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06/02/12



Upcoming case could shine light on text-while-driving laws

by JB Clark/NEMS Daily Journal

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A decision to open or seal a video showing a tractor-trailer driver texting up until the moment of a fatal accident will be made by Circuit Judge Andy Howorth next month.

The family of Dwight White, killed when the tractor-trailer collided with his vehicle, asks that the video be open so the public can see the dangers of texting while driving.

Misty West of Tupelo, White's daughter, said she wants the video to be public because she wants to push the Mississippi Legislature to pass a law banning texting while driving.

"The reason behind pushing for the video is because I want to show it to show the consequences," West said Wednesday. "This is what happens when you're texting, playing a video game or Facebooking" while driving.

The wreck occurred April 9, 2011, on Highway 78 near the Auburn Road exit.

At about 5 a.m., White was stopped in traffic caused by an accident when Marcus Hardin's tractor-trailer collided with White's vehicle.

The tractor-trailer, owned by Pat Salmon & Sons Inc., was equipped with a pair of video cameras that captured the view of the road and Hardin as he operated the rig. The motion for the White family to make the video public claims it shows a long line of red taillights stopped on Highway 78 and Hardin focusing on his cellphone.

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Mississippi has no law banning drivers from texting or using cellphones while operating a motor vehicle.

However, state law bans anyone with a learner's permit from using a cellphone to text while driving.

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The hearing before Howorth is set for June 19 in Marshall County, where the lawsuit was filed.

The defense, Pat Salmon and Sons Inc., the estate of Marcus Hardin and the state attorney general, argue that while the video can be considered evidence, due to its graphic nature it shouldn't be shown to the public.

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The Legislature continues to reject bills to broaden texting-while-driving laws.

For the past three years, state Sen. Billy Hudson, R-Hattiesburg, has introduced legislation that would make using a cellular device while driving illegal. Year after year, the bills die in committee.

Hudson said he doesn't want Mississippi to be the last state to adopt a law concerning distracted driving.

"Are we going to be last again?" he said. "I have a family member that is

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paralyzed for life from a wreck. She was riding with a boy who just got a new car and was texting."

The U.S. Department of Transportation says sending text messages is the most dangerous distraction while driving because it requires visual, manual and cognitive attention from the driver.

The Federal Motor Carrier Safety Administration bans anyone from texting while operating a commercial motor vehicle and 34 states have laws making texting while driving a primary ticketable offense.

Hudson and West agree the issue is about commonsense public safety.

"My sole purpose with this is to save lives," West said. "I want something good to come out of this. In Mississippi, we've got to implement a law."

The Cellular Telecommunications Industry Association says more than 196 billion text messages were sent or received in the United States in June 2011, up 50 percent from June 2009.

Tupelo Police Officer Alan Chavers said he sees people on their cellphones just about every time he goes on patrol, and like speed limit signs and seat belt laws, a text messaging law would be a great help.

West said she hopes Judge Howorth will allow the 2011 wreck video to be seen by the public.

"I want everyone, this company and our legislators to know this video needs to be out there," she said. "I would love for our legislators to see it and say we need to implement a law."

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FactBox

3,092 people were killed by distracted drivers in 2010.

41,600 were injured in distracted driver crashes in 2010.

Sending or receiving a text takes a driver's eyes off the road for an average of 4.6 secons.

Using a cell phone delays reactions as much as having a .08 blood alcohol concentration.

(United States Department of Transportation)

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dirtydogssouth360 | May 31, 2012

What the heck are the Lisa's babbling about?

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Lisa49 | May 31, 2012


"Lisa49 sure projects herself as liberal her comments."

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The enemy is hard to describe and stomp when they are not part of a group. I believe in less government and not having a national government except for protection. I do not support any government handouts especially health care. The fact is Government does not do almost anything well. That is why communities should use business as the motivator of public behavior.

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matchbox20 | May 31, 2012

C'mon Lisa69, we are patiently awaiting your reply!!!! We going to start a fan club for you, too!

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Lisa69 | May 31, 2012

We are doomed when we begin to think of government as a cow to be milked rather than a guard dog to be fed.

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matchbox20 | May 31, 2012

Hail to you!!! Your wisdom is immeasurable! I knew you would not disappoint!

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Kang^ | May 31, 2012

If you take one minute to look at what the government restricts while behind the wheel of a car now, it just makes sense to put a fine on anyone using a phone in a car. Before we had mothers against drunk drivers and the cops let you go if you had "only had a few", the death rate was much higher for alcohol related accidents. Now it's much lower. When the government forced us to wear seat belts, the death rate has gone down to record lows. If we can save one person from being killed on our highways, I'm all for a \$200.00 fine for using a cell phone or \$300.00 fine for texting while driving. After all, how long does it take to pull over and use your phone? Isn't that inconvenience worth your or someone else's life?

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Lisa69 | May 31, 2012

Facts are stubborn, but statistics are more pliable.

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Lisa49 | May 31, 2012

Fines only punish the poor and reward the rich as it is just the cost of doing business. Put cell phone jammers in cars and offer a insurance discount for having them. If you are going to make it a law forget the fine and make the criminal do public service even if they are governor. The bigger problem is we have a justice system that works on the good old boy structure that does selective enforcement and punishment.

[Report Abuse](#)**MzD73** | May 31, 2012

Texting while driving is dangerous; but charging more on a person's insurance because they own a cell phone is just silly. Its up to us to be mindful of things while driving.

Reply[Report Abuse](#)**Lisa49** | May 31, 2012

Laws are not going to stop people from themselves. Perhaps the insurance industry could charge for more risk as vehicles and drivers have more distractions.

Charge \$100 more a month for a person owning a cell phone or the requirement of having a cell phone jammier. people do not obey laws that can not be enforced.

Reply[Report Abuse](#)**lIfontaine** | May 31, 2012

Another liberal remark Lisa49!! Everyone should pay because of the ignorant ones??? That's no different than forcing everyone to pay for YOUR healthcare. Laws banning mobile phone usage CAN and ARE enforced. A friend in another state was caught and fined \$180 for talking on his mobile phone. Had he been texting, the fine would have been double.

[Report Abuse](#)**gatekeeper97** | May 31, 2012

Crap Lisa sure am glad you're not the king. Why don't we just drop speeding laws and instead charge people more on insurance? Sometimes you make valid points but others, you seem to be distracted while blogging.

[Report Abuse](#)**Lisa69** | May 31, 2012

I feel like saying we need to all calm down a little. Let's take the time to breathe. I have no intention of allowing myself be distracted.

[Report Abuse](#)**moteasir** | May 31, 2012

@ lIfontaine

Not that I completely disagree with you I do wish to make a few points:

1. Lisa49 is far from "liberal".
2. Through the insurance structure we are already paying for the "ignorant" ones. We are also paying for the "irresponsible" ones. That is how an underwritten insurance pool works.

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lifontaine | May 31, 2012

Lisa49 sure projects herself as liberal her comments. I have yet to read anything she has commented on that does not portray the mindset of a liberal.

I understand we are already paying for the ignorant and uninsured motorist in our society...but to add another \$100s to auto insurance because the driver has a mobile phone is absolutely insane and speaks of the liberal mindset. (Get "others" to pay even though they are responsible individuals.)

My mobile phone is turned OFF when I drive.

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moteasir | May 31, 2012

I think pushing this issue is all well and good but I would also like to deal with the drivers that operate a vehicle while they are "putting on make-up" or "eating" or "playing with the radio" as well.

All three of those types of drivers have almost hit me just this year alone.

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