

Texting while driving a primary offense?

Written by by Shelby Friesz Nebraska News Service

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LINCOLN—"I k rite," the text message read.

That text message caused a life-changing car accident for 19-year-old Cedar Rapids native Erin Smith, who testified in support of a bill during the Transportation and Telecommunications Committee hearing Monday.

Sen. John Harms of Scottsbluff presented the bill (LB118) that would make texting while driving a primary offense rather than the secondary offense it is now. Drivers can be ticketed for a secondary offense only if they have stopped for some other offense.

Smith was among the nine who testified in support of the bill. Sen. Annette Dubas of Fullerton, who chairs the committee, said she also had received six letters of support. Nobody testified against or neutral on the bill.

Smith said she supported the bill because of her experiences from her accident caused by texting in 2010, which resulted in seven broken vertebrae, a broken collarbone and a brain hemorrhage.

She spent 36 hours in the hospital and half of her senior year in high school in a brace from her hips to her neck, she said.

"Every day I ask myself, 'Was that one text really worth everything I've had to go through?'" Smith said.

Harms said he views distracted driving, especially from cell phone usage, as a widespread problem.

"Over the last few years, distracted driving has gone from a dangerous practice to actually a

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deadly epidemic," Harms said.

He cited a journal article by a University of Utah psychologist who found that drivers who were texting while driving were involved in more accidents and responded slower to driving conditions than those talking on a cell phone.

Harms said texting while driving is also related to speeding, driving while drowsy and driving without a seatbelt.

He said it takes drivers' eyes off the road, hands off the wheel and minds off the task of driving a car. With an average of 4.5 seconds to answer a text message, drivers can travel as far as football field without their eyes on the road, Harms said.

The bill, however, only addresses sending written communication, such as text messages or emails, on a mobile device while a vehicle is in motion.

Sen. Jim Smith of Papillion expressed concern as to how the law would be enforced and how police would prove a driver was texting rather than simply unlocking the phone for a call.

Harms said that the driver would have the right to allow a police officer to see the cell phone or the cell phone records could be subpoenaed.

Law enforcement officers would also have to become familiar with the signs of texting while driving, just as they had to with seatbelt usage, he said.

He sees it as a tool for law enforcement officers to actually enforce a law that is already intact, he said. Harms added that making it a primary offense could help people become more aware of their choices while driving.

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“Even though a person may agree that it’s a problem,” Harms said, “it certainly doesn’t prevent them from the behavior.”

Dubas questioned whether a law was necessary to prevent texting while driving or if education programs could be used instead.

A few phone companies have created campaigns to educate people on the hazards of texting while driving.

Jason Bromm of Verizon Communications Inc. said that Verizon launched the “Don’t Text and Drive” ad campaign in 2009. Amy Zulkoski with AT&T said that her company created the “It Can Wait” campaign.

Zulkoski said, however, she believes that sometimes it takes a fine to change behavior. Drivers who violate this law would pay \$200 for the first offense and would have points added to their driving record.

Erin Smith’s mother, Lori Smith, said that if texting while driving had been a primary offense, her daughter might have been ticketed for this violation before the day of her accident.

If her daughter had experienced the consequences of breaking the law, she might not have been texting that day, Lori Smith said.

Lori Smith said that she supports the bill, even if it would help prevent just one family from going through her family’s experience.

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