Texting: **14 years in prison for Death by Dangerous Driving**

With mobile phones being the hub of our daily lives, many – not just the young – can’t get through the day without their device. We will all know someone who just can’t ignore the sound of a text, needing to look immediately and to send a reply. **It doesn’t matter what they are doing, even if it’s driving.**

78% of crashes involve the person behind the steering wheel being preoccupied with other activities (Allianz Center for Technology, AZT). Not only is texting a common cause of this preoccupation, but also has a significant impact on reaction times. According to the RAC, reaction times are 35% slower if texting whilst driving. This is more impactful than driving under the influence of cannabis (21%) and nearly three times more than driving at the legal drink limit (12%). Combined with a dangerous reduction in speed and lane control due to the eyes, hands and mind being heavily involved and distracted from the road, the likelihood of crashing when on the phone is increased by a factor of four.

**Textalyzer**

In New York, legislation has been proposed that would mean drivers involved in road accidents would need to provide their phone for roadside testing from a ‘Textalyzer’. This test would conclude if the driver’s phone was in use before the accident. The Textalyzer would maintain the drivers right to privacy, analysing only the phone’s metadata, so that texts, photos and app data remained secure.

Additional analysis could then conclude whether the phone was in use via hands-free or dashboard technology. Police would have the power to revoke a driver’s licence if they refused to hand over their phone for testing.

This proposed bill has the potential to significantly improve dangerous driving habits and could help to substantially reduce fraudulent insurance claims. Drivers found to be over the drink-drive limit when breathalysed are unable to claim on their insurance for damage to their vehicle or themselves - information from the Textalyzer could be used to the same effect. The evidence could enable this careless driving to be correctly penalised and prevent the driver from making an insurance claim. It would also mean their future premiums could be adjusted accordingly.

It is unlikely that the current statistics are truly representative of the full extent of the problem. It will be interesting to see the impact of the Textalyzer in New York and whether other countries will follow in their footsteps.
The Law

Texting at the wheel is an offence the government is cracking down on. Under new rules that are due to come into force next year, drivers will receive six points on their license and face a £200 fine, if caught. This means that young or newly qualified drivers will be made to retake their test if they're caught within two years of gaining their full license.

These new rules apply to England, Scotland and Wales and could also result in drivers who offend twice going to court, facing possible fines of up to £1000 and a six-month driving ban. If prosecuted for careless driving or dangerous driving even higher penalties apply (death by dangerous driving carries a maximum sentence of 14 years in prison).

The only times that it is permissible to use a phone whilst driving are:

- calling 999 or 112 in an emergency and it’s unsafe or impractical to stop; or
- the vehicle is safely parked.

Ensuring you have a clear company policy on the use of mobile phones and driving can help to reduce the risk. A comprehensive driving policy should detail:

- Expectations around safe driving
- Health and safety committee consultation and regular review
- Awareness and ongoing communication of the risk and guidelines
- How to plan for safer journeys
- Review of work practices; and
- Reporting procedures.

Hands-free phones can be used but if the police believe it is causing driver distraction and loss of control, a driver can still be stopped and penalised.

Reducing the risk

Under Health and Safety legislation, employers have a legal obligation to ensure comprehensive driving training, analysis and control is in place. If staff are required to use a company or personal mobile phone whilst driving, the employer could be prosecuted if this use is found to have contributed to an accident.

There are also easy steps that can be taken to avoid driver distraction. Ranging from simply putting the phone in the boot or glove box, to setting up auto-resend text messages through mobile applications that block incoming calls and texts, removing the temptation to use a phone on the road in the first place is a simple but effective measure.