

# Don't Text and Drive!

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*Our civil trial attorneys represent victims and their families against corporate giants and insurance companies in serious injury and wrongful death cases.*

## The Perils of Texting and Driving

I have an 18 year old daughter and Mr. Hawthorne has a 17 year old son and a 15 year old daughter. Like most teenagers today, they all have cell phones. [Approximately 4 out of every 5 U.S. teens carry a cell phone.] It may be a minor exaggeration, but when they are not asleep – they are texting. Literally thousands of texts per month.

My daughter and Mr. Hawthorne’s son are both licensed drivers. As a part of their “Driving Contracts” with us – they are not allowed to use the cell phone when driving. Included in the driving contract is: absolutely no talking on the phone; no checking the phone to see who’s calling; and definitely no TWD – *texting while driving*.

The number one cause of traffic accidents in the U.S. is driver distraction. In the past, driver distraction meant changing the radio station or trying to eat a Big Mac and not spill the special sauce while driving around I-285. No one can argue that cell phones have become immensely popular.

According to the [CTIA](#) wireless association, an amazing 250-million Americans are now subscribers to some sort of cell phone plan. That’s an amazing 82.4 percent of the U.S. population. With the increased use, cell phones have become a major source of driver inattention and cause of automobile accidents. A few years back, I represented an accident victim who was seriously injured when a teenage driver looked down to check her cell phone to see who was calling and broadsided our client.

Today, texting has become the preferred method of communication between many cell phone users, especially teenagers. According to a Nielsen report, “The average U.S. mobile teen now sends or receives an average of 2,899 text messages per month.” SADD (Students Against Destructive Decisions) states that recent teen driving tragedies involving text messaging is as prevalent as drinking and driving in terms of inhibiting the driving ability of teens.

In a national survey of more than 900 teen drivers from



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26 high schools, teens rated the following behavior or activities as extremely of very distracting:

- Instant or text messaging while driving - 37 percent
- The teen driver's emotional state - 20 percent
- Having several friends in the car - 19 percent
- Talking on a cell phone - 14 percent
- Eating or drinking - 7 percent
- Having a friend in the car - 5 percent
- Listening to music - 4 percent

Let’s be clear, it is not only teens who text and drive. A recent study by the Virginia Tech Transportation Institute found that truck drivers who were texting were 23



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## Perils, cont.

times more at risk of a “crash or near crash” than the nondistracted driver. As reported by CNET’s Jennifer Gurvin, the study also reveals that “texting took a driver’s focus away from the road for an average of 4.6 seconds – enough time...to travel the length of a football field at 55 m.p.h.”

A stimulator study by Clemson University found that “text messaging and using iPods caused drivers to leave their lanes 10 percent more often.” Paul Green, a research professor at The University of Michigan Transportation Research Institute, who has done a decade of study on driver distractions states, “it’s a very clear problem. We don’t have exact statistics yet, we have enough information to say that texting shouldn’t be permitted while driving.”

The consensus is that teens are at the greatest risk. Over fifty percent of children own their own personal cell phones. AAA and Seventeen magazine 2007 conducted a study which showed that “61 percent of teens admit to risky driving habits and that forty-six percent of the 61 percent say that they text message while driving.

### Should it be against the law to text and drive?

Eighteen states and the District of Columbia now ban text messaging for all drivers. Nine other states have laws banning texting while driving for “novice drivers.”

Novice drivers are typically those drivers under the age of 18 or 21 (depending on the state) and drivers with recent permits.

As you may note by the list below, Georgia is not included among the 27 states with laws either banning texting all together or banning novice drivers. Georgia, currently, only prohibits use of cell phones by school bus drivers when passengers are present. The Georgia statute specifically states, “*The driver of a school bus shall not use or operate a cellular telephone or two-way radio while loading or unloading passengers.*” The law also states, “*The driver of a school bus shall not use or operate a cellular telephone while the bus is in motion.*”

Just this year, the Georgia legislature attempted to ban the use of cell phones for drivers under the age of 18. On March 12, 2009, the Georgia House approved a bill (HB23) which would prohibit drivers under 18 from using wireless devices such as cell phones and texting units. Though the bill passed in the House by a vote of 138-34, the bill did not pass in the State Senate. The bill with such a strong showing in the House, it is likely to be re-introduced in the 2010 session.

### Where do you stand?

Do you think that Georgia should ban texting while driving? Do you think that Georgia should ban all cell

phone use? Do you feel that teenagers should be prohibited from using a cell phone while driving?

Let us know your thoughts:  
Email us at:  
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