

January 13, 2015

Honorable Robert Introne
New Hampshire House of Representatives
Chairman
Science, Technology, and Energy Committee
107 North Main Street
Concord, NH 03301

Dear Chairman Introne:

On behalf of CTIA-The Wireless Association®, the trade association for the wireless communications industry, I write in opposition to New Hampshire House Bill 103, which would require all wireless communications devices sold or supplied for use in the state to have e-mail and texting features disabled if the device is moving more than 5 miles per hour. Although the ultimate intent of the legislation - to stop drivers from manually texting while driving - is laudable, HB 103 is unworkable and will lead to unintended consequences.

CTIA and its member companies recognize that drivers are faced with numerous potential distractions when they are on the road. Some of these distractions are caused by the inappropriate use of wireless devices by drivers. To help modify this behavior, the wireless industry has been at the forefront of encouraging safe driving. The wireless industry's approach to help raise consumer awareness on this issue is multifaceted and includes legislative advocacy, public outreach, and consumer education. The wireless industry supports passage of state legislation that would ban manual text messaging by all drivers. Manual text messaging requires drivers to take their hands off the wheel and their eyes off the road for extended periods of time. This is incompatible with safe driving.

The wireless industry also has a longstanding record of working to educate drivers about responsible driving behavior. For example, CTIA and its member companies nationally distributed a series of radio and television segments that reminded viewers of sensible safety measures and directed those viewers to a dedicated online resource that presented a wide range of safety tips on the subject. CTIA also designed and printed collateral materials incorporating the industry's safe driving tips. That campaign has been updated multiple times. More recently, the industry's "On the Road, Off the Phone" (www.onroadoffphone.org) campaign, targeted at the dangers of texting while driving, included a widely aired and viewed public service announcement, informational materials for parents, children, and educators, and a web resource that can be incorporated into any parental or educational discussion. After that campaign ended, CTIA and a number of wireless carriers endorsed AT&T's "It Can Wait" education and awareness initiative (www.itcanwait.com). This campaign is yet another example of the wireless industry's continuing commitment on the safe driving issue.

One of the hallmarks of the wireless industry is its ability to provide innovative solutions on a wide range of issues, including the development of products to aid in curbing distracted driving. We recognize the important technological advances that are being made by numerous companies in the hope of creating a safer driving environment.

We do, however, have concerns with HB 103 because its requirements are unworkable. The technology mandate in this legislation cannot make a distinction between the person driving the vehicle and his or her passengers. In fact, the mandate cannot distinguish between someone in a car

versus a passenger traveling on a bus, by rail, in a taxi, or any other mode of transportation. The functionality required by the bill would also require GPS or location settings to be on at *all* times and would have to preclude consumers from being able to turn it off, which would certainly raise privacy concerns among consumers.

Mobile phones - even if the technology mandate in the bill was technically feasible - have difficulty in determining the exact accuracy of a motor vehicle's speed, creating a compliance issue with this bill. Additionally, the bill cannot account for circumstances when the device loses connectivity because of infrastructure demands, foliage, or the vehicle simply enters a tunnel. Furthermore, the software or application required by the bill would have to be running at all times and have ultimate control over e-mailing and texting to disable them, which would negatively impact a device's battery life.

We also have concerns with government mandating one type of technological tool. There are a number of tools, including mobile applications and other products, currently in the marketplace that consumers can use to help modify distracted driving behavior. No single technological tool, however, is sufficient to address all aspects of distracted driving. As this is a burgeoning and innovative sector of the wireless ecosystem, government should allow consumers to adopt market-based solutions with proven results to ensure there are no unintended and negative consequences from the deployment of a specific technological device or product. Further, we support providing consumers a choice to best meet their individual needs.

Although we share the sponsor's goal of working to ensure that all drivers have their hands on the wheel and their eyes on the road, the wireless industry does have significant concerns with HB 103. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Gerard Keegan". The signature is fluid and cursive, with a long horizontal stroke at the end.

Gerard Keegan
Senior Director
State Legislative Affairs