAME ENGAGED RIGHT AT OUR FAMILIES FAVORITE PLACE AT THE MAGIC KINGDOM. PLANS FOR HER DREAM WEDDING COULD NOW BEGIN.

JANUARY 3, 2008 DAWNED AS A DAY OF ANTICIPATION, OF EXCITEMENT, OF DREAMS ABOUT TO COME TRUE. THIS COLD JANUARY DAY WOULD BEGIN THE PLANS FOR OUR HEATHER'S MAGICAL DREAM WEDDING.

MY WIFE SON AND I TRAVELED TO FLORIDA TO MEET HEATHER AND HER FIANCE PATRICK AT DISNEYS WEDDING PLANNER. THIS MEETING WAS TO TAKE PLACE AT NOON THAT DAY.

I REMEMBER SITTIING OUTSIDE THE WEDDING PAVILION AS NOON CAME AND WENT. A NERVOUSNESS SET IN AS HEATHER WAS NEVER LATE TO ANYTHING. WE WAITED AND WAITED UNTIL THE WEDDING PLANNER TOLD US OF A CRASH INVOLVING OUR HEATHER.

WE HURRIED BACK TO OUR DISNEY RESORT AND DROVE THE BACK AND FORTH ON FLORIDA ROADS SEARCHING FOR INFORMATION ON OUR BEAUTIFUL DAUGHTER. FINALLY WE WERE TOLD TO DRIVE TO ORLANDO REGIONAL HOSPITAL TO IDENDIFY A VICTIM OF THE CRASH THAT RESEMBLED OUR DAUGHTERS DESCRIPTION. WE WERE TOLD THAT SHE WAS DECEASED. WE DROVE OFF IN SHOCK TOWARDS THE HOSPITAL ONLY TO RECEIVE ANOTHER CALL FROM THE HOSPITAL CHAPLAIN SAYING THAT THE VICTIM WAS IDENTIFIED AND IT WAS NOT OUR DAUGHTER. FOR A VERY BRIEF SECOND WE TOOK A DEEP BREATH UNTIL THE WORDS NO PARENT WANTS TO HEAR CAME THRU THE PHONE. " YOU DON'T UNDERSTAND" YOUR DAUGHTER DIED AT THE SCENE OF THE CRASH.

LATER WE WERE TOLD THAT THE REASON OUR DAUGHTER WAS GONE WAS THAT SHE WAS HIT ALONG WITH 8 OTHER VEHICLES STOPPED AT A TRAFFIC SIGNAL BY A TRACTOR TRAILER WHO NEVER APPLIED HIS BRAKES AND SLAMMED INTO THE CARS AT 65 MILES PER HOUR. THE REASON THIS PROFESSIONAL DRIVER DID NOT NOTICE THE 9 VEHICLES STOPPED AT THE TRAFFIC SIGNAL? HE WAS TEXTING HIS COMPANY AT THE TIME OF THE CRASH!!

WE WERE IN DISBELIEF !

BECAUSE OF SOMEONE TEXTING WHILE DRIVING I WILL NEVER WALK MY DAUGHTER DOWN THE AISLE OF HER WEDDING DAY.

BECAUSE OF SOMEONE DRIVING DISTRACTED I WILL NEVER DRIVE THAT SPECIAL FATHER DAUGHTER DANCE AT HER WEDDING.

BECAUSE OF SOMEONE DRIVING DISTRACTED WE WILL NEVER HEAR MY DAUGHTERS SPECIAL GIGGLE EVER AGAIN.

12 YEARS AGO WE MADE IT OUR FAMILIES MISSION TO SAVE LIVES ON OUR ROADWAYS AND TO END DISTRACTED DRIVING FOREVER. 12 YEARS HAVE PASSED SINCE WE FIRST TESTIFIED HERE IN ANNAPOLIS FOR A BILL INTRODUCED BY THEN DELEGATE JEFF WALDSTREICHER TO BAN TEXTING WHILE DRIVING. MORE THAN A DECADE HAS PASSED SINCE WE WERE FINALLY SUCCESSFUL IN PASSING MARYLANDS TEXTING AND HEANDHELD CELL PHONE BAN. THESE LAWS , THOUGH NOT PERFECT HAVE INDEED SAVED LIVES AND EVEN IF THAT NUMBER IS ONE, WE KNOW THAT IT HAS BEEN WELL WORTH THE EFFORT. TODAY WE ONCE AGAIN ARE HEAR

TO SAVE A LIFE, TO SAVE ONE FAMILY THE ANGUISH MY FAMILY WILL FOREVER FEEL. TO KEEP FAMILIES INTACT. I STRONGLY URGE YOUR SUPPORT FOR SB 819

Christian.Liu_Fav_SB819

Uploaded by: LIU, CHRISTIAN

Position: FAV



February 27, 2020

The Honorable William C. Smith, Jr.
Chair, Senate Judicial Proceedings Committee
2 East, Miller Office Building
Annapolis, MD 21401

Senate Bill 819- Distracted Driving Monitoring Systems – Authorization - Support

Dear Chairperson Smith and Members of the Committee:

My name is Christian Liu. I am a licensed Insurance Producer and Agent with the Martens Johnson Insurance Agency, now a member of the Hilb Group. For over thirty years the Martens Johnson Insurance Agency has offered Property and Casualty Insurance in Maryland from our office in Rockville. Our primary focus is in Commercial Automobile Insurance, and as such we have first hand experience in the myriad of changes in the Automobile Insurance industry in and around Maryland and the Washington, D.C. metropolitan region. The Martens Johnson Insurance Agency is a member of many local and national trade association groups including Independent Insurance Agents of Maryland and the parent "Big I" group.

For my own part I have been a resident of the state of Maryland my entire life. I have worked for Martens Johnson as a producer for nearly 15 years now. During this time I have primarily worked in the Commercial Automobile Insurance industry to assist clients in obtaining the most appropriate coverage for the most competitive prices. I have experienced these changes to the industry through my personal dealings with clients and with my relationships with a variety of insurance companies, wholesalers and

brokers. As a result I have firsthand knowledge of the changes in the Automobile Insurance industry, and none more dramatic than those of the past few years.

Distracted Driving has always been a significant contributing factor to the frequency of automobile accidents. Since the advent of the smart phone in the 1990's to the release of the iPhone starting in 2007 and the accompanying explosion in adoption of "Smart Phone" technology this problem with distracted driving has only intensified. What the National Association of Insurance Commissioners refers to as an "epidemic" can be reflected in the drastic increases in both automobile accidents related to distracted driving as well as increase in automobile insurance premium. The National Highway Transportation Safety Administration (NHTSA) released a study investigating fatalities in automobile collisions that can be attributed to Distracted Drivingⁱ. Using data from the Fatality Analysis Reporting System (FARS) for 2017, it was determined that 3,166, or 9% of all fatal crashes involved distracted drivers. Of these crashes, 14% can be directly linked to cell phone usage.

This was reiterated by a similar study released by Erie Insurance in 2018ⁱⁱ. This study utilized FARS data for the period of 2012-2016 and found similar results: of the 172,000 fatal crashes for this period, about 1 in 10 accidents nationwide involved distracted driving likewise indicating 14% of these accidents involved cell phone usage.

Maryland DOT has released statistics on fatalities involving distracted driversⁱⁱⁱ. In 2017 there were a total of 56,364 distracted driving related crashes in Maryland, resulting in 27,961 injuries and 220 fatalities. This represents an increase in distracted driving related collisions of 10% over data from 2014, and an increase in distracted driving related fatalities of 59%. Unfortunately this data does not specify the type of distraction involved.

It is important to note that these are the minimum statistics, as it is not always possible to know when a collision involves distracted drivers due to a lack of information, lack of honesty or lack of national reporting standards.

Given these statistics it is only natural to assume there will be an impact on both the local and national insurance marketplace. James Lynch of the Insurance Information Institute provided testimony to the District of Columbia Department of Insurance in 2018^{iv}. According to his testimony for the period between 2015 and 2017 in the District of Columbia Bodily Injury Liability costs rose 11%, Property Damage Liability costs rose 15%, and Collision costs rose 12%. This trend is also reflected nationwide, as costs of auto crashes are increasing at a rate of three times inflation. This has resulted in a rise in auto

insurance rates 15% nationwide, while insurer profits have fallen or stagnated. Maryland ranks the 11th most expensive state to purchase automobile insurance as of 2018^v.

The impact has been even more pronounced in the Commercial Automobile insurance space. The sum of commercial automobile claims and insurer expenses and business costs divided by premiums is known as the Combined Ratio, and is an indicator of insurer profitability. For 2018 the national Combined Ratio was 108%^{vi}. This reflects a profitability gap in the Commercial Automobile space. From a more personal perspective, I have watched Commercial Automobile rates for my clients rise as much as 15% unrelated to individual experience rating in the past year alone. This has resulted in a very large amount of stress and anxiety for Maryland business owners that operate Commercial Automobiles. In addition to this many insurance companies have ceased writing Commercial Automobile insurance for a variety of specific industries, further tightening the marketplace and making it more difficult to obtain affordable Commercial Automobile insurance.

Any significant reduction in the incidence in vehicle collisions will lead to a reduction in associated insurance claims costs. If we can bring down insurance claims costs we can increase profitability in the automobile insurance space, which will result in an increase in competition and as a result an increase in competitive pricing. This is important for the local economy as well as the safety and health of Maryland residents. Thank you for your time.



Christian Liu

ⁱ <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812700>

ⁱⁱ <https://www.erieinsurance.com/blog/distracted-driving-study-2018>

ⁱⁱⁱ <http://www.mva.maryland.gov/safety/mhso/Benchmark-Reports/DistractDrBR-18Apr30-19.pdf>

^{iv} https://www.iii.org/sites/default/files/docs/pdf/dctestimony_013018.pdf

^v <https://www.iii.org/fact-statistic/facts-statistics-auto-insurance>

^{vi} <https://www.spglobal.com/marketintelligence/en/news-insights/trending/8p7awl5ulfQPktLB1pKlhA2>

AG.Reference_INFO_SB819

Uploaded by: PICA, JOHN

Position: FAV

BRIAN E. FROSH
ATTORNEY GENERAL

ELIZABETH F. HARRIS
CHIEF DEPUTY ATTORNEY GENERAL

THIRUVENDRAN VIGNARAJAH
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JEREMY M. MCCOY
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THE ATTORNEY GENERAL OF MARYLAND
OFFICE OF COUNSEL TO THE GENERAL ASSEMBLY

September 28, 2016

The Honorable J.B. Jennings
Maryland Senate
141 North Main Street, Suite K
Bel Air, Maryland 21014

FOR REFERENCE- SENATE BILL 819

Dear Senator Jennings:

You have inquired about whether current State law authorizes a law enforcement agency or a private company authorized by a governmental entity to use video technology to capture images of a driver unlawfully using a cellphone or electronic device while operating a motor vehicle, for the purpose of issuing a citation. You have also asked whether a law enforcement agency may authorize a private company to use such equipment, as an agent of the law enforcement agency, and to deliver evidence of an alleged violation to the agency for determining a violation.

No State law appears to either expressly authorize or prohibit the use of video technology by police in this manner. There does not appear to be any legal impediment to a law enforcement officer's use of video technology to capture images of a driver for the purpose of investigating and enforcing criminal and motor vehicle offenses. Various provisions of law, however, addressing the authority and procedures for the issuance of citations for motor vehicle law violations suggest that a citation for a violation must be served on the alleged violator based on an officer's probable cause determination at the time of the violation. Thus, absent enabling legislation to the contrary, a law enforcement agency is unlikely to be able to rely on video technology, or a private company's use of video technology, to make an after-the-fact probable cause determination of a violation for the purpose of subsequently issuing a citation.

Sections 21-1124 through 21-1124.3 of the Transportation Article ("TR") contain various prohibitions against operating a motor vehicle while using a handheld telephone, handheld wireless communications device, or text messaging device. Violations are misdemeanor offenses that are subject to criminal fines as well as possible administrative sanctions. Under TR § 26-201(a), a police officer may charge an alleged violator by traffic citation based on probable cause that the person committed the violation.

The existence of probable cause for a violation of a traffic offense involving the operation of a motor vehicle while using a handheld communications device would most likely be developed through an officer's personal observation of the driver. *See Delaware v. Prouse*, 440 U.S. 648,

659 (1979) (the “foremost method of enforcing traffic and vehicle safety regulations . . . is acting upon observed violations”). Such enforcement, however, does not preclude a law enforcement agency from using other investigative tools, such as video technology, to assess whether a violation has occurred. To the extent a motor vehicle is being operated in a public location, a driver has a diminished expectation of privacy that would not protect the driver from plain view inspection of his or her activities by a law enforcement officer who is outside of the vehicle. *See Florida v. Riley*, 488 U.S. 445, 449 (1989) (police officers do not violate Fourth Amendment protection from unreasonable searches by viewing evidence that they can see “from a public vantage point where they have a right to be”). *See also Cardwell v. Lewis*, 417 U.S. 583, 590 (1974) (plurality opinion) (Recognizing diminished expectation of privacy in a motor vehicle, which “has little capacity for escaping public scrutiny. It travels public thoroughfares where both its occupants and its contents are in plain view.”).

This right to plain view observation by police appears to extend to videotaping of activities that are done in public, including the inside of a motor vehicle. If a law enforcement officer has a legal right to occupy a location, the officer may be able to use equipment, including video recording equipment that augments the officer’s ability to conduct surveillance. *See McCray v. State*, 84 Md. App. 513, 519 (1990) (“any justified expectation of privacy is not violated by the videotaping of activity occurring in full public view”). *See also United States v. Dubrofsky*, 581 F.2d 208, 211 (9th Cir. 1978) (“[p]ermissible techniques of surveillance include more than the five senses of officers and their unaided physical abilities”). Thus, in my view, a law enforcement officer is not prohibited from employing video technology to determine if a driver operating a motor vehicle in public is violating a prohibition against operating a motor vehicle while using a handheld communications device.

Even if a law enforcement officer or agency may be able to employ video technology to enforce traffic laws prohibiting the use of handheld devices by drivers, law enforcement agencies appear to lack existing authority to enforce such laws through the use of video technology that captures images of alleged violations for subsequent review and determination of the occurrence of a violation and future issuance of a traffic citation. Under current law, a police officer with probable cause that an individual committed a traffic violation may charge the individual through a traffic citation, a copy of which must be provided to the alleged violator. TR § 26-201(a). Upon issuing a citation, an officer is required to ask the alleged violator to acknowledge receipt of the citation, subject to potential arrest upon refusal. TR § 26-203. Although not entirely without doubt, such requirements for notice and acknowledgement of receipt by the alleged violator suggests that, absent specific authority providing otherwise, the issuance of a traffic citation by law enforcement in this State must be made contemporaneously with an officer’s observation of a violation in a manner that allows the alleged violator to receive notice of the violation and acknowledge receipt of the issued citation in the presence of the issuing officer.

This apparent lack of police authority to remotely determine the existence of probable cause and issue a citation at a time or date subsequent to the alleged violation is supported by


The Honorable J.B. Jennings
September 28, 2016
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existing alternative statutory schemes established for automated or remote enforcement of other traffic offenses by way of issuance of a civil citation. A number of automated traffic law enforcement statutes have been enacted by the General Assembly, each of which involves the automated capture of a visual image of an alleged traffic violation, and provide for a civil citation that is subsequently mailed to the registered owner of the vehicle involved in the violation, unless a criminal citation is issued to the driver at the time of the violation. *See e.g.*, TR § 21-202.1 (traffic control signal monitoring system); § 21-704.1 (automated railroad grade crossings enforcement); § 21-809 (speed monitoring system); § 21-810 (work zone speed control system); and § 21-1414 (failure to pay electronic toll). In some instances, private contractors are specifically authorized to operate and administer the automated enforcement program as agents or employees of a law enforcement agency. *See e.g.*, TR § 21-809. There does not appear to be a legal impediment to the General Assembly similarly enacting legislation that enables enforcement by automated citation based on video images that capture evidence of a violation of operating a motor vehicle while using a handheld communications device.

In summary, while a law enforcement officer may employ video technology to capture images of a driver operating a motor vehicle in a public place for the purpose of investigating and enforcing criminal and motor vehicle offenses, State law authorizing the issuance of traffic citations suggest that a citation must be served on the alleged violator at the time of the violation. As a result, unless the General Assembly specifically authorizes automated citation enforcement, a law enforcement agency is unlikely to be able to rely on video technology, or use a private company as an agent to use video technology, to make an after-the-fact probable cause determination of a violation for the purpose of subsequently issuing a citation.

I hope this is responsive to your request. If you have any questions or need any additional information, please feel free to contact me.

Sincerely,


Jeremy M. McCoy
Assistant Attorney General

BettyShaw_FAV_SB819

Uploaded by: SHAW, BETTY

Position: FAV

Liz Marks and Betty Shaw
Don't Text N Drive 4 Liz Marks

February 27, 2020

The Honorable William C. Smith, Jr.
Chair, Senate Judicial Proceedings Committee
2 East, Miller Office Building
Annapolis, MD 21401

Senate Bill 819- Distracted Driving Monitoring Systems – Authorization - Support

Dear Chairperson Smith and Members of the Committee:

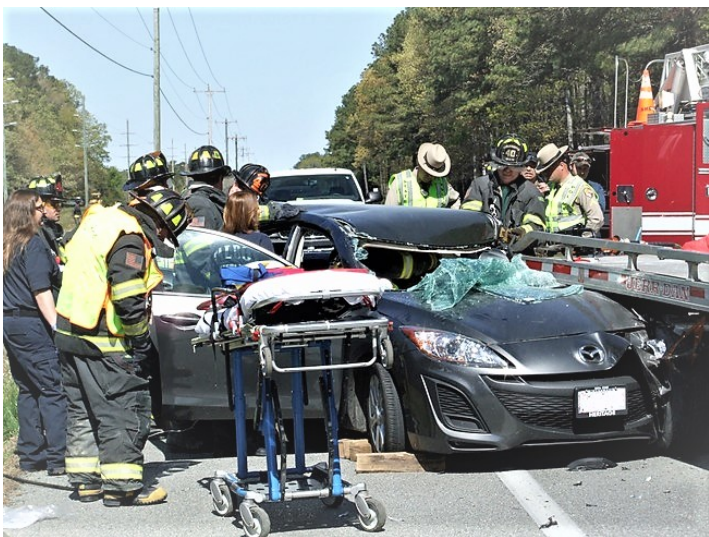


This is a picture of my daughter Liz one month before her life changing car accident. She is taking the all too familiar selfie. March 2012.

In 2012 reading articles in our local paper about the rise in teen car accidents due to cell phone use behind the wheel I warned Liz about the dangers and told her to never use her phone when driving. She swore to me she didn't.

I did not know at the time she was lying to me.

Being confident my daughter never used her cell phone when driving {she swore!}. I responded to a text message she sent me with a text back to her. The text read – OK---. That was it. Just two simple letters.



This is what happened to Liz while she was reading my text message to her. It is a photo of her actual car accident. She is still in the car dying at that very moment.

Because of that ONE SIMPLE TEXT Liz's life was destroyed. My life was destroyed.



I went from seeing a vibrant, young adult with her whole life ahead of her. To seeing my daughter clinging to life! I remember telling her how much I loved her and begged her to stay here on earth with me. I did not know at the time the cause of this catastrophic almost fatal car accident was because she was reading my text.

Bill SB-819 that provides a photo copy of someone driving distracted would be a warning or wakeup call in the mail. This bill could help avert other parents from experiencing tragic results of distracted driving.

Please pass this bill and save lives.

Sincerely,

Betty Shaw / Don't Text N Drive 4 Liz Marks

Jennifer Weaver_FAV_SB819

Uploaded by: WEAVER, JENNIFER

Position: FAV

STATEMENT OF
Jennifer Weaver, Distracted Driving Prevention Advocate
In Support of the Passage of Senate Bill 819
Before the Maryland Senate Judicial Proceedings Committee
February 27, 2020

Good morning. My name is Jennifer Weaver from North Beach, Maryland, and I am pleased to join you today in support of Senate Bill 819.

Distracted driving is a major public health problem on our Nation's roads. The use of mobile phones while driving can result in cognitive distraction that is as impairing as drunk driving. Studies have shown that crash risk can be as much as four times higher when a driver is using a mobile phone. In fact, sending or receiving a text message can cause a driver to divert their eyes from the road for an average of nearly five seconds. When traveling at 55 miles per hour that is enough time to cover the length of an entire football field – all while your eyes are not on the road.

This dangerous action can have deadly consequences. In 2018, the latest year for which data is available, nearly three thousand people were killed and approximately 400,000 more were injured nationwide in crashes involving a distracted driver. Crashes in which at least one driver was identified as being distracted also impose an annual economic cost on society of approximately \$40 billion, and we know that these numbers do not paint the whole picture considering underreporting of these type of crashes.

More can and must be done to prevent distracted driving crashes, and let me be clear – these are not accidents. Distracted driving is preventable and there are known actions which can curb these needless tragedies. SB 819 is one of those actions. This bill would allow the Maryland State Police and Maryland counties to establish a program to enforce distractive driving violations through the use of two types of devices. The first is a camera mounted on a police car or enforcement vehicle that captures images by video stream of drivers texting or talking on a cell phone. The second is a camera that is stationary and fixed to a pole or other immobile structure similar to a speed or red light camera. SB 819 would enable the State Police and counties the option of implementing one or both of these technologies.

At a time when multitasking and cell phone addiction have become the norm, no one thinks they will be the one to cause a distracted driving crash. No one gets into his or her car thinking, “I am going to answer a call or read a text while driving and kill someone as a consequence.” However, I am here to tell you that it can happen to anyone and all it takes is a split-second decision to take your eyes off the road. On December 22, 2015, I was the at-fault driver in a crash that resulted in a fatality in Charles County. A car was stopped to make a left-hand turn, and while I do not have a recollection of the moments leading up to the crash itself, it was determined by investigators that I was looking down at my phone when I rear-ended that car, pushing it into oncoming traffic. The occupant was pronounced deceased at the scene.

A loved one was lost that day. A wonderful, vital member of a family no longer walks this Earth because of me. So many tragic consequences have come to bear because my eyes were not on the road for five seconds. I carry sorrow and guilt on my heart that I doubt will ever be lifted, so I join other distracted driving prevention advocates here today to share my story because I have made it my life's mission to educate about the dangers of distracted driving, to push for the passage of legislation such as SB 819, and to urge all to put away your devices and stay focused on the responsibilities of driving.

Thank you.