



TEXTING AND DRIVING

Texting and driving is not only against the law in 46 states, but can also easily turn a harmless drive into a nightmare. Just think about it, what if you looked away for just a moment, and didn't notice that the car you were driving changed lanes into oncoming traffic. If you are lucky enough to look up in time and see you were not in your lane anymore, you could react quick enough to save yourself and maybe others as well. But if you are not...

According to statistics 80% of crashes, and 65% of near crashes, involved some form of driver inattention within 3 seconds of the incident, 57% of American drivers admit to texting behind the wheel and 89% of Americans adults think that sending text messages or e-mails while driving is distracting, dangerous and should be outlawed.



Cops out on patrol, catching drivers texting and driving. Nationwide, 46 states and the District of Columbia ban text messaging behind the wheel, and many states prohibit texting by novice drivers.

Cell phone use - especially texting - has become so ingrained in society that far too many people ignore laws banning the practice.

The US Department of Transportation reports that distracted driving plays a role in thousands of deaths and over a million injuries every year.

The key to reversing the trend is education about the danger, say several experts. Physiologically, there are three different kinds of distraction, say experts: visual (taking eyes off the road), manual (taking one or more hands off the wheel), and cognitive (mental attention.) Texting involves all three.

New York State lawmakers consider such distracted driving "twice as bad as drunk driving". A person who drinks and drives can generally see the road; texting can divert ones attention for 5 seconds or more.

Under New York State law you cannot use a hand-held mobile telephone or portable electronic device while you drive. Illegal activity includes holding a portable electronic device and talking on a handheld mobile telephone, composing, sending, reading, accessing, browsing, transmitting, saving, or retrieving electronic data such as e-mail, text messages, or webpages viewing, taking, or transmitting images, playing games, If you use a portable electronic device while you drive (except to call 911 or to contact

medical, fire or police personnel about an emergency), you can receive a traffic ticket and be subject to a fine and a surcharge.

Conviction of a cell phone use, portable electronic device use or a texting violation will also result in points being added to your DMV driving record. If you receive 11 points in an 18 month period, your driver license may be suspended.

No matter what you claim to have been using the cell phone for and even if you do have a legally valid reason to use your cell phone, if a police officer sees a cell phone to your ear while driving he has probable cause to assume that you are talking on your phone, or if you have a PED in your hand the presumption is that you are using.

New York is considering a law that would go beyond what any other state has done to allow police to examine drivers' phones after a crash to determine whether the driver was texting at the time of the incident. The man behind this idea is Ben Lieberman. His 19-year-old son, Evan, died after a car crash in the Hudson Valley, north of New York City, in 2011.



"The driver of the car my son was in drifted over the yellow line and collided head on with an oncoming car," Lieberman says. Evan Lieberman was in the back seat, wearing a seat belt. He suffered massive internal injuries and died a month later.

Ben Lieberman and his son, Evan, who died after a car accident in 2011 when he was 19 years old. Ben Lieberman is behind a bill in New York that allows police to examine drivers' phones at the scene of an accident.

Lieberman figured the police would investigate and look at the driver's cellphone. He was surprised when they didn't.

"The driver said he fell asleep at the wheel," Lieberman says. "But when I finally got the cellphone records six agonizing months later, I saw texting throughout the drive and near the collision." Lieberman eventually got the driver's phone records himself, but he had to file a civil lawsuit to do it.

"There's a huge misunderstanding out there that police will look at phones at a crash, or that they subpoena the phone records afterwards," Lieberman says. "Those are both very huge misconceptions."

Law enforcement can subpoena records from the phone company or ask a judge for a warrant to search the phone itself. Sometimes, police and prosecutors will do that, especially for a major crash with fatalities. But they don't always do it because it takes a lot of money and time for cases that can be hard to prove. "Oftentimes, drivers aren't willing to admit that they were texting on their cellphone or they were distracted by some other source," says Tom Dings, director of the Virginia Tech Transportation Institute. "It's just underreported."

Police accident reports say distraction is a factor in less than 20 percent of crashes. But Dings thinks the real number is much higher. When researchers at Virginia Tech put cameras in cars, they found that distracted drivers account for almost 70 percent of crashes.

Nearly all states have made it illegal to text and drive. Some, like Utah, Illinois and New Jersey, impose big fines on drivers who get caught. But enforcement of those laws can be difficult.

In New York, Lieberman is proposing something that's never been tried before. He wants to build an electronic device that could plug right into a

cellphone and tell police whether it was in use at the time of the crash. Lieberman insists it would be designed not to look at sensitive information such as personal communications.

Monitored by researchers and cameras, a study participant drives while using hands-free technology. New AAA research found that these technologies are distracting even after they're used. The device is called the "textalyzer." Think Breathalyzer, but for text messages and other electronic distractions.

"You know, it's not going to have any embarrassing conversations, any embarrassing pictures. It's just going to show text in, text out," Lieberman says. "I don't think that you have to surrender all your privacy rights to get this right."

Maybe the threat of getting caught will help persuade more drivers to put down their phones.

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