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(S.D.)-S.D. Panel Recommends Texting While Driving Ban



By: Roxie Graham-Marski Posted at: 03/14/2014 08:15 AM

By CHET BROKAW
Associated Press

PIERRE, S.D. (ASSOCIATED PRESS) - South Dakota lawmakers resurrected and passed a ban on texting while driving Thursday, ending several years of disagreement between the House and Senate.

The measure was thought to be dead Tuesday, after a committee of House and Senate members couldn't reach agreement on the bill, which had been passed by both chambers but in different versions. A new negotiating panel on Thursday put together a last-minute compromise measure, which then passed 52-18 in the House and 28-7 in the Senate.

The measure, which will become law if signed by Gov. Dennis Daugaard, would make texting behind the wheel a petty offense carrying a \$100 penalty. Drivers could be ticketed for texting violations only if they were stopped for another traffic offense.

In recent years, the Senate has passed texting bans that were rejected by the House.

This year's debate focused on disagreements between House Speaker Brian Gosch, R-Rapid City, and Sen. Mike Vehle, R-Mitchell, the sponsors of competing bills. The House and Senate were unable to agree what penalty should be imposed, whether law enforcement officers could issue tickets solely for texting behind the wheel and whether cities should be allowed to pass and enforce their own bans.

Vehle, who worked for years to pass a texting ban, said making the practice illegal should cause people to stop it.

"This is not about tickets and fines, but it's about changing the culture that texting while driving is not safe. It's dangerous. It's deadly, and it deserves to be illegal," Vehle said.

Eight local governments, including some of South Dakota's largest cities, have passed their own bans after the Legislature in recent years failed to pass a statewide texting ban.

Gosch on Thursday repeated his argument that cities and counties should not be allowed to pass their own texting ordinances that differ from state law. He has said a 1929 law already prevents local governments from

having traffic regulations that conflict with state laws on the rules of the road.

The bill endorsed Thursday by the negotiating committee does not prevent local governments from passing their own texting bans.

Rep. Charlie Hoffman, R-Eureka, said cities could pass bans that are stricter than state law. The courts eventually will decide if local governments have the right to pass bans that differ from state law, he said.

He also said the last-minute effort to revive and pass the bill resulted from enormous public pressure on the issue.

"People in the House and Senate didn't want to go back on their campaigns and have to be badgered on 'Why aren't you doing your job,'" Hoffman said.

Sen. Blake Curd, R-Sioux Falls, a member of the committee, said he used to be against a texting ban because he thought general laws on distracted driving were sufficient. But he said as a doctor he has seen the results of accidents caused by texting.

"Some of those results can be catastrophic, and certainly, as we all know, can be fatal," Curd said.

Rep. Troy Heinert, D-Mission, said it's time that South Dakota bans texting behind the wheel.

"We've lost too many young people, too many old people. We can't allow this to happen anymore," Heinert said.

The bill would ban the use of a handheld electronic device to write, send or read text-based messages. However, drivers could still use cellphones to talk and could text with devices using voice-operated or hands-free technology.