

FOR IMMEDIATE RELEASE

**DANGEROUS LAW WOULD MAKE SMART PHONE USERS CRIMINALS
Texting While Driving Bill Goes Too Far**

Fredericksburg, Virginia, December 5, 2012 – Delegate Cline pre-filed a texting while driving bill on December 4th that repeals the current Virginia ban against texting while driving. Cline’s bill replaces that narrowly tailored law with a dangerously broad addition to Virginia’s thirteen different types of reckless driving.

The bill, HB 1360, would make it a class 1 misdemeanor for anyone caught “driving a motor vehicle on any highway in the Commonwealth while simultaneously using a handheld personal communications device for any purpose other than verbal communication.”

The proposed bill dramatically broadens the prohibited acts and punishments for offenders.

The current Virginia texting while driving law, Virginia Code 46.2-1078.1, only covers people who “enter multiple letters or text” or “read any email or text messages” on their mobile device. Under the existing statute, texting while driving is a secondary offense, which means an officer must have an additional reason to stop a driver in order to write a ticket for texting. The maximum punishment for even a second offense of texting while driving is a fine of \$50.

Reckless driving convictions are on the same level of offense as a DWI. Convictions can carry a fine up to \$2,500 and/or jail up to one year. Reckless driving convictions can also entail license suspension for six months.

Instead of only prohibiting entering text or reading email and text messages on mobile devices, Cline’s proposed bill prohibits “using” a mobile device except for verbal communication.

“This dramatic expansion of Virginia’s reckless driving laws could turn any driver with a smart phone into a criminal. Many safe and legitimate smart phone uses would be criminalized under the law, including streaming internet radio and using a phone for GPS navigation,” commented defense attorney Andrew Flusche.

Flusche continued, “Broad laws pose a critical danger for all citizens, since they can be applied in unforeseen, unjust ways. Instead of simply strengthening the existing ban on texting while driving, Cline has labeled many citizens as criminals for streaming Pandora while safely commuting to work.”

For more information: <http://www.andrewflusche.com/blog/category/texting-while-driving/>

Contact: Andrew Flusche
Phone: 540-318-5824
Email: Andrew@AndrewFlusche.com

Andrew Flusche
attorney at law
www.AndrewFlusche.com