



NEW YORK STATE SENATOR

Dale M. Volker

## Senator Volker Bill to Fix Loophole in Existing “Texting While Driving” Ban Needs to Be Enacted

DALE M. VOLKER April 9, 2010

### ***Buffalo News Article on the Recent Deaths Involving Texting While Driving Reinforces the Need To Fix Existing Law***

(APRIL 9, 2010 -- DEPEW, NY) Senator Dale M. Volker, (R-C-I, Depew, NY) urged the State Senate and State Assembly for quick passage of his legislation that would fix a loophole in the current ban on “Texting While Driving.” Currently, Senator Volker’s legislation is in the Senate Codes Committee, Chaired by Senator Eric Schneiderman, and is awaiting consideration by the entire Senate.

“Eight young adults who lost their lives over the past three years is simply tragic, and we need to address this growing problem immediately,” said Senator Dale M. Volker. “We need to make sure that our state laws can help prevent these types of fatalities from occurring in the first place, and that means we have to allow our law enforcement officers to stop drivers when they spot people texting while driving. Otherwise, we will see more deaths, more injuries, and more families destroyed. People have to understand that “Texting While Driving” has serious consequences, and hopefully we can help reduce the number of these preventable deaths from occurring in the future.”

Currently, VTL § 1225-d prohibits a driver from using a portable electronic device such as a cell phone, or texting, while operating a motor vehicle. However, a violation is subject to only secondary enforcement; that is, a motorist cannot be stopped and issued a summons for the sole reason of using a portable electronic device. Instead, a driver can only be stopped if he or she has also committed another traffic violation.

**Senator Volker’s legislation would allow police and other law enforcement professionals to stop and ticket motorists for “Texting While Driving” before another tragedy could occur by making it a primary offense.**

Distracted driving is a major safety concern. The National Highway Traffic Safety Administration reports that 16% of fatal accidents in 2008 were due to distracted driving. Text messaging while driving is especially dangerous and prevalent. According to a Nationwide Insurance study, an estimated 20% of all drivers, and 66% of drivers aged 18 to 24, are sending or receiving text messages while behind the wheel. A recently released study by the Virginia Tech Transportation Institute found that truck drivers who were texting were 23 times more at risk of a crash or near crash, while another study compared reaction times when a driver was texting to when a driver was intoxicated, and found that the reaction times while texting were worse.