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Christine Mica

Vice President, Education & Engagement
Lorena Vollrath-Bueno

THE NATIONAL TRAFFIC LAW CENTER

Director
Erin Inman — einman@ndaajustice.org

Senior Attorneys
M. Kimberly Brown — mkbrown@ndaajustice.org
Bella Truong — btruong@ndaajustice.org
Jim Camp — jcamp@ndaajustice.org

Staff Attorneys
Stacy Graczyk — sgraczyk@ndaajustice.org
Jill Bennett — jbennett@ndaajustice.org

Coordinator, Education & Engagement
Hannah Dickmyer — hdickmyer@ndaajustice.org

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Curbing the Threat of Distracted Driving

What Police Agencies Need to Know

By Robyn D. Robertson, Karen Bowman, and Carl Wicklund, Traffic Injury Research Foundation, USA, Inc.

A dramatic increase in road deaths reported in 2021, showing almost 43,000 people killed on U.S. highways, revealed how easily progress in making roads safer can be lost. This 10 percent increase in traffic-related deaths over the preceding year was a wake-up call for governments, frontline professionals, stakeholders, and advocates. Although the number of deaths began to decline again in the last half of 2022, a renewed focus on prevention supported by enforcement is paramount to retaining lost ground.

Moreover, while it has long been recognized that speed, impairment, and nonuse of seat belts remain the leading contributing factors to road crashes, new evidence from the

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National Highway Traffic Safety Administration (NHTSA) suggests distraction, although widely acknowledged to be underreported in road crashes, also plays a significant role in fatalities.

As a consequence, dozens of organizations representing government, industries, academia, educators, non-profits, and advocacy organizations concerned about distracted driving came together to form the National Distracted Driving Coalition under the stewardship of the National Transportation Safety Board and chaired by the Traffic Injury Research Foundation (TIRF). The coalition established a National Action Plan to move the needle on distracted driving.

Prevalence of Distracted Driving

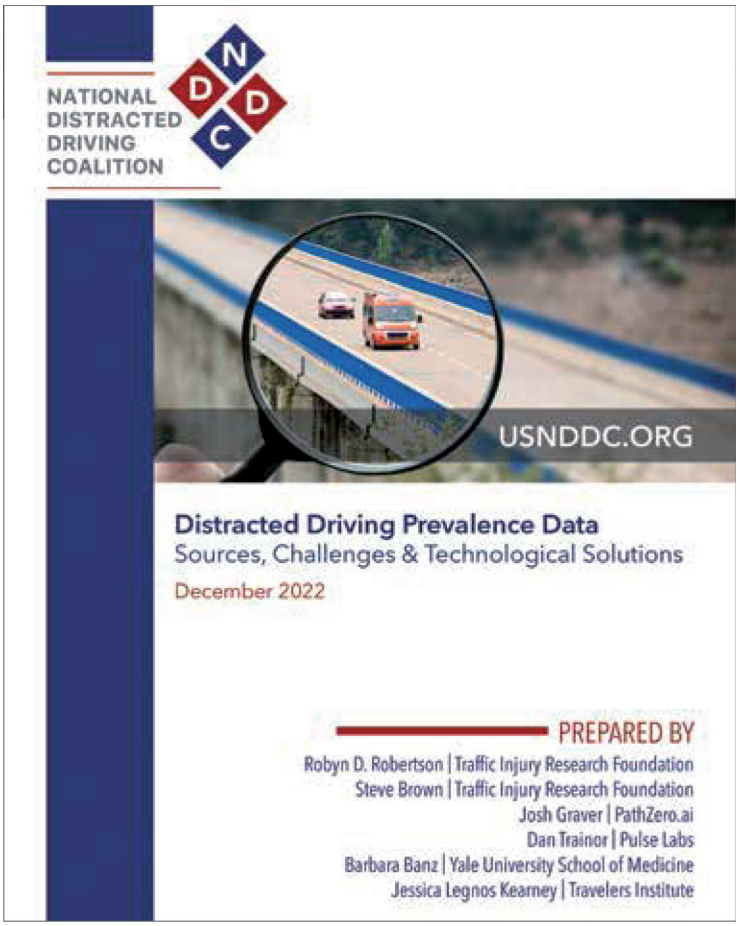
There is growing evidence and recognition that distracted driving plays a much greater role in road deaths than previously believed. According to NHTSA, in 2020, there were 3,142 deaths and an estimated additional 324,652 people injured on U.S. roadways as a result of distracted driving. Of concern, 8 percent of fatal crashes, 14 percent of injury crashes, and 13 percent of vehicle collisions in 2020 that were reported to the police involved distraction as a contributing factor.

Distracted driving has become a serious road safety risk around the globe.

A NHTSA report published in 2023, entitled *The Economic and Societal Impact of Motor Vehicle Crashes*, reexamined 2019 crash data using a validated imputation model that compensated for underreporting of distracted driving. With this model, NHTSA estimated distracted driving was a contributing factor in 12,405 traffic deaths, or 28 percent of all traffic deaths in the United States in 2019, costing society $158 billion.

The prevalence of distracted driving is not unique to the United States. This road safety risk has been recognized in several countries around the world as a leading contributor to road crashes. According to the TIRF National Fatality Database in Canada, based on data collected from medical examiners and coroners across the country, in 2021, there were 359 fatalities in which at least one driver was distracted, making it a contributing factor in more than one in four (28.8 percent) road fatalities.

An examination of self-reported data further underscores the magnitude of the problem and makes clear why this issue warrants attention. In 2023, an international E-Survey of Road Users' Attitudes (ESRA 3) examining distraction on the road was fielded in 39 countries, including the United States and Canada. Survey respondents from Canada, Europe, and the United States reported disquieting rates of talking on a handheld phone and sending messages or checking social media or the news while driving in the past 30 days. Results revealed one in five Canadians (20.5 percent) reported talking on a handheld phone while driving at least once during the past 30 days. Even larger proportions were reported in Europe (22.2 percent) and in the United States, where 25.6 percent of respondents (one in five) said they had talked on a handheld phone while driving. Slightly less than one-quarter (23 percent) of Canadians and Europeans had read a message or checked social media or news at least once while driving within the last 12 months; a slightly larger proportion (31.5 percent) was reported in the United States. The prevalence of hands-free usage was even higher at almost 40 percent in the United States and 46 percent in Canada. These self-reported indicators make it clear that distracted driving is quite prevalent in all three regions, posing considerable risk on the road.



Self-reported data suggest distracted driving is prevalent across Canada, Europe, and the United States.

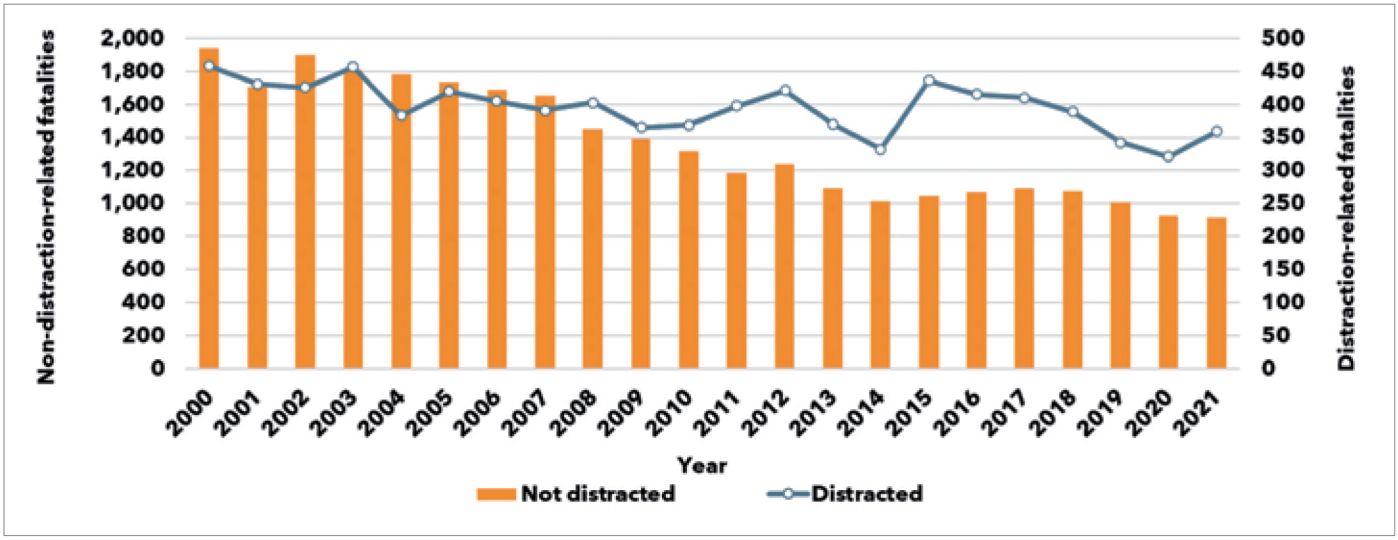


FIGURE 1. Canadian Fatalities Related to Distracted Driving

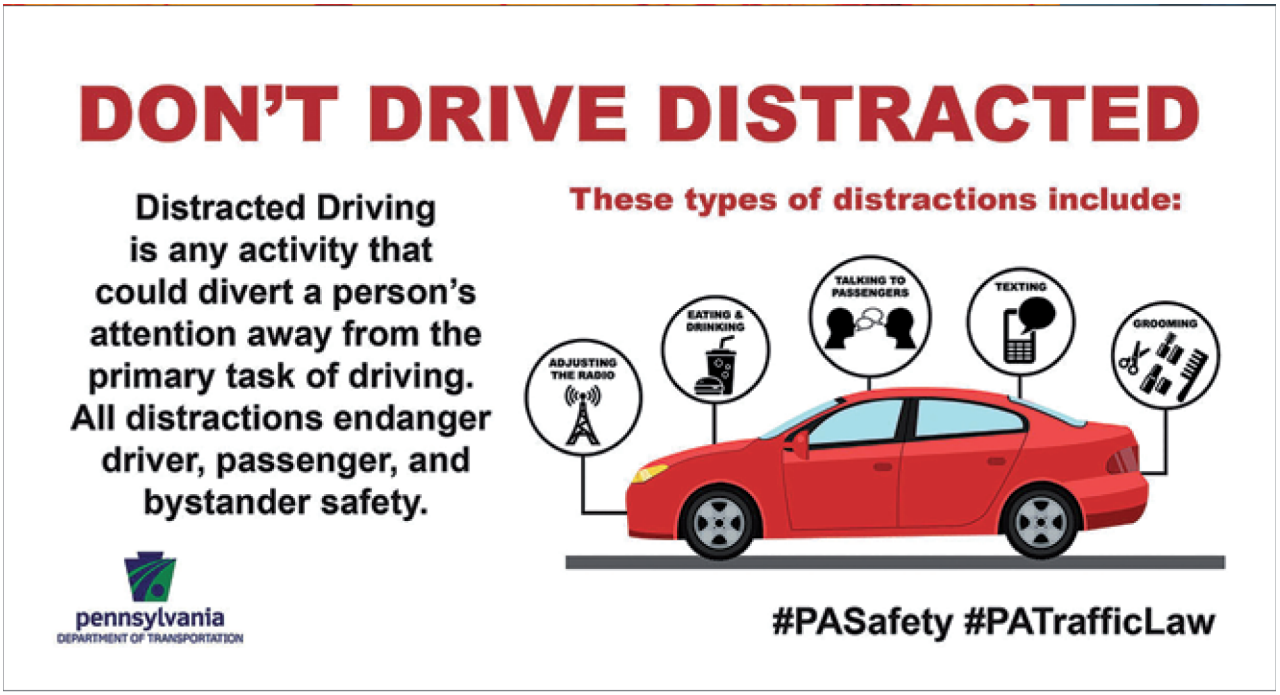
Enforcement of Distracted Driving Laws

In response to growing concern about distracted driving, the legal landscape has changed dramatically. More than 20 years after the first law targeting mobile communication devices took effect in New York in 2001, a majority of U.S. jurisdictions has implemented some variation of a distracted driving law. Yet, the scope and features of these laws vary widely, and the recognition evident in corresponding laws and consequences has neither been universal nor demonstrated the same level of gravity. As of April 2024, laws in the United States included the following:

- Texting while driving is banned for all drivers in 49 states (except Montana) and the District of Columbia.
- Handheld phone conversations while driving are banned in 28 states and the District of Columbia.
- Handheld phone conversations while driving are banned in specific situations (e.g., school zones) or among specific populations (e.g., young drivers with a learner's permit) in another 9 states.
- Laws banning holding a phone while driving have been passed in 14 states (Alabama, Arizona, Georgia, Hawaii, Indiana, Massachusetts, Michigan, Missouri, Oregon, Tennessee, Virginia, Vermont, Washington, and West Virginia).

Notably, these laws differ substantially with respect to their scope and ease of enforcement. Distraction-related offenses are notoriously difficult for police officers to detect with sufficient evidence to sustain a charge or obtain a conviction. Unlike impairment, speed, and nonuse of seat belts, distraction is neither easily observed nor specifically measured. Hence, distracted driving is underreported, and its role in fatal crashes is underestimated. Even still, available data suggest cause for concern. In Pennsylvania, in 2023, the Department of Transportation reported distracted driving was a factor in 11,262 crashes, more than 50 of which involved fatalities, surpassing 8,330 alcohol-related crashes.

In particular, underestimates of the problem exist because not all crashes are reported to police, there are wide variations in the details and distraction types collected in police reports, and surviving drivers in crashes are unlikely to admit distraction while those who are killed in crashes cannot. The end result is that existing data suffer from critical gaps that impede decision-making in terms of the relative priority of the problem, the allocation of resources required, and the identification of effective prevention strategies.



In Pennsylvania, in 2023, the Department of Transportation reported distracted driving was a factor in 11,262 crashes.

Specific wording in legislation also has important implications for the ability of officers to enforce laws. A study from the Insurance Institute for Highway Safety (IIHS) revealed the way laws addressed distracted driving behaviors and how the laws were enforced affected crash outcomes. It noted that laws allowing officers to initiate traffic stops and issue citations when observing a violation (primary enforcement law) produced larger crash reductions than secondary laws, which required drivers to commit some other primary offense (e.g., speeding, reckless driving) before a citation for an offense like texting could be issued. It further reported that laws banning all cellphone use typically produced larger crash reductions than legislation banning texting only.

Even laws banning handheld cellphone use don't fully address the risks of distracted driving.

At the same time, tremendous advances in cellphone technology have meant these devices are today capable of a much more extensive array of features, applications, and tools. As a consequence, it has been necessary for legislation to evolve simply to keep pace with the ever-expanding range of distracting behaviors made possible by modern smartphones.

The 2022 IIHS study investigated laws that prohibited holding or using a phone or electronic communication device while in the driver's seat in a vehicle on a public road. Specifically, it examined monthly rear-end crash rates in California, Oregon, and Washington from 2015 to 2019 and compared results to two comparable control states (Colorado and Idaho), which had implemented texting bans. The expanded law in the three experimental states added language in 2017 specifying only hands-free interactions or those requiring minimal input were acceptable uses of a cellphone while driving. In particular, Oregon and Washington explicitly banned holding a cellphone while driving as well as when stopped at an intersection or in traffic, whereas the law in California was less precise.

In the analysis, results were adjusted for unemployment, vehicle miles traveled, and the legalization of recreational cannabis. It revealed that monthly crash rates per 100,000 people declined substantially in Oregon and Washington after

the law was adopted; however, such gains were not evident in California. In addition, monthly crash rates decreased 9 percent in Oregon and 11 percent in Washington compared to control jurisdictions. The fine amounts imposed may have played a role in the extent of the declines in crashes achieved since costs to drivers were substantially higher in Oregon and Washington compared to California. Convictions also increased following the new law despite a previous declining trend. In Oregon, convictions increased 15 percent in 2018 and 27 percent in 2019, while in Washington increases were 74 percent and 11 percent, respectively. Convictions also rose for two consecutive years in California (19 percent; 20 percent) but fell slightly in the third year.

A main takeaway from this study was the importance of laws being crafted with clear, straightforward language banning any handheld use of a phone while driving. A ban on touching or holding the phone also sends a clear message to drivers, perhaps increasing compliance. It may also increase confidence in officers to issue tickets by making behaviors more observable, clearcut, and easier to identify and, thereby, less likely to be dismissed in court.

There have since been other examples of success demonstrating that well-crafted laws can facilitate their enforcement. Tennessee enacted a hands-free law on July 1, 2019, that made it illegal for drivers to operate a motor vehicle while holding or supporting a cellphone or mobile device with any part of their body. As of May 2024, more than 61,000 citations were issued to drivers by the Tennessee Highway Patrol. More recently, in October 2023, Ohio enacted a primary offense law that made it illegal for drivers to use or hold a cellphone or electronic device in their hand, on their lap, or other parts of the body while driving (Section 4511.204 of the Ohio Revised Code). The Ohio Department of Public Safety credited this revised law with an 11.6 percent decrease in crashes and 19.4 percent decrease in fatalities. Since its enactment, state troopers issued over 25,000 tickets for distracted driving, representing a 263 percent increase over the previous year.

Automated cameras have considerable potential to augment distracted driving enforcement.

Tools to Enhance Enforcement

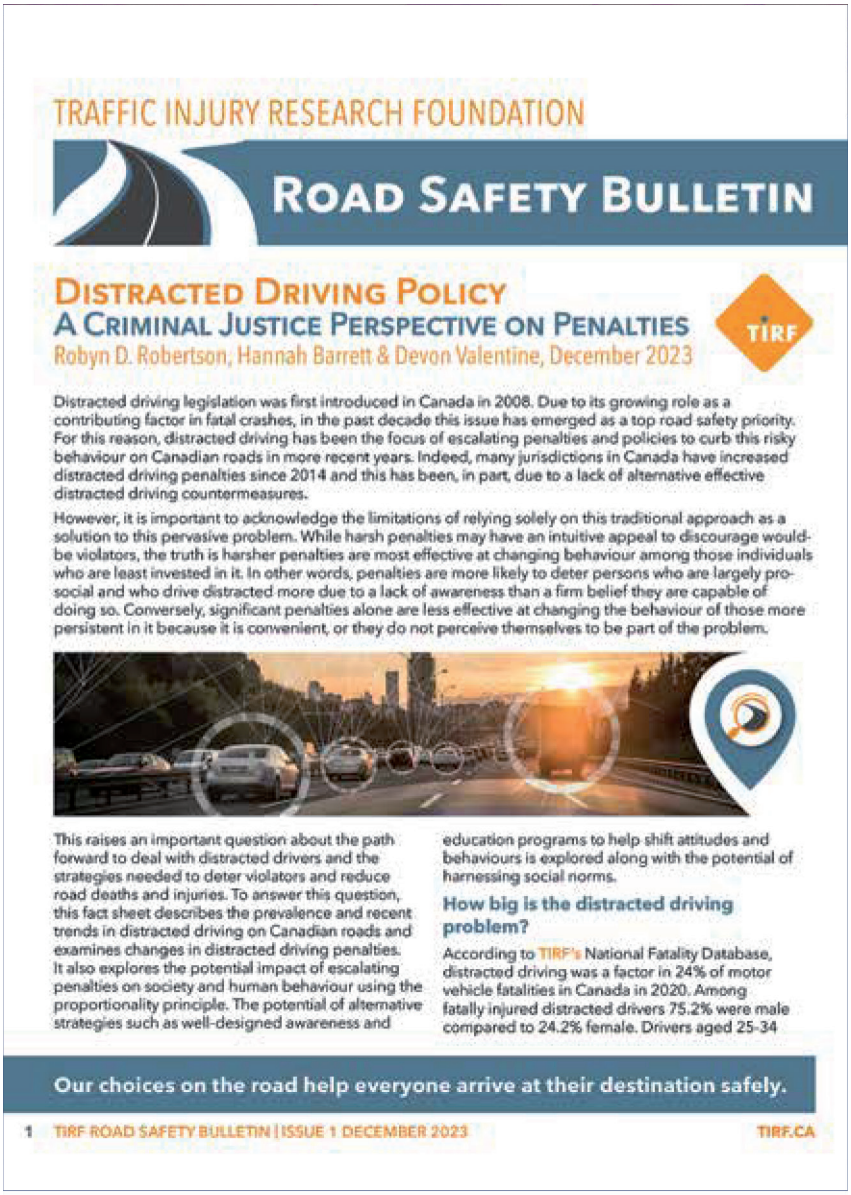
Alone, a well-crafted law is insufficient to reduce distracted driving. As with most laws, the introduction of most distracted driving laws is followed by campaigns sharing information about the new law, facts about penalties, and intensive enforcement initiatives that are typically followed by behavior changes among at least some drivers. However, months after a law is enacted, tickets are issued, and what was once novel is no longer newsworthy, risky behaviors start to reemerge, notably among those most persistent in their beliefs and attitudes. The good news is that there are tools for police agencies to overcome this complacency.

Workplace policies and training. First, the implementation of workplace safety policies and training that identify risks and mitigation strategies for police officers can help increase awareness about how distractions create risks and the magnitude of them. Workplace policies and training are critical to sustain momentum and ensure police officers recognize the risks posed by distracted driving and are able to keep themselves safe as well as encourage civilian drivers to make smart choices on the road. Patrol cars have a wide array of technologies, computers, and

communication tools that have the potential to make police officers some of the most distracted drivers on the road. Orientation to workplace safety policies to reduce distraction on the road can have the secondary benefit of increasing awareness among officers about how drivers, even those specially trained like them, can lose their focus behind the wheel and become involved in a crash. In other words, this knowledge is transferable and can help officers recognize the risks distracted drivers create on the roads and underscore why even minor secondary tasks perceived to be harmless are, in fact, not harmless.

In addition, anecdotal evidence from officers in Canada suggests one of the reasons officers may be reluctant to issue distracted driving violations, particularly as costs and consequences increase, is that they recognize they too are distracted on the road. Some may experience internal conflict from citing others for behaviors they engage in themselves. As such, illustrating the risks through workplace policies can not only make officers safer but also increase their motivation to enforce these laws.

The Tennessee Department of Safety and Homeland Security and agencies in other states, including Florida, New York, and Washington, have implemented policies regarding the use of patrol vehicle communication devices. These policies prohibit the use of cellphones while driving unless it is hands-free with exigent circumstances and the use of state-owned devices for personal business. Also, Tennessee cadets learn about distracted driving as part of emergency vehicle operations and defensive driving training, learning how distraction affects the brain, perception-reaction time, and crash risk. The role of distraction in police-involved collisions and the prevalence of such crashes are also shared.



TRAFFIC INJURY RESEARCH FOUNDATION

ROAD SAFETY BULLETIN

DISTRACTED DRIVING POLICY
A CRIMINAL JUSTICE PERSPECTIVE ON PENALTIES

Robyn D. Robertson, Hannah Barrett & Devon Valentine, December 2023

TIRF

Distracted driving legislation was first introduced in Canada in 2008. Due to its growing role as a contributing factor in fatal crashes, in the past decade this issue has emerged as a top road safety priority. For this reason, distracted driving has been the focus of escalating penalties and policies to curb this risky behaviour on Canadian roads in more recent years. Indeed, many jurisdictions in Canada have increased distracted driving penalties since 2014 and this has been, in part, due to a lack of alternative effective distracted driving countermeasures.

However, it is important to acknowledge the limitations of relying solely on this traditional approach as a solution to this pervasive problem. While harsh penalties may have an intuitive appeal to discourage would-be violators, the truth is harsher penalties are most effective at changing behaviour among those individuals who are least invested in it. In other words, penalties are more likely to deter persons who are largely pro-social and who drive distracted more due to a lack of awareness than a firm belief they are capable of doing so. Conversely, significant penalties alone are less effective at changing the behaviour of those more persistent in it because it is convenient, or they do not perceive themselves to be part of the problem.

This raises an important question about the path forward to deal with distracted drivers and the strategies needed to deter violators and reduce road deaths and injuries. To answer this question, this fact sheet describes the prevalence and recent trends in distracted driving on Canadian roads and examines changes in distracted driving penalties. It also explores the potential impact of escalating penalties on society and human behaviour using the proportionality principle. The potential of alternative strategies such as well-designed awareness and education programs to help shift attitudes and behaviours is explored along with the potential of harnessing social norms.

How big is the distracted driving problem?

According to TIRF's National Fatality Database, distracted driving was a factor in 24% of motor vehicle fatalities in Canada in 2020. Among fatally injured distracted drivers 75.2% were male compared to 24.2% female. Drivers aged 25-34

Our choices on the road help everyone arrive at their destination safely.

1 TIRF ROAD SAFETY BULLETIN | ISSUE 1 DECEMBER 2023 TIRF.CA

In response to growing concerns about distracted driving, the legal landscape has changed dramatically.

As such, it is critical that all police agencies establish policies and provide initial and ongoing training with regular reminders about officer distractions to both protect officers and make a compelling case for enforcing distracted driving laws on the road.

Technologies to detect and prevent distracted driving. New tools to automate distracted driving enforcement are also increasingly available, which can help police agencies increase their efficiency and effectiveness. Despite evidence that automated enforcement is effective for speeding and red lights, it is also controversial, with opponents citing concerns about privacy and the equity of enforcement. However, the use of automated enforcement strategies has been reinvigorated in recent years, and declines in officer recruitment combined with large-scale retirements and an ever-expanding array of demands for services may create new opportunities to leverage the potential of automated enforcement technologies and also enhance officer safety.

In particular, automated cameras have considerable potential to augment distracted driving enforcement. Within the past few years, several transportation agencies globally have deployed roadside smart cameras that can detect distracted drivers holding cellphones and other electronic devices. These systems can operate and detect distracted drivers in traffic moving at highway speeds during day and night conditions. Cameras can be mounted in multiple fixed or mobile locations: on an overpass, gantry, pole, or mobile roadside trailer. They use advances in computerized image processing technology to automatically identify handheld phone use. These systems are also built with extensive privacy controls and utilize encryption and data minimization strategies to protect collected data. In essence, prevalence data can be measured and fully anonymized. For example, measuring handheld cellphone prevalence does not require identifying drivers or vehicles or retaining data related to specific vehicles.

Deployment of these types of systems has been reported in Australia, the Netherlands, and Abu Dhabi, with demonstrations and trials reported in several other locations including the United States and the United Kingdom. This technology presents an important new source of real-world data on distracted driving involving cellphone use across the full set of vehicles and drivers on the roadway. Reports from existing deployments show excellent performance and accuracy in identifying distracted drivers and improving data collection.

Cameras specifically designed to detect drivers using mobile phones and to capture high-resolution, photographic evidence, can be placed in high-crash areas and have been a successful enforcement and prevention solution in the United Kingdom and Australia. Some cameras are also now being tested in U.S. jurisdictions, including North Carolina, where the North Carolina Highway Patrol are using them to enforce no-touch policies for commercial truck drivers.

Another camera solution being piloted by law enforcement in Halton, Ontario, and elsewhere is side-mounted cameras on police cruisers that enable officers to pull alongside distracted drivers and record images without the officer needing to take their eyes off the road. These cameras do not rely on special features such as infrared or zoom to enhance what officers could otherwise observe with their naked eye, and this has mitigated at least some privacy concerns.

While the use of distracted driving cameras is still in its infancy, this technology offers alternatives to police agencies that enable them to prioritize distracted driving enforcement without requiring increased personnel and the use of overtime. It also helps to protect officers who place themselves in harm's way to enforce traffic laws. While the use of automated enforcement remains contentious in many jurisdictions, this technology has tremendous potential to enable police agencies to focus their attention and skills on other competing priorities. Further, it can bring consistency to traffic enforcement, which is essential both to sustain the deterrent effect of laws and to reduce potential bias in traffic enforcement.

Police agencies are also developing innovative strategies to detect distracted drivers in the form of unique vehicles. Minnesota has deployed solid black, high-riding pickups with hidden red and blue lights and four cameras to record evidence of violations of Minnesota's hands-free law. The high-riding vehicles also allow officers to see into the vehicle and see the driver's lap. The trucks have monitors so that a second officer can be dedicated to observing, ticketing, and documenting. The success of this effort has convinced the Minnesota Office of Traffic Safety to provide grant funding to expand the effort to several more police and sheriff departments.

Using a different approach with support from the Tennessee Highway Safety Office, the Tennessee Highway Patrol has been using a public transit bus to go undercover and detect distracted drivers. While driving on roadways, troopers riding in the bus can identify and report drivers who are using a cellphone or not wearing a seat belt to patrol cars. This solution has not only increased enforcement of a hands-free law, but, by its very presence, it serves as a deterrent. Additionally, they have invited other local police agencies to ride along and observe. The Tennessee Highway Patrol also has a clearly marked police bus that it uses for enforcement. During the past seven years, several other police agencies have joined this initiative to create a statewide presence for distracted driving enforcement.

Leadership for Distracted Driving Enforcement

Although police agencies across the United States are facing immense challenges, leadership for traffic enforcement remains paramount. A 2018 report revealed that, statistically, most police-civilian encounters were initiated by some type of traffic stop. This means that these interactions have the power to shape public perceptions of police officers daily. Every traffic stop is an opportunity to demonstrate integrity, credibility, and the fairness with which officers protect and serve communities.

Today, police officers are expected to serve as the last line of defense against known and emerging social problems, even before they are understood. But a series of high-profile negative police encounters or uses of force have placed policing under a microscope, bringing intense scrutiny. The corresponding negative publicity and public condemnation resulted in calls for curbing what was viewed as enforcement overreach. This has since prompted major reviews of policing practices and powers and resulted in calls for the reshaping and reallocation of police services. As a consequence, agencies across the United States have reported that recruitment has hit an all-time low, with many agencies struggling to fully staff shifts and assignments.

These challenges were further amplified by the COVID-19 pandemic protocols. A survey of 194 police departments produced by the Police Executive Research Forum (2021) revealed that between April 1, 2020, and March 31, 2021, retirements and resignations increased by 45 percent and 18 percent respectively. Physical distancing mandates also led to dramatic declines in traffic stops. High-visibility enforcement campaigns were either shelved or greatly reduced, while scheduled enforcement training was canceled or reconstituted virtually without evidence of effectiveness. In fact, the second wave of an International Association of Chiefs of Police (IACP) survey of enforcement agencies revealed over half (53 percent) of more than 1,000 responding agencies formally limited self-initiated or proactive enforcement of traffic and pedestrian stops in both March and May 2020.

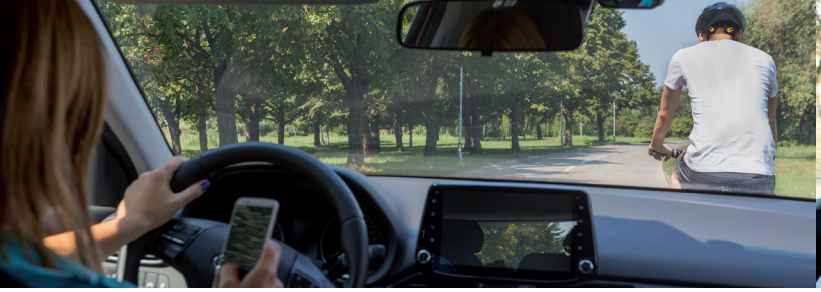
While the confluence of these events has had a tremendous negative impact on the use of traffic stops, the implications of declining enforcement are evident in the dramatic increases in road fatalities reported in the past five years and described herein. When drivers have a strong perception of a real likelihood of being detected, they are deterred from engaging in distracted driving behaviors. The unfortunate reality is that the absence of a visible enforcement presence in the community unintentionally elicits risk-taking on the roads. This was abundantly evident in the wake of the pandemic when the United States experienced substantial increases in road deaths.

So, critical questions facing many police agencies are how to reinstate traffic enforcement as a continuing priority, and how to create a focus on distracted driving in the same way that impaired driving and speeding are prioritized. It is paramount that police agencies consider and utilize available data sources effectively within the context of underreporting of distraction when assigning priorities to traffic enforcement. Equal considerations should be given to the level of visible presence of enforcement on roadways to ensure enforcement initiatives effectively deter drivers from risky behaviors and to publishing results of enforcement initiatives. At the same time, these initiatives have the potential to reshape public perceptions of policing, one stop at a time.

Other opportunities to maximize distracted driving enforcement include implementing workplace safety training and policies to increase awareness about risks among officers. This can also help motivate officers to enforce these laws. Finally, the changing landscape of policing combined with mounting pressures to increase effectiveness and reduce road fatalities can build a compelling case for the consideration of automated enforcement strategies.

IACP Resources

- *Distracted Driving Toolkit* | theIACP.org
- *Law Enforcement's Role in Distracted Driving* | www.policechiefmagazine.org
- *Highway Safety Initiatives: The War on Distracted Driving* | www.policechiefmagazine.org




April is National Distracted Driving Awareness Month

The National Highway Traffic Safety Administration (NHTSA) works to reduce the occurrence of distracted driving and raise awareness of its dangers. All road users are at risk from the danger posed by distracted drivers. "Driver distraction is a specific type of driver inattention that occurs when drivers divert attention from the driving task to focus on some other activity. Discussions regarding distracted driving often center around cellphones and texting, but distracted driving also includes eating, talking to passengers, adjusting the radio or climate controls, or adjusting other vehicle controls. A distraction-affected traffic crash is any traffic crash in which a driver was identified as distracted at the time of the crash." This month, NHTSA published a new research note summarizing the statistical findings of distracted driving in 2023, including the following:

- Eight percent of fatal crashes, an estimated 13 percent of injury crashes, and an estimated 13 percent of all police-reported motor vehicle traffic crashes in 2023 were reported as distraction-affected.
- In 2023 there were 3,275 people killed and an estimated additional 324,819 people injured in motor vehicle traffic crashes involving distracted drivers.
- Five percent of all drivers involved in fatal traffic crashes in 2023 were reported as distracted at the time of the crashes. Seven percent of drivers 15 to 20 years old involved in fatal crashes were reported as distracted. This age group has the largest proportion of drivers who were distracted at the time of the fatal crashes.
- In 2023 there were 611 nonoccupants (pedestrians, pedalcyclists, and others) killed in distraction-affected traffic crashes.

For additional information from this research note, please see National Center for Statistics and Analysis. (2025, April). *Distracted Driving in 2023* (Research Note. Report No. DOT HS 813 703). National Highway Traffic Safety Administration.

Additional Distracted Driving Resources

National Traffic Law Center

- Investigation and Prosecution of Distracted Driving Cases | ndaa.org/resource/Distracted-Driving/
- Distracted Driving Enforcement for Prosecutors and Law Enforcement | ndaa.org/resource/CDL-Distracted-Driving

National Highway Traffic Safety Administration | www.nhtsa.gov/risky-driving/distracted-driving

National Safety Council | injuryfacts.nsc.org/motor-vehicle/motor-vehicle-safety-issues/distracted-driving/

Center for Disease Control and Prevention | www.cdc.gov/distracted-driving/about/index.html

Governors Highway Safety Association | www.ghsa.org/state-laws-issues/distracted-driving

Insurance Institute for Highway Safety | www.iihs.org/topics/distracted-driving

MASTERING MASKING: Legal and Ethical Consequences of Plea Negotiations Involving Commercial Driver's Licenses

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Federal masking regulations are designed to ensure that states hold commercial driver's license holders—drivers who operate the largest vehicles capable of creating the greatest potential danger—accountable for bad driving behaviors.

Learn to identify various disqualifying offenses and sanctions unique to commercial driver's licenses (CDLs) and appreciate how the enforcement of these regulations result in reducing injuries/deaths by keeping unsafe commercial motor vehicle (CMV) drivers off the roads by assuring that each CMV driver has one driver's license and one complete and accurate driver's record.

For more information, visit **July 2025 Mastering Masking: Legal and Ethical Consequences of Plea Negotiations Involving Commercial Driver's Licenses**.