



NEW YORK STATE SENATOR

Kenneth P. LaValle

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

KENNETH P. LAVALLE June 14, 2011

| ISSUE: **CRIME**

New York State Senator Kenneth P. LaValle (R,C – Port Jefferson) said the Senate today passed a bill (S.5643) 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 represents an agreement with the State Assembly which is also expected to act on the legislation today.

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.

“Text messaging is a distraction that causes drivers to take their focus off the road and the results are lethal,” LaValle said. “This legislation will allow law enforcement to target careless drivers who text and drive.”

The bill is supported by the American Automobile Association (AAA) of New York. The bill is essentially the same as the anti-texting bill passed by the Senate last month.

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 times 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 While Driving Accidents in New York State**

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

December 3, 2007, West Seneca, Erie County - 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 – 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 5<sup>th</sup> grade. The driver was ultimately not charged since texting while driving is a secondary offense.

The bill was sent to the Assembly.