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August 21, 2020

The Honorable Bart Rowland
Chair
Property and Casualty Insurance Committee
NCOIL National Office
2317 Route 34 S, Suite 2B
Manasquan, NJ 08736

Dear Chairman Rowland:

On behalf of the American Medical Association (AMA) and its physician and student members, I write to state our support for the National Council of Insurance Legislators' (NCOIL) Distracted Driving Model Act being considered by the Property and Casualty Insurance Committee (Committee). In 2018 alone, nearly 3,000 people were killed and 40,000 injured by distracted driving. We thank NCOIL and the Committee for addressing this critical public safety matter.

Use of a handheld wireless communication device, such as talking on a mobile phone or texting, is a leading source of distraction for drivers of all ages. While there are many sources of driver distraction, there is heightened concern regarding the risks of talking and texting while driving because it combines three types of distraction. The act of composing, sending or reading text messages interrupts drivers' cognitive attention, causes vision to be directed away from the road and compromises manual control of the vehicle. Legislation to prohibit use of a handheld wireless communication device while driving is vital to improve roadway safety for all motor vehicle drivers, passengers, bicyclists, pedestrians and other road users.

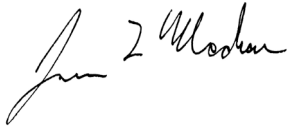
At the AMA 2016 Interim Meeting, the AMA House of Delegates, our policymaking body, adopted new policy instructing the AMA to develop model state legislation to limit cell phone use to hands-free use only while driving. The AMA Distracted Driving Reduction Act mirrors the Committee's draft model act in many ways and prohibits all drivers from using a handheld device, such as a cell phone, while operating a vehicle unless the device is being used in a hands-free mode. The prohibition applies to talking, texting, emailing, instant messaging, dialing, accessing the Internet, viewing, recording video and entering data into a device.

The AMA model state legislation also carves out exceptions, as does the Committee's draft model act, such as for use during an emergency. During the drafting process of the AMA's model legislation, we heard from physicians that use of a handheld device is often necessary when a physician must respond to a medical emergency and communicate with other healthcare providers while in transit to a healthcare facility. The AMA model legislation, therefore, includes an exception for a physician or other health care professional acting within the course and scope of employment. We encourage the Committee to include a similar exception in its draft model act.

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The AMA is grateful to the Committee for addressing this important matter through its draft model act. We look forward to working with you on adoption and enactment of this model in state legislatures. If you have any questions, please contact Annalia Michelman, Senior Legislative Attorney, AMA Advocacy Resource Center, at annalia.michelman@ama-assn.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim L. Madara". The signature is written in a cursive style with a large initial "J" and "M".

James L. Madara, MD