

Alabama House passes ban on texting while driving; hands-free OK

On behalf of Johnston, Moore & Thompson

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The Alabama House of Representatives voted 86-2 on Thursday to make texting while driving a primary traffic offense statewide. The City of Huntsville passed its own texting ban in July of last year, along with thousands of U.S. cities and 30 states that have banned texting behind the wheel in the past few years. The goal, of course, is to cut down on [car accidents](#) caused by distracted driving, especially among teens.

The new law passed in the House would mirror Huntsville's ordinance, prohibiting texting, internet use, sending e-mails or instant messages, or using similar consumer electronics while driving. Cell phone use while driving will not be banned under the law, and voice-operated text messaging would be exempt. If passed by the Senate, the drivers caught texting would be fined \$25 on a first offense, \$50 for a second and \$75 for a third, and add two points to the offender's driver's license.

Despite the final, overwhelming approval of the bill, some legislators questioned whether the law would be enforceable.

"Am I texting now?" asked Representative Alvin Holmes of Montgomery, holding his phone toward the House microphone to make his point.

"I don't know," admitted Representative Jim McClendon of Springville, the bill's sponsor, who has been working for four years to get a texting ban passed in Alabama.

"He can't see it, and the police officer can't see it either," responded Holmes. "That's the reason this bill is no good."

McClendon scoffs at the idea that police officers wouldn't be able to tell whether drivers were engaged in texting. Law enforcement officers make such observations every day.

"When I drive home today, I promise you I will drive by people who are texting and driving, and I can see them. They are usually slowing down in the inside lane. I can see them with their hands in front of them like this, driving with their elbows," McClendon said, demonstrating. "There is no question in my mind what they are doing."

Other lawmakers questioned whether the bill was enough to address the bigger problem of driver distraction, which causes thousands of serious and fatal car accidents every year in the U.S. They hoped to ban using a cell phone while driving without a hands-free device.

While that ban might also be a good idea, McClendon focused on the impact of the texting ban on the behavior teen drivers.

"Probably the strongest part is when the teens leave the house, the parents can say it is against the law," McClendon said.