

Date of Hearing: March 21, 2022

ASSEMBLY COMMITTEE ON TRANSPORTATION  
Laura Friedman, Chair  
AB 2071 (Patterson) – As Introduced February 14, 2022

**SUBJECT:** Vehicles: distracted driving awareness grant

**SUMMARY:** Requires the Office of Traffic Safety to administer a grant program to combat distracted driving, upon appropriation by the Legislature. Specifically, **this bill:**

- 1) Requires the grants to be awarded to qualifying law enforcement agencies, including the California Highway Patrol (CHP).
- 2) Restricts the grant funds to be used to increase public awareness of the dangers of distracted driving.

**EXISTING LAW:**

- 1) Prohibits driving a vehicle while holding and operating a handheld wireless telephone or an electronic wireless communications device, unless the device is designed to allow voice operated, hands-free operation and is used in that manner.
- 2) Allows a driver to activate or deactivate a feature on the device with a single swipe or tap of the driver's finger if the device is mounted, as specified.
- 3) Exempts manufacturer-installed systems that are embedded in the vehicle.
- 4) Exempts emergency services professionals operating an emergency vehicle.
- 5) Treats violations as an infraction punishable by a base fine of \$20 (\$162 with other fees and assessments) for a first offense and \$50 for subsequent offenses.
- 6) Authorizes the Department of Motor Vehicles (DMV) to assess a point on someone's license for driving a vehicle while holding and operating a handheld wireless telephone or communication device on the second violation.

**FISCAL EFFECT:** Unknown

**COMMENTS:**

In 1966 Congress passed the National Highway Safety Act, which established the Department of Transportation and, amongst other things, created a national grant program to be administered by the States to provide enforcement and education opportunities to improve traffic safety. In 1967, the California Traffic Safety Program was enacted to provide authority to the State to implement the requirements of the national legislation. The Office of Traffic Safety (OTS) was established to create a comprehensive plan in conformity with state laws to reduce traffic collisions and deaths, injuries, and property damage. OTS is exclusively funded by federal dollars.

In 2021, OTS awarded \$93.7 million in federal funding to support 415 traffic safety grants.

According to the author, “Distracted driving is growing more and more common with the public seemingly unaware of the potential dangers and risks to everyone’s safety on the road. AB 2071 will provide local governments with the tools necessary to educate the public on the dangers of distracted driving because we must take action to make our roads a safer place.”

According to the OTS, a 2016 survey revealed that more than 56% of California drivers said they had been hit or nearly hit by a driver who was talking or texting on a cell phone. In addition, the survey indicated that 40% of drivers admitted to making a driving mistake while talking on a cell phone.

Driving while texting can be deadly. Looking away from the road for five seconds to text while traveling 55 miles per hour is the equivalent of covering the length of a football field blindfolded. While not limited to cell phone use, distracted driving has resulted in the death of 3,477 people and an additional 391,000 people were injured in 2015 alone. Distracted driving accounts for 10% of fatal crashes. The largest proportion of drivers who were distracted at the time of a fatal crash were between the ages of 15 to 19.

In 2021, OTS awarded \$2.5 million for public information grants for distracted driving. A plurality of OTS funding goes towards California Traffic Safety Enforcement Plan (STEP) grants, which help fund traffic enforcement operations across the state. STEP grants funded 1,499 distracted driving enforcement operations. These operations resulted 23,444 vehicle stops or contacts, 5,959 hand held cell phone citations issued, 9,142 texting citations issued, and 137 tickets to minors operating with a cell phone (minors are prohibited from using a cell phone while driving, regardless of whether its hands-free). This accounts for 19% of the total citations issued under the STEP grants for 2021.

CHP received three distracted driving grants in 2021. Two were for education and public awareness campaigns, and one was for enforcement. The grants are expected to help CHP complete at least 400 traffic safety presentations statewide and a minimum of 80 distracted driving enforcement operations between October 1, 2021 and September 30, 2022.

Under the State Highway Plan (SHP), OTS has set a goal to maintain the number of California drivers observed using a handheld cell phone or texting at 2%. Surveys issued by OTS showed that in 2016, 7.6% of Californians reported having observed using a handheld cell phone while driving. In 2019, those numbers dropped to 1.99%, and in 2021 they dropped even further to 1.64% (a survey was not conducted in 2020 because of the COVID-19 Pandemic).

Police Officers Research Association of California (PORAC), writing in support of this bill, argues “PORAC sees firsthand the dangers distracted driving. Not only are the drivers and passengers of the vehicles involved at risk, but also pedestrians and innocent bystanders. We believe this bill will help combat distracted driving in our communities and ultimately save lives.”

*Committee comments:* OTS is funded exclusively through federal dollars. Should the state use OTS to administer state awarded grants, as this bill does, then the state may have to pay for the staff time to administer those grants, in addition to the awards for the grant program itself.

*Related Legislation:*

AB 2073 (Patterson) of 2022 permits a driver who has received a point on their license for distracted driving to have that point removed if they successfully complete a distracted driving course that has been approved by DMV. That bill is pending before this Committee.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

AAA Northern California, Nevada & Utah  
Automobile Club of Southern California  
California State Sheriffs' Association  
Peace Officers Research Association of California (PORAC)

**Opposition**

None on file

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