



NEW YORK STATE SENATOR

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

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*New Law Would Elevate Text Messaging While Driving Violation to a Primary Offense  
Assembly Also Expected To Act Today*

The New York State 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 is sponsored by 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.

“Text messaging is the ultimate distraction. Too many drivers are taking their focus off the road and the results have proven lethal,” Senator Marcellino said. “That split second that you look away can be the difference between life and death. The tragic consequences of texting and driving mandate that it be a primary violation. This legislation will allow law enforcement to crack down on careless drivers who foolishly think that latest text message is worth dying for.”

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.

"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. "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. "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 enacted into law."

"I applaud Senators Marcellino, Alesi and Robach, as well as Assemblyman Weisenberg, for their hard work to put this bill together and get it passed," Senate Majority Leader Dean G. Skelos said. "It addresses an important and growing problem and will serve as a deterrent that will help make our roads safer for everyone."

"Drivers need to keep their hands on the wheel of their vehicle, not the keypad of their phone, when they are on the road. Texting while driving is a dangerous distraction which greatly increases the chances of car crashes and accidents. Giving police officers a new tool to enforce the state's texting while driving ban will create a stronger deterrent from distracted driving and help make our roads safer for everyone," Senator Charles J. Fuschillo, Jr. (R-Merrick), Chairman of the Senate's Transportation Committee, said.

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 5th grade. The driver was ultimately not charged since texting while driving is a secondary offense.

The bill was sent to the Assembly.