2009 HOUSE TRANSPORTATION

HB 1208

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1208

House Transportation Committee

Check here for Conference Committee

Hearing Date: 01/22/09

Recorder Job Number: 7563

Committee Clerk Signature

Minutes:

Chairman Ruby opened the hearing on HB 1208.

Representative Larry Klemin, District 47 in Bismarck introduced HB 1208 to address a serious safety problem that is growing significantly across the country. This bill addresses "DWT", or driving while texting. This bill is modeled after a law in Minnesota. Section 4 prohibits the use of a wireless communication device for sending electronic messages. An electronic message is defined to include an e-mail, a text message, an instant message, or internet surfing. It does not include other data such as a phone call. Subsection 3 defines the exceptions to this prohibition. It doesn't apply if it is a voice activated device or in hands free mode. It does not apply to making a cellular phone call while you are driving, when needing emergency assistance, when reporting a traffic accident, when needing medical assistance, to prevent a crime, or to authorized emergency vehicles. Subsection 4 is not a part of Minnesota law. It is an additional penalty that provides for a suspension of a driver's license for a third or subsequent violation of this prohibition for a period of one year. Page 1 lists the rest of the penalties for a violation for this section. Each section of the bill was briefly reviewed. This bill would apply to text messaging through a cell phone, e-mailing on a laptop computer with a cellular card, surfing the internet on a computer, or using a blackberry or palm trio device. The

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law that is proposed by HB 1208 is now in effect in seven states and in the District of Columbia. Attachment #1 was discussed which shows "State Cell Phone Driving Laws". Many other states are also considering this type of law that prohibits texting while driving. The National Conference of State Legislatures published a "Legisbrief" which addresses the new trend of texting while driving. See attachment #2. This brief provides statistics on the amount of texting that is being done and the safety concerns that it presents. Attachment #3a provides statistics from a report on "Consumer Text Messaging Habits" which is the results of a survey done by Vingo Corporation. The report was based on a survey of nearly 5,000 US consumers that aimed to understand how, when, and why consumers use text messaging. Twenty-eight percent of consumers admit to driving while texting. It states that twenty-three states are considering banning driving while texting. A complete report was provided. See attachment #3b. On January 12, 2009 the National Safety Council called for a nationwide ban on cell phone use while driving. See attachment #4. This article believes that this is a very serious problem. Not only texting, but cell phone usage is extremely dangerous and puts drivers at a four times greater risk of a crash. HB 1208 only prohibits texting while driving, not using a cell phone. The National Safety Council has also published a "Cell Phone Use While Driving Fact Sheet". See attachment #5. Attachments # 6-11 are articles and reports that describe accidents that are attributable to drivers that were texting while driving. One of these reports gathered data that verified that texting is worse than driving while drinking or doing drugs. Representative Klemin pointed out that in Minnesota the penalty is up to a \$300 fine. This bill does not have a penalty that high, but is modeled on Minnesota law.

Representative Griffin: I understand that texting is a driving distraction, but how do you think this will actually be enforced by law enforcement? Will they be able to tell the difference

between someone who just has the phone in their hand to make a call and someone who is texting?

Representative Klemin: I think if you see it, you can tell the difference. If a driver is stopped for texting and claims that they were not texting, then the records from the cell phone company can be subpoenaed to prove what was happening at the time before the arrest.

Representative Gruchalla: How many points are added for a third violation?

Representative Klemin: A third violation would be an additional four points above what has already been given.

Representative Weiler: Have any other states included i-pods in their bills?

Representative Klemin: I don't know if they have been included or not.

Representative Weiler: From personal knowledge I would say that they are every bit as dangerous as texting.

Representative Weiler indicated that he had discussed texting while driving with his sixteen year old daughter. She showed him that she could text without looking. He is not condoning texting while driving, but just pointing out that this is the way that our kids are growing up.

Representative Thorpe: I can't believe that your daughter doesn't have to look to READ a text

Representative Weiler: That is a good point.

message.

Chairman Ruby: Does this bill apply to all drivers, not just teen drivers?

Representative Klemin: That is exactly correct.

Chairman Ruby: Is there any discussion about beefing up the penalties for inattentive driving? (i-pods, eating, messing with the stereo). I feel that this bill is rather narrowly focused to devices that send and receive messages. Does it apply to navigational devices?

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Representative Klemin: The officer could also charge someone with reckless driving for some of the other distractions. There seems to be a high number of fatalities that directly related to driving while texting, and we need to address this subject directly.

Chairman Ruby reviewed the penalties listed in the bill.

Representative Klemin: If the committee thinks the penalties are a concern, there wouldn't be a problem with looking at them and making some changes.

Representative Delmore: I understand that enforcement of this law might not be so bad in the city. But, if I am driving down the interstate at seventy-five miles per hour, I'm not sure that law enforcement people are going to be able to see inside my vehicle to enforce this law. Is this an after the case bill for law enforcement, where they can check my cell phone afterwards?

Representative Klemin: You raise a good point. This is both a before and after type of bill. It could be used in the case of an accident. If law enforcement actually sees someone texting, then it can be applied as well.

Representative Delmore: Would the officer need probable cause to find out whether a driver was texting? Can anyone just call the cell phone company without a reason and check the records?

Representative Klemin: They probably need probable cause. I should note that this is being done right now in civil cases. If there is a car accident that results in injury or property damage in a civil case and there is a law suit. The cell phone records can be subpoenaed and used as evidence. Examples were cited.

Representative R. Kelsch made the statement that she had recently been in a car accident.

She had her cell phone in her hand when she got out of the car, so she could call the police

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immediately. She stated that she doesn't feel that you can assume probable cause just because someone has a phone in their hand.

Representative Klemin: Your point is well taken.

Representative Vigesaa spoke in support of HB 1208. He explained that normally he would not support legislation that interferes with or limits personal rights. He doesn't understand how anyone can drive and text safely. He went on to explain one of the reasons that I cosponsored the bill. Representative Vigesaa spoke to his son, Greg, who is an emergency room physician in St. Paul. He asked his son about his opinion on banning texting while driving. Greg, who has witnessed the tragedy and devastation of texting while driving firsthand, feels that it is a necessity to ban texting while driving. This conversation convinced Representative Vigesaa to co-sponsor this bill. He feels that if the law will serve as a deterrent to someone that might text or save one life or serious injury, then this piece of legislation is worth it.

Representative R. Kelsch: What is the population of St. Paul?

Representative Vigesaa stated that St. Paul is considerably larger than the whole state of North Dakota. He urges a Do Pass on HB 1208.

Jay Goda, an owner of a multiline insurance agency in Bismarck, spoke in support of HB 1208. He stated that the insurance agency understands that distracted driving increases the probability of accidents that often result in property damage and bodily injury. There are many forms of distracted driving. But, this phenomena (texting while driving) seems to be growing. He thinks it is important that we address it. He feels that a Do Not Pass or a Do Pass on this legislation, would reflect whether the Legislature condones this action or not. He asks that the committee support HB 1208.

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Representative Delmore: Do you have any statistics that show that texting is a worse distraction than orakther distractions?

Jay Goda: I do not have any hard evidence at this time. It would seem to me that texting does require a period of time that you remove your eyes from the job of driving. When you add speed to the equation, you are adding more danger. When you see someone swerving on the road, you wonder if they are intoxicated. We see similar driving behavior when someone is texting.

Representative R. Kelsch asked for statistics from North Dakota about distractions causing accidents?

Jay Goda will attempt to find information that is state specific.

Adam Hamm, North Dakota Insurance Commissioner, voiced his support of HB 1208. He feels that this bill is a legitimate government restriction aimed at driver distraction and making our roads safer.

Representative Griffin: Are there statistics that show a decrease in accidents in the states that have passed this bill?

Adam Hamm: I do not have that data. I could try to find it.

Representative Delmore would also be interested in seeing the statistics.

Adam Hamm: To me the issue is not whether there are other distractions while we are driving, there are. I support this legislation because to me this one (texting while driving) is particularly distracting as you drive. I admit that I have texted while I was driving. I can tell you that the distraction level is far different than other things you might do while driving. I think it is worth having government step in and restrict this.



Representative Potter, District 17 in Grand Forks, spoke in favor of HB 1208. She thinks that a law against texting will be a deterrent and change the way that things are done. I personally think that for me a law against texting would be enough for me to stop doing it.

Keith Witt, Chief of Police of the Bismarck Police Department spoke in favor of HB 1208.

Representative Griffin asked about the enforcement part of this bill, and I agree that it will be difficult to enforce, but not totally impossible. Representative Delmore asked about probable cause, and there would be a need for some probable cause to check cell phone records in the case of an accident. The 2008 data has come out, and distraction was one of the top three reasons that we had accidents in Bismarck. I think that most of North Dakota's citizens are law abiding, and if there is a law against texting many of those citizens will stop texting while driving. This may cause a decrease in accidents.

Representative Weiler: Can a police officer pull someone over for texting now?

Keith Witt: If they are causing reasonable suspicion or driving dangerously then they could pull someone over for care required, careless driving, or reckless driving.

Representative Weiler: We all agree that texting is dangerous and distracting, so why couldn't a police officer pull someone over if they just see them texting now?

Keith Witt: I don't believe an officer would because an officer would have to have reasonable suspicion that what they are doing is creating a danger at the time.

Chairman Ruby asked if there was any other support for HB 1208. There was no additional support for HB 1208. He then called for opposition for HB 1208. There was no opposition for HB 1208.

Chairman Ruby asked if there was neutral testimony for HB 1208.

Linda Butts, Deputy Director for Driver and Vehicle Services at the DOT, brought staff that was available to answer questions that came up. She will act as a resource to get the best

information in the committee's hands so they are able to make an informed decision. She stated that the North Dakota DOT is all about safety and are concerned about whether a driver is distracted for any reason. Currently there is no place for an officer to indicate whether an accident is caused by an electronic device. In March that category will be added to the crash data. This will add more information in the future. DOT also has an educational component to create awareness of distractions while using electronic devices. DOT is building a website for teens that will be available in April that addresses many topics including distracted driving.

Linda explained to Representative Gruchalla that as far as the DOT is concerned there would probably have to be some changes to the bill as far as points.

Representative Delmore questioned how the data will be collected about cell phone usage.

She voiced concerns about probable cause.

Linda Butts: Right now the date is not collected. Once the information is entered on the forms, it will change the behavior of law enforcement at the site of a crash. They will be able to subpoena the records to see if someone was texting or on a cell phone at the time of a crash.

Linda suggested that maybe an attorney would be able to answer legal questions on probable cause.

Tom Kelsch spoke on behalf of Alltel and Verizon Wireless to offer neutral testimony on HB 1208. These companies have both taken a position of not being opposed to this type of legislation, as long as there is an exception for hands-free devices. They have voiced concerns about the fines and penalties being excessive compared to penalties for other offenses.

Representative R. Kelsch asked Tom Kelsch to speak about the legal question asked by Representative Delmore in reference to probable cause.

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Tom Kelsch replied that they (the officers) probably can ask you if you are using your cell phone, but they may need to read you your rights first, since you may be incriminating yourself. Tom Balzer, North Dakota Motor Carriers, spoke in a neutral position on HB 1208. He explained that the trucking industry uses satellite communications to communicate with their drivers. The drivers have a board that they answer "yes" or "no" questions. The trucking industry has concerns that this bill will also include truckers that are reading these messages

and responding to them, and therefore be in violation of the law. He is asking the committee to

take this into consideration.

Representative Thorpe: I can see how this may impact the commercial drivers. Do you have any information that shows how other states that have passed similar legislation have handled

this?

Tom Balzer: I do not have that information, but will try to get it.

The hearing was closed on HB 1208.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1208

House Transportation Committee

☐ Check here for Conference Committee

Hearing Date: 01/22/09

Recorder Job Number: 7617

Committee Clerk Signature

Minutes:

Chairman Ruby asked the-committee to consider HB 1208.

Representative R. Kelsch moved a Do Not Pass on HB 1208.

Representative Weisz seconded the motion.

Chairman Ruby asked if the committee would like to work on the penalties on this bill.

Representative Gruchalla stated that he thought there were problems with the one year suspension, but he talked to Keith Magnusson and he said that it can be in there. It doesn't have to have the point reduction language. It is legitimate the way that it is.

Representative R. Kelsch moved a Do Not Pass because she believes that law enforcement can currently pick up a driver if their behavior is dangerous or reckless, whether the distraction is texting or something else. She feels that if the bill stated only minors it would be more acceptable.

There was additional general discussion.

The penalty does seem a little bit severe.

Chairman Ruby brought forward the crash data that showed 573 accidents because of attention distracted. It was not broken down into categories that showed how many distractions were electronic devices.

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There was additional general discussion.

Representative Potter resisted the motion because she would like to see this bill pass with lesser penalties. She feels that her constituents want this type of legislation.

Representative Gruchalla also resisted the motion. He feels that the law would help because people do things because they are required by law.

Representative Delmore stated that everyone has brought up good points, but wants to know why we are singling out one distraction. She reiterated that there are laws now that allow officers to pick someone up if they are driving distractedly.

A voice vote was taken: Aye 9 Nay 5 Absent 0

Representative Weisz will carry HB 1208.

			Date: 1-20	7-6	9
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Action Taken Do pass	Don't	Pass	☐ Amended		
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Motion Made By	<u> </u>	Se	econded By Weisz	/	
Representatives	Yes	No	Representatives	Yes	No
Representative Ruby - Chairman			Representative Delmore		
Rep.Weiler – Vice Chairman	Y		Representative Griffin	<u> </u>	
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REPORT OF STANDING COMMITTEE (410) January 22, 2009 5:51 p.m.

Module No: HR-13-0778 Carrier: Weisz Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1208: Transportation Committee (Rep. Ruby, Chairman) recommends DO NOT PASS (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1208 was placed on the Eleventh order on the calendar.

2009 TESTIMONY

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Cell Phone Driving Laws

Current state cell phone driving law highlights include the following:

Handheld Cell Phone Bans: 5 states (California, Connecticut, New Jersey, New York and Washington), the District of Columbia and the Virgin Islands have laws prohibiting driving while talking on handheld cell phones.



Learn More:
Issue Brief: Cell
Phones &
Distracted
Oriving

With the exception of Washington State, these laws are all primary enforcement—an officer may ticket a driver for using a handheld cell phone while driving without any other traffic offense taking place.

- All Cell Phone Bans: No state completely bans all types of cell phone use (handheld and hands-free) for all drivers, but many
 prohibit cell phone use by certain segments of the population.
 - Novice Drivers: 17 states and the District of Columbia ban all cell use by novice drivers.
 - School Bus Drivers: In 17 states and the District of Columbia, school bus drivers are prohibited from all cell phone use when passengers are present.
- * Text Messaging: 7 states (Alaska, California, Connecticut, Louisiana, Minnesota, New Jersey and Washington) and the District of Columbia have a text messaging ban for all drivers.
 - Novice Drivers: 9 states prohibit text messaging by novice drivers.
 - School Bus Drivers: 6 states legally restrict school bus drivers from texting while driving.
- Preemption Laws: 8 states have laws that prohibit local jurisdictions from enacting restrictions. In 6 other states, localities are allowed to ban cell phone use.
- Some states, such as Utah and New Hampshire, treat cell phone use as a larger distracted driving issue.
 - Utah considers speaking on a cellphone to be an offense only if a driver is also committing some other moving violation (other than speeding).

		All Cell	Phone Ban	To	ext Messagi	ng Ban			Pre- emption Law
State	State Handheld Ban	School Bus Drivers	Novice Drivers	All Drivers	School Bus Drivers	Novice Drivers	Enforcement	Crash Data Collected	
Alabama									
Alaska				Yes	Covered under all driver ban	Covered under all driver ban	Primary	Yes	
Arizona		Yes					Primary		
Arkansas		Yes			Yes		Primary		
California	Yes	Yes	<18	Yes	Covered under all driver ban	Covered under all driver ban	Primary	Yes	
Colorado			Learners Permit				Secondary	Yes	
Connecticut	Yes	Yes	Learners Permit and <18	Yes	Covered under all driver ban	Covered under all driver ban	Primary	Yes	
Delaware		Yes	GDL			GDL	Primary	Yes	
D.C.	Yes	Yes	Learners Permit	Yes	Covered under all driver ban	Covered under all driver ban	Primary		
Florida								Yes	Yes
Georgia		Yes					Primary	Yes	
Hawaii						· ·			
Idaho									
Illinois	By jurisdiction	Yes	<19				Primary	Yes	
Indiana								Yes	-
lowa								Yes	

Kansas			Ì	1		1		1	
Kentucky		Yes	 				Primary	1	Yes
Louisiana ¹	See footnote	Yes	See footnote	Yes	Covered under all driver ban	Covered under all driver ban	Secondary (primary for school bus)		Yes
Maine			<18			<18	Primary		
Maryland			<18 w/ Learner or Provisional License			<18 w/ Learner or Provisional License	Secondary	Yes	
Massachusetts	By jurisdiction	Yes					Primary	Yes	
Michigan ²	By jurisdiction		See footnote					Yes	
Minnesota		Yes	Learner or Provisional License for 1st 12 mos.	Yes	Covered under all driver ban	Covered under all driver ban	Primary	Yes	
Mississippi								ŀ	Yes
Missouri									
Montana		İ						Yes	
Nebraska			<18 w/ Learners or Provisional License	:		<18 w/ Learners or Provisional License	Secondary	Yes	
<u>Nevada</u>					Ĭ .			Yes	Yes
New Hampshire ³									
New Jersey	Yes	Yes	<21 w/ GDL or Provisional License	Yes	Covered under all driver ban	Covered under all driver ban	Primary	Yes	
New Mexico	By jurisdiction and in State vehicles								
New York	Yes						Primary	Yes	
North Carolina		Yes	<18		Yes	<18	Primary	Yes	
North Dakota									
Qhio	By jurisdiction								
Oklahoma								Yes	Yes
Qregon			<18 w/ Learner or Provisional License			>18 w/ Learner or Provisional License	Secondary	Yes	Yes
<u>Pennsyl</u> vanja	By jurisdiction							Yes	
Rhode Island		Yes	<18				Primary		
South Carolina									
South Dakota								Yes	
Tennessee		Yes	Learners Permit or Intermediate License				Primary	Yes	
Texas		Yes, w/ passenger	Intermediate Stage, 1st 6		Yes, w/ passenger	Intermediate Stage, 1st 6	Primary	Yes	

		≤17	mos.		≤17	mos.	<u> </u>		1
Utah ⁴	See footnote	I					Secondary	Yes	Yes
Vermont									
Yirgin Islands	Yes						No data	Yes	
Virginia		Yes	<18		Yes	<18	Secondary (primary for school bus)	Yes	
Washington	Yes			Yes	Covered under all driver ban	Covered under all driver ban	Secondary	Yes	
West Virginia			Learner or Intermediate Stage			Learner or Intermediate Stage	Secondary		
Wisconsin									
Wyoming									
Total	5 + D.C., Virgin Islands By jurisdiction:	17 + D.C.	17 + D.C.	7 + D.C.	4	9		29 + Virgin Islands	8

During the 2008 legislative assumin, Louisene peeced 3 different cellphone level addressing liver drivers. The governor signed of three, it is unclear whether both hersibeid and hands-tree phone use is prohibited, or whether only handheld phone use is benned. A 3 level prohibit text messaging.

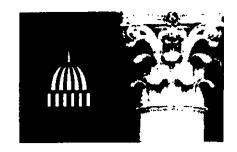
Sources: American Automobile Association (AAA), Insurance Institute for Highway Safety (IIHS) and State Highway Safety Offices. Most recently reviewed October, 2008.

² in Michigen, tenne with probationary licenses whose cell phone usage contributes to a traffic creah or ticket may not use a cell phone white driving

³ Dealt with as a detracted driving issue, New Hempshire enected a comprehensive distracted driving level

⁴ Utah's law defines careless driving as committing a moving violation (other than speeding) while distracted by use of a handheld cellphone or other activities not related to driving

Attachment #2



National Conference of State Legislatures

LEGISBRIEF

Briefing Papers on the Important Issues of the Day

JANUARY 2008

Vol. 16, No. 6

Driving While Texting: States Address a New Trend

By Matt Sundeen

Driving while texting is a new threat to traffic safety.

One poll
revealed 66
percent of 18- to
24-year-olds
drive while
texting.

The latest traffic safety concern to attract state lawmaker's attention is known as "driving while texting." It has become common practice for people to use their wireless phones or other devices to send pictures, text messages and emails. In 2006, it is estimated that the approximately 250 million wireless phone subscribers in the United States sent nearly 158 billion text messages.

Although it is nor known how many of these messages were sent or received by people who were operating moror vehicles, it is clear that driving while texting is a growing phenomenon, particularly among younger drivers. Experts believe 73 percent of witeless phone subscribers use their phones while driving. A Nationwide Insurance study estimated that 20 percent of all drivers send or receive text messages, and 66 percent of drivers between the ages of 18 and 24 confessed in a Zogby poll that they drive while texting.

Experts estimate that driver inattention is a factor in 80 percent of motor vehicle crashes and 65 percent of near crashes. This means that, each year, driver distraction is a factor in as many as 4.9 million accidents, causing 34,000 fatalities, 2.1 million injuries and as much as \$184 billion in economic loss. It is not clear, however, how many of those crashes involved texting or even cell phone use.

Texting while driving is a relatively new activity. Few studies have attempted to specifically measure the distraction caused by texting while driving, and no state has published data that specifically link texting to motor vehicle crashes. Several high-profile accidents have brought new focus to the issue, however. A teenager who was texting while driving in Highlands Ranch, Colo., killed a bicyclist in 2005. In June 2007, five members of a high school cheerleading squad were killed in New York when the young woman driving their vehicle lost control while allegedly sending a text message.

Driver focus has always been a traffic safety issue. State Driver focus, or lack thereof, has been a potential traffic safety concern since the invention of cars. Cell phone use, and particularly driving while texting, have become part of the driving environment only recently, however. Although driving while texting itself seems dangerous, state legislatures are struggling to keep pace with the rapid changes in driver behavior.

Only two states specifically prohibit driving while texting. In May 2007, Washington became the first to pass such a statute. The law, passed in conjunction with a prohibition on driver hand-held phone use, expressly forbids drivers from sending or receiving text messages while operating a motor vehicle. New Jersey lawmakers passed a similar restriction in November 2007. At least four

National Conference of State Legislatures

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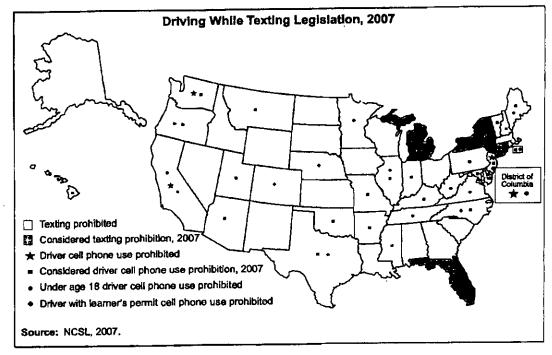
AHachment #2

other states considered similar provisions in 2007. At least one major city—Phoenix, Ariz.—also specifically prohibits driving while texting.

In addition to prohibiting use of specific cell phone functions, more general restrictions on cell phone use in the car also may effectively make driving while texting illegal. Five states—California, Connecticut, New York, New Jersey and Washington—and the District of Columbia, prohibit all drivers from using hand-held phones while operating motor vehicles. Twenty-four states considered similar restrictions in 2007.

Seventeen states and the District of Columbia restrict cell phone use by younger drivers. Two of them—California and Maine—prohibit all drivers under age 18 from using any type of wireless communication device. The remaining jurisdictions prohibit novice drivers who hold only a learner's or instructional permit from using any wireless phone while operating a motor vehicle.

Some states restrict cell phone use by young drivers.



Resource

Sundeen, Matt. Cell Phones and Highway Safety: 2006 Legislative Update. Denver: National Conference of State Legislatures, March 2007, www.ncsl.org/print/transportation/2006cellphone.pdf.

Contacts for More Information

Mart Sundeen NCSL—Denver (303) 364-7700, ext. 1539 matt.sundeen@ncsl.org NCSL Driver Focus and Technology Database www.ncsl.org/programs/transportation/ DRFOCUS.htm Attachment #3 a

FOR IMMEDIATE RELEASE

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Vlingo Issues "Consumer Text Messaging Habits" Report

Study reveals that nearly 30 percent of mobile phone users drive while texting; South Carolina, Tennessee and Georgia are the states with the worst offenders

CAMBRIDGE, MA (MAY 21, 2008) – Vlingo Corporation today issued the "Consumer Text Messaging Habits" report, based on research completed by independent research firm Common Knowledge Research Services. Based on a survey of nearly 5,000 U.S. consumers that aimed to understand how, when and why consumers use text messaging, the report revealed that texting has taken hold as a mainstream communication vehicle. The study found that 55 percent of consumers now use text messaging and 42 percent use their mobile phones to text as much or more than they do to make calls. Additionally, 28 percent of consumers admit to driving while texting (defined as emailing, instant messaging or texting). Drivers in the state of South Carolina are the worst offenders, with the highest percentage of respondents who drive while texting (DWT), while Arizona drivers boast the lowest number who text behind the wheel.

The full report can be downloaded at www.vlingo.com/habits.

Driving While Texting

Today, 23 states are considering legislation to ban driving while texting. Overall, 55 percent of respondents send text messages, and 28 percent admit to DWT. Among respondents, 78 percent believe DWT should be illegal. The report also uncovered the following:

- 85 percent of respondents say they would not DWT if it were illegal.
- 78 percent of all surveyed think DWT should be illegal.
- 85 percent of teens and young adults (those 13-29) send text messages, and just over 50 percent of those ages 16-29 admit to DWT.

"In this data what we see is an approaching tidal wave of a public policy and safety issue," said Dave Grannan, CEO of vlingo. "Text messaging has become an integral part of how younger generations communicate, and right now their behavior and attitudes suggest that 50 percent will be driving and texting. This problem is only going to get worse and we need to develop public policies and technologies to address this challenge."

States with the Most and Least TWD Offenders

The report compared driving while texting habits on a state-by-state basis. South Carolina texters have the worst record, with 40 claiming to DWT and Arizona has the best record with just 17 percent of respondents admitting to DWT. The five states with the highest percentage of respondents who admit to DWT are:

Attachment#3a

- 1. South Carolina (worst record)
- 2. Tennessee
- 3. Georgia
- 4. Maryland
- 5. Louisiana

The five states with the lowest percentage of respondents who DWT are:

- 1. Arizona (best record)
- 2. Maine
- 3. Vermont
- 4. New Hampshire
- 5. Delaware

Overall Text Messaging Usage Trends

The study showed that 55 percent of consumers use their mobile phones to text message. Moreover, 42 percent report that they use their mobile phones equally or more for texting than making phones calls. Teens (ages 13-19) and young adults (ages 20-29) are the most inclined to use text messaging, each with 85 percent currently using texting to some extent. Yet teens are the most active users with:

- 34 percent sending 500 or more texts each month.
- 65 percent saying an inability to send text messages would have a negative impact on their lives.
- 64 percent texting more than they call.

What's Holding Back Usage?

Of the 45 percent of respondents who do not text, the top reasons included the following (respondents could select more than one reason):

- 44 percent cite expense as the gating factor.
- 40 percent say it takes too much time.
- 30 percent say it's too difficult to type on a mobile phone.

Nearly 90 percent of respondents use the standard 12 numeric keys as their mobile phone interfaces.

Methodology

Responses were generated from a survey among 4,820 online opinion panel members (age 13 or older) living in the continental United States. The sample was matched to U.S. Census proportions on gender, age and ethnicity and included approximately 100 respondents from each of the 48 contiguous U.S. states. Respondents were also screened for mobile phone ownership and usage. The survey bears a statistical accuracy of +/- 1.41% for the total sample at the 95% confidence level.

About vlingo

Vlingo is a voice-powered user interface that unlocks access to mobile phone wireless data services. Vlingo allows users to speak or type into any vlingo-enabled text box and get accurate, easy and consistent access to all the information, entertainment and communication made possible through today's mobile applications. By giving consumers control of the mobile Internet with the power of their voices, vlingo provides a quantum leap in usability for mobile data services that are currently restricted by limited user interfaces. IDC has named vlingo one of the "Ten Emerging Mobile Players to Watch in 2008." The company secured its venture capital financing from Charles River Ventures, Sigma Partners and Yahoo! Inc. Founded in 2006, vlingo is headquartered in Cambridge, Massachusetts. Why tap when you can talk? www.vlingo.com.

+1B 1208

Text messaging Habits

A Report Presented by vlingo Corporation:

vlinge

The Consumer Text Messaging Habits survey aimed to understand the attitudes and activities surrounding the use of text messaging by mobile phone users in the United States. Conducted in the first quarter of 2008, the survey looked at consumer text messaging habits, including: how and when consumers use text messaging, what is preventing more consumer usage, and attitudes and behaviors related to Drive While Texting (DWT). Responses were generated from 4,820 people living in the continental United States. The survey was commissioned by vlingo Corporation and administered independently by Common Knowledge Research Services, a market research firm. The survey bears a statistical accuracy of +/- 1.41% for the total sample at the 95% confidence level.

Executive Summary: Text Messaging Entering the Mainstream

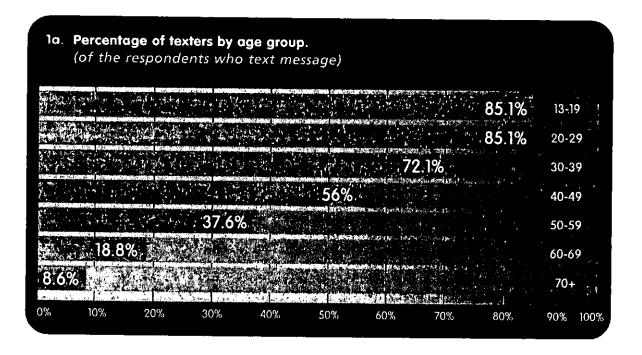
The Consumer Text Messaging Habits survey reveals that text messaging has taken hold as a mainstream communication method among consumers. While teenagers represent the most active users of text messaging, adults are turning to texting in large numbers. In fact, the study found that the majority of all mobile phone users now use text messaging. Not surprisingly, age plays a major role in how often and under what circumstances consumers text.

- Text messaging is no longer just for teens. Teens (ages 13-19) continue to be the most active users of text messaging with 85% reporting that they text. However, young adults (ages 20-29) show equal enthusiasm for texting, with 85% also reporting use of text messaging. Across the generations, 55% of all mobile phone users report that they send text messages, demonstrating that texting is becoming a mainstream communication vehicle for mobile phone users of all ages. In fact, 42% of all respondents use their phones to text equally or more than to make phone calls.
- Use of text messaging continues to boom among teens. Among mobile phone users between
 the ages of 13 and 19, 34% send 500+ text messages per month. Meanwhile, 64% rely on their
 mobile phones more for texting than for making phone calls. The vast majority of teens (66%)
 believe that an inability to text would have a negative impact on their lives.
- Driving while texting (including sending email, text and instant messages) is generally frowned upon, yet many consumers admit to doing it. Approximately 28% of mobile phone users admit to driving while texting. This number jumps considerably for younger generations with 52% of respondents, ages 20 to 29, reporting that they text while behind the wheel, and 50% of teenagers admitting to DWT. As 23 states are considering legislation to ban texting while driving, the study revealed public support with 78% of respondents believing it should be illegal. Importantly, more than 85% of respondents say they would not DWT if it were illegal.
- Tiny key pads, the slow and tedious nature of typing text messages, and high costs are the barriers to increased usage of text messaging. Of the 45% of consumers who do not use their phones to text message, 30% say it is because typing words on a phone is too difficult; 40% say it is because it takes too much time; and 44% say it's too expensive.
- Voice-enabled texting would increase usage. Almost half of respondents (48%) said they would send more text messages if they could speak into their phones and have their voices translated to text. This ability was so valuable to respondents, that 64% were willing to pay for the service.

Survey Results

Following are answers to the majority of questions asked in the survey of mobile phone users.

1.	Do you use your phone to text message?	
	Yes	54.7%
	No	45.3%



2. Approximately how many text messages do you send per month? (of the respondents who text message)					
Less than 25	41.7%				
25-100	28%				
101-250	12.1%				
251-500	9.4%				
501-1000	4.6%				
More than 1000	4.1%				

2a. Number (of the i		text mess			оир.		
	13-19	20-29	30-39	40-49	50-59	60-69	70+
Less than 25	17.6%	28.1%	40.0%	48.3%	64.8%	79.0%	72.2%
25 - 100	18.9%	29.8%	28.7%	30.4%	25.5%	17.0%	22.2%
101 - 250	10.8%	13.9%	15.5%	11.0%	6.6%	3.0%	2.8%
251 - 500	18.2%	14.4%	8.4%	6.8%	3.1%	1.0%	2.8%
501 - 1000	12.8%	7.7%	4.3%	2.3%			
More than 1000	21.6%	6.1%	3.1%	1.2%			

3. With whom do you text message most often? (of the respondents who text message)						
Spouse/Partner	41.6%					
Friends	34.3%					
Children	12.8%					
Siblings	4.8%					
Co-workers	2.6%					
Other	2.2%					
Parents	1.7%					

3a. With whom do you text most often, broken down by age group. (of the respondents who text message)								
	13-19	20-29	30-39	40-49	50-59	60-69	70+	
Spouse/Partner	23.0%	44.7%	50.2%	39.3%	31.4%	34.0%	19.4%	
Friends	72.3%	43.4%	31.1%	25.7%	23.8%	17.0%	19.4%	
Siblings	1.4%	5.9%	5.2%	3.0%	5.5%	8.0%	2.8%	
Parents	2.0%	3.1%	1.8%	0.5%	0.7%			
Children		0.8%	6.3%	23.0%	35.2%	34.0%	50.0%	
Co-workers		1.4%	2.9%	5.7%	1.0%			
Other	1.4%	0.7%	2.5%	2.8%	2.4%	7.0%	8.3%	

4. If you do not text, why not? (of respondents who do not text—respondents could select more than one option)

29.9% Typing words on a phone is too difficult

15.6% That know how

44.1% It's too expensive

40.2% It takes too much time

28% No one I know uses text messaging

13.7% Other

0% 10% 20% 30% 40% 50% 60% 70% 80% 90% 100%

5. Do you send more text messages than make phone calls? (of the respondents who text message)					
Yes	25.7%				
No	58.4%				
l do each equally	15.9%				

5a. Do you : (of the		re text m lent who					gender	and age	e)
	Male	Female	13-19	20-29	30-39	40-49	50-59	60-69	70+
Yes	23.4%	27.8%	63.5%	33.0%	25.1%	17.6%	12.4%	7.0%	13.9%
No	61.2%	55.9%	24.3%	45.3%	59.1%	67.8%	76.9%	89.0%	80.6%
I do each equally	15.4%	16.4%	12.2%	21.7%	15.8%	14.6%	10.7%	4.0%	5.6%

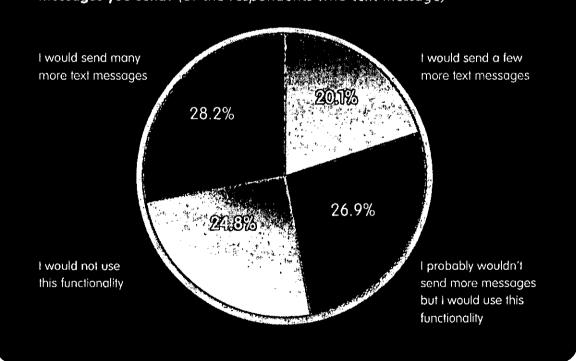
6. If you were unable to send text messages on your mobile phone, would it have a negative impact on your life? (of the respondents who text message)

Yes	34.6%
No	65.4%

6a. If you were unable to send text messages on your mobile phone, would it have a negative impact on your life? (of the respondents who text message, broken down by gender and age)

	13-19	20-29	30-39	40-49	50-59	60-69	70+
Yes	65.5%	44.0%	33.1%	27.3%	21.7%	12.0%	22.2%
No	34.5%	56.0%	66.9%	72.7%	78.3%	88.0%	77.8%

7. If you were able to speak into your phone and have your words translated into the body of a text message, how would this affect the amount of text messages you send? (of the respondents who text message)



8. How often do you text, instant message (IM) or email while driving? (of the respondents who text message)

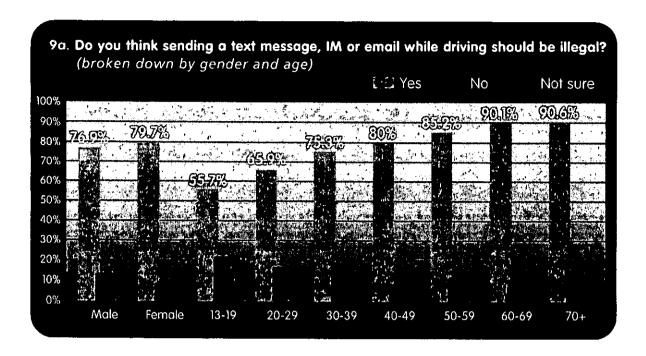
Less than once a day	12.8%	
Once a day	5.8%	
Two to ten times a day	8%	
More than ten times a day	1.5%	
Never	71.9%	

8a. How often do you text, IM or email while driving? (of the respondents who text message, broken down by gender and age)

	Male	Femal e	13-19	20-29	30-39	40-49	50-59	60-69	70+
Less than once a day	12.0%	13.6%	17.2%	20.4%	17.0%	13.5%	6.7%	5.8%	3.1%
Once a day	6.0%	5.7%	10.9%	12.3%	7.9%	4.6%	2.2%	1.1%	0.5%
Two to ten times a day	9.4%	6.6%	13.8%	16.3%	9.5%	8.3%	3.2%	0.9%	0.7%
More than ten times a day	2.0%	1.1%	8.0%	2.9%	2.2%	0.9%	0.1%		0.2%
Never	70.6%	73.0%	50.0%	48.2%	63.3%	72.8%	87.7%	92.1%	95.4%

9. Do you think sending a text message, IM or email while driving should be illegal?

Yes	78.4%
No	10.9%
Not sure	10.7%



10. Would you send text, IM or email messages while driving if it were made illeg							
Yes	8%						
No	85%						
Not sure	7%						

11. If you could speak text, IM or email messages by voice and have your incoming text messages read to you, would you do so while driving instead of typing/reading?

Yes, always	23%
Yes, sometimes	38.4%
Never	38.6%

12. What kind of keypad do you have on your phone? (a small number of respondents own more than one type of phone)

12 numeric keys	88.9%			
Full alphabet keypad Qwerty (including Blackberry, Treos, etc)	10.7%			
Touch screen (iPhone)	2.8%			
Two extra keypad columns SureType (Blackberry Pearl, etc)	1.3%			
Other	0.8%			

Regional Results

Following are the contiguous U.S. states ranked by percentage of respondents who admit to driving while texting (beginning with the state with the smallest population of consumers who DWT).

1.	ΑZ	17%	13.	FL	25%	25.	WV	27%	37 .	CO	32%
2.	WE	19%	14.	KS	25%	26.	AL	28%	38.	KY	33%
3.	VT	20%	15.	SD	25%	27.	MT	28%	39.	NJ	33%
4.	DE	21%	16.	CT	26%	28.	ND	29%	40.	CA	34%
5.	ИН	21%	17.	ID	26%	29.	WA	29%	41.	IL	34%
6.	MS	21.8%	18.	NM	26%	30.	MN	30%	42.	PA	35%
7.	NY	22%	19.	NV	26%	31.	ОН	30%	43.	VA	35.60%
8.	RI	22%	20.	WI	26%	32.	OK	30%	44.	LA	36%
9.	NE	22.80%	21.	WY	26%	33.	OR	30%	45.	MD	36%
10.	N	24%	22.	AR	26.30%	34.	IA	31%	46.	GA	37%
11.	NC	24%	23,	MA	27%	35.	MO	31.70%	47.	TN	38%
12.	MI	24.80%	24.	UT	27%	36.	TX	31.70%	48.	SC	40%

Methodology

Responses were generated from a self-administered Web-based survey among 4,820 online opinion panel members (age 13 or older) living in the continental United States. The sample was matched to U.S. Census proportions on gender, age and ethnicity and included approximately 100 respondents from each of the 48 contiguous U.S. states. Respondents were also screened for mobile phone ownership and usage.

The survey was commissioned by vlingo Corporation and administered by independent research firm, Common Knowledge Research Services during the first quarter of 2008. The survey bears a statistical accuracy of +/- 1.41% for the total sample at the 95% confidence level.

More Information

Survey results broken out by demographic or carrier information can be requested by contacting survey@vlingo.com.

About vlingo

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Why tap when you can talk?

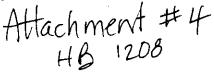




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Related Links

NSC Distracted Driving

National Safety Council Calls for Nationwide Ban on Cell Phone Use While Driving

Bold Plan Seeks to Involve Law Makers, Businesses and Public

Itasca, III. - The National Safety Council today is calling on motorists to stop using cell phones and messaging devices while driving, and is urging businesses to enact policies prohibiting it and governors and legislators in all 50 states and the District of Columbia to pass laws banning the behavior.

"Studies show that driving while talking on a cell phone is extremely dangerous and puts drivers at a four times greater risk of a crash," said Janet Froetscher, president and CEO of the NSC. "Driving drunk is also dangerous and against the law. When our friends have been drinking, we take the car keys away. It's time to take the cell phone away."

A study from the Harvard Center of Risk Analysis estimates that cell phone use while driving contributes to 6 percent of crashes, which equates to 636,000 crashes, 330,000 injuries, 12,000 serious injuries and 2,600 deaths each year. The study also put the annual financial toll of cell phone-related crashes at \$43 billion.

Taiking on a cell phone may be less distracting than some other activities people may engage in while driving, but the use of cell phones and texting devices is much more pervasive, making it more dangerous overall, Froetscher said. The NSC also points to studies from researchers at the University of Utah that show that hands-free devices do not make cell phone calls while driving safe. Another study demonstrates that taiking to passengers, as opposed to taiking on a cell phone, actually makes adult drivers safer, because passengers help alert drivers to potential driving risks.

"When you're on a call, even if both hands are on the wheel, your head is in the call, and not on your driving," Froetscher said. "Unlike the passenger sitting next to you, the person on the other end of the call is oblivious to your driving conditions. The passenger provides another pair of eyes on the road."

A significant amount of vehicular cell phone use is done on the job. Many businesses have already acknowledged the injuries and costs associated with this behavior by adopting policies that ban cell phone use by employees on the roads. Among NSC member businesses that responded to a survey, 45 percent said they have company policies prohibiting on-road cell phone use. Of those, 85 percent said the policies make no difference in business productivity.

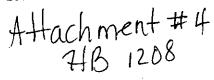
"Anyone with a busy job knows the temptation to multi-task and stay in touch with the office while driving," Froetscher said. "Belleve me, I've been there. I didn't realize how much risk I was taking. Most people don't. Employers understand how dangerous the behavior is and their potential liability. We are asking all businesses to join us by adopting policies banning calling and texting while driving on the job."

Froetscher is sending letters this week to all governors and state legislative leaders, encouraging them to adopt statewide bans. She acknowledged that achieving and enforcing bans in all states will be a challenge, but she said the NSC has successfully faced similar challenges in the past, such as seatbelt enforcement.

"It may be hard for some people to imagine how certain laws, such as those concerning drunk driving, teen driving, seatbelt use and booster seats, can be enforced by observation alone," Froetscher said. "Smart people in law enforcement get together to address such issues. They develop creative and successful measures to identify violators, such as high-visibility enforcement strategies."

The NSC will take a three-fold approach to leading change: advocating legislation; educating the public and businesses about the risk of cell phone use while driving; and supplementing distracted driving content in its training of 1.5 million people annually in defensive driving.

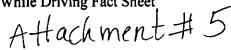
"The change we are looking for, to stop cell phone use while driving, won't happen overnight. There will be a day, however, when we look back and wonder how we could have been so reckless with our cell phones and texting devices," Froetscher said.



A fact sheet, data resources and other information concerning cell phone use while driving are available on the NSC website, at <u>distracted driving.nsc.org</u>

The National Safety Council (www.nsc.org) saves lives by preventing injuries and deaths at work, in homes, communities and on the road, through leadership, research, education and advocacy.

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Cell Phone Use While Driving Fact Sheet

- Using cell phones while driving is a very high risk behavior with significant impact on crashes and society. More than 50 peer-reviewed scientific studies have identified the risks associated with cell phone use while driving.
- Drivers who use cell phones are four times more likely to be in a crash while using a
 cell phone. (1997 New England Journal of Medicine examination of hospital records
 and 2005 Insurance Institute for Highway Safety study linking crashes to cell phone
 records).
- There is no difference in the cognitive distraction between hand-held and hands-free devices. (Simulator studies at the U. of Utah.)
- Cell phone use contributes to an estimated 6 percent of all crashes, which equates to 636,000 crashes, 330,000 injuries, 12,000 serious injuries and 2,600 deaths each year. (Harvard Center of Risk Analysis).
- 80 percent of crashes are related to driver inattention. There are certain activities that
 may be more dangerous than talking on a cell phone. However, cell phone use occurs
 more frequently and for longer durations than other, riskier behaviors. Thus, the #1
 source of driver inattention is cell phones. (Virginia Tech 100-car study for NHTSA)
- It is estimated that more than 100 million people use cell phones while driving. (CTIA
 - The Wireless Association reports 270 million cell phone subscribers. A Nationwide
 Insurance public opinion poll showed 81 percent of the public admit to talking on a cell
 phone while driving).
- The annual cost of crashes caused by cell phone use is estimated to be \$43 billion (Harvard Center for Risk Analysis).
- Talking to a passenger while driving is significantly safer than talking on a cell phone.
 (University of Utah)
- Many businesses understand the risk and are already taking action. Among NSC members that responded to a survey, 45 percent (651 of 1453 respondents) said their companies had a cell phone policy of some kind. Of those, 22 percent said they reengineered their processes to accommodate the policy and 85 percent said the policy did not affect productivity.

Other Resources

These organizations offer additional research and other information on distracted driving and related issues;

- Nationwide Insurance ®
- National Highway Traffic Safety Administration (NHTSA)
- National Transportation
 Safety Board (NTSB)
- U.S. Department of Transportation
- American Medical Association Policy: texting while driving is a public health risk

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A Hach ment #6 HB 1208 Kentucky Police Aim to Stop Driving While Texting

Posted: January 1st, 2009 09:37 AM GMT-05:00

Burton Speakman, The Daily News, Bowling Green, Ky.

Bowling Green Daily News (Kentucky)

Dec. 31--Texting and driving can be a dangerous combination -- any attention removed from the road increases the chance of a crash, said Officer Barry Pruitt, spokesman for the Bowling Green Police Department.



While the department does not compile statistics on how many accidents can be attributed to texting while driving, "police officers are worried about a new driving impairment -- DWT (driving while texting)," Pruitt said.

"The average driver in town travels about 51 feet per second at 35 mph," he said. "Even a second of distraction looking away from the vehicle could be disastrous."

The police department set up a course Tuesday that included a serpentine turn and a quick reaction simulation to show the impact of driving while text messaging. During the reaction simulation, drivers were told to swerve left or right to avoid a cone that represented a child running into the middle of the road.

The course was set up to allow members of the media and others to attempt to drive the course without hitting any of the cones while texting a complete sentence on a cell phone.

Only one of several people who attempted the course was able to go through even one round without hitting a cone while text messaging. Even in that instance, the driver was focused on driving and couldn't type a clear text message.

"The course was designed tight because most people are going to be driving at higher speeds in public," Pruitt said.

Dave Weisbrodt, safety and risk manager for the city of Bowling Green, was one of the drivers. He said it was impossible to drive safely while text messaging.

"I teach a class and when I ask how many people text message while driving, at least 20 percent raise their hands," he said. "I wouldn't imagine it could be that high."

The course is taught to city employees, Weisbrodt said.

Studies have shown that driving while talking on a cell phone is the equivalent in loss of reaction time similar to having a .08 percent blood alcohol content, he said. Kentucky's legal limit is a .08.

"The idea of texting while driving is ludicrous," Weisbrodt said.

City employees have been told they are prohibited from sending text messages while driving, he said.

Those who participated in Tuesday's exercise did better than the average person who text messages while driving because they were focusing much more on driving than sending text messages, Pruitt said.

Typically, a driver will take his eyes completely off the road to send a message and will focus more on the text he's trying to send than on his driving, he said.

To see more of the Bowling Green Daily News, or to subscribe to the newspaper, go to http://www.bgdailynews.com. Copyright (c) 2008, The Daily News, Bowling Green, Ky. Distributed by McClatchy-Tribune Information Services. For reprints, email tmsreprints@permissionsgroup.com, call 800-374-7985 or 847-635-6550, send a fax to 847-635-6968, or write to The Permissions Group Inc., 1247 Milwaukee Ave., Suite 303, Glenview, IL 60025, USA.

http://www.asylum.com/2008/09/19/driving-under-influence-of-texting-worse-than-drinking-drugs/

Driving While Texting Worse Than Drinking, Drugs

(Our happy hour fact to amaze your drinking buddies with.)

Texting while driving is more dangerous than being under the influence of alcohol or marijuana.

U.K. researchers used a driving simulator to test motorists between the age of 17 and 24, and found their reaction time was slowed 35 percent as they sent or received texts. Comparably, it only dropped 21 percent under the influence of marijuana, and 12 percent after consuming alcohol.

Texting drivers also saw their steering control suffer at a 91 percent degradation, and had trouble maintaining a safe distance from the cars around them.

We'd just like to let this study's researchers know that if they ever need to do further testing involving drunk and stoned subjects operating driving simulators, they should immediately contact editor@asylum.com.

Want to see what can happen when you're careless? Check out these amazing car wrecks people walked away from.

Epic Vehicle Crashes

WreckedExotics.com

14 photos

Totally Totaled Rides

(Note: Please disable your pop-up blocker)

Epic Vehicle Crashes

"Ice Road Truckers" would be our favorite



Bruno Vincent, Getty

show if this happened at some point in every episode.

WreckedExotics.com

This is why you never want bay windows when you live around the corner from the local pub.

car-accidents.com

Here's a brand new \$100K Tesla Roadster on its virgin drive. That's one way to break it in.

Picvi.com

The driver of this (former) RV didn't bother to read the clearance sign before the tunnel. That decision may impact the resale value.

WreckedExotics.com

Here's one of those wrecks where you wish your car was equipped with a ladder, rather than airbags.

WreckedExotics.com

This trucker got one too many speeding tickets.

Truckersoffice.net

Finally, Tacos Jalisco got the drive-through they always wanted.

WreckedExotics.com

Creative parking. You could fit a Mini Cooper and two Smart cars in that extra space.

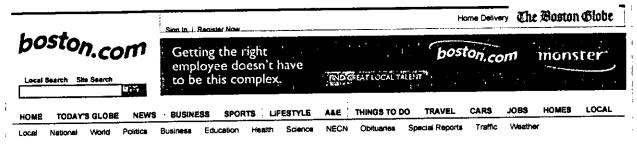
autocult.com.au

The founder of the game console Gizmondo drove his \$1 million Ferrari into a telephone pole while going 162 MPH on the Pacific Coast Highway. He walked away, though we're guessing he shed a tear or two

Attachment#8

Man texting while driving when he hit Taunton teen with SUV, prosecutor says - Local N... Page 1 of 2

HB 1208



The Boston Clobe LOCAL NEWS UPDATES

UPDATED Wednesday, 7:29 PM

NEXT ARTICLE IN LOCAL NEWS
Search begins for remains of man, 70, killed in Gloucester fire
PREVIOUS ARTICLE IN LOCAL NEWS
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From the Metro staff at The Boston Globe

Man texting while driving when he hit Taunton teen with SUV, prosecutor says

December 28, 2007 11:12 AM

Email | Comments (1) | Text size - +

By Anna Badkhen, Globe Staff

The man accused of killing a 13-year-old boy in a hit-and-run in Taunton told police he was behind the wheel typing a text message on his cellphone when he lost control of the sport utility vehicle and hit what he thought was a mailbox, a prosecutor said today in court.

Craig P. Bigos, 31, told investigators that he did not realize the SUV had struck the boy on the bicycle until he drove back down Poole Street hours later on his way to work at a restaurant, said Bristol County prosecutor Aaron T. Strojny.

The boy, Earman Machado, was sleeping over at a friend's house Thursday night. The teens had gone out at 12:30 a.m. to meet two girls, Strojny said today in Taunton District Court. Machado was riding a bicycle and his friend was walking on the soft shoulder of the road. Police said the friend, also 13, attempted to call 911, but was unable to get through on his cellphone.

Bigos hung his head in court today and was released on \$5,000 bail. He was arraigned on charges that included motor vehicle homicide, leaving the scene of an accident resulting in death, and driving without a license. He is scheduled to return to court Jan. 23.

His lawyer, Daniel R. Igo, said in court that Bigos has never been convicted of a crime and has four children with his girlfriend of 12 years. He was driving from his mother's in New Bedford to the home he shares with his girlfriend on Williams Street. Eight of his relatives came today to court.

Police said Bigos's 1995 Ford Explorer was found parked at his home. After driving back by the crash scene, Bigos waited several hours before turning himself in Thursday afternoon, said Gregg Millote, a spokeaman for the Bristol County District Attorney.

Taunton's schools superintendent, Arthur Stellar, said Thursday that the boy who was killed was a pupil at Friedman Middle School who has at least one school-age sibling, a brother who attends Taunton High School.

This morning a boy who said he was Machado's brother sat with on a bench at the back of the courtroom with another young man. They both wept.

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Attachment#9 HB1208

Text Messaging May Be Factor in Fatal Teen Car Crash

Sunday , July 15, 2007

Associated Press

CANANDAIGUA, N.Y. —

Text messages were sent and received on a 17-yearold driver's cell phone moments before the sport utility vehicle slammed head-on into a truck, killing her and four other recent high school graduates, police said.

Bailey Goodman was driving her friends to her parents' vacation home when her SUV, which had just passed a car, swerved back into oncoming traffic, hit a tractortrailer and burst into flames. Five days earlier, the five teenagers had graduated together from high school in Fairport, a Rochester suburb.

Goodman's inexperience at the wheel; evidence she was driving above the speed limit at night on a winding, two-lane highway; and a succession of calls and text

messages on her phone were cited Friday by Sheriff Phil Povero as possible factors in the June 28 crash

in western New York. "The records indicate her phone was in use," Povero said. "We will never be able to clearly state that she was the one doing the text messaging. ... We all certainly know that cell phones are a distraction and could be a contributing factor in this accident."

Several minutes before the first 911 call about the crash, Goodman talked briefly with a fellow graduate trailing her in another vehicle. Two minutes before the crash was reported, her phone was used to send a text greeting to a friend, Povero said.

He sent a reply less than a minute before the first 911 call, the sheriff added.

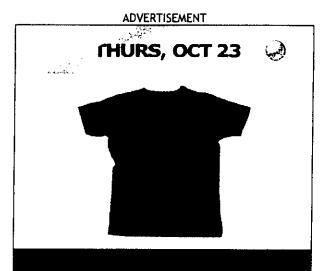
Routine tests ruled out alcohol as a factor in the 10 p.m. crash, and police don't suspect drug use was involved. Goodman had only a junior driver's license, making it illegal for her to be driving after 9 p.m. without supervision or to be carrying so many young passengers.

The victims, all 17 or 18, had been cheerleaders at Fairport High. In March, the team took first place in its category at a national competition in Orlando, Fla.

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Text Messaging Driver Charged in Death

Friday, December 02, 2005

Associated Press

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HIGHLANDS RANCH, Colo. --

A teenage driver faces charges in <u>Colorado</u> after allegedly hitting a cyclist while <u>text messaging</u> behind the wheel.

The <u>Douglas County</u> Sheriffs Office says the 17-year-old was charged with careless driving causing death. The charge carries a maximum sentence of one year in prison.

The victim was riding his bicycle November 23rd when he was hit by the teen's car. He died two days after the accident.

The teen has not been identified because he is a minor. Authorities say he lost control of the car because he was sending text messages on a cell phone.

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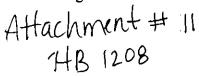
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Report: Metrolink Engineer Texting With Teen Moments **Before Killer Commuter Crash**

Sunday, September 14, 2008

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LOS ANGELES ---

The engineer of the Metrolink train that crashed in a head-on collision near Chatsworth, California, was chatting with a teenager moments before the crash, according to the Orange County Register.

Nick Williams, a teenage train enthusiast, told CBS2 in Los Angeles he exchanged three text messages with engineer Robert Sanchez Friday afternoon. Williams, who considered Sanchez a "mentor," received the last text at 4:22 p.m., one minute before the train wreck, according to the ocregister.com report. Williams' claims have not been confirmed.

Sanchez, who was killed in the crash, said in his final text he would be meeting up with another passenger train later that day.

"I just replied back, 'good deal,' and I just said, 'That's cool,' and I never got a response back," Williams reportedly told CBS2.

Friday night's rail disaster was the nation's deadliest in 15 years, a wreck that killed 25 people and left such a mass of smoldering, twisted metal that it took nearly a day to recover all the bodies.

A preliminary investigation found that "it was a Metrolink engineer that failed to stop at a red signal and that was the probable cause" of the collision with a freight train in Los Angeles' San Fernando Valley, Metrolink spokeswoman Denise Tyrrell said.

"When two trains are in the same place at the same time somebody's made a terrible mistake," said