

Legal Notes: September 2016

My office is on 7th Street, between Main and State. 7th Street is sort of a busy street. I cross it a mid-block, going over to the park. The other day, while waiting for traffic to clear, I started counting how many drivers were using their phones. I stood there about five minutes and about a third to half of the drivers were on their phones. I find this somewhat astounding; especially given this was a downtown street with many stoplights, pedestrian, bicyclists and other things that need to be paid attention.

All of this was legal, of course. In Wisconsin, there are no specific laws against a driver using a phone while driving, with some exceptions. New drivers with probation licenses can't use a phone while driving. Drivers with a CDL can only use a hands free type of phone.

A new restriction is going into effect on October 1. All drivers will now be completely prohibited from using cell phones in construction zones. The fine is \$20 to \$40.

Fourteen states do completely prohibit the use of cell phones. Of our neighboring states, only Illinois has a complete ban on cell phone usage. Nearly all states, including Wisconsin, have a specific ban on texting or e-mailing while driving.

I admit to using a cell phone while driving, and it scares the you-know-what out of me. While there are certainly many distractions in cars nowadays, cell phones seem to cause a different level of distraction. Maybe the screen size, maybe the need to answer the phone quickly, maybe talking with someone on the phone is just so much more distracting than changing a radio station.

When cell phones were new, there was an expectation that a driver pull over to use it, but that social norm seems to have faded away completely. We recognized back then that using a phone while driving was just not a good idea. Accident rates while using phones are rising, and those are just the people that get caught. Like with indoor cigarette smoking, maybe it should no longer be cool to use the phone while driving. I doubt a \$20 will change the behavior of many people, but peer pressure can work.