

# NEW MEXICO INJURY ATTORNEY BLOG

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## Texting & Driving Don't Mix

Texting and driving do not mix. Governor Richardson of New Mexico has been pushing for a statewide ban on the use of cell phones while driving both for talking and sending texts. Several cities in New Mexico, including Albuquerque, Santa Fe, and Las Cruces, have already banned the use of mobile phones while driving. These laws have not been real popular with many.

How dangerous is texting and driving? A Car & Driver Magazine study found that texting and driving was more dangerous than drinking and driving. The study found that texting drivers were 3 to 4 times slower to hit their breaks than drunk drivers. Car & Driver is not exactly known for scientific rigor but one need not look far to find some support for their findings. Though their claims may be slightly exaggerated, the numbers clearly support their general finding that texting is indeed extremely dangerous.

The National Highway Safety Administration (NHTSA) has found that texting is among the most serious and dangerous distractions facing drivers. NHTSA studies have found that close to 6,000 people were killed and more than 500,000 were injured in 2008 as a result of the negligence of a distracted or inattentive driver. Many of these were related to texting and/or mobile phone usage. By comparison, MADD found that 11,773 deaths were caused by DWI/DUI in 2008. Perhaps Car & Driver overstated the dangers of texting in comparison to DWI/DUI, the numbers clearly illustrate their point that texting and driving do not go together.

Sadly, the facts on the roads more forcefully illustrate the dangers of texting and driving. Last month, in the case of *Small v. Vestal*, a Texas jury awarded \$21.7 million in damages, \$20 million in exemplary/punitive damages, in a personal injury lawsuit to the family of a 21 year old college student killed in an auto accident. Tragically, the accident was caused by another college student who was found to have sent and received several text and phone calls around the time of accident. Two young and promising lives were destroyed. More tragic still, many people just cannot resist the urge to text and countless lives will be lost in the future as a result of texting and driving.

This is just one in a series of huge jury verdicts for texting and driving. These verdicts reflect the fact that juries recognize the dangers of texting and driving as significant and dangerous distraction to drivers. It seems almost too obvious to even argue that drivers should not be driven to distraction. In light of the dangers of texting, just imagine

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the dangers of putting the internet in the driver's hands. This is already possible with mobile phone technology. But can we make it worse.? Of course we can, and apparently we will. Auto makers want to put the internet on the dashboard of new cars.

Then who is responsible? The teenager who cannot resist the lures of the internet on the dash? Or the automakers reckless enough to go down this road? Much like the mantra of the Right, "Guns Don't Kill People, People Do", the mantra of Tort Reform is that "Reckless Products Don't Kill..." So we know the answer.

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