**CLP CURRENT EVENTS October 17, 2017**

**TOPIC: Distracted Driving**

**Distracted driving** is driving while doing another activity that takes your attention away from driving. Distracted driving can increase the chance of a motor vehicle crash.

**Each day** in the United States, approximately 9 people are killed and more than 1,000 injured in crashes that are reported to involve a distracted driver.

**Texting While Driving:** 47 states, D.C., Puerto Rico, Guam and the U.S. Virgin Islands ban text messaging for all drivers. Of the 3 states without an all-driver texting ban, 2 prohibit text messaging by novice drivers.

**Oregon’s** distracted driving law went into effect on October 1, 2017.

<https://www.cdc.gov/motorvehiclesafety/distracted_driving/index.html>,

### [Distracted Driving Laws - | GHSA](http://www.ghsa.org/state-laws/issues/Distracted-Driving) <http://www.ghsa.org/state-laws/issues/Distracted-Driving>

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<https://www.dmv.org/distracted-driving/three-types-of-distractions.php>

**NEWS SOURCES** (5 total)

# Oregon's New Distracted Driving Law Takes Effect Oct. 1: What You Need to Know, by Elliot Njus, Oregonian/OregonLive, posted Sept. 20, updated Oct. 1, 2017

# “… Oregon’s new distracted driving law takes effect Oct. 1 With it comes a stricter ban on cellphone use while driving and higher fines, which escalate for repeat offenders…”

[*http://www.oregonlive.com/commuting/index.ssf/2017/09/oregons\_new\_distracted\_driving.html*](http://www.oregonlive.com/commuting/index.ssf/2017/09/oregons_new_distracted_driving.html)

# *CLP: helpful Q and A on Oregon’s new law.*

# Safety Advocates Call for Stricter Distracted Driving Guidelines, by Eric T. Chapin, The Legal Examiner, Oct. 9, 2017

## “ … Industry fights government guidelines on SmartPhone Apps … Distracted driving lawsuits seek to hold manufacturers liable …”

<http://pittsburgh.legalexaminer.com/automobile-accidents/safety-advocates-call-for-stricter-distracted-driving-guidelines/>

*CLP: the legal angle*

**High-Tech Features Distract Drivers for Dangerously Long Periods, AAA Study Finds**, by Patrick Olsen, Consumer Reports, Oct. 5, 2017

“… drivers were visually and mentally distracted for more than 40 seconds when completing tasks like entering navigation destinations or sending a text message while driving…”

<https://www.consumerreports.org/car-safety/high-tech-car-features-distract-drivers-aaa-study/>

*CLP: new cars high tech features may hurt more than help*

**New Distracted Driving Law in Washington Makes It Illegal to Hold Phone While Driving,** by Bart Jansen, USA Today, July 24, updated July 25, 2017

“… closes loopholes against making calls by prohibiting even holding a personal electronic device while stopped in traffic. The law also prohibits eating or applying make-up while driving…”

<https://www.usatoday.com/story/news/nation-now/2017/07/24/new-distracted-driving-law-washington-makes-illegal-hold-phone-while-driving/504821001/>

*CLP: Washington law called “pioneering.”*

**A Latte While Driving Is Still OK Under Washington Law … As Long As You’re Not Distracted**, USA Today – Kitsap (Wash.) Sun, July 29, 2017

“… to ding you with a $99 ticket for eating a cheeseburger…officers would have to connect bad driving to being distracted by the meal…”

<https://www.usatoday.com/story/news/nation-now/2017/07/29/distracted-driving-drinking-coffee-sill-ok-under-washington-states-new-law/523170001/>

*CLP: maybe wait to eat that double patty with extra sauce.*

**QUESTIONS TO CONSIDER** (13 total)

* What is “distracted” driving?
* What is the main distraction affecting safe driving?
* Is “hands free” technology safe?
* What are the distractions that have become daily activities in a car?
* Why do drivers shift their attention from the road?
* What are the arguments against laws trying to stop distracted driving? What are the arguments that support distracted driving laws?
* Should there be a federal law against texting while driving?
* (Currently there is no national ban on texting or using a wireless phone while driving,)
* Should distracted driving rules apply to commercial vehicles? Are there special issues for long haul drivers? Commercial vehicles such as taxis? Emergency vehicles?
* How should drivers handle the need to communicate while driving?
* Is there a particular age group that takes risks while driving or is age not the issue?
* Will stiffer penalties convince drivers to avoid devices while driving? Will increased insurance rates convince drivers to avoid distractions while driving? What would convince drivers to modify their distraction habits?
* Is Washington state’s recent distracted driving law a model for other states to follow? Is Oregon’s law a model? Is the law against holding a phone while driving a “game changer”? Why or why not?
* Do we need more electronic gadgets to control our use of other devices such as cell phones and GPS?

**BACKGROUND AND More** (6 total)

# Apple’s Upcoming iOS11 Update to Include Safe Driving Mode, by George Khoury, Common Law—the FindLaw Consumer Protection Law Blog, June 21, 1017

# “…tech giant Apple is finally responding to the many lawsuits that have been filed against it related to distracted driving injuries and deaths…”

<http://blogs.findlaw.com/common_law/2017/06/apples-upcoming-ios-11-update-to-include-safe-driving-mode.html>

# *CLP: Big Brother v. safer roads? This Apple update was released in September.*

# 15 Things You Should Know About Distracted Driving, Mental Floss

# <http://mentalfloss.com/article/81525/15-things-you-should-know-about-distracted-driving>

# *CLP: obvious but good list that includes rationale, statistics, etc*.

# Life Lessons: Distracted Driving: Garrett’s Story, by Cali Desimone and Nancy Werteen, WFMZ News, Sept. 5, 2017

# “ Garrett Viccaro was about to turn 25… killed by a man who was texting and driving…”

# <http://www.wfmz.com/features/life-lessons/life-lessons-distracted-driving-garretts-story-1/616319447>

**What Is Distracted Driving?** By National Highway Traffic Safety Administration

[**https://www.nhtsa.gov/risky-driving/distracted-driving**](https://www.nhtsa.gov/risky-driving/distracted-driving)

*CLP: short, sweet and tells it like it is*

# 25 Shocking Distracted Driving Statistics, by Kiernan Hopkins, DistractedDiverAccidents.com, Jan. 23, 2015

<http://distracteddriveraccidents.com/25-shocking-distracted-driving-statistics/>

*CLP: important statistics from 2015 and required reading today.*

# Abolish Driving While Texting Laws For Safety by Drive-Safely.net (an independent blog), Feb. 23, 2015

<https://www.drive-safely.net/driving-while-texting/>

*CLP: the other side.*

**Lesson Plans** (4 total)

# Lesson 1: Distracted Driving—Dangers, Awareness, and Advocacy, Scholastic – Decide to Drive

<http://www.scholastic.com/browse/article.jsp?id=3758127>

# Distracted Driving Lesson Plan, Royal Canadian Mounted Police

<http://www.rcmp-grc.gc.ca/cycp-cpcj/dd-dv/lp-pl/index-eng.htm>

*CLP: Very good lesson plan including activities, materials, and more from our neighbors to the north.*

**Take the Pledge,** LeaveThePhoneAlone.ca

 “I pledge to **LEAVE THE PHONE ALONE** while driving. From now on, I will avoid distractions caused by talking, texting or using a hand-held electronic device while behind the wheel of my vehicle.”

<http://www.leavethephonealone.ca/en/take-the-pledge>

*CLP: OK, not a lesson but a worthwhile pledge nonetheless.*

**Oregon’s New Distracted Driving Law**, Classroom Law Project, October 2017

*CLP: Homegrown lesson on Oregon’s new law includes drafting a bill and driving scenarios.*

**Constitutional and Legal Connections** (3 total)

# Court: Apple Not Responsible for Distracted Driving by Christopher Coble, FindLaw, Sept. 1, 2017

“There's no doubt our smartphones can be distracting. There's no doubt that distracted driving is dangerous, even deadly. And there's no doubt smartphones, or at least some alerts, could be disabled while we're driving. So does not automatically disabling distracting smartphone functions while we're driving mean that smartphone manufacturers are liable for distracted driving accidents?”

<http://blogs.findlaw.com/decided/2017/09/court-apple-not-responsible-for-distracted-driving.html>

*CLP: Who is responsible?*

**Texting and Driving** from Lawyers.com

… What about the States? “…While impacting most federal employees, the president’s order can’t force states to make texting and driving illegal. Under the US constitution, states are in charge of their own ‘police powers’ meaning that states make laws for the safety of their residents…”

<https://criminal.lawyers.com/traffic-violations/texting-and-driving.html>

**Texting While Driving Meets the Fourth Amendment: Deterring Both Texting and Warrantless Cell Phone Searches** by Adam M. Gershowitz, William & Mary Law School Scholarship Repository, Faculty Publications, 2012

“…This Article proposes that legislatures allow drivers to immediately confess to texting while driving in exchange for avoiding a search of their phones…”

<http://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=2314&context=facpubs>

*CLP: potential 4th Amendment issues.*

**OREGON** (7 total)

# Official full text of Oregon’s New Distracted Driving Bill, HB2597

# <https://olis.leg.state.or.us/liz/2017R1/Measures/Overview/HB2597>

# Oregon HB 2597 Distracted Driving Fact Sheet

<http://www.oregon.gov/ODOT/Safety/Documents/HB2597_Summary_for_Public.pdf>

# New Oregon distracted driving laws now in effect by Sam Dunaway, The Western Journal (Western Oregon Univ.), Oct. 11, 2017

“Updated cell phone regulations are more restrictive with serious consequences…”

Oct. 1 marked the beginning of the updated 2017 distracted driving laws in Oregon.

<http://www.wou.edu/westernjournal/new-oregon-distracted-driving-laws-now-effect/>

*CLP: Does not mince words; straightforward article particularly good for teens and young adults.*

# Why did Local Oregon Legislators Oppose New Distracted Driving Laws? from Source Weekly (Bend), October 11, 2017 (Editorial)

“Is Oregon HB 2597 … too concerned with controlling your behavior? *(Oregon Rep. Knute Buehler replied,)* ‘this law is an overreach and one I think will be difficult to enforce. I believe it will disproportionately impact low-income Oregonians … I also have concerns that this law could be used for the practice of pretextual stops which could increase instances of racial profiling.’ ”

<https://www.bendsource.com/bend/why-did-local-oregon-legislators-oppose-new-distracted-driving-laws/Content?oid=4210206>

## **A Desperate Solution**, **Tell Your Phone ‘no messages’ Until the Car Trip Ends**

The Register-Guard, Oct. 9, 2017 (Editorial)

<http://registerguard.com/rg/opinion/36029051-78/a-desperate-solution.html.csp>

*CLP: adds dimension to this subject including cell phone addiction*

# Oregon Driver Killed While Talking on Cellphone, State Police Say by Shane Dixon Kavanaugh, The Oregonian/OregonLive, Oct. 5, 2017

“A woman using her cellphone while driving was killed in Benton County after she rolled her SUV, was ejected from her car and then run over by a passing motorist Wednesday night…”

<http://www.oregonlive.com/pacific-northwest-news/index.ssf/2017/10/oregon_driver_killed_while_tal.html#incart_river_index>

# Repeated from NEWS SOURCES: Oregon's New Distracted Driving Law Takes Effect Oct. 1: What You Need to Know, by Elliot Njus, Oregonian/OregonLive, posted Sept. 20, updated Oct. 1, 2017

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# *CLP: helpful Q and A on Oregon’s new law.*

**For Oregon SOCIAL SCIENCE Standards**

8.14 Explain the rights and responsibilities of citizens.

8.26 Examine a controversial event, issue, or problem from more than one perspective.

8.27 Examine the various characteristics, causes, and effects of and event, issue, or problem.

8.28 Investigate a response or solution to an issue or problem and support or oppose, using research.

HS.28 Evaluate how governments interact at the local, state, tribal, national and global levels.

HS.29 Examine the structures and functions of Oregon’s state, county, local and regional governments.

HS.33 Explain the role of government in various current events.

HS.34 Explain the responsibilities of citizens (e.g., vote, pay taxes).

HS.57 Define, research, and explain an event, issue, problem or phenomenon and its significance to society.

HS.58 Gather, analyze, use and document information from various sources, distinguishing facts, opinions, inferences, biases, stereotypes, and persuasive appeals.

HS.60 Analyze an event, issue, problem, or phenomenon from varied or opposing perspectives or points of view.

HS.62 Propose, compare, and judge multiple responses, alternatives, or solutions to issues or problems; then reach an informed, defensible, supported conclusion.

HS.63 Engage in informed and respectful deliberation and discussion of issues, events, and ideas.

**For Connections to lessons in *We the People: The Citizen & the Constitution* texts**

**Middle School, Level 2**

* Unit 6, Lesson 29: What are the rights and responsibilities of citizenship?
* Unit 6, Lesson 30: How might citizens participate in civic affairs?

**High School, Level 3**

* Unit 6, Lesson 34: What is the importance of civic engagement to American Constitutional democracy?