



To: House Transportation, Mobility, and Infrastructure
Date: April 19, 2023
RE: HBs 4250, 4251, and 4252 - Distracted Driving
Position: Opposed

The ACLU understands the well-intended reasoning behind HB 4250, 4251, and 4252, but without appropriate measures, we are concerned there will be unintended consequences for minorities and the poor. We do not deny the real dangers of texting and using the phone while driving; however, we oppose this legislation because it will perpetuate racial disparities and disproportionately impact low-income communities.

While the bills are well-intentioned, distracted driving laws lower drivers' constitutional protections against law enforcement by lowering the burden of proof required for a traffic stop and will disproportionately impact communities of color. Based on the proposed legislation, an officer may initiate a traffic stop if a driver is simply holding a mobile device, even if that driver is not otherwise disobeying other safety laws. As it stands people of color are pulled over at disproportionate rates for the same offenses as white drivers, and this legislation would create space for increased racial profiling in traffic stops.

This legislation is likely to further perpetuate racial disparities and biases leading to an increase in poor minorities having suspended licenses and creating unnecessary involvement with the justice system. The incidences of racially discriminatory traffic stops is well-documented across the country and in Michigan. Once stopped, minorities are far more likely to be subsequently subjected to a police search. Where studies of traffic stop data have been conducted, African Americans and Latinos are far more likely to be pulled over than are whites for the same behaviors and offenses. Results from a FOIA request to Michigan State Police showed that during the first three months of 2017 (on six randomly selected Fridays), of the 82 individuals who were stopped 48% were black, Hispanic, or Asian, while only 24% were white, and 24% of unknown racial identity but with Spanish surnames. This legislation provides additional reasons for police to stop and cite drivers in an era where racial profiling is a largely unaddressed, but prevalent problem. Any such legislation *must* be accompanied by laws to address racial profiling.

This problem is further exacerbated because the legislation does not prohibit the funds from any fines associated with a violation from going directly to law enforcement. If these bills pass, the legislature should remove any incentive for over policing, especially where it explicitly creates a primary justification for traffic stops.

We continue to sympathize with the intion behind the bills but belive this requires a longer conversation about how to implement best practices for preventing cellphone-related driving injuries, which may include behavior change programs, education, and/or interventions, rather than additional penalization. We urge this legislature not to pass HB 4250, 4251, and 4252.

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