

# TEXTING TICKETS: Police unable to enforce Indiana's texting and driving law

POSTED 9:30 PM, MAY 21, 2014, BY ZACH MYERS AND ZACH MYERS, *UPDATED AT 06:46AM, MAY 22, 2014*

---



Nearly three years after Indiana's texting and driving law went into effect, new numbers from Indiana State Police suggest the law remains unenforceable in most situations.

In 2013, State Police issued 186 citations for violating the law. In Illinois, where all handheld cellphone use is banned while driving, that number was more than 6,700.

The reason, according to many in law enforcement, is the same reason many criticized the law after it passed the General Assembly in 2011. The language of the law doesn't give police the authority to realistically enforce it.

"I've never done it," said Indiana State Police Master Trooper Shana Kennedy when asked about how many texting tickets she had issued in nearly three years.

That's not to say Trooper Kennedy doesn't see drivers looking down at their phones behind the wheel. In fact, she sees it every day. But Indiana's anti-texting law is very specific. It prohibits the sending of text messages and emails while driving. It does not address other smartphone apps like maps, Twitter, Facebook, games or the thousands of other apps that can take a driver's eyes off the road.

"It's hard to wrap your mind around this," Kennedy said. "One's OK, but another one's not."

If Trooper Kennedy does stop a driver who appears to be texting, she has no authority to take that driver's phone to see if they actually were. She has to take their word for it.

"One time the guy said it was Google," She said. "He was looking at a Google map."

Kennedy has no way of knowing if the driver was being truthful or not. As a result, police are more likely to pull a driver over for a different reason before giving a warning about texting.

“And that’s why a lot of times we wait for you to commit a major moving violation like unsafe lane movement,” Kennedy said.

Rarely will you hear anyone disputing the dangers of texting while driving. The U.S. Department of Transportation says cell phones are involved in 1.6 million crashes a year, causing half a million injuries and taking 6,000 lives. Other studies have shown that texting and driving is six times more likely to cause a crash than drinking and driving.

But some, like Trooper Kennedy, believe focusing on texting, as Indiana’s law does, isn’t enough.

Is it time for Indiana lawmakers to reopen the debate over cell phone use in cars?

Parkview Hospital in Fort Wayne is currently running one of the strongest campaigns in the nation against texting and driving. Parkview Trauma Services Director Lisa Hollister believes the message against distracted driving should focus on education rather than legislation.

“I think it’s hard to enforce right now with the other items (like GPS) being legal,” Hollister said. “So the only way to make it easier to enforce is making those things illegal.”

But are Hoosiers willing to consider a total ban on handheld phones like the law in Illinois?

Don’t hold your breath, says State Senator Jim Merritt, R-Indianapolis.

“We always should look at what other states are doing if they have better ideas,” Merritt said. “We do that all the time, and I’m open to that.”

Merritt is a strong advocate for public health and safety issues like distracted driving and Indiana’s Lifeline Law. He agrees that the concept of a handheld ban is worth re-examining. He plans to do some fresh opinion polling on the matter.

But, as he points out, Hoosiers don’t often take kindly to government restrictions and mandates. Many see the texting and driving discussion as a matter of personal responsibility and freedom. And while Indiana’s current law may have holes in it, it’s what supporters were able to pass three years ago.

visited on 2/19/2016

Merritt doesn't know if Hoosiers' feelings have changed much since then, even if the technology on our phones has. For the foreseeable future, Merritt says, Indiana's texting and driving law will likely function more like a public service announcement than an enforceable restriction.

"I don't think that realistically a handheld ban will ever happen, because of the independence of the Hoosier," Merritt said.



Jobless Claims Falling, Manufacturing Stabilizing in U.S.

Sponsored Content 

