

Footnotes to “Driving While on the Cell Phone”

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¹See Plato, *Apology*, in GREAT DIALOGUES OF PLATO 423, 443 (Eric H. Warmington & Philip G. Rouse eds., W.H.D. Rouse trans., Mentor Books 1956).

²Business Wire, *Insurance Institute for Highway Safety Finds Cell Phone Users Four Times More Likely to Crash—21st Century Insurance Urges Motorists to “Just Drive,”* http://findarticles.com/p/articles/mi_m0EIN/is_2005_July_12/ai_n1437740 (last visited June 18, 2007).

³Karen Lurie, *Driving While Distracted*, www.sciencentral.com/articles/view.php3?language=english&type=&article_id=218392289 (last visited June 18, 2007).

⁴Cellular Telecommunications and Internet Association, *CTIA’s Semi-Annual Wireless Industry Survey Results*, <http://files.ctia.org/pdf/CTIAYearend2004Survey.pdf> (last visited June 18, 2007)

⁵Donna Glassbrenner, *Driver Cell Phone Use 2004—Overall Results*, www-nrd.nhtsa.dot.gov/pdf/nrd-30/NCSA/RNotes/2005/809847.pdf (last visited June 18, 2007).

⁶Mason-Dixon Polling & Research, Inc., *Drive for Life Annual National Driver Survey*, www.safedrivingtest.com/driversadmit.html (last visited Nov. 1, 2006); see also JANE STUTTS ET AL., *DISTRACTIONS IN EVERYDAY DRIVING* (AAA Foundation of Traffic Safety, June 2003), www.aaafoundation.org/pdf/DistractionsInEverydayDriving.pdf (last visited June 18, 2007).

⁷Melania Zaharopoulos, *Driving under the Influence of PSP*, www.gilroydispatch.com/lifestyles/contentview.asp?c=165830 (last visited June 18, 2007).

⁸David L. Strayer & Frank A. Drews, *Multi-Tasking in the Automobile*, www.psych.utah.edu/AppliedCognitionLab/WickensChapterFinal.pdf (last visited June 18, 2007). Strayer & Drews have posited that a driver talking on cell phone enters a sort of virtual reality with the person on the other end of the conversation, instead of dealing with the physical environment that they are actually in. “What happens is, even though the driver is looking out the windshield, [and] they’re looking at signs and other information in the driving scene, they’re not actually processing it,” suggest Strayer and Drews. “They’re not seeing that information because their mind is concentrating on the cell phone conversation, and not on driving.” See Lurie, *supra* note 3.

⁹Strayer & Drews, *supra* note 8, at 126.

¹⁰Suzanne McEvoy et al., *Role of Mobile Phones in Motor Vehicle Crashes Resulting in Hospital Attendance: A Case-Crossover Study*, 331 BRIT. MED. J. 428 (Aug. 2005), www.bmj.com (last visited June 18, 2007).

¹¹Strayer & Drews, *supra* note 8.

¹²Press Release, Governor's Highway Safety Association, *New Research Reinforces Safety Hazards of Cell Phone Use While Driving* (July 12, 2005), www.ghsa.org/html/media/pressureleases/2005/071205.html (last visited June 18, 2007)

¹³*See* Vigilant Ins. Co. v. Keiser, 391 so. 2d 706, 714 (Fla. Dist. Ct. App. 1980).

¹⁴*See* King v. Pagliaro Bros. Stone Co., 703 A.2d 1232, 1233 (D.C. 1997) (employer sued for negligence when employee truck driver caused accident while talking on his cell phone).

¹⁵*See* NAT'L HIGHWAY & TRAFFIC SAFETY ADMIN., *THE ECONOMIC BURDEN OF TRAFFIC CRASHES ON EMPLOYERS* 6-7 (2003), www.nhtsa.dot.gov/people/injury/alcohol/EconomicBurden/pages/WhatDOTCCost.html.

¹⁶*See* Terry Carter, *Crash Course for Business: Companies Can Be Liable for Accidents Resulting from Job-Related Cell Phone Use*, 85 A.B.A. J. 40 (Aug. 1999).

¹⁷*See* Teri Zucker, *Around the Firms*, 7 L. FIRM PARTNERSHIP & BENEFITS REP. 1 (July 2001).

¹⁸*Id.*

¹⁹*Id.*

²⁰Matt Sundeen, *Highway Safety Cell Phones and Highway Safety: 2005 Legislative Update* (National Conference of State Legislatures July 2005), www.ncsl.org/programs/transportation/cellphoneupdate05.htm (last visited June 18, 2007).

²¹Governor's Highway Safety Association, *State Info & Laws, Cell Phone Laws*, www.ghsa.org/html/stateinfo/laws/cellphone_laws.html (last visited July 27, 2007). Although observed hand-held phone use in New York dropped 50 percent in the months immediately following the enactment of the law, a year after the ban usage rates had climbed nearly to the same rates that existed before the ban. *See Hand-Held Cell Phone Use Goes Back Up in New York, Despite Year-Long Ban*, 38 STATUS REP. at 6 (Insurance Institute for Highway Safety Aug. 26, 2003), www.iihs.org/st/pdfs/sr3808.pdf.

²²Governor's Highway Safety Association, *supra* note 21. The 10 states are Florida, Kentucky, Louisiana, Mississippi, Nevada, New Jersey, New York, Oklahoma, Oregon, and Pennsylvania.

²³BMW of N. Am., Inc. v. Gore, 517 U.S. 559 (1995).

²⁴State Farm Mut. Auto. Ins. Co. v. Campbell, 123 S. Ct. 1513, 1519 (2003).

²⁵See, e.g., Honeycutt v. Walden, 294 Ark. 440, 743 S.W.2d 809, 810 (1988); Taylor v. Superior Court of Los Angeles County, 24 Cal. 3d 890, 157 Cal. Rptr. 693, 598 P.2d 854, 857 (1979); Ingram v. Pettit, 340 So. 2d 922, 924 (Fla.1976); Calloway v. Rossman, 150 Ga. App. 381, 257 S.E.2d 913, 917 (1979).

²⁶See, e.g., Smith v. Chapman, 115 Ariz. 211, 564 P.2d 900, 903-04 (1977); Infeld v. Sullivan, 151 Conn. 506, 199 A.2d 693, 694-95 (1964); McMahon v. Chryssikos, 218 N.J. Super. 571, 528 A.2d 104, 109 (Law Div.1986); Cabe v. Lunich, 70 Ohio St. 3d 598, 640 N.E.2d 159, 162-63 (1994).

²⁷Fla. E. Coast Ry. Co. v. McRoberts, 111 Fla. 278, 149 So. 631 (1933).

²⁸Strayer & Drews, *supra* note 8, at 131.