



NEW YORK STATE SENATOR

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## Senate Passes Legislation to Strengthen Law on Text Messaging While Driving

JOSEPH E. ROBACH May 3, 2011

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New law would elevate text messaging while driving violation to a primary offense

The New York State Senate today passed a bill (S.998B) that will make it easier for law enforcement to crack down on texting-while-driving offenses and prevent tragic accidents caused by drivers distracted by texting. The bill was discussed today at a news conference

by the bill sponsors, Senator Carl L. Marcellino (R-Syosset), Senator Jim Alesi (R-C-I, Perinton), and Senator Joseph Robach (R-C-I, Rochester).

The bill would make text messaging while driving a primary violation rather than a secondary violation. Under the current law, a driver can only be cited for texting-while-driving if another violation, such as speeding, is also being cited.

A bipartisan group of State Legislators was joined at by representatives of the American Automobile Association (AAA) New York to discuss the Senate's action and to urge the Assembly to vote on the bill as soon as possible. Federal data shows 16,000 deaths nationwide due to texting while driving.

According to a study by the Virginia Tech Transportation Institute, a driver is 23 percent more likely to be involved in an accident while text messaging. The (AAA) says that any activity that takes a driver's attention off the road for more than two seconds can double the risk of a crash. Some research has shown that distracted drivers are more impaired than those who are drunk or under the influence of drugs.

According to studies done by AAA, any activity that takes a driver's attention off the road for more than two seconds can double a driver's risk of a crash. The huge increase in text messaging as a form of communication, particularly among young people, has led to a new form of distracted driving which is being blamed for tragedies throughout New York State and the nation. In 2009, more than 5,500 people were killed in car accidents involving distracted drivers.

"Texting and driving is the ultimate distraction, taking all focus and attention off the road," said Senator Carl L. Marcellino (R-Syosset). "Most of the time you're using two thumbs, plus

you're looking at the screen. If you're driving, that fraction of a second that you take your eye off the road can be the difference between life and death. The lethal nature of this epidemic mandates that we pass the primary ban now."

"As an original sponsor of legislation to ban hand-held cell phones while driving and legislation to curb road rage, my focus has always been on making our roads safer and our law-abiding drivers safer," said Senator Jim Alesi (R-C-I, Perinton). "Besides strengthening the current law to deter drivers from texting-while-driving, key to this legislation is the educational component in the licensing process that will convey to our young drivers the dangers of unnecessary distractions, like texting. I am confident that this legislation will better prepare new drivers for the road, and will help a great deal in preventing future accidents and potential tragedies."

"Texting while driving is extremely distracting and dangerous," said Senator Joseph Robach (R-C-I, Rochester). "For this reason, I recently voted in favor of moving bill S.998, which would elevate this offense to a primary violation, out of the Senate's Transportation Committee so that it can be considered by all members of the Senate. In light of the many accidents that have recently been attributed to texting, especially the heartbreaking loss of five Fairport teenagers. I am hopeful that this proposal will be passed by the Legislature and made the law of New York State."

John A. Corlett, Chair of the AAA Legislative Committee, said: "The secondary nature of the current New York State law dilutes its deterrence value. This bill would stiffen the consequences for those who endanger the rest of us with their careless conduct. There is overwhelming public consensus on the unique threat of text-messaging while driving, and state legislators need to enact a tougher law."

“Sending text messages while driving endangers the lives of everyone on the road,” said Assemblyman Harvey Weisenberg. “If a driver is distracted for even a few seconds, it dramatically increases their chances of getting into an accident. We need tougher measures to crackdown on texting-while-driving and send the message that our loved ones’ lives are simply not worth this unnecessary risk.”

"Texting while driving is a dangerous distraction that greatly increases the chances of car crashes, which is why it is illegal in New York State. Making it easier for police officers to enforce the state's texting while driving ban would help keep all of us safe when we're on the road," said Senator Charles J. Fuschillo, Jr. (R-Merrick), Chairman of the Senate Transportation Committee.

Kelly Cline, a Western New York resident who has been a leading advocate in the fight against texting while driving, said, “I lost my son A.J. Larson to texting-while-driving. New York State needs a primary no-texting law – a tool for law enforcement to crackdown on texting-while-driving and make our roads safer for all New Yorkers. This law will save lives.”

Senator Timothy M. Kennedy said, “Texting while driving has become an epidemic. Far too many New York families have suffered through tragedies caused by distracted driving, but motorists continue take their eyes off the road to check their phones and send text messages. Law enforcement officials have been vocal in calling on Albany to supply them with the tools they need to crackdown on texting drivers. I’ve also heard from both parents and young drivers that they want stronger texting-while-driving laws. Kelly Cline, a West Seneca mother and safety advocate, has provided the energy to drive this cause forward in Western New York and across the state. She and I recently announced the launch of Families Against Texting While Driving – which is working to bring New Yorkers together to send a message to Albany: stronger laws lead to safer roads. The passage of this anti-texting-while-driving bill will undoubtedly help save lives and prevent other families and communities

from enduring tragic loss.”

The bill was sent to the Assembly.

### Texting While Driving Accidents in New York State

June 26, 2007, Fairport, NY- Five teenagers who had just graduated from Fairport High School were killed when the SUV they were in veered into the path of an on-coming tractor trailer. The driver’s cell phone had sent and received text messages moments before the crash.

December 3, 2007, West Seneca, NY - 20 year-old old A.J. Larson was killed in an car crash. He was reportedly text messaging when he rolled through stop sign and was hit by a truck. Since his death, his mother, Kelly Klein, has been on a mission calling for stricter penalties when it comes to distracted driving.

November 30, 2009, Huron, Wayne County, NY – A woman was killed when she veered into the path of a truck while she was texting, according to police.

April, 2010 – SUNY Geneseo student Mary Kavanaugh, 22, was killed when she veered off the road and flipped her car. Authorities believe she was text messaging while driving.

January 9, 2011 – A Cayuga County woman, Tina Nevlezer, 27, was injured when she crashed into a tractor trailer. Authorities say she was text messaging while driving.

February, 2011 – A Baldwinsville Central School bus driver was accused of reading text messages while driving students. The driver’s route called for driving students from kindergarten through 5th grade. The driver was ultimately not charged since texting while

driving is a secondary offense.

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