

Resources

NHTSA Issues Driver Distraction Guidelines for Portable and Aftermarket Devices

Seeking Comment By February 3, 2017

December 14, 2016

The National Highway Traffic Safety Administration (NHTSA) has proposed driver distraction guidelines for non-driving tasks enabled by portable and aftermarket electronic devices. The guidelines build upon NHTSA's existing distracted driver guidelines (the "Phase 1 Guidelines") for manufacturer-installed devices operated by a driver through visual-manual means. Though issued as agency guidance, rather than rulemaking, the Phase 2 Guidelines are likely to significantly influence the design of portable electronic devices not previously subjected to NHTSA's scrutiny, as well as the design of in-vehicle interfaces.

The Phase 2 Guidelines make two significant recommendations that reflect NHTSA's attention to driver distraction issues created by portable and aftermarket devices. First, NHTSA recommends that secondary non-driving tasks enabled by portable devices—for example, navigation, communication, information and entertainment—be paired with, and operable through, the manufacturer-installed in-vehicle interface, such that they are subject to the lockout-while-driving recommendations described in the Phase 1 Guidelines. Those recommendations pertain to tasks deemed too distracting by means of a test method for measuring eye glance behavior, as well as the following tasks regarded, *per se*, as inherently interfering with a driver's ability to safely control a vehicle:

- Displaying video not related to driving;
- Displaying certain graphical or photographic images;
- Displaying automatically scrolling text;
- Manual text entry for the purpose of text-based messaging, other communication, or internet browsing; and
- Displaying text for reading from books, periodical publications, Web page content, social media content, text-based advertising and marketing, or text-based messages.

Second, NHTSA recommends that portable devices similarly lock out non-driving tasks during a so-called Driver Mode, preferably on an automatic basis whenever a device is not paired with a manufacturer-installed in-vehicle interface; or, at least, when the device distinguishes that it is being used by a driver who is driving.

With respect to aftermarket devices, NHTSA recommends they generally comply with its recommendations for manufacturer-installed systems covered by the Phase 1 Guidelines, including the lockout recommendations.

NHTSA seeks comments on the Phase 2 Guidelines by February 3, 2017. A third phase of guidelines will cover tasks performed via auditory-vocal interactions.

For more information, or if you have any questions, please contact Brendan Cahill (248-203-0721), Bill Kohler (313-568-6603), Paul Laurenza (202-906-8646), or your Dykema relationship attorney.

Attorneys

Brendan J. Cahill

Industries

Automotive Industry Group

NHTSA Issues Driver Distraction Guidelines for Portable and Aftermarket Devices (Cont.)

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