



Governor's Advisory Council for Exceptional Citizens (GACEC)
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MEMORANDUM

DATE: May 14, 2014

TO: The Honorable Members of the Delaware General Assembly

FROM: Terri Hancharick, Chairperson
GACEC

RE: **House Bill No. 298 (Distracted Driving Civil Penalty)**

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed House Bill No. 298 which would raise the civil penalty for a first offense for distracted driving from \$50 to \$75 under the existing law. Council **endorses** the proposed legislation.

The Delaware Code currently authorizes civil penalties for drivers using handheld phones and devices. A first offense results in a \$50 civil penalty. A subsequent offense results in a \$100-\$200 civil penalty. Police issued 19,610 citations for violations of the law in 2013 according to recent articles. The State Office of Highway Safety reported there were 149 cellphone related crashes in Delaware in 2013. It is inferable that some of these crashes resulted in injuries resulting in disability.

According to an April 13 News Journal article, penalties for distracted driving in Delaware are lower than those in 34 of the 40 other states with laws banning texting or using handheld phones while driving. Since the percentage of drivers using handheld devices continues to increase despite current laws, enhancing penalties may have a deterrent effect. Frankly, a \$50 civil penalty is so small that many drivers will not be concerned with the consequences of violating the law. A higher penalty may be supported given the risk of accidents and resulting injuries attributable to distracted driving.

Thank you for your time and consideration of our position and observations. Please feel free to contact me or Wendy Strauss should you have questions.