

MINUTES
SENATE TRANSPORTATION COMMITTEE

- DATE:** Tuesday, February 14, 2012
- TIME:** 1:30 P.M.
- PLACE:** Room WW53
- MEMBERS PRESENT:** Chairman Hammond, Vice Chairman Brackett, Senators Keough, McGee, Corder, Winder, Bair, Werk, and Bilyeu
- ABSENT/ EXCUSED:** all present
- NOTE:** The sign-in sheet, testimonies, and other related materials will be retained with the minutes in the Committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.
- CONVENE:** **Chairman Hammond** convened the meeting at 1:35 p.m. and asked the secretary to take a silent roll. With a quorum present, he welcomed all guests to the Committee. First on the agenda was to take up the gubernatorial appointments that were heard at the last Committee meeting. They were for Jerry Whitehead of Boise to Chair the Idaho Transportation Board, commencing February 1, 2012 and serving at the pleasure of the Governor; and for Dwight Horsch of Pocatello to become a member of the Idaho Transportation Board, commencing June 1, 2011 and expiring January 31, 2017.
- GUBERNATORIAL APPOINTMENTS:** **Senator Keough** moved to send the gubernatorial appointment of Jerry Whitehead as Chairman of the Idaho Transportation Board to the floor with the recommendation that he be confirmed by the Senate. The motion was seconded by **Vice Chairman Brackett**. The Committee unanimously approved the appointment by a voice vote. **Chairman Hammond** asked **Senator Corder** to sponsor the appointment on the Senate floor.
- Senator Bilyeu** moved to send the gubernatorial appointment of Dwight Horsch to the Idaho Transportation Board to the floor with the recommendation that he be confirmed by the Senate. The motion was seconded by **Senator Winder**. The Committee unanimously approved the appointment by a voice vote. **Chairman Hammond** asked **Senator Bilyeu** to sponsor the appointment on the Senate floor.
- MINUTES:** **Vice Chairman Brackett** moved to approve the minutes of Tuesday, January 24, 2012, as presented. The motion was seconded by **Senator Keough**. The Committee approved the minutes by a unanimous voice vote.
- S1274:** **Chairman Hammond** turned the gavel over to **Vice Chairman Brackett** in order to present his legislation. **Vice Chairman Brackett** thanked the Chairman and asked him to present S1274.

INTRODUCTION: **Chairman Hammond** noted several people present wishing to testify. He would deliver brief opening remarks and would finish after others have testified. He acknowledged several attempts to pass a texting bill in the Idaho Legislature in the past. S1274 is very simple and straightforward. All it does is simply define what texting is. Texting is engaging in review of or manual preparation and transmission of written communications via handheld wireless devices. Texting becomes an infraction and a violator can be cited. **Chairman Hammond** stated he has data which will be shared during his closing comments. S1274 is necessary to call out this specific activity as inappropriate and unlawful. The Chairman said he was willing to take questions now or after others have an opportunity to testify.

Vice Chairman Brackett asked for questions from the Committee.

QUESTIONS: **Senator Keough** asked about the language regarding law enforcement, fire or emergency medical vehicles that would be exempt while engaging in the course and scope of their duties, she wondered if it's defined and how or who would make the determination if they were texting while they were driving, and whether or not it was within the course and scope of their duties. **Chairman Hammond** was of the opinion that the person making the decision as to whether texting had been used appropriately would be the supervisor.

Vice Chairman Brackett thanked the Chairman and opened the meeting to public testimony. Given the long list of people wishing to testify, the Vice Chairman asked those testifying to keep their comments concise. **Vice Chairman Brackett** welcomed **Senator Lodge** to the Committee.

TESTIMONY: **Senator Lodge** thanked the Vice Chairman and the members of the Committee. New technological advances are just a part of how our children grow up – using cell phones when they're really young and finding apps to play games. At 18 months, her granddaughter knew how to use her father's cell phone, and at 24 months she ordered a Strawberry Shortcake video from Netflix. Our youth do not fear technology; but with that exuberance, they do not understand the dangers of using social media while driving a motor vehicle. **Senator Lodge** said she visited with our high school Senate Pages after each one of the texting bills that came before us in the past. Each commented they would continue texting while driving because they knew they could do it, and they could not see the dangers of it. They are invincible at that age. Since that time, more and more families have been impacted by texting while driving. We must write laws specifically to address the problems that we have. Texting is a problem we must address before we lose any more promising young citizens who do not realize the tremendous dangers to themselves and to others. **Senator Lodge** introduced her neighbors, Clay and Shawna Sauer and their children Hudson, Emerson, Josh, and Whitney (Ethan was not available this day). About three weeks ago, they lost their beautiful daughter and sister to texting while driving. Their daughter was fatally injured on the freeway near Mountain Home. The Senator thanked this courageous family for appearing before the Committee; the Senator asked permission to allow them to address the Committee.

Shawna Sauer addressed the Committee. On January 14, 2012, her 18 year old daughter, Taylor, died in a tragic car accident on the West bound lanes of I-84 at mile post 108 near Hammett, Idaho. This accident was attributed to texting and being on a social media site, Facebook, while driving. Taylor slammed into the back of a tanker truck that was doing 15 miles per hour up the hill that evening. Taylor was using her phone on the freeway with very few cars and lots of open space – probably considered by many to be a somewhat safe place. That was not the case that evening. She was on her way home for the long weekend from Utah State University in Logan, Utah, where she attended college. Taylor was a very intelligent and caring young woman. She was salutatorian of her 2011 high school class, and was awarded a distinguished student award by KTVB. She was involved in many community activities and loved helping the Susan G. Komen Foundation.

The Sauer family strongly feels there needs to be a law that specifically states that texting and driving is illegal. It will get more teenagers' attention than the current coverage of the inattentive driving law. Teenagers need things spelled out. They honestly don't feel that texting is inattentive, since they feel they are so proficient at it. Thus they feel they are not being distracted; they are not breaking the law.

The Sauers have been contacted by families from several States sending their condolences; they too lost children due to texting and driving. They have visited with several teenagers since Taylor's death about this issue. They are looking at things very differently now, after losing one of their dearest friends to something that they have all engaged in. This tragedy has touched their lives and the lives of their loved ones. It has truly made them realize that you play with your own life and quite possibly the lives of others when you text and drive. But what about the kids that didn't know Taylor; or have never dealt with the loss of a loved one or a friend at the hands of texting and driving? By having a law in place that specifically adds texting and driving, we believe it will act as their reminder. We understand that many say a texting bill is too hard to enforce, but saving one life is worth passing the law. What if that one life was your daughter, or your granddaughter, or your best friend? The pain we have endured since Taylor's accident has been quite unbearable; we don't want any other families to have to go through this pain. If you do not act, the pain of losing a child due to this media addiction will only get worse. We cannot stop the advances of technology; kids will continue to live their lives in the realm of social media.

Even the older generation has joined the ranks of the youth in thinking they must be constantly connected, whether through texting, Facebook, or emailing. It is believed that getting that last email in while driving to work saves valuable time in their lives. We strongly feel there must be a bill that spells out both texting and social media, like Facebook, can be dangerous; reading posts without texting can be just as distracting. She wishes society could go back to simpler times, when we could rely on parents to sit down and talk to their kids about these important issues, but it just isn't that way anymore. Because of that, laws need to be in place to keep our children safe. Please consider this testimony when you look at this bill. Please remember the loss their family will endure for the rest of their lives. As a family, they are doing their part; they hope they can count on the members of the Committee to do theirs. With that, Mrs. Sauer stood for questions.

Chairman Hammond offered the Committee's condolences and commended the family's strength in sharing their tragedy. The Chairman noted the importance of Mrs. Sauer's plea to act before it happens to anybody else.

Brian Zimmerman of the Idaho State Police (ISP) said he was familiar with the Sauer Family case. The Idaho State Police supports S1274. It is clearly written, easy to understand, and easy for those on the road to enforce. In years past, inattentive driving was utilized, but there were times that technology made it more difficult to enforce. An officer has to clearly see poor driving for inattentive driving to be enforceable. S1274 provides an infraction, and texting only needs to be observed to be enforced. ISP can enforce this law.

QUESTIONS:

Senator Werk questioned the enforceability of S1274. Mr. Zimmerman stated that texting simply had to be witnessed. If reading or sending a text is seen happening, they can take action – pull over the driver and write the ticket. Unlike the inattentive driving code, where poor driving would need to be observed. Driving straight and texting would not be enforceable under the inattentive driving code.

Senator Keough asked about the exception in lines 22 and 23; she asked how an officer might know that a driver is using their hand to activate, deactivate, or initiate a feature or function. Mr. Zimmerman stated it would be difficult. He said that just last Saturday four people were witnessed texting on the interstate, all four manipulating the keyboard. This is seen as very easily enforceable under this Code in lines 21-24. **Senator Keough** agreed on the need to do something in this area; she worried that someone pulled over for texting, should this pass, and knew of the law could say they were not texting, they were turning off their phone, or deactivating Facebook, or turning their alarm clock on. What would be the response in that instance, which she believed fit the language in line 23. Mr. Zimmerman stated by observing their actions and not matching their argument. Generally, the majority of the people they run into on the road are honest. He believes excuses are rare.

Senator Corder stated the whole area is troublesome. The newest phone you can buy still takes three buttons to get to the simplest functions. The Senator does not see how will this be argued in court, a judge is going to decide whether the officer's accusation that the three buttons were texting, or the defendant's argument that the action was to turn their phone off. Mr. Zimmerman stated he wouldn't write the ticket if stated that way, there wouldn't be a case, wouldn't be in court. The questions are getting down to the lower end of speculation with those arguments; the benefits of the legislation outweigh the scenarios. If an officer is told at a traffic stop that they were just deactivating their phone and they were ready to put it away, the officer will believe that. Law enforcement doesn't jump at the chance to write a ticket. **Senator Corder** stated he appreciated that, but weekly reports show troopers write more tickets than Captains like Mr. Zimmerman. Captains have more experience and judgment. Troopers have a tendency to be overzealous, stopping more people. To have that discussion on the side of the road is virtually impossible. By passing this law is a judgment created? Or do we just have to pass a law and say don't text, is it that simple? Mr. Zimmerman stated, with all due respect, that does not work. **Senator Corder** replied, with all due respect to the Chairman, passing laws doesn't necessarily work either, or we wouldn't be writing any more speeding tickets.

TESTIMONY:

Janelle de Weerd is a senior at Meridian High School and serves on Meridian Mayor's Youth Advisory Council (MYAC). Both the Council and her high school stand in strong support of S1274. Meridian has a connection with this fatal behavior, and has been one of several cities to pass an ordinance on texting while driving. In 2010 Kassy's Law was enacted shortly after a local resident, Kassy Kerfoot lost her life due to texting while driving. Like S1274, Meridian's law made it an infraction to text while driving. Meridian has seen a great reduction in the behavior and has provided opportunities for law enforcement to educate drivers on the dangers of texting while driving. MYAC worked with the Meridian City Council to pass this law after failed legislation on the statewide level. Council representatives have gone to Washington, DC to attend a summit and held a State Legislative Breakfast with members. This is the first step to safer roads, consistency between the cities is the only way to see this being effective. Texting while driving affects drivers and everyone else on the road. It is unnecessary, and should be prevented in all possible ways. She wants Idaho to be the 43rd State to ban texting while driving. A Meridian Police Department (MPD) police officer, Sergeant Gonzales, provided statistics of what the MPD has run into since this ordinance was passed. In 2011, 53 citations written, for each one of those there were about 10 stops (ratio is one in ten stops receive a ticket). During those other stops it was an educational opportunity and has been very valuable as many people don't see the risks of texting while driving. Getting pulled over will scare a teenager enough to stop the practice of texting. No one wants to get pulled over for speeding or anything else that's illegal on the roads. People are generally honest when they get pulled over. A few rebellious types may choose to lie, but by far the majority are honest. The officers are looking at the length of time that one is looking down at their phone, that's how they judge if they're texting while driving. If it's for two or three seconds to enable or disable a function, they probably aren't going to get pulled over. Training will be involved, as has been the case in the City of Meridian.

QUESTIONS:

Senator Corder asked about the exception for law enforcement, fire, and emergency medical vehicles, and wanted to know if they are safer texting when they drive. Ms. de Weerd stated she believed they are trained in the skills, trained to have a laptop on their dashboard, and receive training on how to use and be a safe driver. They are not going to be typing while travelling down the street, but in an emergency situation it must be used.

TESTIMONY:

Dave Carlson, Government Affairs Director for AAA Idaho, spoke in support of 1274. This organization has been working for years to pass such a law in Idaho, and has been working on the issue nationally. There are 35 States that now have texting laws, and most have been passed in the past three years. This bill takes on a very specific distraction, probably more dangerous than all the other ones heard about. It robs attention from visual cues, taking eyes off the road; manual ability, taking hands off the wheel; and cognitive ability, the capacity to use your brain for the task of driving. The Office of Highway Safety provided numbers between 2008-2010 that show 192 people killed and more than 1,500 seriously injured in past three years. Texting represents 30% of fatalities related to distracted driving total and 36% of serious injury accidents. Most of those cases are similar to the Sauer's story; eight of ten texting collisions happen on straight sections of road. One in three crashes involve distracted drivers. Until now, crash data has been weak determining what happens in a crash. States are just starting to change accident reporting forms for check-off to identify electronic distraction or other type. New reporting forms will help because the numbers suggest that reports of texting may be underestimated. In 2011, there was a commissioned Idaho survey of 400 voters representing 41 counties: 87% of Idaho voters support legislative action to prohibit texting while driving, and 78% strongly recommend such action. The Idaho survey was

conducted by a nationally recognized polling service, Riley Research Associates of Portland, Oregon. Like others in the country this legislation will be revisited, and is compared to drinking and driving laws. Thirty years ago, half the fatalities on roads were related to drinking and driving. Since closed bottle legislation, license suspension, heftier fines, etc., that has dropped to 30% of fatalities are alcohol involved. Likewise, texting law enforcement to address texting problems has to start somewhere. This legislation doesn't solve the problems, but it does communicate that distracted driving issues are taken seriously. Mr. Carlson asked Mike Kane to respond to some of the legal questions.

Mike Kane represents AAA, the Idaho Sheriff's Association, and the Property Casualty Insurers Association, all of which support this bill. To address **Senator Keough's** question, using texting is within course and scope of duties; it is a legal term in insurance law and used in law enforcement all the time. It is included in Idaho Tort Claims Act, interpreted many times by court to include "doing things in furtherance of one's job." Examples are: going to an emergency scene, a burglary scene, trying to determine where a house is located. Driving to and from work is not within one's course of duties; it must be deliberately in furtherance of one's job. Most are comfortable with that language. With texting vs. activating/deactivating, things are done differently and the officers in the Sheriff's Association can distinguish between the two actions. Not every single case will get it right every single time, but that is why we have trials and the burden of proof is on the prosecution, beyond a reasonable doubt. His law enforcement clients stand with the Idaho State Police in support of this bill.

QUESTIONS:

Senator Corder suspects that at a minimum there will be more stops and we don't have enough officers right now. The Senator asked how do we resolve that situation, how do we track those stops, and will we be able to tell what happened later. Mr. Kane replied that we will be able to track infractions through the courts' computerized system, and keep track of infraction charges, including dismissals. In a year you will be able to tell how many cases there are. He agrees there will be more stops, but right now we're at ground zero. Nobody is being stopped solely for texting, unless they're doing something such as speeding or running a stop sign. The number is unknown. Every officer has the discretion to charge or not charge; they often give warnings. He doesn't think it will clog the system; an infraction won't necessarily go to court and fines can be paid by mail. **Senator Corder** asked if Mr. Kane was aware that commercial vehicles are already under a texting ban, and that he anticipates law enforcement taking a year to educate people. Mr. Kane said he couldn't speak for all 44 sheriffs, but some will take that approach, others may not, it will also be easier to see texting in a passenger vehicle rather than in commercial big rigs.

Senator Bair asked if being behind the wheel, stopped with the engine running, and texting (as in drunk driving citations), will the driver receive a citation. Mr. Kane described a special series of laws for Driving Under the Influence (DUI) called "physical control," even when the vehicle is not in motion. He believes it has to be a moving violation to make it work. **Senator Bair** asked if, in his opinion, texting on the side of the road while the vehicle is not moving would make the driver not guilty of an infraction. Mr. Kane said that in his opinion the Senator is correct; his clients will not be looking to ticket people for texting while their vehicle is not moving. **Senator Bair** asked for examples of what would be legal and illegal in texting to locate a house with regard to the course and scope issue. Mr. Kane responded that course and scope are fixed legal terms, meaning doing something in furtherance of their job. Driving a police vehicle and texting your wife is clearly not in furtherance of an officer's job; the officer would not be exempt under this law. Looking for an informant, giving you information on a crime in progress, to read and review while an officer is going to the scene would be in furtherance of their job. A test is whether it would assist fulfilling the duties

of a police officer or firemen, if the answer is no then they could be charged. **Senator Bair**, taking that example further, if an informant is giving information about a crime while the officer is speeding with sirens on, is texting appropriate? Mr. Kane said that officers will be trained. This bill allows them to text, it does not allow them to speed. A whole series of laws speaks to what officers can and can't do without violating various codes. In an emergency situation, with lights and sirens, you're already exempt from a lot of laws.

TESTIMONY:

Angela Richards of Allstate supports S1274. Technological changes require laws to be modernized. Texting while driving is a major concern. Half of the drivers between 16-24 years of age admit to texting while driving; it has been compared to drunk driving. There is a wide consensus as to the dangers; she asked the Committee to send S1274 to the floor with a do-pass recommendation.

Natasha Zumantz of American Bikers Aimed Towards Education (ABATE) and a student: is opposed to S1274. She has been riding motorcycles since she was two years old. She believes that texting while driving falls under inattentive driving laws. We cannot create legislation for every situation, and texting should continue to be considered inattentive driving. Americans need to retain their freedom.

Mariah Raynor of MYAC supports S1274. She supports the increased penalty and the simplicity of this bill. It covers a broad spectrum and incorporates many activities under the definition of 'texting,' including social media.

Eli Nary of MYAC supports S1274. He has testified on this issue before in Idaho and believes this is the year to pass this legislation. There are many ways to use this law: as a tool for education; as a deterrent; and, to save lives. We do not need to bury any more contemporaries, and he is sick and tired of bureaucracy. Fatalities do not stop others from acting poorly. Education has been a part of the process, but the law is part of that process. He stated that 85% of those who get pulled over don't lie to police officers.

Monica Hopkins of the American Civil Liberties Union (ACLU) opposes S1274. It is ineffective and opens the door to discretionary stops, invites rights violations, and creates unintended consequences. There is no evidence that banning texting works, and it may increase accidents. Studies have shown increased accident rates in States that have banned texting. Speculation on what accounts for that increase centers on higher distraction levels in order to conceal texting from view so it won't be exposed to law enforcement. Primary offense raises civil liberty concerns, creates discretion for officers, and threatens disproportionate or discriminatory enforcement. The ACLU opposes creation of laws that are ineffective or likely to be violated. Exceptions are problematic in that the behavior is either prohibitively dangerous or it isn't, and risks do not disappear if the driver is a law enforcement officer. They recognize the tragic, growing, and dangerous problem, but the first step is further education. Effective way to address the problem without unintended consequences is to create a secondary offense, or enhance the penalties of distracted driving. ACLU would support legislation to address the problem as a secondary offense, or an enhancement (such as S1311). She ended by urging a 'no' vote.

John Gonzales, a Sergeant with the Meridian Police Department, stated that the simplicity of this bill makes it easy to understand. In Meridian, officers using technology as they do their job are asked not to use it as they're driving. However, there are opportunities to look at information while they're responding. Our stance is: Officers are not to be texting as they're driving their vehicles. The ban in Meridian has been used as a tool for education. For every citation, about ten stops were made, and during those contacts, we determined whether it was appropriate to issue a citation.

QUESTIONS: **Senator Bair** asked if Meridian was teaching officers to not text while driving. Mr. Gonzales said that officers are trained specifically in the use of computers in the vehicle. We have a policy against using the computer while the vehicle is in motion. Based on the ban, looking at the screen could be a violation of the statute; the Meridian Police Department encourages the exemption of law enforcement in the statute.

TESTIMONY: Eric Pedersen personally opposes S1274. Based on liberty, he does not think there is legitimate authority to pass this law. Government is representative of the people, and no person has the right to tell another what they can and cannot handle, and what their limits should be. This could result in less accidents because of less texting; or it could result in more texting because they are trying to conceal it. S1274 will destroy our liberty.

Senator Bock thanked the Committee for allowing testimony. The Senator has been working on this issue for years. The longer we wait to pass this law, the more families like the Sauer family will suffer. The time is now. Over the years, each bill dealing with this issue has gotten better, so we've wound up with a simpler, better bill, and he urged the Committee to pass it.

Garret Nancolas, Mayor of Caldwell, spoke in support of S1274. He believes it would be easy to enforce. All issues with negative consequences should be dealt with from an educational and an intervention standpoint, but also from an enforcement standpoint to make sure that education is meaningful. Stronger penalties, like in crime, helps make the education meaningful.

Yolinda Garcia is with the Caldwell Mayor's Youth Advisory Council and spoke in favor of S1274. She is very aware of the dangers of texting while driving, and believes this bill will help.

Roy Eiguren, representing Verizon Wireless, spoke in support of S1274. He said it was some of the best crafted texting legislation in all the States and urged the Committee's support.

CLOSING REMARKS: With no further testimony, **Vice Chairman Brackett** turned the podium back to **Chairman Hammond** for his closing remarks.

Chairman Hammond said that researchers from the North Texas Health Science Center in Fort Worth found that texting behind the wheel accounted for 16,141 deaths between 2002 and 2007. About 6,000 deaths and half-a-million injuries are caused by distracted drivers every year. According to the U.S. Department of Education, had texting not been created, the number of distracted driving fatalities would have actually declined from 4,611 to 1,925 from 2001 to 2007. There are three main types of distractions for drivers who cause accidents: (1) manual – taking your hands off the wheel; (2) visual – taking your eyes off the road; and (3) cognitive – taking your mind off the road. Texting requires the use of hands, eyes, and mind all at the same time. That's three distractions under the category of distracted driving.

The average volume of text messages in 2002 was one million. By 2008 it was 110 million. While teenagers are texting, they spend about 10% of their time outside the driving lane they are supposed to be in; and according to one study, 73% of teens admit to texting while driving.

There has been concern about the law enforcement exemption. I think more has been made of that issue than will be reality. I think that the Sheriff's Association, police chiefs, as well as ISP, instruct their officers in the proper use of this technology. But there will be instances where it may be appropriate and necessary for these professionals to use texting for all of our safety. That is what this law is about, safety. There were concerns about more law enforcement stops as a result of this legislation. I would prefer to have more stops for education and citation, than more stops to secure an accident scene with injuries and fatalities. There was also a comment that while we pass this law, people are still going to do that which is against the law. We could say everybody needs to behave properly, but that doesn't work, and that is the reality of life. We have to specifically define what's appropriate and what isn't. In this case, it's not protecting just the lives of those texting, it's protecting the lives of all those around them as well. You've heard from the Idaho State Police and the Sheriff's Association that they support this legislation. I'm not one to pass new laws for the sake of a new law, but I think as my grandchildren grow up, I want them to be safe. And I think this is one time where it is needed and appropriate to pass a new law.

MOTION: **Senator McGee** moved to send S1274 to the floor with a do-pass recommendation. The motion was seconded by **Senator Werk**.

DISCUSSION: **Senator McGee** applauded **Chairman Hammond**, **Senator Lodge** and others for working on this legislation. He knew that Mr. Kane has spent a great deal of time over the last several years fine tuning this, and he agrees with some of the comments that this is even a better bill than before. **Senator Bock** has worked tirelessly, as have **Senator Werk** and others and he is optimistic this bill is the one. Two years ago a similar bill passed the Senate overwhelmingly, and was defeated on the House floor on a procedural vote. It's impossible to say whether or not that would have saved any lives, or whether it would have had an effect on the Sauer family. It's impossible to say, but when the Senate passed the bill two years ago and then it failed in the House, the Senate Pages, who are made up of high school seniors from across the State, came up to us and said, "So it's okay to text now?" They came to many of us, and said they can continue to text while driving. That's the message we send by not passing this legislation. One of the arguments we hear is that this is impossible to enforce. That's not what we heard today. ISP's Captain Zimmerman said this is easy to enforce. The police officials are telling us they can enforce it. **Senator McGee** is passionate about this issue, there are strong arguments, personal freedom arguments on the other side, and when we balance those with the safety of those on Idaho's roads, this is a clear cut decision in my opinion. He will vote for this bill. To the Sauer family, he said he prays to God he will never be in their seat, with what they've had to go through. If the Senate can help the situation by passing a bill that sends a message to Idaho's young people that says "texting is the wrong thing to do," then he is going to vote in favor of it.

Senator Werk added that many have talked about the educational component, and when dealing with teenagers and getting them to not text while driving, it's a lot easier to point to a law that says it's illegal to text while driving, just as it is for speeding. Kids will grow up with the law, it will become part of their culture. **Senator Werk** hopes the Committee can get this bill passed.

SUBSTITUTE MOTION:

Senator Bair offered a substitute motion to send S1274 to the Senate's amending order. The motion was seconded by **Senator Keough**. **Senator Bair** has opposed other texting bills because of concerns with ambiguity in language and enforceability. This bill addresses those issues. **Senator Werk** just spoke eloquently about kids behaving better when there is a law. It gives parents a stronger foundation when counseling children about texting and driving. **Senator Bair** supports S1274 and he will vote on the floor for it, but wants to strike language that gives exemption to emergency vehicles and police officers. He cannot see an instance where radio can't be used instead. They're no better drivers than we are, and he would like to strike that language.

DISCUSSION:

Chairman Hammond spoke against a substitute motion. As it has been stated, there is too much concern over this issue. He believes it has to be left to the professionals and their individual agencies, and does not believe we should substitute our judgment for theirs. They have training and experience and he feels they would use this wisely.

VOTE ON SUBSTITUTE MOTION:

With no further discussion, **Vice Chairman Brackett** called for a vote on the substitute motion to send S1274 to the amending order. The motion failed by a voice vote.

VOTE ON ORIGINAL MOTION:

Vice Chairman Brackett called for a vote on the original motion to send S1274 to the floor with a do-pass recommendation. The motion passed by a unanimous voice vote.

Vice Chairman Brackett returned the gavel to **Chairman Hammond**. Before they left the hearing, **Senator McGee** thanked the members of the Caldwell and Meridian Mayor's Youth Advisory Councils for their attendance and testimony. **Chairman Hammond** turned to the final agenda item, S1229, the speed differential bill that was voted on to hold in Committee at a previous Committee hearing.

S1229:

Senator Winder asked the Committee to request that the Idaho Transportation Department (ITD), the Commercial Motor Carriers Advisory Group, AAA, the trucking industry, and other pertinent parties work together over the next ten months to study issues dealing with speed differentials on Idaho roadways. ITD would be the lead agency in this effort. It would be a path to a compromise or ideas on how to improve safety while considering a speed limit for all vehicles.

DISCUSSION:

Senator Werk wanted to ensure we're not directing ITD to come back with a proposal. If the current situation is best, we need to be open to accepting that. **Senator Winder** said that was his intent. He wanted to hear the Committee's thoughts on sending such a letter. **Senator Keough** felt it would be fine if the letter is coming from the Chairman, but if it is coming from the Committee she wanted to know if there would be an opportunity to review the letter. **Chairman Hammond** didn't believe it would be appropriate coming from the Committee. It is his intention to work with **Senator Winder** to draft the letter and would let the Committee comment on the draft. **Senator Keough** thanked the Chairman. There are differences of opinion on S1229; the Committee does not want to send a mixed message. **Chairman Hammond** said the letter would ask these groups to get together to discuss the pros and cons on speed differentials and come back with their findings. Next year's Committee can take their results into consideration. **Senator McGee** proposed a path forward, taking direction from the Chairman.

MOTION:

Senator McGee requested unanimous consent for a letter to be drafted by the Chairman on behalf of the Committee that could be reviewed and sent to ITD as an official transmittal. Hearing no objection to the request, it was so ordered.

ADJOURNMENT: **Chairman Hammond** asked for further announcements from the Committee; hearing none, the meeting was adjourned at 3:05 p.m.

Senator Hammond
Chairman

Gaye Bennett
Secretary

Erin Bennett
Minutes Transcriber