

# Legally Speaking

## It's no secret that Florida drivers are in the midst of a texting-and-driving epidemic

by **SCOTT McCULLOUGH, ESQ.**

Driving on the highway at a modest 55 MPH is quite an average commute for many Floridians, as are brief glimpses at the phone to check sports scores, reading a text message or 100 other momentary distractions. Those individuals might be alarmed to learn that their four second diversion at that speed means traveling 320 feet, the length of an entire football field, without looking up. Accidents happen and are often accompanied by injury or loss of life. However, the penalty for such an infraction is hardly a deterrent: a meager \$30 ticket.

Police officers aren't even granted the authority to stop a vehicle for obvious distracted driving because the threat is deemed a secondary offense. In other words, you have to be in violation of another traffic infraction before you can be cited for it.

It's no secret that Florida drivers are in the midst of a texting and driving epidemic. Technology developments of the last decade have made it simultaneously easier for people to communicate by typing on smartphones, and more dangerous for them to navigate the roadways.

The issue is so severe that it has come within the purview of State legislators. Beginning October 1st, 2013 Florida laws (SB 52) went into effect to ban any form of manual texting while driving. We have become the latest to join the cause of promoting safer driving habits, as states all across the U.S. are adopting new laws that forbid drivers from the dangerous activity.

Considering the likelihood of increased medical costs and decreased revenue from missed days of work following an accident, the new law represents a deterrent from the dangerous activity.

Manual texting is considered any external phone messaging, sending social media messages, checking emails and other common activities requiring the focus of hands and eyes. While the law does allow for texting if a vehicle has come to a complete stop, such as pulling over to the side of the road or stopping at a traffic light, some have argued that this inclusion encourages the dangerous activity when the car resumes driving.

While mandating that a driver's focus be on the road at all times, the law does permit other functions on mobile devices such as music, GPS features and voice calls. The law encourages drivers to be aware of all risks related to operating a vehicle and penalizes those who do not factor

the consequences into their habits. Tickets for texting are not as expensive as other traffic violations, but as a moving violation it does add points to your driver's license which can cost you a whole lot more in insurance premiums.

Many opponents of the new law are actually arguing that it doesn't go far enough to deter texting. It remains to be seen whether future laws will add more harsh fines or penalties to the act; however, a substantial deterrent is needed to definitively stop phone use from any driver while their vehicle is in motion. While you might imagine that a quick glimpse is all the average driver will risk, in actuality there are frequent cases of internet searching, watching videos or even typing full emails while behind the wheel.

The National Highway Traffic Safety Administration reported that driver distraction in 2010 was the cause of 18 percent of all fatal crashes. The study revealed that 3,092 people were killed and an additional 416,000 people were injured that year alone, with trends forecasting the rates to continue rising. In Florida last year, over 4,500 accidents were caused by people being distracted on their cell phones or similar devices.

Would you change your habits if given the caution that a preventable, even voluntary activity would contribute overwhelmingly to the likelihood of your injury or death? A quick glance of the roadway during your daily commute may reveal that, despite the statistical dangers, more of your fellow drivers are texting than ever before.

Whether you or someone you love are suffering from injuries or mourning a death, it is obviously that we need to turn the spotlight and focus on what we can all do about the dangers of texting while operating a vehicle.

The Federal Government launched a website, [www.distraction.gov](http://www.distraction.gov), dedicated to eliminating driving distractions. Accident victims having any questions about how to proceed in the event of accident damage or injury are encouraged to speak with an attorney. Legal professionals that specialize in prosecuting automobile accident claims are best prepared to advise drivers on their legal concerns and ultimately make sure your rights are protected.

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