

Rights *and* Responsibilities

DISTRACTED DRIVING LAWS DESIGNED TO CUT DOWN ON PREVENTABLE ACCIDENTS

It is very easy for today's drivers to get caught up in the temptation to drive and take care of other business on our cell phones at the same time. It's a multi-tasking world, especially for those of us who are juggling work and family. We have a lot of distractions and many of us spend a fair amount of time in our vehicles. As convenient as the latest communications gadgets can be for keeping us in touch, they can lead to expensive, even tragic accidents if used while operating a motor vehicle.

Thankfully, the State of Illinois has addressed this with some new laws that you and your families should understand. Inattentive driving may never be completely eliminated through legislation, but Illinois has targeted the cell phone as a major contributor in distracted driving statistics.

While alcohol related issues are usually what we think about when considering driving safety, operator inattention is responsible for 25 percent of automobile crashes. According to the State of Illinois' Distracted Driving Task Force, individuals using a cell phone while driving increase their chances of an accident by 400 percent. The National Highway Safety Administration estimates that at any given time, 10 percent of motorists are utilizing their cell phone or other electronic devices while driving. The two decades-long rise in the use of cell phones and handheld devices has coincided with the rise in distracted driving related accidents.

Other states and municipalities have enacted cell phone laws preventing or limiting the use of them on roadways, but until recently, Illinois had no state wide legislation concerning cell phone use. On January 1, 2010, a new law in Illinois attempts to slow the trend of distracted driving. The new laws are not the sweeping legislation banning cell phone use in automobiles that some groups had hoped for, but they do impose penalties in

situations and locations where cell phone use is most dangerous. The new law outlines when a device can be used and in what situations the ban takes effect:

The Text Message Ban: As of January 1, operators of motor vehicles may not use their cell phones or any type of electronic device to compose, send or read text messages. This ban includes any kind of messages, including instant messaging, email and Blackberry messaging. The text message ban also reaches those who surf the Internet on their phones while driving. The ban covers not only cell phones, but also computers, PDAs and other handheld devices. The fine for being caught sending messages, surfing the internet or otherwise utilizing hand electronic devices while driving begins at \$75, which is comparable to the fine for not wearing a seatbelt or speeding.

Restrictions for Talking on a Cell Phone While Driving: The new laws do not have widespread prohibitions for talking on a cell phone, but there are instances in which it is now illegal to do so. Using a cell phone handset is now illegal in both school zones and construction zones; however, there are exceptions for emergency situations. Under the new legislation, it is still perfectly legal to call for emergency help, with or without a hands-free device.

Different Rules for Younger Drivers: Drivers under the age of 19 are prohibited from using handheld devices while operating a motor vehicle. This is different from the general public and deserves more attention. This is a potential pitfall for families with teens. Adults are still able to use a handset while driving, as long as it is not in the one of the prohibited zones, but teens may not use these devices while driving under any circumstances. If you have a teenager, warn him or her about the dangers of cell phone use by drivers and make certain they understand the new law.

Many of us need these devices when we travel, either for work purposes or to check in on family. The new driving laws are not a blanket prohibition of communication in vehicles. Like any piece of legislation, there are exceptions to the new laws. If you need to use a cell phone or other electronic device in the car, follow one or more of these steps to protect yourself from getting a ticket, or worse, causing an accident that could result in serious injury or death:

Use a Bluetooth or other hands-free device. These devices are legal in the State of Illinois. Hands-free devices allow an individual to use their cell phone in both school and construction zones, and are generally a safer alternative. These devices come in various forms, from the typical over-the-ear Bluetooth, to devices that can broadcast the individual on the other end of the line through your car audio speakers. Most electronic stores carry these products and suitable ones can be found for under \$75. If you're in the market for a new vehicle, research models that have Bluetooth capabilities already included as a feature. Many of the newer models even

allow you to store phone numbers and utilize features completely by voice command.

Pull over to the side of the road. The new laws do not prohibit drivers from pulling over to the shoulder to use any sort of electronic communications device. So if you don't have a hands-free device, simply pull over to the side of the road, where you are legally free to call, text or surf the internet.

Leave the calling to your passenger. If you are driving with someone else in the car and you need to make contact with someone by phone, have your passenger do the dialing, perhaps even the talking.

Pay attention to the laws in your specific municipality. Some cities and towns are enacting their own ban on cell phones in broader instances than the state addresses. Chicago has banned all non hands-free operation of electronic devices while driving. Because the new state laws do not have this sweeping effect, expect more municipalities to take a stricter stance regarding cell phone operation.

Determine the importance of the contact you are about to make. Limit the

calls, texts and other communications you make from your cell phone to only those that are absolutely essential. Don't use your driving time to catch up with friends or simply to shoot the breeze. Hand-held or not, conducting phone conversations while driving takes your mind off the road and makes drivers less aware of the road and their fellow drivers. Play it safe and leave those "just for fun" calls for later.

These new driving laws enacted by Illinois attempt to curb the growing trend of inattentive driving, but do not necessarily encumber the use of cell phones if you understand what you can and cannot do. By paying attention to not only the law, but the road, you can help make Illinois roads safer for everyone. ▾

James D. Spiros is the founding partner of Spiros & Wall, P.C. The firm offers representation to a variety of personal injury cases, including nursing home abuse and neglect. Spiros & Wall has offices in Kankakee, Champaign and Danville, Illinois. For more information, visit www.spiroswall.com.

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