

March 24, 2010

We are writing to urge you to support Program Bill No. 222 which has been submitted by Governor David A. Paterson to the Legislature. This bill would make New York State's law against texting while driving more effective by raising a violation of the law from secondary offense to a primary offense. The state cell phone law, treats cell phone use as a primary offense. Therefore, there is a dual standard on your cell phone law and the texting law.

The present texting bill has truly handcuffed our law enforcement officers by stating that a violation on texting is only subject to secondary enforcement. A driver cannot be stopped and issued a summons for this offense, alone. They have to be committing another traffic violation to receive a summons.

The Nassau County Police Department has only been able to issue 18 tickets since November 1, 2009 due to this flaw in the law. The original County texting law went into effect 12/28/08 but the state law NYS VTL Sec. 1225.d became effective 11/01/09. This latest law, in subdivision 6, contains the restriction concerning secondary offense, which makes it difficult for officers to observe and take action on. In addition, we would respectfully suggest that the fine be raised from \$150 to \$300 per offense.

I am sure you agree that distracted driving is one of the most destructive decisions which can be made. We urge this correction as quickly as possible to enable us to enforce common sense and save lives in Nassau County. Thank you.

Sincerely,
Judith A. Jacobs
Nassau County Legislator
16th LD

Kevan Abrahams
Nassau County Legislator
1st LD