

Calif. is 6th state to ban texting by drivers

by San-Francisco-Chronicle

California has a New Year's resolution for motorists: Keep your hands on the wheel and off that text-messaging device.

A bill making it an infraction to write, send or read a text message while driving is among dozens of California laws that take effect Thursday.

Other new statutes will set up a state certification system for massage therapists, impose new safety requirements for wave pools, provide additional safeguards against misleading sweepstakes pitches and ensure gender equality when married couples pick a last name.

Also taking effect are laws regulating pet shops, banning a chemical commonly used in children's toys and making it tougher for teachers who commit sex crimes to stay in the classroom.

The ban on texting while driving is a follow-up to a couple of bills that took effect last July 1. One allows adult motorists to use only handsfree devices when talking on cell phones. The other prohibits drivers under age 18 from using any cell phone or electronic message device while driving.

The new law makes it clear that texting, not just using a hand-held cell phone to talk, is a no-no for adult drivers. It also makes texting by a driver under 18 a primary offense that can trigger a traffic stop. The earlier law required another violation such as speeding before an officer could pull over a minor for using a cell phone.

"Texting while driving is so obviously unsafe that it's hard to imagine that anyone would attempt it," said Sen. Joe Simitian, the Palo Alto Democrat who was the author of the cell phone and text-messaging bills. "But everyday observation as well as statistical information from around the state and nation suggest otherwise."

Nineteen percent of motorists who took part in a survey conducted in 2008 for Nationwide Mutual Insurance Co. acknowledged texting while driving. Vlingo Corp., a Massachusetts company that makes voice-activated search devices for cell phones, said 28 percent of consumers who took part in a survey it had done this year acknowledged texting while behind the wheel.

Motorists will steer with their knees or wrists so they can have their hands free to text, Simitian said.

A study released in September by the British Royal Automobile Foundation concluded that texting while driving was more distracting than being drunk or high on marijuana.

There have been several well-publicized accidents in recent years that have been blamed on drivers texting, including a crash that killed five teenage girls in western New York in 2007, one that killed a 13-year-old bicyclist that same year in Massachusetts and another that killed a Stockton man in October north of Sacramento.

Cell phone use was a factor in 61 deaths and 3,489 injuries on California roads and highways from 2002 through 2007, according to the California Highway Patrol. But the CHP statistics don't reveal if the motorist involved in the crash was using the phone to talk or text.

Under Simitian's bill, texting while driving could result in a \$20 fine for a first offense and a \$50 fine for subsequent violations, but various fees could be tacked on to those penalties.

"The way I always say it is with a first offense you're pretty much looking at \$100," Simitian said. "A second offense it's about \$200 out of pocket."

Five other states — Washington, Alaska, Louisiana, Minnesota and New Jersey — also ban texting while driving.

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