

Research Protocol for State Cell Phone Use while Driving Laws

Prepared by the Center for Public Health Law Research Staff

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State Cell Phone Use while Driving Laws

- I. **Dates of Protocol: July 2014; January 2015; May 2015**

- II. **Scope:** Collect and code state laws which prohibit the use of cells phones while operating motor vehicles

- III. **Primary Data Collection**
 - a. **Project Dates:** October 21, 2013 - February 28, 2014

 - b. **Dates Covered in the Dataset:** January 1, 1996 – January 31, 2015, (first law enacted on February 16, 1996)

 - c. **Data collection methods:** Four legal associates collected the law for five states each (twenty states total) after first broadly researching distracted driving laws, then researching state-by-state in greater detail. After the associates collected state laws relevant to the dataset, the laws were checked by two supervisors.

 - d. **Databases Used:** WestLaw, WestLawNext, Lexis Nexis, and HeinOnline. The laws were collected from state-specific legislature websites.

 - e. **Search terms:**
 - i. “cell phone” cell phone & driving, cellular & driving, cellular & vehicle, cellular phone, “cellular telephone,” communication device “distracted driving,” distracted driving, electronic communication device, electronic message, “electronic wireless communication device,” fine, handheld, handheld ban, handheld electronic device, hands free texting & bus driving, infraction, minors, “mobile communication device” and driving, mobile phone” & driving, motor vehicle & wireless, motor vehicle & wireless communication, penalty, penalty & telephone, “personal communication” & driving, phone & driving, “portable electronic device,” prohibit texting, “school bus,” school bus, school bus drivers, “school bus” & “wireless communication,” telephone & driving, “text-based communication,” texting & driving, texting prohibited, wireless communication device” & driving, wireless device, “wireless phone” & driving, wireless prohibit, “wireless telephone.”

 - f. **Information about Initial Returns and Additional Inclusion or Exclusion Criteria:** Originally collected, but eventually excluded, “commercial drivers,” “work zones,” “school zones,” “television sets,” “headsets,” “state and federal employee drivers,” and “driving within the scope of employment.”

IV. Coding

a. Development of Coding Scheme: The project began with four legal associates conducting broad background research. After researching, each associate wrote background memorandums broadly outlining distracted driving laws across the United States. After each memo was reviewed by two project supervisors, each associate began writing summary memorandums detailing statutes and regulations pertaining to distracted driving for five assigned states. Once all research was conducted and memoranda were written and reviewed, the team (consisting of four legal associates and two supervisors) began conceptualization. Conceptualization aided in focusing on important domains and narrowing the scope, ultimately lessening the number of coding questions. The associates wrote coding questions using the “Workbench Development Table.” The associates continued collecting the law for the first 20 states and recording their research schema in a “Daily Research Sheet” on OwlBox. After the law was reviewed by a supervisor, the associates entered said law into the corresponding legal text fields on Workbench. After the coding questions were finalized, the associates entered the questions into Workbench and began independent coding.

b. Coding Methods: After preliminary coding began, the team met on 12/6/2013 to discuss the process up and until that point. The team clearly excluded coding work zones and school zones; they also excluded commercial drivers from future law collection. The team discussed in great detail the confusion throughout state laws regarding novice and minor drivers. Since the law co-mingles these topics, the associates found these questions very difficult to code. The team decided that novice equates to experience, and minor equates to age. The supervisor changed the word “minor” throughout the coding form to “age.” When a statute implicates both inexperience and age the associates coded both of these questions.

The team deleted the question: “In which type of emergencies does the law permit the use of MCDs?” since it was not capturing any useful information. The supervisor added “Reporting an emergency” and “Other” as answer options for all of the general exception questions; for instance, “What, if any, exceptions exist in the law for MCD use that applies to all drivers?” The team discussed that the word “stopped” encompasses parked, pulled over and not in motion. The team also clarified that when a law has a ban on ALL cell phone use, the ban includes handheld electronic messaging, hands-free electronic messaging, hands-free calling and handheld calling. The team decided when the law says “less than 18” the legal associates/coders will select all ages under 18 as answer choices for the question: “What ages are covered by this statute?” The coders were instructed to code for the standard average driver (not someone who already has a suspended license, points, a DUI, etc...). Based on aforementioned changes, the team re-coded their original 5 jurisdictions throughout the week of 12/9/13.

After the first 20 jurisdictions were built and coded, the team redundantly coded 17 entries. The rate of divergence was 11% on 12/12/13. A coding meeting was held on 12/16/13 and 12/20/13 where all divergences were discussed and settled. The team re-coded as necessary.

The team held a coding meeting on 1/6/14. The legal associates were still having trouble distinguishing between regulating novice drivers and regulating drivers based on age. Due to this confusion, the supervisors changed: “Does the state have a law on the use of MCDs while driving that specifically applies to novice drivers?” to “Is there a cellphone-use law for inexperienced (novice) drivers?” The coders were again told to code both the experience and age question when both of these factors are triggered by the law.

On 03/03/14 redundant coding was assigned. The associates coded 20% of the remaining 101 entries (20 entries in total were divided among the associates to duplicate code). The supervisors reviewed each redundant record for divergences. On 3/13/14 the total rate of divergence was 12.5%. The team held a meeting to review each divergence on 03/18/14. The associates re-coded as necessary. The supervisors checked the overall final coding and ran an acceptance test.

In May 2014, one researcher checked on the status of each state to ensure that the laws were still in effect and up to date. As of June 1, 2014 no new relevant legislation has passed.

Explicit exceptions to cell phone restrictions were coded only when the exception applied generally to the particular class of driver and did not require additional qualifications (i.e. no additional restrictions such as a radio license was necessary).

c. Quality Control:

- i. Test with Naïve Coder:** A naïve coder was brought on towards the end of the coding process. The coder completed 20% of the total records (57 records of 287). The rate of divergence was 12.5%. Two supervisors checked every divergence and filled out a coding review sheet. Each divergence was addressed and re-coding was completed on 03/25/13.

V. Quality Control – December 2014-January 2015 Update

- a. Data Collection Methods:** Research was conducted by two Researchers (“Researcher #1,” and “Researcher #2”). The research sought to capture all relevant laws enacted or amended between July 2014 and January 2015. The work of the Researchers was overseen by a Supervisor. Searches were conducted for enacted bills amending the distracted driving statutes and regulations in the Workbench as well as any new legislation affecting the distracted driving laws. Research was conducted using WestLawNext, Lexis Nexis, and HeinOnline. The laws were collected from state-specific legislature websites. Researchers also checked secondary sources to capture any new laws which passed but had not yet been codified. The search terms used were: “distracted driving,” “cell phone driving,” “texting,” and “electronic wireless communication device.”

- b. Coding Updated Findings:** Researcher #1 found updates to the distracted driving laws in Connecticut, New York, Utah, Vermont, and Wisconsin as well as a new distracted driving law in New Hampshire. Researcher #2 found updates to the distracted driving laws in California, Minnesota, and Michigan. The new records were built, coded, and redundantly coded.
- c. Quality Control:** The supervisor assigned 100% redundant coding for the new entries. The original rate of divergence was 45% on January 9, 2015. The divergence rate was reduced to zero following coding reviews on January 14, 2015 and January 21, 2015.

VI. Quality Control – May 2015 Update

- a. Data Collection Methods:** Research was conducted by one Researcher (“Researcher”) and a Supervisor. The research sought to capture all relevant laws enacted or amended between January 2015 and May 2015. The work of the Researcher was overseen by a Supervisor. Searches were conducted for enacted bills amending the relevant distracted driving statutes and regulations in the Workbench as well as any new legislation affecting the distracted driving laws. One state, Ohio, had a change that became effective during the update quarter. The change was not substantive and no new coding occurred. Texas deleted a regulation that explicitly prohibited cell phone use for provisional license holders also known as novice drivers. The replacement regulations were codified in between updates. References to the novice driver prohibition were removed from the most recent entry. Seven states (CT, IL, MI, NH, OK, SD and UT) have updates that have passed but will become effective in the future.
- b. Coding Updated Findings:** The exception “when the vehicle is stopped” applies to vehicles that are parked or otherwise at a complete stop outside a lane of travel. Only Florida permits drivers who are temporarily stopped in the flow of traffic to qualify for an exception to the cell phone law.
- c. Quality Control:** There were no substantive changes requiring new coding in this update. Thus, the existing Ohio record was cloned and the legal text was updated to reflect the current law.