

INDIAN RIVER COUNTY
BOARD OF COUNTY COMMISSIONERS

INTER-OFFICE MEMORANDUM

TO: Members of the Board of County Commissioners

DATE: July 24, 2017

SUBJECT: Discussion of a Resolution In Support of Legislation making Texting and Driving a Primary Traffic Offense

FROM: Joseph E. Flescher, Chairman
Commissioner, District 2

I would like to discuss preparing a Resolution to encourage the Florida Legislature to enact legislation making Texting and Driving a Primary Traffic Offense.

Currently, State law does not allow a law enforcement officer to make a traffic stop solely based on observing a driver texting while driving. Please see FS.316.305 (2016) attached. The officer must have a primary reason, such as having an expired tag, tail light out or speeding in order to lawfully stop a texting driver. By making Texting while Driving a primary offense, an officer could make a traffic stop based on seeing a driver texting while driving.

The Florida Department of Highway Safety and Motor Vehicles, Traffic Crash Facts report, defines Distracted Driving Crashes as:

Crashes, injuries and fatalities that occurred in events where at least one driver was listed on the crash report with a distraction code of "2" (Electronic Communications device), "3" (Other Electronic Device), "4" (Other distraction inside the vehicle), "5" (External distraction), "6" (Texting), or "7" (Inattentive in general).

According to statistics from the Florida Department of Transportation, in 2017 Indian River County had 1,045 crashes and 422 of those (40%) were distracted driving crashes with 21 resulting in incapacitating injuries and 18 fatalities.

Texting and driving, is a primary offense for all drivers in 41 States and the District of Columbia.