



NEW YORK STATE SENATOR

Patrick M. Gallivan

Tough Anti-Texting Measure Is Signed In Orchard Park

Patrick M. Gallivan

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Gallivan Says Legislation Will “Protect Drivers, Save Lives”

Governor Andrew M. Cuomo and Senator Patrick M. Gallivan joined together today in Orchard Park to sign legislation to strengthen the state’s law against texting while driving.

The bill, co-sponsored by Senator Gallivan (R,C,I-59th District), gives law enforcement the authority to pull over a motorist who is text messaging, e-mailing, transmitting images, or playing games while driving -- making it a primary traffic offense. Previous statute considered texting while driving a secondary offense, meaning police could only stop a texting driver if they had committed an additional infraction like speeding or failing to stop at a traffic signal.

“Today is about one thing – saving lives,” said Gallivan. “We have seen far too many tragedies caused by driving distracted to sit idly by any longer. Small, incremental steps have been taken over the years, but today we are giving public safety officials the tools necessary to protect our roadways and prevent fatalities.”

Federal data indicates that 16,000 deaths have occurred nationwide because of drivers who were texting. A study by the Virginia Tech Transportation Institute found that drivers distracted by texting are 23 times more likely to be involved in an accident while text messaging.

Recently, several high-profile, fatal automobile accidents have occurred in Western New York, with a disproportioned number of them involving teen or young adult drivers. Texting while driving was identified as a primary or contributing cause in each case.

- In June of 2007, five Monroe County teens who had just graduated from Fairport High School were killed when their SUV collided with an oncoming tractor trailer.
- In December of 2007, 20 year-old old A.J. Larson of West Seneca in Erie County was reportedly text messaging when he rolled through a stop sign and was struck by a truck.
- In November of 2009, a Wayne County woman, who according to police was texting while driving, was killed when she veered into the path of a truck.
- In April of last year, a SUNY Geneseo student, Mary Kavanaugh, died after she drove off the road and flipped her car. Authorities believe she was text messaging at the time of the crash.

“After a career spent protecting the public, I understand the consequences of driving distracted. As new driving safety hazards arose -- be it drunk driving, public ignorance to the importance of seatbelts, or the use of cell phones in the car -- law enforcement has successfully countered these dangers by increasing public awareness and enacting tough laws to meet new challenges. Today we addressed the threat posed by texting while driving, and today we ensured our roads and families are safer than yesterday,” Gallivan said.

In addition to making texting while driving a primary offense, the new legislation will mandate motorists guilty of driving while texting be penalized three points on their license and pay a fine of \$150. The penalty for talking on a cellular phone while driving is increased to three points from two.

Joining Gallivan and Governor Cuomo for the announcement at the South Campus of Erie Community College today were New York State Police Superintendant Joseph D'Amico, Town of Orchard Park Chief of Police Joseph Benz, members of the state legislative delegation, and Families Against Texting While Driving; whose founder, Kelly Kline, lost her son A.J. Larson in a car accident caused by text messaging.

Prior to be elected to the State Senate in 2010, Senator Gallivan was a two-term Sheriff of Erie County and served as a State Trooper for 15 years.

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