

## A Growing Epidemic

Texting and driving, is extremely distracting for drivers, and a danger to anyone on the road.

In 1993 Nokia was the first handset manufacturer whose phone line supported user-sending text messages. In 1997, it became the first manufacturer to produce a mobile phone with a full keyboard: the Nokia 9000i Communicator.<sup>[fn1]</sup> The Growth of texting was slow but eventually it expanded, and now in 2014 it seems like it is almost the only way to communicate. However useful this new technology might be, it is also dangerous if used at the wrong time. For example texting while driving is the wrong time to be texting.

Texting while driving is six times more dangerous than driving while drunk according to the National Highway and Transportation administration and it is increasing.<sup>[fn:2]</sup> If distracted driving is more dangerous than driving while drunk why hasn't California passed restrictions that are substantial, like they have for driving while under the influence?

Driving under the influence resulted in approximately

- 9,878 deaths 2011,
- Traffic fatalities in alcohol-impaired-driving crashes decreased by 2.5 percent from 10,136 in 2010 to 9,878 in 2011
- As of today the penalty for driving under the influence is a fine of no less than \$390 nor more than \$1,000
- Imprisonment in the county jail for no less than 48 hours continuously and no more than 6 months.
- License will also be suspended. And driving privileges will be revoked.

\*Effective as of January 1, 2014. Amended section 2 ch.753 stats.2012[fn:3]

**\*\*\*This is only for first time offence\*\*\***

Distracted driving resulted in approximately

- 2,600 deaths in 2002.
- It increased by 22% on 2011 and resulted in 3,331 fatalities.
- As of today the penalty in California for getting caught texting while driving is only \$20.00-\$50.00 each time they are caught.

In California as of June 1, 2009 the law prohibits all drivers regardless of age, and experience from sending text messages while driving. Drivers must use a hands free device while driving. This pertains to vehicle code section 23123. You would think such a dangerous act would have a higher penalty, especially since they seem equally as dangerous. [fn:4]

In *People v. Spriggs*, (Cal. Super. Ct. Mar. 21, 2013). Steven Spriggs was using his cellular phone as a GPS navigator the police pulled him over and gave him a citation. Even though Spriggs said that it was a hands free device and he wasn't using it to text or talk, the court ruled against him because he was holding it in his hand and using it while he was driving. And that his conduct violated Vehicle Code section 23123. Which states that Motorists 18 and over may use a "hands-free device .[fn:4]

In the state of Massachusetts, any driver found to be texting while driving is subjected to:

- a \$100 fine,

- a sixty day license suspension
- And required attendance of a “driver attitudinal retraining course”. A class that must be completed in order for your license to be reinstated or for you to take a new permit test.[fn:5]

In the State of Connecticut it is illegal:

- For all drivers to use a hand held device. (hand held device is banned)
- First time offence is punishable by \$100.00 fine
- Second time offence is punishable by \$150.00 fine
- Third and subsequent offence is punishable by \$250.00[fn:6]

If such a penalty was enforced in California, as it is in many other states such as Connecticut, Massachusetts maybe many drivers would be less likely to text while behind the wheel.

There have been many tragedies where teenagers have died because of texting while driving. There have also been other cases where the driver committing the act hits and kills other drivers. Anyone who causes an accident while texting and driving, can be held liable for the injuries, and death that result.

MADD (mothers against drunk driving) founded /incorporated on September 5, 1980 by a mother whose daughter was killed by a drunk driver, Mothers Against Drunk Driving. This is one of the nation’s largest nonprofit organizations working to protect families from drunk driving and underage drinking. MADD has even stated a campaign against texting and driving so has Sprint. While DUI is going down texting and driving is on the rise. U.S. Transportation

Secretary Ray LaHood has called texting while driving a “national epidemic.” Many would agree even 90% of parents agree to banning texting while driving.[fn:7]

Parents getting involved is a great way to set an example for teens which statistics show are the ones who text more behind the wheel. A survey by the HNTA found that 90% of drivers support laws to ban texting while driving. In Ashley Zumbrunnen's case her life was forever changed with one text message she had sent to her husband while she was driving. She crossed the highways on to oncoming traffic and crashed. She was thrown from her car and as a result she broke her neck and was paralyzed forever. Now in her condition she is talking against texting and driving. She has started to speak to groups and in schools. She wants to make a difference. If you would like to get in touch with Ashley Zumbrunnen, you can email her at [warhoop33@icloud.com](mailto:warhoop33@icloud.com). [fn:8]

In Larry Corwin case he was convicted of misdemeanor because he was driving under the influence (DUI) for an offense committed in Idaho. Under the law in effect at the time of his offense, **a third DUI offense within five years** could be charged as a felony. [fn:10] Also in Stacy Tanner’s case she was driving under the influence and killed passengers of the other driver. Stacy’s DUI conviction merged with her convictions for homicide by motor vehicle while DUI and aggravated assault by vehicle while DUI.[fn:11] In the U.S the stakes can be raised that far for drinking while under the influence and since that offence has led to many deaths why not raise the bar and penalties for something that has the same tragic result?

Yet many fight against the laws becoming strict, saying that it is a violation of first amendment. That it violates your freedom of speech. As many courts have ruled against first

amendment violations because it is in the best interest of the American people to keep them safe.

Since there are no strict law for texting and driving, and you wish to keep your teen-agers safe or just want to be a better example for your children while behind the wheel. There are a few things you can do. You can buy a device that is easy to install and will let only the passengers text and not the driver. The device senses when the car is in motion and who is using a cell phone. If the driver were to use the phone it will automatically lock out and the driver will not be able to use it. This item is called cell control and is very effective.[fn9] This is a great way for parents to get involved and set the example that is needed today so that teens know that it is very dangerous and even life changing if you text behind the wheel. Since many teen-agers pick up their driving habits from their parents they need to set the example.

This new and growing epidemic affects everyone pedestrians, passengers, and drivers on the road. Anyone can be a victim. It deserves our outmost attention to stop it. There are many solutions out there already but just need to be taken a little more serious.

#### Citations

Fn2: <https://www.dmv.ca.gov/pubs/vctop/d11/vc23152.htm> driving under the influence vehicle code section 23152

Fn:3 <http://www.distraction.gov/content/get-the-facts/facts-and-statistics.html>

Fn:4 <http://www.bisociety.org/>

Fn5:<http://www.safetyserve.com/drive-nsc/JOL.asp> (Massachusetts)

Fn:4 <https://www.dmv.ca.gov/pubs/vctop/d11/vc23123.htm>. Vehicle Code Section 23123 Hand Held Wireless Telephone Prohibited Use

Fn:4 <https://www.dmv.ca.gov/cellularphonelaws/> cell phone laws

[Fn:1] <http://mashable.com/2012/09/21/text-messaging-history/>

[Fn:4] *case: People v. Spriggs*, Not in source (Cal. Super. Ct. Mar. 21, 2013).

[fn:6] <http://www.distraction.gov/content/get-the-facts/state-laws.html>

[Fn:7] <http://www.madd.org/about-us/mission/>

[Fn:8] <http://www.ktvb.com/on-tv/sevens-hero/Woman-injured-in-crash-speaks-out-against-texting-while-driving-232291711.html> paralyzed woman

[fn:9] <http://www.cellcontrol.com/driveid/>

[fn:11] *case: 61 A.3d 1043 (2013) 2013 PA Super 24 COMMONWEALTH of Pennsylvania, Appellee v. Stacey L. TANNER, Appellant*

[Fn:10] *case: Corwin v. State, No. 40618 (Idaho Ct. App. Feb. 20, 2014).*