



Legislation Text

File #: Res 1641-2008, **Version:** *

Res. No. 1641

Resolution calling upon the New York State Legislature to pass Assembly Bill A7299-B and Senate Bill S3195-C, which would prohibit the writing, sending, or reading of text messages on a hand-held mobile telephone or mobile wireless device while driving.

By Council Members Baez, Brewer, Fidler, Weprin, James, Liu, Mark-Viverito, Nelson, Palma, Sanders Jr., Seabrook, Sears, White Jr., Gerson, and Lappin

Whereas, Many studies have shown that using hand-held cell phones while driving can be hazardous and is a common driver distraction; and

Whereas, According to an article on January 2, 2008 from The University of Utah's online newspaper, *U News Center*, the university's recent study on driving and cell phone use revealed that cell phone users were 5.36 times more likely to get in an accident than undistracted drivers and that drivers talking on cell phones are as *impaired* as drivers with the 0.08 percent blood alcohol level that defines drunken driving in most states; and

Whereas, Concern over the increasing use of cell phones while driving has prompted a few states to implement laws that ban or restrict cell phone use while driving, but the practice of text messaging while driving is emerging as a serious problem; and

Whereas, *The New York Times* reported that in the summer of 2007, five teenage girls died in a vehicular crash in upstate New York and the police investigation revealed that the teenage driver had been text messaging at the time of the fatal accident, which led to the driver losing control of the wheel and colliding into a tractor-trailer; and

Whereas, In 2007, Student Against Destructive Decisions (SADD) and Liberty Mutual Group conducted a joint research study that revealed that 37 percent of the 900 teens surveyed across the nation rated text messaging as the most distracting activity while driving; and

Whereas, A May 2008 Nationwide Mutual Insurance survey of approximately 1,500 drivers revealed that 40 percent of the teenagers and young adults surveyed admitted that they send and receive text messages while driving; and

Whereas, According to a June 2008 statement by the Insurance Information Institute, the dangers associated with driving and cell phone use, including text messaging, involve the common reality that drivers, generally, must take their eyes off the road while dialing or texting and their ability to concentrate on the act of driving while dialing or texting is severely impaired, thereby jeopardizing the safety of vehicle occupants and pedestrians; and

Whereas, Although there is no available data on how many vehicular crashes are related specifically to text messaging, there is a growing national concern regarding the dangers of text message related crashes based on the increasing number of high-profile vehicular accidents being reported in the news involving this practice; and

Whereas, Indeed, according to a *Time.com* article on June 25, 2008, texting while driving has been cited as a likely factor in fatal accidents across the nation; and

Whereas, To curtail this growing trend, Alaska, Louisiana, Minnesota, New Jersey and Washington have already taken the lead by banning text messaging while driving and more than 20 additional states, including New York, are considering legislation that would outlaw or at least restrict such practice, according to *Time.com*; and

Whereas, According to a press release on May 14, 2008 from legislator Jay Schneiderman, Suffolk County has passed a local law that bans text messaging while driving; and

Whereas, Westchester County also passed a bill to ban text messaging while driving, on September 8, 2008; and

Whereas, A7299-B, sponsored by Assembly Member Felix Ortiz and S3195-C, sponsored by Senator Carl Marcellino, prohibit the writing, sending or reading of text messages on a hand-held mobile telephone or

mobile wireless device while driving; and

Whereas, As a deterrent to unsafe driving behavior, it is imperative that the New York State Legislature adopt a bill that would ban motorists from activities related to text messaging while operating a moving vehicle; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass Assembly Bill A7299-B and Senate Bill S3195-C, which would prohibit the writing, sending, or reading of text messages on a hand-held mobile telephone or mobile wireless device while driving.

TC
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