

From the Beat to the Bench
January 2010

It's hard to believe but 2010 is already here. It seems like only yesterday that we were concerned that with the advent of the new millennium our computers would crash.

We have a number of new laws that took effect January 1, 2010. The State legislature has enacted a new law that requires a vehicles headlights be on "anytime the windshield wipers are in use because of precipitation." The new law is what is known as a secondary offense meaning the driver must be stopped for another traffic violation like speeding before they he can be cited for not having his lights on. This is in addition to the long standing requirement that a vehicles lights be turned on from sunset to sunrise. Also, when due to insufficient light, "persons, vehicles or substantial objects" are not discernable at a distance of 1,000 feet.

The penalties remain the same, which is a maximum fine of \$150.00 on a first offense. On a second offense within one year the offense is a fourth degree misdemeanor with a maximum fine of \$250.00 and a possible jail sentence of up to 30 days. Each subsequent offense within one year is a third degree misdemeanor with a maximum fine of \$500.00 and a possible 60 days in jail.

Another new law which was recently passed by the legislator does not take effect until April 7, 2010. This law requires what is known as "booster seats" for children ages four through seven or shorter than four feet nine inches. This is also a secondary offense requiring that the driver be stopped for a different traffic offense. The maximum fine is \$75.00.

According to the AAA foundation for traffic safety in the United States over 400 four to eight year olds are killed and approximately 70,000 are injured in traffic accidents every year. Research has shown that booster seats for this age group reduce the risk of serious injury by 59 percent relative to using only a seat belt.

Finally, Vermilion, last year, enacted an ordinance prohibiting a motorist from text messaging while driving. A first offense carries a fine of up to \$100.00. A second offense has a maximum fine of \$200.00 and up to \$500.00 for each subsequent offense. The AAA foundation for traffic safety recently completed a study that determined that 21 percent of drivers admitted to text messaging while driving during the preceding month.

Obviously text messaging while driving creates a very serious danger to the public. Whether writing, reading or sending messages the driver is distracted and not looking at the road. The foundation conducted a study that determined that a driver taking his eyes from the road for more that two seconds doubles the risk of an accident. Another study found that commercial drivers while texting are 23 times more likely to be involved in an accident. Currently 18 states have enacted laws addressing this dangerous behavior.

We all need to keep these new laws in mind as we enter the New Year. I hope everyone has a happy and safe 2010.