

MICHIGAN AUTO LAW

AUTO ACCIDENT ATTORNEYS

November 18, 2021

Michigan House of Representatives
P.O. Box 30014
Lansing, Michigan 48909

Dear Representatives of the Michigan House of Representatives

As the President of the American Association for Justice Distracted Driving Group, as a father of two Michigan teen drivers, and as an auto accident attorney who sees all too often the devastation caused by drivers who are distracted by their cell phones, I am writing you in support of the hands-free amendments to Michigan's texting ban that are pending in House Bills 4277-4279.

I would prefer that Michigan's laws on Distracted Driving move in a direction that more closely reflects the compelling research on cognitive distraction done by the AAA-Foundation for Traffic Safety, which concluded:

"Given the current trends toward more voice commands in the vehicle, [the] ... level of cognitive distraction [associated with speech-to-text systems] is troubling. The assumption that if the eyes were on the road and the hands were on the steering wheel then voice-based interactions would be safe appears to be unwarranted. Simply put, hands-free does not mean risk-free."

However, the proposals in the pending legislation present an excellent first step toward safer roads, and display an enormous improvement over Michigan's current law which unwisely focuses on texting drivers exclusively.

I implore lawmakers to pay particular attention to House Bill 4279 and its proposal to close the hands-free loophole in Kelsey's Law, which is the law that prohibits teen drivers with Level 1 and Level 2 graduated licensing statuses from using a cell phone (not just texting) while driving.

The problem with the current law, however, is that it includes a loophole permitting teens to use a cell phone while driving if they are using a "voice-operated system." (MCL 257.602c(3))

HB 4279 would rightly eliminate the loophole, thus prohibiting young, novice drivers from all cell phone use (handheld or hands-free) while driving. Young drivers should learn, as soon as possible, the good, safe, responsible driving habits they will be using for the rest of their lives. If we allow them to think that driving while being distracted by a phone conversation is okay when they are learning to drive, then they will never have reason to think otherwise.

ATTORNEYS

Steven M. Gursten
Lawrence E. Gursten
Thomas S. Baker
Jordan A.W. Barkey
Todd C. Berg
Jeffrey A. Bussell
Jordan M. Ewald
Jeffrey H. Feldman*
Brandon M. Hewitt
Timothy A. Holland
Rick J. Houghton
Christopher C. Hunter
Thomas W. James
Jordan M. Jones
Alexander P. Kemp
Richard A. Moore
Kevin H. Seiferheld
Michael R. Shaffer
Joshua R. Terebelo
Jeremy R. Tiedt

Offices

Farmington Hills
Grand Rapids
Detroit
Ann Arbor
Sterling Heights

Tax ID: 38-1892093

*Of Counsel

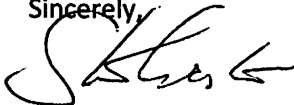
Driving while using a cell phone is dangerous. The Virginia Tech Transportation Institute has found that dialing a handheld mobile phone while driving made the driver “12 times more likely to crash.”

The dangers are even greater for teen drivers. 11% of all teen car crash fatalities in 2019 (the most updated data available) involved distracted driving and 9% of distracted drivers involved in fatal crashes were teens 15 to 19 years old. (NHTSA) Similarly, the AAA-Foundation for Traffic Safety has found that newly licensed teen drivers are approximately six times more likely to have a serious incident when there was loud conversation in the vehicle.

For the last six years, Michigan Auto Law has had the honor and privilege of partnering with Bonnie Raffaele – the mother of Kelsey Raffaele whose tragic death was the impetus for passing Kelsey’s Law – to offer the annual “Kelsey’s Law Scholarship” where high school juniors and seniors can submit persuasive multimedia messages in hopes of convincing other teen drivers to NOT text-and-drive or talk-and-drive. We offer this scholarship to encourage teen drivers to develop life-long safe driving habits, to bring attention to Kelsey’s Law, and to help honor the life of Kelsey Raffaele.

I strongly urge the Michigan House of Representatives to take action to end distracted driving by passing House Bill 4279 to close the “hands-free” loophole in Kelsey’s Law.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Gursten", with a stylized flourish at the end.

Attorney Steven M. Gursten
Michigan Auto Law