

PA10-109

SB427

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**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
2010**

**VOL. 53  
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2597 - 2912**

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THE CHAIR:

The bill as amended passes.

Mr. Clerk.

THE CLERK:

Calendar page 29, Calendar Number 164, matter  
marked second order of the day, File Number 235,

Substitute for Senate Bill 427, AN ACT CONCERNING

THE USE OF HAND HELD MOBILE TELEPHONES AND MOBILE  
ELECTRONIC DEVICES BY MOTOR VEHICLE OPERATORS,

favorable report by the Committees on

Transportation, Planning and Development, Judiciary at  
and Public Safety.

THE CHAIR:

Senator Fasano.

Senator DeFronzo.

SENATOR DeFRONZO:

Thank you, Mr. President.

Mr. President, I -- I move acceptance of the  
Joint Committee's favorable report and passage of  
the bill.

THE CHAIR:

Approval and passage, sir, would you like to  
remark further?

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SENATOR DeFRONZO:

Thank you, Mr. President.

Mr. President, the Clerk is in possession of an Amendment LCO 4381. I would ask the Clerk to call the amendment and that I be given permission to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 4381, which will be designated Senate Amendment Schedule A, is offered by Senator DeFronzo with the 6th district.

THE CHAIR:

Senator DeFronzo.

SENATOR DeFRONZO:

Thank you, Mr. President.

Mr. President I move adoption of the amendment.

THE CHAIR:

Acting on approval and adoption, sir, would you like to remark further?

SENATOR DeFRONZO:

Thank you, Mr. President.

Mr. President, this amendment deletes sections j and k of the underlying bill and substitutes a

provision provided to the committee by the Fiscal Administration Unit of the judicial branch, which clarifies how the fines will be collected and disbursed through the municipalities as specified in the bill. And, on that basis, Mr. President, I would ask that the members of the Senate approve the amendment.

THE CHAIR:

Thank you, sir.

Will you remark further on Senate A? Will you remark further on Senate A?

If not, let me try your minds.

All those in favor please signify by saying Aye.

SENATORS:

Aye.

THE CHAIR:

Opposed, Nays? The Ayes have it.

The amendment is adopted.

Senator DeFronzo.

SENATOR DeFRONZO:

Thank you, Mr. President.

Mr. President, five years ago the legislature passed the cell phone bill. Over that time the

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public has, I think, become more familiar with the bill, but I think it's fair to say that many of us in government and many in the public have been disappointed with the level of compliance with the law. This bill is intended to strengthen compliance by eliminating the first offense free pass which is in the current legislation, imposing a \$100 fine for the first offense; third -- second and third offenses will be a bit higher.

Mr. President, the bill also clearly bans texting while driving and establishes a procedure for municipalities to share in the fines that are administered or that are enforced through local police departments. And, Mr. President, this bill has been the work of the Transportation Committee, but I would note that Governor Rell submitted virtually the exact bill early in the session. Representative Scribner, Senator Boucher, others in the Transportation Committee have worked hard on this bill. It's been supported by the Chief State's Attorney, the Connecticut Police Chief's Association, the Department of Public Safety and the Alliance of Automobile Manufacturers.

As I said, Mr. President, this is the first

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major change to the cell phone bill since we passed it and hopefully the changes embodied in this bill will make it a better and stronger and more effective piece of legislation. Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark?

Senator Boucher.

SENATOR BOUCHER:

Thank you, Mr. President.

Mr. President I rise to support our chairman of our Transportation Committee who worked very hard to make sure that this bill became a reality this session. There's no question that I think the public fully recognizes and is supportive of further restrictions on the various technologies that we're now using as we're driving to and from work or to school and other places as well and even up here to Hartford.

There's no question that there has been a rise in accidents associated with distracted driving, but principally as these hand held devices have grown in use and widespread so and particularly in texting

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which can be very dangerous and I think this bill goes a long way in helping to improve the safety of our riding public and as I said, our chairmen of our committee should be commended for their hard work on this as well as the Governor's office.

Thank you, Mr. President.

THE CHAIR:

Thank you, ma'am.

Will you remark?

Senator Frantz.

SENATOR FRANTZ:

Thank you, Mr. President.

It's a -- it's a terrific bill and I'll tell you why. I think you know a little something about this because you and I come from the same geographical area of the state. We have a fairly long drive to get up here and we see the entire spectrum of not only driving skill, we see the entire spectrum of people willing to use electronic devices, in particular Blackberry's and cell phones and other PDA type devices like that, and it can be downright scary sometimes when you see what people are doing.

I will never forget one night going home at

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about three o'clock in the morning and seeing someone driving with their knee on the wheel, underneath the wheel, with two PDA's going at the same time; looking at this one, looking at this one, and as I honked the horn to try to get their attention to say in effect, what are you doing, you're very dangerous if you're using two let -- if you're using one let alone two, could you please slow down. People do not pay attention unless there is a serious consequence. It goes back to our days when we were growing up as children. If there's no consequence for your actions that is strict enough or scary enough for you, you're not going to pay any attention to the rule and in this case, the rule of the law.

In foreign countries it works very effectively when they take fines and they bump them up to unpalatable levels, like when they start relating it to your income or some other source like that, it stops that behavior dead in its tracks. If this weren't such an egregious kind of behavior that puts so many people and children in -- in jeopardy as far as their safety is concerned, I don't think we should be considering it. But, it does; it does

exactly that. I've seen people run off the road. I saw one this morning that probably was text related; they hadn't done the investigation, the car spun out, hit a tree and it was very slippery if you remember your drive up earlier today.

So, it's a great bill. I hope everybody supports this. Again, it's going to not only be a great -- greater deterrent out there in the State of Connecticut, it's also going to attract a great deal of attention and the press will do a lot of marketing for us in trying to get this message across. We are just not going to tolerate texting and the misuse of cell phones on the highways. Thank you, Mr. President and thank you Senator DeFronzo for your hard work on this bill.

THE CHAIR:

Thank you, sir.

Senator Roraback.

SENATOR RORABACK:

Thank you, Mr. President.

I rise in support of the bill and want to thank Senator DeFronzo, Senator Boucher and other who have worked on it. But also, Mr. President, I just wanted to get something off of my chest because I --

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I voted for the bill, the initial bill, and as soon as I voted for the bill I went out and bought a blue tooth which I have used pretty consistently since the original bill was passed. But nothing breeds contempt -- and I know there is an exception in the law for police officers responding to an emergency, but in my experience, Mr. President, my observation, police officers sometimes, even when their not responding to emergencies, I see some police officers driving around time, chatting on their cell phones -- their lights aren't on, their sirens aren't on -- nothing -- nothing breeds contempt for the law more than when the people who are charged with enforcing the law, appear to flaunt the law.

So I just wanted to say that, Mr. President. I hope if -- if anyone is watching, any police officer is watching, whether they're a state police officer or a municipal police officer, particularly when they're on duty in their cruisers, please don't drive around town chatting on your cell phone because it sends the wrong message to the public. It certainly doesn't put the fear of God in members of the public because if a -- it's going to be hard for a police officer talking on his cell phone to

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pull you over for talking on your cell phone and I just think we'd be a better society if the people that were in charge of enforcing the law, were the first to respect it.

Also, I guess, those of us who voted for the law, we ought to be first in line to respect the law, but those who enforce it, shouldn't be too far behind us. Thank you, Mr. President for listening and I urge support of the bill. Thank you.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Mr. President and good afternoon.

Through you, a couple of questions to the proponent of the bill.

THE CHAIR:

Senator DeFronzo.

SENATOR KANE:

Senator DeFronzo, I was not here when the original cell phone bill passed. Was that in 2007, I believe? Through you, Mr. President.

THE CHAIR:

Senator DeFronzo.

SENATOR DeFRONZO:

Mr. President, I believe it was in 2005.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

Senator Boucher in -- in her comments said there has been a rise in accidents because of the use of cell phones. Do we have data to back that up? Through you, Mr. President.

THE CHAIR:

Senator DeFronzo.

SENATOR DeFRONZO:

Thank you, Mr. President.

There is clear evidence that distracted driving is a major cause of serious accidents in Connecticut and throughout the nation. I do not have any trend analysis available with me today so I couldn't actually tell you whether that comment is specifically true, but clearly we know that 5,800 people died in the United States in 2008 and in the accidents where at least one person was a distracted driver; we know that in Connecticut there were over 41,000 violations issued for cell phone use alone and the numbers are quite staggering and the -- the

-- if we -- if the anecdotal information is true and that the enforcement has not been as aggressive as it should be, the problem is a lot, probably a lot larger than we -- we even expect it to be. Through you, Mr. President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

Through you, can you define distracted driving?

THE CHAIR:

Senator DeFronzo.

SENATOR DeFRONZO:

Well, distracted -- it covers many, through you, Mr. President, distracted driving covers many specific instances. If you -- you look at a law, for example, many would argue that texting is already covered in our -- in our existing law, but it's not specifically mentioned. Things like applying makeup, reading the newspaper, scratching your scratch tickets when you're driving -- all of those are probably distracted driving. But the -- the law really vests in the local police officer or state trooper, the discretion to make that decision.

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Through you, Mr. President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you. I appreciate that answer because I -- I don't believe that we can pigeon-hole, if you will, use of cellular phones and mobile devices when you have parents who yell at their kids or turning around, you have people who are changing the radio station on the radio, as you said, women put on makeup, I've seen men shave, I've seen people look at the newspaper, I mean it's just incredible. So, having been in the cellular phone industry for many years, I just want to understand or want people to understand that it's not just use of cell phones.

I do agree with the underlying bill, having again been in the industry. I do believe that the industry is taking a positive or they're moving in the direction of being proactive. You'll see every device you purchase now has that label on it that says please do not text and drive and that kind of thing. So I just want to make sure that distracted driving encompasses all those things. I thought we had a, what we called a coffee cup law at some

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point, maybe we don't, where you can't have anything in your hand while you're driving. Through you, Mr. President, is that true or -- or no?

THE CHAIR:

Senator DeFronzo.

SENATOR DeFRONZO:

Through you, Mr. President.

I don't -- do not remember seeing that in the -- in the statute, but I do think that would fall into that discretionary area that -- that an officer might determine that somebody is trying to balance their coffee and drive at the same time, that might be considered distracted driving. Through you, Mr. President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

I have a question in regard -- in specific to section one, A-2, which talks about the proximity to one's ear. That would be talking on the phone. We all know that we don't text from our ear, we probably text from a much farther distance. So is that covered under the bill, although you've written in here texting? Through you.

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THE CHAIR:

Senator DeFronzo.

SENATOR DeFRONZO:

Through you, Mr. President.

Not quite clear on the question. The -- the --  
you're looking for a --

THE CHAIR:

Senator Kane.

SENATOR KANE:

I'll -- I'll rephrase. In section one, under  
section one it says A and then of course number two  
says using or use means holding a hand held mobile  
telephone to or in the immediate proximity of the  
user's ear.

THE CHAIR:

Senator DeFronzo.

SENATOR DeFRONZO:

And, Mr. President, what was the question, I'm  
sorry?

THE CHAIR:

Senator Kane.

SENATOR KANE:

Well I guess the question would be in -- in the  
language of the bill it says you can not use your

phone to one's ear. But we don't text that way. We certainly need to look down and read the keypad or keyboard from considerable distance from our ear. That -- that infers talking on the cellular phone, holding it to your ear. So I just want to make sure just because we write texting in the -- in the bill that we're -- we're, I think we're talking about two different things. Through you, Mr. President.

THE CHAIR:

Senator DeFronzo.

SENATOR DeFRONZO:

I think I got it, Mr. President. If you were to -- if you were to look on to section five in that same subsection, we talk about hands-free mobile telephones and actually even -- even a more inclusive definition is under number eight at line 32, where we talk about mobile electronic devices. It's a broader -- it's a broader definition which talks about paging devices, personal digital assistance, laptop computers, things that would not necessarily be in close proximity to the ear but would cover the -- cover the technology that would be involved in texting. Through you, Mr. President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

I appreciate that. I just wanted a little clarification on that. And, then lastly, if I could ask you one more question. Can you speak into relation of the fines again and -- and how they've been increased through this bill? Through you, Mr. President.

THE CHAIR:

Senator DeFronzo.

SENATOR DeFRONZO:

Through you, Mr. President.

The -- the current legislation does not impose any fine for the first offense; it's a warning and essentially a free pass. So, the first offense will now be a fine of \$100; the second fine will be \$150 and third and subsequent fines will be \$200.

Through you, Mr. President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Okay. Thank you, Mr. President. I -- I appreciate that answer. And was there a portion of

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those fines, I think you said, that would be distributed to the local community that used -- that put forth the infraction? Through you, Mr. President.

THE CHAIR:

Senator DeFronzo.

SENATOR DeFRONZO:

Thank you, Mr. President.

Mr. President, through the -- for any -- for any cell phone violation that is assessed by a local municipal police officer, 25 percent of that fine will be directed through the court system back to that municipality. Through you, Mr. President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

So -- so then that leads me to believe that the Transportation Committee and I guess the legislature is okay with police departments putting forth infractions and then being able to collect from those infractions as a policy. Through you, Mr. President.

THE CHAIR:

Senator DeFronzo.

SENATOR DeFRONZO:

I think, Mr. President, I believe that's correct.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you. Thank you, Mr. President.

The reason I ask is, you know, in discussing other bills, other legislation, it -- it's been said to me that we don't want police departments being the driving force for our communities to earn dollars. So I just wanted to clarify that as well.

Thank you, Mr. President, I appreciate Senator DeFronzo for his answers and I will be voting in favor of the bill. Thank you.

THE CHAIR:

Thank you, sir.

Will you remark further on Senate Bill 427?

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President. Great to see you this afternoon.

THE CHAIR:

Good to see you, too, sir.

SENATOR KISSEL:

Just a couple of questions to the proponent of the bill and as a follow up to what Senator Kane had touched upon. Are there other areas in our motor vehicle laws where we allow municipalities to get a portion of the fees associated with issuing tickets? Through you, Mr. President.

THE CHAIR:

Senator DeFronzo.

SENATOR DeFRONZO:

Through you, Mr. President.

I believe there are. I can't -- I can't actually identify one at the moment, but I believe there are several where either the fine in it's entirety goes to the municipality or -- I think that's actually the division now, there may be some -- some cases where the entire fine goes to the municipality and in other cases the entire fine goes to the State Transportation fund. Through you, Mr. President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

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Thank you very much. And I know that when police issue tickets and you have an ability to -- to write on that ticket, you challenge it, you want your day in court and quite often if you do go to the court and you have any kind of reasonable defense, quite often the state's attorney will just throw out the tickets and I'm just wondering, how will a municipality sort of compare the amount of tickets that are actually given out and then at the end of the day if some of those tickets have been thrown out or set aside by the state's attorney, how would a municipality be able to monitor whether it's getting an appropriate percentage back on the actual fees paid? Through you, Mr. President.

THE CHAIR:

Senator Kissel -- Senator DeFronzo.

(INAUDIBLE) both you guys (INAUDIBLE)

SENATOR DeFRONZO:

Thank you, Mr. President.

Well, the -- the mechanism that's set up in the bill is that the -- the fines will be paid to the court administration; the court administration will then distribute the -- the proceeds to the municipalities on the basis of the tickets enforced

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and paid. And, so, we really are relying now on the court administrator, financial division of the court system to -- to handle that part of the equation, Mr. President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President.

And, do the does the court administrators do this already? Or will they have to get geared up to make this work? Through you, Mr. President.

THE CHAIR:

Senator DeFranzo:

SENATOR DeFRONZO:

Through you, Mr. President. The language that was given to us from corporation here appears to be standard language which was used in other -- in other parts of the statute for -- for the collection and distribution of revenue as it comes into the court system. Through you, Mr. President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you, very much. And I know that my

boards of finance, first selectmen, mayors, will be very excited to get any additional revenue from the State of Connecticut and I'm just wondering how it would be paid out to the municipalities? Would it be quarterly or once annually? How is that anticipated?

THE CHAIR:

Senator DeFronzo.

SENATOR DeFRONZO:

Through you, Mr. President.

The -- the bill calls for quarterly payments to be issued to each municipality. Through you, Mr. President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much. I appreciate those answers.

THE CHAIR:

Thank you, sir.

Will you remark further on Senate Bill 427 as amended by Senate A?

Senator Witkos.

SENATOR WITKOS:

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Thank you, Mr. President. Good to see you up there this afternoon.

THE CHAIR:

Thank you.

SENATOR WITKOS:

I just wanted to speak to an earlier comment regarding the use of a hand held mobile device by police officers. There is -- the way the law states it's that as long as the police officer does so in the performance of their duties, so they are -- there is an exemption that was passed in 2005 when the good Senator said the bill became law, that allows the police officers to utilize a hand held telephone as long as they're in the performance of the duties. It doesn't specifically speak to an emergency type situation.

So I just wanted to stop the phone calls into the PD from people complaining if they -- they -- they're watching CTN to report that they see a police officer driving down the road talking on a telephone. Mr. President, I'm going to be opposing the legislation. And the reason why I do so is because I don't think it teaches our constituents to abide by the law by heavy fisting a fine. Can you

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imagine if you were talking on your cell phone and -  
- or playing with a -- a device, looking at a text  
message or you pick up your pager and you look to  
see who called you and you plan on stopping and you  
accidentally bumped into a car that's in front of  
you?

A very, very minor, you foot slipped off the  
brake. That's a \$500 fine and then we're talking  
about \$100 for the cell phone and then we're talking  
about following too close another \$100. We're  
already up to \$750 in fines. That's more than some  
people make in a week for one simple incident.

Many years ago when -- when we started the  
click it or ticket it campaign, we had noncompliant  
rates in the 80 percentile. And today when we do  
this, we do the pre-survey, we see compliance over  
92 percent. The fines didn't increase, they didn't  
-- the fines didn't cause people to buckle up, it's  
public advocacy, it's outreach, it's education.

We're teaching our youngsters now for those of  
us that were driving before we had the seatbelt  
laws, you can't get into a car without your child  
saying remember to buckle up, it's the law and our  
children are telling us that we have to if we didn't

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before. That's the way we should go about advocating for people to be in compliance with the law. I voted against this legislation in 2005 because there was nothing that proved that cell phone use was the cause of accidents. I asked that we include a little piece on our accident reports that the police officers had to fill out to prove if it was a cause or determining factor in accidents.

And to this date, the good Senator, the chair of the Transportation Committee, could not answer that question because we don't collect that data. So now, once again, because we're driving around and we see people talking on their cell phones, we believe that we need to increase the fines because the fine alone will cause them to deter that. I beg to differ. I think we ought to learn the lesson that has worked. Something similar to the click it or ticket it campaign and I will tell you if you did a search, you would find, other than a speeding charge, the most often cited violation in our motor vehicle statutes are seatbelts. Why? Because it's cheap. It used to be \$37. Police officers are people too. They know how hard people work for their money and nobody wants to go and hand people

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infractions that are upwards, two, three, four  
hundred dollars.

Not in this economy. People can't afford it.  
This is the wrong time to move this legislation  
forward. Thank you, Mr. President.

THE CHAIR:

Senator Roraback for the second time.

SENATOR RORABACK:

Thank you, Mr. President, for the second time.

Just briefly to respond to Senator Witkos.

Shame on us as a legislature for not being more  
careful in the language that we drafted in -- in  
giving an exemption to police officers. I thought  
that the exemption was for police officers  
responding to an emergency where I can -- would  
think it would be appropriate that they might have  
to use the hand held cell phone.

Mr. President, last time I checked, most police  
of -- most police cars were equipped with radios and  
people were in touch with the station by radios and,  
you know, to say that police officers can use their  
cell phones "in the performance of their duties", I  
can't tell when a police officer is driving down  
Main Street without his lights on, whether he's on

the cell phone with his girlfriend or his -- his or her boyfriend, so I - I still would say, while technically they may -- we'll never know whether it's in the performance of their duties, I think they'd send a good message to all of us in Connecticut if they could refrain from using hand held cell phones when they're on duty unless it's an emergency. Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark further on Senate Bill 427 as amended by Senate A?

Senator Kissel for the second time.

SENATOR KISSEL:

Thank you very much, Mr. President.

Just a follow up question has come to my attention and this is in order to create legislative history, and a question through you, Mr. President, to the proponent of the bill.

THE CHAIR:

Senator DeFronzo.

SENATOR KISSEL:

Is it true, Senator, that nothing in this bill shall prohibit the use of a hands-free or

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manufacture vehicle integrated device? Through you,  
Mr. President.

THE CHAIR:

Senator DeFronzo.

SENATOR DeFRONZO:

Thank you, Mr. President.

Senator Kissel, I appreciate you asking the  
question and that is correct.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much. I think it's important to  
note that hands-free devices are still completely  
legal here in the State of Connecticut as well as  
manufacture vehicle integrated devices, they are  
completely legal and drivers should have no  
hesitation in utilizing those forms. Thank you, Mr.  
President.

THE CHAIR:

Thank you, sir.

Will you remark further on Senate Bill 427 as  
amended by Senate A?

Senator DeFronzo.

SENATOR DeFRONZO:

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Mr. President, just -- just briefly, I wanted to mention one or two points in -- in response to Senator Witkos' comments. First, there have been 41,000 cell phone violations in -- in Connecticut and that was in 2008. We're running about the same level in 2009. But the -- almost every national safety organization rates cell phone use among the -- among the highest causal factors in distracted driving. So I understand there may be a difference of opinion, but certainly there's an awful lot of empirical information supporting that notion.

And secondly and importantly, the -- the initial bill did carry with it a \$500 fine but the amendment that we approved just -- just earlier and members may not have had a chance to -- to see that very carefully, but we did take that \$500 fine out of the bill specifically on the basis of the arguments that Senator Witkos makes. It would be a bit -- a bit heavy handed to assess that fine and it would put an awful lot of additional discretion in the hands of local police officers.

So, Mr. President, with that, if there -- if there are no additional comments, I would ask that this bill be placed on the Consent Calendar. I'm

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sorry, Mr. President, Senator Witkos indicated his opposition, I'm sorry.

THE CHAIR:

It's quite all right.

Will you remark further on Senate Bill 427 as amended by Senate A?

If not, Mr. Clerk please call for a roll call vote. The machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate. Will all Senators please return to the chamber? Immediate roll call has been ordered in the Senate. Will all Senators please return to the chamber?

THE CHAIR:

Have all Senators voted? If all Senators have voted, please check your vote. The machine will be locked. The Clerk will call the tally.

THE CLERK:

The motion is on passage of Senate Bill 427 as amended by Senate Amendment Schedule A.

Total number Voting	33
Those voting Yea	32
Those voting Nay	1

Those absent and not voting 3

THE CHAIR:

The bill as amended passes.

Mr. Clerk.

THE CLERK:

Calendar page 30, Calendar Number 195, matter marked third order of the day, Calendar Number 265, Substitute of for Senate Bill 414, AN ACT MAKING REVISIONS TO STATUTES CONCERNING THE DEPARTMENT OF MOTOR VEHICLES, favorable report by Committees on Transportation, Finance Revenue and Bonding, Judiciary and Appropriations.

THE CHAIR:

Senator DeFronzo.

SENATOR DeFRONZO:

Thank you, Mr. President.

Mr. President, I move acceptance of the Joint Committee's favorable report and passage of the bill.

THE CHAIR:

Acting on acceptance and approval, sir, would you like to remark further?

SENATOR DeFRONZO:

Thank you, Mr. President.

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**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2010**

**VOL.53  
PART 17  
5315 – 5590**

rgd/md/gbr  
HOUSE OF REPRESENTATIVES

427  
May 5, 2010

Schedule "A?"

If not, let me try your minds. All those in favor signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER GODFREY:

Opposed, nay. The ayes have it. The amendment is adopted.

Representative Hurlburt.

REP. HURLBURT (53rd):

Mr. Speaker, without objection, I'd ask that this be placed on the consent calendar.

DEPUTY SPEAKER GODFREY:

Without objection, so ordered.

Calendar 517.

THE CLERK:

On page 30, Calendar 517, substitute for Senate Bill Number 427, AN ACT CONCERNING THE USE OF HAND HELD MOBILE TELEPHONES AND MOBILE ELECTRONIC DEVICES BY MOTOR VEHICLE OPERATORS, favorable reported, the Committee on Public Safety.

DEPUTY SPEAKER GODFREY:

Representative Guerrero.

REP. GUERRERA (29th):

Thank you, Mr. Speaker. Mr. Speaker, I move acceptance of the joint favorable report and passage of the bill.

DEPUTY SPEAKER GODFREY:

Question is on passage. Representative Guerrero.

REP. GUERRERA (29th):

Thank you, Mr. Speaker. Mr. Speaker, this bill, is intended to strengthen the compliance for eliminating the first offense when it comes to talking on a cell phone, and it is imposing a hundred dollar fine for the first offense. And the second and third offenses are higher. ~~am~~

Mr. Speaker, the Clerk is in possession of an amendment -- I move adoption, I'm sorry, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Question is on passage.

REP. GUERRERA (29th):

Thank you, Mr. Speaker. Mr. Speaker, the Clerk is in possession of the amendment, LCO 4831, I ask the Clerk to call the amendment and I be allowed to summarize.

DEPUTY SPEAKER GODFREY:

Clerk is in possession of LCO Number 4831, previously designated Senate Amendment Schedule "A."

Will the Clerk please call?

THE CLERK:

LCO Number 4381, Senate A offered by Senator  
DeFronzo.

DEPUTY SPEAKER GODFREY:

The gentleman has asked leave of the Chamber to  
summarize. Is there objection? Representative  
Guerrera.

REP. GUERRERA (29th):

Thank you, Mr. Speaker. Again, this just  
redefines the penalties and I want to thank  
Representative Scribner for authorizing this -- the  
content of this bill. Thank you.

DEPUTY SPEAKER GODFREY:

Thank you, sir. Representative Scribner.

REP. SCRIBNER (107th):

Thank you, Mr. Speaker. I rise in strong support  
of the measure before us and thank Chairman Guerrera  
for his strong leadership in addition to Governor  
Rell. This is a very significant statewide issue that  
we're looking to address and I thank all for their  
cooperation and support on this important bill. Thank  
you.

DEPUTY SPEAKER GODFREY:

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Thank you, sir. The question is on adoption of Senate Amendment Schedule "A."

Let me try your minds. All those in favor signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER GODFREY:

Opposed, nay. The ayes have it. The amendment is adopted.

REP. GUERRERA (29th):

Without any objection, I move this to the consent calendar, thank you. a.

DEPUTY SPEAKER GODFREY:

Is there objection? Is there objection? This item is moved to the consent calendar.

510, Mr. Clerk.

THE CLERK:

On page 28, Calendar 510, substitute for Senate Bill Number 370, AN ACT CONCERNING MEDICAID LONG TERM CARE COVERAGE FOR MARRIED COUPLES, favorable reported, the Committee on Appropriations.

DEPUTY SPEAKER GODFREY:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

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Representative Roy.

REP. ROY (119th):

Mr. Speaker, without objection, can I move this to consent?

DEPUTY SPEAKER GODFREY:

Without objection, this item is moved to the consent calendar.

Ladies and gentlemen, I'm going to call on Representative Olson to call today's consent calendar.

Representative Olson.

REP. OLSON (46th):

Thank you, Mr. Speaker. We are about to vote on SB108 SB302 today's lengthy consent calendar. The items we have SB250 HB5398 moved to consent are: SB153 SB175

Calendar Numbers 499, 487, 180, 507, 430, 396, SB412 SB428 535, 497, 522, 517, 510, 155, 466 and 489. Thank you, SB121 SB427 Mr. Speaker. SB370 HB5420 SB354 SB272

DEPUTY SPEAKER GODFREY:

Thank you, madam. And as soon as we get this up on the board.

Representative Olson.

REP. OLSON (46th):

Thank you, Mr. Speaker. Actually, we have already voted on item 430. I want to thank

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Representative Hamzy for being so diligent and  
watching the calendar. I make a motion to remove Item  
4370 from the consent calendar. Thank you, Mr. SB153

Speaker.

DEPUTY SPEAKER GODFREY:

I believe we have corrected the error.

As you can see, the consent calendar is on the  
board. Representative Olson has moved passage of the  
bills on the consent calendar.

Staff and guests, please come to the well of the  
house. Members, take your seats, the machine will be  
opened.

THE CLERK:

The House of Representatives is voting by roll  
call. Members to the Chamber. The House is voting  
today's consent calendar by roll call. Members to the  
Chamber.

SPEAKER DONOVAN:

Have all the members voted? Have all the members  
voted? Please check the roll call board and make sure  
your votes were properly cast. If all the members  
have voted, the machine will be locked. Clerk,  
please announce the tally. Clerk, please announce the  
tally.

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THE CLERK:

On today's consent calendar.

Total Number Voting	150
Necessary for Adoption	76
Those voting Yea	150
Those voting Nay	0
Those absent and not voting	1

SPEAKER DONOVAN:

The consent calendar passes.

Representative Olson.

REP. OLSON (46th):

Thank you, Mr. Speaker. I move to -- I move for the immediate transmission of all times acted upon that require further action in the Senate. Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Motion for immediate transmittal to the Senate of all items acted upon needing further action. Any objection? Hearing none, the bills and items are immediately transmitted.

Will the Clerk please call Calendar 430 --

Will the Clerk please call Calendar 422.

THE CLERK:

On page 19, Calendar 422, Senate Bill Number 430,

**JOINT  
STANDING  
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And I think we all understand when we have to go to our district. When we start cutting ECS, like you said, and Town Aid Road. That's tough, and I think you made some valid points here that we have to get this discussion going, and like Senator Frantz said, how do we address some of these issues and can we do that? I think we can.

RUDY MARCONI: Thank you.

REP. GUERRARA: Thank you. All right, next on the list. Chief Strillacci's here. And as you know, we have the three minute -- (laughter) believe it or not, Mr. Marconi did stay within three minutes. It was us that was --

JAMES STRILLACCI: I'll be happy to compensate for that, if you --

REP. GUERRARA: How are you, Chief?

JAMES STRILLACCI: Okay. I'm Jim Strillacci. I represent the Connecticut Police Chiefs Association and you will be pleased to know I'm not speaking about tolls.

We're here to talk about Senate Bill 427 about hand-held mobile telephones and mobile electronic devices. We like the bill. We appreciate that distracted driving is going to be a bigger hazard and this is a good step to mitigate it.

The first section, Part (b)(1), would make it very clear that texting is also covered by the ban on phoning while driving. It's a far riskier proposition. Texting takes not only your mind off the road, but your eyes and it takes your hand off the wheel. There have been a number of studies that underscore this. I put a couple of cites in my written

testimony, the Transport Research Laboratory actually showed that driving while texting was worse than drunk driving. You have a slower reaction time and you tend to wander in your lane more than you do when intoxicated.

The National Safety Council estimates that there's at least 200,000 crashes per year caused by drivers texting. That's a phenomenal number.

Section 1(g) is going to repeal what we like to call the "freebie" provision, the first-time offender who can get out of the fine by sending in a receipt for a hand-held device. I think that was an appropriate measure when this bill was new and we were trying to get people acclimated to the new prohibition, but I think the time has probably passed for that. This section also increases the fine for first offenses and later offenses.

Section (j) adds a penalty for violations that result in a crash, which is eminently sensible.

Section 1(k) would remit to the municipality one-fourth of the fines paid for violations committed in that municipality and summonsed by them, which we think would help support and encourage local enforcement activities.

We are clearly not winning the battle against distracted driving. There are more gadgets out there to take our minds off the road and it's very hard to keep up with enforcement. The worst problem is Connecticut drivers had a number of years to get hooked on these gadgets before we passed a law saying we can't use them while driving. So neither enforcement nor our occasional appeals to the public have

really made a dent in that habit.

We hope this bill will really get the drivers' attention and will get their attention back on the road. In the time while I was waiting, I had a conversation with the Commissioner who informs me that there is some federal money, millions of dollars that are at risk, if we fail to enact a bill like this. So those that are concerned about revenue, I think this is a valid concern.

Thank you for your attention. I would be pleased to take any questions.

REP. MIKUTEL: Representative Nicastro.

REP. NICASTRO: Thank you, Mr. Chairman. Good morning, Chief. I couldn't be in more agreement with you. You know, we discussed this a year or two ago and on the way in that day, if you will recall with my colleagues, I was getting on to 84 from 72 and, a woman was cutting across. It happened to be a woman that was cutting across from 84, she's going to go to 72, and she had the phone up against her left ear, and I had to basically almost go off the road, off the highway, otherwise she was going to smack right into me. Everybody was beeping. She didn't care. She just kept on going. Today on the way in, because I knew we were going to have a public hearing on this, just for the heck of it, I wanted to see how many people were on their cell phones, that didn't have the hands-free device. I counted 14 from West Farms Mall to here. There were 14 people using their cell phones up against their ear. And I said, you know these are accidents just waiting to happen. People think we're trying to penalize them. We're not. What we're trying to do is save lives. You can't replace that life once it's

gone or somebody is maimed severely.

This is a bill that should have been passed. It's long overdue. We need to do it and I think the idea, I think it was added on here, where the municipalities can receive, I think 25 percent of the fine. I think that will perk up the municipalities, quite frankly and quite honestly to go about it even more seriously.

You know, I don't want to beat this to death, but I've seen it happen too many times. A couple of months ago, I saw a young lady run an intersection and broad-side a vehicle in my city. She was on a cell phone and wasn't paying attention. We have to do it. You know, people think we're trying to punish them. We're not. What we're trying to do is save lives. So I want to thank you for your testimony. Thank you, Mr. Chairman.

JAMES STRILLACCI: I appreciate your support, sir, and I couldn't agree more. We want to change behavior. We're not really interested in the money. My department has had certainly experiences with accidents, even fatalities that involve the use of mobile devices and we want to keep people alive.

REP. MIKUTEL: Senator Frantz, you have a question?

SENATOR FRANTZ: I do. Thank you, Mr. Chairman, and Chief, thanks for your testimony. Great concept, long overdue. Ever since the inception of cell phones, I think everybody's been very concerned about the distracted drivers out there on the road and we know what the record is. It's abysmal. Again, it's long overdue and it's got to pass this session.

The question I have is this, that the devil is always in the details. What exactly is reading a text or sending a text, is what I'm concerned about. And I know you're not an attorney and the attorneys will come up with the language, but as far as the intent goes, is it in fact, having your BlackBerry and someone sends you an instant message to call someone. If you see it come up on your screen and it's a matter of hitting the same button that you would hit if you were hitting a speed dial which, I believe, is legal under the cell phone hands-free law, is that -- and maybe I'm asking this more rhetorically than anything else -- is that, in fact, an action of texting.

JAMES STRILLACCI: As in any case, whether criminal or motor vehicle, we're allowed to put the details in our report on the back of the summons and some cases are better than others. When you have somebody sitting there manipulating things with their thumbs and you witness that and you do testimony to that effect, you've got a good case. Somebody sitting at a red light, motionless, receives a call and glances at it and pushes a button, it's a weaker case. And I believe the language here speaks to car in motion as well, so perhaps we're not really after the people that are sitting at a red light and it's a less risky behavior. Although even there, I've seen some people who are attentive on their devices at a red light, fail to grasp the fact that it's turned green and it's time to go and a gap opens up in front of them. Again, that's less a harmful activity than doing it while you're doing 40 or 60 on the highway. Those are occasions where you may need to act quickly and failure to do so is crucial.

SENATOR FRANTZ: So the judgment involved in the law enforcement action that takes place is what's going to compensate for any ambiguity in the language. Okay, that's very helpful.

JAMES STRILLACCI: There's always discretion involved there. Some red light violations are more grievous than others.

SENATOR FRANTZ: So the guy I saw at 11:30 at night straddling two lanes on I-95, reading a full *Wall Street Journal* draped over the steering while, smoking a cigarette at the same time, he'd be in trouble, wouldn't he?

JAMES STRILLACCI: I would hope so.

SENATOR FRANTZ: Thanks. Thanks, Mr. Chairman.

REP. MIKUTEL: Thank you. Representative Jutila.

REP. JUTILA: Thank you, Mr. Chairman. Good morning, Chief.

JAMES STRILLACCI: Good morning.

REP. JUTILA: Do you believe that the local police are currently, vigorously enforcing the existing law? Because it just seems like every other car I see, somebody's got a cell phone stuck in their ear. And I don't hear a whole lot of people, and maybe they don't talk about it when it happens, but you would think you would hear more about people who have gotten a ticket for it and it doesn't seem to be the case. But I'd like to hear your input on that.

JAMES STRILLACCI: The simple answer is, we are grievously outnumbered. It's what you call in military terms, a target-rich environment. It's like shooting fish in a barrel to stand

on the street corner and watch people go by. You can count a pretty high percentage of them with the phones to their ear. One of the places we get a lot of them, is when we have stationary enforcement activity, such as a seatbelt check or DUI check. We tend to get almost as many cell violations as we do seatbelts. As with any other traffic enforcement, we have to prioritize. If the officers are busy on emergency calls, they're not going to have time for traffic violations.

Fortunately, our law was written wisely, in that it makes the violation a primary one. I don't need some other reason to stop a car, such as a moving violation or an accident. Just seeing somebody with a cell phone in operation is enough to make a stop, and we do appreciate that it was written that way.

REP. JUTILA: With the DUI enforcement, are you talking about the spot checks or extra -- you are talking about the spot checks.

JAMES STRILLACCI: Yes. Sometimes when we'll have law officers doing the road blocks, if you will, or the fixed checkpoints for DUI enforcement, you'll catch people with the cell phones. Even though, when you've got flashing lights, you've got warnings, some people aren't clued in enough to realize that they're violating the law and they're coming up on a police enforcement activity and they fail to put the phones down. It's hard to believe that people are so dumb, but it just shows you that they're not really present, as far as their minds go to their activity. They are wherever their call is, and that's what makes this dangerous.

REP. MIKUTEL: Thank you. Senator McDonald.

SENATOR McDONALD: Thank you very much, Mr. Chairman. Good morning, Chief.

JAMES STRILLACCI: Hi, Senator.

SENATOR McDONALD: Just a couple of quick questions. There -- in addition to the language that's being proposed, there are already certain exemptions that exist and were included when the bill was originally passed because of the status of technology at the time and, frankly, people were getting eased into it, as you said, the first bite of the apple. I'm glad to see that that's getting washed out of this bill. But do you consider that the exemptions that are currently in place are required anymore, given the advances of technology?

JAMES STRILLACCI: Which specifically do you have in mind?

SENATOR McDONALD: Well specifically, on lines 60-72, it doesn't apply if a telephone is being used to call a hospital, an emergency response operator, a health clinic, an ambulance company, a fire department. It also doesn't apply to -- ever, to peace officers, firefighters, members of the armed forces. Given the advances of technology, should those exemptions still be in place?

JAMES STRILLACCI: That's a good question. I think that the reason for those exemptions was that we did not want to discourage people from calling for help when needed, despite their lack of a hand-held. We have had occasions where citizens witnessed dangerous activities, followed bank robbers, followed a drunk driver and gave us the play-by-play over the cell phone, which are very valuable contributions to public safety, despite the fact that it's

dangerous inherently because of the cell phone. I think it's a balancing act. I'd rather we caught that drunk driver or bank robber than made a pinch for the use of the cell phone.

As far as the emergency responders, I think that's a good issue for internal policy and we do discourage our officers from using mobile phones while they're driving, unless it's an emergency. We are certainly as susceptible to distraction as anybody else, although our officers probably have more practice with this rationally. You have to monitor a police radio, we have to watch for things in our environment, other than traffic. Nonetheless, a cop can have the same issue as a citizen.

SENATOR McDONALD: Well, that's my -- that's part of my question. Is that if you have a -- if you have one of the covered individuals here, as you indicated, a police officer. A police officer has the police radio in the car and this legislation doesn't apply to that type of situation. So why in your field, why would a police officer be making an emergency call on a cell phone, as opposed to using a police radio? Can you give me an example of how that would happen?

JAMES STRILLACCI: Yes, yeah. We could have that -- we do have situations when our off-duty officers observe activity and they're not equipped with their department's radios.

We also have situations where there's some concern about monitoring of the radio frequency by the subject of the activity. You're following a criminal, especially in drug cases, where surveillance is involved. I testified yesterday on a bill which would make it illegal to transmit routine police

communications on an encrypted channel. The fact that there are scanners out there that people can listen in on police radio traffic, does make it useful to have another means of communication, like a cell phone.

SENATOR McDONALD: Okay. So putting aside the situations where it might be applicable, given the advances in the technology, given the fact that most cell phones now have a speaker function or it can be integrated into the car's amplification system, or the bluetooth technology or regular hands-free devices, I'm just wondering about whether or not, just like that first bite of the apple provision, whether there's any continued viability to exemptions that may have made sense given the status of technology at the time the legislation was originally drafted, and whether it makes sense now?

Because one of the things I've heard from constituents is why would a police officer be able to give me a ticket for not using a hands-free device and often times, you might see a police officer talking on a cell phone without a hands-free device. And I've been asked the question and I don't necessarily know the answer. Why the two standards?

JAMES STRILLACCI: I think the answer is, it's a completely valid concern. I don't think police officers should be yakking with their spouses while they're on duty and moving in a car, if that was what was going on. They shouldn't be ordering lunch. They shouldn't be doing all sorts of routine activities. I think the exceptions in the current law were written to give some leeway to some legitimate uses of cell phones in a moving vehicle. Perhaps it was too broad and inclusive, and if this committee wants to address that by

modifying that language, you're certainly at liberty to do so.

SENATOR McDONALD: Just one final question. We can barely keep up with any of the technology that is out there. To Senator Frantz's comment about the driver with the *Wall Street Journal* over the steering wheel, I suspect it wasn't Senator Frantz, but I just want to ask you. Under the definition of a mobile electronic device, actually from my quick read of it, it wouldn't include something like a Kindle, right? Because a Kindle isn't communicating between two or more persons, so it wouldn't probably qualify for a mobile electronic device. You could actually be reading your Kindle and that would be fine under this current definition, I think. Am I wrong?

JAMES STRILLACCI: That's an interesting question. I didn't really pay much attention to that possibility, but if it is, I think there are other provisions of the law regarding distracted driving that do allow us to take action on other sorts of distractions. As you're well aware, there are many forms of distractions. We've seen people eating their breakfast or lunch with a fork and a bowl. Handling sandwiches with two hands. Juggling animals in their lap, pets of various sorts. So I don't think we've gotten them all under the definition of electronic devices, but there are other distractions we should attend to.

SENATOR McDONALD: Thanks very much, Mr. Chairman.

REP. MIKUTEL: Thank you. We're going to -- any other questions? Representative Scribner.

REP. SCRIBNER: Thank you. Good morning, Chief.

JAMES STRILLACCI: Hello Representative.

REP. SCRIBNER: Thank you for being here. And I apologize for missing your testimony. Part of the thing that has been made clear to me as we've kind of gone through this evaluation in trying to create a higher level of safety with the use of electronic devices in vehicles, has a lot to do with the concentration of what is going on on the other side of whatever the device is. And so I think there's a fairly strong argument that it's not really hands-free device and which hand you're using to hold the instrument or not. It has much more to do with your brain concentrating on the response that's coming back from your discussion, your conversation, whatever it might be. And I think there's a lot of evidence that demonstrates that. So yeah, we probably would prefer that people not be physically texting because then they're directing their brain to that, as well as at least one hand. Did you share any thoughts in your testimony that I may have missed in regard to that element of what we're evaluating and considering here?

JAMES STRILLACCI: Yes, but I don't think I put it quite as well as you did. A big problem is that your attention is elsewhere than the road. But the bill is dealing in the realm of the possible. It's quite conceivable that a driver could be daydreaming and their mind can be elsewhere and have an accident, and there's really not much of a way to wrap the law around that. But when you have something that's easily perceived, such as holding a device in your hand, your thumbs moving, your eyes bound on the device instead of on the road, again that's a pretty clear case that you're distracted.

REP. SCRIBNER: Having had a recent discussion with a local police officer on this very subject to get some input from that side of the evaluation, he indicated that even before we put -- like we really don't need to add texting language per se to consider that to be an offense. Because even before we did hands-free requirements or restrictions for cell phone use specifically, there was already language under state statute that would allow a police officer to cite someone for distracted driving, for some of the same kind of simplistic reasons that you cited. Whatever that might be, not paying attention to the road. And I guess that leads us to another piece of this proposal, which is an increased fine if there is harm caused in the process of someone being distracted. Did you have some opinion on that piece of the proposal?

JAMES STRILLACCI: Yes. As chiefs, we approve of it. We agree that the language on texting is more intensive or more emphasis than a prohibition. We believe it's already covered under the law, but there's -- texting has grown since this law was put into place and I think there may be some folks out there that don't realize it's covered. It's a good idea by the way of public education to let them know specifically that they can't do that, so I think it's worthwhile to change the language. Again, it's tough to keep up with technology. Next year, there maybe something else out there that we have to attend to. As far as the fines go, we approved that taking away the free shot by buying a hands-free, and I think the potential damage that could be caused by those violations justifies a higher fine, especially for subsequent offenses.

REP. SCRIBNER: Thank you.

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jp/eb TRANSPORTATION COMMITTEE

March 12, 2010  
10:00 A.M.

I had to leave the room, but in answer to his question about the number of residents from the 10-town HVCEO region, who travel to southwestern Connecticut, the numbers that they show for the year 2000, is 14,436. What's also interesting is, their study of traffic patterns and this is commuting patterns of local residents from the ten towns of the Housatonic Valley Council of Elected Officials, which somewhat mirrors your membership, as I recall, shows that 13 percent of the commuters are going to New York State. So that really solidifies my point, of this really being an extraordinary burden on a large number of residents of western Connecticut in this 10-town region that are going to have this \$1000 a year tax essentially, because their job is somewhere in New York State.

I thank you again Mr. Bull for being here today.

STEPHEN BULL: Thank you, Senator.

SENATOR McLACHLAN: Thank you, Mr. Chairman.

REP. MIKUTEL: Thank you. I think I hear you correctly. Tolls on the borders are bad for Connecticut businesses. Is that the correct assessment to make?

STEPHEN BULL: Yes.

REP. MIKUTEL: Any other questions?

STEPHEN BULL: Thank you very much for your time. I appreciate the --

REP. MIKUTEL: Commissioner Danaher.

COMMISSIONER JOHN DANAHER: Good afternoon,

SB 427

Representative Mikutel, members of the Transportation Committee. My name is John Danaher. I'm the Commissioner of the Department of Public Safety. I'm here today to speak in support of Senate Bill 427, CONCERNING THE USE OF HAND-HELD MOBILE TELEPHONES AND MOBILE ELECTRONIC DEVICES BY MOTOR VEHICLE OPERATORS.

This is a bill that the Department supports, as does the Governor and I'm speaking on the Governor's behalf as well in support of this.

You heard from Chief Strillacci the outline of the changes that would take place with regard to this bill. We support those. First the bill identifies and prohibits texting by drivers. Second, it sets out in subsection (g) two different things. Number one, it takes away the forgiveness provision that was put in place in 2005 for first-time offenders, permitting them to avoid a fine by obtaining a hands-free device. It's everybody's -- it's everybody's sense that was a phased-in proposal to allow people to get used to the law. Five years would seem to be more than enough time to get used to the law, and as is everybody's experience here today, there are a great number of drivers out there who are unwilling to get that hands-free device.

In addition, in my conversations with our troopers, one thing that discourages them from enforcing this law is that, in their experience, they believe that, and I've talked to members of the judiciary as well. It's very difficult to track drivers who go into court and say this is the first time I was caught with this. I'm going to buy a hands-free device. They're of the sense, at least, that there are a lot of multiple first-time offenders. So we agree, certainly,

that it's time for this provision to go.

Senate Bill 427 provides that the fine structure be changed whereby the fine would, for a first offense would be \$100, second offense \$150, and subsequent violations would be \$200. That's an approach that certainly the committee could take. Another thought, another approach that we simply put forth for your consideration is an alternative suggestion that appears in Senate Bill 35, which it may seem counterintuitive, but it would provide for a first offense, it would be \$50 and then after a one-year period, it would go up to \$100. And the thinking behind that, again, we solicited the troopers who enforce the law and solicited their views. I believe strongly in listening to the people on the front lines. And the troopers are human too. This bill talks about changing human behavior. It's difficult for the troopers when somebody is being hit with a fine for the first time and, this would be something new, to hit them with a heavy fine. They'll stop the person who will tell them, I'm a single parent, this is my child in the back seat. I can't afford this. It's easier for them if the first citation for that first year is \$50 and under that proposal, that would end in a year anyway and it would go up to \$100. It's just another way to look at it. We're all guessing at human psychology here, but it's another proposal. Both bills provide for a \$500 fine if the person is engaging in this conduct and causes an accident.

The bill is an effort to change human behavior. There's no question about that. We are concerned as Chief Strillacci is with the growing electronic array that appears in automobiles. People are programming GPS devices, and taking phone calls and they think

they're being efficient. But the studies that I've read establish that the notion of multitasking is an illusion. We all think we can do it. But I think if anybody actually focuses on it, you will find that when you're trying to do two things at once, one of them is not being done well. No matter how simple the tasks, one of them is not being done well. The brain doesn't allow you to do two things well at the same time.

Human behavior is hard to change. Robert McNamara, was a high level employee of the Ford motor company. He suggested in 1955 we use seatbelts. It took 30 years to get even 20 percent compliance. We have a long road ahead of us, but this bill gets us started.

REP. MIKUTEL: Thank you, Commissioner. Representative Sayers. I always -- pardon me, I always confuse Representative Sawyer. Forgive me.

REP. SAWYER: I'm not quite as Irish as she is. I would like to be. Commissioner, when you are looking at the \$500 fine for someone who has committed an accident -- has had an accident, there's obviously a serious situation there. Is that comparable to other fines that we have at that point?

COMMISSIONER JOHN DANAHER: Well, I'm thinking of, the one that comes to mind is a violation of the move over law, if it results in an accident. There is a fine imposed. I don't think it's -- I think that fine may be a little bit higher (inaudible). I think that may be somewhat on the low end.

REP. SAWYER: Oh, the \$500 is on the low end?

COMMISSIONER JOHN DANAHER: I believe so, based on

my recollection. If the person causes an accident as a result of engaging in this conduct. Yes.

REP. SAWYER: Is it that one instinct that wants to say, that caused the accident, it's too late then. And you hit them with the big fine. But I do understand the \$50 or \$35 initial first time offense. Rhode Island has a very interesting approach in that when you get stopped for speeding, you have to go to court and you can tell them that it's your first time, and obviously they have records now that know it's your first time. And they dismiss your first speeding ticket, and if you don't get one in the next three years, they do not send it to your insurance company. But if you get hit with a second one, they send both of them to your insurance company. So I do appreciate the lower amount. I do know that we have troopers on the road that don't like to give out significant speeding tickets because they have families of their own and they know that for some of these people, it's a week's paycheck for some of the speeding tickets, which is an exceedingly dangerous pastime. But if you add that to anything that's distracting, I totally understand.

In your looking at cooperative ventures, have you considered talking with the DOT and putting up messages on their message boards that are over the highways that say, "texting," and then just the word "Dangerous," in bold letters? And then working on that before, if this is to become law, which I suspect we'll do something with it, because I think there's a passion amongst the General Assembly for this. I'm not sure what form it will be in. But if we could start out with something that's in that line, warning people, heads up, its dangerous and then soon we can

write, "It's against the law," could be the next message in the next few months.

COMMISSIONER JOHN DANAHER: I think that's an excellent suggestion. That's something that we have done in the past. We do that with the click it or ticket campaign. We solicited the assistance of DOT again with the move over law last year when it came into effect. They used their electronic message boards to publicize that. I've seen Massachusetts doing exactly the same thing. We are reaching the point where, we haven't done this yet, where we're looking to do an enforcement campaign for the move over law and we'll go back to DOT to ask for their help again. We certainly would do it here if the Legislature sees fit to make this change.

REP. SAWYER: I know the move over law has -- is one of those things that the younger people know about. It's still something I think we have to do more education for our older drivers. It's coming through I know in the driver education, and I'm pleased that it is showing up on those message boards, as well as being one of the cosponsors of that. My fire department is very partial to that law. Thank you.

REP. MIKUTEL: Thank you, Representative Sawyer. Senator Frantz.

SENATOR FRANTZ: Thanks, Mr. Chairman, and Commissioner, thanks for your testimony also. My first question is, is \$500 enough?

COMMISSIONER JOHN DANAHER: Well, as I indicated. I think compared to other fines, if a person engages in this conduct and causes an accident, that would seem that it could be a little bit at the low end. But because we

don't have experience in enforcing this yet, it's anybody's guess as to what would have a deterrent effect. Obviously, there's the complete range in accidents. You could have a fender bender and that could implicate the \$500 fine, if you could establish the person was texting, or they could have a very serious accident, and in that case, it wouldn't seem like much of an effect.

SENATOR FRANTZ: I don't know what the constitutional issues might be with this following concept, but in Europe, in Switzerland, in particular, they've started to assess speeding fines based on your net worth. This received worldwide recognition through the *Wall Street Journal* and other papers. A 227 euro, that's 300 and something thousand dollars, for speeding. It was 95 miles an hour, whatever that is, 145 kilometers per hour, something like that. As it relates to Representative Sawyer's point, which is an exceptionally good one, we have thousands of laws on the books, many of which involve penalties, but no one really knows about it until they get caught, doing whatever it is. So education is such a key integral part to having good, effective laws on the books.

And I think by raising the size of the fine, I think that's going to inherently give it a lot more attention. You can go on the DOT campaigns and other public service ways of getting the message out there, but this is such a big, huge problem, and we've all heard the nightmare accidents of the van coming around the corner, not even paying attention to the road and slamming head-on. You know, maybe in the future, we should consider something even bigger, because it will get a lot of attention and people will really take note. Thank you.

REP. MIKUTEL: Thank you. Representative Scribner.

REP. SCRIBNER: Thank you. Good afternoon,  
Commissioner.

COMMISSIONER JOHN DANAHER: Good afternoon.

REP. SCRIBNER: Thank you for being here today and patiently waiting to provide your testimony to us for our consideration. And I would also like to extend a thanks to the administration and particularly Governor Rell for bringing forward language which is indeed incorporated in this bill. It clearly is a growing trend, a growing problem, and I do think I echo Senator Frantz's comment about the importance of increased awareness. And I think that, despite the fact that there might be some reluctance by some members of the law enforcement to impose significant fines, and I think there has been some evidence that shows that. What we try to do here is make it a level where it would have some impact, and be fair about it. But once someone ignores that first offense and going on to commit it repeated times, they will also feel the consequences of that repeating offense. I think at the same time, for a number of years, we were generous in providing that first time waiver, if you will, as long as someone demonstrated that they acknowledged the awareness of the law and by purchasing a hands-free device wouldn't commit it again. That often is not the case, and so I think it's a sensible approach at this point in time for us to move on to the next level, largely for public safety interest, not to be punitive in nature. And I think in large part, the leadership of the committee was very deliberate and conscious about that.

One of the things that is included in the bill, and forgive me if I missed it, I didn't hear you make any reference to the portion of a fine that would go back to the law enforcing agency. Do you have any thoughts to share on that? I personally have had some discussions with both state and local law enforcement on that, and I would just like to hear what your thoughts might be.

COMMISSIONER JOHN DANAHER: The subsection (k) that provides for a 25 percent remittance to the municipality. It's an interesting concept. I do support it. I have looked at some statistics with regard to who issues citations within not only our department, but within the constables and the resident trooper towns, and I was interested to see that in many cases, a great number of constables do not issue many citations. I don't know if that's because they're often in small towns and they know the people they're stopping and they're giving them warnings instead of citations. But if there's a benefit to the town, there may be a direction from the First Selectman that this is a law that could use more attention. If it does get more attention and more enforcement, it's going to be to the benefit of the safety of everybody. So any motivation that can be used to encourage enforcement of that law, I think, is desirable.

Not to mention, the significant financial impact that may devolve upon the state if the federal -- it's called the "Avoiding Life, Endangering and Reckless Texting by Drivers," So they could get the acronym, ALERT Drivers Act, which was introduced in November. By the calculations I've seen, if those laws were to go into effect and this state did not prohibit -- or states didn't prohibit texting while driving, the state can lose up to \$39 million

in federal funding. So there's multiple incentives to advance this law.

REP. SCRIBNER: I thank you for pointing that aspect out. We were aware of that and it's part of the reason why the committee did agree with Governor Rell's proposal in that regard. Although technically, law enforcement could issue it anyway. This really more clearly identifies it and satisfies that requirement. And we certainly don't want to invite disappearance of \$39 million. But I also think it's an important, as an author of portions of this bill, I want to make certain that the public is aware that our interest in the structure of this bill is not to be punitive. That it is clearly all focused upon increasing the public safety, along with increased public awareness of the dangers of violating these measures. And I often think that when we're having discussions and debates, sometimes those things aren't clear.

Same thing with the portion of the infraction revenue going to municipalities. We don't view it as being a bonus to the law enforcing agency. However, we do view it as a potential resource to enable them to encourage them through resources to strengthen their law enforcement efforts, and that is really more the intent behind that part of the language.

REP. GUERRARA: Good afternoon, Commissioner. First of all, let me just say that I think Representative Scribner is being humble here. He has been very proactive in regards to this texting bill and it was his thought over the last two years to get this going, and I want to commend him for his leadership on this.

I apologize, I had to leave the room here. Did we talk -- did you talk about this with

the committee in regards to the fines and what they would be?

COMMISSIONER JOHN DANAHER: We did. I can go over it again.

REP. GUERRARA: No. by all means, just from my viewpoint, and correct me if I'm wrong Commissioner, is that it just seems that it has been a difficult enforcement issue, and I think the thought process behind this is that if we lower the fine a little bit and have a massive, say one month of just targeting individuals on cell phone or texting, that message will be sent out there and maybe the second fine would be doubled or whatever. Is that the thought process?

COMMISSIONER JOHN DANAHER: That certainly is one thought process that could well work. We did a two-day heavy enforcement of cell phone usage, I want to say about six months ago, and I think we issued a thousand citations in two days. This is a target-rich area. There's no question.

Just as you have all observed, I receive complaints every day. Why aren't you enforcing this law? It does get enforced, but that's not the public perception and I think it's more, it's a problem that's so large that it's difficult to make a real dent in it.

REP. GUERRARA: Thank you, Commissioner. Any other questions? Thank you for coming today.

COMMISSIONER JOHN DANAHER: Thank you.

REP. GUERRARA: Peter Sielman and is David with him also, Bingham? Is David with him? He might as well come up and we'll -- is that all right?

addresses this issue of how do you make sure that the funds really get spent where you promised they were going to be spent. In this case, if you bond to complete a new construction project. At the point where that is paid for, that toll goes away, and it doesn't go into a general fund and is at the discretion of the Legislature as to how it might get spent.

REP. GUERRARA: Thank you both for coming today. I'll tell you this. When I have my rallies out there, I will be calling both of you. So thank you again for coming.

DR. DAVID BINGHAM: We'll give you some ice cream at the ice cream store that's right at the end of Route 11, where you dead-end there.

REP. GUERRARA: Thank you. Very good point. Is State Attorney Susan Naide here? Good afternoon, Susan.

SUSAN NAIDE: Good afternoon. Thank you for permitting me to comment on Senate Bill 427, AN ACT CONCERNING THE USE OF HAND-HELD MOBILE TELEPHONES AND MOBILE ELECTRONIC DEVICES BY MOTOR VEHICLE OPERATORS.

The Division of Criminal Justice supports Senate Bill No. 427, AN ACT CONCERNING THE USE OF HAND-HELD MOBILE TELEPHONES AND MOBILE ELECTRONIC DEVICES BY MOTOR VEHICLE OPERATORS.

This bill includes important provisions to better protect public safety, with regard to the use of cell phones and similar devices by motorists and to encourage the enforcement of the law, banning such use. Specifically, the bill adds the term "Texting," in recognition of the explosion in the practice of using cell

phones and similar devices to send electronic messages.

The bill also provides for enhanced penalties and the intermittent increase in the penalty for repeat offenders. Enforcement would be enhanced through the provisions that provide reimbursement to those municipalities that commit the time and the personnel to enforce the law.

It has been six years since the General Assembly enacted the law banning, with certain limitation -- limited exceptions, the use of hand-held cell phones while driving. Yet as anybody can see after just a few minutes on the road, the law is openly ignored by many, many motorists. The bill repeals subsection (g) and the special provisions it extended to first-time violaters. This is warranted for two reasons. First, six years is long enough to become aware of the law and second, there is no way to identify the number of actual first-time offenders whose cases are nolloed with the submission of a receipt for the purchase of a hands-free device. There is no way to stop the replication and repeated use of the same receipt.

The bill recognizes the tremendous increase in awareness, both nationally and here in Connecticut, of the serious hazard posed by distracted driving in all forms. The use of a hand-held cell phone while operating a motor vehicle, whether for verbal communication, or to send or receive text messages is an extreme example of distracted driving.

The National Highway Traffic Safety Administration recently provided grant funds to the State of Connecticut to address all forms of distracted driving, through increased

enforcement efforts.

Bill No. 427 supports these increased enforcement efforts by giving municipalities 25 percent of the amount received as a result of summons issued by the police in the municipality. This reimbursement process, in all likelihood would have no negative effect on state revenue. However, because the bill also increases the penalty for both first and sequence violations, with increased enforcement and the end of the special exception for first-time offenders, the state should collect more revenue than it does now, even after the new share to the municipalities is deducted. The Division of Criminal Justice respectfully recommends the Committee's Joint Favorable Report. Thank you.

REP. GUERRARA: Thank you, Susan. Any questions? Perfect timing. Thank you for your testimony. All right. Paul Brady, followed by -- is Senator Kissel here? No, I didn't think so. All right. Paul Brady followed by Ryan Lynch.

PAUL BRADY: Good afternoon. I'm Paul Brady, the Executive Director for the American Council of Engineering Companies of Connecticut, representing over 100 engineering firms, providing independent engineering services to the public and private sector.

We wish to speak in support of the Raised House Bill 5474. We believe it's clear that the current funding sources for the state's Special Transportation Fund are inadequate to meet the needs for safe and efficient transportation systems.

In addition, revenues from the primary source, namely the fuel tax and the gross receipts tax, are and will continue to diminish as electric and alternative fuel vehicles become



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**RANKING MEMBER**  
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**MEMBER**  
 FINANCE, REVENUE AND BONDING COMMITTEE  
 TRANSPORTATION COMMITTEE

***Testimony***

***In Support of Proposed S.B. No. 427***  
***AN ACT CONCERNING THE USE OF HAND-HELD MOBILE TELEPHONES AND MOBILE***  
***ELECTRONIC DEVICES BY MOTOR VEHICLE OPERATORS***

***And***

***H.B. No. 5474***  
***AN ACT CONCERNING THE ESTABLISHMENT OF ELECTRONIC TOLLS AT THE STATE'S***  
***BORDERS.***

***Transportation Committee***  
***March 12, 2010***

Dear Chairman DeFronzo, Chairman Guerrero and members of the Transportation Committee:

I am writing in support of SB 427, An Act Concerning The Use Of Hand-Held Mobile Telephones And Mobile Electronic Devices By Motor Vehicle Operators and H.B. No. 5474, An Act Concerning The Establishment Of Electronic Tolls At The State's Borders.

I support both the intent and the content of SB 427. On any given day, we all witness drivers with a phone held up to their ear, causing them to drive too fast, too slow or erratically, especially at intersections. By raising the penalty for hand-held cell phone use by drivers, this will hopefully be the incentive that will compel drivers to use an ear phone, a blue tooth, or some other interactive phone device.

Returning 25% of the fine to municipalities may help increase police enforcement of this law at the local level. I urge the committee to support this bill.



Testimony of the Alliance of Automobile Manufacturers  
Transportation Committee  
Friday, March 12

Senate Bill 427 – An Act Concerning the Use of Hand-Held Mobile Telephones and Mobile Electronic Devices by Motor Vehicle Operators

The Alliance of Automobile Manufacturers is a trade association of eleven car and light truck manufacturers including BMW Group, Chrysler, Ford Motor Company, General Motors, Jaguar Land Rover, Mazda, Mercedes Benz, Mitsubishi Motors, Porsche, Toyota and Volkswagen. The Alliance of Automobile Manufacturers and its members have long recognized the risks of distracted driving and support appropriate laws with high-visibility enforcement.

Senate Bill 427 prohibits, among other things, *typing, sending or reading a text message* by a driver while the vehicle is in motion. The Alliance supports this prohibition; however the way the bill is currently written, it would inadvertently prohibit the use of devices that rely on text-based communication that are physically and electronically integrated into the motor vehicle.

To enable the use of such hands-free integrated technology, the Alliance would respectfully suggest the following amendments to Senate Bill 427:

- Line 18: delete "telephone" and replace with "device"
- Line 19: insert "or a mobile electronic device" after telephone
- Line 21: strike "hand-held mobile telephone" and replace with "device"
- Line 21: insert "or types, send, or reads a text message" after "call"
- Line 72: strike "telephone" replace with "device"

The Alliance appreciates the opportunity to work with the Legislature to support legislation that addresses the issue of driver distraction, while also preserving opportunities in the vehicle to enhance safety.

We respectfully ask for the Committee's strong consideration of the suggested amendments to Senate Bill 427. With the inclusion of these amendments, the Alliance of automobile manufacturers would fully support Senate Bill 427 and applaud the State of Connecticut's leadership.

Thank you for your consideration.

⑦  
 Speaker  
 # 4 - from officials list



State  
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State of Connecticut  
 DIVISION OF CRIMINAL JUSTICE

Testimony of the Division of Criminal Justice

In Support of:

S.B. No. 427 (RAISED) An Act Concerning the Use of Hand-Held Mobile Telephones and Mobile Electronic Devices by Motor Vehicle Operators

Joint Committee on Transportation  
 March 12, 2010

The Division of Criminal Justice supports S.B. No. 427, An Act Concerning the Use of Hand-Held Mobile Telephones and Mobile Electronic Devices by Motor Vehicle Operators. This bill includes important provisions to better protect public safety with regard to the use of cell phones and similar devices by motorists and to encourage the enforcement of the law banning such use. Specifically, the bill adds the term "texting" in recognition of the explosion in the practice of using cell phones and similar devices to send electronic messages. The bill also provides for enhanced penalties and the incremental increase in the penalty for repeat violations. Enforcement would be enhanced through the provisions that provide reimbursement to those municipalities which commit the time and personnel to enforce the law.

It has been six years since the General Assembly enacted the law banning – with certain limited exceptions – the use of hand-held cell phones while driving. Yet as anyone can see after just a few minutes on the road, the law is openly ignored by many, many motorists. The bill repeals subsection (g) and the special provisions it extended to first-time violators. This is warranted for two reasons: first, six years is long enough to become aware of the law, and second, there is no way to quantify the number of actual "first-time" offenders whose cases are nolle with the submission of a receipt for the purchase of a "hands-free" device. There is no way to stop the replication and repeated use of the same receipt.

The bill recognizes the tremendous increase in awareness, both nationally and here in Connecticut, of the serious hazard posed by distracted driving in all forms. The use of a hand-held cell phone while operating a motor vehicle, whether for verbal communication or to send or receive text messages, is an extreme example of distracted driving. The National Highway Transportation Safety Administration (NHTSA) recently provided grant funds to the State of Connecticut to address all forms of distracted driving through increased enforcement efforts. S.B. No. 427 supports these increased enforcement efforts by giving municipalities 25 percent of the amount received as a result of summonses issued by the police in the municipality. This reimbursement

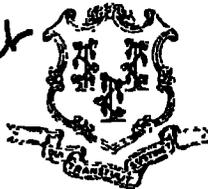
process in all likelihood would have no negative impact on state revenue however; because the bill also increases the penalty for both first and subsequent violations. With increased enforcement and the end of the special exception for first-time offenders, the state should collect more revenue than it does now even after the new share to the municipalities is deducted. The Division of Criminal Justice respectfully recommends the Committee's Joint Favorable Report.

**Respectfully submitted,**

**Kevin T. Kane**  
**Chief State's Attorney**

**Susan Naide**  
**Senior Assistant State's Attorney**  
**DUI Coordinator - Office of the Chief State's Attorney**

*Spencer #3 from the public officials list*



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC SAFETY  
OFFICE OF THE COMMISSIONERJohn A. Danaher III  
CommissionerLieutenant Edwin S. Hennon  
Chief of Staff

March 12, 2010

Sen. Donald J. DeFronzo, Co-Chair  
Rep. Antonio Guerrero, Co-Chair  
Transportation Committee  
Legislative Office Building  
Hartford, CT 06106

**SB 427: AAC THE USE OF HAND-HELD MOBILE TELEPHONES AND MOBILE ELECTRONIC DEVICES BY MOTOR VEHICLE OPERATORS**

*The Department of Public Safety supports efforts to combat distracted driving and suggests adoption of language contained in SB 35. Both this bill and Senate Bill 35 would eliminate the language providing that a first time violator can have the fine suspended by showing proof of subsequent purchase of hands free device. The law banning use of a mobile telephone while driving was passed in 2005, and there has been more than sufficient time for the public to be educated about the ban and purchase hands free devices. The continued presence of this language results in cases being nollod and difficulties in enforcing this important public safety policy.*

Both bills offer language to make it expressly clear that texting is a violation.

The federal government is moving on this issue, having already banned texting for truck and bus drivers, with significant civil and criminal penalties. Further, there are proposals in Congress to impose funding sanctions on states that do not enact laws prohibiting texting while driving. This issue has become a priority after more than 5,800 people died in 2008 in accidents where at least one form of driver distraction was cited in the crash report.

Texting while driving can be every bit as dangerous as drunk driving, and the consequences can be just as devastating. There is a mindset among too many that there is nothing wrong with "multi-tasking" while driving a 4,000 pound vehicle at 65 miles per hour. Passage of a no texting bill, which incorporates the strategies of SB 35, will give the law enforcement community the tools it needs to change dangerous driving behavior.

Sincerely,

John A. Danaher III  
COMMISSIONER



## CONNECTICUT POLICE CHIEFS ASSOCIATION

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### Testimony to the Committee on Transportation

March 12, 2010 by

Chiefs Anthony Salyatore and James Strillacci, Connecticut Police Chiefs Association

Senator DeFronzo, Representative Guerrero, and Committee members, we speak for Connecticut police chiefs in strong support of SB#427, AAC Hand-held Mobile Telephones and Mobile Electronic Devices by Motor Vehicle Operators addresses the growing hazard of distracted driving.

Section 1 (b)(1) would specify that the ban on phoning while driving covers text messaging as well. Texting while driving is far riskier than phoning, as it takes not only the driver's attention but his eyes off the road.

A study by the Transport Research Laboratory showed that driving while texting was more dangerous than drunk driving.\* The National Safety Council estimates that a minimum of 200,000 crashes each year are caused by drivers who are texting.\*\*

Section 1(g) repeals the "freebie" provision--suspension of the fine for a first-time violator who buys a hands-free device--which was a merciful gesture when the ban was new and not yet well-known, but whose time may be past. It also increases the fine for first and subsequent transactions.

Section 1(j) sensibly adds a penalty for a violation which results in a crash.

Section 1(k) would remit to the issuing municipality one-fourth of fines paid for violations. This would support local enforcement activities.

We are not winning the battle against distracted driving. Connecticut drivers had years to get habituated to driving while phoning before it was prohibited by Public Act 05-159; neither enforcement nor public appeal have made a dent in that habit. We hope that his bill will get drivers' attention, and get their attention back on the road.

\*<http://www.timesonline.co.uk/tol/driving/news/article4776063.ece> .

\*\*<http://www.nsc.org/Pages/NSCestimates16millioncrashescausedbydriversusingcellphonesandtexting.aspx> .

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