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Date _____

Car Accidents While Texting – R u @ Risk?

Driver distraction is one of the leading causes of motor vehicle accidents. One of the fastest growing and most problematic of driver distractions is text messaging. Numerous studies in recent years have linked [auto accidents](#) to text messaging and cell phone use. In response, in January of 2009 the National Safety Council urged state and federal lawmakers to ban the use of cell phones and other text-messaging devices while driving.

Since then, 14 states plus the District of Columbia have banned texting while driving, and several U.S. senators have united behind a bill that would ban driving while texting (DWT) nationwide. In addition, a Transportation Department conference focusing on the problem of multitasking while driving will be held this fall.

Texting while driving is extremely dangerous, as well as negligent. When a [motor vehicle accident](#) linked to texting causes a [traumatic brain injury](#) or other bodily harm, there may be grounds for a personal injury or [wrongful death lawsuit](#). If you or someone you love has been hurt in such an accident, contact a [personal injury lawyer](#) as soon as possible to discuss reaching a settlement with those responsible for your suffering. Statutes of limitations may limit the time you have to file your case and receive compensation.

The Push for Texting Laws

The push for laws banning the use of text messaging devices while driving has gathered considerable steam over the last couple of years. Support grew after a series of reports showing that drivers who text are far more likely to be involved in accidents than those focusing on the road. Those lobbying for a federal ban on the practice include parents, doctors — even industry leaders and groups such as Verizon Wireless and The Wireless Association (CTIA).

If polls are to be believed, the desire to institute such a ban is shared by much of the public. A recent Harris Interactive poll found that nine out of 10 American adults believe texting while driving is "distracting, dangerous and should be outlawed."

Teens & Texts

The recent release of a graphic and bloody public service announcement has solicited a wide range of emotions worldwide. The ad, which was produced by a police department in the United Kingdom and features a horrific car accident caused by a teen's inattention due to text messaging, has thrown the subject of driving while texting into the spotlight, with teens at center stage.

In a recent study involving a driving simulator, teens using text-messaging devices and MP3 players made alarming changes in speed, weaved between lanes and ran over virtual pedestrians.* Though other studies have found similar patterns in adults, the issue is particularly worrisome with teens, due to their prolific use of text messaging — today's average teen sends 2,899 texts per month according to a recently published Nielsen study.

Motor vehicle accidents are the leading cause of death for Americans between the ages of 16 and 20, killing more than 5,000 people in this age group each year.**

* *Life Science Online*

** Centers for Disease Control and Prevention

Studies seem to bear this out. Drivers who use cell phones are four times more likely to get into accidents serious enough to injure themselves, according to the National Highway Traffic Safety Administration (NHTSA) and the Insurance Institute for Highway Safety (IIHS).

In addition, a highly publicized study by the Virginia Tech Transportation Institute recently concluded that drivers are 23 times more likely to be involved in car crashes or "near-accidents" than are undistracted drivers. The same report concluded that driving while texting is more dangerous than [talking while driving](#) or even reaching for a device — apparently due to the average five seconds drivers spend with their eyes off the roadway when texting.

All of these statistics have real-life implications. Each year, thousands of people are injured or killed in accidents caused by texting while driving. One by one, victims of texting-related accidents have begun to seek legal remedies to compensate for their pain and suffering.

Texting Laws and Cases

Public outrage over the practice of driving while texting has also been spurred by a number of high-profile collisions, some of which involved other types of vehicles. In May of 2009 a trolley driver was charged with gross negligence after causing an accident in Boston that injured 62 people. In a similar incident less than a year earlier, 25 people were killed and 101 injured when a commuter train collided with a freight train in California — the result of the commuter train operator's inattention while texting. These as well as countless automobile-related cases have had a direct impact on the passing of laws against driving while texting — and on the strength of accident victims' civil claims.

While many states impose fines and very little if any jail time for texting while driving, some states have begun to take the issue quite seriously. In Utah, for example, offenders face up to 15 years in prison and a \$10,000 fine if a motor vehicle accident caused by texting causes injury or death. According to at least one legal expert, Utah's law assumes the offender knew the risks involved with texting while driving, treating the practice as a form of negligence.* The serious punishment doled out for breaking this law was encouraged in part by one notable offender himself, who testified before Utah's state House Subcommittee on Law Enforcement and Criminal Justice.

To learn more about obtaining compensation in the form of a settlement or court award. Contact an [attorney](#) to learn more.

Trucker-texting Even More Dangerous

Texting while driving is even more perilous for truckers than for other drivers, according to a much publicized study by the Virginia Tech Transportation Institute. Truck drivers are 5.9 times more likely to crash after reaching for an electronic device, while other drivers are only 1.4 times more likely to be in such a collision.

Based on research conducted between 2004 and 2007, the study looked at footage taken with cameras installed inside drivers' vehicles to see how they interacted with the road when using their cell phones.

In other states, prosecuting offenders has proved difficult because, unlike [driving under the influence](#), there is no test to prove that someone was texting while driving. Attempts to obtain cell phone records have often been blocked by search-and-seizure defenses. However, in some cases judges have used their power of discretion to prosecute offenders under reckless driving laws. Charges as severe as gross vehicular manslaughter have been filed and prosecuted. Civil claims are another matter. If negligence can be proved, you may have a solid case against the party responsible for your injuries.

While the future of this fast-evolving area of law remains to be seen, slowly but surely states have begun passing laws forbidding drivers from texting while behind the wheel. In addition to the District of Columbia, at least 14 states currently have laws banning the practice.

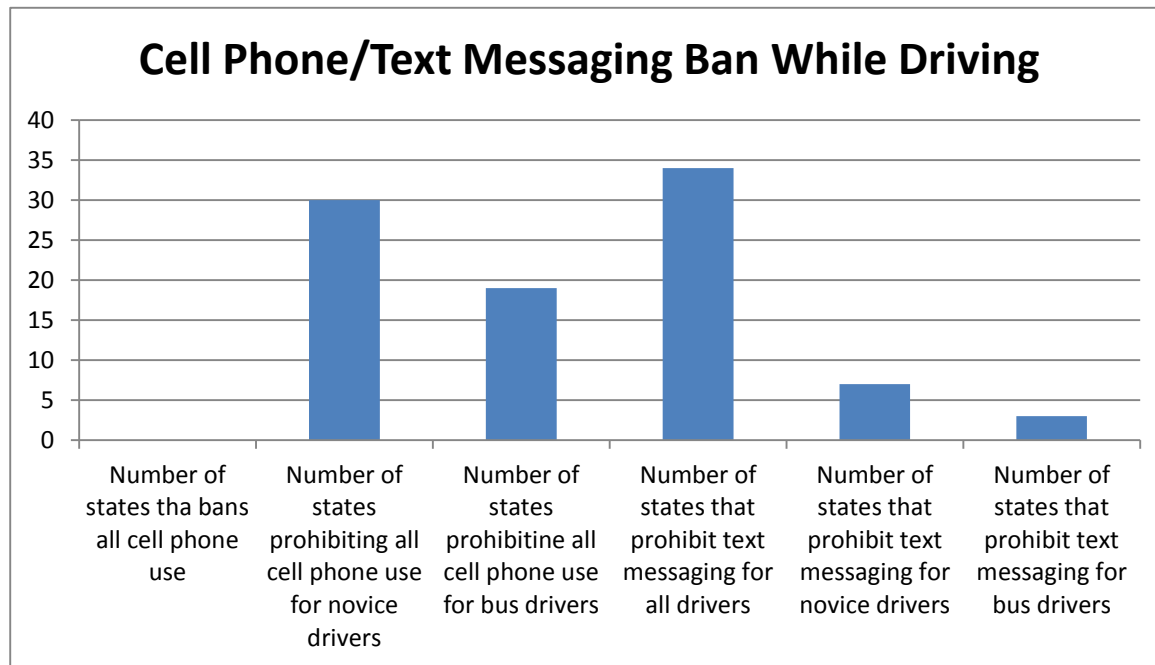
For detailed information on the latest laws banning driving while texting, view the [graph](#) at the website of the Governor's Highway Safety Association (GHSA).

Compensation for Texting Accidents

While laws relating to driving while texting have yet to catch up to the problem and are constantly evolving, a growing body of evidence suggests that the practice is extremely dangerous. From a legal perspective, the momentum is firmly on the side of victims. Should the law being considered by Congress pass, states failing to implement adequate penalties would face a 25 percent cut in federal highway funding.

If you or a loved one has sustained a [closed head injury](#) or other bodily harm as a result of another driver's irresponsible texting habits, contact a personal injury attorney to discuss pursuing a settlement or lawsuit seeking compensation for your losses. **YLG**

* *The New York*



Times

1. What has impacted the passing of laws banning texting while driving?
2. What evidence is given to verify that texting while driving is dangerous?
3. This article states that texting is more dangerous than talking on a cell phone while driving and that even reaching for a cell phone device is dangerous. Why was this assumption made?
4. According to the histogram, what category has the most state bans?
5. According to the bar graph, what is the difference between the number of states that ban all text messaging and the number of states that prohibit cell phone use for novice drivers?