

January 16, 2017

Montana State Legislature
House Judiciary Committee
P.O. Box 200400
Helena, MT 59620-0400

*sent via email to:
Sarah Fleming*

RE: HB 194 – Prohibits local restrictions on electronic devices while driving - NAMIC’s written testimony IN OPPOSITION to legislation

Dear Representative Doane, Chair; Representative Berglee, Vice-Chair; Representative Court, Vice-Chair; and honorable members of the House Judiciary Committee:

Thank you for affording the National Association of Mutual Insurance Companies (NAMIC) an opportunity to submit written testimony to the House Judiciary Committee for the January 17, 2017, public hearing.

The National Association of Mutual Insurance Companies (NAMIC) is the largest property/casualty insurance trade association in the country, with more than 1,400 member companies. NAMIC supports regional and local mutual insurance companies on main streets across America and many of the country’s largest national insurers. NAMIC members represent 40 percent of the total property/casualty insurance market, serve more than 170 million policyholders, and write nearly \$225 billion in annual premiums. NAMIC has 134 members who write property/casualty in the State of Montana, which represents 40% of the insurance marketplace.

Although NAMIC appreciates the bill sponsor’s desire to promote uniformity in motor vehicle traffic infractions throughout the state, NAMIC is concerned that the proposed legislation could adversely impact motorist and pedestrian safety in the state.

According to the National Center for Statistics and Analysis, National Highway Traffic Safety Administration, “each day in the United States, over 8 people are killed and 1,161 injured in crashes that are reported to involve a distracted driver.” (*Distracted Driving: 2013 Data*).

Further, studies have found that 49% of drivers under the age of thirty five send and/or receive texts while driving, and 60% of drivers use cellphones while driving” (NHTSA data). The motor vehicle safety concerns associated with use of a mobile communications device while driving has been intensively studied by the Virginia Tech Transportation Institute. As part of their study, it was determined that, “if one is texting while driving 55 mph, that is the equivalent of driving

the length of a football field blindfolded”. This means that if the driver is texting and driving their attention is diverted from the road for an average of 4.6 seconds.

In light of distracted driver motor vehicle safety concerns and the overwhelming data supporting the dangers of mobile device use while driving, NAMIC believes that it makes sense, from a public policy standpoint, for the State of Montana to prohibit or limit the use of mobile communication devices while a driver is operating a motor vehicle. If the State Legislature is concerned about imposing a state wide prohibition, because of a belief that distracted driving is not a concern in remote rural communities, NAMIC believes that it would be appropriate for the state to recognize that the dangers posed by distracted driving may be different in scope and degree in certain high population and/or high traffic congestion communities. Consequently, it makes sense to allow municipalities the public welfare governmental discretion to determine whether a mobile communications device use prohibition or limitation would be in the best interest of the local citizens of the state.

For the aforementioned reasons, NAMIC respectfully requests that the House Judiciary Committee **VOTE NO HB 194.**

Thank you for your time and consideration. Please feel free to contact me at 303.907.0587 or at crataj@namic.org, if you would like to discuss NAMIC’s written testimony.

Respectfully,



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NAMIC – Senior Director of State Affairs
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