

# NEW MEXICO INJURY ATTORNEY BLOG

PUBLISHED BY  
**COLLINS & COLLINS, P.C.**  
ATTORNEYS AT LAW

October 20, 2010

## **Hands-Free Mobile Creates Illusion of Safety**

Dramatic increases in auto accidents involving cell phone usage have precipitated the call for tougher state and local ordinances. Nationally, in 2008 there were approximately 1.4 million crashes involving drivers talking on cell phones. Many of these involved serious personal injuries to the drivers on both ends of the exchange.

In February of 2007, Albuquerque enacted a hands-free cell phone ordinance for drivers operating a motor vehicle. This ordinance makes it illegal to drive and operate a hand-held cell phone. Albuquerque drivers can still use a hand-free device, which the city feels is a safer option.

Many drivers have moved to hands-free cell phone usage in response to such laws. Auto manufacturers have accommodated the switch to hands-free. According to a study by National Safety Council, hands-free cell phone usage unfortunately appears to be just as risky as using hand-held devices. Statistics show that a driver who uses either type of cell phone is four times more likely to be involved in a motor vehicle collision. Cell phone conversations in general increase cognitive distraction and create what has been called "inattention blindness".

Inattention blindness occurs when a driver is looking at but not actually perceiving objects in their field of vision. There are estimates that indicate a driver using a cell phone misses approximately 50 percent of the information within their surroundings. The current hands-free ordinance may give a false impression that this type of device provides more safety.

While a hands-free cell phone does eliminate the need for a driver to take their eyes off the road and remove their hands from the steering wheel, it does not prevent the driver from taking their mind off the road. In addition, a driver is less likely to recognize that they are cognitively distracted and to account for the risks.

Drivers tend to rely on the myth that they are "multitasking", accomplishing more than one task at a time. Multitasking has been found to be a myth. Instead, there is sequential tasking. The human brain actually handles tasks sequentially, switching between tasks rapidly enough to give the illusion of doing several things at once.

**Main Office:  
400 Gold Ave. SW  
Suite 500  
Albuquerque, NM 87102  
(505) 242-5958**

<http://www.newmexicoinjuryattorneyblog.com/>

Talking and driving are two very cognitively complex activities, and the switching between these tasks can create inattention blindness. This means that crucial information needed to maintain safety may fall out of view and is not processed by the brain. Both driver reaction and response times are diminished when this occurs.

Obviously, the safest option is to avoid cell phone usage of any kind while driving. However, in our productivity-driven society, this may not be realistic. Studies have shown that educating drivers of the risks has done little to alleviate the problem. Consequently, the most effective prevention strategies have included legislative policies and strict law enforcement.

Albuquerque has attempted to respond to the need to protect drivers from cognitive distraction with its current hand-free cell phone ordinance; however it is likely that the city will reexamine this policy in light of the new statistics. Future strategies may be needed, which might include technological advances that actually prevent a driver from receiving or making calls in a moving motor vehicle.

**Main Office:  
400 Gold Ave. SW  
Suite 500  
Albuquerque, NM 87102  
(505) 242-5958**

<http://www.newmexicoinjuryattorneyblog.com/>