

Lashing Out in New Jersey Over Limits for Drivers

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MORRISTOWN, N.J. -- Texting, we have all come to admit, is the enemy of road safety everywhere. Applying makeup behind the wheel: more or less universally frowned upon. Few would condone driving while reading a book, rooting around in the back seat or eating anything that involves utensils.

In New Jersey, where suburban sprawl has elevated cars from mere possessions to four-wheeled appendages, and driving from an activity to a near-perpetual state of being, things are slightly more complicated.

"The relationship between people and their cars, it's almost like a Second Amendment thing -- it may not be enshrined in the Constitution, but people think it is," said State Assemblyman John Wisniewski, the chairman of the Transportation and Independent Authorities Committee. "But there's not a consistent philosophy. We have a 'live free or die' mentality when it comes to things like driving distractions, but we're O.K. with, 'You can't serve yourself at a gas station.'"

He added: "That's the peculiarity of New Jersey. And there was an outcry."

The outcry in question detonated this month when NJ.com learned that Mr. Wisniewski, a Democrat, had months before reintroduced a three-year-old bill that would impose fines of up to \$800 on drivers caught engaging in distracting behavior behind the wheel. The headline: "Cops Could Soon Ticket You for Drinking a Coffee While Driving in N.J."

This is the state where local identity is routinely expressed in turnpike or parkway exit numbers. Where basic tasks like withdrawing cash from an A.T.M. are most easily accomplished from inside a car. Where the most infamous instance of political mischief in recent history hinged on a colossal traffic jam at the George Washington Bridge.

It should be noted that Mr. Wisniewski's bill, which mimics a distracted-driving law in Maine, does not ban drinking coffee, eating or any other specific activity. It does, however, empower police officers to issue a summons to drivers doing anything "unrelated to the operation of the vehicle, in a manner that interferes with the safe operation of the vehicle."

Cathleen Lewis, the director of public affairs and government relations for AAA of New Jersey, said: "Your car is your space, but what people need to understand is that your space is a moving vehicle that interacts with other people's safety. This is not about banning someone from drinking coffee. This is about figuring out a way to ensure that people are safe behind the wheel."

According to the National Highway Traffic Safety Administration, 10 percent of fatal crashes and 18 percent of crashes that caused injuries in 2014 were reported to involve drivers distracted by activities including eating, smoking, adjusting the radio or air-conditioning, or being "lost in thought/daydreaming." They caused 3,179 deaths, injuring an estimated additional 431,000 people. In 2014, for the fifth straight year, distracted driving was the top cause of fatal crashes in New Jersey.

The state already bans texting or other cellphone use while driving, a prohibition that Mr. Wisniewski acknowledges has not appeared to dissuade many from doing so.

Still, for some, his bill poses an existential threat.

"Now they're reaching into the car and taking the Dunkin' Donuts out of your hand and taking the lipstick out of your hand," Jim Sillence, 44, of Morris Plains, said in the parking lot of a Morristown CVS one recent afternoon. "What are they going to do, outlaw drive-throughs?" (Mr. Sillence had chosen not to take advantage of the CVS's drive-through pharmacy.)

Mr. Sillence, who acknowledged that neither grooming nor eating while driving was "the best idea," was once rear-ended by someone who claimed to be looking at a GPS app at the time. Another time, he tried to change lanes after realizing that the driver ahead was texting, but all of the drivers around him appeared to be using their cellphones, too.

Still, to him, the ban stank of government overreaching. "I'm not smart enough to come up with the right answer," he said, shrugging.

Mr. Wisniewski said he had received more feedback on the distracted-driving bill than he had over several years of proposing to raise the state's gas tax, which by remaining low has become another New Jersey peculiarity. Maine, he noted, had not experienced a similar level of outrage.

He could also draw inspiration from Britain, where "driving without due care and attention" can result in large fines and penalty points. The law's most notorious recent target: a woman who was fined 145 pounds and three penalty points on her license for eating a banana in a traffic jam. ("This is the most expensive banana I've ever had in my life," she told her local newspaper.)

At home, however, critics of the bill are loud and persistent, arguing that the state's existing laws against careless or reckless driving are sufficient. A few critics have questioned whether police officers will take advantage of the bill's intentional vagueness to abuse their traffic-stop powers.

To Steve Carrellas, a longtime driver advocate who is the head of the New Jersey chapter of the National Motorists Association, the proposal is merely the latest of many "shenanigans" intended to squeeze drivers, including unduly low speed limits, the cellphone ban and toll roads. Fortunately, Mr. Carrellas said, red-light cameras are gone.

"This bill has the appearance of a money grab," he said.

Mr. Wisniewski denied this, saying the fines were intended to be a deterrent.

An unscientific survey of drivers in two strip mall parking lots in suburban New Jersey found many self-proclaimed careful drivers who cheered the idea of cutting down on distracted driving. Indignantly, they listed the things they had seen other drivers do: reading a newspaper draped over the steering wheel; watching a video; changing clothes; applying makeup; reaching down to pick up dropped food; fist-fighting with a passenger.

Then a certain amount of sheepishness set in.

"I'll admit, when I was younger, I put makeup on in the car," Tawanna Cotten, 43, of Morristown, said. She had had a small epiphany about her mascara-to-go habit, she said, "after running my mouth about the texting -- it just kind of hit me."

Brendan Carti, 19, a rising sophomore at the College of Charleston in South Carolina, admitted to a few instances of distracted driving, despite repeated injunctions from his drivers' education teachers.

"There's been times when I've looked up and said, 'Oh my God, I shouldn't have done that,'" he said, adding that he fully supported the bill.

Across the parking lot, Vince Capano, a beer writer, was giving no quarter.

"The next thing, they're going to be outlawing sneezing or coughing," he said. "Where does the line start?"

Mr. Capano would probably not be happy to learn about another New Jersey bill, introduced in March, that would punish pedestrians caught using their cellphones while walking along public roads with a fine.

It has not come up for a vote.

CAPTION(S):

PHOTOS: A driver using his phone as he entered New Jersey through the Holland Tunnel, top, and another eating a meal, below, both in Jersey City. State Assemblyman John Wisniewski, left, reintroduced a distracted-driving bill. (PHOTOGRAPHS BY CHRISTOPHER OCCHICONE FOR THE NEW YORK TIMES; MEL EVANS/ASSOCIATED PRESS)

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